

Journal of Proceedings

Missoula City Council

December 12, 2022, 6:00 pm

Council Chambers (in person) or TEAMS (virtually)

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

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

Members Absent: 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

2.1 Minutes from the November 28, 2022 Meeting

The minutes were approved as submitted.

3. PUBLIC COMMENT - NON-AGENDA ITEMS

Mayor Jordan Hess We'll now take public comment on non-agenda items. If anyone wishes to comment on something not on our agenda, come on up.

Dave Everingham Hi, my name is Dave Everingham. I'd like to thank everybody for being on Council and for Mayor Hess for stepping up to the plate and taking care of the city; I appreciate it. This is a picture of Marshall Mountain that's a professional World Cup racecourse. These guys each ride a bike between five and ten thousand dollars that are probably doing 30 miles an hour. So, today's topic is parks. Missoula has 550 Acres of parkland, 22 miles of commuter trails, 4,200 acres of conservation land, 26,000 park and boulevard trees, and 91 parks. I love all the parks and the trails. Originally, Marshall Park was needing one million dollars for the 160 acre bottom half of the mountain. Now Parks and Rec want to buy 160 more acres up there, plus one million dollars for construction. The price keeps going up, three million dollars now. Marshall Park is 98% too steep for anything, but the professional World Cup mountain bike racecourse that it is. Only 2% of the Mountain at the bottom is semi-flat. The racecourse caters to professional grade mountain bikers with highly specialized equipment ranging from five thousand to ten thousand dollar bikes. The upper half of Marshall is mostly downhill specific mountain biking. I have mountain bikes and ridden bikes most of my life. These trails are all too aggressive and dangerous for me. Parks and Rec doubled their special assessment on my tax bill from \$180.00 to \$341.00 dollars a year, almost a 100% increase. We bought in Cornerstone in 2006 because special assessments were only \$17.00 a year, now they are \$741.00 a year; that was a sneaky way to raise my taxes. In the winter, back country skiers use Marshall. This is also a very specialized and expensive sport, two thousand to five thousand dollars to equip yourself. Two very small user groups or with enough money are using Marshall. Why do we have to pay Five Valleys Land Trust for another 160 Acres when it is already in conservation easement. Marshall Mountain is a dilapidated old ski area. Not only will the chairlift have to be demolished; there's a huge amount of snow making equipment, equipment that needs to be removed, mostly

underground and the old lodge. Marshall Park is nine miles from the fairgrounds and 20 minutes away; that is too much driving for me when I go out my backyard for open space. Fire evacuation has never come up through any of this. Marshall Canyon is a box canyon. There's no way out if there is a wildfire at the bottom and no way in. Before we spend three million dollars on a rich person's playground, we need to put that money into our failing foot bridges that Parks and Rec manages. This park is mountain bike specific, that is why no dogs are allowed. Bikers going 40 miles an hour don't mix very well with dogs and hikers. Let's spend our taxes, our tax money more wisely and fix the foot bridges. Thanks.

Mayor Jordan Hess Thank you. Anyone else tonight for your general public comment? For the record, no one else in the audience but I'll look online. Okay, seeing none, we can move on, on to our schedule of committee meetings. Ms. Rehbein.

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

Land Use and Planning Committee, December 14, 9:00 a.m. – 1:30 p.m.

Public Works and Mobility Committee, December 14, 2:30 – 3:45 p.m.

Committee of the Whole, December 14, 4:00 – 5:10 p.m.

Mayor Jordan Hess Thank you Ms. Rehbein.

5. CONSENT AGENDA

Mayor Jordan Hess We can move on to our consent agenda. Items on the consent agenda were generally approved unanimously in City Council committees and we save time during our regular Council meetings by approving those items as a package. Ms. Rehbein will read the list aloud and we'll invite comment before we vote, and I believe that we're separating the question on item 5.5. Ms. Rehbein.

Mayor Jordan Hess Great, thank you Ms. Rehbein and I believe Ms. Vasecka wants to separate the question. Ms. Vasecka.

Aldersperson Vasecka Yes, I would like to separate 5.5 and I believe I should save my public or my comment until after public comment.

Mayor Jordan Hess Oh sure. We can go to public comment and then come back to you. Would anyone from the public like to comment tonight? Mr. Larson.

Matt Larson Yeah, Matt Larson, Ward 3. On the claims, on the second page, there's, I believe, like a \$90,000.00 claim for interest being paid on prior purchases, but there's just a number on there. And I'm just wondering how we, as citizens, are supposed to know what we're paying for. Like when you guys are up here buying all these vehicles for instance, we're putting these vehicles on layaway to a certain extent and we're purchasing them on credit. So, this is like a reoccurring theme here. This is why we need a capital assets list here at the city and we need to know what these payments are going towards because we will never truly have a balanced budget unless we can actually see what, what, what we're fiscally responsible for. And I, I just hope that like something so basic could be grasped here, but when you just spit out a bunch of numbers and put a \$90,000.00 claim on the, on the claim sheet, it doesn't help anyone to, to show what you're paying for. It's, it's purposely there to obfuscate what you're paying for and that's why our city is in in disarray when it comes to its finances; that's one of the many reasons. Thank you.

Mayor Jordan Hess Thank you. Anyone else tonight? Seeing none, Ms. Vasecka.

Aldersperson Vasecka Thanks yeah and first of all, Matt, I wanted to thank you for calling in and I'll look up that \$90,000.00 and see what it was for because with the numbers next to it, I didn't look at it specifically, but usually it is for, like it's a separate, it's a code for which department and

which special area that department it goes to, but I'll look that up and then I'll, I'll get a hold of you and see what, what I can find out for that. And then second of all for the 5.5, it is the extra \$35,900.00 for the Johnson Street Winter Shelter. It's a little bit confusing in the referral because we orig, the City Council, the majority of the City Council originally had the contract for \$350,000.00 and then this was increasing it for \$385,900.00, so it is just an additional thirty five thousand nine hundred dollars. I disagree with the funding mechanism through ARPA, the American Rescue Plan Act funds. I disagree with that and then I also, we are, as I mentioned on Wednesday, we are stewards of our of all of our constituents tax dollars and not everybody is too fond of the Johnson Street Shelter and so I, I felt like since the \$350,000.00 was already approved, I feel like that was enough and then if folks do feel that strongly about this shelter then they nobody's stopping them from giving a financial donation or any other donations to the shelter on their own accord. I just dropped off some toilet paper and sweatshirts and socks the other day and I would encourage folks to do that. So, I just wanted to speak about what I'm going to be voting though on that tonight.

Mayor Jordan Hess Thank you Ms. Vasecka. Anyone else with comments on the consent agenda? Seeing none, we can have a roll call vote on all the items except for 5.5.

Mayor Jordan Hess Thank you and the items all on the consent agent are all passed.

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (11 to 0)

5.1 Accounts Payable (claims) for checks dated December 13, 2022

Approve accounts payable in the amount of \$4,548,513.23 for checks dated December 14, 2022.

Vote result: Approved

5.2 An Ordinance Amending Missoula Municipal Code Chapter 12.44 entitled "Cemeteries"

[First reading and preliminary adoption] Set a public hearing on January 9, 2023, and preliminarily adopt an ordinance amending Chapter 12.44 entitled "Cemeteries" by amending Section 12.44.020 entitled "Location" to include other uses, amending Section 12.44.110, entitled "Grounds regulations," subsection A and repealing subsections D-H to decriminalize city cemetery groundskeeping regulations, amending 12.44.290 entitled "Meetings" to allow the Cemetery Board of Trustees more flexibility in scheduling their regular meetings and establishing rules for cemetery trustee meeting attendance, and repealing Article III, entitled "Cemetery Superintendent", Section 12.44.340 entitled "Duties" in its entirety because the duties listed are addressed in the job description.

Vote result: Approved

5.3 Mullan BUILD Right-of-Way Agreement Amendment with Dougherty Ranch, LLC

Approve and authorize the Mayor to sign a Right-of-Way Agreement Amendment with Dougherty Ranch, LLC for the City to construct public infrastructure for the Mullan BUILD Project.

Vote result: Approved

5.4 Poverello Center Outreach and Operations Funding

Approve and authorize the Mayor to sign and execute a contract with the Poverello Center for the provision of services and programs specific to people without a house in Missoula and providing comprehensive outreach services to that same population, funded by City of Missoula, the sum not to exceed \$211,476.00 .

Vote result: Approved

5.6 Master Fee Schedule for Facility Use, Reservations, Permits and Programs 2023

Set a public hearing on January 9, 2023 to consider adoption of a resolution revising the City of Missoula Parks and Recreation Master Fee Schedule for Facility Use, Reservations, Permits and Programs for 2023.

Vote result: Approved

5.7 Energy Performance Master Contract Approval

Approve and authorize the Mayor the sign the Energy Performance Master Contract with McKinstry Essention, LLC as the framework to begin implementation of projects identified through the energy performance audit process. (no cost at this time)

Vote result: Approved

5.8 Northside Greenway Pavement Preservation Grant Amendment

Approve amendment of the Northside Greenway Pavement Preservation grant to increase the total project budget to \$218,090; whereby State grant funding is increased to \$188,820 and City match increases to \$29,270 and authorize Mayor to sign.

Vote result: Approved

5.9 Purchase of six (6) Ford F150 Hybrid Pickups

Approve the purchase of six (6) Ford F150 Hybrid pickups from National Auto Fleet Group of Watsonville, CA for \$52,379.70 each for a total of \$314,278.20 for all six.

Vote result: Approved

5.10 Purchase of eight (8) Ford Escape Plug-in Hybrid SUV

Approve the purchase of Eight (8) Ford Escape Plug-in Hybrid SUVs from National Auto Fleet Group of Watsonville, CA for \$40,771.26 each for a total of \$326,170.04 for all eight.

Vote result: Approved

5.11 Purchase of two (2) Toyota Camry Hybrids

Approve the purchase of two (2) Toyota Camry Hybrid sedans from Lithia Toyota of Billings, Montana for \$31,534.00 each for a total of \$63,068.00 for both.

Vote result: Approved

5.12 Purchase of one (1) .75-ton Truck for Police Department

Approve the purchase of one (1) Ford Super Duty 4X4 F250 from National Auto Fleet Group of Watsonville, CA for \$52,395.16.

Vote result: Approved

5.13 Purchase of two (2) Toyota Sienna Hybrid Vans

Approve the purchase of two (2) Toyota Sienna Hybrid Vans from Lithia Toyota of Billing, Montana for \$35,636.00 each and a total of \$71,272.00 for both.

Vote result: Approved

5.14 Purchase of one (1) F-450 Pickup for Urban Forestry

Approve the purchase of one (1) Ford Super Duty F-450 4X4 pickup from National Auto Fleet Group of Watsonville, CA for \$53,649.32.

Vote result: Approved

5.15 Purchase of one (1) one ton Truck for Street Dept.

Approve the purchase of one (1) Super Duty F-350 4X4 pickup from National Auto Fleet Group of Watsonville, CA for \$54,121.00.

Vote result: Approved

5.16 Purchase of one (1) Lawn mower for Cemetery

Approve the purchase of one Kubota F3710 lawn mower with cab attachment and two decks from Big Sky Tractor of Missoula, Montana for \$44,860.00.

Vote result: Approved

5.17 Purchase of two (2) loader mounted snow blowers for Street Dept.

Approve the purchase and the return of the bid bond for two (2) Snow Wolf Alpha Blowers 33-100-H from Western States Equipment of Missoula, Montana for \$73,475.00 each and a total of \$146,950.00 for both.

Vote result: Approved

5.18 Appointment to the Food Policy Advisory Board

Appoint Grant Melton to serve as a regular member on the Food Policy Advisory Board with a term beginning January 1, 2023 and ending on December 31, 2025.

Vote result: Approved

5.19 Appointment to the Local Emergency Planning Committee

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

Vote result: Approved

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

[First reading and preliminary adoption] Set a public hearing on January 9, 2023, and preliminarily adopt an ordinance of the Missoula City Council amending Title 6, Chapter 6.07, Section 6.07.1010 entitled "Regulations concerning keeping of livestock and domestic fowl" to allow student members of 4H and Future Farmers of America (FFA) to keep market sheep, market goats and market poultry as part of a 4-H or FFA project on a parcel that is less than an acre in size subject to certain conditions and other minor amendments to reflect current laws and practices.

Vote result: Approved

5.5 FY23 Poverello Center Emergency Winter Shelter Contract

Approve and authorize the Mayor to sign and execute an amendment to contract A8972 to increase the total not to exceed contract amount to \$385,900 for the Poverello Center to provide adequate services and operations to meet high demand at the Emergency Winter Shelter.

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

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (9 to 2)

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

7. SPECIAL PRESENTATIONS AND PROCLAMATIONS

8. FINAL CONSIDERATION

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

Mayor Jordan Hess We do have five items for final consideration, and we'll take them in the order listed beginning with resolution regarding the proposed creation of a Missoula local government building special district. John Adams is here as our as our staff representative. John, do you have any additional information or additional materials to present this week?

John Adams I do not.

Mayor Jordan Hess Okay, thank you. We, are there any questions from Council? Seeing none, I would entertain a motion from Ms. Anderson.

Alderperson Anderson Thanks so much. I recommend the motion to adopt a resolution relating to Missoula Local Government Building Special District; creating the District to

provide for the acquisition, ownership, improvement, maintenance, operation and administration of the Federal Building located at 200 East Broadway; and approving a related interlocal agreement with Missoula County.

Mayor Jordan Hess Thank you. The motion is in order. Any discussion? All right or yeah comments, Ms. Jones?

Aldersperson Jones I just wanted to say that I'm very much in favor of this. We have an opportunity to take over a building for free that will be gifted to us from the federal government. It will need some work to make it work for local government and to bring it up to, to some certain standards, but it's a great opportunity, great location, great price, which is zero dollars, you can't beat that, and I know for a fact that I think Billings is in the middle of building a new local government center and they didn't get a building for free. It's, it's been, it's gone way over budget because it's such a difficult time with construction and distribution and material and labor, so I'm thrilled, if we, during this era can get a beautiful, huge building for free downtown and we'll figure out how to make it work for us, but we are, we are way ahead of the game.

Mayor Jordan Hess Thanks. Anyone else tonight? Ms. Anderson.

Aldersperson Anderson Thanks so much. I echo the sentiments from my Council colleague Ms. Jones and just really want to iterate the fact that I think there's been some miscommunication in terms of what the numbers are and that this actually in the long run is going to save the taxpayers' dollars because we are, in the between renting property and kind of cobbling together services and sort of hodgepodge all over the place. This allows us to centrally locate and splits the cost with the county at a much better deal to the taxpayers than what we're currently seeing and that the number, you know, 40 million dollars was you know not anywhere in the realm of what we are looking to spend. It is more in the 7 million or such and I really encourage everyone who has questions or concerns to go back and listen to the committee meeting where that John Adams really presented a really thorough presentation of the numbers, what, you know the fact that we've been using, utilizing a consultant to go through and kind of deem out various costs and so we're not going into this blind and that it will really meet a lot of our immediate needs and future needs and it will give us opportunities to consolidate and hopefully serve the community better, which is what the City of Missoula you know what a municipal government is for. We're here for the service of the citizens, so not only is it balancing taxpayer dollars and being efficient with those but it's also providing for hopefully more efficient and better public service. So, I am in favor, and I look forward to seeing how this progresses and working with the county on this project.

Mayor Jordan Hess Great, thank you. Anyone else? All right, seeing none, we can have a roll call vote. Oh, I'm sorry, I did not, I did not call for public comment. Anyone wish to make a comment? Okay, seeing none, we can have a roll call vote now. Oh, I'm sorry, my apologies Mr. Larson, go, go ahead.

Matt Larson Yeah, Matt Larson, Ward 3. I think this is, this is a good, good thing, but let's not forget we did spend, I think over \$400,000.00 with consultants and studies in order to acquire this rebuilding. So, it leaves some, some room to be improved upon I think when somebody's giving you something for free, you know. I don't know there's, there seems to be some stark contrast between that and like the Sleepy Time Inn, which was bought at a half of, twice the last appraised rate and with no study. So, maybe next time we can do you know something somewhere in the middle of the, the two, the two different deals there. I feel like this one took an extremely long time to do and I don't think it's just me.

Mayor Jordan Hess Thank you. Anyone else? Now, now we can have a roll call vote. Apologies for the confusion there.

Moved by: Aldersperson Anderson

Adopt a resolution relating to Missoula Local Government Building Special District; creating the District to provide for the acquisition, ownership, improvement, maintenance, operation and administration of the Federal Building located at 200 East Broadway; and approving a related interlocal agreement with Missoula County.

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (11 to 0)

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

Mayor Jordan Hess Our second item for final consideration is the second substantial amendment to the CDBG and HOME Program year 2021 action plan. And first, before we take action Ms. Gasvoda or Ms. Lisum do you have updates or any additional information to present this week.

[unannounced speaker] Nothing new, thank you.

Mayor Jordan Hess Okay thank you. Any questions from Council? Seeing now, Ms. West, I would take a motion please.

Alderperson West All right. Well the motion is to approve the second substantial amendment to the City of Missoula's Program Year 2021 Annual Action Plan for Community Development Block Grants (CDBG) and HOME Investment Partnerships Program American Rescue Plan (HOME-ARP.)

Mayor Jordan Hess Thank you. The motion is in order. Is there any public comment? Seeing none, any discussion from Council? Seeing none, we can have a roll call vote.

Moved by: Alderperson West

Approve the second substantial amendment to the City of Missoula's Program Year 2021 Annual Action Plan for Community Development Block Grants (CDBG) and HOME Investment Partnerships Program American Rescue Plan (HOME-ARP.)

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (11 to 0)

8.3 Ordinance Enacting Assessments for the City of Missoula Park District Number 1; Providing that Assessments Constitute Revenue of the Undertaking

Mayor Jordan Hess And our third item, an ordinance enacting assessments for the City of Missoula Park District Number 1, providing that assessments constitute revenue of the undertaking, and we'll take items three and four together, as we did during the public hearing. Similarly, an ordinance enacting assessments for the City of Missoula Road District Number 1 providing that assessments constitute revenue of the undertaking as well in that case. And Ms. Griffing, are you on tonight or Mr. Bickell, do you have anything to do, any new information to add?

Dale Bickell I do not, no.

Mayor Jordan Hess Okay, thank you. So with that, any questions from Council? Seeing none, Ms. Jones we can take both motions.

Alderson Jones Okay, great, thanks. And Marty, I'm unable to turn on my camera. I don't know if there's something you can do in the back or if it's just this computer again, but I will read through the motions. 8.3, I'll read. The recommended motion is to adopt an ordinance enacting assessments for City of Missoula Park District Number 1; providing that assessments constitute revenue of the undertaking and 8.4 is, the recommended motion is to adopt an ordinance enacting assessments for the City of Missoula Road District Number 1; providing that assessments constitute revenue of the undertaking..

Mayor Jordan Hess Thank you. Those motions are in order. Any discussion? I'm sorry any public comment? Seeing none, any discussions from Council? All right, we can have a roll call vote on these motions as well.

Moved by: Alderson Jones

[Second and final reading] Adopt an ordinance enacting assessments for City of Missoula Park District Number 1; providing that assessments constitute revenue of the undertaking.

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

ABSENT: (1): Alderson Jordan

Vote result: Approved (11 to 0)

8.4 Ordinance Enacting Assessments for the City of Missoula Road District Number 1; Providing that Assessments Constitute Revenue of the Undertaking

Moved by: Alderson Jones

[Second and final reading] Adopt an ordinance enacting assessments for the City of Missoula Road District Number 1; providing that assessments constitute revenue of the undertaking.

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

ABSENT: (1): Alderson Jordan

Vote result: Approved (11 to 0)

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

Mayor Jordan Hess And now on to our shortest item of the of the night, item 8.5 as the Riverfront Trails Major PUD Subdivision, Targeted Growth Policy Amendment, Annexation, Utility Services Boundary Amendment, and Rezoning, and, and following our standard order here, we'll go to Cassie Tripart first for any additional information in the staff presentation and then we'll go back to questions from Council and public comment and debate. Ms. Tripart.

Cassie Tripard Yeah, so there was some additional public comment added to the record this afternoon. Then additionally, I wanted to provide some information about protest petitions for the rezoning. Let's see that might help, do you see my screen?

Mayor Jordan Hess Yes, we do.

Cassie Tripard Great. Let me just get to the end...oh I went too far, oh man, okay. So, at this point in time, we've received a rezoning petitions or protest petitions from 52% of the property owners within 150 feet. This means that the rezoning will require a super majority or two-thirds vote from City Council. I'll note that there were two additional petitions provided, though they could not be validated, but even without those, the threshold for a super majority vote is met. Additionally, staff issued a memo trying to capture all of the proposed amendments from LUP, though I do believe City engineering has some additional ideas for the roundabout amendment. Thank you.

Mayor Jordan Hess Thank you. Mr. Jim Nugent, you have your hand up, would you like to add anything?

Jim Nugent Just one very minor clarification. The City Council extraordinary majority vote is two-thirds of those present and voting. So, if people pass, you don't include them in the calculation when you try and determine the two-thirds because it's two-thirds of those present and voting.

Mayor Jordan Hess Thank you Mr. Nugent. Okay, before we go on to public comment and a motion, are there questions from Council at this stage? All right seeing none, we could take a motion, Mr. Nugent, or a series of motions, I guess.

Aldersperson Mike Nugent You got to those quicker than I expected.

Mayor Jordan Hess I told you this is our fastest item....

Aldersperson Mike Nugent Yeah, you know you might be right Mr. Mayor. I think you and I thought it'd be fast, everybody else is worried. All right, the motions, as recommended from staff: Adopt a resolution to annex the subject property legally described in Exhibit C, as shown on Exhibit B, and zone upon annexation to RT 5.4 Residential, subject to the conditions of approval, based on the findings of fact and conclusions of law in the staff report as amended by City Council; Adopt a resolution to amend the 2035 Our Missoula City Growth Policy land use designation from Residential Low to Residential Medium on portions of Tract 1 of Certificate of Survey No. 6449, as shown on Exhibit A, based on the findings of fact and conclusions of law in the staff report; Adopt a resolution amending the Utility Services Area Boundary to align with the parcel proposed to be zoned RT 5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay, as shown on Exhibit A of the resolution to amend the utility service area boundary, based on the findings of fact and conclusions of law in the staff report; Adopt an ordinance to rezone the subject property legally described in Exhibit E from R215 Residential to OP2 Open and Resource, to rezone the subject property legally described in Exhibit F from R215 Residential to RT 5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay, and to rezone the subject property legally described in Exhibit G from RT 5.4 Residential to RT 5.4 Residential / NC-RT Riverfront Trails Neighborhood Character Overlay, as shown on Exhibit D, based on the findings of fact and conclusions of law in the staff report; and approval of the Riverfront Trails PUD Subdivision preliminary plat application, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report.

Mayor Jordan Hess Okay, thank you. Those motions are in order so and I understand that we, that we have some proposed amendments tonight. So, what we'll do is we'll take general public comment and then we'll have Council discussion and that could

include proposed amendments and then of course, we'd take, we'd take public comment on the proposed amendments. Ms. Tripard.

Cassie Tripard Yeah and I just ask that we, or City Council consider the motions in the order and the staff report with the growth policy amendment first, then annexation, then rezoning, then the utility services area boundary amendment, then subdivision, just because some of those approvals are building on others.

Mayor Jordan Hess Thanks for the clarification on that and we'll also make sure that, that if there are proposed amendments that those are, are, that we note which of those approval actions those are made to, of course. So, is there any general public comment on, on the, on this item on this package as a whole? Come on up Mr. Odegaard.

Doug Odegaard I was trying, I'll try to keep it short. Thank you everyone, my name is Doug Odegaard, I appreciate the time. First, I want to tell you city staff, Cassie, Councilors Nugent and Anderson, I want to thank you all for taking the time to speak to us, to come to events, to listen to us etc. I also encourage people, especially in the Miller Creek area to attend tomorrow night's Tuesday code reform event. It is very, very clear to me that the only way that we're going to be able to overcome these, these zoning things is to get involved. I still do not believe that it's in our best interest not to have some commercial out there; I just really believe in reducing car traffic, but we are here. You know, we're where we're at because of the code. So anyway, I just encourage people to get involved but thank you all, I appreciate your time.

Mayor Jordan Hess Thank you for your time and for your involvement. I have a telephone commenter and phone number ending in 698.

Wendy M Hello, my name is Wendy [inaudible] and my concern here, and I'm sorry, I don't know the zoning codes, but it is, you know the, to allow medium density, I would implore the City Council at this time, until we have further answers you know in respect to all the issues that have presented themselves up to this point to keep and maintain the area as low density. Again, until it can be addressed issues such as parking, the drainage of this area, which is very close to being in the flood plain and until a closer look can be taken at traffic. I believe there is a call to have an additional study and there's been nothing addressed to be able to allow Miller Creek residents and when I say Miller Creek, I mean the, the main road that's adjacent to Walmart to, for those people to be able to get in and out of their driveways and their streets. And lastly, for emergency services access into the area such as in the cases there were say a school shooter at Jeanette Rankin because there are, you were, we've only got these one access points in an out roads. So again, I would just implore the City Council and again I don't know the codes for zoning, but to keep and maintain the low density at this time. Thank you.

Mayor Jordan Hess Thank you for your comments. Next, Ms. Anton. Ms. Anton, you should be able to unmute yourself now. It looks like you are unmuted actually or were, there you go. We're not able to hear you. I can give you a phone number if you want to call and provide comment by, by phone. Ms. Rehbein, could you, could you read out that phone number?

Marty Rehbein Yes, the phone number that folks can call in, if your computer is not working properly, is (406) 384-6960. That's (406) 384-6960. The conference ID number is 387736445#; that's 387736445#.

Mayor Jordan Hess Okay, thank you. So, Ms. Anton feel free to call in and we can take your comment that way. I do have another phone commenter with phone number ending in 839 and you should be able to unmute yourself by pressing *6.

Julie Anton For the record, this is Julie Anton. I am a resident of Maloney Ranch, and I don't know why my computer won't let me talk to y'all, but for some reason it doesn't work so sorry about that mishap. I, I have spoken several times I've submitted lots of public

comments, so I'm not gonna repeat things that I've already said. A couple of things after the last Land Use and Planning meeting came to my attention that I just want to bring to your attention, to see if there's any way that we can compromise on this subdivision proposal. Basically, Lot 176, which is what we call the triangle lot on the southernmost portion on the southern side of Lower Miller Creek Road. I looked at the zoning surrounding all of that side of the road and, and adjacent to this parcel Lot 176 and it's all R20, and it's all single family homes, most are one level, some are two. So, I just would appreciate it if you guys would consider, and the developer would consider leaving that parcel R20. I just don't feel like it's fair to the people in that area to put a five plex on that lot even if it's only 35 feet tall, and I just want everyone to imagine you know you have a single level home and that 35 foot tall five plex is plopped in front of you when you're in R20 zoning and that's what you bought. So, I just feel like you know the rights of the property rights of the people who bought there previously need to be respected and considered in that case. So, I would appreciate it if that could be brought up and then another thing that was brought up at the Land Use and Planning meeting was that the stormwater collection pond is not going to have any kind of perimeter fencing around it and it was mentioned that at its max depth it would be four feet deep. To me, that sounds like an accident waiting to happen, so I would like to see something considered to provide a safety mechanism around that stormwater collection pond to prevent any child or you know animal. I mean there's a ton of deer in the area, I would hate for them, them to get trapped. So, if something could be done around that I think that would be really, really helpful to everybody in the neighborhood and I think everything else I have brought up already. So, I appreciate your time and this is really complex, so my suggestion is if we can't figure this out with all the complexities, if there is a way to push this out and continue the discussion on some of these issues that would be much appreciated. Thanks.

Mayor Jordan Hess Thank you for your comments and apologies for the, the tech issues. Anyone else tonight wish to make public comment on, generally on the, on the, this, the motions before us? Okay, seeing none, we can move into our general discussion and any proposed amendments, and Ms. Anderson first.

Aldersperson Anderson Thank you Mr. Mayor. I do have a couple of proposed amendments and then I just actually would like to ask a couple questions in regards to the public comment that we just received, just for some clarifying. So, how would you like me to proceed?

Mayor Jordan Hess Let's.....

Aldersperson Anderson I think the questions would be easiest.

Mayor Jordan Hess Let's do your questions first.....

Aldersperson Anderson [inaudible speaking]. Okay. So, just really quick on the stormwater, I don't know who from engineering or stormwater is here and I, I just want to make sure that I am my understanding from what you presented last Wednesday is correct, that this yes is a large pond that will be there that is not currently required to have any fencing around it but that it has a very gentle slope going in and out of it so and then at the very deepest point in the middle is four feet but it doesn't drop off and that is intentional to kind of mitigate for some of the you know, if someone were to walk up to the side of it and you know slip in some mud that they're not immediately falling to four feet that it's a gradual in and out, intentional because there was no fencing around it. That was my understanding from the presentation last week, would love it if that is, if you could provide a little bit more context and if I don't have that correct, correct me where I'm wrong.

Mayor Jordan Hess Thanks. We have Troy Monroe. Mr. Monroe.

Troy Monroe Good afternoon. Troy Monroe, City Engineer for Development Review. Just to clarify, the stormwater is a basin and it's not really a pond. It's designed to take the, a storm surge and slowly infiltrate it. So, this basin will not be holding water 99% of the time and when it does, you are correct, that it has gentle slopes so that's if that just for, for maintenance purposes is mostly, but it's not going to be something that has standing water in it most of the year.

Mayor Jordan Hess Thanks.

Alderson Anderson Great, I appreciate that, it's an even better explanation than what I was saying. So, if I may make my first amendment Mr. Mayor?

Mayor Jordan Hess Yep, go ahead.

Alderson Anderson Okay. So, the first amendment I would like to make and I'm hoping I'm following Cassie's directions correctly looking at memo one, is in regards to the first motion, which is the annexation and all the points around that. So, I want to make an amendment that the developer is responsible for the putting in and the cost of the roundabout at the intersection of Lower Miller Creek and Old Bitterroot Road. And when appropriate, I'd like to speak to that please.

Mayor Jordan Hess Why don't you go ahead and speak to it and then we can, we can take additional discussion, and we'll take comment from the development team on each of these, and then we'll also take comment from the public but, go, go ahead.

Alderson Anderson Okay great. So, the reason why I'm proposing this is because I really feel if not for the subdivision that this improvement wouldn't be immediately necessary that this really does develop or benefit the development that is being proposed because this is actually the intersection of the entrance to the proposed subdivision. So, this actually, this road improvement will allow for quick ease and out in or out of the subdivision traffic and that, that be I mean I think is the, the right now traffic has been flowing in and out of lower Miller Creek without that in a roundabout and the fact that it is in conjunction that the entrance to the subdivision that without that this road improvement wouldn't have the immediacy that is going to be needed because of this and I do think that given in other instances that we have had the developer in other parts take on the full payment of these sort of improvements, this would be a reasonable request and amendment.

Mayor Jordan Hess Okay, Cassie did you, you're tracking where that would go in the in the various motions?

Cassie Tripard Correct, that would go with the annexation and subdivision motions.

Mayor Jordan Hess Thank you.

Cassie Tripard And I have slides of those amended, when and if we need them.

Mayor Jordan Hess Okay, thank you. So, at this point let's, let's have Council questions and discussion and then, and then at any point staff or development team are welcome to raise their hand. Ms. Sherrill.

Alderson Sherrill I don't have any questions. I was just going to agree with Ms. Anderson, I think that the benefit of this roundabout is for those that will be living in the development and so that makes it a very sensible, reasonable amendment. So, I'm happy to vote for that.

Mayor Jordan Hess Ms. Vasecka and then and then, Mr. Nugent do you have somebody to clarify or? Okay, so Ms. Vasecka, Mr. Carlino, and then Mr. Nugent....

Alderson Vasecka Thanks. Yeah, so I was just wanting to get on public record because I know a lot of folks don't listen to the Wednesday meetings. How much is the, how much would the roundabout be for the development, developer to cost, I guess it would cost about the same amount if the citizens around it were to, to finance it. So, I guess what is the total cost of the roundabout just for the public to know?

Mayor Jordan Hess From staff or development team, could answer that?

Cassie Tripard We'll pass that over to engineering. Here we go. Mr. Keene.

Jeremy Keene Thanks. Jeremy Keene, Director for Public Works & Mobility. I don't know the exact cost of the roundabout; they're expensive. You're probably talking about seven figures by the time it's all constructed, so it's, it is a significant cost. If I may, I, I guess, I just want to speak a little bit to the to the process that we go through with trying to assess those costs and, and apply them proportionally to the different developments that we see. If you remember, the original recommended condition in this subdivision is a proportional share plus participation in a broader SID and that's been our practice to assess the proportional share of traffic the, the development is, is creating. And the question really is, is the roundabout required because of this development? And, and the answer is yes, it's the primary access for this development, but it also will serve a lot of other development that's happening in that lower Miller Creek area. And so this, this development is 300ish units. There's already 300 other units that were developed further out on Miller Creek Road and there's over 400 units yet to go. So there's, there's a thousand units that are going to all benefit from this roundabout at that intersection and part of our long-range planning was to extend street networks including connecting Christian Drive with this roundabout at Lower Miller Creek Road. So, the need for the roundabout is really more about planning for the whole neighborhood to develop than just one development and so that, that's why our recommendation was to, to look at the traffic analysis and determine a proportional share for those costs. You can certainly go a different way with that but that's, that's been our practice with other developments.

Mayor Jordan Hess Thanks Mr. Keene. Ms. Vasecka do you have?

Alderson Vasecka I do have a follow-up. Is now the correct time to do comments?

Mayor Jordan Hess Sure, yep, go ahead.

Alderson Vasecka Okay. I'm, I'm a little concerned about this because I actually I did live in lower Linda Vista when I went to high school and when going up Lower Miller Creek Road and taking a left during school out or right on our way to school during rush hour traffic, that roundabout there it came on I think during my sophomore or junior year but it was a big game changer, and so it was a huge benefit for the entire area of, of the Miller Creek, upper and lower Miller Creek area. So, I'm a little bit concerned putting all this cost onto the developer because it is going to be a huge benefit to the, to the entire public and when I moved away from that area when I moved out of my, my family's home, I've noticed that Linda Vista area has just increased drastically, as has all of Missoula. So, I have a little, I'm a little wary of putting all this cost on the developer itself because it will increase the rents in that area and we do need a lot of housing and we need, we need, I hate to use affordable housing because that means subsidized housing, but we do need, we do need housing in in Montana that's available for younger families and for all sorts of, of folks in Missoula. So, I'm a little bit wary about this amendment. I haven't quite decided it but I, I don't think I'm going to support this amendment. I'm gonna, I'm gonna wait and see what I hear from all the other Council members first.

Mayor Jordan Hess Thanks. Mr. Carlino.

Alderson Carlino Yeah I think single lane roundabouts are always a safe option for intersections and between putting this on the nearby taxpayers or having the developer pay for it, I think it would be a better decision to pass this amendment and let the

developer pay for the roundabout because these are all market rate homes and I think they'll sell for as much as people will pay for them, whether or not there's an additional cost to the developer for a roundabout. I think yeah anytime we can put transportation costs like this onto a market rate developer, I think it's a smart move. So, I support it.

Mayor Jordan Hess Mr. Nugent.

Alderman Mike Nugent I agree with the amendment, but I need to speak to what Councilman Carlino just said. I generally agree with you market rate will, will support I mean they'll get what people are willing to pay for but the issue sometimes is if we put too many costs on them and they become unaffordable to build. So, I, I'm not concerned about in this moment, but I did want to just say that I think we need to be careful throwing that around. I agree with Councilwoman Anderson and the comments that Councilman Sherrill made. To me, and, and I certainly respect the, the explanation that Mr. Keene gave as well. To me, if, if you look at it, I understand the bigger road grid picture but we don't necessarily have certainty the other units that are proposed to be developed, as I understand it and someone could certainly correct me referenced outside of the subdivision are all higher up and would primarily come down and, and use this roundabout to go right and continue up Lower Miller Creek Road and those vehicles wouldn't be impacted if there wasn't a roundabout there because they'd still have a free right turn or even if there's a stop sign they'd still have an easy right turn, they're not cutting across traffic. So, I don't necessarily see it the same way. If this roundabout wasn't in yet and another subdivision came in, in the vacant space further down behind the school, I suppose we could require them to share the cost with, with this developer but sometimes it's, it's the point in time that you're coming in. I don't take this lightly, but I, I this is one that I feel the only need for this roundabout is because the development is going in. So, I will support this amendment.

Mayor Jordan Hess Mr. Woith, do you want to weigh in on behalf of the development team?

Spencer Woith Yeah thank you. Spencer Woith, Woith Engineering. I think I want to make sure that we got a timeline fully understood. So, there was another firm contracted by the City to look at these improvements long before we even made an application for this development. So, there was a need determined by the City for improvements of Lower Miller Creek prior to us bringing Riverfront Trails. So, I understand that Riverfront Trails does benefit and we're fine paying our proportionate share of whatever that benefit is. The City determined that the traffic that goes through there is 35%; we'll pay our 35%. I think it's unfair to burden one developer, understanding that what the Council is saying, but at the same token there's another 400 new Lots that are going to be market rate that are going to go in just above this. So, if this developer fronts it, would there be latecomer fees for the new developers that are going to use the same roundabout up further in Linda Vista, or is this burden being put on this developer because he happens to have a project at the same time that the city has a project and we already had a plan and so, we're kind of getting hit on this particular thing? There's, as Mr. Keene said, there's a thousand lots that are benefiting from this. We have a proportionate share and that is great. We have offered the City, it didn't work out the way, for the configuration of the roundabout, but we actually offered land to give to the City to get the roundabout all onto our property to try and make sure that we could expedite the construction process. Unfortunately, the engineering didn't quite work, but I just, this project, this roundabout didn't come about because of this project. It was in the works, it was a plan, we just happened to be aligned at the same time as them. Thank you.

Mayor Jordan Hess Thank you Mr. Woith. Next, Ms. Vasecka.

Alderman Vasecka Yeah, so I guess with this roundabout, is it either all of the residents in the area pay for it or all the development pays for it? Is there any compromise that we can have the development pay what, what we all deem as their fair

share, the 35% and then have the City pay the, the extra or the other amount or is it all or nothing for either the city or the development?

Mayor Jordan Hess So, my understanding is that the existing condition or the, the staff recommended condition, as it exists, is that proportional share and that the amendment is to shift, that to have the development fund the roundabout in its entirety. Is that, is that correct, looking to staff? And Ms. Anderson.

Aldersperson Anderson Yeah, the.....So, currently, staff proposal was to have the developer of this subdivision pay 35% and then there was going to be a Special Improvement District that was going to go and be put upon the adjacent neighbors. The amount and the boundaries of the Special Improvement District were not yet determined. So, not only were neighbors having to contend with the increased traffic, but then they were going to have to also pay for the improvements of this roundabout that is literally the making it an easier in and out for this subdivision. And there yes there is additional growth happening out farther up or however you want to describe it, but there is another roundabout at Christian Drive that the developer of that area had to solely pay for and that it does create a better connect, you know with the continuation of Christian Drive you can actually go up and connect with Upper Miller Creek Road so it provides another way out, where this being the entrance to the development will only you know, the houses being there will only use and create more traffic and will directly benefit from this roundabout where it's located.

Aldersperson Vasecka May I have a follow-up?

Mayor Jordan Hess Yep, go, go ahead Ms. Vasecka.

Aldersperson Vasecka For the Special Improvement District, is there a sunset on it or will it just be in perpetuity?

Mayor Jordan Hess Mr. Keene, do you wanna, you wanna answer that?

Jeremy Keene Sure, so to the first question. The, the SID does have a sunset date; it's, it's typically 20 years so that it's tied to the cost of the project. And I wanted to also speak to the SID boundary, if I could? The intent of the City's project, which we did start prior to this development to improve Lower Miller Creek Road was to assess a large area of that lower Creek, Lower Miller Creek area before those improvements on, on the road that that didn't happen when those subdivisions happened and, and often when we do subdivision approvals, we include an SID waiver for that exact reason that you come back later and need other improvements as the neighborhood matures. And so, all of those previously approved subdivisions have an SID waiver for this purpose and our intent was to assess those areas including possibly some of the, the homes that are still in the county so that everybody pays a, a fair share of the improvements that are needed for the neighborhood, and that's, that, that's been the strategy. The Christian Drive roundabout, the reason that it wasn't but proportional share in the same way is because it was entirely within that subdivision and so that, that subdivision was really contributing all or at least 90% of the traffic to it and the City did contribute a portion of the cost. It was small in in total, but the developer probably paid 90 or 95% of that cost.

Mayor Jordan Hess Thank you Mr. Keene. Mr. Nugent.

Aldersperson Mike Nugent Yeah keep your microphone on Mr. Keene, I have a question for you. The process of looking at the road improvements prior to the subdivision coming in, would it have been the intent of your department to recommend an SID that put in a roundabout prior to any development on the other side of this street?

Jeremy Keene We were, we were looking at a roundabout at that location in anticipation of development. We understood that that property was likely to develop at some point and that there were also other properties further to the west and south that would also

develop and connecting Christian Drive was a goal. So, so we, we had planned and designed for a roundabout with the idea that at some point it would be installed. It may not have been installed immediately with this SID, it could, may have been deferred longer if the development wasn't happening, but it's part of the planning for the whole area.

Alderman Mike Nugent Follow-up? So, if you, if you had chosen to install the SID and the development wasn't there yet, would, would your intent have been something, to do something similar to what was done on Hillview Way with some sort of proportional allocation of the SID for future development? I know that was complicated, but I guess my question is, if it was going to be in before any development, was that SID just going to be spread over primarily the residential houses up there? Or how would the, how would these properties have been assessed?

Jeremy Keene Yeah, I think, I think it could have looked something like Hillview Way whereas, as those vacant properties are developed, they, they will pay an SID towards those improvements that were made on Hillview Way. So it's, it's kind of capturing development as it happens, as those costs happen. So, Hillview Way was improved and then we're recouping that cost over time. That, that could have been a similar way to approach this project.

Mayor Jordan Hess Thanks. Mr. Nugent are you done?

Alderman Mike Nugent For the moment...

Mayor Jordan Hess Okay. Mr. Woith.

Spencer Woith Yeah thank you. I think there's one other thing that we need to talk about when it comes to the burdening, the cost of this or actually two things. One that we can't forget is that all of these new houses will pay their impact fees that the city can use to help upgrade these things on top of what we're already paying for our proportional share. I didn't get a chance to do the math on what the impact fees are but for 176 units, it's going to be a fairly sizable chunk of money. The second thing I want to bring up and it's kind of, I'm definitely not a legal expert, but I think that there is, there has been some court cases where developers get burdened with too much if there's been an analysis that says that the development contributes 35%; it gets difficult to tag that development with 100% of those costs if there's been some kind of analysis determining that they really aren't responsible for 100%. And I'd have to defer to Mr. Nugent on that one, but I, I just want to make sure we don't do anything and get in trouble. Thank you.

Mayor Jordan Hess Thank you. There's no one else in my speaker queue. Anyone else have any comments at this time? Okay, I do have a question I guess for, for you Mr. Keene. Can you, can you talk about any kind of latecomer structure that might, that could be utilized in a situation like this? And I, I fully recognize that we're not, we're not developing a latecomers agreement on the floor tonight, but, but I'd be interested in what that might look like and if that's, if that's something that might be applicable here?

Jeremy Keene We, we have used that as a tool in the past, in particular where a subdivision may be building a road that extends to that property and then others would benefit from that road in the future, and we've used that as a as a tool to recapture some of those costs. 44 Ranch is the example where they built George Elmer Drive for a half mile out to where their subdivision was and then there's other now, other subdivisions happening. I think the tricky part with that is that we've already approved a lot of these subdivisions and so there's not a mechanism to go back and require a latecomer's agreement.

Mayor Jordan Hess Okay, thanks. Mr. Nugent.

Aldersperson Mike Nugent Mr. Keene, sorry, I know you just said this and I think I just missed it, but where is the anticipated boundary for assessment on that SID?

Jeremy Keene So I would, I would anticipate that it would include all of the what was the Teton Addition subdivision, so all the way out to Lower Miller Creek Road and we have contemplated also including an RSID, a rural SID to capture some of the county development that has happened, so it's a fairly broad area. I think it would include you know that rough number a thousand plus lots and so it spreads the cost down a lot. It's not, it's not going to cost burden any one particular area. It really is designed, it would be designed to benefit everyone that goes through that intersection on a regular basis.

Mayor Jordan Hess Ms. Sherrill.

Aldersperson Sherrill I'm using the wrong microphone. My first question was actually, Mr. Nugent asked that about what the assessment of the traffic on Miller Creek was and whether this roundabout would need to be put in if this development wasn't happening. So, I think that's kind of an interesting question, but around the latecomer fees, I mean is, maybe this is getting too complicated but you know is, is there, is, do we have the ability as developments go in further down that road that are actually benefiting and needing the roundabout when traffic coming from that other direction gets dense enough I guess that a roundabout is needed, do we have the ability for any tax remediation for those living in this development as the latecomer fees come in? Like, I mean is, is there any ability? Do you understand what I'm asking? Jeremy, I think it's Jeremy I would ask or maybe it's Dale?

Mayor Jordan Hess Yeah Mr. Keene.

Jeremy Keene I think it would be very difficult administratively to repay homeowners in the subdivision for a latecomers agreement. Typically, with the latecomers agreement, it goes back to the developer who installed the initial improvements I think what you're asking is there are other developments that could happen further out on this road along that future connection to Christian Drive. I think you can't really make an agreement with somebody that's not at the table, but we certainly could have a, have a mechanism to require those latecomer's agreements in the future if and when they do come in for development within the city.

Mayor Jordan Hess Ms. Sherrill.

Aldersperson Sherrill Okay, I mean, I think that answers my question as well as I think my question can be answered at this point in time.

Mayor Jordan Hess Okay, so Ms. Vasecka then Mr. Nugent.

Aldersperson Vasecka Ms. Sherrill's question actually sparked a similar question. So, I think Mike Nugent had something that was on this direct line of questioning.

Mayor Jordan Hess Okay. Mr. Nugent.

Aldersperson Mike Nugent So, Mr. Keene or, or whoever can answer this question that I'm still formulating in my head. Would it be possible for us to say the city via impact fees would pay for a portion of the roundabout with the anticipation that we would place reimbursement of those fees as a condition if and when future developments that would benefit from this from that direction occurred? I know this probably isn't something we're doing the floor tonight, but I'm just asking the question.

Mayor Jordan Hess Yeah, Mr. Keene or Mr. Bickell.

Jeremy Keene I, I'm just going to say yes I think we can do; I think we could do that. You know with good intention, understanding how and when we would want to require those in the future.

Mayor Jordan Hess Ms. Vasecka and then Ms. Becerra.

Aldersperson Vasecka Yeah. So, all of these questions and I guess everything's been spouting towards we absolutely do need a roundabout I'm assuming that that's the general consensus but what would happen if there was no roundabout and we just kept the streets as, as they are?

Jeremy Keene I think the roundabout really does two things. It helps with traffic and, and it helps even more with safety and part of what we want to do is make that a safe corridor for people to walk and bike along, to get to the school and so, so the roundabout really helps. It's a point where people can cross the road safely, it keeps traffic speeds down, it keeps driver frustration down because you're not waiting for those gaps to get into traffic. So, you know purely from a traffic standpoint maybe not, but I think in terms of developing a good balanced transportation system in that area it's important.

Aldersperson Vasecka Okay, thank you.

Mayor Jordan Hess Ms. Becerra.

Aldersperson Becerra Yeah, I am, I, I think Mike Nugent asked the question that I was trying to get at and I guess, I guess my, my comment more than question is that... I, I, I, 100% cost of roundabout to the developer is something that I don't think we have done unless, unless it benefits only that one project. So, I'm trying to wrap my head around how this would, how this could be done and I guess what I'm trying to get at ultimately is that for those current residents to, to be burdened with paying for the improvement seems unfair and asking 100% of the developer to, to put the improvement seems plausible but not necessarily fair either. So, I'm trying to think of a way that this can be done in a way that we all feel more comfortable, but I do want to say that it is an expensive improvement. I know that in some other places we have talked about six hundred thousand, seven hundred thousand, it could be a million dollar roundabout that we're talking about, so it is a big number. However, if you divide that number by the number of lots created so say 176 lots, then we're looking at \$5,600.00 or \$5,700.00 per lot or per unit, when you're buying a house that's probably going to be hundreds of thousands of dollars with a loan for a few decades to add another 500, I'm sorry five thousand seven hundred dollars doesn't seem like it's a deal breaker. So, I you know, I, I guess I'm not sure who I want to support, I'm not sure what I'm supporting but I do think it wouldn't be fair for current residents to have to pay for this. And I guess one question that I do have is I think Jeremy you mentioned that they there are subdivisions currently in place that have not paid into the improvements of the city have been planning to do prior to this project. So, do, do we know how much money would come or what portion I guess of the total cost that would be, what subdivisions are there that either have an assessment coming that hasn't been enforced by the city yet?

Mayor Jordan Hess Mr. Keene.

Jeremy Keene Well all of the subdivisions that have been approved in the last 20 years in that area have included that SID waiver. I'm not aware that any SIDs have been created and so we're not charging any of those but, but those subdivisions were built out in an area that was served by fairly rural you know what was originally a county road without curb and sidewalk or any of the things that we would typically have in a city street. So, so the, the intent of those waivers is that there's, there's other improvements that may be necessary in the future and that's... So, in the, in the subdivision, the Teton Addition has built out half of their phases I think. So, they have a number of phases yet to go that haven't been platted.

Aldersperson Becerra Okay, thanks.

Mayor Jordan Hess So without the amendment the, the staff proposal.... Is there another touch point with Council approving the, the actual funding split of the roundabout

construction or is that just staff discretion based on the traffic impact study or is that, is that number known yet or, or at what point, at what point is the funding split known without the amendment?

Jeremy Keene We have a little bit of work yet to do on the traffic impact study to finalize it, but I think we generally have concurred with the developers engineer that it's about 35%. That's typically not a Council process after you make the decision on the subdivision, that's typically done administratively within city engineering.

Mayor Jordan Hess Ms. Anderson.

Aldersperson Anderson Thanks so much. I, so great discussion I still stand by my amendment because one of the big things and I think Ms. Becerra brought this up is that you know my mortgage for lack of you know per story is set I know how much it is, I have baked it into my monthly payments of what I can do, as have my neighbors who currently exist. Whereas this increase at that the developer will see if this amendment is passed, he will pass it along to all of the development that's being built out and that will be factored into the price of the house. And so, the people who buy it will know exactly how much you know their mortgages based on the price of the house and all the various factors that go into that. So, I mean in terms of burden you know we you know need to think about what we keep putting on the existing homeowners who are already working within a budget set that they're trying to figure out you know monthly. Whereas this will be known to the folks who will be going to buy the homes and become our new neighbors. I worry about taking additional impact fees to help subsidize this because those impact fees that they all will be paying in will out will create a pool of money to do further improvements because not only will this subdivision create more of an issue at the roundabout that already exists at Upper and Lower Miller Creek but as there has been multiple, multiple public comments you know we also have significant traffic issues at the intersection of Miller Creek and Highway 93 or Brooks or however you want to call it. So, I don't want to you know kind of co-opt those funds that are needed to do larger improvements to help kind of offset the cost of this roundabout. Note that I do agree, appreciate the creative on the fly thinking that from Mr. Nugent there. So, that is you know kind of some of my thoughts on why to continue to support this amendment. The other question I have for Mr. Keene is you know to your point of the Teton subdivision which is kind of built even further west of this area, I mean a bunch of those homes, I mean we have no ability other than through an SID to what is already platted and is it being built out to add any costs to that developer, it is only when he comes back to you know I guess what the technical word is plot out the other remaining portions that have already been tentatively, that we can then change any agreements and so you know even though I mean that building is happening and earth is moving as we speak. There is no way other than through an SID to have them contribute to the share of traffic that they're seeing and it will only be when the developer comes to plot out the next phase of the subdivision that we can then change and add any additional fees, is that correct?

Mayor Jordan Hess Mr. Keene.

Jeremy Keene I, I believe that's correct, yes.

Mayor Jordan Hess Mr. Nugent.

Aldersperson Mike Nugent Yeah, a couple things. Ms. Vasecka, you asked a question about what would happen if we didn't put the roundabout in or what's there currently and currently there's a stop sign. So, the, the folks coming I'm probably going to get my directions wrong but coming north, oh east all right, the folks coming down from Jeanette Rankin to this intersection. Oh perfect, my compass was off. The folks coming north down to this intersection right now it's a, it's a free turn. There is no stop sign, there's a stop sign off of Old Bitterroot Road, which is where the subdivision is going. So, just to kind of give some clarity, if we didn't put a roundabout in and this, this subdivision went in

those 176 units plus all the folks I guess that may have vehicles living in the senior center who needed to exit this way would sit at a stop sign. Now, they probably wouldn't all exit at the same time, but, but there'd be a stop sign there, plus I guess the future religious assembly. So, giving that. I, I do have a question for Mr. Keene, a little bit closer on, I guess moving away from where this roundabout would be back towards the golf course at the intersection of Lower Miller Creek and Linda Vista. When I was growing up, the stop sign used to be for folks coming, coming off of this road. They would stop there and the folks turning off Lower Miller Creek into onto Linda Vista had a free turn. At some point, that stop sign got switched so it's now the stop signs at little base of Linda Vista and there's a free, free traffic flowing further down Lower Miller Creek. My question is has your assessment gone down to study that intersection as well? Is there a need for a roundabout there and if in that assessment do you have any idea how many homes empty out and sit at that stop sign every day?

Jeremy Keene I do not know that number, but we, we have looked at that intersection. We changed the stop sign a couple years ago when the traffic volumes on Lower Miller Creek started to you know even out with the Linda Vista Drive traffic volumes and because it's a T intersection, you typically stop the, the single leg at the T. So, it's just a little bit more what drivers would expect and because that's a, a right turn primarily, it tends to work pretty well and, and so I don't think we're reaching capacity of that stop sign controlled intersection yet.

Alderperson Mike Nugent All right, thanks. I have a couple more questions Mr. Mayor.

Mayor Jordan Hess Sure, go ahead.

Alderperson Mike Nugent If I can read my handwriting. If, if we were to look into saying that the city could contribute to that roundabout with the idea that they'd gain it back on future assessments, what is a reasonable, what is a, what's a reasonable percentage on that front and I know that you're probably not able to answer this because we're again doing this on the floor right now, but?

Jeremy Keene I, don't, I don't know how to pick a number there. You know, we, we're doing....our approach is to use the, the best tool we have, which is traffic volumes, trip generation to understand a proportional share and I think outside of that, you can, you can weigh the impacts differently in terms of what's creating the need for this roundabout and whether you wanted to make that percentage different or 100%, but I'm not sure how we would, at least not, not tonight anyway. I'm not sure how to answer that question.

Alderperson Mike Nugent I, I appreciate it and I know that there's no way for you to answer that question, so thanks for even thinking about it. The, and I, I want to say that I appreciate all the work that you and your, your department has done on this and I, I value that assessment. I think that it's unfortunate that the city's project and desires and this development are happening, happening at the same time, because to the public and I've sat through a public meeting on this topic. To the public it's, it, it will always seem like they had to pay for a roundabout that only benefits the development. I know, I know that we can make all kinds of technical arguments as to how it, it benefits the larger area, but I mean that's, that's going to be the perception and that's something that I think a lot of us on Council are struggling with right now.

Mayor Jordan Hess Thank you. Ms. West.

Alderperson West So, I have a question about the potentially capturing I guess the, the rural SID bit from people outside of the city limits and I guess how that would get set up? Is that a separate action by the County Commissioners or can we because it's so close to city limits views extra territorial rights? Like how, what's the mechanism that triggers that?

Jeremy Keene I saw Jim nodding, but I'll, I'll go first. I, you, we would have to do that through the County Commissioners to cooperatively create that RSID at the same time.

Jim Nugent Yes, that's correct. You would have to have the County Commissioners participate and approve this, that rural Special Improvement District for the properties outside of the city limits unless you annex those properties.

Alderson West And a follow-up question, is, is that a conversation that's been started already? Is that in process or is it dependent on all of this getting approved today?

Jeremy Keene No, we haven't started that process.

Alderson West Okay.

Mayor Jordan Hess And then the SID creation process is a Council action and there's typically a protest provision, but the, the protest rights have been waived in the cases of these properties. Is that, is that correct?

Jeremy Keene Likely, the majority of the properties. There are some existing properties that were not part of recent subdivisions that probably do not have protest waivers.

Mayor Jordan Hess Thanks. Next, Ms. Ms. Vasecka and then Ms. Farmer.

Alderson Vasecka Thanks, a couple of my questions got answered but I guess one of my main questions again is, I guess not again, but would? So, I'm assuming that if we're doing the roundabout at the same time as this development then it would cost less, no matter who the cost is to, it would cost less than in the immediate run if we did all this at once and we couldn't just install a roundabout later because you know all the all the digging will happen at once? So, is that correct? And then I do have a follow-up.

Jeremy Keene I think that's correct.

Alderson Vasecka Okay. And then is there, since Heidi kind of asked this question. Is there a way to have this roundabout happen regardless of how this amendment passes or does not pass? So, the Special Improvement District is not going to be set right away and also is there an instance of a roundabout or something similar within the city getting created with all the city funding for instead of just a Special Improvement District?

Jeremy Keene Yeah, we've certainly funded other roundabouts with using impact fees or other in like in the case of the Mullan BUILD Project using federal funding to help pay for that. So, you can certainly do that other ways. You know, our intent in starting a capital improvement project for Lower Miller Creek was to get ready for development. So, we, we started the project so we would have it designed and, and the roundabout was part of that design, anticipating that eventually this property would develop and that our implementing that roundabout what happened you know in concert with the development, and, and the SID would be the mechanism for, for paying for at least a part of it.

Alderson Vasecka Okay thank you. I think I'm all done with my questions for now.

Mayor Jordan Hess Ms. Farmer.

Alderson Farmer Yeah thanks. I'm not sure who can answer this, but I, I am curious where if there is precedence already for other developments? You mentioned the Christian Drive but that was because it did benefit that development. I'm just curious if there's other developments where we've done this and are we setting sort of a new precedence or has that precedence already, is it already out there?

Mayor Jordan Hess Mr. Keene.

Jeremy Keene Well, I think. So, one, one good example is Hillview Way. So, Hillview Way was improved with an SID and then we anticipate that there would be other

developments happening and that, as those developments occur be able to pay ourselves back for those improvements. There, there are other examples that those improvements were required of the developer to perform and then the developer was maybe reimbursed for a portion of it. The, the example I gave earlier was George Elmer Drive and the improvements that were made at that Mullan and George Elmer Drive prior to the roundabouts going in this year. There were some turn lane improvements that served for a number of years that the developer paid a portion of those and the city paid it's, what we considered a general public benefit using city-wide funding, city-wide impact fees or other funding that was more broadly spread. So, I think there are lots of examples where we've, we've done a cost share like that.

Mayor Jordan Hess Follow-up? Okay. Ms. Jones.

Alderperson Jones What about the example of Craig and Orange and the light going in? Could someone speak to that because my understanding is that situation, the developer was going to finance it.

Jeremy Keene So, Craig and Orange Lane was a subdivision condition for the Mill Site subdivision to construct a signal and they were required to pay for 100% of that. We have had a lot of discussions about that over the years and currently are in negotiation around a development agreement, which would get us other, other benefits as well but one of the things that we have on the table is to cost share on that signal, recognizing that Wyoming creates a connection between Russell and Orange and, and there's other developments happening in that neighborhood that all would benefit from a signal. And so, I'm trying to apportion the, the traffic that the Mill Site subdivision will create with other, other traffic that benefits from that corridor and from the signal that will go in there.

Mayor Jordan Hess Ms. Mouch, are you going to weigh in from the developer's standpoint?

Allison Mouch Yes and just to add on to what Jeremy is mentioning. I think it's important to remember that there is legal precedent related to the exaction applied to a development and the rough proportionality that in terms of impact that that development is creating. So, especially as we're thinking about the roundabout, there, there are a number of court cases and Mr. Nugent can, can probably speak to this related to assessing exactions or requiring the developer to pay their fair share or exceeding that fair share in terms of the direct impact contributed by the development versus sort of the, the universal or, or neighborhood-wide impact or benefit. And so, I think it's just really important when we're thinking about cost sharing that we keep in mind that there is precedent that is well established that sort of guides how we require the developer to pay for that exaction.

Mayor Jordan Hess So, it, it seems like there's general discomfort with the condition as, as originally proposed and it seems like there's also a potential desire to come up with a mechanism to ensure that there's some kind of latecomer payment into, into a roundabout, and it also is a fact that this is a subdivision with a statutory clock that is ticking and runs out in seven days and that this is a complicated issue that it doesn't appear that there's resolution on yet. What options exist for approving the subdivision and, and working out the specifics of the, the roundabout financing? Is there anything that, that allows us to continue to work at this while moving forward on the subdivision? Or do we need to, do we need to figure out this \$700,000.00 swing in this condition right tonight?

Alderperson Anderson Point of order Mr. Mayor. Can we take public comment on my motion at some point?

Mayor Jordan Hess Yes.

Alderperson Anderson Okay, thank you.

Mayor Jordan Hess We'll go through this speaker queue and then we'll go to public comment. Ms. McCrea.

Mary McCrea Thank you. Mary McCrea with Permits and Land Use Division. I think the original condition of approval that's in the subdivision includes a, a process, our standard process for spreading the cost and not having the developer pay. I, I really think that you have an amendment on the table and maybe you could vote to see if you have that support and the fallback for this one would be the subdivision condition as it's written in the, in the staff report.

Mayor Jordan Hess Thanks for that. And I apologize, I'm not sure whose hand, Ms. Anderson your hand was up from before I think, right? Or do you have? Okay. So, Ms. Becerra, Mr. Nugent, Ms. West and then we'll go to public comment.

Alderson Becerra Thank you. I, Mary just spoke to what I was gonna ask and I know that I read it in the staff report, but could we get a, could I get clarification on why the 35%? And is that based on the traffic analysis done for the residential portion, does it include the potential religious assembly traffic? I guess, I guess I would like to know a little bit more of the rationale for the 35% versus why not 50% or why not 75% on the developer? I think it'd be informative to have that, and I also wanted to ask about, there are ways for us to condition something, well not us, but for staff to make conditions during the building permit approval process. Should we not capture something now, so is, would that be a time where additional costs can be put on the developer or is that too late in the game if we were to wait until we know more and better?

Mayor Jordan Hess Mr. Keene or Ms. McCrea? Would either of you?

Jeremy Keene I'll, I'll speak to the question about how the 35% was determined. So, Ryan Guelff, our transportation engineer provided comments at LUP back in, in November, end of November. We, we reviewed their traffic analysis including an updated memo regarding the religious assembly and we concurred with their analysis in terms of the traffic volumes and the 35% is just the proportion of that new trip generation to the existing traffic that's already on Miller Creek Road. And I can try to answer the second question, if you'll remind me what it was.

Mayor Jordan Hess Ms. Becerra.

Alderson Becerra I think I forgot myself. Oh, can we place conditions during the building permit approval process?

Mayor Jordan Hess Ms. McCrea is shaking her head no.

Jeremy Keene Yeah, I, I don't know the answer to that.

Mary McCrea So, this is the roundabouts in the phase 1A and they have to meet the conditions of approval prior to final plat approval. They could put, they either build it prior to the plat being filed or they put in an improvements agreement guaranteed by a security. So, it wouldn't get built right away, but it's one of those things that's you know the roads have to get built to a certain standard to begin with to provide fire access before combustibles construction starts on lots. So, they are, you know, it is fairly tied; it would be difficult to put it on each building permit, right.

Alderson Becerra Yeah, yep, I understand. Thank you.

Mayor Jordan Hess Mr. Nugent.

Alderson Mike Nugent Thanks Mr. Mayor. I think that, that maybe a little bit the issue I'm having because I've agreed with some of the points that have been made and I, I definitely understand what the developer is saying, 35% just seems low to me, and I mean I don't know if there's, there's a number in between or there's a way as the Mayor

kind of alluded to, to find a mechanism to kind of approve this with the with the expectation that staff and the developer will sit down and hammer the details of this particular part out down the road and maybe that is passing the amendment as is and then having them discuss it further. You know, doing the math, if, if the roundabout's a million dollars and there's 176 units being built and you can spread that roundabout, that SID out over 20 years, it's about \$285.00 a year plus there'd be some interest, so probably \$300.00. And I'd be curious if there's a way to, to kind of designate that portion of the future SID to the this new development so that the, the neighbors are paying for things like the sidewalk on the other side and, and other improvements but the roundabout itself is being paid for by, by these particular ones. And then those calculations don't factor in that that the large senior living facility and the large religious assembly/facility would also be assessed, and they'd be an assessed in a way that's higher than just one residential unit.

Mayor Jordan Hess Thanks. Good points. Ms. West next or....

Aldersperson West I think, I think I'm struggling with both the amendment and the existing language because I think 35% is too low, but I also feel like covering the entire cost is also not maybe the correct thing to do. I, I don't think just because people were there first, you know they get out of you know somehow don't share I guess responsibility for shared infrastructure improvements, but that being said, I guess if we're voting on this first and then going back to the original motion, yeah I would hope that there could be a you know, you know maybe the developer shoulders no less than 50% and then staff can figure out you know in that gap between 50% and 100% where they're going. I just, I don't know, I, I'm, I'm not really comfortable with either direction, if that makes sense?

Mayor Jordan Hess Thanks. Ms. Anderson.....

[numerous people speaking] we can't hear you.

Marty Rehbein Yeah folks in Internet land cannot hear you without the mic....

Aldersperson Anderson Thanks so much. I appreciate Ms. McCrea kind of pointing out where we are at this juncture. I'm, I am really uncomfortable with the developer's representatives keeping talking about legal precedence because thus far, there is a mixture of legal precedent. Obviously, the infrastructure improvements that are being required of the developer at the Old Sawmill District, I mean that is in the heart of Missoula and they are being shouldered 100% of that, and then there is development farther out where it's like okay you know the development ended and now it's being expanded and the developer is 100% being responsible for that. So, I think that there is a variety of use cases. I think that for all the reasons that I will not reiterate that this seems appropriate and would encourage my fellow colleagues to support it because I do think that there is a plenty of, there are other improvements but this is really to me, especially given that this roundabout will immediately facilitate entrance and exit of this develop, the subdivision that is just a bunch of weeds at the moment, so not really to you know to me is the crux of the difference and why it seems appropriate to ask for the developer to do all of it. Thank you.

Mayor Jordan Hess Ms. Sherrill.

Aldersperson Sherrill Yeah thanks. My thinking was a bit along the same lines as Ms. West as far as and I think Mr. Nugent, 35 seems too low to me a hundred, I can see where it should also, shouldn't be 100 but I also don't want to pull a number as a friendly amendment out of a, out of a hat. So, what, could someone answer Heidi's question about you know could we go, not, not that Ms. Anderson's going to accept this, but, but could we go with 50%, somewhere between 50% and 100% and have them work that out afterwards. I mean what, what are our ability to do that I guess is my first, first question

because that makes sense to me. I don't want to just pull a number out of a hat tonight and a hundred seems a little too much and 35 is, seems too low to me.

Mayor Jordan Hess So, I'm going to go to staff first, if anyone wants to answer and then Mr. Woith, I'll go to you next. Mr. Keene do you have a, do you want to weigh-in on that?

Jeremy Keene I don't, I don't know how to pick a number. What I think is being asked is, is there a way to approve the subdivision but come back to Council at a future time and, and have an agreement on what that number should be?

Mayor Jordan Hess Yeah, Jim Nugent.

Jim Nugent Did Mary say that or you, someone say there's seven more days? So, do we have till next Monday on the subdivision deadline or does it have to be voted on tonight? And then my other observation is that I've said this in committee several times and it's important to keep it in mind, the cornerstone for Special Improvement Districts, if you use a Special Improvement District is benefit. And we, the City of Missoula, has been to the Supreme Court twice about benefit, the most recent one being this the flood water coming off Farview down in the Pattee Creek and it was the Pattee Creek, and it was the Pattee Creek major project that generated 23%, I think it was on the hillside and 77% down on the valley floor, but it's important that there'd be benefit that's reasonable and that's been analyzed. That's not to say that Jeremy and his staff can't go back and look closer at the, the 35 percent%, I'm just saying what some of you have also said, don't pick a number out of the hat. We need to have something that's legally defensible, which has to be reasonable analysis and it's quite possible that 35% is inadequate, but you need to instruct Jeremy and those folks to review it and re-study it and revisit it to come up with the number, but what the courts and the City Council has to make the decision on a Special Improvement District. The courts will decide that the City Council has discretion as long as a determined benefit reasonably. If there's a mistake, the Supreme Court has said if there's a mistake for fraud or collusion, they'll invalidate. So, what you've got to avoid is being classified as making a mistake. What you need to focus on is reasonable benefit and I don't know how much time you have to work with it. You could also, if necessary, call a special meeting before next Monday if you send it back. It also seems like this is more appropriate and I think Mary McCrea touched on this already. It probably is more appropriate as a subdivision condition rather than an annexation condition.

Mayor Jordan Hess Ms. Anderson has a question, a clarifying question.

Aldersperson Anderson Sorry, not to jump the line, but Mr. Nugent, attorney Nugent. You were referencing the proportionality about a Special Improvement District. I guess the question that's before the body right now is the proportionality of what we can ask of a developer to as a part of the improvements that they're required as a part of their application because I think to me that you know, yes if the we do not get the developer to pay 100% then then at some other point, we have to figure out how to make up the difference, and that is where a Special Improvement District may come in and then we will have to figure out the proportionality of how that is all assessed, but I the question that I, I think the body would like some guidance from you on. Is where, what, how does proportionality factor into what we can ask of a developer in this particular situation?

Jim Nugent Okay, I think it's quite parallel, quite similar in that it's going to have to be reasonable imposition that's imposed on whoever ends up paying and that's why I think Mr. Keene mentioned, Jeremy mentioned the Hillview Way. The city contributed the monies there from multiple sources, as I recall, and it may be that the city has to look at options that might involve city contributing money also, but I think the bottom line Stacie will always come down to was it fair, reasonable, and just and with respect to the benefit attributable to this subdivision. So, the City Council discretion is likely going to be recognized by the courts as long as it's reasonable and it's keyed in somewhat

reasonably to the benefit that the City Council determines but the ultimate decision is it's the City Council that determines benefit, and has the discretion to determine benefit, but you can instruct your staff to look a little closer, a little finer at some numbers if you're not satisfied with some of the numbers that are on the table right now, I guess you'd say.

Mayor Jordan Hess Ms. McCrea.

Mary McCrea Thank you. So, in, in the subdivisions I've been involved with that for the last 20 years that have gone to court, we get in trouble when we require a condition based on serving the city, not just the develop, the development itself and that's why when there's an annexation, we include those conditions in the annexation as well as the subdivision because the annexation is a choice if they want to do the development, it's, it's more contract law in terms of you know it's a condition and it's not through subdivision and platting act and those regulations. So, I would recommend it be in both annexation and subdivision, but I do agree that you know it has to, I don't think if we had an LUP and then we had another Council meeting, I don't know that engineering will have the time to re-look at the traffic study and come up with a number that they could base that on that's a better percentage. So, I, I think what we're hearing is that from engineering, as is this roundabout will serve this development, but it also will serve the entire community that's south of where this roundabout is. Right? I really, I'm not sure you're going to have more information, but I do believe with the statutory deadline, we need a decision on the amendment or, or the staff's version, we could add a language to that condition that, that says.... I mean there's nothing in the language of the condition that says the developer will pay 35% of the cost, right? So, we could change the condition to say 50%, but I'm not, I think we're just I think you'd be pulling that out of the air because it I don't know that we have any facts to support that. So, for any decision you make, we need findings of fact to back it up because we're going to have to have a written record of Council's decision and why you made this decision.

Mayor Jordan Hess Thanks Ms. McCrea. Ms. West, next.

Alderson West I thought I knew what my question was, but now I feel like I'm extra confused. So, so Mary, I'm going to ask a clarifying question first. So, that 35%, that isn't a guaranteed split at this point? Like where did that number come from?

Cassie Tripard Yeah, I can help with that. So, the current, current conditions just reference that they need to enter into an SID waiver. It does not reference the roundabout or have an SID waiver and then engineering later would be establishing that cost and getting the money from them. So, the new condition, in memo number one, just requires full installation and cost from the developer and that 35% was based on the traffic impact study.

Alderson West So, I, I guess, I wanted to clarify that I wasn't, like, I, I wasn't intending that we came to a solid number tonight and I, I guess I also, I don't feel like I know the facts and like we're a bit away from having those to determine the split. I was more based on the location of where the roundabout is, I guess I was feeling like there would be a disparate you know disproportionate benefit to the you know the subdivision that's going to be built. So, I was suggesting that maybe we set, I guess a bottom and I guess and but I don't know that I but you're saying Mary that we can't really say anything without having facts to back it up. You know, if we, so if we were to say, you know that they pay no less than 50% of the cost of the build out and it comes back that the disproportionate share of the infrastructure is 85%, then they would pay 85% instead. Do you understand what I'm saying?

Mary McCrea I do. I just, I'm not sure what the 50% is based on, that they'll pay at least 50%, it's sort of a hunch that they should, you know that that's how much and so Cassie has some findings of fact for, for the developer paying the entirety of the cost in memo number one. Perhaps, you could use those findings for that percentage, but the, the

difficulty is going to be, typically we base it on traffic right? And how much traffic and the traffic study, and I think what we're hearing from engineering is there is already quite a bit of traffic that's going to use that roundabout that exists today regardless and then you add this traffic and it's about 35% of the total. I'm a math person, so the math kind of makes sense to me. You know, I want it to add up.

Mayor Jordan Hess So, I guess a couple of observations is that, that the split is it, as, as in the staff proposed condition is determined at the time of the final, the acceptance of the final traffic impact study and, and that that is not I mean 35% is, is a number that's in use right now, but that that's a number that's determined with definitively by staff at the time of that of that study being reviewed and accepted? Is that fair?

Cassie Tripard Jeremy, is it when the final traffic impact study is established or is it at the time you guys need to collect money for the improvements? I guess when does one does the 35 become a final number or something close to it?

Jeremy Keene Yeah, I think, I think it would be when we approve that final traffic impact study and I think that would happen around the time that they file the first phase of plat, I'm not mistaken.

Mayor Jordan Hess And, and also the, the SID, as a funding source is, I mean that that that is a separate Council action and a separate a separate process and, and presumably this also becomes a, a CIP process as well.

Jeremy Keene Yeah, I think that's important. There's, there's a whole separate process to create the SID and to apportion the benefits of those SI, of that SID to the different areas and that can be done in a number of different ways and maybe that's a place that it could be weighted differently, depending on how the, the proximity to the to the roundabout or, or even looking at new traffic versus existing traffic, so, we know there's a certain amount of background traffic already out there. We have new development occurring with this project but also other phases of subdivisions that haven't been platted yet.

Mayor Jordan Hess Okay thanks. I mean, I said this before and I'm going to stick to it this time. I'm going to go through our existing speaker queue and then I'm going to break and go to public comments. So Mr. Nugent, Ms. Savage, and Ms. Anderson and then we'll go to public comment.

Alderson Mike Nugent Thank you Mr. Mayor. This is my first comment of the night, so I don't know what you're talking about. I, I, I'm a little bit confused based on the conversation line we just had. So, the, the 35% that we're talking about having them sign a an SID waiver and the developer is going to pay an amount, which we're using 35%, but it could change at some point. So, what's the mechanism assuring that the developer will agree to pay whatever that amount may be, if you come back and say it's 39 or 41?

Jeremy Keene Well, the, the current condition says that there will be a proportional share for the roundabout based on the traffic analysis, based on approval of a final traffic impact study, and so that's, that's the point where we would determine the exact amount.

Alderson Mike Nugent So, could we not just amend that condition to say, once the final traffic analysis is completed, the city and the developer need to come up with, reach an agreement on the appropriate amount and then that has to come to Council? What I'm trying to do is look for a way for us to address this issue and acknowledge that maybe there's some more talking about it without derailing this whole process because I think, I think everything else is ready to be voted on in my opinion. So, I think that, that would add a Council approval with, in what's normally a staff approval, but I think that that would be... that, that I mean, I would defer to staff as far as whether or not that's possible but I think that's....

Mayor Jordan Hess Ms. McCrea.

Mary McCrea I think that the exact amount for the SID, I mean the, the roundabout will be designed and the cost will be determined prior to the phase 1A final plat approval. The actual, it'll likely go in an improvements agreement guaranteed by a security and then the SID will come back in front of Council for approval for that SID. And so, I think that's the time when Council would have an opportunity for the proportionate share to both, you know existing residents and new development, and how to craft that. Is that correct Jeremy? That was my understanding....

Jeremy Keene That, that was my thought too, but I do think that when we go to create the SID, we have to have a good understanding of what the development is responsible for, so, some, some percentage of that traffic.

Mayor Jordan Hess And thanks for putting that up, Ms. Tripard. Okay, Ms. Savage followed by Ms. Anderson.

Alderson Savage I just had a couple clarifying questions. Like, what, what is our statutory deadline? Do we have seven days?

Mayor Jordan Hess It's December 19th.

Alderson Savage December 19th. And when do we anticipate the traffic study will be complete?

Mayor Jordan Hess Mr. Keene.

Jeremy Keene My understanding is that it would be sometime after that approval date, it's not going to happen in the next week.

Mayor Jordan Hess Ms. Anderson.

Alderson Anderson Ms. Savage? Yes. Okay, a couple of things to note. That the traffic study is done by the developers team, so there's obviously an incentive from there. It will be verified by the city, but I just you know think that that's important to say on the record, the develop, the developers team is putting together the traffic study that then everything else is based upon. So, then, that it was done in April of 2021, which I've already asked the question on the record about the fact that you know, I know my personal traffic patterns were different in April of 2021 because I didn't even have a vaccine yet, so I wasn't leaving my house, and there also doesn't take into effect all of the additional, you know, growth that has happened in the community. Second of point, I want to make is that we ask for developers to do improvements and shoulder the entire cost for example sidewalks, but yet the neighborhood around it will be able to benefit from it. So, I think there is larger precedent for us to ask a developer who is coming in. Yes, there is traffic currently there utilizing that road, but I feel and the you know if you look at memo one there is findings of facts that Ms. Tripard put together that's you know bolster and give us a reason to vote to have the developer pay for the whole thing. Is it, to me this is the tipping point, this is, you know but for this development the current traffic is, can be you know serviced by the street, it's not perfect there's long-term improvements planned, as there is in lots of different places but to me this this particular development really changes the entire traffic pattern for that area and that this develop, this particular roundabout in its placement, I think disproportionately or I think you know but for this development creates the entrance point and to this subdivision and so to me this is the tipping point and I do think that there is precedence to have a developer you know shoulder the you know all of the costs for improvements even though there will be people around it who utilize it that is not something that we haven't done before. And I think that I don't want to put staff in a position where they're having to negotiate some sort of weird compromise because you know it's our job to make the tough decisions and

you know I, I don't necessarily think that there is any from what I've heard from feedback from staff that you know who is going to be the ultimate arbitrator if when they decide on the ultimate traffic study if staff says one number, the developer says another number. You know we, clarity is something that we are constantly being asked for by the development community, I think this provides a lot of clarity and also provides the surrounding community clarity as well.

Mayor Jordan Hess Thanks. I'm in a, I'm going to stick with my pledge to break after Ms. Anderson for public comments, so I'll come back to everyone else in the queue right after that. So, if anyone, you can leave your hands up, but if anyone would like to provide public comment, please raise your hand or step up to the microphone. We'll go to the room first. Mr. Odegaard and then we'll go to the online.

Doug Odegaard Thank you Mr. Mayor. So, bear with me everyone, I'm going to be very blunt. We have a, we have two developers that came on here talking about legal precedent. We have an organization, Goodman Group, who, as I just checked on my phone, has a 24 billion dollar market cap. We have a church that has about a hundred million in cash, 100 billion in cash, excuse me. We have a developer who is behind this who has built a complex just up the road from me on Lower Miller Creek that makes \$35,000.00 a month in rent, and we're, the development group is fighting back for a portion of say \$600,000.00. This is not in the community's benefit to, for us to pay for it. I've been there 15 years; this roundabout will not benefit me. It will benefit the Goodman Group, it will benefit the church that will be there, and the 400 some people that will come on a Sunday and, and come and go maybe. I don't know the exact count. Also, it was a developer funded traffic study and I am asking the traffic department to speed up. We've been talking about this for a long time; I went to a meeting in 2019 about this. So, we've got, I do not believe that we can base our percentages, our 35% on a 2021 study that was funded by the developer. Thank you.

Mayor Jordan Hess Thank you Mr. Odegaard. I'm going to go to online comment next and I have Alex Fregerio. Mr. Fregerio, you should be able to unmute yourself now.

Alex Fregerio I, am I unmuted, can you hear me.

Mayor Jordan Hess Yes we can.

Alex Fregerio Okay, this is Alex Fregerio, Ward 5, Miller Creek. I would 100% support this amendment. I would encourage everybody to vote for this amendment. Like Doug said, you know the first thing I question is that study. As Stacie pointed out, it was conducted during COVID, it was sponsored by the subdivider, and so, I, I really can't see where 35% is a just value. Just looking at the map of the of that area, you have approximately 200 houses that come out on that road there and you're adding another 176 units not including the multi-housing units there. And so, it's hard to determine where that number comes from, where that 35% is. You also have one building over there that gets the majority of the trips and that's the school and so, I, I just really questioned that study and I question any sort of subdivider sponsored study and the accuracy of that and it is, going to determine who pays for this and who shoulders the burden of this cost. So, I think that the accuracy is really important in this case. You know and then when we think about the future of how this SID is going to work, again, if you just look at the map of the area, there's approximately 200 single-family homes that use that road, that need to use that road exclusively to get out of that area. Otherwise, all of the trips are people going to the school and so, when they draw the map for the SID, I seriously doubt that it's all going to fall on those 200 individual houses to pay for. It's going to have to be extended eastward into the Linda Vista area, Upper Miller Creek, and so on, and as anyone in this Ward knows, a lot of those houses are senior citizens, people that don't have kids that are never going in that direction. So, how does that roundabout benefit them if they're never going to head west, if they're never going to use the roundabout? It's hard to justify that benefit. So, if I just think about my daily trip

where I go and drop my daughter off at the school every day, I have no problems at all going around that corner and heading to the school, traffic is not an issue and it's not something where a roundabout would just be justified for me personally at this time, but everybody that's in that new development, if that roundabout wasn't there is going to have to take a left-hand turn out of there on the Lower Miller Creek Road. So, when we just look purely at that idea, if the roundabout wasn't there, who would benefit from having it? It's all the people in the new development and that's what's justifying that and that's how all the recurrent residents see it. I understand that the city was already planning this sort of traffic development for the future and so on, but it pretty much only benefits the people and the developer that live there. And so, I think it's very fair to pass over 100% of that cost to the developer and I think that the people that end up buying those units will gladly pay that extra five thousand dollars or whatever it was that Mirtha pointed out that they would have rolled into the cost of their mortgage, and, and in the end, I think that's much more fair than asking either those 200 houses in that immediate area to shoulder that cost or to spread it out to the existing units to the east where a lot of those houses will see no benefit from it because they never head in that direction because there's no sort of commercial buildings there or anything for them to use unless you have a kid that goes to Jeannette Rankin. So, I, I support this amendment. I can see where there's some issues and it might have to be sorted out down the line, but I think for now, it's, you can't move forward until those issues are figured out and there's some sort of solution came up here that doesn't involve passing over 65% of the cost to the existing neighborhood. So thank you for your consideration.

Mayor Jordan Hess Thank you Mr. Fregerio. Next, I believe, we have Julie Anton on the phone. Ms. Anton, you should be able to unmute, I think with *6.

Julie Anton Hi, this is Julie Anton resident of Maloney Ranch, and I just have a case example that I think is worthy of thought. So, I used to live in Franklin to the Fort neighborhood and I tore down my old dilapidated garage, built a new one, and in the process was required by the city to pave my portion of the alleyway that was gravel. That alleyway surely benefited all the other homes on the alleyway, yet I had to pave my portion and I had to pay the entire cost, no one else helped me with that. So, I think that's something worth noting and then another point, if the roundabout was not built, I would love to know from a developer how his people are going to get in and out of that neighborhood. I think that tells you what, who benefits from this roundabout and it's not the people who are currently living here. And then the last thing is, you guys keep talking about this proportionate share and it seems like it's very hypothetical at the moment because we don't have the traffic study concluded to even give us the data we need to figure out who, who needs what, but where, where I'm stuck at and I might be thinking about this the wrong way, so excuse me if I am, but you're basing this percentage off of the total traffic counts currently on Lower Miller Creek Road. You're not basing it off of the total traffic who is going to be taxed this SID and so, if you're going to do a proportionate share, I think we need to look at the area that the SID is being taxed to and then we can assess proportionate share based on the traffic from those homes. I don't know how the heck you do that, but it just seems like, in summary, you're based in a proportionate share off of an entire valley of traffic count, as opposed to who will be impacted by the SID and I think that's also important to think about. So, it's complicated, I know. I appreciate all of your time and that's all I got.

Mayor Jordan Hess Thank you Ms. Anton, I appreciate your comment. I have Wendy Miklos next.

Wendy Miklos Hello, can you hear me okay?

Mayor Jordan Hess Yes we can.

Wendy Miklos All right, thank you. My comment is such, we know there's 176 lots going in and that there's going to be 288 you know, give or take, resident homes, townhomes,

and a religious assembly, and not a nursing home, but you know an assistance home. But how did that traffic study come to take place without having traffic that exists? That's what I would really like to be considered here because we know it's done by the developer and you know even if there's another study done, it's going to be based on traffic that does not yet exist and it wouldn't exist unless this, you know, development was being proposed, but I know there's folks on the on the Council that like to see numbers. Well, just for a moment, if there's 288 households and say there's two residents per household that drive, either for work or for coming into town for groceries, you know, what not, but if there's two people in that household that are driving on almost a daily basis, you are adding almost 600, you're adding 576 additional vehicles on Lower Miller Creek and coming out, solely out of that subdivision and that does not include workers who may need to come work at that assisted living facility, parishioners for the religious assembly, and you know depending on how active that religious assembly is, that could be a substantial number and I also understand that there is a public park as part of the planning, it doesn't take into account the use of that park. You know and that could benefit anyone from any area of the city or from someone who's visiting from out of town. So, I mean think about your current commute, would you be able to satisfactorily make your commute without a big impact to your commute time, when you're looking at 576 additional vehicles on your route? And I would just like for a moment to take a step back and again plead for keeping the low density, I believe it was R20, as someone mentioned earlier of the area that's considered being annexed. Thank you.

Mayor Jordan Hess Thank you for your comment. I don't see anyone else in the queue for public comment. So, at this point, we can return to the speaker queue. We have next on the list Mr. Carlino.

Alderman Carlino Thanks. Yeah, I was just going to point out that we had received a handful of written comments in favor of the developer paying for the entire roundabout and, and we've also heard from a handful of public commenters in person over the last meeting and today that they agree that the developer, it would be best for the developer to pay the whole entire portion of the roundabout. And, as far as I saw, through all the written comments and, and heard comments here, it seemed like the only public commenter who opposed this idea of this amendment was the developer. So, I just encourage us all to try and make amendments when appropriate and for the community benefit, and I think it's a really important part, way to show that we're listening to the public and that we're willing to try and make decisions based off of what the public has said and for entire public benefit, and I think it would be appropriate to make the developer pay his cost.

Mayor Jordan Hess I've got Jim Nugent next.

Jim Nugent There's been a lot of loose language about Special Improvement Districts, and I just want to make it clear that only the City Council can create a Special Improvement District, and only the City Council can adopt the assessments that it's going to charge against these other properties, or if there ever was a Special Improvement District. There are many tools that can be used could potentially pay for the roundabout, but it requires a process for Special Improvement District that involves notice, public hearing, and City Council resolution. So, only the City Council can do the Special Improvement District, if that turns out to be one of the tools, whether it's part tool or the whole tool.

Mayor Jordan Hess Thank you Mr. Nugent. Ms. Vasecka.

Alderman Vasecka Thanks. I really appreciate all the discussion tonight and I, I am really conflicted about this. So, I'm looking at Google Maps and while I was just, I was just in that area a couple weeks ago, I actually never went to that specific area to see where the stop sign actually was and from our discussion tonight, it sounds like there is a stop sign on the southeast corner of Lower Miller Creek Road where it takes a right,

takes it east, east way about and there's a stop sign there. So, that doesn't really make on Old Bitterroot Road, so I don't know if I'm correct in that assessment, but going on my, my thought is, what if instead of a roundabout, we put a stop sign coming off of Old Bitterroot Road from the west and then that where Lower Miller Creek Road goes north and is onto the private property, if that's where the development wants to be, like put a stop sign there. So the development, they all have to stop but the oncoming traffic can just make that turn. Is that an option at all?

Mayor Jordan Hess Mr. Keene.

Jeremy Keene I don't know that that would, I don't know if that would be our safest way to configure that intersection. You've got a high volume of turning traffic there and really the what, what would be the through movement is what you're asking to stop and it's, I don't, it's a little bit unusual and kind of the same situation we were trying to remedy on Linda Vista Drive and Lower Miller Creek by reconfiguring the stop sign to the, the single leg of the T intersection. So, a stop-controlled intersection here where Lower Miller Creek Road as you go north stops at the T that, that would be a more conventional setup for that intersection and I think would work a lot safer.

Alderson Vasecka Okay. That's why I ask these questions because I'm not an engineer. So, I'm, I guess now it's the comment period. So, I am uncomfortable with this amendment having the entire roundabout costs going to the developer because that's going to discourage developers in the future because it's, what in the seven figures....That's, that's a substantial amount of money and that will be trickled down to the people who ended up buying or renting those, those places and I also have a bit of worry with, with press, with precedent because once something is declared a precedent, then it's uncomfortable and sometimes ill-mannered and sometimes even illegal to go against precedent in the past and it is a huge ordeal. So, I was really uncomfortable with that being thrown around a lot today. And just because somebody paid for something in the past or did not pay for something in the past, things change. There's a lot of different factors in every different development, so I'm uncomfortable with both the amendment and I guess if the, if the event the amendment didn't pass. So, I'm, I'm in a sticky situation here because I don't think that the developer should pay 100% of the cost but it is, I guess uncomfortable to say that the developer has to pay a proportional amount of the roundabout fee when we don't really know what that number is yet. So, I guess that's just my line of thinking at this at this moment in time and I really appreciate all the discussion from everybody.

Mayor Jordan Hess Thanks. Ms. Jones. Oh, oh I'm sorry, Ms. McCrea, do you want to weigh in?

Mary McCrea Yes, Cassie is working on a slide of an amendment to the condition that Jeremy, Cassie, and I have been working on that might, might assist in your decision. I would just add for cost share creation of an SID subject to City Council approval prior to phase 1A final plat approval, and we retain the other condition or some language of it of condition of approval number six that talks about the traffic analysis. We could amend some of the language in that condition, but I do think having an updated traffic analysis should still be required prior to phase 1A final plat approval.

Mayor Jordan Hess Okay and I think it's extremely important that Council does not set a numeric number tonight, that needs to be based on, that, that needs to be based on the, the factual circumstances in the in the traffic impact study and so, I think that's important. Also, I think it's important to get into the record the distinction between background traffic and, and the impact of new development, whether it's this new development or other new development, and in, just in the original condition, I, I particularly like the that results from the traffic analysis will inform decisions for the subdivider and/or future residents to contribute a proportionate share. And I read that, and I guess I would just state into the record for staff's finding of the facts that to me, that proportional share is, is the new

share beyond the existing background and I think that's consistent with how we've, with how we've done this in some other projects. So, and then and that that original condition also talks about potential participation in a Special Improvement District, impact fees, latecomer's fees, or other methods, as provided for in our subdivision regulations. So....

Mary McCrea We could come back..... I'm sorry we could combine the two conditions. You could think about that.

Mayor Jordan Hess Okay...

Mary McCrea Into one.....

Mayor Jordan Hess And I also am personally comfortable with, with the development agreement approach, although I know we're trying to move away from those. So, Ms. Jones.

Aldersperson Jones That's why we're doing code reform....So.... Thank you. Thanks for all of the good questions and discussion tonight and I've had a lot of thoughts as I've listened to all of it and I, I do have a couple of questions, but I also appreciate what you just pulled up Mary and Cassie, I think that is a good direction to go in. But I respect and understand that there, as Jim Nugent was saying, it has to be some rational, reasonable, logical proportionate share, it can't just be a number plucked out of the sky, but also I think the rub that we're having such tension with tonight is when you look at this map and you look at where the roundabout is located, it's not like a roundabout that's located somewhere else where it spins off into numerous different directions and benefits a lot of other areas. This is, this is really kind of a finite application for a roundabout and so I guess my question, Jeremy, probably to you is. If this development wasn't going in would we be putting a roundabout here? Say this was never developed for the next 100 years, would we put money into a roundabout in this location?

Jeremy Keene So, if we knew there wasn't going to be any more development in this area, I would say no.

Aldersperson Jones Okay. So, on the other hand, I understand that we look at things holistically and we want a good transportation system for everywhere for this entire Miller Creek region. So, to turn it upside down, is this roundabout benefiting the entire area also? If it goes in and this construction goes in, the development goes in?

Jeremy Keene Yes it is. If we develop, if we develop this area, as we have planned in our Growth Policy and our subdivision approvals, the roundabout benefits everybody that's there.

Aldersperson Jones Okay thanks. So, it's, it's just a tough one to split the baby on I guess and I'm not helping your cause at all Ms. Anderson, but, but I appreciate the new conditions that were drafted up. I think it does capture the intention of, I, I appreciate those and I, I think, I will, I need to read them again and then think about supporting that.

Mayor Jordan Hess Okay. So, we've gone a while without a recess. It might, should, how about we take a quick recess and, and then if there's any, if there's any opportunity to, to combine these conditions into something that, that staff would favor, we can, we can come back and discuss and discuss that in a bit in a bit. Does, does that work for, for staff and for Council members? I also I recognize that, that doesn't give staff a recess, which....So, take a break and then let's, let's circulate if, if you all have any ideas on how to synthesize this into a potential new condition, and we'll recess until five to nine, 13 minutes.....

Mayor Jordan Hess Okay, we will be back in order. I have Ms. West has her hand up and I don't know if that's from before or, or Heidi if you want to add anything now?

Alderson West I guess I'm not entirely sure where we're at. Are we still with the original motion of the 100%?

Mayor Jordan Hess That motion is on the floor. I think that Ms. Tripard has a new proposal perhaps and so Ms. Tripard, I'll go to you, and you can give us an update, and then we can go to Ms. Anderson and see what her pleasure is with her with her motion to amend.

Alderson West Okay, so I'll just wait till that's done.

Mayor Jordan Hess Okay.

Cassie Tripard So, what staff came up with during break, essentially, it's, it's a combination of both. It requires the subdivider to provide the updated traffic impact study. It also requires them to install the roundabout, cover 100% of the cost unless there is a development agreement for cost share that is executed subject to approval by City Council, informed by the traffic study. So, it does leave this up this, the developer the option to come back to City Council more or less with a development agreement and cost sharing, but if that doesn't happen then they would have to install and pay for the full roundabout.

Mayor Jordan Hess Okay. Ms. Anderson.

Alderson Anderson Okay, so, well I guess, I don't want to jump the line.

Mayor Jordan Hess Well....

Alderson Anderson I'm not ready to amend my motion because I have a couple clarifying questions before I'm willing to do that.

Mayor Jordan Hess Okay, so let's go to Ms. West first then back to you, Ms. Anderson.

Alderson West Okay, so I think my, I think my comment actually applies to both the existing motion and the amendments. I think that I am not going to support something that has the language of 100% of the cost in it. I think as a Council and as a community, we've been talking a lot about what equity is and I think that this is a great example of when equity doesn't feel fair, but that doesn't mean that it's not equitable. So, I think while I, I think I, I agree maybe with Jordan's suggest.... the Mayor's suggestion of identifying what the background traffic is and removing that from the overall calculation of I guess the cost share, I do think that if we value equity, we can't pick and choose when it applies. I think it should be an underlying guiding principle even in this sort of a situation. I think, yeah so I, I would be more comfortable with something that that is you know equitable I suppose. All right, that's my comment.

Mayor Jordan Hess Thanks. Ms. Anderson, are you going to put your hand up when you're ready, are you or were you next? I'm sorry I, if, if you're ready, go ahead and if not, we'll go to.....

Alderson Anderson I guess I; I have a question if, so if that, I guess...okay thanks. So, my question is, so with the I know that we are trying to get away from development agreements, but it seems like only tool available to kind of thread this needle. So, it would basically put the onus on the developer to come back and either be (a) just pay for the whole thing, which I think is equitable or (b) come back with a compromise solution that then comes before City Council and that, at that juncture, we would have a debate on whether or not to accept the developers proposal for some sort of cost sharing mechanism or you know if there was.....it sounds like what happened is it similar to what is happening in the Orange Steet area where the developer was asked to pay for 100%, they have come back to the city and said okay well we don't want to pay 100%, but here's what we're willing to give to kind of in a larger benefit....Is that correct? So, this kind of puts... because right now, the way the amendment or the condition is written without my

motion to amend, it basically puts all of the burden on staff to figure out what is the equitable share based on you know various data points. Whereas, this shifts the burden to the developers, say you're on the hook for 100% unless you come back with a reasonable development agreement and within that development agreement is a possibility of an SID, an option for them, understanding that ultimately it is decided on additionally by City Council.

Mayor Jordan Hess To whom would you like to direct this?

Aldersperson Anderson Yes, Mary, Jeremy, Cassie whomever feels like they would like to tackle that.

Cassie Tripard I'll have Jeremy confirm, but yes, I believe, you know, where am I looking here, cost share agreement is pretty broad that could include SID. Jeremy, is that correct?

Jeremy Keene Yes, that's correct. So, we would still get the, the waiver for the SID and part of that cost share could be through an SID. I think this gives us the time we would need to, to work out with that car share is and then it brings it back to Council with the development agreement to allow Council to weigh in and ultimately make that decision.

Aldersperson Anderson With the associated public process and comment period associated with coming back to us?

Mayor Jordan Hess Correct. Mr. Nugent.

Aldersperson Mike Nugent I just wanted to say that I like the amendment the staff came up with and I, I'm much more comfortable with that than kind of where we're at. I just listen to the conversation. I, I don't know whether I could get to 100% or not, but I feel like this puts it out there and protects the City's interests while also saying yes we are open to a conversation so let's figure this out and allows us to get on to determining all the other questions we have to determine in this subdivision within our statutory deadlines because I'd hate to see us fight about this for another week and then torpedo a whole subdivision process because we can't come up with this. So, this to me, seems like a great, a great solution and this is the direction I prefer we go.

Mayor Jordan Hess Thank you. Mr. Carlino.

Aldersperson Carlino Yeah, I was just going to second that and say that the staff's alternative amended condition seems appropriate to me and just on the equity piece too, I think you know part of creating a more equitable society, we're gonna have to have a more fair redistribution of wealth. And having a developer who can build hundreds of units pay more money rather than having everyday Missoulians pay more money, I think is much more equitable to have the developer pay.

Mayor Jordan Hess Ms. Sherrill.

Aldersperson Sherrill I keep forgetting which microphone I'm on tonight for some reason. Yeah, I actually, I agree with everything that Mr. Nugent said. I, I like this amendment. I think this is a way forward, it gives us the opportunity to see it again. I also have a question. All the amendments will need a two-thirds vote to pass as well, is that correct?

Mayor Jordan Hess No, I don't believe so, but...

Aldersperson Sherrill Simple majority?

Mayor Jordan Hess Ms. Tripard, can you confirm that it's just, it's just the final approval of the subdivision with the protests, protest provision, correct?

Cassie Tripard I believe it's the rezoning, Mary, correct?

Mary McCrea Yeah, the rezone requires two-thirds of Council present and voting to get approved and the subdivision gets approved after that. This condition will be part of the annexation conditions and the subdivision conditions.

Alderson Sherrill So, just a simple majority. And then may I ask one more question? Of 11 people, a simple majority is 7.3 something, so are we rounding down on that? Or are we rounding up?

Mayor Jordan Hess For the, for the super majority, you mean? Yes....

[numerous people speaking]

Alderson Sherrill ...okay thank you.

Mayor Jordan Hess Okay. Ms. Vasecka.

Alderson Vasecka I'm sorry, are we rounding up or round and down? I didn't quite catch that, that one....

Mayor Jordan Hess It's eight for

Alderson Vasecka Okay thanks. That wasn't, that wasn't the, the reason why I raised my hand though. So, I guess my, one of my main questions for this one is. First of all, did Stacie accept this, this amended, amendment to her amendment? And also, if, if this was not a rezoning request and just a subdivision request, would, would these roundabout discussions be happening? Or is it just because he's wanting, they're wanting to rezone from low density to medium density?

Mayor Jordan Hess CPDI staff, can you take the, that question? Ms. McCrea.

Mary McCrea The, the rezone is a with the MC overlay, which can be conditioned. But to be honest, this, this question about improvements for the road is tied to the annexation and to the subdivision.

Mayor Jordan Hess So...

Alderson Vasecka Okay.

Mayor Jordan Hess I had a question about the sequencing of everything. So, so there's not a statutory timeline for annexation but there is a statutory timeline for subdivision? This is a condition of both, but it would, it, it feels like it could be just a condition of annexation. Is it a, is it a possible outcome to subdivide tonight and annex later? And I assume the answer is no because we probably can't subdivide something that's not annexed. But is that, is that the reason why these both have to occur tonight?

Cassie Tripard Correct...

Mary McCrea I mean, there's an order of procedure, so you have to, you have a Growth Policy amendment, you have annexation that has to occur before the rezone, the annexation puts it in the city's jurisdiction and then this, the rezone happens and then the subdivision. The subdivision can't get approved without the rezoning.

Mayor Jordan Hess Jim Nugent.

Jim Nugent I agree with what Mary just described. Annexation has to be your first step.

Mayor Jordan Hess Okay. But for that reason, the condition has to be in the annexation or has to regardless of whether or not it's in the annexation, the annexation has to occur on the subdivision timeline? So, I guess I would just state that I, I appreciate what we're doing here and I, I think that the intent, the, the....What I would say is that the legislative intent, as I'm, as I'm kind of hearing it and summarizing it is that there would be an effort

to, it would be the City's intent to negotiate, to negotiate in good faith based on the, based on what's in the traffic impact study and that, as Mr. Nugent stated, there's a stop gap that that protects the City's interests, but I think that good faith component is important to highlight on the record because, because that's how we do things. So, Ms. Anderson next and then we'll go to Mr. Woith. Okay. So, Mr. Woith, do you want to weigh in on, on this proposed condition?

Spencer Woith Yeah. No, I appreciate the effort that we're all going through to go through this, and I think one thing we will def, I would like to offer is that to waive the statutory requirement of getting to this in the next seven days, so that we can get this right. I don't know that I'm totally on board with the development agreement yet, but I don't want to make any rash decisions and I'd rather waive our timeline and make sure we do get this right and we all come to an agreement. Is that sufficient to say that we waive our statutory timeline?

Mayor Jordan Hess I think it has to be carved in stone, but no, I'll defer to staff. I, I, I'm not, [inaudible] as to whether or not that's sufficient. Ms. McCrea.

Mary McCrea We'd need that in writing, yes. So, you could send us an email saying that you're waiving the statutory deadline, but by how much.... Are you giving the city two weeks? Typically, you, we set the timeframe....How much of an extension you're allowing?

Spencer Woith I would say two weeks, but I'd prefer Jeremy to....

Mary McCrea I think with the holidays, it would probably be closer to three weeks or a month or and I don't know that we're.... I think we need the traffic study to actually get closer to a proportional amount on this one. Is that correct Jeremy?

Jeremy Keene I'm not going to commit to a timeline on this. That is, I mean, we're not going to do it in a week, we're probably not going to do it in two weeks. We would need the information from you and then we're going to have to have I think conversations around what that agreement would look like before we bring it back to Council. So, we got the holidays coming up and we're really busy. So, I think what we've crafted here with this amendment is, is a way to move forward tonight, with the opportunity to a development agreement in the future, but I can't say how long that's going to take.

Mayor Jordan Hess So, if we wanted to go that route and Mr. Woith wanted some surety that this was moving along, we could do, we, I, we could propose a you know maybe a.... I mean the 19th is when this expires, so a four-week extension, a three-week extension gets us to the ninth and we could have a status we could have this back to either pass or, or have a status update or, or a further extension? I, I get the impression that that feels clunky though I mean and so, I think we either need a longer extension or we need to pass this with, with the, with the proposed condition, is kind of how, what my initial impression is? Mr. Nugent, this is in your committee, do you want to weigh in?

Aldersperson Mike Nugent Yeah, I just, just with, with all the effort that's gone into it, and I really think that all the other pieces after this staff is ready, we're having this public hearing, it's been noticed. If we take it down the curb, we're doing it again. To me, what they presented makes it clear to all parties that what was in the initial condition, we're not comfortable with, we believe that they can reach an agreement, and we're willing to have that conversation, but I think that we should take the amendment as presented, pass it and move on to the next item tonight.

Mayor Jordan Hess Okay. Thank you. Next in the queue....

Aldersperson Vasecka Sorry, point of order. When you, when you say as presented, is it the original amendment that Stacie presented or the staff recommendation amendment?

Aldersperson Mike Nugent I was referencing the staff recommendation amendment. Sorry, good question Sandy.

Aldersperson Vasecka Thank you.

Mayor Jordan Hess Ms. Sherrill. Okay. Ms. Vasecka, you're next in the queue.

Aldersperson Vasecka Well, I guess I was wondering if the staff recommend, recommendation of amendment to her amendment was accepted or not? So, I, I want to make sure that I know of which correct amendment is on the floor before I make my decision.

Mayor Jordan Hess So, the, the amendment, Ms. Anderson's original amendment is still on the floor, and it might be cleanest if Ms. Anderson would withdraw that, and then either make this, make a new amendment...Or Mr. Nugent, as committee chair, could, could incorporate this new amendment into his into his motion. Ms. Anderson.

Aldersperson Anderson Yeah, I'm, I think it'd be cleanest if we just passed my motion, but it's clear from comments from my colleagues that there doesn't seem to be an appetite for that. So, to quit, you know, belaboring the point while fighting the good fight, I will withdraw my motion and depending on what Mr. Nugent would like to do you know....I realize it's going to be a bit harder to craft this because it doesn't sound like there's much appetite from the developer to take on 100%, so, but we will live to fight that discussion when it comes back in front of us.

Mayor Jordan Hess Mr. Nugent.

Aldersperson Mike Nugent I would, I guess amend my presented motion to include the staff recommendation presented 15 minutes ago when we came back from recess.

Mayor Jordan Hess Okay. Could we get that circulated by, by email and put back on the on the screen again for a moment too? And I think it's your purview as, as the original motion maker to just to just do that but it would also be your purview to have us vote on it which might be nice for the record, to have that.... I'll defer to your preference though.

Aldersperson Mike Nugent I think we should vote on it, but I hope that doesn't stretch things out too far.

Mayor Jordan Hess Okay. So we'll, so Mr. Nugent has made a motion to amend his original motion, as circulated by staff and, and displayed on screen, and I appreciate the, the concerns raised. I think that this, this gives everyone time to, to, to continue to develop this. I mean, it gives the developer time to continue to, to develop this project and it gives, it gives staff time to, to work through any potential other funding sources and so I think there's a lot of work that can occur concurrently if this, if this does move forward, and I'd leave it at that. Comments on this new amendment? Ms. Savage.

Aldersperson Savage I just had a question about when we think the traffic study might be done? Which is maybe not the right place to say that, but I had it a few minutes ago and I understand Mr. Keene said he doesn't want to be, you know, sort of pinned down to that but I mean, are we talking three months? Are we talking six months? Like what are we, how long do we think it'll be before we see the results of a traffic study?

Mayor Jordan Hess Mr. Keene.

Jeremy Keene Well assuming soon we have the information that we need to review, I, I think we would need two to three weeks for, to review it and then to get back together with the developers engineers and then schedule a time with Council to review it in committee. So probably six to eight weeks....

Mayor Jordan Hess Mr. Woith.

Spencer Woith Yeah, I would agree with Jeremy. I think we can have our stuff done in here in the next week or two and then what they need on their end; I think that timeline's realistic.

Mayor Jordan Hess Okay. Ms. Savage, anything else? Okay. Ms. Vasecka.

Alderson Vasecka I, I wanted to get the developers feelings on this new amendment or if I guess, I, I wanted....because I'm still uncomfortable with 100% of the cost accidentally getting to the developer, that makes me really uncomfortable voting for this, so, I just wanted to get the developers feelings on this new staff recommendation.

Mayor Jordan Hess Mr. Woith, I know you provided comments on the preference to waive your statutory timeline. Can you? Do you want to provide any additional comments on this approach?

Spencer Woith Yeah, I think it's a good route going forward. I think our biggest concern is just making sure that the timelines still stay relevant. I think my fear with the development agreement is that this particular project could get lost in the shuffle because we know the city is very busy with a lot of projects and once you waive that statutory requirement, we kind of give up a little bit of control over the timeline of how we move this project forward, and that's probably our biggest fear on the amendment for the development agreement. I'm not opposed to the development agreement. I'm not opposed to, to sitting down with staff and making sure we get through this. What I'm fearful of is timeline.

Mayor Jordan Hess Mr. Nugent, you had your hand up with regard to that.

Alderson Mike Nugent You know based on what the comments that have made tonight if this, I, I will follow up on this given, given the timeframe that that both parties mentioned and if you feel it's hanging around I would encourage you to reach out to the Mayor and myself and if we need to get it into committee, we will get it in the committee.

Mayor Jordan Hess Ms. McCrea, your hand is up from before, I believe.....Do you have any?

Mary McCrea I just wanted a clarification that the motion is on the annexation motion, to amend that the condition number six and the proposed to include what Cassie showed on her slide in the conditions of approval, and then you'll have to do it again when you do the subdivision, in the last motion, you'll have to do that as well.

Mayor Jordan Hess Okay, thanks. Ms. Rehbein, procedurally can we, can we take both of those up now? Or do we need to, can we amend both motions now? Ms. Rehbein, we can't hear you, I'm not sure if you're muted or.....

Marty Rehbein Oh sorry, I only hit one of the buttons. So, procedurally, I think you can consolidate the amendment to the two items, but I would like to see separate votes on you know the growth policy amendment then the..... because I sense that there's going to be some differences between the annexation and the subdivision the rezoning just from the nature of the conversation... I don't think that they, you can take one roll call vote on all of the motions, but we can take one roll call vote on the amendment.

Mayor Jordan Hess And I think the, the, the, the legislative intent of these amendments are the same even though they're conditions on two separate actions. So, that's, so without objection, we'll take, we'll do that. We'll take a vote after public comment on, on amendments to the conditions of annexation and the conditions of subdivision with regard to the roundabout construction. Any, any public comment before we go into that? On this current iteration of this amendment? Mr. Odegaard.

Doug Odegaard I promise, I'll keep it brief. I do support that, the amendment of the amendment. I just think it's, it's, I think it's equitable. I think it gives us the appropriate

amount of time and especially City staff and all of you. So, I do, I do appreciate your support on it.

Mayor Jordan Hess Thank you. Anyone else in the virtual audience? Okay, I don't see any. Back to Council comments, Ms. Anderson...Oh Ms. West.

Alderson West I have a procedural question. Do we need 50% of a vote or two-thirds for this particular part of the process?

Marty Rehbein My understanding is that the zoning is protested and that requires two-thirds of the Council members present in voting, but there is not a statutory protest provision that pertains to any of the other motions that are before you. The Mayor can correct me if I'm wrong.

Alderson West Perfect. Thank you.

Mayor Jordan Hess Okay. Anything else before we vote on this? Okay, we can have a roll call vote on these amendments.

Marty Rehbein Okay. This is on the conditional, the amendments to the conditions and the resolution annexing and the subdivision.

Mayor Jordan Hess And the motions to amend pass and we're back at the main motions. And I'd entertain additional discussion and/or amendments. Ms. Anderson.

Alderson Anderson Thanks. Sorry, I was trying to flip screens to raise my hand virtually. Okay, so I have another amendment. My intent is not to keep us here all night. These, the rest should go fairly quickly. So, my second amendment is actually into the second condition. So, if we're following along, it's the, the, the utility, the neighborhood character overlay and in our LUP discussion last Wednesday, the developers representative did say that they would be amenable to making Lot 176 or the lot that is going to have the five plex, however, you have, remember in your head to cap the height at 35 feet instead of 45 feet, which wasn't originally in the application. Apparently, it does not change their overall development of what they're hoping for that lot, so you know we've heard from the neighbors that there's concern about it blending in and 35 feet seems more in characteristic of the surrounding neighbors, especially in that particular parcel it's only 30 feet in the surrounding zoning. So, moving it down to 35 feet should not be a contentious one because it sounds like the developer was okay with it at least as they, that in last week. So, I would like to make a zoning of Lot 176 restricted to the height of 35 feet amendment to the character, it's the second one adopt a resolution amending utility boundaries in line with proposed parcel zoning and Riverfront Trail neighborhood character overlay.

Mayor Jordan Hess Thank you. The motion is in order. Ms. McCrea and then Mr. Woith.

Mary McCrea Just clarifying that you're looking at the memo number one, page three, the condition of approval at the bottom of the page, the NCRT Riverfront Trails neighbor character overlay shall be amended to restrict the maximum height to 35 feet for Lot 176 subject to review and approval by development services prior to the effective date of the ordinance.

Alderson Anderson Yes, that is what I'd like to make the amendment. Thank you Ms. McCrea for keeping me in order.

Mayor Jordan Hess Okay. On behalf of the developer, Mr. Woith.

Spencer Woith Just to end any debate, we agree with that.

Mayor Jordan Hess I'm sorry you cut out for me. Could you say that again?

Spencer Woith Sorry, we agree with that.

Mayor Jordan Hess Okay, thank you. Next, Ms. Vasecka.

Alderson Vasecka I actually was going to ask the same clarifying question that Ms. McCrea said and sounds like everybody's in agreement, so I guess I will be in agreement as well.

Mayor Jordan Hess Great. Is there any public comment on this motion? Ms. Anton.

Julie Anton Hi, this is Julie Anton, resident of Maloney Ranch and I too am not trying to draw this out you guys. I think further thought needs to be given to this lot. I understand the developer is giving a little bit with the height, but I think we really need to look at putting the five plex there and how ridiculous that is going to look. It doesn't fit in with anything in the surrounding area. It's, we're varying from R20 to RT 5.4 and allowing a five-plex and I just, in my heart, that does not feel right to the people who live near there and I think you need to really consider maybe strengthening this amendment to also restrict it to RT 5.4 zoning without the overlay, which would restrict it to either a duplex or a townhome. Thank you.

Mayor Jordan Hess Thank you Ms. Anton. Anyone else in the audience? Okay, back to Council. Mr. Carlino.

Alderson Carlino Yeah, just a reminder from the committee meeting the other day. It sounds like the 45 feet was just to have a triangular roof to try and fit more in with the neighborhood character and then with the 35 feet foot limit, then the developer said that would have to be a flat roof. Is that correct? Or is there some, some more information there?

Alderson Mike Nugent Mayor...

Mayor Jordan Hess Mr. Nugent.

Alderson Mike Nugent That is in regards to the senior living facility, not the multi-family. So, right meeting, wrong lot yeah....

Alderson Carlino So, just to clarify. If we reduce, if we kept the height on this lot at 35 feet, would we be losing any potential unit, housing units or what would change? I'm seeing no....So, what would change from the project if, if we had 35 feet instead of 45?

Mayor Jordan Hess So....Mr. Woith.

Spencer Woith We would not lose any unit count. Nothing will really change on that particular lot.

Mayor Jordan Hess Okay. Mr. Carlino, do you have additional questions? Ms. Vasecka.

Alderson Vasecka Yeah, from last week, I was wondering if with the 45 foot difference to the 35 foot difference, if it was to remain at 45 feet just for the public to know, would there be any cell phone interference or rabbit ears for their satellite TV reception? I guess that's not really satellite TV, that's antenna reception.....

Cassie Tripart I still don't know that I am able to answer that question. Engineering knows, but they may not either, as we don't generally have a lot of background on reception.

Alderson Vasecka Okay, well it sounds like the developer is okay with this change. So, I'll, I'll be in support of it.

Mayor Jordan Hess Additional discussion? Ms. Anderson, is your hand up from before or did you want to add something else?

Alderson Anderson Sorry, it is not up now.

Mayor Jordan Hess Okay. Okay, it looks like we can have a roll call vote on the motion to amend.

Marty Rehbein Okay, this is on the motion to amend to amend the zoning ordinance [inaudible] Lot 176 to 35 feet.

Mayor Jordan Hess And the motion passes and we're back to the main motion. Any additional amendments or discussion? Ms. Anderson.

Alderson Anderson Mr. Mayor, is it easier for me to raise my hand in physical or virtual? That's why I was trying to go back and forth though.....

Mayor Jordan Hess Either...

Alderson Anderson Okay.

Mayor Jordan Hess My preference has been physically and then this meeting it's been really helpful to have them virtually so.....

Alderson Anderson Okay, perfect. I'll try to continue to do both. Okay, great. Thanks so much. Moving on, my next amendment is to and it's a little bit confusing and Mary may have to help me because within reading the memo....What I propose amending Lot 1, which I believe is the original assembly lot to a maximum of 35 feet instead of the 45 feet that is requested by the developer. Is that the correct lot?

Cassie Tripart It is Lot 2. So essentially, it would follow the memo on page four for the condition of approval, but instead of reading lots and one two, it would just read Lot 2. So, the NCRT Riverfront Trails neighborhood character overlay shall be amended to restrict the maximum height on Lot 2 to 35 feet subject to review and approval by development services prior to the effective date of the ordinance.

Alderson Anderson Correct. Okay, yes that is the amendment that I would like to propose now and happy to speak to it right now, if appropriate? Okay, so basically, I, when we have had lots of discussion about what Lot 1 will look like but we haven't really had any discussion about what Lot 2 will look like and one of the conditions that are factors that we can consider in making these decisions is light and character, neighborhood character and this particular lot runs directly along Lower Miller Creek Road and there are homes that already exist on the eastern side, and 45 feet is an is a really high height for this neighborhood. There's nothing else remotely close. The school that is not, that is in the neighborhood is just a little bit over 35 feet, I think at 38 feet, and when you think about what that will do to that corridor, especially all of those homes to have a 45-foot sort of wall directly across a two-lane road for them. I just think is two outside of the neighborhood character and will directly negatively impact the folks who live there on the eastern side of Lower Miller Creek and will really you know affect their, you know, no one's guaranteed a view, but you're guaranteed a decent amount of light and you know that just does not go with the neighborhood, especially it will create a corridor that is just abutting a street that I don't think it all goes with the neighborhood. So, I would like to amend it back to 35 feet and hopefully you will all agree with me.

Mayor Jordan Hess Okay. Can we, before we go to Council comment, can we get a reaction from the development team? Mr. Woith.

Spencer Woith We would prefer that on that particular lot, we stay at the 45 foot height.

Mayor Jordan Hess Thank you. On the motion to amend, Ms. Vasecka.

Alderson Vasecka Yeah, so with religious assemblies, I know, know that there's....So there's freedom of religion in America and no matter what the religious assembly is going

to be, a lot of different religions have different aspects, requirements, preferences for their worshipping ground. And so, I'm wondering, I guess, how, I don't really know how to ask this question but like is the 45 foot requirement, is it specific to a specific building of an of a worshipping ground or is it to.... I guess what, what is the reasoning for have the 45 foot regulation there? If I'm legally allowed to ask that?

Mayor Jordan Hess Yeah, I don't, I don't see him why not, I, I guess I would go to the development team or staff if whoever has an answer on that, raise your hand please. Mr. Woith.

Spencer Woith At this point, I don't have the answer to that other than that was the request of our client.

Mayor Jordan Hess Thank you. Mr. Carlino.

Aldersperson Carlino Yeah, I felt okay with the last amendment just since it wasn't going to change the housing unit number or anything, but I think if we did reduce the height allowed that it could potentially make it to where we would need more religious assemblies around and I guess essentially what I'm getting at is that it's better for land preservation and for fitting more people onto a smaller amount of land to allow for more density and to allow for taller buildings and I think you know every neighborhood should be able to accommodate some taller buildings, especially if we want to preserve the natural land and if we want to add to our density. So, I, so I think for the sake of fitting the most people into this religious assembly, I think taller seems appropriate, so leave it at 45 feet.

Mayor Jordan Hess Ms. West.

Aldersperson West I just had a question about.... I guess I know that there's a couple things that are still allowed above that height threshold according like including steeples, like parapets, like there's all sorts of fun adornments to buildings that are allowed above 35 feet and I was wondering if you could speak to maybe the width of like what, like how narrow is this steeple to be considered a steeple? I'm just trying to visualize what would be allowed above 35 feet.

Cassie Tripard Yeah, so Title 20 does not define steeple and when Title 20 doesn't define a word, we rely on commonplace definitions. Mary and I, today dug up, more or less a steeple is a tall ornamental tower, sometimes a belfry, usually attached to you know buildings composed of series of diminishing stories and is topped by a spire, cupola, or pyramid. So, there aren't specific width parameters or size really set on that. It's more just the architectural definition of what it looks like and how it functions.

Aldersperson West Okay. Thank you.

Mayor Jordan Hess Mr. Nugent.

Aldersperson Mike Nugent Thanks. Just quick clarification on that question and I have another one, but presumably, no usable space would be allowed in a steeple beyond maybe someone climbing up to ring the bell?

Cassie Tripard Mary, does that sound right to you? I don't know how much we can read into this definition.

Mary McCrea Yeah, it, it doesn't actually say that, but generally, I think that is the case. It's a common definition, so we would look at it, it would probably have maybe even elevator and stairs to get up to the top. I'm just not sure.

Aldersperson Mike Nugent I appreciate that. I just wanted that in there, and then I, I would just say in regards to the amendment. I actually support this amendment because it's hard to grant an exception for something we don't know the specifics on and the, the, the

building next door is asking for an exemption and we, we, are aware of what it is and, and we're saying yes it can be taller than what the neighborhood allows because we know the plans. So, without you know the developer being able to kind of share what exactly is going there with specific specificity, I would agree with this amendment because I don't think we're obligated to, to grant an exception without enough information.

Mayor Jordan Hess Ms. Sherrill.

Alderson Sherrill Yeah, excuse me. Thanks. I, I'm okay with this amendment for the same reasons that Mike articulated because we don't really, we don't really have any idea what, what it's going to look like and if it's going to fit into the neighborhood. My other concern, another reason, I'm sorry that I'll be supporting it is the lack of what I think is the lack of clarity of what a steeple is because if we don't know the width or we don't know the percentage you know it does it have to be 20 feet in from the edge of the building, does it have to be five feet in from the edge of the building? I mean that would add quite a bit of the feeling of height to the, the structure, which I think is kind of how, how churches are right? So, I mean I think the structure is already going to feel taller than 35 feet and I think we're good that just feels really tall for the neighbors that are on the road. So, I think I, I will support this amendment.

Mayor Jordan Hess Ms. Becerra.

Alderson Becerra Yeah, similar to what Ms. Sherrill just mentioned. I guess I'm wondering is there a height associated with the steeple? Can it be or you know any religious identifier, can it, can it exceed the height of the building?

Cassie Tripard Yes. So the steeples are listed as an exemption to height, meaning they won't be counted above that 35 feet and let me just double check that there's no ultimate cap on that. There is not so.....

Alderson Becerra the sky's the limit, I guess....

Alderson Anderson Point of clarification....up to 499 feet were the FAA then wants to have a say.

[numerous people speaking at once]

Mayor Jordan Hess Mr. Contos.

Alderson Contos Yes, I don't want to get lost in the weeds here with steeples and how high and how high we can't, whether it's a barn, a church, or a circus tent. I think the idea of something 45 feet in that particular area is totally inappropriate; it doesn't fit the character of the area.

Mayor Jordan Hess Thank you. Ms. Anderson, I may have skipped you this time... If you're, is your hand up from before or up again? No. Okay. Ms. Vasecka and then Ms. West.

Alderson Vasecka Yeah, I wanted to thank Ms. Anderson for clarifying the 499 feet because the FAA does want to be involved if anything it is even if it's just a little steep or steeple up that high, they do want to be aware of it. But I, I don't think I'm going to be in support of this amendment just because religious spaces, they're a huge part of history regardless of the religion, a huge part of any community and while it is involved in the zoning, measurement in the zoning doctrine I guess of what's going on in the neighborhood. I just, I don't think that the 45 foot difference to the 35 foot, I just.... I think that I think that we should stick to the original staff recommendation with this one, just even if I guess no matter what the religion is. I think that we should I guess grant the original the original recommendation from staff with this religious assembly.

Mayor Jordan Hess Ms. West.

Alderson West I'm, I'm going to support this amendment, but I guess just want to put it on the record that, that doesn't mean that what is built here isn't going to exceed that 35 feet because of the, the I guess the gaps that exist in our current code. I don't want to set you know, incorrect expect or expectations that we can't meet.

Mayor Jordan Hess Ms. Anderson.

Alderson Anderson Thanks so much for discussion from the body and I want to, I really appreciate what my Council wardmate said that this has absolutely nothing to do with the religion. I, I am a very religious person, I regularly attend church I just, that's how we're referring to the lot. So, other than you know that I just from a context standpoint, barn, circus tent, and I do think it's really important what Ms. West has pointed out I mean it can be a 35 foot giant square that then steps up beyond that to a very significant height. And knowing that there is that gap in our code, I just think that the you know that's even more reason why bringing it down to the roof, the main roof line only being 35 feet of this building, whatever it ultimately ends up being is really important because it will you know, depending on what design and that they end up being, it could be significantly taller than just a base of 35 feet like a traditional house or building and that could definitely even more not fit in with the character and of the neighborhood.

Mayor Jordan Hess Mr. Contos, your, I wasn't sure if your hand, it was up for a minute, but did you? Did you have another comment? It's down now. Okay. All right. Ms. Vasecka.

Alderson Vasecka I really appreciate what, what my colleague Ms. Anderson said, and I do agree with that. Going back to all of my decisions, in the past, my past three years on Council, I've always been for private property rights and I feel like I've been very compromising with a lot of the amendments that have happened tonight and for other nights as well. I, I guess my, my feeling with this one is that folks bought or rent or are buying their forever home or buying their beginner home in this area. There are empty lots there and you have to know that people are going to develop there and things do change, that's the only constant in life. And while it sometimes is inconvenient and it is unfortunate and some honestly sometimes sucks sometimes if somebody builds a house that's taller than yours in an area, then yeah, it's, it's unfortunate, but you have to realize that that is going to happen and I am a huge believer in private property rights. And I've been very compromising with a lot of the amendments tonight and this one is the one that I guess the developer says that his client would really like it. I, I, I'm kind of sure that my, my no vote on this is not going to pass, but I, I do want to stand up for the for the property owner. I do want to stand up for the person who owns this property, who bought in America and wants to build his, build what his dream is in America, his or her dream in America. So, I, I appreciate everything that you're doing tonight and I really love how you're standing up for all of your constituents in the area, I love that that's fantastic, but I, I do want to stand up for the property owner on this on this one specific item.

Mayor Jordan Hess Thank you. I'll go to public comment next. I have Wendy Miklos and I apologize if I'm mispronouncing your last name.

Wendy Miklos No, you, you've got it right but thank you. I, I can't emphasize how much a 45 foot building would not fit into the character of this neighborhood. When you know, we have one tall building and that is the school and I mean it sticks out like a behemoth, as it is and it's I think someone said a little bit over a 35 feet and if you ever have been out in Lower Miller Creek, there's no development that really can occur at least not without getting into the flood plain and a lot of cost past where the developer is proposing. So, this is a one-way view from the overwhelming majority of the residents who, who live in Lower Miller Creek and other parts of Miller Creek can see this as well, but it's a, a one-way perspective looking north toward the Bitterroot River, and you're talking about putting in a 45-foot structure that's going to obscure pristine scenery, wildlife corridor, you know there's I mean and, and, and, and we're talking about people who've, who've been here

many years decades. A lot of people who live in this residence, it's, it is their forever home and residing here was their dream. That you know there's hundreds if not thousands of residents who selected this area because it was, it was their dream. You know and I understand everyone's you know got a dream, but I don't know. I, I'm a little bit perplexed at myself at by the, it has to be a certain height. I was trying to look up the height of Saint Francis Church and it's it says it's the tallest church without specifying what the height is, but again, if you've ever been out here at Lower Miller Creek and you, you know say, again I don't know the height but if it's the height of Saint Francis Church would not that look odd to you sitting out in what was once pasture land and a lot of it is still surrounding pasture land with horses and cows on either side and, and blocking views to hundreds of homes that look north toward the Bitterroot River. So, that's all I have to say. Thank you.

Mayor Jordan Hess Thank you. Mr. Odegaard, you can come on up.

Doug Odegaard Thank you Mr. Mayor, Doug Odegaard again. I did want to address Ms. Vasecka's point about property rights. I'm actually a property owner in the area; I've been there for 15 years. It's my right too; it's, it's not just the person who is considered the client, it's those of us that are there. I think that 35 feet is plenty I think it's frankly even I agree with, with the previous person. The school was big, and this is bigger. So, you know, especially with setbacks or excuse me if that building would was built back 10 feet even with the 45 height, it's just too much. So, I support this amendment at four at 35 feet and I think that's the maximum it should be.

Mayor Jordan Hess Thank you. Ms. Anton.

Julie Anton Hi, it's Julie Anton again. I just wanted to thank Stacie for bringing this amendment to the table. I do think it is extremely appropriate and I encourage all of you to strongly consider this. The school is 30 feet; the religious assembly lot they are proposing 45 feet, that is a drastic difference. Every single home on the east of this lot is single level. There is one couple who's lived there I think 40 years, they had to give up their horses already because they were having trouble getting their trailer out of their driveway. So, I just want you guys to think about the people who actually already live in these places. I and we're compromising a lot in this development. You are giving the developer a lot of extras and I think asking to just remain at 35 feet, which is the RT 5.4 zoning is very appropriate for this lot and I think is a sound compromise with everything else that the local residents feel like they're giving. Thank you.

Mayor Jordan Hess Thank you. Mr. Fregerio.

Alex Fregerio Thank you. Yeah, this is Alex Fregerio, Ward 5 again, a Miller Creek resident. I would also encourage everyone to support this amendment. Like Ms. Anton said, you have an area where all those houses on the east side of the road were essentially rural for the past several decades and when you consider this development, I think if it had been in line with what the development of the past had been. If it were Twite Development, it would all be single-family homes and would you get pushback on it? I'm sure you would, you know nobody likes change and you're always going to have a few people that complain, but I think in today's Missoula most people understand that we need more homes and we need more varied housing and that we need multi-family housing, we need duplexes and so on and I think most of the area can get on board with that, but when you when you then say you're going to have a religious center that's going to be 45 feet tall and it's going to have a parapet on it that might extend up for another unknown amount, and it might have a light that shines into the sky all night long and behind that you're going to have another 45 foot tall building, that's 110 units. You're not in line with the neighborhood, you're not in line with the character of the neighborhood and there's got to be some compromises made somewhere. And I think this is a prime example of where a compromise can be made. People know that they don't get to decide what happens to this development, it is private property like Ms. Vasecka said, but

the Council gets to decide how to shape that and one of the ways you can do that is by lowering this variance and putting some restrictions on it. People understand that we need houses and we need development and that you can't just have a field forever, but, but there are circumstances where we can shape this and try and line it up so that the neighborhood keeps some of its character, the people that have been there already don't have to see a giant Monument across the street from them, and another one behind that. And so, I think this amendment should be supported by all the Council and I think that with the school being 30 feet, the surrounding buildings being 35 is reasonable, but as soon as you take them up another 10-15 feet and possibly even higher, you're, you're changing the character of the neighborhood, you're changing the amount of sunlight the playground gets during the day. And like I said, this is an example where a compromise can be made where the people that exist in the neighborhood get something for them and the developer still gets to do the development they want. Thank you.

Mayor Jordan Hess Thank you. I don't see any additional public comment. Ms. Vasecka has a comment and then we'll have a vote on the motion. Ms. Vasecka.

Aldersperson Vasecka Yeah, thanks. There were a couple comments talking about wondering what the height of the Saint Xavier church was and I was just trying to look that up right as that comment was made because that was the highest church I could think of in the area and I am really curious about that height and I, I do really appreciate all the other comments that were made, and I, I do take them to heart. I just wonder when, when change is going to be denied, when can we expand as, as a community? Because I mean, my mom told me about how she used to ride horses where Target is and if everyone kept denying construction there and, and things there the Missoula wouldn't be where it is today. And yeah, a lot of folks are really frustrated about where Missoula is today. It's, it's grown into a huge community, it's grown to a huge metropolis actually because of COVID, and now, we're, we're just expanding exponentially. And it is really frustrating to us, to us locals and all the folks who moved here years and years ago, but we need to acknowledge that while, while change is hard and change is scary, sometimes it is necessary. And yes this is a religious area and while I, I don't want to dictate what is used for this area, I saw a lot of compromises with the developer about height restrictions when they didn't want that, but they did that. And then I saw a compromises with the developer about the roundabout and how they didn't want that, but they did that and I just, I think that we should give them a little bit of, of leeway with the religious assembly no matter what their religion is because everyone holds that sacred. And that's, I guess that's my thoughts on that and I, I, I'll stand by that and I, I still will vote no on this amendment, but I will understand if it does not pass.

Mayor Jordan Hess Thank you Ms. Vasecka. There's no one else on the speaker queue and we've had public comment and we can have a roll call vote on the amendment.

Marty Rehbein Okay, on the amendment okay on the amendment to limit the height of Lot 2 to 35 feet.

Mayor Jordan Hess And the motion passes and we're back at the main motion. And Ms. Anderson.

Aldersperson Anderson Okay, we're motoring through here guys. I appreciate you all sticking with us and continuing to have a good discussion. Sorry flashing back, flipping back.... I'd like to make an amendment that just sort of kind of codifies what the developer already articulated in our LUP meeting last week in regards to Lot 1, senior, senior facilities Lot 1, correct Cassie?

Cassie Tripard Yep.

Aldersperson Anderson Thumbs up for the record from Cassie. So, so the developer, the developers representative in our meeting talked at length about the design for the senior

living facility and answered quite a few questions that we had, said that is their intent only to have it be a three-story building, but the reason why they asked for a 45-foot variance was because they wanted, it allowed them some leeway to create some you know pitched roofing in an effort for design to hopefully blend in with the neighborhood. Yes, this is obviously a higher building than anything around it, but given the kind of what the design was and the kind of goal of the developer, I think that I just want to put some sideboards and to codify what they were talking about in committee meeting. So, the staff wrote two options and so I would like to have the developers team give some feedback to the amendment that is, the neighborhood character overlay shall be amended to restrict the maximum building height at the point of required maximum setback line to 35 feet and the height may increase above 35 feet by one foot vertical for every six inches of building setback or upper floor set back to a maximum of 45 feet on Lot 1, subject to review and approval by development services prior to the effective date of the ordinance.

Mayor Jordan Hess Okay. The motion is in order and thanks Cassie for putting that up. While that's up, any questions or discussion from Council? Ms. Vasecka.

Alderson Vasecka Yeah, I'm sorry about the late coming to this, but I noticed that on memo number one, some of these conditions were not acceptable if other conditions were met....Let me double check that. Is this oh? Yeah amendment three is not compatible with amendments four and five. So, I wanted to make sure that all that is in order.

Alderson Anderson We've moved past that and we're actually on the bottom of page six.

Alderson Vasecka Okay thank you. Sorry about that.

Alderson Anderson No problem.

Mayor Jordan Hess Ms. Tripard, do you want to add anything?

Cassie Tripard Yeah and I'll note that in the memo, it's written for both lots one and two together, and the last amendment separated out and was only applicable to Lot 2. So, it wouldn't be incompatible if you applied one to Lot 1 and you know the one you did to Lot 2.

Alderson Vasecka And that's why we hire the great people.....

Mayor Jordan Hess Ms. West.

Alderson West Are we just taking comments on that amendment right now?

Mayor Jordan Hess Yes.

Alderson West Okay, just checking. I, I think, I support this amendment. I think it, it codifies what we've heard the intent of the developers and also will ensure that this added density will fit in as much as possible with the surrounding environment by having not, not a bunch of flat roofs. So, I think that's a positive thing.

Mayor Jordan Hess Thank you. Any comments or reaction from the developers? And then Ms. McCrea, I will go to you first?

Spencer Woith Yes, just to make sure we got that; can you share that screen again, please Cassie? Yeah, we're good with that.

Mayor Jordan Hess Okay. Ms. McCrea.

Mary McCrea This one doesn't require a pitched roof though, just so you know; it's just an upper floor building step back. There was another option that Cassie provided and that

was, I think above at the bottom of page five and it, typically, we measure building height to the top or ridge of a gable or pitched roof or too, for a flat roof, to top a parapet. So, what this one says is that it is 35 feet to the top of parapet or the eave line and then the, the pitched roof portion could go up to 45 feet. So, they're, they're two here, but the one that you made as your, you know the step back version, wouldn't require a pitched room.

Alderson Anderson Thank you Ms. McCrea. So, as the memo it was written to sort of help guide us, was it intended for both of them to be made, both with the pitched roof and the setbacks, so motion at the bottom of page five and the bottom of page six? Or was it one or the other? I guess that's what I was trying to get at. I see Ms. Tripart's hand.

Mayor Jordan Hess Ms. Tripart.

Cassie Tripart Yeah, originally, we intended one or the other, but I believe these could be compatible, that you could have both where it has to step back and also you're only measuring to 35 feet at the base of the roof or the top of a parapet with the roof extending above. These aren't necessarily competing.

Alderson Anderson Right, yeas. My intent is to have setbacks and pitched roofs. So, I guess, and you know this sounds like it the I'm you know the developer is amenable to what I think we're trying to get at. So, if we want to combine these two, it does look like she's doing that in real time on the screen on slide nine. So, I'd like, can I amend my, my motion? How about I withdraw my original motion....

Mayor Jordan Hess You can amend your motion.

Alderson Anderson Amend my motion. So, I would like to amend, amend my motion to the neighborhood character overlay shall be amended to restrict the maximum building height to the point of required minimum setback line to 35 feet and the height may be increased above 35 feet by one foot vertical for each six inches of setback or upper foot or upper floor set back to a maximum of 45 feet on Lot 1, subject to review by development services, as well as restrict the maximum height on Lot 1 to 35 feet to the top of the parapet or bottom of the roof eave and that a pitched roof may not exceed a maximum height of 45 feet subject to review and approval by development services. So, that is, and I hope that that continues to be in line with what the developer was hoping. I just wanted to codify that.

Mayor Jordan Hess Mr. Woith, are you? Are you still in agreement with this?

Spencer Woith Yes, we're still in agreement with this.

Mayor Jordan Hess Ms. Vasecka.

Alderson Vasecka Sorry, that was a lot of words there. I was hoping to see that in writing before I vote yes or no on that....

Mayor Jordan Hess And it's on the screen now.....

Alderson Vasecka Oh, she already fixed it? All right, fantastic.

Mayor Jordan Hess Any public comment? Seeing none, we can have a roll call vote.

Marty Rehbein Okay, on the amendment to the zoning....

Mayor Jordan Hess And the motion passes, and we're back in the main motion. Ms. Anderson.

Alderson Anderson This is my last one, I do believe, unless Mary tells me I have to make another one to make everything flow, but and this is just simply to also continue to codify what the developer represented to us, to make sure that the neighborhood feels like they've got some sideboards. So, this is a, to kind of basically make sure that the

senior living on Lot 1 actually is a senior living facility. So, I would like to make a motion to amend that says a Riverfront Trail neighborhood character overlay shall be amended to restrict group living uses on Lot 1 to community residential facilities....Oh gosh, I'm hoping I'm reading the right one....facility eight or fewer, community residential facility nine or over and group living for seniors where at least 80% of the units have at least one occupant who is 55 years of age or older subject to review and approval by development services prior to the ordinance effective date.

Mayor Jordan Hess Okay. Thank you . That motion is in order. Thank you Cassie for putting that up. Any reaction from development team?

Spencer Woith To be honest, I'm not sure that we support this. In the, I guess I'm not sure about the 80% because there is the potential that we could have people that have had strokes, people that need assisted living that I'm not sure how we enforce the 80 % criteria within that overall, their operational us. If, for some reason, we had people that had been in accidents, had strokes and all of a sudden we fall below 80%, I'm not sure how we enforce that or where we go. I'm just, it's kind of a slippery slope on putting the percentage on there.

Mayor Jordan Hess Okay, thank you. Ms. Vasecka and then Ms. West.

[numerous people speaking]

Alderson Vasecka Oh sorry, I thought I heard my name first..... I have to agree with the developer here. I am really concerned about the percentage there because with older communities and 55 does not seem that old actually, so I'm concerned about that age being senior living, but there are accidents that happen, there are early deaths, there are late in life death, and what happens if your mom and dad both die and then all of a sudden you're in charge of their facility and, or their home and then you're no longer in the 80%, percentile the units. That, that just seems really inappropriate for the government to maintain and I was, I'm hoping that there can be a, a private, private-public partnership to agree on a proper amount of number instead of having a government mandated percentage of the 55 plus community.

Mayor Jordan Hess Ms. West.

Alderson West So, I have a couple questions. I'm trying to formulate my thoughts. So, this, this senior living definition is a federal definition of a senior, you know I guess it allows the ability to discriminate based on age by creating a senior living facility and being compliance with fair housing roles, but I also thought that under state law there is like assisted facilities, would be? Is that, would be something that's allowed by right, so even if we put this restriction on here things that are allowed by state law would still be allowed and if it's something outside of what's allowed under state law and would be allowed under our code alone, that's where it gets narrowed. Am I communicating that properly? So, if someone wanted to put in an assisted living facility that's allowed by state law that could still happen?

Cassie Tripard Yeah, so I want to clarify that this says community residential facility 9+, which would be all of those types of community residential facilities and it would also allow for group living for seniors where at least 80% are 55. So, it's both. I don't know if the intent on this was to eliminate this community residential facility 9+ and just keep it to group living for seniors. So, I would need some clarification there....

Alderson West So, I, I....can I speak to that?

Mayor Jordan Hess Go ahead.

Alderson West Yeah, so, I, it my intent is not or wasn't in requesting for this amendment to disallow anything that's you know disallow this other community

residential facilities. I think what I'm trying to limit is captured by this amendment which would be just having some random group living use that isn't protected under state law. I don't know like a whole bunch of we're just gonna build a group living facility that's for a bunch of 20-year-old professionals, for example, when it was communicated to the neighborhood that it was gonna be either residents that are you know in an assisted living facility or senior facility. Does that make sense? But I, I'm not sure that this amendment..... I don't think this amendment precludes the uses that have been described.

Mayor Jordan Hess Is, is there potential language around substantial compliance that we could lean on with substantial compliance with, with the developer presentation or something that would give a little flexibility?

[unknown speaker]

Mayor Jordan Hess Ms. Tripard.

Cassie Tripard I think substantial compliance with what they're proposing specifically would more or less be limiting all uses to just what they've proposed as a senior living facility which would really be conditioning the zoning a lot from what's proposed which is anything in RT 5.4 with community residential facility including that senior living as a non-conditional use. Does that answer it?

Mayor Jordan Hess Yeah, thanks. Mr. Contos.

Alderson Contos Yes, the 80%, is that an industry standard?

Cassie Tripard Yes, I believe that was pulled from federal definitions.

Alderson Contos Great.

Mayor Jordan Hess Ms. Vasecka.

Alderson Vasecka Thanks and I really appreciate Mr. Contos' question and all the staffs, all of their work in this tonight, but I, I am still really concerned about the 80% definition because what, what if grandma dies? And then they, it puts it out of the 80%? Stacie it looks like there are rules for that.

Mayor Jordan Hess Mr. Woith, do you want to, can you go first and then we'll go to Ms. Anderson?

Spencer Woith Yeah, I think I'm a little bit concerned about the 80% and the other thing that I would very much like to see in that amendment is that there is assisted living in there. Based on the operational way that the Goodman Group does their things, that there's the potential that it could be assisted living and I think giving them the opportunity to have some kind of flexibility for assisted living and senior, I, I just hate to like narrow it down with that 80%.

Mayor Jordan Hess Okay. So, Ms. Tripard has shared that, that section of code. Ms. Tripard, do you want to describe this?

Cassie Tripard Yeah, so that amendment still does allow for anything under the community residential facility subset of group living, which does include, include assisted living. So, this amendment would allow for assisted living or senior living or anything in this section. It just wouldn't allow for a healthcare facility, covenant, monastery and then..... Yeah, so, it just narrows it from these three to this one plus senior living.

Spencer Woith In reading the amendment, it was this and 80%, and that was the part that I was a little hung up with, that it is those things and 80%. So, if it's and 80%, it has to be 80%.

Cassie Tripard So, in this case, it's meant to be read as a list where you could have, it's restricting it to community residential facility, eight or fewer, in addition to the option of community residential facility, 9+, in addition to the option of senior living with 80% or more. So, anything in those three buckets would be permitted.

Spencer Woith Okay, I, I was reading that slightly differently and I just wanted to make sure that it didn't get us back into the corner of 80% of 55 and older, and all the other things. So okay that seems to make sense.

Mayor Jordan Hess Ms. Jones.

Alderson Jones For clarity, I'd like to offer a friendly amendment that you just eliminate the 80% because any of these categories are acceptable the way it's written and you narrowed it down to these categories, but I think maybe we should just pull the equation out as a friendly amendment.

Alderson Vasecka I can't hear you Stacie.

Alderson Anderson Okay sorry, mic button didn't want to work with me. So, Ms. Tripard, could you, is it, I want to make sure that we are falling within the industry standards because we're trying to basically make sure that we are mirroring what is legally allowed federally from you know within that senior living facility. I guess I'm not hung up on the 80%, I just want to make sure that we're legally compliant and trying to put sideboards to the neighborhood, as Ms. West has pointed out to limit the type of facility this is. So, how we craft that to make sure that we're compliant federally, locally and giving us predictability to the neighborhood of what it is that the intent of the developer is, as well as and then we're just trying to codify that. So, if they could weigh in on that, I'm happy to take that, if it keeps us within compliance.

[numerous people speaking]

Alderson Jones Right, so I think we could eliminate the at least 80%, but we could define group living for seniors in which the units have one occupant who is 55 years of age or older, because I think we do want that in there and to reference what Ms. Vasecka said if Grandma dies and this is 55 or older or community residential facility under those specific categories, then no, the person has to move out eventually in a reasonable amount of time because this is targeted towards certain groups to provide housing for certain groups, and that's your intent I suppose, but I, I think we just need to eliminate the 80% but we leave everything else.

Alderson Anderson Right and I do think that too, Mr. Mayor, if you'll let me.....

Mayor Jordan Hess Ms. Anderson.

Alderson Anderson That the thing that Ms. Vasecka is concerned about, I think is that these are not owner facility, this is assisted facility. So if, on the unfortunate day that grandma passes that you know, you, the children are not then owning the unit, they have to come in and get everything of grandma's out because then the next grandma needs to move in... that these are not like condos where you purchase them, it is like you are living there in a specific assisted facility. So, I understand what Mr. Woith is trying to say, that yes if it's somebody who has a stroke who's 45 who needs care, this is the type of housing facility that they would be able to go into.

[numerous people speaking]

Alderson Anderson So, it looks like what's happening on the screen it is the friendly amendment that Ms. Jones is proposing.

Mayor Jordan Hess So Mr. Woith, go ahead.

Spencer Woith Just to be clear. The amendment and group living for seniors in which one occupant who is 55 years of age or older. Just for clarification, I want to make sure that's one occupant in the whole building or one occupant per unit. I just, again, going back to the potential for assisted living, not necessarily senior living making sure that we aren't restricting that. So, I guess, I'm not really clear on the one occupant and what the intent of that is.

Mayor Jordan Hess The one, one occupant per unit in my, in my reading is more restrictive than 80% of the units having one occupant, and I, I think that's a pitfall we're trying to avoid, but that's how I read it....

Spencer Woith I'm just concerned that there is a, hypothetically you have this development where you have one resident per unit and that one resident is a 40-year-old who had a stroke. By saying one occupant per unit could potentially preclude that.

Alderperson Anderson I, I agree that the intent is not with that one is not meeting it. It is senior living facility or assisted living facility or community residential nine or more, is what we're trying to sideboard here. So, that it's not a student living facility.

Mayor Jordan Hess Mr. Woith.

Spencer Woith I'm out of turn here a little bit, I apologize. Yeah, I just want to make sure that we don't craft this language in a way that does restrict it. I, I apologize, I'm not trying to be critical. I just want to make sure that we get this right for what their operations are.

Kody Swartz I'd like to clarify too. This is Kody Swartz with Woith Engineering, just kind of piggybacking on what Spencer had mentioned. The Goodman Group who have been involved in this project, they fit under Montana code annotated for the assistant living facility that's found in Title 20. So, they technically wouldn't need that more sideboards for the senior living facility.

Mayor Jordan Hess So to clarify, they, they would fit in the community residential facility as defined under Title 20?

Kody Swartz Under Montana code annotated and/or Title 20, yes, that is correct.

Mayor Jordan Hess Cassie can you put that community residential facility back up for a moment?

Cassie Tripard Yeah, like the Title 20 definitions?

Mayor Jordan Hess Yeah.

Cassie Tripard Absolutely. I'm trying to anyway. There we go.

Mayor Jordan Hess So, just to clarify, the way I heard that was that just permitting everything under the community residential facility could potentially encompass everything that we that that we wanted to do without including the?.... I just wanted to make sure I heard you right but Mr. Swartz.

Kody Swartz Yes, that, that is correct. That, that was our intention when we did the neighborhood character overlay was to just... you know typically, the RT 5.4 allows those community residential facilities in anything under eight units and so obviously, we're nine or greater units for this assisted living facility. So, we just wanted to make that permitted by right, that nine or greater and fitting the definition of that community residential facility would be permitted.

Mayor Jordan Hess Okay thanks. I'm going to go back to my list. Mr. Contos, did you have anything else? That's okay. Ms. Anderson. Ms. West.

Alderson West I mean, I guess we might not need the senior living facility and it's taken out right now, but I was just going to suggest that we changed the language to or and I think the, the definition of what a senior living facility is, is I believe federal... It, so like that 80%, you either meet it or you don't to be considered a senior living facility. So, that's not something we set and I don't think we necessarily need to define it I guess but should someone go about of not doing the assisted living facility, I think a senior you know having a second option isn't a bad a bad thing because I think that also you know meets that intent of having that intergenerational interaction within the elementary school next door. So, it just really provides another option should there be some, yeah a change in plans maybe.

Mayor Jordan Hess Okay, when Ms. Anderson is back, we'll, we'll confirm that this meets her intent. Ms. McCrea.

Mary McCrea I don't think...we wouldn't have anything to check with a building permit for zoning for a senior living facility because we, we wouldn't have any definition for that in Title 20. So, I don't think it really does anything for the condition to, I mean, we wouldn't be... it could be one senior living in the building. We wouldn't really have any way to define that.

Alderson West Can I ask a follow-up question?

Mayor Jordan Hess Ms. West.

Alderson West So are you suggesting that we just take out the reference to senior living and just leave the community residential facilities bit?

Mary McCrea Yes.

Alderson West Okay.

Mayor Jordan Hess Ms. Tripart.

Cassie Tripart If that's the solution then this is irrelevant, but just explaining the and versus or. This condition is saying they'll restrict the uses for group living there and the and means you could do senior living or community residential facility, but if you put or in there, it means they need to write the code to only have one instead of both. Did that makes sense? Some just weird legal ands and ors....

Mayor Jordan Hess Ms. Anderson.

Alderson Anderson I think, I appreciate staff trying to thread this needle. What I'm trying to do is make sure that if, for some reason, tomorrow after this is voted up or down, that if the senior facility group that is intended to go on this lot ceases to exist, that we have now created a parcel that it allows for density of 110 units with some gabling setbacks and things like that, that could be a very different use case to the neighborhood than what they're being told is a senior living facility or an assisted living facility, which I think is mainly more about traffic and the types of comings and goings that this facility could create. So, that is what we're trying to kind of create a space for, to put some sideboards around because once we adopt it, it is there. So, I know, I....

Mayor Jordan Hess So...

Alderson Anderson So, under community residential there I mean I think what Ms. Tripart was saying is we need to go back to the and, and that this doesn't.... so it as the original explanation it's you can be in either bucket.... so you can be a 45-year-old who needs assisted living because you are incapacitated somehow or you could be a senior who is just no longer able to live on their own, but those are the two use cases for this space.

Mayor Jordan Hess Okay, I'm going to go back to staff. Ms. McCrea or Ms. Tripard, feel free to weigh in...

Cassie Tripard So, just clarification. This condition is just, it's not restricting the other uses permitted by the overlay, it would just narrow down the group living, should they go with group living. Are you proposing that they not be allowed to do housing either or multi-dwelling?

Mayor Jordan Hess Ms. Anderson.

Alderson Anderson Yes, that is what I'm trying to get because my understanding is if we, I mean, I, if this doesn't happen then it reverts back to RT 5.4, and they can subdivide out this lot into residential lots. What I'm trying to avoid is 110 unit like apartment complex.

Mayor Jordan Hess Ms. McCrea.

Mary McCrea Yeah, I still think, I'm not sure what we'd be looking for, for a senior living facility. We don't have any definition of that in our code or what the limits are. So, I, I don't know what we would be looking for, for that. I mean a community residential facility, an assisted living facility we could do, but I think senior living facility, I don't think we have any definition in our code for that. What age, what, what, what does that mean?

Alderson Anderson Can I have a follow-up Mr. Mayor?

Mayor Jordan Hess Ms. Anderson.

Alderson Anderson Ms. McCrea. So, if we just say it has to be limited to assisted living facility, does that, I feel like that gets at if you need assistance, assisted living facility, you know that is a different use case an apartment complex? Are we able to narrow it that way?

Mary McCrea Well, RT 5.4 doesn't allow multi-dwelling buildings. Cassie, can you confirm whether the NC overlay permits multi-dwellings?

Cassie Tripard It does. I will share this. So, we are referencing the neighborhood center south district. This applies to lots, let me just double check this, Lot 1 and Lot 176. It would permit everything that's regularly allowed in RT 5.4, so duplex, detached house, townhouse. It would permit community residential facilities by right instead of conditional, a religious assembly would be conditional, that's what's allowed per the base zoning and then as far as building types go, this does permit multi-dwelling building and three unit townhouse, which I would advise because this applies to Lot 176 and Lot 1 to just separate those out. They'll have to come up with a new name for this, but, so you would propose to eliminate these two options as well as all residential or all uses permitted by RT 5.4, so it's just community residential facility? If, I'm understanding that right?

Mayor Jordan Hess Ms. Anderson.

Mary McCrea And it sounded like you maybe didn't want all of community residential facility 9+, you just wanted assisted living. So, if you could clarify that, it'd be helpful.

Mayor Jordan Hess Ms. Anderson.

Alderson Anderson Okay, I, I apologize. I thought this was going to be an easier one. Okay, so I guess what, I'm not trying to make things more difficult. I'm just trying to make sure that there are sideboards in place to protect the neighborhood because they're being told a senior/assisted living facility is going in place, and how can we guarantee that? So, I would like, I would like it to be either that or if for some reason this particular developer who is wanting to come in decides they don't want to be in Missoula anymore, then it just goes back to regular, R 5.4, which allows for, you know, individual housing,

duplexes, and triplexes as in the rest of the neighborhood that is being proposed and that a multi-dwelling, because there's no sideboards on multi-dwelling, so it could be 110 unit apartment building open to anybody who wants to rent. I don't know. I hope that's being clear and I apologize if it's not, but that's what I'm trying to do the intent behind this amendment, that I do believe myself and Ms. West are trying to craft.

Mayor Jordan Hess Okay, thanks for clarifying that. Let's go to Jim Nugent and then back to Ms. Tripard.

Jim Nugent I just wanted to note, Mary keeps noting that there's no definition of senior, and in the legal discrimination law that sets forth this age 62 and 55 and older with one unit or one person 55 or older. The state illegal discrimination laws simply are saying older persons, the word senior doesn't appear in the legal discrimination law. It's older persons, so and then of course, there could be lots of parents that are 55 or older, especially on the male side. So, it's not just grandparents that should be talked about, it could be parents, but I think you have to listen to what Mary is saying about there's no definition of senior and maybe the reference on the application, if it has the word senior, maybe that's where the problem is, is take away the word senior.

Mayor Jordan Hess Thank you Mr. Nugent. So, you know, based on what Mr. Swartz said, I think that this as presented on the screen meets the intent and maybe if we could go back to the developers and confirm that and, and then....Ms. McCrea's hand just went up. Ms. McCrea.

Mary McCrea With the interim ordinance, general group living is permitted currently in RT 5.4. And so, I think, you know, I think where we started was wanting to limit group living and it sounds like Stacie would also like to limit multi-dwelling. So, perhaps it would restrict group living to community residential facilities and, and not allow multi-dwelling development.

Mayor Jordan Hess Okay, we're, we're, we're two hours past our previous recess. We'll take another recess and, and work this work out the specific language to meet intent and be back in order at, let's do 10:55 p.m.

Mayor Jordan Hess We'll be back in order and I'm gonna go to staff first because I believe there might be a new proposal.

Cassie Tripard Let me just get it pulled up here. So, what we came up with was that the overlay shall be amended to restrict group living uses on Lot 1 to community residential facilities, that's 9+, that's eight or fewer. It just really cuts out those extra group living uses and to restrict the residential building types to those allowed in the RT 5.4 base zoning, that would eliminate multi-dwelling and three unit townhouse only allowing detached house, lot line house, duplex, and two unit townhouse, hopefully that's getting at the proposal.

Mayor Jordan Hess Ms. Anderson is giving a thumbs up.

Alderperson Anderson Yeah, so I'd like to withdraw my original motion and make the motion that is now presented on the screen, as read by Ms. Tripard into the record.

Mayor Jordan Hess Okay, that motion is in order, and I would like to go to the development team for a reaction to this.

Matt Hammerstein Yeah, so this is Matt Hammerstein, I'm with Woith Engineering, and I guess this is kind of a question for Cassie. So, the Goodman Group their proposed use is a group living use but then their building type I think would fall closest to a multi-dwelling building and so that was the intent there, and we kind of have those two separate things going on where we were talking about the use type, which was group living versus residential and then the building type.

Cassie Tripard Yeah, so precluding multi-dwelling, that would refer to your standard multi-dwelling building. You would still be able to build the group living, which is really viewed as separate as proposed with attached units, it kind of looks like multi-dwelling but that's separate from a regular multi-dwelling residential building type. It's included with the group living, knowing it would likely look that way.

Matt Hammerstein Okay.

Mayor Jordan Hess Jim Nugent.

Jim Nugent Not up. I can't get rid of the raised hand.

Mayor Jordan Hess Okay. Ms. Sherrill.

Alderson Sherrill So, I appreciate the.... I'm very tired, so hopefully I'll be able to articulate this correctly. I appreciate Ms. Anderson's amendment. You know, one of the things is we're kind of trying to predict for the future I guess sometimes. You know, if we put in, if we put these restrictions in place for this specific lot, they build the facility, and the operator of the facility goes belly up for whatever reason and they have no other assisted living operator that would operate this site then we are going to have a large building in a housing crisis that has no one in it. So, to me, I, I'm actually not going to support this. I, I think that, that, I think we're, we're restricting things beyond what I think is reasonable by saying it just has to be this type of group living, in my opinion because that is that is reliant on having someone that operates and has residents for that facility that want to be in that facility at that point. So, I, I'm, I, maybe people can convince me, but I feel like this is boxing us in too much for this specific building on this lot. So, I'm, I'm not comfortable with this level of restriction as a more permanent thing.

Mayor Jordan Hess Ms. Vasecka.

Alderson Vasecka I have to agree with my colleague Ms. Sherrill, I was thinking the exact same thing. You know, we, we are not allowed to condition a lot of rezoning requests for mostly this reason and if this specific project is not coming to fruition and then the neighbors were expecting one thing and then this project came on and then it didn't work, so then another thing is going to come on. So, I just, I, I agree with Ms. Sherrill with boxing in this land. If we're gonna change it, we have to change it and we, we can't have it stipulated on whatever this specific project is going to be.

Mayor Jordan Hess Ms. West.

Alderson West I am going to support this amendment and I really appreciate staff spending a lot of time on this. I, I think this does still allow for quite a bit of flexibility should the plan for group living facility with this specific use fall through. I think you know the underlying zoning district still has a lot of options and yeah I feel, I feel comfortable with this and I, I really appreciate stuff coming up with this, I'm getting tired.

Mayor Jordan Hess Ms. Anderson is your hand up from before or did you have additional?

Alderson Anderson Yeah, no I just, I want to (a) thank staff and (b) address Ms. Sherrill's concern. I think the reason why I am asking for this amendment is to you know kind of put some sideboards around what the developer is proposing and also give the neighborhood some reassurance that what they're being told will be built there will be built there, understanding that once we pass zoning overlays and whatnot our ability to control anything is lost. And so, you know, I think we would all love to see if a senior facility here it obviously is the intent, but as we have seen over our time on Council that developments for whatever reasons fall through and then I just want to give some protections to the neighborhood. I do think that in the use case scenario that you laid out where there's an empty building sitting there in the neighborhood and we are in the

middle of a housing crisis you know, they could come to us for you know a, you know whatever mechanism in front of them and you know once it's built, but I just am trying to make sure that there isn't you know not to be disparaging to the developer, but a bean switch because once we condition you know they're asking for a hundred units to be built there in a mainly single family, some small unit multi-dwelling neighborhood, which is a drastically different use. Now, I think senior and assisted living facility with traffic and the use case and the use type is, is different, so it kind of you know somewhat melds a little bit better into the neighborhood versus just a hundred unit apartment complex, but once it's built and if five years down the road it no longer ceases to be operable as a senior living facility, there are options to come forward to Council to make sure that that building is being utilized and but it's just in the mean you know because we're basing traffic studies on it's a you know a senior living facility or assisted/senior living facility and, and whatnot. So, that is just basically my intent is to give some you know sideboards and protections to the neighborhood to really you know make sure that the developer is what they're proposing is what actually gets built there, knowing that our predictability after tonight is limited.

Mayor Jordan Hess I'm going to go to the developers. I'll go to Ms. Mouch and Mr. Woith.

Spencer Woith I, I'm just gonna ask a quick question, could you, could Cassie, could you share that screen again? Obviously, this is a 20 million dollar question, and we want to make sure we get this right. I would like to make sure that we fully understand the language that we're looking at. Thank you.

[numerous people speaking]

Spencer Woith Nope, Allison, go ahead.

Allison Mouch So, yeah, I appreciate the, the language and I, I think we're, we're in agreement here. I guess I would just to follow on Ms. Anderson's comment about you know having some assurances because Cassie's list of building types didn't include multi-dwelling and that's really critical to our client in terms of building the senior living, group living whatever it ends up being on that lot. If there's any way we could integrate that language to be very specific that, that would entail something beyond duplex or triplex units because that really changes the, the character of what's being proposed on that one. With this condition, I think we'd all be in the same place and amenable to, to what's being asked on this lot.

Mayor Jordan Hess Ms. Tripard.

Cassie Tripard Yeah and I just want to reiterate, eliminating multi-dwelling does not eliminate group living that looks like multi-dwelling. Group living can have a structure that looks like multi-dwelling, they, residential multi-dwellings really just treat it as regular apartments. So, this amendment doesn't make you have to build group living that looks like duplexes. It would still be allowed to function and look like a multi-dwelling building. The group living is the use, if that helps?

Mayor Jordan Hess Ms. Mouch.

Allison Mouch Yeah and I, yeah and I, I guess I don't want to split hairs, it's late, everybody's tired, but with the neighborhood character overlay, we were really specific about the building types that were being requested as permitted s part of the overlay with this particular use in mind. And so, the way we look at it is the use and the building type are hand in hand to get to the development that's being proposed on that one and we just don't want to get into, I'll use Ms. Anderson's terminology the bait and switch where we come to a point where what we anticipated being allowed based on this discussion is somehow called into question down the road, not due to anything that's in this condition, but just I guess the perception. I know this is all a lot of nitty-gritty detail, but it would

make us feel a little bit better if it were pretty clear in writing that that building type were okay for that particular use on this lot, if we're getting into that level of detail.

Mayor Jordan Hess And maybe we could ask our staff to specifically note that in, in any approval letters just that, just to clarify that. Ms. McCrea, do you want to weigh in on this?

Mary McCrea Yeah, a multi-dwelling building is independent dwelling units, it's not group living, they are not the same thing in our code. So, a group living building can have lots of units, but they're not full dwelling units, that's part of the definition of group living. So, the community residential facilities are the same. So, in our code, multi-dwelling is just a building type of multiple dwelling units, full dwelling units and, and so, that wouldn't be a community residential facility, they're kind of two different things, but it's not saying that you have to build like Cassie said two unit community residential facilities. It's, they're two different things in our code.

Mayor Jordan Hess And in the units, I don't know what the intent is, but can the units have all of the trappings of a multi-dwelling unit? Can they have kitchens and bathrooms and, and all of the things that would share, that would be in common with a multi-dwelling building type?

Mary McCrea No, group living requires a, you can have a kitchenette, but you can't have a full bath and full cooking, cooking facilities. You, you can have you know a bedroom, a living area, and then you're, there's a communal living area and a communal dining/kitchen area for group living.

Mayor Jordan Hess Okay let's go back to the development team for, to weigh in on that.

Spencer Woith I think that that would be a major hang up for us, in the fact that when you have, I'll call it age in place, where you move into a facility when you're still fully functional and you can take care of yourself, you can cook, you can have a kitchen, you can choose to dine in, if you want to, and then as life progresses and you get to the point where you can't do that anymore, you potentially move into a different facility that is a limited kitchenette or even potentially to a place that doesn't have that. If we're getting to the point where we're restricting what you can do as far as the kitchens and the bathrooms in there, I'm very, very hung up on that and I don't want to back ourselves into that corner.

Mayor Jordan Hess Okay, thanks for that. Ms. Anderson or Ms. West, this was, I'd go to either of you for...Ms. West, your hand is up, do you want to?

Alderson West Yeah, I'm a little bit confused now because we didn't, we didn't add the restriction to group living with our amendment, that was already an existing condition that was a part of what was brought to Council, group that the basis of a 110 group living facility, like that, that was already there. We simply narrowed, I guess, the function of that group living. So, I, I'm, I guess not understanding that comment because group, that is, like that is the definition of group living, is that there are some facilities that are shared. And I guess if, if it was intended to be a 110 units of multi-family, that isn't what was brought to Council, unless I'm misremembering what was seen.

Alderson Anderson Yeah...

Mayor Jordan Hess Ms. Anderson go ahead.

Alderson Anderson Well thank you and I appreciate....I thank Ms. McCrea, I'd love to hear from her, but yeah, I, I think, I appreciate what Ms. West is saying. We are not trying to limit what your proposal is that you're doing, we are trying to limit in case it does not work out as intended what the use of this lot is going forward. So, if assisted or community, residential as defined and what is allowed is what you guys put in your application and Ms. McCrea is now giving voice to what that means per our code and

that's now not what you guys are seeing, that's not an a function of the amendment, it's a function of miscommunication prior to this point. So Ms. McCrea, I would love to hear a little bit more from you.....

Mayor Jordan Hess You know, it, it sounds to me like the applicant team contemplated the building type in order to be able to have full units with, with kitchens and full bathrooms and that, that would be a portion of the units and that some units would have a more of a limited use, but that that full unit type was, was something that they contemplated, and that, I mean, that. that was how I took Ms. Mouch's comments about, about why that building type was included in the base zone. And so, I, I mean that, that's my take is that it's sort of it, it appears as though they need both of those types in order to accomplish what they're trying to do, and that that's consistent with their, that's been their position. So, I think, I, if, if the intent is to allow what they originally proposed, it sounds like we need to go back to the drawing board on the amendment.

Alderson West Can I ask to have the original language put back up? Like before we amended everything....

Alderson Vasecka I was gonna ask the same thing. Thank you Heidi.

Alderson West Sorry to jump in there. I just, it's hard to track what we're all talking about.

Cassie Tripard Sorry, do you mean the original memo language or the neighborhood character overlay? Like, as written?

Alderson West I, I was going back to square one.....

Alderson Vasecka I was too....Like what, what was the original and then what was the proposed language and I would like to see that all in writing before I vote on it.

Alderson Anderson It's page nine of the memo attached to the development or to this.....

Alderson Vasecka Page nine, okay thank you.

Alderson Anderson Yep, I've been reading along...yep.

Cassie Tripard Well it's actually..... sorry.

Alderson Anderson Can I ask a question of staff?

Mayor Jordan Hess Yeah, Ms. Anderson, go ahead.

Alderson Anderson Ms. Tripard or Ms. McCrea, I guess in the original application, even before we got to amendments was the, was it a multi-dwelling facility of 110 units that was intended for a community senior assisted living, was that how it was originally applied for and what you were originally bringing to us to approve before I started making amendments to limit use types in case this doesn't work out?

Mary McCrea Their proposal included a multi-dwelling building, but that multi-dwelling building isn't restricted to a group living, community residential facility. So, what they included was allowing community living, I'm sorry group living, community residential facility, 9+, and allowing multi-dwelling. In addition to what a three unit townhouse is also above what is allowed in RT 5.4. So, it included all of those things.

Alderson Anderson May I have a follow-up Mr. Mayor?

Mayor Jordan Hess Go ahead.

Alderson Anderson So, Ms. McCrea, if the, if it was passed as staff proposed and the developer backed out of developing the senior living facility, would this lot be allowed to then be developed into just a multi-dwelling facility up to 110 units with a roof of 35, with the setbacks allowing up to 45, open to anybody in the community without any community living/senior living facility, if the based on how we adopted it this evening?

Mary McCrea Yes, from LUP, we were talking about restricting the type of group living, but their NCO really always included multi-dwelling. So, if the, if the, a group living facility, a community residential facility wasn't proposed, it would still allow multi-dwelling just a regular multi-dwelling.

Mayor Jordan Hess So, let's step back and ask how do we achieve the intent? Because I think the intent is clear and I mean that's, that's, what, what I'm hearing is that the, the protection that Ms. Anderson is trying to achieve is clear, and we don't appear to have a tool on the, on, on the, we don't appear to have a tool before us that achieves that intent. Mr. Nugent, you just raised your hand, do you have a, do you have a thought on that?

Alderson Mike Nugent I don't know the mechanism for this, but I going back to Councilwoman Sherrill's comments 30 minutes ago, should we determine if the Council's will is to do this before we spend more time on it? I don't know how we could do that informally without calling the question and then I know that keeps a whole other set of issues, but.....

Mayor Jordan Hess I was just going to ask you if you were calling for an immediate vote? I mean, I think maybe we could do some kind of informal straw poll about, about interest in pursuing this further. Let's, Mr. Woith, do you want to? I saw your physical hand; do you want to weigh in?

Spencer Woith Yeah. I think it, I think the question that we, our main thing is, I think we're all aligned on what the intent is for senior and assisted living, and understanding we got to make sure that we have the sideboards that we're talking about. We want the ability to, I guess that's why we're talking about the building type, is that we don't want the building type restricted. The use is fine, it's the building type that we're hung up with. We want to be able to have full kitchens, give people the ability to move into there when they're 75 and then they age to 110 whatever, and they progress through. I don't want the building type restricted so that there is only communal living. I want people, we want people to have the ability to live independently for a period of time and then move in. I also want to go back and ask the question, if it were to divert right now to straight apartments, multi-family, would the number, the number would not be 110, and we'd be restricted to one unit per 5,400 square feet, so we'd be, if it were to divert it would be 45 units ish....Is that right?

Cassie Tripart 44, that's why my hand is raised, yes....

Spencer Woith So, it's not going to be 110 units, if it were to, if it were to divert. It's, it would be one per 5,400, so 44 units overall. Yeah, that's all I have. Thank you.

Mayor Jordan Hess Okay.

Kody Swartz Can I just add to Spencer's real quick? This is Kody Swartz with Woith Engineering. I, I was just digging up while we were on this call too and re-looking at the Montana code annotated for assisted living facilities and 37.106.28.35 to part H states that each individual unit can have a kitchen or kitchenette, provided that kitchens or kitchenettes and resident bedrooms are permitted, if the residence service plan permits unrestricted use and the cooking appliance can be removed or disconnected if the service plan indicates the resident is not capable of unrestricted use. So, I think that was a little confusing too on the assisted living facility and not being able to have a bedroom or a bath, bathroom, and a kitchen.

Mayor Jordan Hess Can you, can you give us that code citation again?

Kody Swartz Yeah, it's Montana code annotated, 37.106.28.35 and 2H.

Mayor Jordan Hess Thank you. Okay, I'm just, just for our, for the sake of our straw poll. I'm just going to go through the queue that I've got. Ms. Sherrill.

Alderson Sherrill Am I just, are we just doing a straw poll right now? We're not making comments, is that what you're saying?

Mayor Jordan Hess You can, the floor is yours...

Alderson Sherrill I, I just want to point out that and I think that whatever code you just found, you know a senior and assisted living can mean a lot of different things. If you have had a parent or a loved one that has been in that and it can mean having an apartment and this is clearly what, what their intent was. You know, I, I am kind of you know for the neighborhood piece, I'm happy to know that it drops to 44 units for the neighbors, if it is you know just a multi-dwelling unit. I, I'm, it's too bad we're just figuring out that they're allowing, that community living was on top, in a, an additional thing from just a multi-dwelling unit. I, I'm not going to support this for the reasons that I probably somewhat poorly articulated earlier because I'm very tired. I, I just think that you know we, we have the building looking like, what we, we brought the height down, we you know it's not going to be 110 units. I, I don't I don't feel good about, in this climate right now, about supporting, supporting that level of restriction on this lot.

Mayor Jordan Hess Ms. Anderson. No, I'm just going through the list of raised hands. Do you have anything else to add? Okay. I'm just gonna hit Council members for now and then I'll come back. Ms. Vasecka.

Alderson Vasecka Thank you and I'm sorry that I've taken up a lot of time tonight, I just needed a lot of clarifying things and that this is our duty to make sure that every decision that we make is, is, is right with, with everyone involved. So, we have to discuss it and I'm sorry that it's taking so long, but I am not sorry for taking up so much comments. I guess my question, my comments are, if, I, I'm really, I'm really concerned about the stipulations that my colleague Ms. Anderson put on this, like if this particular development did not take place on this area, then it was, would require more stipulations and it would require more government entanglement, and I disagree with that because we are not allowed to, we're not allowed to have stipulations on zoning requests. If we're going to make a zoning request, a zoning change then we have to make that change into perpetuity, and that is what the, the zoning change is going to be unless a further zone request comes into and then we'll decide it when that happens. And yeah parts of this were conditionally zone, zoning requests and yes we can have conditions on that. I just, I don't think that you'd all be in my private property rights, I don't have all my, my statements in order right now but me and my private property rights I think it is unfair to, I don't like to use that word either. I don't think that we should stipulate what can and cannot happen to this property in the future. I think that we may need to make a decision now and if this property does not come into fruition of how we decided it, then we will deal with that in the future, but it is unfair. I guess unfair, it is not.... there was earlier conversation about having the current property owners in the vicinity knowing what is going to happen and I... While I do agree with that, I do also think that if you buy property next to an empty lot or buy property next to any lot that property will be developed as the property owner sees fit and I, I think that what's happening here is that the property owner is being very logical and very reasonable and is being very compromising and I think that, I think that that's okay and I guess that's the end of my comment too. I will be in support of... I will not be in supportive of this last amendment and I will be in support of the rest of the motions.

Mayor Jordan Hess Ms. West.

Alderperson West So, I think I actually have a question, and I guess my question is how, through what combination of multi-family and group living we're getting to the 110 units? Because that's, it, it could you know a considerable addition of units that would be allowed, you know from the regular multi-family I guess. So, Cassie, could you maybe explain that?

Cassie Tripard You may need to call on Mary for that. Mary, how do we balance a project that's both multi-dwelling for some units and group living for others potentially? For density purposes....

Mary McCrea Well.....[laughs]....I, I don't know, I don't think I've seen a project like this. I mean usually we have group living projects that they have to meet the use of specific building standards under 20.40 and it limits the residents to a multiplier depending on the zoning district, right? And those are residents that don't have full units and it's, they may have a kitchenette, bathroom, bedroom, living space, but they have a communal kitchen and living facility. And then, to that, you'd have to add the dwelling units. I don't know if we have to, I mean when you look at the, the definition of why we limit the density of residences in group a living, they're talking about the whole parcel, right? So, I don'tyou know, would we add those together? We don't have residents though in a multi-dwelling, we have units, so it's, it's a little tricky calculation. I'm not sure quite how we do that. Maybe you get both, maybe we would just err on the side of getting both. So, if you had 45 maximum multi-dwelling units then you could have the balance, what is that? 65 residents in the group living, community residential facility.

Alderperson West And there's no...Sorry. Follow-up question? There's no.... I was trying to, I haven't seen the combination of the two put together on a single lot and there's no like maximum number of people per?

Mary McCrea Not occupancy standards... So, we don't define the number of people who can live, right, in a dwelling unit. So, you wouldn't calculate that, that portion that way.

Alderperson West I remember there being a maximum when we saw the, the one that was supposed to go by Montana Glass....

Mary McCrea But that was just group living

Alderperson West Just group living....

Mary McCrea It wasn't multi-dwelling units. They weren't separate, independent dwelling units. So, when we have group living, it's the table Cassie is showing. So, in RT 5.4, you take the thousand square foot of parcel area, and you'd multiply it by 1.5, and that would get the number of residents for your group living facility...

Alderperson West But you would add to that also the minimum....

Mary McCrea Yeah, they're two separate calculations, but they're all based on parcel areas, so....

Alderperson West But one doesn't take up the whole parcel? Like you can use the same parcel twice?

Mary McCrea Again, I don't think we've seen it. I mean Title 20 is really detailed and we're trying to make it simpler in code reform, but it doesn't cover all the, it doesn't cover this situation for sure.

Alderperson West Thank you.

Mayor Jordan Hess Okay. Ms. Anderson.

Alderson Anderson Thanks so much. So, I actually think the development team, like might have actually come up with a solution. So, the amendment that is on the table that we're straw pulling about reads that... okay hold on, I gotta figure out how to get to that screen, that the Riverfront Trails neighborhood character overlay shall be amended to restrict group living uses on Lot 1 to community residential facilities and restrict residential building types those regularly permitted to R 5.4 and subject blah blah blah....So, what the development team pointed out was that in a residential, resident units under assisted living does allow for kitchens, which is what they brought up was the concern that they were feeling like if they were restricted to it, it would not achieve what they're trying to do and you know. So, I'm wondering if Ms. McCrea can look or mister, senior Nugent, can look and tell us the definition, as if you know they are compliant to allowed to have kitchens because they're basically tiny little apartments, is what they're trying to achieve. You know, my grandmother spent 15 years there, so I'm very familiar with what an assisted living facility is. It's like a little apartment with a kitchen and a bathroom, and all that and it does appear that per Montana code annotated 37.106.28.35 does allow that. So, therefore, my, I think that the amendment as proposed doesn't restrict that and should allow for the building type that the developer is hoping to achieve, to build this community residential, senior, assisted living facility, but I'm not an attorney. So, I'm asking for oral and you know the, the... So, if they could weigh in, I'd appreciate it.

Mary McCrea I would just get rid of the and to restrict residential building types to those allowed in the RT 5.4 based zoning and, and leave the rest of it, and you will either have up to 45 multi-dwelling units or you'll have a community residential facility....

Alderson Anderson And that, I'm not okay, I'm not okay with the 45 units of multi-dwelling if a community, my amendment does not, that does not achieve the goals of my amendment, that if for some reason this facility does not get built that to try to limit multi-dwelling on this or dense apartment buildings on this unit.....

Mayor Jordan Hess Jim Nugent.

Jim Nugent Yes I think that what Stacie was talking about is that you can have the small cooking area and also a bathroom, that the Montana State law recognizes that as group living. I think, in part, it seems like Stacie's trying to address if the building doesn't get developed and do you need a triggering event that if they don't develop it within 10 years or something then the other zoning, the underlying zoning takes over as maybe the triggering event because once it's built, it doesn't necessarily have to come back to the City Council. It could go to the zoning board of adjustment for a variance. So, it sounds like what you're really trying to do is address it before the land gets developed and once the land is developed, it's taken off on a whole different avenue.

Mayor Jordan Hess So, I've got Ms. Vasecka and then I'd appreciate it, if, if.....

Alderson Vasecka Stacie can....sorry, Stacie can respond to that before I have my comment.

Mayor Jordan Hess Okay and then what I'd like to do is hear from people we haven't heard from yet about appetite to continue this discussion, and then come back to whether or not we need refined language. Ms. Anderson.

Alderson Anderson Yeah, so I appreciate what Mr. Nugent said that yes that is exactly what I'm trying to do. I'm trying to make sure that the developer, as they want to propose has the ability to do so. I'm trying to protect the community in case it does not come through as intended to limit a dense multi-dwelling unit. So, as Mr. Nugent pointed out Montana code does allow in residential assisted living units for a kitchen, a bedroom, a bathroom, as in Title 20 as the developer pointed out. So, the amendment allows them to build and that basically then just protects, if that developer does not develop it as

intended because for whatever reason it falls through then it just reverts back to the zoning that the neighborhood or the abutting property of 90 some acres is zoned at. So, I think we've threaded the needle on it.

Mayor Jordan Hess Ms. Vasecka.

Alderson Vasecka Thank you and I respectfully disagree with that. I think that if this developer cannot do what we originally intended for this zoning change and all these or these recommended motions that we're doing tonight does not achieve what, what the developer originally chooses to do and construction costs increase, concrete, wood, you know like everything is increasing these days, hyperinflation is happening, so everything is increasing. So, yeah there is a possibility that this project will not happen and will not come into fruition and so what basically the motion on the floor is to say that, if this does not come into fruition then nothing of this caliber can happen unless it comes back onto the floor and I, I disagree with that. I think that once we change the zoning we've already changed the zoning for the residents in the area and change is, is hard, it is very hard for the residents and I don't think that we should keep, keep it changing every single year. So, I am, I do respectfully disagree with this, with this, if I'm understanding it correctly?

Mayor Jordan Hess Ms. Farmer.

Alderson Farmer Yeah, I guess at this point, I, I agree with Ms. Vasecka and Ms. Sherrill. I, it does feel like a level of detail that we should maybe not be involved in. I think globally this development is, is actually a very mindful one and a good one and I think we have done quite a bit already to listen to the neighborhood, and make changes, but I, I just don't support this.

Mayor Jordan Hess Thanks. Ms. Becerra.

Alderson Becerra Yeah, I concur with Ms. Farmer and Ms. Sherrill, and Ms. Vasecka. I guess I, while I understand the intent, this is, this is not, it feels like we are trying to redesign this project to a level where that... you know trying to foresee what will happen in the future is just, I, I'm, I'm not interested in getting us there. I, I don't think.... there's too many what ifs, so I will not, I'm not interested in continuing to massage this amendment.

Mayor Jordan Hess Ms. West and then Ms. Savage.

Alderson West Jennifer could go first; I talked a lot on this one.

Mayor Jordan Hess Ms. Savage.

Alderson Savage I agree with my colleagues; I'm also not interested in pursuing this any further. I feel like more and more I'm getting uncomfortable with the idea that, that now we're talking about density and now we're talking about sort of restricting uses in housing and I, I understand the intent is senior living. I think that's great but it's starting to feel a little more like..... apologies, I'm tired, but trying to protect one specific neighborhood from density and, and I don't agree with that.

Mayor Jordan Hess Anyone else on this? Ms. West, I guess you're next.

Alderson West Okay, I guess, I, I don't think we're going to get anywhere and I guess, I actually am a little bit concerned that we're counting, I guess allowing the lot to be counted twice. I didn't realize that that's how we got to that density. It, it makes no sense to me if, if that's how we get to 110. Under that logic, I could have my house on my lot but also have a group living use on my lot as well that would allow 14.58 people under current zoning and how we get to the maximum number of residents allowed by group living in my zoning district. It, that just, it doesn't make any sense to me and that, that, that's how we would I guess calculate both densities together. I'll just leave it there.

Mayor Jordan Hess There's some hands in the public up and I will go to public comment in just a moment. Anyone else on Council on this? Mr. Nugent.

Aldersperson Mike Nugent I have a question.

Mayor Jordan Hess I'm sorry, what was that?

Aldersperson Mike Nugent I call the question.

Mayor Jordan Hess Okay. So, Mr. Nugent has made a motion to end debate. That motion is non-debatable, so at this point, we will immediately go to public comment. And so, this is on the motion before us that Ms. Anderson has made, and we'll take public comments. So, Mr. Odegaard come on up and then we'll go to online comment.

Doug Odegaard Thank you everyone, I know it's late. I, I want to give you some background and take some pressure off of Stacie and speak on the behalf of the neighborhood. Unfortunately, we have had challenging, a challenging situation with the developer and I'm not talking about Woith or any of that. Nate Tollefson, I'm, I'm just going to call it straight here. By putting 27 units on a 0.7 acre lot and it soured the, it soured a lot of feelings and trust in the neighborhood. So, right now, you know, in my opinion and I'm not going to speak on Stacie's behalf, but, but part of this is we don't, we as neighbors, we don't trust the developer. We don't trust that if Goodman decides not to do it that Tollefson will not build the same types of units that they have all over the place, very dense, it increases traffic, it kind of blows apart all of the, the prep that was done for this. And so, I believe that, that is the reason for the sideboards and I welcome the senior living. I love the concept the developer is talking about, our, my thing is purely that if it does not come through our, our neighborhood concern is that it will become then what's similar on the 0.7 acre lot with 27 units. So, anyway, thank you.

Mayor Jordan Hess Thank you. I'm going to go online to Ms. Anton first.

Julie Anton Hello. It seems like Doug and I are in this for the long haul, as you guys are and it's just because we're concerned for the neighborhood, and I ditto Doug's comments. It, we do have a little bit of trepidation regarding what has occurred in the past with the neighborhood and a particular lot and not blending in and I, I will tell you it is called the prism, right and I, it's, it's an eyesore. So, we have huge concerns over if the, I understand the intent is there to build a senior living assisted/living facility and I think that's wonderful. I think that does create a lot of community. The concern is what if that does not happen and that's what Stacie has brought up and I think via the emergency ordinance that you guys passed, it allows a lot of uses and I don't think you can restrict it to community residential in in my opinion. I, I that's what I'm looking at I don't think that can be restricted. My question would be or my proposal I guess would be is, can we pass it as a RT 5.4 with the overlay with the stepped up height restrictions and if it is not used as proposed as a community residential facility, 9+, does, can it then revert back to RT 5.4 with no NCRT overlay? And I think that might be the solution and I think that that might relieve neighbors to think that, okay if this assisted living facility or senior living facility does not occur, it's not going to be 110 unit apartment building or it's not going to be even a 44 unit apartment building, either one of those are very, very different than what is on the proposal. And I think that you need to realize once you once you approve something, it does give the developer a lot of leeway to do whatever they want if their intent does not fall through or does not follow through. So, I just hope you guys can think of that. Thank you and thanks for hanging in, we're all tired.

Mayor Jordan Hess Thank you. And Wendy Miklos.

Wendy Miklos Okay, just a little [inaudible]. I'll keep this quick and to the point. I'm saying the, the developer knew when he bought this land that he might not get all of what he envisioned and I, I just want to echo the earlier comment, you know comments made by Mr. Odegaard and Ms. Anton the you know relationships were soured with a previous

experience with him. And again, when he bought this land, you know there's a risk that he might not get what all, all of what he wanted, the whole smorgasbord and it's only, I think been recently that there's been a window of opportunity to take beyond what this neighborhood was intended because it was only supposed to be low....now my brain's getting tired but low density. And opportunity has now presented itself to make it denser and we're, we're just trying to.... Stacie's, what her aim is, is, is, is, is trying to keep the developer to stick to a plan that he himself proposed, plotted out, brought to the planning committee, it's, it's the developer's own plan. So, if someone has something else in mind and this deal falls through then that person or the developer you know if he wants to reiterate something can be a pro, can then in the future approach the City Council, you know with a different plan or a different zoning request. Stacie is not trying to box him into something other than adhering to his own plan that he himself developed, that he himself brought forth. I would just like to thank everyone for their patience tonight. I know it's been long. I will say that there were hundreds of residents, although the crowd really thinned out when it came to the actual meeting between Ms. Anton, Odegaard, and myself, but there were hundreds of residents that actually wrote into Engage Missoula, who showed up for a community meeting, who engaged, there's I guess fewer than 100 but who engaged with the planning committee and I just feel like all of the tsunami of comments didn't get vetted very well and I actually feel badly that all of this is sort of landing on your shoulders tonight to tease out. And if anything can be done in the future to better work with the planning committee to iron out all these kinks, to listen, you know to the you know valid concerns of the residents, I would be all for that because as you can see, here we are now, and this is how it's turned out. I would have loved for all of this to have been vetted before the City Council meeting and it wasn't for a lack of the neighborhood trying. There were hundreds of residents who wrote in again and who you know commented, a lot of us were making comments on the earlier meetings, so. I that, I believe that's the end of my comments, just thank you very much for hearing us out and I'll pass it on to the next person.

Mayor Jordan Hess Thank you for your comments. I don't see any additional public comment and that was a motion to end debate, so the Council comments are not in order, and we will have a roll call vote.

Aldersperson Vasecka I did have a point of order. I want to make sure that I'm aware of what we're voting on. Was it the motion to? Okay, thank you.

Marty Rehbein We are voting to end debate, not the motion....

Mayor Jordan Hess We're voting to end debate right now.

Aldersperson Vasecka Oh.....

Mayor Jordan Hess Yep.

Aldersperson Vasecka Thank you. It's been, it's late...

Marty Rehbein There we go. My software did not want to give me all your names, for some reason. West, motion to end debate...

Aldersperson West Yes.

Marty Rehbein Okay. Just for clarity sake, the motion to end debate does take two-thirds of those of you present to pass.

Mayor Jordan Hess And the motion fails. Ms. Becerra, on the motion.

Aldersperson Becerra Can we have the motion on the screen again? Sorry...Is this the amended condition that Stacie put forward?

Mayor Jordan Hess Yes.

Aldersonperson Becerra No.

Mayor Jordan Hess You're not voting right now....

Aldersonperson Becerra I, I don't know why my hand is up...

Mayor Jordan Hess Okay. Ms. Anderson.

Aldersonperson Anderson Okay. I think that I realize it's late, I don't want to be here anymore than any of the rest of you, but this is a super complicated project that we are having to weed through right now because of a variety of reasons. I guess I have a question to Ms. McCrea that Ms. West brought up earlier that now sort of is...I'm really confused on how it is that the hunt, so we are all going under the assumption that if built, if allowed to build out the senior assisted/group living facility will be 110 units or 55 units with two people or 110 is the number that we're all working on, but the explanation that you gave leaves both myself and I do believe Ms. West from the look on her face when this was being discussed very confused on how you got to that level of density allowed by counting of lots which is what Ms. West was trying to allude to in terms of like because of her lot you know she gets to count it twice. So, if you could just like in real simple terms because we know you understand this at a much higher level than the rest of us explain how that density is allowed? My follow-up question, which I will just put out there now. If my amendment is voted down and we pass this project as is with all the other conditions, but this particular lot and if for some reason the senior facility developers are unable to for a variety of reasons, would somebody be able to come behind them and build out to the same density that the senior living facility would be, have been able to senior/assisted living whatever you want to call it without having to come before Council?

Mary McCrea So, the 110 units I think was part of the applicant's proposal and I think, I wasn't aware that part of that was proposed for multi-dwelling units, full units. So, I'm, I'm not sure how they got to the 110, perhaps Cassie has, can follow up on that?

Cassie Tripard That's what they're proposing, but Mary if I'm doing the math right, it's parcel size divided by a thousand times 1.5. Is that the correct calculation?

Mary McCrea Yes.

Cassie Tripard So, it does allow more group living than that. The parcel Lot 1 is 241,104 square feet, oops. So, I'm getting 361 group living units; it's a very large parcel.

Aldersonperson Anderson Okay, I and then could you ask a second question and then I have a follow-up, if that's okay, Mr. Mayor? I'm going to let them ask answer my follow-up of like...If, if this doesn't if the senior facility is not built out, do all of the conditions that allow for this level of density stay in place for somebody else to come in and build? Because we are allowing it's not conditioned on the fact that it's an assisted living facility we're now allowing the use type of units to be allowed.

Cassie Tripard So, it would be the same number of group living units allowed or alternatively only 44 multi-dwelling, or I guess you could combine those together, but if it changed developers ownership it would be the same density permitted as would be permitted with this developer.

Aldersonperson Anderson Okay, so if, I guess I'm losing the name of the developer for the senior facility but if it's ABC Construction who wants to come in behind them, they are going to be allowed to build out to 110 units? If no conditions are put at this point given what is on the books that's being proposed to pass if it's passed tonight?

Cassie Tripard 360 group living or 44 multi-dwelling. Whoever the owner is, that wouldn't change, it would be with the land.

Alderson Anderson I'm super concerned that all of a sudden, we are jumping from 110 to 360.

Mayor Jordan Hess So the, the 110, as I understand it, is what the developer proposes and the 360 is what's allowed by zoning.

Alderson Anderson So, if ABC comes back behind them and wants to build a 360 unit, there's nothing stopping this developer from building more than the 110 or someone else behind them building more than 110 without this condition being passed, going forward?

Cassie Tripart Even with the condition, it would still allow for community residential facilities or group living. So, it would still allow 360 one group living units. What the condition would prohibit is that 44 unit residential multi-dwelling building.

Alderson Anderson Okay, I see Ms. West has a hand raised so I'm hoping she takes the baton and runs with this because this is now growing exponentially.

Mayor Jordan Hess I'm, I'm gonna go to the.... it looks like the developer may have a response. I'll go to Mr. Hammerstein first. Matt, I think you're muted. Are you able to unmute?

Matt Hammerstein Oh, sorry about that. Yeah, so, I just wanted to clarify that in this situation for the community residential facility, they do have to be licensed under MCA as an assisted living facility to get to that number of residents and if it did fall through and went into other ownership afterwards, they would then be limited if they wanted to build just regular residential and they weren't licensed under MCA, they would be limited to the 44 units under the RT 5.4 zoning. And the way the conditions are right now, those 44 units, they could be single family, they could be duplexes, they could be anything that's allowed in the RT 5.4 zoning and the neighborhood character overlay as far as building types go, but if they're not licensed as an assisted living facility, they would be limited to 44 units.

Mayor Jordan Hess Thanks. Ms. West.

Alderson West So, I think I'm, I can't decide if I'm more or less confused because what I'm hearing Cassie say is that you can either do multi-family, which would be the, the thousands, the one unit per thousand square feet of area of the parcel or you could do group living, which could be as much as 361 residents based on the, the same parcel calculation but then the 1.5 multiplier for the zoning district. And what I heard the developers say earlier is that it wasn't an and/or, it was an and. So, multi-family and group living, but I think what I just heard now is that because of MCA, this building whatever is going to be constructed entirely like multi-family and not have I guess the restrictions of having shared community spaces because ofLike does the Montana code override, I guess the communal aspects?

[numerous people speaking]

Cassie Tripart So when Matt was referring and Matt, correct me if I'm wrong, to those licensed under MCA, he's referring to the community residential facilities, a type of group living that has that 1.5 multiplier density. Whereas multi-dwelling would just be your standard apartment building not licensed at 44 units, which is the regular density.

Alderson West I understand that part but the part that I don't understand is that under our definition of group living there are I guess you have less amenities than you would in a standard multi-family building. You wouldn't have like full kitchens or whatever like there are physical differences between something that is built as a multi-family unit versus a group living unit regardless of the use. Like there are, like there'syou see what I'm getting at?

Cassie Tripard Group living is primarily characterized as having a communal kitchen, but from what I've heard today in MCA that doesn't preclude you from having individual kitchens in the unit, but that there are shared facilities as well in the building. Mary, does that sound right?

Mary McCrea Not for a general group living. So, otherwise you could do a multi-dwelling building and just call it group living and only be required to have two parking spaces for that structure. So there is a distinction in Title 20, but if it is a community residential facility that has requirements in state law then that's, then yes you could have what's, what's allowed by state law. Even Title 20 references the state law in terms of the definitions of the different types of community residential facilities.

Alderson West I have one more follow-up question. So, to get to that 110 unit density the entire development has to be considered assisted living, under if they want to provide the full amenities?

Cassie Tripard I would say all of those 110 units need to be defined as community residential facility for them to exist, yes. If that makes sense?

Mary McCrea Yes.

Mayor Jordan Hess Okay, Ms. West, are you? Do you have another follow-up?

Alderson West No, I'm just slow.....

Mayor Jordan Hess Ms. Anderson.

Alderson Anderson Okay, I feel like I'm following it along. Ms. McCrea, I'm going to repeat this back to you and or you or Ms. Tripard can correct me if you're wrong. So, as without my amendment, the developer can develop an assisted, community, senior living facility of 110 up to 360 because of the size of a lot and the fact that they get a multiplier for density for senior living. If it is not a senior community living then the maximum that they would be able to, to develop for just regular multi-family that is not licensed, operated would be 44, given the parcel size?

Cassie Tripard Yes.

Alderson Anderson Okay. That is where we were not following that thread so....

Mayor Jordan Hess Okay. Mr. Carlino.

Alderson Carlino I was just gonna say if we're still drawing straws on this amendment, I, I don't support it and I support higher density housing in all neighborhoods and yeah....

Mayor Jordan Hess Thanks. Ms. Vasecka.

Alderson Vasecka I'm really happy that Ms. Anderson did that because that was my question. So with this, if this amendment was not here. So, in layman's terms, it would be the proposed staff recommendation is 110 to 360 was it units dwelling units?

Cassie Tripard Community residential facility units....

Alderson Vasecka Okay, thank you. Community residential facility units and then if it was not then the assisted/senior living facility, it would be 44 units. So, is this amendment saying that if this amendment right now does not pass then it would only be available to 44 facility units or?

Cassie Tripard So, the amendment

Alderson Vasecka Can we have that in laymen terms?

Cassie Tripard Yeah, the amendment, I guess big difference is group living allows more density than regular multi-dwelling would here. The amendment is saying that the 300 up to 360 community residential or group living units is okay but the 44 unit dwelling or multi-dwelling building is not okay. It would take that off the table.

Alderperson Vasecka Okay, so if this amendment did pass and for some reason in the future this this project fell through, then that would be off the table and then it would be back to a smaller amount?

Cassie Tripard It would be still at, 360 group living units would be allowed or you could do 44 units of detached house, two unit, which is duplex or townhouse, you just couldn't do 44 units of multi-dwelling. You could do 44 units of one of those less intensive types.

Alderperson Vasecka Oh, thank you. I had that backwards and I saw that Mary had her hand up too....

Mary McCrea And it could be any type of group living; it wouldn't be restricted to the community residential facilities that are listed in the, the Title 20.

Alderperson Vasecka Thank you. And Mr. Mayor, should I say my comments now?

Mayor Jordan Hess Yeah, go ahead Ms. Vasecka.

Alderperson Vasecka I have to agree with my colleague Mr. Carlino. I, I agree that there are multiple reasons to have more density housing and all of my previous comments in the night are on the record and I stand by them.

Mayor Jordan Hess Ms. Anderson, I'm not sure if your hands up from before or?

Alderperson Anderson Yeah, I know how to count so I'm going to withdraw my amendment and just end debate on this tonight for this particular amendment. It is it clear to me that there's not support amongst Council for this.

Mayor Jordan Hess Okay. So, we're back at the main motion. And any additional discussion or amendments on the main motion? And Ms. Anderson, do you have another item? Ms. Becerra.

Alderperson Becerra I'm not sure what's happening. I did not mean to raise my hands, sorry.

Mayor Jordan Hess Okay, Ms. Tripard.

Cassie Tripard There were two staff recommended amendments in the memo. They're just to clean up some language that didn't properly reflect city processes and the law. So, if I get a moment I can run through those as quickly as possible, when the time's appropriate.

Mayor Jordan Hess Go right ahead, this would, this would be a great time.

Cassie Tripard Okay, I'll to give an overview and again, these were just mistakes on my part in writing the staff report. The first would apply to annexation and subdivision, really as written, it said that the subdivider needs to install all the boulevard landscaping, but this does not align with how Parks and Rec regulates this, just because if you had that happen and no one has moved in yet, boulevard landscaping would die because no one's maintaining it. So, really this is an amendment just to clarify that (1) The subdivider needs to install all of the boulevard landscaping where you don't have a developable lot next to it, so that's the common area, the park and some weird areas where it's County adjacent and then the HOA would maintain that, and then the boulevard landscaping next to developable lots would be installed by the lot aw owner and maintained by them as a city practice. Should I stop there or go into the second one as well?

Mayor Jordan Hess Go ahead and go into the second one as well please.

Cassie Tripard Water rights, really what this is, is I used an or when I should have used an and. It's meant to mirror the regulation, which states if you remove the water rights you also need to let property owners know that they may be, that the land is still classified as irrigated and they may be continued to be assessed. So, really I had it as stating they need to remove it or notify, so now this cleans it up to be doing both of those things.

Mayor Jordan Hess Okay, so with, what I'd suggest here is that Mr. Nugent just incorporate these into his motion. Okay. So, I'd say at this point, we could take any additional any additional discussion on the main motion. Mr. Carlino.

Aldersperson Carlino Overall, I think this looks like a positive thing for a community. We're setting aside opens community space on the Bitterroot River for anybody to use as well as adding a couple hundred housing units that we desperately need to try and create an affordable housing market in Missoula. So, I, I support all the recommended motions.

Mayor Jordan Hess Ms. Vasecka.

Aldersperson Vasecka Yeah, I appreciate everything that's on the floor right now and I really, really appreciate staff right now for dealing with us and dealing with all of our, our changes and coming up with quick resolutions resolution, some recommendations, as we recess for 10 minutes at a time. I really do appreciate you and, and Cassie, I really appreciate you bringing everything you just brought to the floor because I'd rather deal with it right now than deal with it later. So, I am very happy with dealing with things at the moment, as they come up. So thank you and I appreciate everything that you guys do.

Mayor Jordan Hess Anyone else tonight? Mr. Nugent.

Aldersperson Mike Nugent I would just like to say thank you to staff. I, I think you've done tremendous on this and even for the length of this hearing, I think we talked about a lot of stuff that was important to the conversation and I appreciate that, but the way that this information was laid out for us the way that it's all grouped together, I really do appreciate it and that's from our committee hearings through this. So, thank you.

Mayor Jordan Hess Anyone else? Ms. Anderson.

Aldersperson Anderson Yeah, I echo the, the staff, but I mean just thank you so much for working with us and trying to craft what are sometimes very inarticulate thoughts into amendments. Thank you to my Council members for the dialogue and discussion and for approving the majority of my amendments. I think that in the end minus the last one, I think we put some sideboards in to kind of protect the community but also allowing for more housing to be built, which we all agree needs to be done and I look for, I hope that the constituents who reached out with a lot of concerns feel like some of the sideboards we put in place address a lot of their issues, nothing in this day and age is perfect, but I think we strived for some good compromises. And I hope that, we look forward to welcoming the new residents of Ward 5 and I hope that the senior living facility comes for just as they're proposing because if it does, I think it will be a really interesting and cool addition to the community. I can think of my grandmother who spent a lot of time in a senior assisted living facility and how much she would have enjoyed being able to listen to little kids squeal and laugh at recess, so, I, I hope that that actually does come to fruition because I think it will be a pretty cool thing for our community and for the neighborhood and for the residents. So, thank you to everybody for sticking with us and for all the comments from the public. I, you know, we try to do the best we can within the bounds that we are allowed and so, and that will be all for tonight.

Mayor Jordan Hess Thank you. Ms. West. Oh, you're muted.

Alderson West Yeah, I, I agree with what Stacie said. I think that as long as this development comes together in the way that it's been proposed to us or represented, I think there it's going to be a pretty cool project and I'm a little concerned about leaving group living as open-ended. I think there's a lot of uses that fall under that category that are not compatible with being right next door to an elementary school, but as long as you know as long as it, it turns out the way it was proposed, I think it'll be good.

Mayor Jordan Hess Ms. West. Anyone else? Seeing none, we had a public hearing, we've had a robust discussion, we've had public comment and we can have a roll call vote. We'll do these. To begin, we'll have a roll call vote on the motion to annex.

Marty Rehbein I think Cassie wanted us to do the Growth Policy first, Mayor Hess.

Mayor Jordan Hess Oh, okay.

Marty Rehbein So let's do the resolution to amend the 2035 Our Missoula Growth Policy first.

Marty Rehbein And it passes. Let's move on to the resolution to annex the property and bring it into city limits.

Marty Rehbein And it passes. The next item is to amend the utility service boundary or the rezoning Cassie?

Cassie Tripard Rezoning.

Marty Rehbein Gotcha. So, let's do the rezoning next.

Marty Rehbein And that motion passes. Now let's move to the utility services area boundary resolution.

Marty Rehbein And it passes. Let's move on to the zoning. I think we do zoning before we do subdivision because the subdivision is compiled first. So, this ordinance is protested and it does require two-thirds of those present and voting in order to pass.

Mayor Jordan Hess Ms. Rehbein, I thought, I thought we just did zoning?

Marty Rehbein Did we?

Cassie Tripard We did before the utility boundary.

Marty Rehbein You're right, I even marked it off. Well, that motion required 2/3 and it made it. All right, finally, let's talk about the subdivision, the Riverfront Trails subdivision.

Mayor Jordan Hess Thank you Ms. Rehbein and the motions all pass.

Moved by: Alderson Nugent

[Resolution] Adopt a resolution to amend the 2035 Our Missoula City Growth Policy land use designation from Residential Low to Residential Medium on portions of Tract 1 of Certificate of Survey No. 6449, as shown on Exhibit A, based on the findings of fact and conclusions of law in the staff report.

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

ABSENT: (1): Alderson Jordan

Vote result: Approved (11 to 0)

Moved by: Alderperson Nugent

[Resolution] Adopt a resolution to annex the subject property legally described in Exhibit C, as shown on Exhibit B, and zone upon annexation to RT5.4 Residential, subject to the conditions of approval, based on the findings of fact and conclusions of law in the staff report as amended by City Council..

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (11 to 0)

Moved by: Alderperson Nugent

[Resolution] Adopt a resolution amending the Utility Services Area Boundary to align with the parcel proposed to be zoned RT5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay, as shown on Exhibit A of the resolution to amend the utility service area boundary, based on the findings of fact and conclusions of law in the staff report.

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (11 to 0)

Moved by: Alderperson Nugent

[Second and Final Reading] Adopt an ordinance to rezone the subject property legally described in Exhibit E from R215 Residential to OP2 Open and Resource, to rezone the subject property legally described in Exhibit F from R215 Residential to RT5.4 Residential (two-unit/townhouse) / NC-RT Riverfront Trails Neighborhood Character Overlay, and to rezone the subject property legally described in Exhibit G from RT5.4 Residential to RT5.4 Residential / NC-RT Riverfront Trails Neighborhood Character Overlay, as shown on Exhibit D, based on the findings of fact and conclusions of law in the staff report as amended by City Council.

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (11 to 0)

Moved by: Alderperson Nugent

Approval of the Riverfront Trails PUD Subdivision preliminary plat application, subject to the recommended conditions of approval, based on the findings of fact and conclusions

of law in the staff report as amended by City Council including the 2 recommended changes to the conditions recommended by staff.

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (11 to 0)

Moved by: Alderperson Anderson

Amend both the resolution annexing and subdivision condition amendments to include the following--

The subdivider shall provide an updated Traffic Impact Study warrant analysis of the Lower Miller Creek Road and Old Bitterroot Road intersection in accordance with Missoula City Public Works Standards and Specifications Manual, subject to review and approval by Public Works & Mobility prior to final plat approval of Phase 1A. The subdivider shall provide plans for and install a round-about at the intersection of Old Bitterroot Road and Lower Miller Creek Road, subject to review and approval by Public Works & Mobility, prior to final plat approval for Phase 1A. The subdivider is responsible for 100% of the cost of the roundabout unless a Development Agreement for cost share is executed, subject to City Council approval, prior to Phase 1A final plat approval. Results from the Traffic Impact Study will inform decisions for the subdivider and/or future residents to contribute a proportionate share to intersection improvements made necessary by this subdivision and appropriate cost-share mechanisms (3-020.4.J, City Subdivision Regulations).

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (11 to 0)

Moved by: Alderperson Anderson

Amend zoning ordinance to limit height of Lot 176 to 35 feet.

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (11 to 0)

Moved by: Alderperson Anderson

Amend Lot 2, the religious assembly lot height to 35 feet.

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Farmer, Alderperson Jones, Alderperson Nugent, Alderperson Savage, Alderperson Sherrill, and Alderperson West

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (9 to 2)

Moved by: Alderperson Anderson

The /NC-RT Riverfront Trails Neighborhood Character Overlay shall be amended to restrict the maximum building height at the point of the required minimum setback line to 35 feet, and that the height may be increased above 35 feet by up to one foot (vertical) for each 6 inches of building setback or upper floor step-back, to a maximum of 45 feet on Lot 1, subject to review and approval by Development Services, prior to the effective date of the ordinance.

The /NC-RT Riverfront Trails Neighborhood Character Overlay shall be amended to restrict the maximum height on Lot 1 to 35 feet at the top of parapet or bottom of roof eave, and that a pitched roof may extend to a maximum height of 45 feet, subject to review and approval by Development Services, prior to the effective date of the ordinance.

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

ABSENT: (1): Alderperson Jordan

Vote result: Approved (11 to 0)

MOTION

Moved by: Alderperson Nugent

Alderperson Nugent moved to end debate.

AYES: (7): Alderperson Becerra, Alderperson Farmer, Alderperson Jones, Alderperson Nugent, Alderperson Savage, Alderperson Sherrill, and Alderperson West

NAYS: (4): Alderperson Anderson, Alderperson Carlino, Alderperson Contos, and Alderperson Vasecka

ABSENT: (1): Alderperson Jordan

Vote result: Failed (7 to 4)

9. PUBLIC HEARINGS

10. COMMITTEE REPORTS

10.1 Budget and Finance (BF) committee report

10.2 Climate, Conservation and Parks (CCP) committee report

10.2.1 Minutes from the December 7, 2022 Meeting

10.3 Committee of the Whole (COW) committee report

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

10.4.1 Minutes from the December 7, 2022 Meeting

10.5 Land Use and Planning (LUP) committee report

10.5.1 Minutes from the December 7, 2022 Meeting

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

10.6.1 Minutes from the December 7, 2022 Meeting

10.7 Public Works and Mobility (PWM) committee report

10.7.1 Minutes from the December 7, 2022 Meeting

11. NEW BUSINESS

12. COMMUNICATIONS FROM THE MAYOR

Mayor Jordan Hess Great and I, I'll go back to mine for just a moment for something that I forgot without objection. I just wanted to call attention to the loss of a really wonderful human from the Missoula community and that's, that's Steve Clawson who many of us had the pleasure of working with. He was the community, I'm drawing a blank on his title, but he was the community relations manager for NorthWestern Energy and very involved in a number of projects came before Council a lot, on the LED upgrade, traveled with Mr. Nugent and myself to D.C. to advocate for the BUILD Grant, and I really enjoyed getting to know him through that time and was, always enjoyed sharing stories about Haver where Steve grew up with, with my parents up in Haver. And just a wonderful person who left the world way too early and will be missed.

13. GENERAL COMMENTS OF CITY COUNCIL MEMBERS

Mayor Jordan Hess We'll start our Council comments with our virtual participants tonight. Ms. Vasecka.

Aldersperson Vasecka Oh y'all are gonna hate me. So, I have a couple of things I want to talk about tonight. The Dolly Parton Imagination Library this last weekend celebrated there are 250,000 book in Missoula County and that is fantastic. If y'all don't know about it, it is a program where you sign up for your child zero to five I believe and they receive an age-appropriate book every, every like three months or so paid for entirely by Dolly Parton and all of their donations. So, I love that program and I would recommend looking into it. I also wanted to encourage folks to do public comments on Marshall Mountain. There is a, a survey on engagemissoula.com. If you go to engagemissoula.com and just look up the Marshall Mountain Recreation Area survey, I highly recommended that you fill that out. Also, there was talk about today at the beginning of the meeting, six hours ago, was about people being involved with city government and if you go to the main City Council page for the City of Missoula and go to Missoula City Council if you scroll all the way down, it has a list of all the neighborhoods and if you click on whichever neighborhood you're in it shows which neighborhood Council that you are in. And tonight, there was the Franklin to the Fort meeting from 6:00 to 7:30 p.m. tonight, but I was in City Council so I could not make it to that that one, but I would highly encourage folks to attend whatever, whichever neighborhood meeting that they are living in and involved in and if you don't, if you're not sure which neighborhood you're involved in feel, free to reach out to Council at ci.missoula.mt.us or leave Council a voicemail at (406) 552-6012 and ask where, which neighborhood Council that you belong in and then they will let you know. And also, my last one is, oh it's winter so be sure to help your neighbors, especially your elderly neighbors shovel their driveways and their sidewalks. I'm done.

Mayor Jordan Hess Thank you. Ms. West.

Aldersperson West I'll pass.

Mayor Jordan Hess Ms. Becerra.

Aldersperson Becerra I was just going to read a couple of passages from one of my favorite urban planning books I thought might be useful. I will pass, thank you.

Mayor Jordan Hess Thank you. Then we'll go in person, we'll start over with Ms. Anderson.

Aldersperson Anderson I will pass.

Mayor Jordan Hess Mr. Contos.

Aldersperson Contos Yeah, I think I'll pass too.

Mayor Jordan Hess Mr. Nugent.

Aldersperson Mike Nugent Real quick. The Imagination Library is programmed to the United Way of Missoula County, so just a shout out to them for administering that. And if you enjoyed tonight, code reform kicks off tomorrow night, doors open at 5:30 p.m. The program starts promptly at 6:00 p.m. Childcare provided. It is really important that the community participates in that, so please consider it. Fairgrounds commercial building, great question.

Mayor Jordan Hess Mr. Carlino.

Aldersperson Carlino I'll pass.

Mayor Jordan Hess Ms. Jones.

Aldersperson Jones Just really quickly...For our last full Council meeting, a week from tonight, December 19, 2022, I just want everyone to know that you need to wear your favorite ugly holiday sweater. It's very important and that will become apparent this coming Monday night but I want you to outdo yourselves all around the Horseshoe, all right. Thank you.

Mayor Jordan Hess Ms. Farmer.

Aldersperson Farmer I'll pass.

Mayor Jordan Hess Ms. Savage.

Aldersperson Savage Forgive me, I'm gonna read this, just because I am so tired, and we've moved on to the next day here. I just wanted to say how much I appreciate the time and effort of everyone tonight, particularly staff and especially Ms. Tripard and Ms. McCrea, but as we've continued discussion tonight, I've grown increasingly uncomfortable with writing and editing conditions by committee with staff Council and the applicant on the Council floor. I'm all for being efficient but I wonder if we have a mechanism to handle this level of discussion in committee. I understand this is a complicated package and I understand Ms. Anderson is advocating for her award. I get that, I do, I do that for my own Ward, but I worry that these real-time negotiations may appear that we are giving preferential treatment to certain neighborhoods that we have not afforded to other neighborhoods in my time on Council and I just think we need to be very careful of that. Thank you.

Mayor Jordan Hess And Ms. Sherrill.

Aldersperson Sherrill I'll pass, thanks.

14. MISCELLANEOUS COMMUNICATIONS, REPORTS AND ANNOUNCEMENTS

14.1 Administratively approved agreement report

15. ADJOURNMENT

Mayor Jordan Hess We'll be adjourned. Thank you.

The meeting adjourned at 12:27 a.m.

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

Jordan Hess, Mayor