

# **Journal of Proceedings**

## **Missoula City Council**

**January 9, 2023, 6:00 pm**

**Council Chambers (in person) or TEAMS (virtually)**

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

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

Members Absent: Amber Sherrill

Administration Present: Marty Rehbein, Jim Nugent, City Attorney

Administration Absent: Jordan Hess, Mayor

### **1. CALL TO ORDER AND ROLL CALL**

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

### **2. APPROVAL OF THE MINUTES**

#### **2.1 Minutes from the December 5, 2022 Meeting**

The minutes were approved as submitted.

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

Acting Mayor Jones We'll take public comment on items not on the agenda. If anyone here in the audience wants to provide public comment on items not on the agenda, please come on up to the microphone, state your name, and we ask you to stay the 3 minutes please.

John Allrig My name is John Allrig, Ward 1. I can't get anybody on your Council, I can't get anybody in city government nobody to respond to me and then I found the letter that was written by Mr. Nugent, the elder Mr. Nugent, that says anything I contribute to conversations will be brought into a central point where it gets disseminated where they feel it's relevant or whatever. My First Amendment rights are being crapped upon and you know it's gone a little bit out of whack when I was beat up by two police officers in 2004 and then I was found not guilty in a court of law. Wow, I thought great, I didn't do it, justice worked right? No, no, no, no, no, no, no, no, no, no, back door behind, behind back closed doors crap took place and my life's been shit for 20 years and none of you care. Nobody wants to call me back; nobody wants to talk to me about my problems. This, this government stole my income from my rental property. I got a letter from the [inaudible] that proves it, \$180,000.00 worth of money out of John's hands and gone but nobody gives a shit because y'all got your own little side working deals. You know, I just want accountability. Give me back what was taken from me illegally; it wasn't right. He had no right to take my property and Ethan Smith did it and said here's our the court said yes; there's a District Court ruling that says your property is to be given away. No, nobody's provided me that District Court ruling. Okay, so then I complained back to the city, I start making a big stink, and what happens? I get a letter that says don't come into city property or you'll be arrested, arrested for coming onto City Hall. I haven't threatened anyone, never threatened a person and it's not, this letter was in 2018. So, how is it that from 2018 I get a trespass order that's existed from nothing I ever did only because I'm speaking the truth about getting ripped off and screwed by someone

who works in this government. I thought geez maybe when John Engen goes away, it'll change because I've known John Engen since we were that big....I did know him but that didn't help me. He did it anyways. He let it go. He knew exactly what was being done to me and he laughed about it, didn't care, pointed at the courtroom door, that's how you get your money back. Why do I have to litigate to get something that was taken from me? Right and then it's just that's not enough the latest little thing to happen my car, my Mercedes, my classic beautiful Mercedes European Edition come from Saudi Arabia, it was marked to two by Annie Norby, a police officer. Okay, now this program is all full of holes. Constitutionally, it is a sham. Okay there's anonymous complaints that are investigated, then they tag your car, and they impound it. If you don't have the \$180.00, you pay up. You don't get to see a judge, that's called due process it's guaranteed by our constitution. This is a constitutional body for Christ's sakes enforce the Constitution when your police officers are going on tagging those vehicles or volunteers that don't even have law enforcement authority behind them. It's not a legal notification that you've parked your car and it's ruled on by the Ninth Circuit Court. Remember them? I told you about them back in 2015 and how they ruled Desert Rain versus the City of Los Angeles since I could live in my RV that didn't stop me from writing 37 tickets and at libelous, slanderous, defamatory article on the front page of five leading newspapers. Good God, why would you destroy me? What did I do? Holy crap, he told the truth. He told the truth. You know, all I want is accountability. Yes.

Acting Mayor Jones Mr. Allrig Can attend your comments to me but you also need to take it down a notch because we do have decorum in here?

John Allrig What am I doing?

Acting Mayor Jones You're pretty much out of time. So, thank you for your comments and appreciate you coming in.

John Allrig So, poof bye Johnny's problems disappeared....

Acting Mayor Jones All right, anybody else that wants to provide public comment, please come on up, provide your name and we ask you to take no more than 3 minutes. Thanks.

Barbara Pulley My name is Barbara Pulley I recently joined the South Gate Triangle Neighborhood Council and found that the city has a never developed park directly south of Bob Ward's store. Apparently, it was designated as a park at the time Southgate Mall was built. I would like to suggest that this park be rezoned for development in the Missoula Redevelopment Association provider for financing for water mains and sewer lines. This area could then be developed for cottage industries and low-income housing. The Midtown Missoula Association Master Plan has suggested that the MRA provide financing for replacement of eight water mains. This area would require additional means and sewer. Next many of you were not around when the UM Abercager happened in the old KO rodeo grounds in the 1970s, which is now inhabited with many residential homes. Our County Commissioners stopped future cagers due to the extreme traffic bottleneck for the 10,000 to 15,000 partygoers, musicians and suppliers. Helicopters had to fly in, musicians and emergency ambulances were impeded. It was also unsanitary as the party leavers relieved themselves along the streets and roads while waiting for entering the junction of Upper and Lower Miller Creek. Now, 50 years later, we probably have 15,000 people living in the area serviced by the existing roundabout. We do not have an emergency exit other than the existing roundabout and a detour through Garrett Drive. After the December 5th Council meeting, I learned that the Riverfront's Trails development wanted another roundabout to handle their future population traffic and you have since requested a traffic study. Traffic is already a serious problem and the roundabout will only ease the traffic from the Riverfront Trails housing and an adjacent school. Growth will continue in the whole Miller Creek area. I would like to suggest that the traffic study be expanded to cover the entire Miller Creek population and to consider with the county to create a Special Improvement District to consider the possibility of a bridge across the Bitterroot River near the Riverfront Trails Park. Previously the bridge idea was denied long before the development of residential homes of the last 20 years. We would need a Special Improvement District to fund it with a 30-year bond. Long-term planning for auto traffic is sorely needed. The Downtown Association apparently

wants only pedestrians and motel customers to shop downtown. After the TIF funding given to the three new hotels, now is the time to consider other areas that need fixing. Not everyone is going to take a bus unless it is, it has numerous conveniently located bus stops. Also, we have an aging population locally and worldwide due to the Baby Boomers retiring. We will not be riding minibikes or walking in the winter. Parking is still a problem with many current residents avoiding downtown. My office was in the Florence Building some of my clients could not park in the parking garage or on a street due to their extended cab and pickup bed. I had leased parking near another bridge, which was not safe at night. It's the number one reason I hear from people on the south side of town. And where will the parking be for the 400 employees or the public with the conversion to the Federal Building. One last thing, another issue is about traffic is the stupid idea of changing the recently remodeled Bear Tracks bridge to three lanes, a center lane in the middle of the bridge? Shrinking delays with more anticipated traffic makes no sense. Thank you for your time.

Acting Mayor Jones Thank you. Anyone else in chambers that wants to provide public comment on items not on the agenda? Come on up. Just state your name and try and keep to 3 minutes.

Robert Dunlop Yes, my name is Robert Dunlop I live at 2316 West Kent and that's in Missoula. First of all, what a pleasure it was to live in Montana and look across [inaudible] at our last November election with only one disgruntled person in Arizona. It went smooth and neighbors aren't banging their heads against other neighbors. The only thing I think here locally that would have made it more interesting is if city and county budgets were put on the ballot, much the same way as the school [inaudible], that would have been interesting. I came here tonight to talk a little bit about Marshall Mountain. I urge you to consider that our location here on Missoula affords us many recreational outlets. We are surrounded by three state parks Frenchtown, Travelers Rest, and Milltown. We also have Rattlesnake, [inaudible] canyon, and I don't think we need Marshall Canyon. Thinking now before you purchased it, that survey that was extended was really tilted, it, if you read through the questionnaire whoever prepared, prepared it in such a manner that the city had already purchased it. And so [inaudible] you comment. There wasn't a line in their saying that you were against it. So, consider that. If you don't spend it, you don't need to raise taxes. Thank you.

Acting Mayor Jones Thank you Mr. Dunlop. Anyone else in chambers that wants to provide comment on anything not on the agenda? All right, I'll, I'll check online. If anyone online wants to provide public comment, please raise your hand. I'm not seeing any raised hands so we're going to go forward.

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

Acting Mayor Jones Before Marty goes through the committee agendas, I will state, or the committee meetings, I will put on the record that for the Affordable Housing Resident Oversight Committee, Heidi West will be rotating off of that and I will be taking that spot, which is, it's actually the President of the Council's spot and Ms. West has served, she's not here tonight, she's a remote. Ms. West has served for the president, and I'll be taking that as she wrote rotates off.

Jones will replace West as a Council representative on the Affordable Housing Residential Oversight Committee (AHROC)

Public Works and Mobility Committee, January 11, 9:00 – 10:45 p.m.

Committee of the Whole, January 11, 11:00 – 11:30 p.m.

Budget and Finance Committee, January 11, 11:45 a.m. – 12:25 p.m.

Land Use and Planning Committee, January 11, 1:25 – 3:25 p.m.

Public Safety, Health, and Operations Committee, January 11, 3:40 – 4:00 p.m.

Housing, Redevelopment, and Community Programs Committee, January 11, 4:15 – 5:15 p.m.

Budget and Finance Committee, January 18, 9:00 – 9:45 a.m.

Housing, Redevelopment, and Community Programs Committee, January 18, 10:00 a.m. – 12:00 p.m.

## **5. CONSENT AGENDA**

Acting Mayor Jones Next we have the consent agenda. Items on the consent agenda were approved in City Council committees to be placed on the consent agenda to save time at Council meetings by voting on them as a package. The City Clerk will read the list aloud so citizens watching will know what is on the consent agenda. We will invite community comment on these items before we vote. Marty to you for the consent agenda please.

Acting Mayor Jones Is there any public comment on anything on the consent agenda? I'll look online in case anyone has their hand raised to provide public comment on the consent agenda. Seeing none, any City Councilor that wanted to separate the question or abstain? All right, seeing none, I don't see any raised hands from our remote participants. We'll take a roll call vote on the consent agenda Marty.

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

ABSENT: (1): Alderperson Sherrill

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

### **5.1 Accounts payable (claims) for checks dated December 27, 2022**

Ratify accounts payable in the amount of \$2,258,140.76 for checks dated December 27, 2022.

**Vote result: Approved**

### **5.2 Accounts payable (claims) for checks dated January 03, 2023**

Ratify accounts payable in the amount of \$159,826.17 for checks dated January 3, 2023.

**Vote result: Approved**

### **5.3 Accounts Payable (claims) for checks dated January 10, 2023**

Approve accounts payable in the amount of \$943,777.92 for checks dated January 10, 2023.

**Vote result: Approved**

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

[First reading and preliminary adoption] Set a public hearing on January 23rd, 2023 and preliminarily adopt an ordinance to rezone the subject property located at 2160 Carol Ann Court and legally described as Lot 2 of Hansen Addition #2, located in the Southwest Quarter of Section 20, Township 13 North, Range 19 West, P.M.M. from RT10 Residential (Two-Unit / Townhouse) to RT5.4 Residential (Two-Unit / Townhouse), and

refer this item to the Land Use and Planning Committee for presentation and discussion on January 25, 2023.

**Vote result: Approved**

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

[First reading and preliminary adoption] Set a public hearing on January 23rd, 2023 and preliminarily adopt an ordinance rezoning the subject property located at the southwest corner of Scott Street and Charlo Street, legally described as Tract 3 of the amended plat of Scott Street Lots, Lot 3 located in the north half of Section 16, Township 13 North, Range 19 West, P.M.M., from M1R-2 Limited Industrial-Residential to M1R-3 Limited Industrial-Residential and refer this item to the Land Use and Planning Committee for presentation on January 25, 2023.

**Vote result: Approved**

**5.6 Public Forum - University of Montana Gilkey Informational Sign**

Set public forum for January 23, 2023. Title 20, Section 20.85.095.E indicates City Council has no power to deny the proposal but shall act only to allow a public forum for comment.

**Vote result: Approved**

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

**7. SPECIAL PRESENTATIONS AND PROCLAMATIONS**

**7.1 Proclamation - Ballet Beyond Borders Week**

Acting Mayor Jones We do have two special presentations tonight, two proclamations. I'll read the first is Ballet Beyond Borders week.

WHEREAS, Ballet Beyond Borders aims to bring together some of the most outstanding young dancers from around the world and serves as an introduction to an international career; and, WHEREAS, Ballet Beyond Borders will promote and enhance the culture and creative diversity of the City of Missoula to the benefit of our citizens, our creative community, and our visitors; and WHEREAS, the City of Missoula is poised to establish itself as a city on the cutting edge of art, culture, education, entertainment, and support of the creative industries; and WHEREAS, activities made available through Ballet Beyond Borders will bring recognition to the City of Missoula as a city on the leading edge of cultural activity and development; and WHEREAS, it will build on the City of Missoula's reputation as a city of learning, a city that embeds cultural exchange, cultural curiosity, and cultural development as part of lifelong learning. Now, therefore I, Jordan Hess, Mayor of the City of Missoula, do hereby recognize the week of January 11th to the 14th 2023, as Ballet Beyond Borders week.

Acting Mayor Jones And do we have anyone here from the Rocky Mountain Ballet to speak to this or comment? Not seeing anyone in the audience, let me just double check online in case we have anyone there. I don't see any raised hands, but we read this every year and it's always a pleasure for Ballet Beyond Borders.

**7.2 Proclamation - Martin Luther King, Jr. Day**

Acting Mayor Jones Okay our second proclamation for tonight is regarding Martin Luther King Day, so this is a proclamation of Missoula County and the City of Missoula.

WHEREAS, activist and civil rights leader Dr. Martin Luther King, Jr whose birth we celebrate on the third Monday of January was the third person in U.S. history to be recognized by a federal holiday; and WHEREAS, through his courage and powerful message of hope and non-violence, he devoted his life to addressing injustice, racism, and fear with peaceful protests, unity and understanding, moving millions of Americans to enact profound social changes; and WHEREAS, he endured imprisonment and adversity in the form of verbal and physical attacks, threats, arrests and ultimately was assassinated in an effort to diminish his great dream of freedom and equality for all people; and WHEREAS, our nation remembers Dr. King's commitment to the principles of this nation, which he championed through his unyielding faith in justice and unwavering belief in freedom and equality for all; and WHEREAS, Missoula County and the City of Missoula strive to be welcoming and inclusive communities where we continue to deepen our understanding and practice of providing equal dignity, respect, and opportunity for all who live and visit here; and WHEREAS, Dr. King's legacy and writings teach us that we are ultimately measured not by where we stand in moments of comfort and convenience, but by what we take on during times of challenging controversy. Now, therefore, in honor of Dr. Martin Luther King, Jr., we the Missoula Board of County Commissioners and Jordan Hess, Mayor, do hereby recognize January 16, 2023 as Martin Luther King Day, and invite all citizens to consider this quote of Dr. King's. "Life's most persistent and urgent question is, what are you doing for others"?

Acting Mayor Jones So, a pleasure to read that and I hope everyone is able to do something of consequence on January 16, 2023.

## **8. FINAL CONSIDERATION**

### **8.1 An Ordinance to Amend Title 12 entitled "Streets, Sidewalks and Public Places"**

Acting Mayor Jones Okay, next on our agenda, we have two items under final consideration. Items under final consideration have had a public hearing, the hearing was held open to allow time for additional public comment before final consideration, and action by the City Council. The chairperson of the standing City Council committee will make a motion. We invite community comment on each item. Our first item tonight is 8.1 an ordinance to amend Title 12 entitled Streets, Sidewalks, and Public Places. I will go to staff first in case there is any type of an update and then questions from Council. Who do we have here from staff to present on this and do we need to let you into the meeting or are you already here? Is Ross here, Ross Mollenhauer or someone from engineering? Or actually, Marty, was Katie Emery going to be presenting on this.

Marty Rehbein I don't think so, she's admining another board meeting. I don't think that we have staff here and that must mean that they don't have any additional items to report on.

Acting Mayor Jones Okay, all right. Yeah we've heard extensively from staff on this item. So, I'm going to go to Ms. Becerra for the motion please.

Alderpersion Becerra Thanks. This is an ordinance to amend Title 12 entitled "Streets, Sidewalks and Public Places." This is the second and final reading and the recommended motion is to adopt an Ordinance amending Missoula Municipal Code Title 12, entitled "Streets, Sidewalks, and Public Places," by amending and establishing definitions in Chapter 12.02 entitled "Definitions," amending language and department references in Chapter 12.10, entitled "Right-of-Way Improvements," amending department references in Chapter 12.14, entitled "Right-of-Way Occupancy Permit," amending department references in Chapter 12.16, entitled "Sidewalk Maintenance,"

amending language in Chapter 12.17, entitled "Parking Facilities," amending department references in Chapter 12.18, entitled "Sidewalk Cafés," repealing 12.24.045 A-B and moving C to 12.24.020 J, repealing 12.24.050, repealing 12.24.070, repealing 12.24.080, repealing 12.24.090 A-D and moving E-F to 12.240.020 K-L, repealing 12.24.160, and amending language and department references in Chapter 12.24, entitled "Excavations," amending department references in Chapter 12.28, entitled "Obstructions," amending department references in Chapter 12.31, entitled "Fences."

Acting Mayor Jones Thank you. That was a very good job on a very difficult motion. And as you can all guess, this is a housekeeping item that we are hearing because we're cleaning up an ordinance. Okay, with that, I will go to any public comment. Is there any public comment from anyone in chambers or online who would like to provide public comment on this lovely motion made by our chair of Public Works, Ms. Becerra? All right let me check online in case there are any raised hands and Diane Stensland-Bickers, let me, let you in. Are you able to unmute yourself and speak Diane?

Diane Stensland-Bickers [inaudible] Mirtha, could you repeat that? [laughing] Just joking, thank you Mirtha, that was lovely read.

Acting Mayor Jones Thank you. Okay, I'm seeing no other public comment. So, any questions or comments from Council before a vote? Ms. Becerra.

Aldersperson Becerra I just want to thank our staff for always making sure that our ordinances and all chapters are where they need to be in order to make the work of all of the engineers in our community, primarily more efficient and easier. So, kudos on doing all this cleanup and housekeeping to our staff.

Acting Mayor Jones Thank you. Any other Councilors? Let me check online. All right, seeing no other comments or questions from Council, we will take a role called vote Marty.

**Moved by:** Aldersperson Becerra

[Second and final reading] Adopt an Ordinance amending Missoula Municipal Code Title 12, entitled "Streets, Sidewalks, and Public Places," by amending and establishing definitions in Chapter 12.02 entitled "Definitions," amending language and department references in Chapter 12.10, entitled "Right-of-Way Improvements," amending department references in Chapter 12.14, entitled "Right-of-Way Occupancy Permit," amending department references in Chapter 12.16, entitled "Sidewalk Maintenance," amending language in Chapter 12.17, entitled "Parking Facilities," amending department references in Chapter 12.18, entitled "Sidewalk Cafés," repealing 12.24.045 A-B and moving C to 12.24.020 J, repealing 12.24.050, repealing 12.24.070, repealing 12.24.080, repealing 12.24.090 A-D and moving E-F to 12.240.020 K-L, repealing 12.24.160, and amending language and department references in Chapter 12.24, entitled "Excavations," amending department references in Chapter 12.28, entitled "Obstructions," amending department references in Chapter 12.31, entitled "Fences."

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

ABSENT: (1): Aldersperson Sherrill

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

## **8.2 West End Homes Major Subdivision, Annexation, Zoning Upon Annexation, and Sxwtpqyen Master Site Plan Review**

Acting Mayor Jones Next on our agenda is item 8.2, the West End Homes Major Subdivision, Annexation, Zoning Upon Annexation, and Sxwtpqyen Master Site Plan Review. We, do we have staff here with any update on any additional questions that were asked by anyone that was not addressed at the prior, most recent time that we, we interacted on this item? Ms. Tripard, do you have any updates on anything?

Cassie Tripard No, updates. I don't believe there were outstanding questions. I just ask that you take the motions and the order of annexation first, then the two variances, and then the subdivision.

Acting Mayor Jones Okay, thank you. Were there any questions from Council? We had an extensive conversation in committee on this, I recall. I'm not seeing any raised hands for questions from Council, so we will go to our Land Use and Planning Committee chair, Mr. Nugent for a motion and I think you can probably just make all of the motions as long as you keep them in order.

Alderperson Mike Nugent I will keep them in order, but you get four of them. I move that we adopt a resolution to annex the subject property legally described as Tract E-1 of Certificate of Survey No. 6889 and Tract D of Certificate of Survey No. 6850, located in the Northwest Quarter and Southwest Quarter of Section 7 and the Northeast Quarter and Southeast Quarter of Section 12, Township 13 North, Range 20 West, P.M.M., as shown on Exhibit A, and zone upon annexation to Title 21 Form Based Zoning Code transect zones: OS Open Space, T3 Neighborhood Edge, T4-O Neighborhood General - Open, and T4-R Neighborhood General – Restricted, subject to the conditions of approval, based on the findings of fact and conclusions of law in the staff report. I move that we Approve the variance request from Article 3, Section 3-030.1.C.3 of the City Subdivision Regulations, which requires each lot to abut and have access to a public or private street or road, to allow 18 lots to be provided access via an alley and public access easement containing a pedestrian path. Finally, I move that we approve the variance request from Article 3, Section 3-080.8.B.3 of the City Subdivision Regulations, which requires parks to be adjacent to public streets on at least 50% of the parks perimeter, to allow for this requirement to be met with future adjacent development per the Development Agreement.

Acting Mayor Jones Ms. Stensland-Bickers, can you mute yourself please? Okay, I think we're good now. Sorry, had you completed your motions?

Alderperson Mike Nugent I did.

Acting Mayor Jones Okay, nice job. All right, that, those motions are in order. Is there any public comment on any of those motions that were just made by our, Mr. Nugent? Seeing none in the chambers, anyone wants to raise their hand that's remote to provide public comment on this land use item, I'm not seeing anyone. All right, are there any questions or comments from Council?

Acting Mayor Jones Ms., Ms. Anderson.

Alderperson Anderson Thanks so much madam chair and just you, excited to see where this project is going. It's a new idea and taking some of the form-based code a lot of the concepts we talked about in the adoption of the Sxwtpqyen Plan and kind of putting those to, you know pen to paper and, and hopefully come to fruition and I'm excited to see what this can bring and kind of if it's a model that we can look to moving forward for kind of innovative housing development, trying to address the variety of needs that we have in our community. And you know, I think that this is kind of the things that we were hoping for when we were having those conversations about the Sxwtpqyen plan, form based codes, and excited to see this come to fruition. So, thanks so much.

Acting Mayor Jones Thank you. Mr. Nugent and then Ms. Becerra.



Aldersperson Mike Nugent Thanks. I just wanted to say that I'm excited about this project and thank the development group for kind of trying something new and being open to something that includes an attempt at affordable housing and some Ag and open space all in one, and I think that it's kind of important to note as we kind of consider code reform in our bigger conversations in the next couple years that the development group has in background that affordable housing and this is still an incredibly complex project and I think we need to recognize that they are giving the community an opportunity that they don't necessarily have to do. And I think that that is something that we, we should appreciate and so thank you very much, I look forward to supporting this.

Acting Mayor Jones Thank you. Ms. Becerra.

Aldersperson Becerra I too will be, I'm excited to support this project. This is in Ward 2 and I know that for a lot of my constituents who live in the area, they have seen a lot of change, a lot of additional development, and I know some of them might be a little hesitant to see more development come to that part of, of the community, but I do think that this project being an agrihood kind of continues the tradition that used to take place in this area, agricultural uses and the history of, of this part of the community. So, I'm excited to see that being retained alongside with the development that's going to come this way. I also think that this profit share model is really interesting and hopefully could be replicated in our community. So, very excited to see this come to fruition.

Acting Mayor Jones Thanks. Anyone else that wants to provide comment from Council on this? I'm not seeing any raised hands online. I'll just briefly add that I too am excited to support this. I think communities big and small across Montana are dealing with housing issues right now, as they are across America and I've seen the Sxwtpqyen plan come to fruition, that was several years of work to do a very comprehensive planning approach with this greenspace to do it well and to do it right. And then we have that foundation and then to have creative, hard-working applicants come in with really good projects to build on that, is just it's great to see it happen. It takes a long time, but this is how we're going to get good quality housing that increases the quality of life instead of decreasing and that's hopefully affordable in Missoula. So, I appreciate that this community takes this approach and that we have people in this community that will take this approach. So, thank you, so I'm happy to support it. I don't see any other comments from Council so let's take a roll call vote. Marty, I leave it to you if you think we need to do individual roll call votes on each motion.

Marty Rehbein I am going to do one roll call vote on all four without any objections from any of you.

Acting Mayor Jones Okay.

Marty Rehbein So a vote for one is a vote for all.

**Moved by:** Aldersperson Nugent

Adopt a resolution to annex the subject property legally described as Tract E-1 of Certificate of Survey No. 6889 and Tract D of Certificate of Survey No. 6850, located in the Northwest Quarter and Southwest Quarter of Section 7 and the Northeast Quarter and Southeast Quarter of Section 12, Township 13 North, Range 20 West, P.M.M., as shown on Exhibit A, and zone upon annexation to Title 21 Form Based Zoning Code transect zones: OS Open Space, T3 Neighborhood Edge, T4-O Neighborhood General - Open, and T4-R Neighborhood General – Restricted, subject to the conditions of approval, based on the findings of fact and conclusions of law in the staff report.

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

ABSENT: (1): Alderperson Sherrill

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

**Moved by:** Alderperson Nugent

Approve the variance request from Article 3, Section 3-030.1.C.3 of the City Subdivision Regulations, which requires each lot to abut and have access to a public or private street or road, to allow 18 lots to be provided access via an alley and public access easement containing a pedestrian path.

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

ABSENT: (1): Alderperson Sherrill

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

**Moved by:** Alderperson Nugent

Approve the variance request from Article 3, Section 3-080.8.B.3 of the City Subdivision Regulations, which requires parks to be adjacent to public streets on at least 50% of the parks perimeter, to allow for this requirement to be met with future adjacent development per the Development Agreement.

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

ABSENT: (1): Alderperson Sherrill

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

Approve the West End Homes Subdivision preliminary plat application and master site plan, subject to the recommended conditions of approval, 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 Jordan, Alderperson Nugent, Alderperson Savage, Alderperson Vasecka, and Alderperson West

ABSENT: (1): Alderperson Sherrill

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

## **9. PUBLIC HEARINGS**

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

The City Council will hold this public hearing open until they take up the item for final consideration on January 23, 2023.

Acting Mayor Jones We're gonna go on to our four public hearings that we're going to open tonight, and under state law and City Council rules we set guidelines for inviting community comment in a formal way on certain issues. Following a staff report on each item, the City Council and the Mayor invite community comment. City Council holds a

public hearing open for a week and then we vote the following week unless there's a requirement for final action on the night of the public hearing. I believe that all four of these will be kept open until January 23, 2023, our next meeting and we will finalize them then. The first one is 9.1 an ordinance amending Missoula Municipal Code chapter 12.44 entitled Cemeteries and we have Katie Emery from Public Works and Mobility here to present to this on us.

Katie Emery Well good evening. I am Katie Emery, Business Operations Manager for Public Works and Mobility. We are asking Council to approve some ordinance changes for the city cemetery. These are just clean up ordinances, so this is 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 through H to decriminalize City Cemetery groundskeeping regulations, amending 12.44.290 entitled meetings to allow the city's Cemetery Board of Trustees more flexibility in scheduling their regular meetings, and establishing rules for attendance and repealing article 3 entitled Cemetery superintendent section 12.44.340 entitled duties in its entirety because the duties listed are addressed in the job description. I'll open it up for questions.

Acting Mayor Jones Okay, any questions from Council? Or actually let me back up a second. Any public comment on this item? And we'll come back to you in a second Katie. Let me see if there's anyone online, please raise your hand. I don't see any public comment. Any questions from Council on this item? All right, I'm not seeing any. So, thank you Ms. Emery. We will keep this open until January 23rd when we'll take it up under final consideration.

Katie Emery Okay, thank you.

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

The City Council will hold this public hearing open until they take up the item for final consideration on January 23, 2023.

Acting Mayor Jones The next item is 9.2 master fee schedule for facility use, reservations, permits and programs for 2023 and Shirley. Oh I see you Shirley, you're here to present on this item. Good evening.

Shirley Kinsey Yes, thank you. Shirley Kinsey, Missoula Parks and Recreation. I'd like to just go ahead and share my screen. Can you all see that?

Acting Mayor Jones Perfect. If you can, we see a lot of the border also. If you can expand it?

Shirley Kinsey Oh. How's that?

Acting Mayor Jones Go ahead Ms. Vasecka.

Alderperson Vasecka If you go to view and I believe in the bottom, it says like full screen or something, one of the tabs in the upper lefthand corner, view and then close to the bottom it says expand to full screen...full screen mode.

Shirley Kinsey Okay, perfect. Thank you. Thanks for walking me through that. So, so this is an annual process that we undergo to revise the master fee schedule and pass a resolution to change those fees. The, the document itself is the foundation for our fees associated with, with all of our facility rentals and reservations, permits, admissions fees and some program fees and we, the public process includes informing our user groups and we do mass emails of the memo that you guys all received at the CCP. And our, we put the, the fee schedule up online and, and just try to get as much feedback as we can prior to, and then the public hearing. The review and approval of the Parks and Recreation board in December, they approved the, the fees and all the policy along with it

unanimously. We reviewed it with the county parks trails and open lands advisory board, mostly reviewed the sections pertaining to Fort Missoula Regional Park, which the, the city manages under contract with them. We present at the Conservation, Climate, and Park Committee and now this public hearing. So, these fees will, will be for 2023 and this year is going to be a transition year for us. We plan to, per your request and administration's request, to align the, the fees, decisions and structure with the budget, and we're hoping we're going to be able to do this, that's during the most busy season for us and, and not a lot of our, our fees are collected through the summer season. So, so it, it's gonna, it should be good but, but we'll see how, how it goes. So, I'll be back again in the spring to set fees for project and set fees for 2024. So, none of us here at Parks and Recreation want to charge fees, but we understand the, the need to offset the budget and set some reasonable expectations. The fee increases, fees increase our ability to serve more residents by expanding capacity. It allows us to increase the value and quality of our services and reduce conflicts with folks that, that are registered, or they have the sites reserved throughout the city. Through a, through surveys that we've done in the past, we've learned that the majority of Missoula taxpayers really are, are satisfied with Parks and Recreation the services we provide, the facilities, trails programs, but they've indicated that that while they support our overall mission and the opportunities that we do provide, they'd like us to charge fees. So, those directly benefiting from the use of those facilities pay for those additional services through user fees and generally most of our fees are connected to services we provide that are beyond normal base maintenance practices. We've continued to be challenged with inflation for goods services and, and we ended up increasing wages 10% this, this past calendar year, supplies, shortages have, are still an issue. We, we're, we're looking at significant increases in our especially for aquatics in our calcium tabs. Our manufacturer decided to move to a 50 gallon bucket and from a hundred gallon bucket and not change the price, so you can imagine what that kind of thing will do to impact our supply for chlorine, which is very necessary to our pool operations, but we're, we're investigating different options and we'll move forward in a positive manner. Purchase Services have also increased about 7% for utilities and, and maintenance services. By necessity, we, we increase the intermittent wages 10 %. Last year, we adopted a three-year plan so we could look at, at moving our seasonal and intermittent temporary employees to a more livable wage here in, while they're living here. So, and then and then with the fee increases that we, we've proposed, we're proposing this year, in order to maintain a high access for our community, we do have a scholarship program and we've always been committed to creating ways for all people in the community can access and no one's turned away for socioeconomic reasons. In section 1.5, the tennis and pickleball courts the fee will increase, the rental fee will increase 25%, \$4.00 to \$5.00 per hour and for the pros who teach private lessons on our courts, that, that will increase from \$10.00 to \$12.25. And then we do offer the pros a, a court block and it's a little bit of a discount that they can rent monthly instead of by the hour. The pickleball courts will also increase 25% and essentially the, they're the same as the tennis ball, the designated pickleball is the same as tennis, but if you play on a pickleball court where you have to supply your own net, the price is a little bit less expensive. In section 1.12, the Moon Randolph Homestead if any of you, I'm sure all of you read through that whole long document. There was a lot of red line in the Moon Randolph Homestead area, but these changes were largely formatting and reorganization of existing policy; there were no fee changes that were involved there. The aquatics facilities we added a couple of, we added a couple of hourly rental rates for before and after hours. We have the, mostly the Mac swim team that comes in and practices when the grizzly pool is down, and we do have private businesses like scuba and kayaking that also rent the pool. That fee is set at \$75.00 per hour for either the deep end or the shallow area. We're also increasing, asking to increase fees at Splash Montana for rental. The pool rents before and after hours for an hour and 15 minute hour and a half rental and you can rent the facility either with the 50 meter or without the 50 meter. Splash Montana 50 meter swim team rental fees will increase 10%, it, the entire pool go from \$96.00 an hour to \$106.00 or \$12.00 per lane to \$13.25 per lane. We're

asking to increase the daily admission prices 25 cents here at Currents and that increase will match Splash Montana. so Splash Montana will not increase. They were, last year it was a quarter higher than, than Currents and then the all the, the fees, punch cards and, and season passes will increase. It's, it's basically math, the, the formulas are pretty straightforward. If you take a 30 punch pass times it by the, the daily admission and then give it a 25, give it a discount rate, you get the, the fee for the past the 30 punch pass, 20 punch pass, or 10 punch pass and then with our annual pass holders, we base on, on the number of swims that we think are, are reasonable for an annual, a six-month, or a three month and basically the same formula. The category, you take the 104 swims times the, the admission rate and, and percentage discount. And then, keep, bear in mind that these all these prices are regular fees, residents of the City of Missoula can apply for a city card that allows them an additional 20% discount on many of our programs and the aquatics. So, that's basically what we're asking to do this year. Are there any questions?

Acting Mayor Jones Thank you Shirley. Let me call for public comment first and then we'll go to questions.

Shirley Kinsey Okay.

Acting Mayor Jones Any public comment from anyone in the chambers? If so, come on up and I'm not seeing any raised hands, so let's go to questions from Councilors. And we had Ms. Vasecka.

Alderpersion Vasecka Yeah, I'm happy that the city card was at the end of it because that's regarding my question and thank and thank you for the good presentation as well. For the city card, is it still you have to pay two, two dollars to and have to prove that you do live within city limits and then every year you have to re-up that with a dollar, is that, is that still correct?

Shirley Kinsey Correct.

Alderpersion Vasecka Okay, I'm just asking because a few of my constituents have, have reached out to me thinking that was silly to re-up it every year with for a dollar but it's just question time so...

Shirley Kinsey Yeah...

Acting Mayor Jones Thanks. Why don't you take the presentation down, if you can do that Shirley? And we'll see if there's any other questions from Council. Mr. Carlino.

Shirley Kinsey Gosh...

Acting Mayor Jones First things first. We'll...if you can take the presentation down.

Shirley Kinsey You know, when I expanded it, I can't get back. Is there some way Marty can take it down?

Acting Mayor Jones If you hit escape.....

Shirley Kinsey Oh, oh okay and then....

Acting Mayor Jones There you go, awesome. Thank you.

Shirley Kinsey Okay, perfect. I learn something new every....[laughs]

Acting Mayor Jones Great, wonderful. Okay, we had Mr. Carlino.

Alderpersion Carlino Thanks. Yeah, Shirley, with the scholarship program, I was wondering how that works with team sports? Like, for example, with soccer where one teammate would pay, or like the team captain would pay for everybody for the team, how

would the scholarship program work like for individuals on a team that would like to use the scholarship program?

Shirley Kinsey So, that's kind of a complicated question because many of the soccer for instance or team sports are rentals for the facility and there are no discounts on the actual facility rental. If, if they sign up for a program through Parks and Recreation, we sign people up individually and, and then they can apply for a scholarship. I know that, that a lot of the youth organizations have a scholarship program as a private organization or non-profit, but in general, when a sports team rents a facility, there is no discount.

Acting Mayor Jones Any other questions? Okay, thank you Shirley. Thanks for the presentation and answering questions. We will keep this open until January 23, 2023 when we'll take it up for final consideration. Thanks so much.

Shirley Kinsey Perfect, thanks so much.

### **9.3 Right-of-Way Vacation at 601 West Broadway**

The City Council will hold this public hearing open until they take up the item for final consideration on January 23, 2023.

Acting Mayor Jones All right, next is 9.3 right-of-way vacation at 601 West Broadway. And is Brandt here to present on that? Brandt Dahlen, yep I see him. There you are. Good morning or good afternoon, good evening.

Brandt Dahlen Can you hear me okay.

Acting Mayor Jones Yes.

Brandt Dahlen I'll share my screen.

Acting Mayor Jones We can see that. Great.

Brandt Dahlen Awesome. So, good evening. I'm Brandt Dahlen with Public Works & Mobility. This is a presentation regarding requests to further vacate Front Street right of way associated with Riverfront Triangle Redevelopment. The vacation request was brought about by the property owner Riverfront LLC, which is neighbor to the original Fox site, but the vacation happened a couple years ago. The applicant, Carl Posewitz with Paradigm 3 Architecture and the developers representative is Ryan Salisbury of WGM Group. So, the subject right of way is the small piece located kind of right at the intersection of Broadway and Front Street and shown in blue on the south side of Broadway. This is the last remaining piece of Front Street right of way between West Broadway and Owen Street. Vacating this right of way relieves a pinch point and allows for a more usable area of site improvements on the 601 West Broadway parcel. So, this map shows some of the concepts brought forth during the original Riverfront Triangle vacations. The planned greenway which will include bicycle, pedestrian, and emergency access will continue through the proposed vacation with condition 1A, that'll be a 30-foot public access easement through that greenway and it's conditioned to, to match up with the with the Fox Theater greenway easement. And then, condition 1B, requires right of way improvements at the West Broadway and Front Street intersection before any development on the parcel. This is not a very safe intersection, and it would be an improvement to have it either squared up or removed altogether. If it was squared up it would probably just be temporary until the rest of the greenway and Fox Site develops. You will also notice the existing Riverfront Trail public access easement, that's the blue against the river through this parcel and that was already established and recorded with a development agreement back in 2020 with a rezone. So, the subject right of way includes some public utilities such as a sewer main, a water main, and a fire hydrant. We've worked it out with city utilities and condition number two requires easements for all these utilities with the understanding that these utilities will be abandoned, removed, or

relocated by the developer as required for site buildout. All of the agencies who responded to agency comment had no issues or concerns with this vacation and our recommendation would be to adopt the recommended resolution to vacate the subject right of way. Thanks for your time.

Acting Mayor Jones Great. Thank you Brandt. Is there any, on behalf of the applicant, Mr. Salisbury I see that you're here, did you want to provide any comments?

Ryan Salisbury No thank you Council person, Gwen, Jones...Sorry about that. No, I don't have a formal presentation. I'm here to answer questions and just wanted to, you know, restate that this is really just completing what was decided and voted upon in 2017, just to finish out that vacation of the Front Street right of way. Thank you.

Acting Mayor Jones Great thanks. Okay, any public comment on this item from anyone in chambers? I'll check to see if there's anyone online. I don't see any raised hands. So, any questions from Council? Mr. Carlino.

Alderperson Carlino Yeah, I was just wondering if staff could talk about why, just the reasoning behind not asking for affordable housing requirement along with this right of way vacation. I do understand the greenway seems like a great public benefit and I was just curious what their new affordable housing incentive program where we look at right-of-way vacations as a way to create affordable housing. I was wondering if staff could just elaborate on our reasoning for not requesting affordable housing out of this right-of-way vacation?

Brandt Dahlen Yeah, I can elaborate a little bit. You know, so, we just you know between City, CPDI, and Public Works, we think the benefits negotiated are sufficient for, for the exchange of the right of way. The right-of-way that's vacated comes out to 2,628 square feet and they've already dedicated over six, almost seven thousand square feet for a public access easement for the Riverfront triangle and we'll be granting an additional 30 feet wide public access easement in the Front Street area, and they're also responsible for all the right-of-way improvements at Broadway and Front Street, and you know it's just also on a blighted and vacant property that is always a benefit to get fixed up, and yeah this vacation has kind of been going on for 18 months now. We've been negotiating the conditions with the neighboring development, the Fox Site trying to not couple the two projects but to also ensure connectivity between the facilities of the two projects. So, you know, we kind of based this project on the groundwork of the original right-of-way vacation.

Acting Mayor Jones Any other questions? And I would point out that with the Riverfront Triangle development when eventually that does happen, affordable housing is part of that conversation to be determined, but it is, it is part of the original agreements, so there's a bigger context there. Okay, I'm not seeing any other questions from Councilors or anyone online. So, this will be held and stay open until January 23, 2023 when we will take it up for final consideration, and thank you Brandt and Ryan for coming tonight, appreciate it.

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

The City Council will hold this public hearing open until they take up the item for final consideration on January 23, 2023.

Acting Mayor Jones Okay, our last public hearing is 9.4 an ordinance allowing market sheep, goats, and poultry as part of a 4-H and FFA student project, and I know that Councilor West has brought this. I don't know if you have staff or not to present on it, but if you just want to introduce it for the public hearing, Heidi, I'd appreciate that.

Alderperson West Sure and I, I don't think that there's a staff presentation about Holly or Shannon, correct me if I'm wrong. I was just gonna go over what the intent of the ordinance is and also what the substantial changes are. So, the intent of the this animal exemption is to allow FFA and 4-H students to keep market animals in the Missoula city limits and that is for a defined period of time, so April 1<sup>st</sup> until September 30<sup>th</sup> and to be clear, this only applies to market goats, sheep, and additional set of poultry. So, no mini steers, no swine, no regular size steers that'll be appearing on people's residential lots. So, the highlights are that students have to register with animal control, so they have to verify that they are an enrolled member in either FFA or 4-H, and their enclosures have to be a minimum of 20 feet from neighboring or adjacent occupied dwellings. And they, of course, have to also keep them clean and not cause nuisance to surrounding neighbors and we did take this ordinance to the Animal Control Board on Wednesday, November 2<sup>nd</sup>. They supported it with an amendment and so that amendment was that if animals were to be walked through the neighborhood. So, if you were to take a sheep or a goat on a stroll through the neighborhood, I guess you could walk your chickens, but that animal droppings had to be picked up and we also had some cleanup, cleanups in the overall ordinance one of which was to remove the prohibition of coturnix quail just to be in line with state recommendations, that is no longer a species of quail that's unallowed I guess, and then we also removed the reference to the cost of the chicken permit from the ordinance. Those, our practice has been to not have exact fees in ordinances just because they change and get updated and they are better in resolutions or other, other fee schedules. So, Holly is here. She is the animal control manager and Shannon, who is the environmental health manager from the health department are also here for any questions or just to provide additional information.

Acting Mayor Jones Great, thank you. Let me call for public comment first in case there's any public comment from anyone in the chambers or online. Seeing none, any questions regarding this ordinance? Our rural roots run deep here in Montana, and they will continue to run deep within city limits, if this passes. So Shannon, I see that you got your hand raised. Are you able to....there you go...

Shannon Therriault I just, I just was not fast enough during the public comment part. So, I'm wondering if we can have Holly, we did talk about this again with the Animal Control Board and so I'm wondering if Holly can just give you what they, what they talked about last time. If that would be okay?

Acting Mayor Jones That would be great. Let's go back to some more information presenting here so....

Shannon Therriault Okay.

Acting Mayor Jones Holly...

Marty Rehbein So, this is Marty Rehbein and I'm going to just identify that that was Shannon Therriault from the health department for the record.

Shannon Therriault Thank you.

Acting Mayor Jones And Holly, are you able to unmute yourself? I don't see anything that I can do on my end, Marty to unmute Holly Hargrove. Shannon, are you able to share what Holly would have said

Shannon Therriault Yes, I am. So, the Animal Control Board was very thankful that Heidi came and talked to them and that they incorporated, or that Heidi incorporated the changes that they suggested, and they are in support of the ordinance basically. That is what I can tell you.



Acting Mayor Jones Great thank you. Okay, any questions from Councilors on this item? I'm not seeing any raised hands and Ms. Hargrove, if you're able to unmute yourself and want to add anything please, please chime in. I'm not seeing that. So, all right, anything else to add, Heidi?

Alderperson West Yeah, I mean, if you guys have any questions for Holly or Shannon or me before the, I guess this is being held open until the 23<sup>rd</sup>. So, there's ample opportunity for folks to comment or follow up with questions and get more information.

Acting Mayor Jones Great thank you. Thank you so much for all the information and this will be held in Council for final consideration beyond January 23<sup>rd</sup>. All right, that concludes our 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 21, 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 21, 2022 Meeting**

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

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

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

## **11. NEW BUSINESS**

### **11.1 Legislative Update and Action on Bills**

Acting Mayor Jones Under new business, we do have our legislative update and action on bills and I'll just frame this up a little bit and then Jessica, yep, Jessica Miller is with us great, who is our legislative point person for the city. So, I know that I think there are thousands of bills that have been submitted at least over four thousand, if not more and possibly more coming, I'm not quite sure. There's a ton of bills, so really one of our biggest challenges is just information management. So, the City works on culling through all of those bills to find ones relevant and then they are tracking it and Jessica can talk about how we're tracking those bills, but I would put it to Councilors that if there is a bill that you are aware of and you cross-reference it with the city's list and see that we're not tracking it and you think it should be tracked, please contact the administration, contact Jessica Miller, Mayor Hess because that's, that's an easy thing to get it on the list for us to start tracking and I think that's just honestly one of the biggest challenges is how to approach such a big project. With the bills that are listed in the list that is attached today, I went through all of that many of them are still not written, they are literally just headings. So, I think you should just be tracking that but the, the administration is tracking it in far more depth and, and working through those and when they do have text attached there, then they're going in the direction of being neutral or supporting it or opposing it. So, for now, I just think as we start off on this if there's things that you think should we should be tracking, let the staff know. Also, I was advised that one of the best things, sometimes Councilors get contacted by constituents wanting the city to take a certain position on something and that's something that I think Councilors should discuss with the administration as the first starting step, but also those constituents should be contacting Helena as individuals. That has a lot of power, instead of just having one contact from

the City, they should be as constituents of their legislators, they should be contacting their legislators also, so, I just want to put that out there. Jessica, did you want to talk through where we're at and what you're doing? So that we get a sense of that.

Jessica Miller Hey everybody, Jessica Miller in the Mayor's office. So, yes, it would help if I shared my screen, if I'm going to show you what we're doing. So, just a quick refresher. We do have on our website a place here Missoula in session that website is also linked from this agenda item on Monday nights and it's also available down here at the bottom with the nice picture of the capital as well for folks to get to the last time I showed this at Committee of the Whole in December, we, I did not have any of the reports available yet. So, this page now does have the reports available. I have it in one giant spreadsheet in Excel for those folks who are inclined to sort and filter, and want an Excel document. I know we do have those folks among Council and in the public and so that document is available here for folks who have the aptitude and the inclination. And for folks who do not, we also have them organized by major topic down here, so we have all the city bills in one massive document here, and then divided up by, by some of the subcategories that we that we are seeing most often that folks can access in just a PDF, and these are going to be listed in numerical order and so, unfortunately, I don't have a way to, to adjust the way these are listed. And so, it's House Bill and then LC, which is a draft bill that is not introduced yet and then way down at the bottom of the list is where you're going to see those Senate bills. And this is a report that is not organized the way I had wanted it to be, so I will have to go back and make sure I get the actual correct report up here, but the Senate bills will be at the end of the list, unfortunately. So, there are a bunch of draft bills in between, as president Jones said there are a lot of a lot of bills that are just placeholders and just drafts, We do have those in our tracking list just, so I make sure I get the alerts if folks do have, once the legislators actually do have bill, have bill language attached to that, but of the 4,400 or so draft requests that are out there right now, probably you know 1,500 to 2,000 of them will actually end up being introduced in the session. So, we do track a lot of bills that actually never go anywhere but I want to make sure that I don't miss them. The other thing that we tried to do with this page this year is to try to make sure that we have information here for, for, for folks to, to help send your constituents to Helena. And part of that is, you know, how do, they how do they contact us but then how also how did they contact Helena. So, we have some information on how to reach their legislators. The state's website does have a lot of good information on it and what I've tried to do here is just systematically link to make shortcuts to some of the stuff that is maybe most helpful for some of our residents as far as, how do you use the state's website, a resource that the state has provided on how to read a bill for members of the public who aren't familiar with that, testifying on a bill. They can create their own priority list to track legislation and things like that. So, again all the legislation that we're tracking is here. I am trying to update these daily on, on each business day. There, there probably will be some days that I miss, so I'd say rely on this to be updated minimum of three days a week. So, that is my, my best attempt, so, but all the legislation that we're tracking will be listed here and when we have taken a position on a bill, again, the Mayor's office typically sets that, or Council can set it by action on Monday nights. If we do have a bill that we've taken a position on the, the support or opposition will be here and you'll see a lot of these are watching, a lot of them aren't going to be neutral. You can see if we're supporting or opposing some of them, many of them are going to be not reviewed. Again, a lot of those are going to be the LC draft bills and others will be ones that were you know just had drafted, just had text added in the last day or two and we haven't gotten, gotten the review into the system yet, and haven't taken a position on it yet. So, that's an overview of what you can find on the website now that was not available when we previewed it in January. And then, as far as what our lobbyists have been doing in the last week or so, last week was a lot of kind of hit the bill, hit the ground running, doing a lot of, sorry I closed one of my documents here, there was a lot of rule stuff and a lot of kind of trying to clarify where things were. A couple of the bills that our lobbyists did testify on last week, there were two bills that were part of the

red tape reduction act that were you know helpful to us. So, House Bill 76 was a generally revised transportation laws one and that one actually is reducing some of the paperwork to get the, the Bridge and Safety Accountability Act funds that we get. Those are those BaRSAA funding that that we get for some of our Public Works projects, and we supported that one. We have and the other one that was a red tape reduction act last week was a, a Superfund Site for, for brownfields as well that DEQ is putting the Department of Environmental Quality is putting through, and so we testified on that one as well. And I think there was a lot of hallway time Willis Curdy is sponsoring a bill for us with the records cleanup. I don't think that, that language is available yet and I think that those are the highlights of what we're doing so far, unless I've missed some and Dale can jump in.

Acting Mayor Jones Great, thanks Jessica and I, yeah, you reference that a Council can pick something up and we can discuss it and possibly vote on it. I would say the first step is probably talking to the executive branch to just see what the position is and the rationale for why, is always a first step. And I think if anybody does want to pick something up and discuss it on a Monday night, you're going to have to provide like a sufficient, numerous days' notice, I think, to everyone because given the magnitude of bills, it's pretty hard to click on a link on a Monday night, read it, and think it through for a vote. So, I would just put that out there. I think it's constructive approach would be a week ahead of time, say I want to vote on I want to have a discussion with Council on this regarding the city's, the city's stance on it and give everybody notice so we can work that we can work through that in more details. But it, just having read through the report over the weekend, it is vast and it's only the tip of the iceberg. So, Ms. Vasecka, you had your hand raised.

Alderperson Vasecka Yeah and I'm sorry if I miss this during the presentation, but I want to let constituents know that if they do want to testify for a bill that is important to them whether they are for it or against it, and you can't make it all the way to Helena, then you can testify remotely and all you have to do is on the legislative website, the main page, it says have your say and then as long as you, you sign up for remote testimony before 5:00 p.m. the previous day before the, the hearing, then you can then you can have your remote say. And I have heard from multiple people that even if you don't know if you can for sure make it, sign up anyways because like even if you can't make it then they, they won't be wasting any, any of their time because you won't be logged in, so then they'll just not even know that you weren't even there. So, that just gives you, gives you a link to the meeting, so that if you have a possibility and want to then you can remote testify as long as you sign up 5:00 p.m. the day before.

Acting Mayor Jones Great thank you. Thanks for that good information. Any other questions or comments from Council on this? I don't know if we need to take public comment, but I'll call for public comment. I'm not seeing any. All right, well, it's the beginning of four months and here we go, we'll see what the world looked like on the other side.

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

Acting Mayor Jones All right, I'm going to move on to communications from the Mayor. I do have something to cover tonight and that is the fact that we are re-upping the Local Government Academy again this year. I think we did the Local Government Academy in 2019 and 2020 and then with the pandemic, we took a hiatus and it is back, new and streamlined a little bit and revised. The Local Government Academy will run for 6 weeks from the beginning of February to the middle of March. It is once a week for two hours in the evening, I think on Thursday evenings. We just opened up the application. This is run by our neighborhood office. We open up the application and if people are interested in attending this, please apply. The application will be open until January 20, 2022. And for folks who are not familiar with the Local Government Academy; it is, it's focused on city government and basically what we do and how we do it. All of

the different city departments come in and talk with the cohort and have PowerPoints, and explain what they do. One of the most popular one is our Streets presentation; people love the Parks presentation. It's, it's really fascinating because people don't realize how much the City does. There's a lot that goes on, this is, there's a heavy workload and we've got great people working for the city and it's a chance to share that and, and get an up close view of how all of the city's work is done. So, I hope people apply. If we have a ton of applicants then we'll probably, we can only take around 25 or so, so we'll probably just do a random selection of everyone that, whose name is in the hat. We'll just do the best we can to be as equitable and as fair as possible, and we also have a code of conduct that people sign. This is not a, this is not an environment in which to come in and, and voice your complaints about the City. If you have questions, great, but we prefer for the complaints to be in public comment and emails, more constructive and we want the Academy to be a very positive respectful place where people feel comfortable coming in and so there's a code of conduct. So, anyway, if people have questions, please reach out to me, send me an email or contact our communications department. The application is live, it is on the neighborhood office website page for the city, and in the past, people have had really good experiences. So, I'm excited that we're tipping it up again and here's a shout out to all Councilors. I'll be calling on you to please come in for some of these events, you don't have to go to all of them. The last session is a budget session because we want people to understand the budget and how it works and we kind of have a mock-up budget session and it's people come out of it saying wow that's really hard. So, I'll be calling on our Councilors to come in and provide backup support at the different tables while they eat pizza and work through this. So, any questions, please reach out, but I hope it's a success.

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

Acting Mayor Jones And with that, I'll go to Council comment, and we'll start with Ms. Becerra please.

Alderpersion Becerra I hope that mock-up session lasts until 1:00 a.m., like it does for us. I just wanted to say that in Public Works and Mobility Committee, we're going to be learning about the RAISE grant application and I just wanted to let you know what that stands for and it's the Rebuilding American Infrastructure with Sustainability and Equity, and it was previously known as the BUILD Grant, which we did receive 13 million dollars for or so for the MULLAN area infrastructure improvements. And that's, the BUILD grants stands for Better Utilizing Investments to Leverage Development. So, clearly, all of the fun acronyms and motions happen in Public Works.

Acting Mayor Jones Alright, Ms. Vasecka, can you raise it? Match it and raise it?

Alderpersion Vasecka I don't think I can. I just wanted to, I wish that everybody had a great holiday season and thank you everyone who came in person. I always love seeing, seeing people involved in local government and then I really I hope even though this is local government, local government is still at the state level. So, there are so many bills that are going on and so if you're in support or opposition or just have an opinion or questions, please reach out to your local legislator and they, they are our Representatives, just as I am your representative and so, it is really important for the public to get involved. So, I really hope that the public does get involved, as much as they, as much as they want to and I really hope that we get a lot of applicants for the for the Local Government Academy. And I, I've done CLIA, I don't think CLIA is still going on anymore, is it? Citizens Law Enforcement Academy?

Acting Mayor Jones I don't know, but I hope so....

Alderpersion Vasecka I did that. I never did the citizens Local Government Academy, but all these programs that the City puts on to help locals and constituents understand what's going on, I think is really important and I would highly, highly recommend folks to at least look into it. And I hope everyone is having a great new year so far.

Acting Mayor Jones Ms. Anderson.

Alderson Anderson Thanks so much. I appreciate that we read the Proclamation acknowledging Martin Luther King Day coming up this Monday. I had the opportunity, while in Memphis this fall to go to the Civil Rights Museum at the Lorraine Hotel which is where Mr. King was assassinated, and I would encourage everyone to put it on their list of things to go and see. It was really hard and had to see kind of our history, but I think it's important that we are aware of it and, and take the time to acknowledge that we haven't always done things the best and that we need to do better in the future and it was just, it was incredibly well done and worth the time to go. And if folks here in Missoula want to participate in a lot of the upcoming events for, in celebration of Martin Luther King Day, I would encourage you guys to go to empowermt.org and there is a flyer on there that talks about all the various things happening in our community in recognition of Martin Luther King Day and it's great ways to get involved and, and you take advantage of the fact that we don't have Council next Monday night. So, thanks so much.

Acting Mayor Jones Thanks. Ms. Savage.

Alderson Savage Thank you. I just wanted to wish everyone a Happy New Year. It's good to be back and good to be back in person, and I also just wanted to say a brief thank you to Missoula County for fixing the railing on the Scott Street Bridge, it's very exciting. It was a nice little Christmas present to the north and the west side. Thank you.

Acting Mayor Jones Thanks. I'm going to try and stick with, next in order we have Ms. West.

Alderson West I just want to say that I'd really appreciate that these meetings are still hybrid and let me be a parent and come to the meeting all at the same time. And my neighbor knocked on my door twice to borrow cream and my neighbors most adorable seven-year-old little girl with a cat sunglasses, so I had to give her some.

Acting Mayor Jones Mr. Carlino. Okay, Ms. Jordan, if you're able to comment? Nope, all right. Mr. Contos. Mr. Nugent.

Alderson Mike Nugent Pass.

Acting Mayor Jones And Ms. Farmer.

Alderson Farmer Yeah, I just wanted to quickly honor one of our long-serving city employees who recently passed away last week, Kip Knapstad, had worked for the City Fire Department for 34 years and he was a very beloved co-worker to many and he left too soon, and if you know his family or any of his co-workers, I'm sure they would be honored if you sent them your thoughts. There is a service on Saturday at 10 o'clock at the Christian Life Center if anyone wants to attend. And on a lighter note, I would plug the Local Government Citizens Academy, I got to attend in 2019 and it was truly amazing I learned so much during that and I think it primed me for years. So, if you're at all interested, I encourage you to do it.

Acting Mayor Jones Great, thank you so much.

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

##### **14.1 Administratively approved agreement report**

#### **15. ADJOURNMENT**

Acting Mayor Jones We will stand adjourned. Oh, did we have one more public comment you would like to? All right, we will bend our rules and add one more on at the end, Mr. Badenoch.

Alderson West I can't hear him.

Jeff Badenoch Okay, I'm sorry. I started coming to City Council meetings at seven o'clock in 1982. I'm an old dog I didn't get the memo on the six o'clock start time. So, I was able to shovel my walks, walk down here and be in time for a seven o'clock meeting, but not a six o'clock meeting. So, thank you for your indulgence. Good evening, I'm Jeff Badenoch and I'm here on

behalf of the Missoula League of Women Voters. The Montana State Constitution and Montana State Statute required that every 10 years, the voters of Missoula of every Montana County, City and town be given the opportunity to vote whether their form of local government will be studied by a commission of its citizens, which will then make recommendations about their findings to the people. That vote will take place in June of 2024. The drafters of our Montana Constitution encouraged greater involvement by citizens in their state and local governments. This review of local government is one of the ways they enshrine this value in our Democratic processes. Voting on this question itself is fairly straightforward. It provides voters with a simple yes or no option. There is no way to predict whether voters will want to undertake local government review or not, but the Constitutional intent is for them to have that opportunity to decide. Since this choice comes only once every 10 years, it is among the rarest thing, things voters are asked to consider. Who can remember how Missoulians voted on this question in decades past? Consequently, very few people are aware of or understand the implications of this vote. Consider how many people have become new voters since we last considered this question in 2014. Consider too how many people have moved to Missoula and Montana in the past 10 years. They all came from places where this vote does not occur. The Missoula League of Women Voters will be undertaking a public education program over the next year or so to inform the people of Missoula and Missoula County about this upcoming vote. We will talk about the origins of the question, where it appears in the Montana Constitution, and its state statute, as well as the history of local government review in our city and county. To be clear, the Missoula League of Women Voters does not have a position as to whether Missoula voters should cast their vote one way or another to study local government. Instead, the league views this as education and information sharing on a topic that has no obvious constituency, but for which the league is particularly suited. It is our hope that through education and conversation over the next year or so, Missoula voters will be able to make an informed decision when they vote on this question in 2024. And those citizens who take part in the citizens, the city's Academy, they will be probably some of the most involved interested people and will be able to help their neighbors understand this question too. So with that, I thank you for your indulgence and I thank you for your attention, I appreciate it so very, very much.

Acting Mayor Jones Thank you for coming down. All right, we have nothing else on our agenda.

The meeting adjourned at 7:42 p.m.

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

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Jordan Hess, Mayor