

Journal of Proceedings

Missoula City Council

December 19, 2022, 6:00 pm

Council Chambers (in person) or TEAMS (virtually)

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

Members Present: Stacie Anderson, Daniel Carlino, John P. Contos, Sierra Farmer, Gwen Jones, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Members Absent: Mirtha Becerra, Kristen Jordan

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

1. CALL TO ORDER AND ROLL CALL

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

2. APPROVAL OF THE MINUTES

3. PUBLIC COMMENT - NON-AGENDA ITEMS

Mayor Jordan Hess We can move straight into comments, public comments on non-agenda items. If anyone would like to make a comment on an item not listed on our agenda, feel free to come on up to the microphone in the room or raise your hand if you're online. Okay, seeing none, we can move on to our schedule of committee meetings. Ms. Rehbein.

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

Housing, Redevelopment, and Community Programs Committee, December 21, 9:00 – 9:30 p.m.

Climate, Conservation, and Parks Committee, December 21, 9:45 – 10:15 a.m.

5. CONSENT AGENDA

Mayor Jordan Hess We can move on to our consent agenda. Items on the consent agenda were generally approved unanimously in City Council committees and we save time on Monday nights by voting on those items as a package. Ms. Rehbein will read the list aloud and then we'll take a public comment before we vote. Ms. Rehbein.

Mayor Jordan Hess Thank you Ms. Rehbein. Is there any public comment on the consent agenda? Seeing none, any questions from Council? Discussion from Council? Seeing none, we can have a roll call vote.

Mayor Jordan Hess Thank you and the consent agenda is approved.

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

ABSENT: (2): Alderperson Becerra, and Alderperson Jordan

Vote result: Approved (10 to 0)

5.1 Accounts payable (claims) for checks dated December 20, 2022

Approve accounts payable in the amount of \$2,165,748.47 for checks dated December 20, 2022.

Vote result: Approved

5.2 Right-of-Way Vacation at 601 West Broadway

Set a public hearing on January 9, 2023 and preliminarily adopt a resolution declaring it to be the intention 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.

Vote result: Approved

5.3 Historic Preservation Appointment

Appoint Ezra Williams to serve as a voting member on the Historic Preservation Commission for a term beginning January 1, 2023 and ending of December 31, 2025.

Vote result: Approved

5.4 Minor Subdivision request for 316 and 320 Expressway-Grant Creek Phase II Lot 22

Approve the variance request for the Grant Creek Phase II Lots 22A and 22B minor subdivision to deviate from Article 3, Section 3-020 Table .2A, 3-020.3.C and 3-020.15.D(1) of the City Subdivision Regulations which prescribe road design standards for Urban Collector Minor Arterial Roads requiring 80 feet of right-of-way, five-foot wide sidewalks, and seven-foot wide boulevards based on the findings of fact in the staff report.

Vote result: Approved

Approve the Grant Creek Phase II, Lots 22A and 22B Minor Subdivision at 316 and 320 Expressway, based on the findings of fact and subject to the conditions of approval in the staff report.

Vote result: Approved

5.5 Resolution Relating to \$1,163,000 Special Road District Bond, Series 2023; Authorizing the Sale and Prescribing the Form and Terms Thereof and the Security Therefor

Adopt a Resolution Relating to \$1,163,000 Special Road District Bond, Series 2023; Authorizing the Sale and Prescribing the Form and Terms Thereof and the Security Therefor

Vote result: Approved

5.6 Resolution Relating to \$3,420,000 Special Park District Bond, Series 2023A and \$924,000 Special Park District Bond, Series 2023B

Adopt a Resolution Relating to \$3,420,000 Special Park District Bond, Series 2023A and \$924,000 Special Park District Bond, Series 2023B (Taxable); Authorizing the Sale and Prescribing the Forms and Terms Thereof and the Security Therefor.

Vote result: Approved

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

7. SPECIAL PRESENTATIONS AND PROCLAMATIONS

7.1 Proclamation - Homeless Persons' Memorial Day

Mayor Jordan Hess We do have a special proclamation that we make every year with, it's, it's a solemn a proclamation that we make with, with sadness every year regarding Homeless Persons' Memorial Day.

WHEREAS, the winter poses extreme hardship for unsheltered and inadequately housed individuals, families, and children in Missoula; and WHEREAS, residents of Missoula will gather on the longest night of the year December 21, 2022 to honor and remember homeless individuals who have died in our community and environs; and WHEREAS, since 1990, December 21st has been designated National Homeless Persons' Memorial Day by the National Coalition for the Homeless and the National Healthcare for the Homeless Council and is recognized by cities and states nationwide; and WHEREAS, in remembering those who have died without a house of their own, we keep urgent the cause of ending homelessness, the need for compassionate response, and the City and County's Collective commitment to prevent such deaths in the future. Now, therefore, be it resolved that we Juanita Vero, Josh Slotnick, and David Strohmaier, the Missoula County Board of Commissioners and Jordan Hess, Mayor of the City of Missoula do hereby recognize the 21st day of December 2022 as Homeless Persons' Memorial Day.

Mayor Jordan Hess And there will be a memorial ceremony hosted at 5:30 p.m. this Wednesday at the Missoula County Courthouse and welcome everyone to attend that in, in remembrance of those in our community who have passed away and to remind us that we can, can and, and should continue to work on this and continue to do better. Thank you.

8. FINAL CONSIDERATION

9. PUBLIC HEARINGS

9.1 Proposed Repeal of MCC Chapter 2.90

Mayor Jordan Hess We have three items of, or we have three public hearings tonight. The first is a proposed repeal of Missoula Municipal Code chapter 20.90, and this is, this will be wrapped up tonight. So, we'll just have a single night public hearing. Our Chief Operating Officer, Eric Hallstrom, is here for our staff report. Mr. Hallstrom.

Eric Hallstrom Thank you. Good evening members of the Council, Mayor Hess. For the record, my name is Eric Hallstrom, the Chief Operations Officer for the City and in that role, I lead the Central Services Department that provides many of our shared internal services, lets the city function effectively, and today I at, one of the main major pieces of our portfolio is our financial services division and with me tonight remotely is Leigh Griffing, our Finance Director who can help field some of the questions about this proposal. This public hearing relates to the proposal heard in committee, Budget Finance Committee on November 30th relating to the repeal of Chapter 2.90 of the Missoula City Code, and I just wanted to provide just a quick overview of how tonight's hearing fits into the larger work we're doing right now in the area of procurement. This, in strategic context, the work we're doing tonight and the changes that have been recently made

really are driven by our goal of organizational excellence but I'm identifying that this is not the last that we will see of some of our work in the procurement space. You'll be seeing efforts around the application of our climate lens, our equity lens to some of the what I would call procurement adjacent specific provisions so in it may be vehicle emissions reduction policy will drive some of our procurement decisions around vehicles and our building policy might drive some of our procurement choices around building, but this tonight the, the sort of large focus of the effort is around efficiency and effectiveness of our business processes. Just in terms of where we are now, on December 5, 2022, the Council adopted a revised purchasing resolution, which made an adjustments to the administrative purchasing authority and the monetary thresholds. The biggest piece of that is the adjustment from twenty five thousand dollars to eighty thousand dollars as a threshold for bringing contracts to Council prior to having the administration sign those, and then also some new provisions around the authorization of a vehicle machinery and equipment purchases that have been approved as part of the, the capital budget. The changes in the new resolution require updates to our administrative rules and so tonight, we're hold, the hearing that we're holding you know in the absence of unanticipated feedback from the community, we would ask Council to ask tonight, act tonight to repeal 2.90 and then we will complete the process of updating the administrative rules to effectuate those two and implement those two changes and then in the coming weeks and months, we will be advancing additional policies and procedures, practices that also implement the cities strategic goals in this space. Those aren't before the Council tonight, but I just thought it might say useful starting point to remind us of where, where we'll be going in this area. So, turning to the subject matter of the, the hearing Chapter 2.90 sets for specific procedures for procuring architectural and engineering services that's a particular kind of professional service. It was adopted in 1999 and as I understand, it was designed to address concerns that were expressed by some local firms that were providing architectural, engineering services that they were not being selected for city, city construction projects. At the time, some local professionals had expressed a concern that the city's procedures maybe place too much weight on prior experience and a performance in prior contracts with the city that were excluding our ability to work with local firms that had competitive bids. So, with that background, you might ask why you know why are we seeking a repeal of this provision as a general matter and this is really a form based concern. As a general matter, the provisions that we have in section 2.90 are, are more appropriate to our administrative rules. They really set out the procedures by which we effectuate the policy, our procurement policy and so, there are we are most capable of quickly changing them or adjusting them to address changes in state law or federal, federal contracting circumstances in the market, etc. So, we recommend, just as a general matter, that provisions of that with that level of specificity are appropriate for administrative rules. As you turn to the substance though of 2.90, it, I would argue that the current charter, the current code provision is not necessarily well calibrated to our current circumstances. We have sort of progressed from the time when we adopted that provision. It was written at a time when the city would select one engineering firm for maybe all wastewater projects and you'd see things like Amendment 19 Amendment 20 and people were feeling frustrated by you know what maybe what gains inefficiency there were offset by our inability to work with local firms that had competitive bids, but that's not the way we operate today. When we have selected engineers, we only allow amendments on a distinct project locations. I'd also note that Chapter 2.90 requires an annual pre-qualification process to select qualified firms, which sort of the process itself makes sense and it's efficient it drives efficiencies, but when you do it annually, you lose some of the usefulness of that master contract process. So, one of the ones one of the pieces of feedback you'll have you'll see from some of the commenters is, is really around that two to two year period or that annual re-qualification period and some of the benefit that we lose by, by doing it so frequently. It's a big time commitment for our staff, not only the staff that review those pre-qualification submissions, but also our, we hire consultants to help us develop our statements of qualifications and it involves us having to actually do that process more frequently. Plus,

if you're not careful, you can delay your project significantly. If you miss a deadline and it winds up pushing your bid, bid timelines out into the spring and you get a much higher price. So, there's a few places where we've just found that it works against our overall goals. And then finally, Montana state law actually has provisions applicable to the acquisition of engineering, architectural and land surveying services and those provisions or not I would say I would say the city code provisions are not squarely in alignment with the, the state law provisions. They're not inconsistent but they are two different structures, and it makes it difficult and creates some risk for our staff, as they try to comply with both city and, and state law. All that being said, the overall purposes and goals reflected in Chapter 2.90 are really important and reflect the broader underpinnings of our approach to contracting in the public sector. I think we talked about this at the, in, in committee but we are our goal is fair, open, transparent processes that result in the best value for the city and the proposal tonight to repeal 2.90 has, does, does not indicate any sort of retreat from our commitment to those values. Ultimately 2.90 is a remnant of a solution to a problem that used to exist; we don't think it exists anymore. We can accomplish those goals through our administrative rules, and we recommend that Council take the most straightforward approach here repealing section 2.90. I just want to note we'll be incorporating it, in the most salient provisions from the, the updated in from Chapter 2.90 into the updated administrative rule. One of those for instance is we're going to be moved, we intend to move to a two-year pre-qualification period and evaluate whether or not we can sort of see the benefits from that process in a two-year period. One of the commenters, I believe, recommended a three-year period and by incorporating those provisions that are still relevant and important to our process into the administrative rule, we streamline the procurement process we don't lose any of the accountability that was associated with that. So, removing this as a law doesn't mean that our staff aren't still moving forward with a process that is compliant with those same values and principles. Since the hearing was noticed, we've received a few comments that I'm aware of from local engineering firms. They were generally supportive of the effort to adjust the frequency and that was where the bulk of their attention and their comments I think went to. Specifically, they did note that they felt that a two-year period between solicitations can allow us to get a better evaluation of contractor performance, that you can kind of see a project through from start to finish and get a better sense of what the overall value is for the city. If appropriate or if necessary, I can hand it over to Ross Mollenhauer from Public Works and Mobility who I think is a little bit more familiar with the feedback from the firms, but I will, it's not my prerogative so I will, if appropriate?

Mayor Jordan Hess Okay. Ross, Mr. Mollenhauer, do you want to go ahead?

Ross Mollenhauer Yeah, I can just chime in. I think Eric already said everything perfectly and I appreciate him bringing this to Council's attention. The comments we received were all positive for the repeal of 2.90 and they were from IMEG, HDR, and Morrison-Maierle, and I think the comments in those responses were everything that Eric's already hit on, about two years being more ideal for them as well. Thank you .

Mayor Jordan Hess Great, thank you.

Eric Hallstrom So, with that, that's our staff presentation. We're available for questions, if you have them.

Mayor Jordan Hess Great thank you Mr. Hallstrom. We will open the public hearing first. We'll take public comment and then we'll come back to questions from Council and then parliamentary debate tonight. So, any, I'll open the public hearing if anyone wants to comment, you can come on up or raise your hand online. Seeing none, will close the public hearing. Ms. Sherrill.

Alderperson Sherrill I'll ask quick. First of all, I really like your sweater Eric, you look good. So, with the going from an annual pre-qualification or qualification, re-qualification I guess to an every other year, could you speak to kind of what level of financial review

we do for these companies? Whether it, you know, I come from the non-profit world, so like thinking about audits or whatever like I don't....Can you speak to that? Just making sure that the partners that we're going with in a two-year period haven't become bankrupt or whatever it might be.

Eric Hallstrom Sure, I, I actually will probably pitch this one to Ross, if he's willing to take it? I think he's a little bit more familiar with the specifics of our engineering re-qualification processes. So, you can talk about how we factor financial and other viability of our firms into that process.

Ross Mollenhauer Yeah sure, I can say a few words about that. I think by state law you're not allowed to select engineers by price or at least entirely by price and so we have we always have to just do an RFQ, which is a request for qualifications. So, we're picking them based on their qualifications, but then the second part of what I think your question was, are we looking at the financial stability of the firm. Is that what you were asking about?

Alderperson Sherrill Yeah, that's, that's my concern.

Ross Mollenhauer Yeah, I don't believe that we really are like we might on a with a contractor, we're generally paying the engineers each month for services rendered and so, it's, we rarely get out ahead of we're not, we're not paying out ahead of what, what they've already provided us. So, I, I don't know that we're getting a bond or checking their financial numbers at all or anything like that. We don't typically do that.

Mayor Jordan Hess Follow-up?

Alderperson Sherrill Yeah, thanks. So, so, what this repealing this what this is referring to is not kind of those longer term contracts that were in with, can you speak to that? I mean my concern of course is that we are involved with a firm that we, we have money with, we've, we've prepaid something.... you know, just making sure that their financial qualifications are appropriate to do the work that we've hired them to do.

Eric Hallstrom Yeah, absolutely. Let me, I guess, maybe start off by saying that in most of our solicitation procedures for a significant contract, anything over \$80,000.00 where we use a, a more formal request for proposals or requests for qualification process. You're going to at least at some extent take into consideration the capacity for the firms to complete the types of work that you're looking for. In some instances, financial worthiness of that organization might play into that discussion. I'm guessing that, that would change maybe project by project and maybe be more relevant in situations where you're hiring a contractor for a specific project. The, the qualification process, this builds our list of qualified firms that we can then go to, to actually procure more specific engineering services. This is primarily something that affects our engineering contracts, it's not as, I don't think it's as heavily used in the architectural services space for most of our architectural needs we are in a project where we need to bid out a very specific set of needs from, for instance Federal Building. We are not going to draw that off of a master contract list; we're going to actually seek out a specific bid for that project but the engineering firms, we do draw from, from a pre-qualified list that can then we can target them to specific needs as they, as they arise. Is that a fair characterization?

Ross Mollenhauer Yeah that's correct. We usually and we have easily different lists depending on the nature of the engineering. So, like streets and sidewalks will have a list for that and then water and you know water tanks or wastewater treatment plant depending on we have these different areas of expertise, and we like to have different lists of engineers that are specific to those lists, but usually like we would only be working, most of our projects are usually a year in in duration. So, we, we do the design one year and construct the following year, following summer. So, it's not and I'm not sure what you mean by a larger or longer projects.

Marty Rehbein I think I can answer this question.

Ross Mollenhauer Okay.

Marty Rehbein It's against City policy to prepay a contract like this. It is always for services that have taken place; we don't prepay engineers and architects for their services, and so, I don't think that situation would come up. We and then in terms of contracts, which this does this ordinance does not cover, our contractors also have to complete work and submit their invoices for work that's been completed. It's against City policy pre-pay prior to work being completed.

Mayor Jordan Hess [inaudible] can you take your slides down too please? It looks like Ms. Griffing has something to add as well.

Leigh Griffing Thank you. I just wanted to point out that this actually doesn't limit what the, the contractors of the city is able to contract with. If somebody, if a firm were to be fiscally unstable or go under for some reason. the pre-qualification process that we've gone through, it actually, theoretically allow the City to pivot even quicker, to find out you know somebody else to step in and take that place.

Mayor Jordan Hess Great, thanks. Ms. Sherrill.

Alderson Sherrill Okay, I like those answers. I'm good.

Mayor Jordan Hess Okay great. Additional questions? Seeing none, this is in budget and finance, so I'll take a motion from Ms. Jones.

Alderson Jones I'm happy to make the motion. Put my glasses on.... I make the motion that we adopt an ordinance repealing Missoula Municipal Code Chapter 2.90 entitled "Architects/Engineers Selection". And I'd speak to it at the right time.

Mayor Jordan Hess Ms. Jones.

Alderson Jones Okay, I'll just keep it brief but thank you Eric and staff for working on this. Part of our strategic plan is organizational excellence, which is a lofty goal, but this is the type of thing that leads us in that direction of how do we, how do we make our tools more efficient, provide better service, and honestly if you think about the last 20 plus years in our economy and construction practices and engineering practices, a lot has changed since this was created. So, this gives us a little bit more flexibility in a very dynamic environment in order to get the best possible services for the city while being transparent. So, I appreciate it and I'm in support of it tonight.

Mayor Jordan Hess Thank you. Any additional comments on the motion? Seeing none, we've had the public hearing, we can have a roll call vote on the motion.

Moved by: Alderson Jones

[Second and final reading] Adopt an ordinance repealing Missoula Municipal Code Chapter 2.90 entitled "Architects/Engineers Selection".

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

ABSENT: (2): Alderson Becerra, and Alderson Jordan

Vote result: Approved (10 to 0)

9.2 An Ordinance to Amend Title 12 entitled "Streets, Sidewalks and Public Places"

The City Council will hold this public hearing open until they take up the item for final consideration on January 9, 2023.

Mayor Jordan Hess Our second public hearing is an ordinance to amend Title 12 entitled "Streets, Sidewalks, and Public Places" and Ross Mollenhauer is here for our staff report.

Ross Mollenhauer Good evening everybody. Yeah for the records, I'm Ross Mollenhauer. I am the city Engineering Manager. Let me just share my screen here. I'm sorry that I'm not there to see all your Christmas sweaters. Let's see are you guys seeing my screen, did I do that correctly?

Mayor Jordan Hess Not yet.

Ross Mollenhauer Not yet, let me keep trying. There we go okay. Okay, I'm here tonight to talk about the changes to Title 12 that our department, the Public Works & Mobility is seeking to affect. This is in regards to Title 12, which is the Streets, Sidewalk and Public Places section of our ordinances and I want to give a little bit of background about what we're doing here tonight. Ant this is, the City is taking part of a larger code reform project that's multiple years in the making and right I provided the link right here for the public and anyone else who's not familiar with it but I wanted to just mention that what we're trying to do right now like Eric said is, is more about organizational excellence and just kind of keeping our code up to date with the things that we think we can do now. So, we're kind of our housekeeping and our low-hanging fruit this is a lot of information all at once, but I'll break this down bit by bit, but this is our summary of changes. So, the first part, I just wanted to point this out that we're changing the decision Authority from CPDI back to Public Works and that's really about the reorganization that took place several years ago when City engineering was moved back to Public Works, so that's pretty straightforward. The next section is about non-municipal utilities and for everybody's reference, I put this slide into here this is what a city street might look like underneath and just so everyone's aware the city owns three utilities a water utility, a sewer utility, and a storm water utility but there's as you can see there's a lot of other things in the street underneath the street that that sometimes conflict with some of our utilities. And we so we started looking at code when a new company called TDS Telecom, that you've probably heard in the news it's a new fiber optic company that if you haven't heard of it yet you probably will be soon is looking to enter the Missoula market and the attorneys have been working on a franchise agreement with TDS and we looked at that language in that franchise agreement and realized there was a lot that could be made better in our own code. So, we started you know like I said there's a lot of times when someone's boring a new line underground and they might hit a sewer main or a sewer service and we wanted to make sure that those, those public or even the private properties that are in there are protected. So, that's really what this section, this section of code that we added does it adds language to protect the city infrastructure from non-municipal infrastructure within the right-of-way. And I'm going to move down now to the next section, asphalt penalties, this is something the city's already doing so, so bear that bear in mind that really what we're doing here what I'm seeking to change is more of a process change. We'd like to charge our asphalt penalties at the time of permitting rather than afterwards, and just to explain what asphalt penalties are. Here's a picture of, of one of these asphalt cuts that we all probably have one that we drive across every day or bike across, and this is the one that I see every day and this is where someone had to dig up our road that was in good condition to install a sewer service or a water service, and you can see it definitely leaves its impact. No matter what you do, it's going to leave an impact on the street and so a long time before me, the city decided to start charging an asphalt penalty and it's more money if it's a newer street. So, but the way we were charging that was we would do it after the project was complete and that was hard for us to collect on from the contractor and it was also hard on the contractor to collect from his client or her client. So, what we think is a much more effective way of doing this is just to charge it up front. We're not changing the price; the prices are already set we're just

trying to change how we collect it and with that I'm going to pass it to Troy Monroe to talk about some right-of-way improvement changes.

Troy Monroe Thank you, Troy Monroe, City Engineer for development review. The first change we have tonight is 12.10.110 and this is right-of-way improvements, postponements. So, just to touch base we do require right-of-way improvements on new developments, and this is to provide a public benefit. The addition of a parking lane, curb, gutter, boulevard and especially sidewalks is a benefit to the public that we do require new developments to install. However, we do have an ability to postpone those improvements for one or two dwelling units and that's where the improvements don't make an immediate public benefit. Next slide. In case of, in, in certain areas of the town, we don't have any curb and gutter. If you're the first one on that block, you're going to have a high expense of having to survey from one intersection to the other to establish that curb line. If you're the first home on that block to put in a sidewalk, that Sidewalk doesn't benefit anyone but yourself because no one else can reach to it. So, in those circumstances, we are doing a postponement. That postponement is recorded by the Clerk and Records and if, when the city project comes through to create that entire block of, of sidewalk or curb and gutter, these homes will have to pay the cost of that improvement. To date, for the calendar year of 2022, we've had 16 requests and approvals for postponements. Next slide. Further, in chapter, in Title 20, chapter 10 in 180 and then chapter 17.080 are our driveway approaches and our driveway slopes. In the past, the 8-10% maximum slopes have worked out fine, but as we get more developments on hillsides, we've had developers having a tough time making these grades. So, we worked with Missoula Fire and Missoula Emergency Services and came up with some different slopes that they could use that wouldn't be too difficult for them to get access to homes and to get a person in and out on a gurney. So, those new slopes are 15% when you leave the street or 15 feet of either side of a sidewalk and that's so that you don't gouge the sidewalk of the road and then a maximum of 20% beyond that. However, if the driveway acts as a fire access road, which our longer driveways do that's still at 10% because that's the steepness the fire engine can go up. For those of you who are reading along the wording in Title 12.17.080B, the last part of that sentence should read that the maximum of 20% beyond not minimum, just to make sure that is clear. Okay, next slide. Just so everyone's familiar with what do these slopes mean, this example is a 20% grade existing up on Lincoln Hills Drive. Okay, next slide please. 12.17.090 is a parking facility construction requirements and we are asking that we pull this from the changes, this is based on public comment we received today. The current verbiage of 17.090 is that ADA requirements and therefore engineered improvements of a parking lot required at five parking spaces or more. We had two incidences this last year where fourplexes came in and they did not provide that ADA parking space, which is required under state building code so therefore we thought well if we could make this change here in code it would let architects know about this change and they would be able to have stuff sent to us without having us to return items for being mistaken. That works great for fourplexes which fall underneath the Fair Housing Act which are required to have an accessible unit and therefore state building code requires an accessible parking space. However, the architect that provided the public comment said fourplexes are not the only four parking space parking lots. His example was two duplexes, two duplexes did not fall underneath the Fair Housing Act and therefore are not required to have an ADA space. So, we'd like to pull the changes to 12.17.090, we will make those that we won't be it won't affect us and our ability to enforce the state's accessibility on fourplexes we'll still be able to do that it just won't be in in a statute that that's required. Okay, the last section is 12.24, we have four sections of, of chapter 24 that all we're doing is pulling information from Title and putting it into the Public Works manual, and our goal in creating the Public's Works manual was to leave the, the why in, in code for a reason but then how to do that we would put in the Public Works manual. So, this is just cleaning up some more spots where we're just moving information from Title 12 to the Public Works manual.

Ross Mollenhauer Thanks Troy. Thank you Troy, any questions?

Mayor Jordan Hess Thank you. Sorry, Ross, you cut out for me for a second there. Did, are you, you're, you, you're, you're completed, you're, you completed the presentation and ready for questions?

Ross Mollenhauer Yeah that's correct.

Mayor Jordan Hess I apologize; I didn't hear that. So, at this point, we'll, we'll open the public hearing and then we'll come back to, to questions. Anyone from the public want to comment tonight? [inaudible] Anyone online? Seeing none, this public hearing is going to remain open until January 9th when we have this back for final consideration. So, we'll continue to take comments throughout that time, and I have a question from Ms. Anderson.

Alderson Anderson Thank you Mr. Mayor. Troy, my question is in regards to the postponement around the sidewalks; your explanation made total sense. My question is in regards to costs so for in the example you gave you're the first one on the street you can postpone putting your portion of the sidewalk, which would be normally required as a part of development until a time where more goes in and you know development doesn't always happen at the same pace or varying factors weigh in so it could there could be a bit of time that a lapse from when you're granted the postponement until when the larger project goes in and where the costs set for them at the time of the postponement or are they basically understanding that given supply chains and pandemics and all the various components that there could be an increase in costs for putting this in at the time that you know it will be required post, post, post postponement?

Troy Monroe Yeah, thank you Stacie. Yes, so, so anyone can go ahead and put in the required improvements at the time of development. We're not preventing anyone from doing that but those that do feel the cost is, is burdensome and that the improvements don't do the public benefit, so they qualify the postponement what they're postponing is the total cost of that to whenever that construction occurs. So, if that is five years from now, it would be whatever that difference is more expensive. If it's 20 years, it's going to be even that much more expensive. They do, we do still have, everyone is still able to do the, the 8, 12, or 20 years of putting those improvements on, on their bonding into their taxes. So, it should be affordable even in future years.

Mayor Jordan Hess Great, thanks. Ms. West.

Alderson West So, I have a related question and it has to do with that initial survey cost on the postponement. So, I know this is probably not unique to the north side, but we have entire city blocks that do not have set curbs or gutter or surveys that exist currently and I, I had an acquaintance who was exactly in that position where they were the first house, it was an infill project on the city lot with no curb and gutter and they had to cover the cost of having the entire length of the block surveyed. And I guess, I was wondering if you could speak more to that component because I, you know, I, I agree that probably now is the best time to put in and you know cost of concrete is going to go up and so if you're that first person, but you're being held up by a survey...

Troy Monroe Yeah...

Alderson West Like what does that scenario look like if you would like to put in the infrastructure?

Troy Monroe Yeah, thank you Heidi. So, the issue that occurs is that our roads aren't, the roads that were not put in with curb and gutter may not actually drain perfectly from the center point to intersection, the intersection. So, you can create your curb line to make to drain both directions to your intersections even if your road isn't by just increasing the slope of the asphalt in like the parking lane. So, the requirement is if

you're the first one on the block, you have to design your curb so that the future people in the middle can still drain to you or if you're the middle person you have to have, you have to be high enough up that you can then drain to the, the intersections later on. So, that's why it's a full intersection, the intersection survey that's required. That cost is, a year ago with \$7,500.00 just for the survey, then you have to add on that the, the engineering cost to go ahead and design that full curb and then even though you're only going to construct a portion of that. So, it was five figures or more cost that was occurring to these first people on the block. Does that answer your question?

Alderson West I guess my question is if there's a way that okay and this is really in the weeds that that cost can be shared in the future across everyone on the block, but I'll, I'll circle around. Yeah because this is a scenario that happens I think somewhat frequently.

Troy Monroe Yeah. So, Heidi to answer the last part of that question, we don't have a process yet to have a latecomers agreement or something like that to the rest of the block. So, that's why right now that is if that cost is too burdensome, we can go ahead and allow that postponement to occur.

Mayor Jordan Hess Thank you. Any additional questions? Seeing none, we will, as I mentioned we will hold this public hearing open and we'll have this back for final consideration on January 9th in the new year and if anyone has any questions in the meantime, you're welcome to email those in and we'll get them answered. With that, we can move on to our third and final public hearing.

9.3 West End Homes Major Subdivision, Annexation, Zoning Upon Annexation, and Sxwtpqyen Master Site Plan Review

Presentation, public comment, and discussion on the proposal and staff recommended motions to approve the annexation, preliminary subdivision plat application, variances, and master site plan, subject to the recommended conditions of approval. Final Consideration held on Monday, January 9, 2023.

Mayor Jordan Hess And this similarly, we'll have a presentation and questions tonight and then we'll have final consideration on Monday, January 9th as well. And Mr. Nugent do we have a, we don't have an LUP in between, do we?

Alderson Mike Nugent We do not. If we needed one we could, but I don't anticipate we will.

Mayor Jordan Hess Great. So, this is the West End Homes Major Subdivision, Annexation, Zoning Upon Annexation, Sxwtpqyen Master Site Plan Review, and Cassie Tripard is here with our staff report. Ms. Tripard.

Cassie Tripard Let me just share my screen. Great. Can you see my slides?

Mayor Jordan Hess Yes we can.

Cassie Tripard Great. So, I'm Cassie Tripard, a Planning Supervisor with CPDI and I will be covering the West End Homes Major Subdivision and Annexation. Today is the public hearing and if City Council chooses, this item may go to Land Use and Planning Committee for additional discussion on January 4, 2022. A final decision must be made at City Council on January 9, 2022. So, the property contains two parcels located just west of Flynn Lane, Hellgate Elementary and Middle School is to the south, McNett Flats a recent subdivision touches the southwest corner. The red shading shows city limits and these parcels are not currently within city limits despite the map showing them as red. An annexation request is included with this project and parcels to the east, southwest, and northwest are within city limits. The subject property is located within annexation area A on the city's annexation policy map. Parcels within annexation area A generally meet the guidelines of the annexation policy. The parcels to the east and

southwest are within city limits and the airport is northwest of the property and also within city limits. Annexation of this property would begin filling in gaps left by previous annexations and the policy states parcels that fill in gaps in city limits should be prioritized for annexation. Through the subdivision proposal, the subject property will provide the same level of infrastructure as the rest of the city which is a requirement of the annexation policy. The property is 71.39 acres total, the site is relatively flat and currently vacant. The site is not within a flood plain and does not contain any surface water features and it was most recently used as agricultural land. Show here is the subdivision preliminary plot; the subdivision proposes 260 lots, three smaller open space common areas and a 26.72 acre open space covering two abutting parcels. The subdivision is bisected by England Boulevard and Daugherty Drive. Camden Street is proposed to continue through the subdivision from the east, five new additional roads are proposed as well, and lot sizes vary but the average lot size is 0.1 acres. Subdivisions must consider the Growth Policy and zoning, impacts to agriculture and agricultural water user facilities, provision of services, the natural environment and wildlife habitat, and public health and safety, and these are the review criteria for subdivision approval. West End Homes is the first project located within the Sxwtpqyen neighborhood's master plan area to come through public hearing. The Sxwtpqyen neighborhood's master plan is the applicable regional plan also known as a Growth Policy. The master plan requires development based on neighborhood unit types and you can think of neighborhood unit types as land use designations. The property is within the crossroads center neighborhood unit type and the crossroads center is intended to provide a transition area between the existing residential development to the east in future development and more intensive or in the more intensive town center and community center neighborhood types to the north and west. Sxwtpqyen form-based code which is Title 21 zoning code requires the allocation of specific percentages of zoning districts based on neighborhood unit type and note that we do not include excess parkland and the total net lauded area for these calculations. The subdivision proposes to provide 54.4% of the net lauded area as T3 neighborhood edge, 10.4% of the net lauded area is proposed to be zone T4O neighborhood general open, and 20.4% of the net lauded area is proposed to be zoned T4R neighborhood general restricted. Normally, only 10% of the subdivision would be allowed to be zoned T4R; however, the applicant is utilizing an incentive to increase the allocation to 20.4%. The incentive allows this increase in exchange for preserving more significant agricultural soils than would normally be required. It essentially allows for density to, to be made up elsewhere on site when extra open space is provided, and the zoning district allocations proposed comply with the form-based code. The code regulates lot dimensions and block perimeters as well to ensure future development opportunities in adequate connectivity. All lots and blocks within the subdivision comply with the form-based code. So, here's an overview of the proposed zoning districts. The open space zoning district does not allow for residential or commercial development. The uses permitted in the stunning district are consistent with various park uses. The T3 zoning district allows for densities between six and eight dwelling units per acre. T3 is a residential zoning district that allows mansion apartments, duplexes, townhouses, various types of detached houses, religious assemblies, group living, and daycares. Both the T4O and T4R zoning districts allow residential development between 12 and 36 dwelling units per acre. The primary difference between the two districts is that T4O allows for commercial development. The T4R district is primarily residential allowing apartments, duplexes, townhouses, and various types of detached houses. T4R also permits nursing homes, group and assisted living, religious assemblies and daycares. The T4O district allows all housing types, small-scale lodging, commercial uses, religious assemblies, daycares, and group and assisted living. Additionally, the code requires that three residential building types listed in the code be provided for each zoning district. The subdivider is proposing house, villa, and cottage building types in T3, which are all different forms of single dwelling detached houses. For the T4 districts, the subdivider proposes side yard houses, mansion apartments, and townhouses. Side yard houses are detached single dwelling houses that are pushed to the side of the lot to maximize private yard space and

mansion apartments are buildings that look like houses, but contain two or more dwelling units, and I will note that housing in this subdivision is proposed to be affordable. There are three methods listed in state law for applying zoning upon annexation. Though the proposed zoning complies with all three, staff are recommending approval of the proposed zoning upon annexation based on compliance with the Growth Policy. The parcel has periodically been used for hay production, 96.3% of the property has soil types designated as prime farmland, if irrigated. A significant portion of the property is proposed to be preserved as open space, mitigating the impacts of development, and while the subdivision would develop agriculturally significant soils, the property is within the Sxwtpqyen neighborhood's master plan area. This plan was approved in 2020 in anticipation of development in the area with the understanding that agriculturally significant soils are present. There are no irrigation ditches or agricultural water user facilities on the property and the subdivider proposes to sever the water rights from the land as well. Development of this parcel will not impact water availability for other properties. Waste disposal and city water and sewer are available to the site. Adequate park facilities are included with the subdivision. The developer has been working with Parks and Recreation for about a year on plans for the larger park. You can see a draft concept of the plan on Engage Missoula under the West End Farms page. Hellgate Elementary and Middle School responded to the subdividers stating they can accommodate additional students that may be added to the district as a result of the subdivision. Big Sky High School stated that an assessment of their capacity needs is ongoing; however, they did not identify adverse impacts as a direct result of the subdivision. City Fire and City Police will serve the subdivision; installation of additional fire hydrants to serve the development are required as a recommended condition of approval. And additionally, the subdivision proposes adequate motorized and non-motorized facilities, which we will cover in the following slides. The form-based code came with new road types that differ from those traditionally required in town by the subdivision regulations. England Boulevard is planned to be a main thoroughfare through the area and is a neighborhood collector. England Boulevard is a Mullan BUILD Project road, which means federal grant money will be used to help build the road. Daugherty Drive is planned to eventually connect to West Broadway and is also a neighborhood collector. Neighborhood collectors include two travel lanes, parking lanes, boulevards, protected bike lanes and sidewalks. Six new roads including Camden Street are proposed to be neighborhood streets. For the most part, these are smaller roads interior to the subdivision. Neighborhood streets require two drive lanes, a parking lane on one side, boulevards, and sidewalks. Flynn Lane runs the length of the eastern property boundary; it is proposed to be a neighborhood bike street, two-way track, and this road type requires drive lanes, boulevards, sidewalk, and a protected two-way non-motorized track. The Mullan BUILD Project proposes the two-way track to serve as Flynn Lane Trail, offering improved connectivity and a safe route to school for the neighborhood. And here you can see where the roads are located in reference to the subdivision. Roads that are not labeled are neighborhood streets and we'll also note that block faces exceeding 600 feet in length require a mid-block pedestrian crossing. These Crossings are provided throughout the subdivision where required and Tipperary Trail is also proposed to connect through the large open space in the subdivision. No impacts to the natural environment, wildlife, or public health and safety are foreseen as a result of the subdivision. The property does not contain steep slopes, floodplain, or surface water features. There is potential for high ground water. As part of the Mullan BUILD Project, a portion of Grant Creek is proposed to be realigned into its previous more natural path. This project could result in changes to groundwater in the area. So, staff are proposing a condition stating basements are prohibited unless the subdivider can provide adequate data to prove they are safe to construct. There are no nearby natural features or riparian vegetation. A weed management re-vegetation plan was included with the application packet and additionally a biological assessment of the area was conducted as part of the Mullan BUILD Project. The biological assessment was used in the development of the Sxwtpqyen Master Plan slating the area for development. Any wildlife that may be

present will still have habitat conserved through the large open space and City Fire and City Police will serve the site. Two variances are requested with the subdivision. The first variance is to the requirement that all lots abut or must abut on and have access to a public or private street or road. Eighteen lots are proposed to be provided pedestrian access from paths through open spaces at the front and vehicular access from an alley called Sumac Lane to the rear. The alley is wide enough to accommodate a fire truck and alleys are not technically considered streets or roads, so this requirement is not met by Sumac Lane. Camden Street is existing to the east of the subdivision, its continuation through the subdivision in this location is ideal. Daugherty Drive and England Boulevard are currently established through county road easements and must be in the locations shown south of Camden Lane. It's ideal to create a two-tiered standard block; however, with the lot dimensions or lot dimension requirements in the form-based code, a road is needed south of this block. If it were to continue straight across, it would conflict with the existing location of the England Boulevard and Daugherty Drive intersection, and for this reason, the roads south of the block needs to jog southwest to connect to England Boulevard. This creates a gap of space south of the block and rather than proposing to have long lots with space that is not useful, the subdivider proposes to use these gaps of space's common area open space with pedestrian paths connecting the fronts of the units to the street. There are six review criteria that approval of variances must be based on. The first is that granting the variance will not result in threat to public health, safety, or the general welfare. Staff proposed conditions of approval placing specific requirements in the covenants and on the plat to improve fire safety for lots impacted by this variants. They are all requirements that ensure fire access is available from Sumac Lane and they include the prohibition of rear fences, address visibility from Sumac Lane, and man door or access from the rear of the structures. With these requirements in place, the variance will not cause a threat to public health or safety. The criteria require the presence of a hardship and states the variance request must be unique to the property. In this case the presence of previously established road placements paired with lot dimension standards of the form-based code creates a hardship unique to this specific property and the variance does not violate zoning code or the master plan. The variance will not cause an increase to public costs. The pedestrian paths at the front of the lots are located in HOA common area and will need to be installed by the subdivider and maintained by the homeowners association. The hardship was not created by the applicant or their agents. Camden Streets placement is a result of previous development. England Boulevard and Daugherty Drive Street locations were previously established through county road easements and the Mullan BUILD Project. The second variance requires parks to be adjacent to public streets on at least 50% of the park's perimeter. The large park or open space does not meet this criteria or does not meet this requirement; it is adjacent to England Boulevard and Tansy Lane ends at the park. Though the rear lane, which is a type of alley does not count as a street, the park is proposed to have 42% of the perimeter adjacent to right-of-way. The subdivider has worked with the property owner to the south of the park to draft a development agreement requiring future development to the south to provide a road. In exchange for this development providing the required parkland dedication. When development to the south occurs, this regulation will be met so this is considered a temporary circumstance. The dashed lines on this image are the airport's extended approach and departure area zone or EADA zone. There are special requirements in this zone like reduced density and clustering of development to concentrate open space in the area. These requirements have led to this park location. The park is still publicly accessible from England Boulevard, Tansy Lane and [inaudible] Lane, protecting public welfare. The location of the open space leading to this variance request is within the EADA zone, which is in the best interest of public health and safety. Eventually, additional road frontage will be provided through the development agreement and over 50% of the property is within the EADA zone creating a situation unique to this property. Installation of a road with this subdivision would lead to one of the following undesirable scenarios, either reduction of developable lots within the EADA zone, reduction in open space, or

the creation of a non-contiguous open space, which limits design options for the park and this variance does not violate zoning code or the master plan. No increases in public costs will result from the variance request and lastly the hardship has not been created by the subdivider or their agent, EADA zone is established by the master plan and the airport. And lastly, the subdivider offers mitigation of the variance through the development agreement, which ensures this code section will be met in the future. Staff recommend approval of both variances allowing the subdivider to develop as they have proposed. There are 52 recommended conditions of approval for the subdivision; I've tried to summarize them in this slide. They include requiring the subdivider to pay into special transportation and sewer fees required as part of the Mullan BUILD Project. They require secondary improvements to England Boulevard with an amendment to an existing right-of-way agreement and note that England Boulevard is a Mullan BUILD Project Road. The conditions require dedication of an additional three feet of right-of-way for Flynn Lane, half street improvements to Flynn Lane and installation of Flynn Lane Trail. Installation of all sewer, water, pedestrian paths, mid-block crossings, fire hydrants, additional roads and alleys, and stormwater infrastructure is required. And I mentioned with the variance, that conditions providing improved fire protection for certain lots are recommended. Due to high groundwater, staff recommended condition prohibiting basements unless the applicant can show they can be built safely, and parkland dedication and installation of park facilities is required. Staff recommended condition of approval requiring notice of the EADA zone and its associated hazards to be on the plot and in the covenants. And lastly, the subdivider must complete removal of water rights from the land. Staff recommend approval of the annexation and zoning upon annexation in compliance with the form-based code in Sxwtpqyen Neighborhood's Master Plan subject to conditions of approval. And staff recommends City Council approve the West End Home Subdivision and Master Site Plan subject to the recommended conditions of approval and based on the findings of fact and conclusions of law in the staff report. And that concludes staff's presentation. Thank you.

Mayor Jordan Hess Thank you Ms. Tripard.

Cassie Tripard And I believe the.....

Mayor Jordan Hess On behalf of the applicant....I believe, we probably have someone?

Cassie Tripard Yes, I believe so.

Joe Dehnert Hey can you all hear me?

Mayor Jordan Hess Yes.

Joe Dehnert Well I couldn't quite match the gusto and everyone else's sweaters, so I didn't get the memo. And I, I do believe that there might be someone from the development team and in person there tonight. So, I'll, I'll try to keep this really short. My name is Joe Dehnert and I work at the IMEG office in Missoula. I'm joined by my co-worker, Mr. Danny Oberweiser this evening and we're representing the applicant, Evergreen Housing Solutions, LLC for the West End Homes Major Subdivision. Cassie, as always, a phenomenal job summing up a project with a lot of context in such a succinct manner. I said it at planning board, I know I said it at LUP, and I'm going to repeat it here tonight because it definitely bears repeating. Thank you to all the city staff that have worked collaboratively with both our office and the developer to get this project to this point. One of the, one of our mantras is the future built smarter and I definitely believe smart development can't happen in a vacuum. It takes flexibility by the developer, it takes creativity in our designs, and ultimately, it takes intelligent reviewers that not only have a grasp on the regulations but understand the intent behind those regulations. This is 100% true in the new Master Plan area where this form-based code has been rolled out and I know this question has actually come up in planning board, it came up at LUP, and so for any members of the public that are tuning in tonight, I, I did

just want to reiterate that when we say form-based code it's a new Title 21 for this area that focuses on really creating predictability in the built environment by controlling physical form rather than a separation of uses. And the idea behind that is really by honing in on the physical form instead of just segregating the uses, you get a vibrant livable community with a real sense of place, and I definitely believe that that idea has been realized in the design for West End Homes. Between the various housing options that are being proposed and the prioritization of open spaces throughout the development, the huge potential for the open space on the other side of England and the pedestrian connectivity throughout, this development is going to be a beautiful place to live for Missoulians. I, I know there were questions relating to different building types in LUP and in planning board and really the overarching connectivity between this neighborhood unit and the other neighborhood units in the Sxwtpqyen area. So, without harping too much more, Cassie laid phenomenal groundwork for us to have a quality discussion this evening. Myself and Danny are here from IMEG to answer any questions that we can help with and then like I said, I, I do think there might be someone from the development team in the crowd to maybe add context or answer questions, if we can't. So, with that, I'll pass it back. Thank you.

Mayor Jordan Hess Great, thank you. And anyone, anyone in the audience want to add anything?

Justin Metcalf Hello, excuse me, it's quite too long. My name is Justin Metcalf and I'm the applicant. I'd like to first thank the City of Missoula; this has been a, a very collaborative project. I've been in affordable housing development my whole career, over 25 years. This is our first foray into for sale housing and as background, I was sitting around with the rest of you during COVID watching our home prices go up and I have two young children and wondering you know what, what's going to happen? And so, this project was kind of my brainchild to take our production building methodology and think about well what happens if we take that for multi-family and affordable housing and apply it to single family, and what happens if we keep our, our profit low and create something we call a profit share to create something that really hasn't been created before, which is a mechanism to provide for sale workforce housing because I'm, I'm involved in affordable housing policy and there's, there's nothing at the federal, state or local levels that allows us to create for sale workforce housing at scale, not yet. So, we're taking a stab at that which is aspirational and it's really fun to be a part of. We're also taking a stab at, and I think we have very successfully created a fantastic regional park and it's been really fun to work with Donna and Parks Department, and it's been really an honor to work on this project and I've worked in a lot of different cities on affordable housing, and I have to say Missoula, coming back home and working here has been a real treat and to anybody who's working in and around Missoula is very competent, very streamlined. This is, just has been a really great experience. So, I'm here to answer questions and we are taking, taking comments to heart. I've already met with CFAC regarding the farmland, which is kind of integral to our park design. This is hoping to be and will be Montana's first agrihood and meeting with the daycare provider next week looking to integrate some of those uses into, into the project. Thank you.

Mayor Jordan Hess Thank you Mr. Metcalf. And you know I wanted to share that I've been keeping tabs on this project through staff and have appreciated how, how quickly you've adapted to changing conditions through, through all of the different uncertainty that's going on in the development market right now. So, so appreciate you coming down tonight and appreciate the presentation. At that, we will open the public hearing and take comments tonight and then we'll take questions from Council, and then we'll be back for the final consideration on the ninth. Any, anyone like to make a comment tonight? Okay, seeing none, we will hold this open, and we'll have it back for public or for final consideration on the ninth do we have questions? Ms. Jones.

Alderson Jones Thanks. Thanks Cassie. First of all, every time I have a question then you answer it in the next couple minutes, so I really don't have a lot of questions. My, my one question I did want to ask tonight was the mansion apartments is a concept that people really enjoyed hearing about on Council and I represent the U district, so I have my own favorite mansion apartments that I can always visualize in the U District, but can you let us know just if I were to walk down this development two or three years from now and see a mansion apartment what, what do you anticipate it looking like? Because I think, we, it comes down to design a lot of times and we hear concerns about having a big block of a duplex but mansion apartment, mansion sounds great, but what does that mean to you?

Justin Metcalf Yeah, you know you're touching on the one that was the most confusing to me honestly because I have my own thoughts on it too and it goes back to kind of a, an earlier time period, a more university you know style home and that is not the style that we're building in. We've been working with Paradigm Architecture and that particular home type along with the side yard home type were both new to us and we actually have a 3D model cut now so we can kind of get a sense of it, but specifically to the mansion apartment what it says to me is when you walk up, you don't have two different stairwells going up to you know two different distinct doors. It appears as, for us, two different dwelling units I know the definition can have more than two but ours will have two. A single you know kind of porch, a single roof line, and then you know all design can be blocky. From there, it's, it's behoven on the developer and/or builder to make the product you know not appear like a block, which is you know the cheapest way to build and that's not our intention. We've gone currently back and forth on a lot of different renderings which I could share with you. At one point, actually, if I could get your email to send you what we have, and you can take a peek. And again, we welcome a lot of feedback on that.

Alderson Jones So, until we, until we vote on this, I don't think you can send anything to just me, but if, if everybody wants to see it....So if, if you have anything that you can share prior to the, the final consideration, I think there's a lot of interest in how we can create density that is acceptable in our community so, and that seems to go to it. So, yeah, I'd love to see anything, if that's fine?

Mayor Jordan Hess And Ms. Tripart.

Cassie Tripart Justin couldn't have described it better. I was wondering if it's an option if he sends it to me, if I can post it to the record, if that's a good way to share?

Mayor Jordan Hess That's, that's great if everyone, if that works for the development team? Okay. Ms. Sherrill.

Alderson Sherrill Thanks and I think most of my questions were answered on Wednesday when this came, so I appreciate that. I really appreciate your outreach to partners in the community and I know that CFAC has been an organization that's been you know you know very involved in that area and going out Mullan Road, and so, I appreciate the conversations you're having with them. Could you speak more to, I guess the, the other partners in our community and more of the outreach that you've done and who you've heard from?

Justin Metcalf Sure, absolutely. So, my development team includes myself and then Rosalie Cates who I'm sure most of you are familiar with. She was really integral in helping me decide if I was crazy or not on the affordable piece, like you know we're a, we're not a for-profit, we're not a non-profit we're an impact company. So, people plan at profit equally and so, Rosalie's been fantastic in helping me kind of create the overall mission. I worked with Homeward a lot in trying to define what levels of AMI were really achievable and then when interest rates went crazy, you know well, what does that mean? So, working with Andrea and her team and worked out or talked with Gene over

with, I'm blanking, not CPAC, my mother here.... Yes, Garden City Harvest and they're not, at this time, able to take on a big project like the form we're proposing, but they introduced me to First Nations, and I believe they got a grant to assist an indigenous farmer. So, I got to meet Skye and her team over at First Nations and in our affordable work we do a lot of outreach into the communities particularly those that miss the affordable opportunity due to language or whatever technology, whatever the case may be. So, part of our outreach process in placing these homes is not to put them on the MLS, but go to the city and the school district and to our veterans and to our indigenous population and market, you know, off book. And so, through that marketing effort talking with Skye on twofold, (1) are you interested in farming some of this, if Gene were to assist? And they are, but not all of it, and then also how can we do more you know how can we do more outreach to the local indigenous population? You know, what's an effective marketing tactic that type of thing? So, that's been, there's been some really fun conversations that come from that. That led to CFAC, which I met with last week and we had a fantastic meeting and they mentioned they'd have a proposal for us, I think the, a week or two into the new year. So, we'll collaborate with them further on the farming piece. Who else have we collaborated with? I've had a few meetings with Heather, Heather Harp, with Habitat and talking about how busy they are, and I know they've got a big, big aspirational goals on how many homes to build and now a big brand new piece of land. So, maybe we're, maybe we're in the, in the background at the moment, but you know I have one component of how to bring affordability or put you know homes to you know Missoulians that are working, but there's lots of rooms to use all the other tools we've been using. So, community land trusts, Habitat, there's a few other things, so starting to talk with some people at the state too about what they've seen. Really trying to maintain flexibility and have our ears open kind of kind of everywhere. So, our entire team is local as well, IMEG, Paradigm, we're actually forming our own GC for this project; otherwise, we'd be bringing in one from out of state which I don't, don't want to do. And that is, I'm sure, I'm sure I'm missing people but that's, that's where we are right now.

Mayor Jordan Hess Thank you. Anything else Ms. Sherrill?

Aldersperson Sherill Yeah, no that's, that's great. I really appreciate it. What, did I did I hear that correctly, that you're, you're, you're not going to, your goal at least would not to be able to list them on MLS and to go to the partners in the community?

Justin Metcalf Correct.

Aldersperson Sherrill Okay.

Justin Metcalf Yeah, the....So, so our, so our concept, especially when I originally penciled this out at our cost of construction and what homes were worth left a, what I'll call a, a lot of profitability on the table. And so, what I did is I took a, a portion of that profit that is really commensurate with what we see in affordable housing, and said well that, that will be our profit and everything that's left we'll divide it by the number of homes. We'll create a second mortgage for the homeowners and as long as they own or occupy for five years, at the end of that five-year term, it will be forgiven. And we had to go, we've determined conclusively that, that will be a non-taxable event to them, and we coined it community profit share and I went look far and wide thinking well I'm not the first one to do this somebody else has done it; they haven't. So, we are kind of plowing new ground with this and, and I want to make sure I, I answer your question, which is more specifically?

Aldersperson Sherrill You are answering my question. It was, I mean, it was more around that you weren't, I was surprised that you weren't listing....

Justin Metcalf So, so we have this product with the second mortgage, which we think is going to be you know in high demand. I mean the, before interest rates went up, the second mortgages were substantial and the intention was that they go to local

Missoulians and in the same way when we do a new affordable housing project, we want it to go to those that you know are the most in need, which similar to a for sale project, you take an affordable project and you just put it out there on the internet. Everybody that has an internet connection and that has least affordable housing before is the first in line, it's kind of the same with the MLS. So, what we're going to do is we're going to go local and so we'll have a, this is still, this is still, it's still in process of how we're exactly going to do it, but it could be as simple as myself and Rosalie and another small team reaching out and meeting with and we've already met with quite a few people, but meeting with city, city representatives, meeting with the school district....By example, when we met with Hellgate, we were talking with them about the project we have you know flyer of what this all looks like to the home types and we said when we're ready to go, can you distribute this to your teachers? You know, the same thing with city, the same thing with, you know, our indigenous population, and so on and so forth and....And meeting people where they are is really important with this type of work and so relationships with Skye at First Nations is critical because otherwise nobody, nobody will show. You know, similarly with you know the, the police department, the fire department, to a lesser extent but you know finding advocates that can take, take what we give them and distribute it out and say you know this, this, this opportunity is available, here's where you go to find it. It's my hope that all the homes sell in that manner. If they don't all sell in that manner then that means we're producing more housing than is needed which, I, I find hard to believe but maybe you know it. And at that time, we would just go to the market and list them on the MLS but we're building in phases and yeah...

Alderson Sherrill That's exciting. Thanks.

Mayor Jordan Hess Great, thanks. Ms. Anderson.

Alderson Anderson Thanks so much Mr. Mayor. Thank you for your presentation. Okay, you term you used a term I did not recognize, we're building the first EGO, agrofarm, like

Justin Metcalf Agrihood....

Alderson Anderson Okay, so, I, it is a first. So, I had never heard of it. I mean you had talked about the fact that this significant portion of open space will have a farming component to it and, which I guess is what now makes it an agrihood but I you know what's the kind of breakdown? Is there opportunities for you know people who live there, especially the ones in the apartments to like have plots like a community gardening and I and that may be exactly what you're already reaching out and working with CFAC on, I was just like, did I hear that correctly? I wanted to see if there was any more context you could provide based on other than kind of what you shared with Ms. Sherrill.

Justin Metcalf Absolutely. The individual community plots will be interior to our project in those three open spaces, so they'll be maintained by the HOA. The farmland that's central and integral to the larger park is, you know up to, it's still a bit in flux but call it you know three to eight acres in size and as CFAC mentioned needs to be farmed. So, there will be opportunities for local residents to have their own plots outside of their own backyards, but the farm itself is substantial and leads to this this term agrihood, which I'd never heard of either until about a year and a half ago where the City of Missoula hired a firm called Design Workshop out of Colorado. I got interviewed, in the process, I said wow you guys sound really smart do you, do you know, can I hire you to do some work? I started talking with them and looked at their work. They did an agrihood in Iowa and what an agrihood is, is it's a, it's a neighborhood built around a working farm. It's as simple as that and so, the working farm serves as kind of a central amenity and kind of a link back to you know our roots and everything and I thought well for Missoula I mean this is, this is perfect. So, I actually hired a Design Workshop on behalf of the city to design that whole park and they took public comment out at Hellgate and held some different presentations and stuff and that's, if you go online and see the design of the park today,

that's the result of that public process. The refinement of it is forthcoming and CFAC, I hope, will be very involved in that, but yeah at a high level it's just rather than having you know soccer fields as the, as the central it's, it's a, it's a working farm which particularly for this area that had such historic agriculture use, I think it's a good way to go.

Alderperson Anderson Yeah. May I have another question? Follow-up, yes. So, I really appreciate the kind of design and more information is always appreciated, especially if you want to send Cassie the kind of you know so we can visualize a little bit more. And within your community outreach, as you're chatting with folks about trying to really find that, either workforce housing, missing middle housing and kind of the creative financing you're obviously looking at doing, I mean, I think another component of that is you know having the ability to put down the down payment for homes. This is not a part of the process, I'm just putting it out there because you're taking feedback and you know kind of thinking about that from a first time, you know, you know when I was a first-time homebuyer you know that was.....

Justin Metcalf Absolutely and that's you know, workforce housing, just like affordable housing means something different to everybody that hears it. It's almost, it almost gets misinterpreted. First time home buyer housing is, is really poignant and I think relative to what we're trying to, to deliver. Back in the 50s, 40s, you know that's predominantly what America made. Today, it's less than 3% of our housing stock is built as first time home buyer housing and that that is are these small little condos. So, the benefit of the of the second mortgage that we carry back, I thought the same thing well this is going to be fantastic nobody needs to put up a significant down payment. The first thing I learned is Fannie and Freddie won't even allow it. I even went to test her and went all the way to Fannie and said you know let's, let's get this as a pilot program and that's stalled out. So, we're going to go with the local lender probably a credit union, we're talking with several and I think that'll solve lots of issues that we're having right now. And I think they will look at it and say oh you know the risk is there, yeah we can go with a lower down payment and also through that lender, they're more familiar with Montana and the various you know other subsidies and offerings that we have for, for different types of buyers. And then after five years, they can upsell that mortgage to the secondary market and be fine. So, it's my hope that you know mortgage insurance and down payments, you know no mortgage insurance and low down payments because that, that it's about, especially worth where rates are now the buying power of so many you know people is, is significantly eroded.

Alderperson Anderson And Mr. Mayor, I have a super quick question for Cassie Tripard. In one of the conditions, you can read if you're interested for those listening all 51 conditions on pages 15 through 21 of the staff report, but one of the meant that you mentioned was letting a requirement to let homeowners know that they're in the expanded, oh there's a technical term for it but adjacent to the airport. What, when you say they're required to let homeowners know what is that requirement look like?

Cassie Tripard Yeah, so the EADA zone was developed with the master plan in partnership with the airport. Really, there's increased noise there, some increased risk that homeowners should know about, but the airport, working with them we came up with criteria for how that area would be treated. For instance, only four dwelling units per acre are permitted there, 50% of the developable lots need to be clustered, so that you have large swaths of open space making it safer, but really, I could pull up the staff report for the exact language. Does that kind of answer it?

Alderperson Anderson It was mainly from a standpoint of the notification processes. Is that going to be like on page, you know is there, and you can email me that separately in just a follow-up, but just from a standpoint of like what is the notification requirements? So, that homeowners are aware of the....

Cassie Tripard Yeah, the, the condition requires that that notification be included in the covenants, which you would receive upon purchasing the home and then as well as on the plot, so two locations where they would be likely to see it.

Alderson Anderson Great, that's what I wanted to know. Thank you.

Mayor Jordan Hess Mr. Nugent.

Alderson Mike Nugent That will also be on their title work when they purchase it, so it'll give a notice as a line and exception.

Mayor Jordan Hess Ms. West.

Alderson West I had some questions around the, the model, so I appreciate the detail that's already been covered. So, I have a, some related questions still. So, my first one is, I guess what is the AMI range that is being targeted with this development?

Justin Metcalf I've, I've learned an interesting lesson with AMI on for sale housing, which is unlike in affordable, there's an interest rate that that comes in. So, we were hitting 80-100% AMI and it went to 100, over 130, and the only thing the move was the interest rate. I've been engaged in some interesting conversations with lots of people in our industry about that you know that the concept of workforce housing in today really came about during a period of stable interest rates. So, it's like well how does, you know an AMI is a historic look back index, you know, will it catch up, what does it mean? So on and so forth. What we can do is we can put out a first-time homebuyer product that is not an inferior design without you know closet doors opening into beds and things like that, but isn't overbuilt and we can price it appropriately. We're looking to reduce the size where we can of our three bedrooms and if we can keep them below 350, we can get under 120 AMI. I don't know if that should be our goal or not, the more I learn about AMI with for sale housing, just being honest. I'm kind of learning about a lot about this as I go. We're starting to do some more surveys of Missoulians and there is some good data out there, but there's not enough. So, in terms of what is the, the true sweet spot you know, the nice thing about this is we can pivot and react. So, if we, you know, if we, if we hit a lower AMI, but there's, there's not a lot of demand because we by example put a threshold on it like you can't buy it unless you're below a certain level of AMI. I think that's where we run into more problems that's where the, the historic credit or the federal credit for sale credit ran into problems. So, we're not going to have that, there won't be an income qualification, so it's more about a measuring stick of the outcome and to me it's one outcome of many, but where we are right now is we're 125 to 139, which is again 20 points higher than we were before rates going to move across the board.

Alderson West And I have a follow-up on my question, if that's okay? And so, I, I guess related to that, I was wondering if you'd considered instead of looking at AMI purely as a metric, as I guess working for or earning a certain percentage of income from local, in the local workforce. So, instead of saying you have to earn 120% AMI or below, instead you would say, you have to earn 75% of your annual income from an employer that's based in Missoula County.

Justin Metcalf Oh yeah, yeah. That, there's some, there's some legality with that. It's, it's interesting, I didn't, I didn't research it as far as I did another one, which was can we put a restriction on who gets the, the, the profit share to Missoula County and the answer is no, but you can't draw a circle around Missoula County, and you can do that. So, that is a tool that we have in our toolbox if we wanted to play it to ensure that the, the product lands where we want, and you never get 100%, so we have to shoot for 90%. So, if we can deliver 90% to local Missoulians I'll be thrilled and I don't think there's any reason we shouldn't be able to, to do that with the five-year restriction and, and I should also say you have to own or occupy for five years and there's a moratorium on renting, you can't buy it and not occupy you know you have to own or occupy. If we need to take more

drastic measures, if we find that the homes are not going where we, where we intend them to go then we can, we have we have the ability to do that. And again, we're in charge of where we go first to put these you know where we market these homes. And again, there's some legalities here and since I'm on the record I should say it's at one point in time these homes will be listed on the MLS because that is the law, but prior to that there's nothing that says we can't go out directly market them.

Alderson West And then I have two more questions. So, with that five-year moratorium, who is monitoring compliance?

Justin Metcalf At this point, we've been working, I know I'd forget some NeighborWorks Montana, so with Kaia and her team. They've been really instrumental as well and helping kind of sort through this particular on the finance side. At this time, it's our intention to transfer those mortgages to NeighborWorks and have them provide the, basically take out, take over everything from that point forward.

Alderson West And then my last question, and I realize none of them, these questions have anything to do directly with the zoning or annexation. Is, is any of the affordability passed past the first generation of home sales or is this a like affordable on the first time and then whoever got in gets, the, the equity moving forward?

Justin Metcalf Correct yeah, it's a, it's a first time equity shot for who, for, for who the buyer is, which as I mentioned before we're, with 260 homes, I'm open to leveraging every tool that we have in our toolbox. A community land trust, by example, has a perpetual affordable component to it and I fully intend and hope that we have community you know home subject to a community land trust and Habitat as well and there's overlap there, but their, their capacity is limited. This model is a first time homebuyer model, and you know the ability to get into a home and then have equity in five years, I mean that's how we as Americans build wealth most of us is, is in our homes and we've got an entire generation plus of individuals being priced out of that. So, this is intended to address that, but to your point, you know there's, there's no free lunch. The opposite that you know once it's there it's gone, but I will state I've had, since we've come up with this concept, six different meetings with younger developers who are really interested in it, and you know how can, we do something like this you know. And that's, that's the intention is that you know development can be done; however, we want to do development and so, you know, there's nothing to say West End Homes is the last time we have to do something like this, you know if there's high demand, we can keep going.

Mayor Jordan Hess Thanks. Mr. Nugent.

Alderson Mike Nugent Thank you Mr. Mayor. Most of my questions have been answered, I'm not surprised because Ms. West went before me. I did want to I guess ask you and, and I work in housing, so I just want to say that you being willing to put forth a model like this that that foregoes a lot of profitability is new to you know this area, and I'm very excited to see this this go forward. I'm curious, as you've kind of started having conversations with people in the community, if any other developer types have reached out to you about learning more about how you're doing this?

Justin Metcalf This is really the first time I've publicly talked about it because I run a big risk here about falling straight on my face if we're unable to perform, so, I anticipate they will. The short answer is you know other than Cassie and our team, we've been really focused more on is this something we can do, what are, what are the legalities that that stop us? We've gotten through a lot of that, and the answer is yeah, we can do this and as I mentioned before, we're kind of sizing our profit off a similar size project in the affordable world and then what's left thereafter, you know that that's enough for us type of thing. Another developer who hasn't worked in affordable housing wouldn't have that same metric, so, another way we've kind of pitched it is in thirds. So, two-thirds go to the developer whose for-profit that then pays taxes, one-third to the homeowner, and that

mass seems to check out well. When this concept came up, it was, you know, constructed before construction prices went up, home prices were high, profitability was you know 30% higher than it was today, but the model still survived that and it actually, it actually speaks very well to other for-profit developers who are purely for-profit because one of the biggest risks in any subdivision is the speculative nature. So, if you have this profit share theoretically you should have higher demand, which should reduce your risk and what is that worth to you typically. So, I've been having those type of conversations and with, with other people in, particularly our lender, who's like wait, what, you know. So...

Alderson Mike Nugent So, I mean, you basically answered my next question with your answer to this one, but you, you'd be willing to sit down and discuss with other people ways to replicate this idea? And I would say whether you fall on your face or not, I don't think you will, will, but this, the, the world we're in right now requires things like this.

Justin Metcalf And holistically, the, the notion of an impact company is something I'm really excited about. I mean, you know, we get caught up and especially in my world in affordable housing. I'm seen as the enemy the moment I walk in through the door is a for-profit and, and we get caught up in our labels, but as I think through a project knowing that we're an impact company that has that is different than a non-profit and different than a for-profit, but has to equally consider all three and I equally believe in all three, it fundamentally changes the way you think about business, it's, it's, it's interesting. So, I, if we're having those conversations that's a, it's a high level place to start.

Alderson Mike Nugent Great and then last one and then the last one, not necessarily relevant to this specific one, but you mentioned. Land trusts and other ideas for kind of the permanent affordability angle or the affordability angle....

Justin Metcalf Yeah....

Alderson Mike Nugent Would you be open to discussing those with, with Council down the road?

Justin Metcalf Yes, I would, I would love that. Yeah again, I don't pretend to.... I have no ego here; I don't pretend to know all this. I'm you know so, particularly other methods of creating permanent, you know more affordable housing out of for sale. Yeah, absolutely....

Alderson Mike Nugent Great because a lot of this falls under the committee Ms. West chairs, on housing, and I think that I think it's an interesting community conversation and it would be helpful to share ideas and put things together.

Justin Metcalf Yeah, I'd welcome that. Thanks.

Alderson Mike Nugent Thank you.

Mayor Jordan Hess Well, there's no one else with their hand up in the queue, so we can, we can move on. We'll have this back. Mr. Metcalf thank you for indulging us with the questions tonight, I appreciate learning more about the project. Thank you staff and, and developer reps for presentations as well, and we will see this back on the ninth. Thank you.

10. COMMITTEE REPORTS

10.1 Budget and Finance (BF) committee report

10.2 Climate, Conservation and Parks (CCP) committee report

10.3 Committee of the Whole (COW) committee report

10.3.1 Minutes from the December 14, 2022 Meeting

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

10.5 Land Use and Planning (LUP) committee report

10.5.1 Minutes from the December 14, 2022 Meeting

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

10.7 Public Works and Mobility (PWM) committee report

10.7.1 Minutes from the December 14, 2022 Meeting

11. NEW BUSINESS

12. COMMUNICATIONS FROM THE MAYOR

Mayor Jordan Hess And I'll say that Bozeman Mayor, Cyndy Andrus, sent me this MSU Bobcat sweatshirt this month and it was fortunately just in time for this ugly sweater event tonight, so I want to start by thanking Cyndy. I don't know if you're watching us tonight, I, I doubt it and I hope not for your sanity running your own public meetings, but I want to, I want to thank Mayor Andrus for providing what turned out to be tonight's winning entry as the ugliest piece of attire around the dais tonight. It's not holiday themed, but it certainly, it certainly meets the ugly piece that we talked about. While the timing is convenient, as many of you may imagine, I'm not, I'm dressed like this because I lost a bet with Mayor Andrus. I also have an obligation to put on this hat for a moment....[laughs]. In mid-November, the Mayor issued a challenge on the record during a Bozeman City Commission meeting regarding the annual Can the Cats food drive challenge. So this is, the deal was, as Mayor Andrus put it, was that if Missoula lost the Can the Cats challenge, she'd send me some bobcat apparel to wear in a public meeting and conversely if Bozeman lost the challenge, I'd get to do the same. It turns out we lost, so while I'm dressed a little strangely or goofy for a public meeting, I want to highlight what a little friendly competition can do for a good cause. The Missoula community contributed 428,280 pounds of food, that's in food or cash equivalent, for the challenge and the community of Bozeman contributed 608,915 pounds of food for a total of well over a million pounds of food statewide. And so while I am feeling a bit sheepish that's a good piece of business that million pounds of food and it's a really good thing to highlight during the holiday season. I'd like to invite Mayor Andrus, next time she's in town, to tour and, and volunteer at the Missoula Food Bank with me. I would gladly repackage food or do anything else with her and I could provide her with appropriate clothing if she if she wanted it and I look forward to a healthy competition next year. I wish every everyone a peaceful holiday season and we'll start comments from Council with Ms. Sherrill.

13. GENERAL COMMENTS OF CITY COUNCIL MEMBERS

Alderperson Sherrill Thanks. I love that, I, I hope we do something like this every year just because it's fun and we were communicating this weekend and doing little sneak peeks of close-ups of like the patterns that were on our sweaters and things, so I thought that was really fun. You all look great tonight and I appreciate that Mayor Hess is actually in the ugliest outfit and that that has been confirmed. So, this is our last meeting of the year and it, it's a time that we kind of time of the year that we kind of reflect on the past and also what's coming in the next year. So, I think that in this country, it's beyond time that we to get serious about our role in mitigating climate change. Everyone around this horseshoe and anyone that bothers watching these meetings very often has heard me talk about the federal inflation reduction act and how that is just a game changer for us and that we have finally stepped up on a federal level to really make a dent in, in climate change, that happened this past year. We have, we are now in, we kind of have a unique opportunity, as the details get worked out, to position ourselves as a community to be competitive for this money. All that aside, as the chair of the Climate, Conservation and Parks Committee, we will be bringing forward a number of new policies this year and I hope the Council and our community will support that, policies that we hope will make us competitive for and

position us for this IRA funding and just basically because they're the right thing to do anyway. Eric mentioned a couple of the ones that are coming in January that I'm hoping people pay attention to and that they're tracking. One is the vehicle reduction emissions reduction policy, as well as environmental environmentally sustainable building policy. We're going to talk a lot more about that in January and I want to give everyone plenty of time to make their comments tonight. I wish everyone a healthy and happy holiday season and I appreciate the outreach that we are doing around our homeless population because it's going to be very, very cold this week, so thanks and happy holidays everyone.

Mayor Jordan Hess Ms. Savage.

Alderson Savage I just wanted to say I hope everybody has a safe and happy holiday.

Mayor Jordan Hess Ms. Farmer.

Alderson Farmer Yeah, I just wanted to say with all the snow coming and the cold weather, which I personally love it reminds me of the winters of my youth. I just wanted to say a big thank you to the folks who will be plowing our streets and getting us to where we need to be this holiday season and just spending time away from their family so that we can spend time with our families. I really appreciate them, and I just want to say Merry Christmas to everyone. As the newest member on Council, I am very excited to get to spend this year, the end of this year and next year with you all, so thanks.

Mayor Jordan Hess Thanks. Ms. Jones.

Alderson Jones Thanks. I just wanted to say that after a couple of years of pandemic and economic tumultuousness and horrible housing prices escalating in Missoula this last year, we also had a had a difficult time with losing our Mayor, Mayor Engen, so I just wanted to say hey to John wherever he is out there and I can only imagine the ugly sweater he would have worn tonight, and would have totally enjoyed this. Jordan softened it a little bit, but yeah, he would have, Bozeman would have to raise it quite a bit, so anyway we miss John Engen, but we are figuring out the path forward and thanks to the community for supporting Mayor Hess, supporting this transition and looking forward to 2023.

Mayor Jordan Hess Mr. Nugent.

Alderson Mike Nugent Thank you. I would echo Councilwoman Jones comments. I also want to give a quick shout out to CFAC. CFAC taught me what an agrihood was about eight years ago in a really interesting public process with the county that we don't need to go into, but ever since then, the idea of something like that coming into Missoula is something that they and many others who were involved in that have really, really pushed for. So, I love more people learning what agrihoods are and I just always, I think Missoula is going to be a great place for it, so...

Mayor Jordan Hess Mr. Contos.

Alderson Contos [silence]

[unannounced speakers] I'm, I'm sorry I can't hear you; we can't hear you.

Alderson Contos You want me to repeat that? Okay, So, this is Christmas and what have you done, another year's over and a new one's just begun. You know I heard that the other day, John Lennon's song, and I think for one of the first times it made me stop and think what have you done? And not to be negative or anything like that, so I'm looking at the positive things and I think, I think for the first year being on City Council, I'm, I'm kind of thankful to be on because of the things that I have learned, not only about the city and how it's run, but, but helping people and I think that's, that's the main idea of City Council is helping people. You know, it's not a power thing, it's not a glory thing, it's, it's really trying to get along and come up with great ideas to help and so I hope this holiday season people really can take some time to think about what they've done, what they can do and I think the biggest thing is just being a great giver, which is not a

natural thing to do, but this time of year it really is a great time of the year. So, thank you, I, I've enjoyed this year being on City Council. Thank you.

Mayor Jordan Hess Ms. West.

Alderson West I just want to wish everyone happy holidays, safe travels, and remind everyone that when we come back on January 9th is the first opening hearing for our 4-H and FFA exemption ordinance, so we might have goats and sheep and extra chickens in backyards all across Missoula next year.

Mayor Jordan Hess Ms. Anderson.

Alderson Anderson Otherwise, known as the goats and chickens for all ordinance, so yes. Well thank you all to my fellow colleagues for your comments. Thank you to my ward mate, Mr. Contos, for his and for Ms. Jones for, you know, bringing up Mayor Engen and I've, I've thought about a lot about him and a lot about, you know, there are many families who are missing folks around the holiday table this year. And so, for many people in our community, the holidays are, are a painful and dark time and so as we kind of tomorrow, right Wednesdays the solstice, is the darkest day of the year, I just ask that people, you know, try to be a little bit kinder because you just never know what the person next to you is going through and this is a hard season and there's lots, there's lines everywhere and but I just think that we need a little bit more kindness and patience in our lives and it just all of us can just do one you know can be a part of that. I also, my hope for the holidays and into the 2023 is that our legislature you know really takes a look at some of the ways in which they can help us tackle so many of the challenges that we are trying to face around affordable housing, around mental healthcare. You know, we are sitting on a, a surplus at the legislature that some are coining a once in a generation opportunity. Well, it's because you know Montana's economic, economy is doing well and they're taking in more money for our from income taxes and that's why there's money and I hope that they are strategic about how they can really address some of the systemic problems that we face and help us do our job better, as you, Mr. Contos said, it's about service and about taking care of people and that's what we do and we need good partners at all levels, so that is my hope for 2023. I'll be wishing it into the ether on New Year's Eve; I hope you all join me in that, but yeah just have everyone have a wonderful holiday season and just you know try to look out for those who this might be hard for. Thanks.

Mayor Jordan Hess Mr. Carlino.

Alderson Carlino Oh, I can pass tonight. Happy New Year everybody.

Mayor Jordan Hess And Ms. Vasecka.

Alderson Vasecka Thanks. I had a few things I wanted to say but then Mr. Contos reminded me that I had apparently more to say, sorry about that. When he said it's a new year, what have you done? I had a family member a couple of months ago, I get really frustrated about what's going on with government lately and the past couple of years not, not just locally, but in the in the nation and in the world. It's a really divisive time and he said there's nothing I can do, there's nothing, I'll just give up. There's plenty you can do. You can write letters to the editor, you can talk to your friends, you can bring two people together that have opposing views, you can just be the, the, the happiness in the middle of, of a conflict at the dinner table. There's a lot that you can do to, to make sure that we realize that we're all people and we all have our all our individual feelings. Even if we disagree, it's, it's not the end of the world if we disagree, you know we'll just come to a we'll just come to an agreement. So, I just wanted to say that. Thank you John for reminding me that it's important to, to let people know that you know just because you disagree it's, it's okay to get along. I mean my, my best friend and I disagree politically, very dramatically and we're still best friends. So, I think it's important that, that I remind people of that. So, on that, off that tangent, I wanted to say that this this was not an ugly sweater contest because I loved everybody's sweaters. We should do this more often; I think have some holiday themed stuff going on. Also, I wanted to remind folks that sidewalks, be sure to help out your neighbors and

your friends and family that cannot shovel their sidewalks and I did want to say that even though I am an MSU alumni, I did contribute to the Can the Cats food drive, so I did try to participate to help us win here in Missoula. Also yeah, that's it, so, so happy holidays, happy Hanukkah, happy Kwanzaa, and Merry Christmas.

Mayor Jordan Hess Thank you.

14. MISCELLANEOUS COMMUNICATIONS, REPORTS AND ANNOUNCEMENTS

Mayor Jordan Hess Without objection, we'll take the miscellaneous communications, reports, and announcements section next. I believe Ms. Jones has an item. Ms. Jones.

Aldersperson Jones Thank you. I would like to introduce our ugly holiday sweater competition. It's the first time we've ever done this, and I'm really psyched to see that the City Councilors have stepped up. As President, it is my prerogative to make a motion for the ugliest holiday sweater and I will be doing that but first of all I just want to do a roundabout through the room. First, we have Ms. Anderson with the best spur of the moment ugly holiday sweater, I would say. Next, we have Ms. West with, if you want to stand up, our most elegant ugly holiday sweater look, very 1970s. Mr. Contos is, I'm just going to say Las Vegas Santa, I mean looking good. Thanks John. Mike Nugent those Santa faces are a little scary. He looks like he is either that or the other thing that comes to mind is like the British baking show and something blew up. I'm not sure what happened there with the sweater, but excellent job. Thank you. On the other side of the podium, we have Ms. Sherrill with, I can't really describe her style, but she brought it tonight, so I'll take it. We've got Ms. Savage with the best hip factor. If you want to show us your sweater please, slaying it, love that. Okay, Ms. Farmer, is all sorts of positive vibes with a Ted Lasso sweater, which with the World Cup. So, just touché is all I can say. I'm not sure, we've got Sandra is looking very elegant Santa; I like that and okay kind of spur the moment also, it all counts, that's great. Daniel, we can't see anything, but we hope you're particip.....do you got something going on there? Excellent, it looks like multi-colored. Okay, we'll take it but then finally, unfortunately, we have our Mayor with a Bobcats Montana State University swag sweatshirt. All I can say is I'm nominating Jordan Hess with his bobcat sweatshirt for best ugly holiday sweater. That's all I can say.....

Mayor Jordan Hess Probably the ugliest.....

Aldersperson Jones We can take comment on that and questions from Council, but that's my motion that I'm going to put on the floor for tonight.

Mayor Jordan Hess Okay, well there's a, there's a motion on the floor and actually I believe our rules dictate that we don't take motions during this portion of the, of the meeting.

Aldersperson Jones We can vote to suspend the rules, or you can just go ahead and bite through this one.....

Mayor Jordan Hess [Laughter] Well there's a speaker queue, so I'll go with Mr. Nugent next.....

Aldersperson Mike Nugent Well, I didn't realize my hand was still up, but I really feel sorry for you right now Mr. Mayor and you're doing a great job.

Mayor Jordan Hess And Ms. Sherrill.

Aldersperson Sherrill Well, I was hoping my Goodwill outfit, for seven dollars, was going to be nominated. I do think that the Mayor's creative take on an ugly Christmas sweater is hands down the best. So, I will be voting and supporting the Mayor for this nomination.

Mayor Jordan Hess Ms. Vasecka.

Aldersperson Vasecka As a Montana State Alum, I do not think that is the ugliest sweater. So, I will not be in supportive of this motion.

Mayor Jordan Hess Ms. Anderson.

Alderson Anderson Well, I guess this is comments, not questions, but I, I mean part of me wants to know what in the world possessed a rational person like you Mr. Mayor to put on such a sweater?

Mayor Jordan Hess I'll fill that in in my comments from the mayor portion.....

Alderson Anderson Okay it really does beg to question, you know, sanity levels as a proud University of Montana Alum.

Mayor Jordan Hess So, I want to highlight Ms. Rehbein's wonderful elf costume in the back room there too and I want to go to Ms. Rehbein for a procedural question on, on Ms. Jones' motion that I ruled out of order.

Marty Rehbein What is the procedure question?

Mayor Jordan Hess What would be the, what would be the way to proceed here? I, I suppose it would be to suspend the rules to, to entertain a motion during miscellaneous communications, reports, and announcements?

Marty Rehbein I think that would probably be an order. She might, she could either friendly amend her own motion to suspend the rules and move the clearly ugliest sweater in the room or we could take it as up as two separate issues.

Mayor Jordan Hess Ms. Jones.

Alderson Jones I'm to amend my motion. And I just want to know that I want you to know Jordan that you can run but you cannot hide. So, we're going to get through this motion.

Mayor Jordan Hess Okay, well the motion then to suspend the rules and to proclaim or to, to, to award my ugly attire as the ugliest of the ugly holiday attire is in order. That motion requires two-thirds motion or two-thirds of those present in voting since it's a motion to suspend the rules. Would anyone like to provide public comment on this motion? Seeing none, Ms. Rehbein.

Marty Rehbein So, the motion is that Mayor Hess has the ugliest sweater. So, you would vote yes if you agree and no if you do not.

Mayor Jordan Hess So, the motion passes and I'll note that it's not the first time Ms. Vasecka voted against or voted contrary to, to me and I guess I didn't get a vote here, but, but I'll go right into communications from the Mayor.

Moved by: Alderson Jones

Motion to suspend City Council rules and vote that Mayor Hess is wearing the ugliest holiday sweater

AYES: (8): Alderson Anderson, Alderson Carlino, Alderson Farmer, Alderson Jones, Alderson Nugent, Alderson Savage, Alderson Sherrill, and Alderson West

NAYS: (1): Alderson Vasecka

ABSTAIN: (1): Alderson Contos

ABSENT: (2): Alderson Becerra, and Alderson Jordan

Vote result: Approved (8 to 1)

14.1 Administratively approved agreement report

15. ADJOURNMENT

Mayor Jordan Hess So, thank you all for your service; we will be adjourned.

The meeting adjourned at 8:14 p.m.

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

Jordan Hess, Mayor