

Journal of Proceedings
Missoula City Council Meeting

November 15, 2021, 6:00 pm

ZOOM Webinar

Members Present: Stacie Anderson, Mirtha Becerra, John P. Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, Heidi West

Members Absent: Bryan von Lossberg

Administration Present: Mayor John Engen, Jim Nugent, City Attorney, Marty Rehbein

1. CALL TO ORDER AND ROLL CALL

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

2. APPROVAL OF THE MINUTES

The minutes were approved as submitted.

3. SCHEDULE OF COMMITTEE MEETINGS

3.1 Committee Schedule for the week of November 15, 2021

Public Safety and Health Committee, November 17, 10:50 - 11:00 a.m.

Administration and Finance Committee, November 17, 11:15 a.m. - 11:35 p.m.

Public Works Committee, November 17, 11:50 a.m. - 12:10 p.m.

Parks and Conservation Committee, November 17, 12:40 - 12:45 p.m.

Land Use and Planning Committee, November 17, 1:00 - 3:15 p.m.

4. PUBLIC COMMENT

Mayor John Engen This is your opportunity to comment on items not elsewhere on our agenda this evening. Mr. Larson.

Matt Larson Yes, Matt Larson from Ward 3. Nice to see everybody. I think this is a good time to reiterate how we need to go back to these hybrid or actually go to the hybrid scenario for these meetings. It's nice that some city employees are able to attend at their offices, but city people are not able to attend. So, like internet is a barrier. These, this whole format is a barrier and we just, we're just

stalling indefinitely to wait for a hybrid meeting scenario to be you know bestowed upon us by our leaders. So, I think this would be a good time to reiterate how it's needed and then I'll go on to commenting about the claims later.

Mayor John Engen Seeing no additional public comment this evening, we will move on to our consent agenda.

5. CONSENT AGENDA

Mayor John Engen Items here were approved, pardon me, were approved unanimously in Council committees and we save a little time by considering them all at once on Monday evenings. Ms. Rehbein will read the list of consent agenda items aloud so folks Zooming in or watching in the television audience will know what we're considering, and we'll take comment before we vote.

AYES: (11): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (1): Alderperson von Lossberg

Vote result: Approved (11 to 0)

5.1 Accounts Payable (claims) for checks dated November 16, 2021

Approve accounts payable in the amount of \$416,828.74 for checks dated November 16, 2021.

Vote result: Approved

5.2 A Resolution of the Missoula City Council increasing the municipal stormwater, wastewater, and water rates for use of the Missoula City Utility Systems and amending the Utility Rate Schedule to be effective January 1, 2022.

Set a public hearing on December 6, 2021 for a Resolution of the Missoula City Council increasing the municipal stormwater, wastewater, and water rates for use of the Missoula City Utility Systems and amending the Utility Rate Schedule to be effective January 1, 2022.

Vote result: Approved

5.3 A Resolution of the Missoula City Council amending the current fees for new taps into existing Missoula Water system mains, establishing a Staff Assistance Fee, and amending the Utility Rate Schedule to be effective January 1, 2022.

Set a public hearing on December 6, 2021, for a Resolution of the Missoula City Council amending the current fees for new taps into existing Missoula Water system mains, establishing a Staff Assistance Fee, and amending the Utility Rate Schedule to be effective January 1, 2022.

Vote result: Approved

5.4 Reappointment to the Tourism Business Improvement District

Confirm the Mayor's reappointment of Whitney Bergmann to the Tourism Business Improvement District for a term beginning December 1, 2021 and expiring on December 1, 2025.

Vote result: Approved

5.5 Referral – Amendment to Contract A#8501 for Emergency Winter Shelter Operations

Authorize the Mayor to sign and execute an amendment to the contract with the Poverello Center for the provision of Emergency Winter Shelter services funded by the City of Missoula

Vote result: Approved

5.6 Ordinance amending MMC 2.82 entitled "Establishment of continuous residency requirements within the city limits for City department heads and supervisory managers."

[First reading and preliminary adoption] Set a public hearing on November 29, 2021 and preliminarily adopt an ordinance to amend Missoula Municipal Code chapter 2.82 entitled "Establishment of continuous residency requirements within the city limits for City department heads and supervisory managers."

Vote result: Approved

5.7 Resolution Relating to \$397,000 Storm Water System Revenue Bond (DNRC Water Pollution Control State Revolving Loan Program), Series 2021A; Authorizing the Issuance and Fixing the Terms and Conditions Thereof

Adopt a Resolution Relating to \$397,000 Storm Water System Revenue Bond (DNRC Water Pollution Control State Revolving Loan Program), Series 2021A; Authorizing the Issuance and Fixing the Terms and Conditions Thereof

Vote result: Approved

5.8 Renewal of Stop Loss Insurance for the City's Health Insurance Plan with Voya Financial

Approve and authorize the Mayor to sign the renewal of Stop Loss Insurance provided by VOYA for Option 1 large claim health plan coverage effective January 1 through December 31, 2021 for an estimated monthly charge of \$73,504.00

Vote result: Approved

5.9 Confirmation of Police Officers

Confirm Officers Michael Haderlie, Daniel Kozlowski and Payton Holmgren

Vote result: Approved

5.10 Referral - 44 Ranch Subdivision Phase 12 Final Plat Approval

Approve the 44 Ranch Subdivision, Phase 12 Final Plat

AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSTAIN: (1): Alderperson Merritt

ABSENT: (1): Alderperson von Lossberg

Vote result: Approved (10 to 0)

5.11 Referral - Howard Raser Business Park Subdivision Phase 2 Final Plat

Approve the Howard Raser Business Park Subdivision, Phase 2 Final Plat

Vote result: Approved

5.12 Referral—Transportation Alternatives Pavement Preservation Grant Agreement

Approve the Transportation Alternatives Pavement Preservation Grant Agreement and authorize the Mayor to sign.

Vote result: Approved

5.13 Agreement for Administration of Westside Park Land and Water Conservation Fund Grant

Approve an Agreement between the City of Missoula and Missoula County Public Schools specifying responsibilities for administration of the Land and Water Conservation Fund Grant for Westside Park Improvements and authorize the Mayor to sign.

Vote result: Approved

Mayor John Engen Thank you Ms. Rehbein. Any questions or comments from Council members this evening? Mr. Ramos.

Aldersperson Ramos Thank you Mr. Mayor. I should have emailed this earlier, but I just saw it. I was just a little bit curious; I don't think it's anything I have a problem with. I saw that we're spending about \$9,000.00 on down payment to Olympia Steel Buildings. Is that just for public works or something? I was just curious.

Mayor John Engen It could be public works, for parks. We can certainly get an answer for you though sir.

Aldersperson Ramos Okay, sounds good. I have no problem in the meantime voting for it.

Mayor John Engen And Ms. Merritt.

Aldersperson Merritt I need to recuse myself from voting on item 5.10, as that involves my employer, WGM Group.

Mayor John Engen Thank you Ms. Merritt. Seeing no additional discussion, anyone in the audience care to comment on items on the consent agenda? Mr. Larson.

Matt Larson Yeah there's two kind of vague purchases from National Auto Fleet Group or something to that effect for about almost, almost \$40,000.00 each. One is for the cemetery and it's just a number like a, anyway..... So, I just wanted to know what that was about. Also, the Rogers International PLLC charge in the claims over a thousand dollars. They purport to have the contract, I guess, for armed security around the Pov. I'm only familiar from seeing their flyers around pot dispensaries, offering security services for them but I'm just wondering how much we're paying them and how often we're paying them \$10,000.00. And just wondering how, how that contract came about? There's, that's, that's about it there. I think we should reevaluate these utility rates before we like enact these. I think we need, as citizens, an update of the capital of the, the capital fund of the water department because there's all these legal battles that are being fought with that fund. So, it's hard to argue the validity of these rate hikes when we don't even know how much these legal battles are costing us currently or like in the future or all that.

Mayor John Engen Thanks Mr. Larson. With regard to cemetery, I'm assuming that's probably a truck or similar equipment for the cemetery. With regard to Rogers International, they provide security around all of the partner agencies where we're providing services for the unhoused, including our emergency shelter, Poverello, and other sites. They were hired as a function of our request for proposals and are paid according to their contract. And, and the conflating legal battles and, and water rates, they are separate and have nothing to do with, with our utility investments. With that, I see no one else in the audience who cares to comment on the consent agenda. So, we will have a roll call vote.

Mayor John Engen And the consent agent is approved.

6. COMMENTS FROM CITY STAFF, AGENCIES, BOARDS, COMMISSIONS, AUTHORITIES AND THE COMMUNITY FORUM - None.

7. SPECIAL PRESENTATIONS

Mayor John Engen We do have one special presentation in the form of a proclamation.

7.1 Proclamation - Small Business Saturday

WHEREAS, small businesses form the backbone of our local economy generating jobs and improving the quality of life for citizens; and WHEREAS, the City of Missoula, Montana supports the effort of local small businesses and recognizes the critical role they play in our community; and WHEREAS, Small Business Saturday is a nationwide campaign to cultivate business for small merchants on the Saturday after Thanksgiving; and WHEREAS, Small Business Saturday will stimulate economic growth locally for small merchants by following in the tradition of Black Friday and Cyber Monday, two of the busiest shopping days of the year, I'm told; and WHEREAS,

we encourage citizens to consider shopping small merchants on Small Business Saturday as a way to boost the local economy and strengthen our small business community. Now, therefore, I, John Engen, Mayor the City of Missoula in the State of Montana do hereby proclaim November 27, 2021 in Missoula as Small Business Saturday and encourage our residents to recognize and support small businesses within our community by shopping these establishments on the Saturday following Thanksgiving.

Mayor John Engen That is our lone proclamation this evening. Next, we'll move to public hearings.

8. PUBLIC HEARINGS

Mayor John Engen We have a number of those this evening and State Law and our own Council rules set guidelines for inviting comments in a formal away on a variety of issues. Following a staff report on each, Council and I will invite comment. We will maintain our public hearing open. We'll keep our public hearing open for a week and actually in this case two weeks until Council considers these items for final approval or denial, as the case may be, at their next regular meeting. Our first staff report this evening is on a Resolution for 1st Quarter FY 2022 budget amendments. Ms. Griffing has our staff report this evening.

Leigh Griffing Thank you Mayor. I'm going to share my screen for folks, for a short presentation. Sorry I'm trying to get that a little hidden. So, today I'm bringing forward the first as the Mayor said first quarter FY 22 budget Amendments. City Council approved the FY 22 budget on August 23rd of this year. In doing so, they passed what is called an appropriations resolution which sets the level, the spending level that each department and fund may spend, unless amended. We do, in fact, have a path for amending the budget. Pursuant to State Law, we may amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings, and we have to follow appropriate state required noticing. The calendar for these amendments are as follows. This was brought to the administration and finance committee on October 27, 2021. Council set these hearings on November 1, 2021. We are here today on November 15, 2021 and the public hearing will be held open until November 29, 2021, as they're held open for two hearings during remote meetings, and our deadline for passing this is that November 29, 2021. I am requesting that City Council adopt or, or deny a Resolution Amending the annual appropriations for the City of Missoula, Montana a set forth in the fiscal year 2022 budget and Capital Improvement Program also known as our Community Investment Program. We have eight amendments today. CPDI, we've got an existing position that was missed in the reorganization and in Planning, a formula error overstated the expenditures, in Fire, we are actually reducing the

budget because new FTEs were included, both in the new request and in the baseline, so we always go through and try to catch those. And then we've got four for Parks and what's happening with the Park's respective budget amendments is that Parks made a presentation during budget hearings in the summer on August 18, 2021, and there were many pieces that were still in play. And so, we're bringing, as numbers and bids and information has become solid we're bringing forward this amendment to finalize those items. Another piece that we bring forward to City Council during budget amendments and these are just informational pieces, but we want to bring them forward so folks have all of the information, are carry forwards. These usually consist of contracts or projects that were approved in a prior year and weren't quite concluded in the current fiscal year. And then, the last item that we bring forward are budget transfers. Now this is really just an accounting issue. We've got one budget that ended up in one particular accounting code, but we really should accurately reflect it in a different accounting code. So, if folks were to go look at the original adopted budget and then the final budget, there would be changes between those and a lot of those results from these transfers. So, we always want to bring these forward for folks. We've got two pages of those transfers. And that concludes the presentation and I'm here for questions. Thank you.

Mayor John Engen Thank you, pardon me, thank you Ms. Griffing. As Council members know, this is pretty standard housekeeping that we do a few times a year, because it turns out there are a lot of numbers in that budget. The public hearing is open. Mr. Larson.

Matt Larson We didn't mention, I guess, the A and E Climate Specialist or Energy Specialist that's budgeted here for like \$78,000.00, just another position I guess that the City is going to have. It's, it's, it's on the agenda. It's the last item under what Leigh Griffing was just talking about. So, I'm wondering what that's about. And just, in general, I just I don't know that yeah we ,we should just be very scrupulous on this budget, seeing as how there is no like capital assets list for the entire city. So, we don't even know what we're really spending our money on in general. So, just, just wondering yeah what, what that position entails? Why do we need that? Why can't we just buy clean energy just on the open market? It just doesn't seem like that big of a, a thing to do. You know, like, but again we just have all these endeavors with rate hikes and stuff like that being used to build a solar array for instance that the city is not even going to own, that we'll be the primary consumer of. That will be again at the essentially at the mercy of NorthWestern Energy, whether it's connected to the grid or not too. So, it's just there's a lot of weird stuff going on with our budget. I think we should be very vigilant as far as these errors and transfers are, are concerned and yeah I, I just don't get what with this extra staff position is for.

Mayor John Engen Ms. Griffing.

Leigh Griffing Thank you. There is some clarity to bring about that staff position. This position is one that is already within the budget, and it is shown in the transfers item and what the CPDI is requesting is that this budget or this position is actually then inserted into the FY 23 baseline budget. So budgeted within 22, and they're requesting that it's brought forward into 23, and shown on the transfers section of the exhibit. Thank you.

Mayor John Engen I'd also note for the record that the City of Missoula does not produce a list in the form that Mr. Larson insists that we should have a list, and we ain't gonna. That does not translate into, we don't know what we're spending our money on nor that we don't know what we have. I see no additional participants in the audience for the public hearing, so we'll hold this one open until the 29th. Oh, we've got someone coming in now. Mr. Corwald. Looks like you're muted, Okay can you hear me now?

Mayor John Engen We can, thank you.

R. Mark Corwald Great. Yeah, I understand that this what we're talking about now is the clean position for the clean on the based on the clean energy, energy resolution, is that correct?

Mayor John Engen Yes sir.

R. Mark Corwald Great. Okay, I'll start my comments now. Mayor Engen, City Council members and staff, good evening and thanks for your opportunity to provide public comment. My name is R. Mark Corwald and I'm here tonight to comment on the City's 100% Clean Energy Resolution. Specifically, I want to talk about the City Council's \$100,000.00 capacity building fund in the FY 22 Climate Action Budget. We propose using a proportion of funding to hire a full-time employee, Clean Energy Specialist, for this fiscal year. I don't think that we have to discuss what climate change is or why it's essential to limit the burning of fossil fuels. We can all see what's happening to our world as a result of the last 250 years of fossil fuel burning. Last year, I watched train loads of coal going through Missoula with fear and anger, and wondered what I could do to stop this irreparable and ongoing harm. The harm is ongoing, not only in burning the fossil fuels but into extracting it from our land. I read recently that China alone, The People's Republic of China alone burns 5.6 million tons of coal every week. They plan on increasing their coal powered electrical capacity until 2030 and the rest of the world burns a similar amount of coal every week. In the face of this, I realize that any dramatic action on my own is useless but that I need to do something. My choice is to do my best to influence policy. This seems to be the only way I can get to make a difference. Regardless of what others do, I must take responsibility for my own actions. Climate change affects the world and all of Montanans. Our economy here in Montana is affected because of

mega fires, because mega fires are expensive to fight. The effects of wildlife smoke and public health, property values and recreation donors are immense. Our number one industry, agriculture is being affected by heat drought and climate chaos, but so is our number two industry, recreation. Loss of cold-water fisheries and the reputation of Montana's and pristine vacation land will result in huge losses of jobs and tax revenue for our state. In Missoula, the City Council resolution has a goal of 100% clean energy by 2030. The proposed clean energy position can help us do our part in this global effort. With the passage of the new federal infrastructure legislation and the possibility of additional legislation in the Build Back Better Plan, a clean energy specialist will be essential for understanding the complexities of these laws and how they will apply to Montana and Missoula. This information could help us stop the building of the insane laurel methane plant. We need to do our part for a cleaner future for our children, grandchildren, and all the generations yet to come. I urge you to vote yes on the proposition for a Clean Energy Specialist. Thank you for your time.

Mayor John Engen Thank you sir. And Mr. Harmon.

Dave Harmon Thank you Mayor Engen. If I may ask, I was helping a friend who wanted to give public comment tonight. I was helping him do that and if Bill Geer is there to speak, I will refrain from speaking.

Mayor John Engen Okay and Bill just showed up. Thank you for being a facilitator. Take care. Mr. Geer.

Bill Geer Yes, can you hear me?

Mayor John Engen We can, thanks.

Bill Geer Thank you, okay, I was a little uncertain how to get on. Thank you for Dave Harmon for introducing me. I'm a retired fish and wildlife biologist and I spent much of my 40-year career assessing the impacts of anthropogenic climate change and the effects on fish and wildlife and the implications for hunting and fishing. And now in retirement, I continue my climate change work as a volunteer on a leadership team at 350 Montana and I'm on the Board of Directors of the Montana Wildlife Federation, Hellgate Hunters and Anglers and Conservation Hawks, a climate change non-profit, I helped form in 2012. So, I spend pretty much my life addressing climate change, even in retirement. And I am a strong supporter of your 100% clean electricity resolution and the call for the new position to help move that forward. I recommend that we authorize that position. I think it's critical for moving forward to drafting a plan and roadmap to implement the clean electricity resolution and that roadmap will specify what needs to happen and when, the materials support called for and who needs to do it. And the breadth and complexity of your conservation and climate action plans clearly calls for a staff effort, spearheaded by specialists to keep them focused on the long-range goals and day-to-day work of city and county staff

on the acquisition and utilization of funding and equipment to bring the goals to functional reality. Without the clean energy specialist hired as soon as practicable, the climate action goals are not likely to begin. The coming kind of catastrophe compels action not just words and intent and nothing in the clean election electricity resolution calls for a casual or unfocused approach that can be simply picked up by your present staff who already have essential full-time duties. The City of Missoula should hire the Clean Energy Specialist to provide the intense focus that is called for and also must provide the budget policy and other essentials to support to ensure that the resolution succeeds for the benefit of all citizens. And thank you to the City Council and staff for the work you've done on those resolutions. The clean energy resolution, the clean electricity resolution, and your commitment to climate change and ameliorating the most harmful effects. I hope you keep up the good work and thank you for letting me speak.

Mayor John Engen Thank you Mr. Geer. All right, seeing no additional folks with hands raised to comment. Questions or comments from council in advance of your November 29, 2021 deliberations? All right, seeing none. Thank you Ms. Griffing.

8.1 Resolution for 1st Quarter FY 2022 budget amendments. This resolution amends the fiscal year 2022 budget to recognize revenues, and appropriate expenditures and budget transfers not identified in the original budget.

The City Council will hold this public hearing open until the take it up under final consideration on November 29, 2021.

Mayor John Engen We will move on to our second public hearing which is a request to rezone 2520 Schilling Street and 2134 Dearborn Avenue, and our staff report this evening comes from Kaitlin McCafferty.

Kaitlin McCafferty Hello. Can everyone hear me and see my screen?

Mayor John Engen We can, thanks.

Kaitlin McCafferty Yay. Okay, so this is a rezone. It's a request from Paul Forsting of IMEG Corp on behalf of Lower Construction, D&C LLP, Glandon Art to rezone the properties addressed at 2520 Schilling Street and 2134 Dearborn Avenue. The property is proposed to be rezoned from RM2.7, Multi-Dwelling, to B2-2, Community Business. The regulatory authority and parameters in Montana code and annotated details the zoning amendment procedures, as well as Title 20. City Council has authority over all amendments to regulations or district boundaries. A public hearing on zoning amendments is required

by City Council and planning board. We had the planning board hearing, and we are here today for the City Council hearing. There is an opportunity for valid protest petitions, however, that has not been submitted for this case. And finally, City Council may not impose conditions on zoning amendments resulting in standard zoning districts under Title 20 which is the case for this request. This is the property location, outlined here in blue. It includes two parcels located at 2520 Schilling Street and 2134 Dearborn Avenue, at the northeast corner of Schilling and Dearborn, again right in blue. It's part of Franklin to the Fort Neighborhood Council and City Council Ward 5. The parcel addressed 2520 Schilling, the smaller one, is currently occupied by a warehouse used for auto and industrial equipment sales. And this parcel right here fronting Dearborn has a residential camper on the property; otherwise, it's vacant. This aerial is just full. The surrounding properties contain residential single and duplexes, as well as multi-dwelling and a nearby warehouse and it's adjacent to the Bitterroot Branch Trail and about a half a mile, 0.6 miles, from the Southgate Mall. Here are the pictures of how the site looks today. This is the east side from Schilling street, that's the warehouse we talked about, and this is that vacant parcel that fronts Dearborn. You can see in the distance that camper that I mentioned. This is the current zoning map. As you can see, the parcel right here is currently zoned RM2.7, multi-dwelling. It's completely encompassed by that same zone except for a little bit on the south borders commercial district, C1-4, that's neighborhood commercial. It also exists on the west and north of the subject parcels block. Per the Growth Policy, as you can see, the parcels are located within the pink and orange area which identifies the land use designation of community mixed use. This designation supports high-intensity commercial uses that serve community needs such as retail, financial institutions, professional personal services, offices, and high density residential. This is mainly because it's close to the mall and integrated with main transportation corridors including public transit and active transportation systems. As you may know, oh also it borders this residential medium high density right across Schilling right here, which is in between residential medium and residential high density so it's more of a transition zone for land use. When thinking about the Growth Policy, I think it's important, especially for this one, to note this below quote on page 114, that decisions and implementation based on these designations should include consideration of the entire Growth Policy which includes site-specific conditions. For this case, it's really important to note the on the ground uses that are primarily residential for the surrounding parcels. Continuing on to the Growth Policy, as everyone has probably seen, the current relatable zoning for community mixed use that is what this parcel is designated as for land use. Again, high intensity commercial, serving general community needs and high density residential intermixed within it. The relatable zonings for this are C1-4, C2-4, and M1R-2. Going back to the zoning map, C1-4

is what is surrounding; however, when thinking about the Growth Policy comprehensively, it's definitely important to pull out a couple of things. First is the fourth goal from the housing element, which says that which is the goal to provide for the diverse housing needs while protecting a strong sense of place in the community and neighborhoods through compatible residential developments. Highlighting this compatible against speaking to the subject parcel being surrounded by a lot of single family and duplex and a couple multi-dwelling residential uses. Similarly in the livability element, their goal, that element's goal for Missoula will make thoughtful decisions about land use planning that support the needs and values of residents in regards to neighborhoods and community character, parks, trails and natural resources. That is a similar thing, just keeping in mind comprehensively what is on the ground, what's surrounding it, as well as this land use designation with the current relatable zoning. Because of that, C1-4, C2-4 and M1R-2 seems to be too high intense of a zone to put on this parcel. Things like gas stations and auto oriented uses don't seem appropriate for a parcel that's surrounded by residential uses. Therefore, staff's recommending a more transitional zone, from to not hop directly from residential to commercial. That zone that we are recommending is B2-2, community business, shown here on the proposed map. The, the current project is proposing a multi-dwelling, a residential project however, the parcel, this rezoning, is not for the multi-dwelling use, if you approve that. This rezoning is just in the scope of the rezone, and it follows the Growth Policy. The reason we chose B2-2, it keeps the intent of the Growth Policy in, in the land-use designation but it takes the intensity of the approved uses down so those high intense uses such as construction businesses, manufacturing, motor vehicle repairs that don't fit within the larger context of the neighborhood would not be permitted. The commercial uses such as that are less intense offices, things of that nature, coffee shop, as well as multi-dwelling residential will be permitted in B2-2. So, this is the zoning comparisons or first sorry this is the Growth Policy comparison side, just before we leave the Growth Policy. So, this is B2-2, this is what staff is recommending right here and then this C1-4, C2-4, and M1R-2, these are the relatable zones that are connected to that land use designation. The main difference is being that allowed uses, so high intensity commercial versus a lower intensity commercial and overall staff is stating that B2-2 follows the Growth Policy more than these commercial or industrial districts and that's what we're recommending for this proposed rezone. Now going from recommending a new zone to comparing the print zone, RM2.7, to the recommended zone B2-2. So, to illustrate these differences, I made this little side-by-side chart. The main differences are highlighted in yellow. Basically, right now parcel holds, the parcel sorry is a bit over 21,000 square feet. When it's zoned RM2.7, that's 2,700, that's one drawing unit per 2,700 square feet, which would be maximum eight dwelling units. If the rezone is approved to B2-2, the, the new

zone B2-2 would allow for up to 21 dwelling units. The parcel for setbacks, technically they all stay the same and I'll show an illustration on the next slide to help us make sense, but because the subject parcels are completely encompassed by residential districts and uses the, the setbacks from those uses are taken over to B2-2. So, on the ground, they will look the same. However, in a B2-2 zone, in a vacuum, they would have different setbacks and again I'll explain that with the picture. Height is a bit different. It goes from 30 to 35 feet depending on the roof pitch to 35 feet on the property line plus the developer can add in height based, based on stepping back the building by six inches or an upper floor step back and it can get up to 50 feet. And again, I also have another illustration on the next slide to make this make a little bit more sense. Unit breaker results, for reference density, which we went over and then the allowed uses are a big difference. Between the two actually, not super big, but anyways RM2.7 has got residential, some civic, and tourist tone uses. B2-2 brings in some low-intensity commercial offices, restaurant, food and beverage, and general retail, grocery store things like that, but again not high intensity auto oriented or construction businesses like in a commercial district. So, this is the illustrations I alluded to. So, this is the subject parcel right here and these will be the required setbacks. These setbacks are because this parcel and this parcel are used and zoned as residential, as well as all these across the alley and the rear setback is technically 20 feet or 25%, depending on which is less and 20 feet less. So, this would be the constraints that any development would have to follow. In terms of height when, when referencing upper story step back right here in this blue circle, that's what Title 20 means and so you can build, they can start the setback and build up to 35 feet and then if they set it back more than it's intended, they can build up a little bit higher. They can add in these design elements, stepping it back to get higher that way, but they can't build straight 50 feet right up any of those required setbacks. Again, this is a rezone and so what Council is voting on and considering is just the rezone, not the development project itself. However, it's helpful just to get an idea of the intent and why the applicant is, what the applicant's thinking, what's their vision and this is where they are right now. This is super preliminary, and it's not tied to the vote in any way. However, just for illustrations sake, the intended vision of this project is to build three multi-dwelling residential buildings. One here, here, and here. All Title 20 requirements that are applicable must be met before any permit is approved. This includes parking, open space requirements for multi-dwelling buildings. Depending on the size of the units, parking will be either 1, 1.5 or 2 spaces per unit, but it, and it will be required. Reduction such as being close to a transit server location and bicycle parking exist, however, these details are out of the scope of the rezone, then they'll be evaluated for Title 20 compliance at the time of building permit review. Open space, an activity area is required and that will be subject to review and

approval both by City Planning and Parks Department. For the elevations, again, this is super preliminary. It's just to give some type of a flavor of what the applicant is thinking, so not part of the approval. It will definitely be reviewed for Title 20 compliance, however, is included to help paint the picture of the applicant's vision and the reason for this rezoning request. The review criteria for a rezone, so staff is recommending that based on this review criteria, provided in Title 20 zoning ordinance, first does it comply with the Growth Policy? Staff states that the proposed zoning B2-2, community business, provides less intensive commercial uses and equal housing density, as compared to the zoning districts listed as applicable to community mixed use designation in the Growth Policy, those commercial uses, those commercial zones. As this is an all in consideration of the parcels of abutting residential uses, the B2-2 zoning district is supported by city staff because it is one that is consistent with the density of the corresponding zoning districts while simultaneously prohibiting those more intense commercial uses that could disturb surrounding residents. Next, the rezoning facilitates the adequate provision of public services including transportation, water, schools, parks and other public requirements because the area is inside the urban growth area boundaries. It fronts two streets that are served by public transit, bicycle facilities and lined with sidewalks, it's in the sewer service area and served by water and sewer. Third, the rezoning reflects compatible urban growth because it permits compatible residential and community business development in an area that includes mainly residential and some commercial uses. The site could be developed with limited commercial activity allowing residents to access services without the need to rely on car travel and it allows for an increase in allowed residential density in an area that also includes residential uses and infrastructure to serve an increase of residents. Fourth, the rezoning will promote public health, safety, and the general welfare by providing for residential uses in an area with access to sewer, public water, emergency services, streets, bike facilities and fire protection, as well as taking into consideration the intensity of those permitted uses with the proposed zoning. And finally, the rezoning to B2-2 is suitable for the subject property and considers the character of the district, which contains various residential uses, borders a commercial district, and has access to in urban infrastructure and services. When this went to planning board, a public area planning board, planning board recommended the approval of this rezone with a vote of 6 ayes and 0 nays. The planning board discussion was mainly focused on neighbors' concerns with the increase in density and height, also parking and open space requirements. The meeting also contained a reminder that two attendees, that the basis for the vote they were taking was primarily to determine if the proposed density allowed by the zoning change is in line with the Growth Policy, which staff determined that it is. It wrapped up with planning board recommending the approval because the

request is in line with Growth Policy, plan use designations, goals, and objectives. Therefore, there's no motion today, that's for two weeks for final consideration. Staff recommends the approval of the adoption of an ordinance to rezone lots 20-24 of Carline Addition, block 34, lots 18B, and 6,286 square feet of lots 17, 18, and 19 of Carline Addition number 3, block 34 all located in Section 32, Township 12 north, and Range 19 west from RM2.7, multi dwelling, to B2-2, community business. And that is the end of my presentation.

Mayor John Engen Thank you Ms. McCafferty. And Ms. Merritt, did you have a clarifying question before I open public hearing?

Aldersperson Merritt Yes, I did. If I could? If you could go back to I think it was slide number 12? There was just something I saw there that I wanted to ask about and I understand that this is preliminary. Kind of in the lower corner of the drawing, there's an area that's kind of bubbled out and I only ask this because that looks to be maybe some traffic calming that they're contemplating there or maybe no? Maybe that's just that tree....

Mayor John Engen It looks like they're preserving a tree.....

Aldersperson Merritt Okay, yep.

Kaitlin McCafferty That's required by parks to preserve that tree.

Aldersperson Merritt Okay that totally makes sense. Thank you.

Mayor John Engen Thank you. And Ms. McCafferty, if you wouldn't mind, un-sharing your screen or taking it back, or whatever the right term of art is for that in the world of ZOOM. I will see if there are any attendees interested in commenting on this proposed rezone. And seeing none, again this item will remain open for consideration until Council meets again on the 29th. And questions or comments from Council members? Ms. Anderson.

Aldersperson Anderson Thanks so much Mr. Mayor and I, this is something that I've heard quite a bit about from the neighbors in the area, given that this is Ward 5 and want to flag for those who are listening. I know several people said that they weren't able to attend the meeting but would be listening in later and encourage them to attend Land Use and Planning on Wednesday. I have asked Aaron Wilson from the Transportation Department to attend that meeting, to provide a little bit more information around some of the traffic calming that has taken place in the area over the summer and how you know kind of what they have planned in the future, understanding that we can't rezone you know that's not a condition but it's definitely brought up a lot of community conversation and want to provide that opportunity to give more details to the community about how we take into consideration

things around traffic for projects like this. So, I'm just wanted to flag that for flag that for folks, that it will be an additional topic for Land Use and Planning this coming week.

Mayor John Engen And seeing no further discussion, thank you again Ms. McCafferty for a thorough report and a professional recommendation for Council to consider.

8.2 Rezone 2520 Schilling Street and 2134 Dearborn Avenue, located at the northeast corner of the intersection of Schilling Street and Dearborn Avenue, from RM2.7 Multi-Dwelling to B2-2 Community Business.

The City Council will hold this public hearing open until the take it up under final consideration on November 29, 2021.

Mayor John Engen We'll move on to our third and final public hearing of the evening. This is on what I like to call Title 420, but it is not. This is an amendment to our zoning ordinance creating a Recreational Marijuana Ordinance and we have a whole team here to deliver this complex and emergent ordinance for your consideration this evening, as well as the residents we serve. And I'm not sure who's starting so I'm gonna let somebody.....

Madson Matthias Awesome thank you so much. I will wait for this..... too cool. So, I wanted to reintroduce everyone presenting today. From the Planning and Land Use team is Cassie Tripard, a Senior Planner, Spencer Starke, an Associate Planner, and I am Madson Matthias, an Assistant Planner. A team of us in CPDI have been collaborating on updates to our land use regulations with regard to cannabis uses, since the recent ballot initiative was passed, and the bill was produced to allow for recreational cannabis use in the state. As a reminder, you may notice that the presentation we are giving this evening is identical to the one we gave last Wednesday at LUP. We are representing the information for the benefit of the public and to inform any existing comments and concerns. So, first, I wanted to review the history of this issue and why we are here. The state has allowed for medical cannabis use since 2004 when the first initiative was passed. There's been a lot of back and forth on how that's been administered, allowed for, and enforced but it's always been contained to medical. Last year there was a new ballot initiative that called for legalization of recreational or adult use in the bill Cannabis Use, passing with 56.9% approval in the County, which is a recent change for the you know City, County, and State. The State Legislature passed a bill to address and implement this change in the last legislative session and we at the City are responding to this, as the bill encourages local governments to integrate our cannabis business categories into the new state regulations and update

our regulations locally. So, we have had the opportunity to look into how we address medical marijuana in the past, how other places have responded to this type of legislation, both statewide and nationwide. And our aim has been to propose a reasonable and responsible set of regulatory revisions that will address future impacts of this new bill here in Missoula. And we have additionally been given direction from Leadership and Development Services to prepare recommendations to address energy consumption related to cannabis cultivation and manufacturing. So, within the last year, starting in November of 2020, voters approved Initiative 190, which directed state legislatures to draft and adopt House Bill 701 legalizing adult recreational cannabis in the State of Montana. As a part of this bill, the legislature directed the Department of Revenue to draft licensing rules for adult recreational cannabis use by this past October 1, 2021. It's meant to facilitate the implementation of legalized recreational cannabis, allowing for existing medical businesses licensed before November of 2020 to convert to recreational before allowing new recreational license applications on July 1, 2023. Recreational business licenses comprise cultivation, dispensaries, manufacturing, as well as a few more obscure licenses. So, I also want to give a brief overview of some of that criteria outlined in the House Bill. Much of this has served as the foundation for what we do and don't need to address at a local level. Pertinent building and land use regulations include the prohibition of drive-throughs or transferring products through drive-up window, prohibition on advertising including electronic media. A cannabis business may not also sell alcohol, tobacco, or hemp. They have limited hours they can be open. Cultivation and manufacturing, specifically, cannot be visible from the public right-of-way, in public areas and the state sets a buffer of 500 feet between cannabis businesses and schools and places of worship. So, additionally, this chart below outlines some of the timelines and restrictions based on who may apply for certain licenses, at what time, and under which constraints. Medical licenses may be applied for at any time, including today and after the turn of the year. They will not be able to become immediately recreational but must wait until July of 2023. As was mentioned, the recreational licenses are only available to businesses that were licensed as medical back in November of 2020 and cultivator licenses, additionally have a couple of restrictions on them. So, until of July of 2023, cultivators may not expand beyond an absolute canopy size of tier 5 or 10, 000 square feet, and anyone who was not cultivating outdoors prior to the passing of Initiative 190 in November of 2020, cannot start cultivating outdoors. So, currently with this map demonstrates there are approximately 70 cannabis related businesses within the City of Missoula, 50 of those are dispensary businesses and the remaining 20 are split between cultivators, manufacturers and mixed-use businesses, meaning a combination of the four. This map

while displaying the number of cannabis businesses in town also shows some concentration of these businesses in a few areas. Now, I'll pass it off to Spencer. Thank you.

Spencer Starke As presented previously, staff has prepared a draft ordinance for City Council's consideration that aims to address four impacts, mitigate four impacts related to the passage of the adult use cannabis regulations. The first is to align Title 20 definitions and use classifications with state definitions. The second is to prohibit commercial cultivation in manufacturing, as home occupations. The third is to preserve a diverse mix of uses by implementing a buffer between dispensaries. And finally, to limit non-transparent glazing by prohibiting the use of frosted or otherwise non-transparent glazing for dispensaries. Staff has proposed an ordinance, generally amending Title 20 Missoula Municipal Code, the City zoning ordinance to incorporate revisions in the following chapters: 20.10 Business and Commercial Districts; 20.15 Industrial Manufacturing Districts; 20.40 Use in Building Specific Standards; 20.45 Accessory Uses and Structures; 21.00 Terminology; and 21.05 Use Classifications to Incorporate Regulations Concerning Legislative Changes in the Cannabis Industry. One of these proposed amendments is to amend the use classifications, specifically 21.05.40W retail sales, which is the subsection of our commercial use groups that outline the types of uses that are associated with retail sales. Staff is proposing to include cannabis dispensaries in this definition. As a result, cannabis dispensaries would be allowed in all the business and commercial districts, as well as all industrial districts. This map illustrates the areas where dispensaries would be allowed, would be permitted within the City of Missoula. The areas in blue, pink, red and light pink are all areas that would be, would permit cannabis dispensaries.

Cassie Tripard Okay, so to implement the buffer between dispensaries and the glazing transparency standards, a new section will be created under 20.40, Use and Building Specific Standards. The new section the new section 20.40.83 will apply specific requirements to cannabis uses. Per A, applicability, these standards will apply to both medical and recreational cannabis uses, newer existing, unless specifically exempted. B1 location implements the 500 foot buffer between dispensaries. It states cannabis dispensaries shall be located a minimum distance of 500 feet from other cannabis dispensaries and these distances shall be measured from parcel line to parcel line, and apply only to ground floor dispensary businesses. The 500-foot buffer distance is intended to preserve a diverse mix of uses in each commercial block so that people can access multiple everyday services within their area. I'll dig into the specific language for the glazing portion of this section on another slide since it's quite lengthy. B3 states ordinary maintenance and repair of existing structures shall be exempt from the requirements of this section. Ordinary maintenance does not include the replacement modification or addition of

glazing and this concept is standard for other zoning regulations. It essentially states that aside from making changes to glazing, the business owners will be able to maintain the building without coming into full compliance with the regulations. And then, as a note, we've heard there is a bit of confusion around what legal non-conforming means. Legal non-conforming is a section in Title 20 and any businesses that have already been approved before these regulations are implemented will be able to continue operating at their current licensed address, in their current state. If the dispensary moves and a different use comes into that space then it loses non-conforming status. At that point, a new business would not be able to move into the buffer. This does not mean a business could move to a different location within the buffer. They would only be allowed to stay at their current location or find a new location outside of the buffer. So updated buffer maps were included as attachments to the staff report, not all maps were included with the presentation. So, let me know if you'd like me to pull up any of them during the discussion. I also have maps I can pull up for expanded school buffers if we would like to review them during the discussion period as well. Zoning districts permitting dispensaries are shown in pink. Existing dispensaries are shown as green dots and the rings around them are the proposed buffers, measured from the parcel line as stated in the proposed ordinance. The maps now show places of worship and associated buffers, as well. Staff are still proposing the ordinance distance dispensaries by 500 feet. The 500 foot buffer would only allow about one ground floor dispensary per every block and a half in the downtown area. Standard block downtown is about 300 feet, and the 500-foot buffer still leaves available area and permitted zoning districts while preventing future clustering. An increased 1,000-foot dispensary buffer in addition to the state required school in place of worship buffer leaves little space in permitted zoning districts for new dispensaries. Staff believes a buffer of this size would be too large since the goal of the buffer is to preserve a mix of uses without preventing new dispensaries from entering the market. While there has been talk of implementing a larger buffer, staff are still recommending the 500 feet. We are trying to solve an issue of oversaturation but don't want to be so restrictive that we limit the economic development that these businesses could bring. We've heard from business owners that they also have difficulty finding space to lease already, just based on their use. So, a larger buffer could inhibit opportunities for these businesses to start up in Missoula. Council asked if staff could provide maps that show how many dispensaries would be allowed at different buffers. After speaking with our GIS specialists, this sort of mapping would take thousands of maps and days to complete, so we determined it wasn't a great use of staff time. That sort of mapping also assumes that every available commercial space would be filled with a dispensary, which isn't quite a realistic scenario. So instead, we did some rough density calculations to paint a better picture. So, in

the central business district, which is downtown, a 500-foot buffer would allow about seven dispensaries, if we were starting with a clean slate and on the map you can see there are about five dispensaries in the CBD area, so two more would be permitted from there. The hip strip is already at maximum capacity with the 500-foot buffer, so even at this buffer, no more dispensaries would be permitted in that location. At 750 feet, only about three dispensaries would be permitted in the central business district. There are already more than that now. Of course, that depends on how they would be placed. Then most restrictive, at 1,000 feet, we would have many more legal non-conforming businesses downtown. For reference, if we were starting with a blank slate then this buffer would really only allow about one or two dispensaries in the central business district, depending on how they would be theoretically placed. Staff believe that a 1,000 foot buffer is overly restrictive, considering no other use such as bars, regular retail stores, or restaurants have a buffer requirement and the 500-foot buffer gets to the goal of preventing oversaturation and preserving a diverse mix of uses and because it meets that goal, staff don't see a need to go overboard with this requirement. Oh sorry, I didn't realize that was in there. That sort of shows our buffer density calcs that we brought up and to get those, we really just took the area of that zoning district and divided it by those proposed buffers, and that's how we got the seven for five hundred, three for seven fifty, and one for a thousand. Okay, so here is the proposed ordinance language for dispensary glazing under the new cannabis use and building specific standards section. It states glazed area requirements shall apply to that area of the grand floor building facade facing a public street up to the finished ceiling height of the grand floor building façade. This section does not apply to parcels within design excellence, with a design excellence overlay. The focus of this requirement is to protect building frontage activation on street facing ground floor storefronts. This is why it does not apply to other building facades or upper story businesses. Additionally, these transparency requirements are already in the design excellence overlay so these standards would only apply to dispensaries outside of the overlay. New dispensaries will have to incorporate glazing including windows doors and other transparencies to encompass at least 30 % of the grand floor building facade under B2A. Per B2G, in the event that an existing structure does not meet the 30% glazing requirements, any existing glazing must be maintained. So, of the 30% glazing or maintained glazing, window and door glass meeting the following transparency standards count as glazed area. The glazing must have visible light transmits of 60% or more, an external reflectance of 20% or less. These transparency standards essentially prohibit dark tinting, frosted glass, and application of window decals. B2C provides a means of alternative compliance stating display windows that do not provide views into the interior of a building may be counted towards satisfying up to 50 % of the minimum glazed area

requirements provided that they are internally illuminated and are at least two feet in depth. This option is provided in design excellence and should be offered equally to other areas. The standards in B2D through B2F also exist in design excellence, so staff propose applying these standards equally to dispensaries outside of the overlay by adding them to this section. B2F states interior walls and other interior visual obstructions are prohibited within six feet of any facade area counting toward glazed area. This code prevents business owners from placing a wall directly in front of the storefront which would result in a dead zone. And lastly, B2H states that in the event that these minimum glazed area requirements conflict with City building energy code requirements, the building energy code governs. So, staff recommends prohibiting commercial cannabis cultivation and cannabis product manufacturing as home occupations. To do so, Title 20, Section 20.45.50.E11 will be amended to include commercial cannabis cultivation or manufacturing. And this section is already in Title 20 and list use is prohibited as home occupations.

Spencer Starke In addition, staff is proposing.....

Mayor John Engen Sorry I'm going to interrupt you for just a second. We have a just a slight technical issue for our transcriptionist. I just need to tell that person for the record that the last two speakers were Spencer Starke and Cassie Tripard. And you may proceed Spence, thank you.

Spencer Starke Spencer Stark, Associate Planner, for the record. Staff is proposing to amend chapter or Title 20.105.50D. This is our industrial use group classification, our manufacturing production industrial services, to include cannabis cultivation divided up across our three subtypes, dependent on the square footage of the canopy area for an individual cannabis cultivation operation. We would classify cannabis cultivations up to a 1,000 square feet in canopy area as artisanal manufacturing and cannabis cultivation operations of no more than 2,500 square feet in canopy area as limited manufacturing, and then we would classify general cannabis cultivation would permit any legally established canopy square footage. In addition, our current proposal includes cannabis manufacturing as a general industrial use classification. So, as stated previously, cannabis cultivation operations of no more than 1,000 square feet of canopy area would be allowed as an artisanal manufacturing use. This would be a conditional use in B1 and B2 districts and permitted outright in B3 and commercial districts and industrial manufacturing districts. Limited manufacturing would comprise those cannabis cultivations of facilities of no more than 2,500 square feet in cultivation or canopy area and would be a conditional use in B3 districts and permitted outright in commercial and industrial districts. Finally, cannabis cultivations of any legally permitted size would be permitted in our industrial district shown in the light pink and dark peak on your screen. In addition, some concerns have been presented regarding cannabis

manufacturing, the proposed general manufacturing designation. There are a range of methods for extracting cannabis, resulting in a broad scope of impacts. In addition, there are similar uses that are permitted in more zoning districts than the proposed cannabis manufacturing classification. Staff has been in conversation with our fire department and to determine the relative scope of impacts that may be present depending on the type of extraction method utilized, and are exploring whether a more lenient classification for cannabis cultivations or at least some types of cannabis manufacturing methodologies would be appropriate.

Cassie Tripard So staff presented the draft ordinance to Planning Board at a public hearing on November 2, 2021. Planning Board briefly discussed the buffer and concerns that it was not large enough to combat oversaturation of dispensaries. However, they did not propose amendments to expand the 500-foot buffer. The majority of the discussion focused on energy consumption at cannabis cultivation businesses. Cannabis cultivation is known to be highly energy intensive. Staff recommended that methods for regulating energy consumption for cultivation be better researched and that amendments be made to Title 5, which regulates businesses as a separate project from this proposal. Planning Board was concerned over the timeline for amending Title 5, as a separate project from Title 20 amendments. Concern for urgent climate action was expressed. Planning Board deliberated over whether zoning code is the appropriate location for energy regulations. The County is planning to include cultivation energy regulations in their zoning code and Planning Board thought the City should do the same. Planning Board voted five to one to amend staff's recommended motion to include cultivation energy consumption regulations in Title 20 zoning code. The amendment included specific language that lighting power density for indoor cannabis cultivation facilities must not exceed 36 watts per square foot in the grow area. One member of Planning Board voted against this amendment, stating that they had not done research on their own and did not feel comfortable voting to approve the very specific 36 watts per square foot number. Before you is Planning Board's recommended motion; however, this is not the motion staff will be recommending. Staff do not believe that zoning code is the appropriate place to regulate cultivation energy use. Title 20 zoning code is subject to the legal non-conforming provisions. This means that once a business is approved, we cannot apply new regulations retroactively to existing businesses that are not proposing changes to the building. Placing energy consumption regulations and zoning code would mean that we cannot bring any existing cultivation operations into compliance. They would be able to continue using non-compliant energy-intensive lighting. Staff were recommending Title 5 be amended to include provisions for energy because we could ask that existing cultivation operations come into compliance at business license renewal. This would allow us to ensure

existing cultivation businesses are working to be more sustainable. Additionally, the City has more options than the County for places to regulate energy. The County must rely heavily on their zoning code as a primary tool, whereas, the City has other titles providing us with more options. If given direction from Council, staff would like to begin the process for amending Title 5 immediately. Our research has shown that specific watts per square footage requirement may not be the only way or necessarily the best way to implement energy consumption regulations. Currently, we're researching the best methods for doing this. We would like to approach this as a separate project, to reach out to stakeholders, members of the industry, and to do additional research. This will allow us to comprehensively determine which method makes the most sense, which methods are enforceable and which methods take the industry's knowledge of lighting needs into account. Staff has gone through a robust process to notify the public and to consult with both internal City agencies and external stakeholders. The process began in August with the creation of Engage Missoula post which, is our, Engage Missoula is the City's public-facing website where we publish notices on development proposals. On September 13, 2021, the City Council set an agenda for the white paper with a subsequent LUP meeting on the 15th to start the public process and start the, and set the public hearing date for this evening. On September 24, 2021, the staff met with members of the cannabis industry locally and with Missoula business stakeholders. On October 5, 2021, staff met with the Missoula Downtown Association Board of Directors. On October 8, 2021, staff solicited comment from City agencies and community stakeholders via an agency memo. On October 17, 2021, a legal ad was published in *The Missoulian*. On October 19, 2021, staff presented at a special presentation in front of the Planning Board. On October 24, 2021, another legal ad was published in *The Missoulian*. On November 1, 2021, City Council had its first reading of the proposed ordinance on the consent agenda. On November 2, 2021, staff conducted a public hearing in front of the Planning Board and on November 10, 2021, an informational item, or this was presented as an informational item in front of the Land Use and Planning Board. And this evening, we are conducting our first public hearing in front of City Council with a final consideration on November 29, 2021, two weeks from today in front of City Council. So far, staff has received five public comments. We received one public comment shortly before this meeting; the public comment was not included or sent to City Council at this time, but will be sent after this meeting. Briefly, the comment was discussing the proposal by Planning Board to institute a 36 watt per square foot requirement for cultivation. There were several concerns listed in the public comment. One of, most of the concerns, were geared around whether this was the most appropriate way to implement an energy conservation measure and whether or not it was burdensome for the cultivation industry. In

summary, staff is proposing to amend or propose an ordinance that would amend Title 20 the City of Missoula's zoning code to align Title 20 definitions with state definitions in regards to the newly adopted House Bill 701. This looks like updating land use classifications to include cannabis uses. Secondly, staff is proposing to prohibit commercial cultivation and manufacturing as a home occupation. We're also proposing to preserve a diverse mix of uses by implementing a 500 foot buffer between dispensaries and finally we're proposing to limit non-transparent glazing for dispensaries across the City. Staff has two recommended motions. The first is that Missoula City Council adopt an ordinance generally amending Title 20 Missoula Municipal Code, the City zoning ordinance to incorporate revisions in the following chapters: 20.10 Business and Commercial Districts; 20.15 Industrial and Manufacturing Districts; 20.45 Accessory Uses and Structures; 21.00 Terminology; and 21.05 Use Classifications; and Creation of 20.40.083 in Use and Building Specific Standards to incorporate regulations concerning legislative changes in the cannabis industry. Staff is also recommending a motion that City Council directs City staff to proceed with amendments to Title 5 of Missoula Municipal Code, the Business Licenses and Regulations Ordinance to incorporate revisions regarding energy consumption for cannabis businesses. This concludes staff's presentation. Staff is available for questions and comments at this time. Thank you.

Mayor John Engen Thank you very much and if I could trouble you to take the slide show down first, I want to thank, before I open the public hearing, I just want to thank staff. This team has done remarkable work in sorting through piles of tedious regulations of multiple jurisdictions, has reached out to industry, has reached out to community, and what resulted in a 28 page PowerPoint this evening looks like one gillion hours of work. So, you all did terrifically this evening so thank you for that concise and thoughtful presentation. You've given Council lots to consider and I think you've done a great job of informing the folks we serve what this means. The only thing I will say for the record and for audience is that is that everyone else calls it glass but in municipal government, we call it glazing. So, and we engage in a lot of glazing, as it turns out. So, with that, I will open the public hearing. Again, with a reminder that the public hearing will remain open for two weeks until Council takes this item under consideration on the 29th of November. And I do not have a hand up in our attendee's box this evening. Are there questions or comments from Council for staff to consider moving forward? And before I take those, I will also suggest that, that I think staff's professional recommendation with regard to the energy use component is entirely appropriate and is the way we ought to go. That's my little pitch, as you think about this over time. With that, Mr. Hess.

Alderson Hess Thanks Mayor. This will be before the Land Use and Planning Committee this, this Wednesday I guess. So, and we'll, we'll have answers to some of the questions that came up last week but an additional opportunity to talk about the various buffers and other things that are that are under consideration. And I wanted to just make a note as a point of process that I'll entertain motions to amend the proposal on Wednesday, so that we have a clear sense going into the 29th what, what the committee's desire is. Thanks.

Mayor John Engen Thank you Mr. Hess. Ms. Sherrill.

Alderson Sherrill Yeah thanks and I, I just want to echo what the Mayor said. This is a great presentation. I, I have heard it twice, but I think that I kind of zero in on different parts of it and I, I think it's great. I did not see it attached to the agenda tonight and I'm wondering if we could get that up because I think for anyone in the public that's interested in it, this is a really succinct way to go through all parts of it and we have a lot of other attachments. So, I just think it might be a good way for the public. You know my biggest concern in this honestly is the energy usage component. I know we talked about that on last Wednesday and we'll talk about it again this Wednesday. I like the idea for all the reasons you guys outlined about Title 5, but my question is around, and I said this on Wednesday but I'm going to ask it again since there are more people here just about the timing of that and how quick because that is a concern as well. So, could you speak to the timing on that a little bit?

Cassie Tripart Yeah, we would be aiming to get this implemented by the end of February, January if we can really get through those stakeholder meetings, but we do want to spend a little additional time researching and reaching out to the businesses, but February is the hope.

Mayor John Engen Thank you and that was Cassie Tripart for the record. And Ms. Becerra.

Alderson Becerra Thank you. I too want to say I really appreciate all the work that has gone into this. This is a really complex issue and I'm just blown away by all the information that you've been able to put together and, and give us to think about this. So, thank you for that. I guess one question and we can talk about this on Wednesday. Is Title 5 what triggers a business license renewal and how often does that happen? I know that I know this, but I just can't remember. So, I think it'd be really useful for me at least to know how, how that happens.

Mayor John Engen It renews on an annual basis, I'm remembering correctly, having paid those fees and filled out the paperwork back.

Alderson Becerra That's what I thought...yeah. Thank you.

Mayor John Engen Further discussion? All right, seeing none. Again, further opportunity to mull this over in Land Use and Planning on Wednesday of this week and then final consideration on the 29th. We have no more public hearings this evening folks.

8.3 Recreational Marijuana Ordinance – Cassie Tripard, Ben Brewer, Leigh Ratterman, Spencer Starke, and Madson Matthias, City of Missoula

The City Council will hold this public hearing open until the take it up under final consideration on November 29, 2021.

9. FINAL CONSIDERATION

Mayor John Engen We do have a couple of items for final consideration. Again, these items have been subject to public hearing. The public hearing is now closed, and the Council will take final action on these items this evening and codify them one way or another. So, we'll begin with a funding recommendation for Affordable Housing Trust Fund Innovation Funding round and Tri-Annual Affordable..... no, we're not doing that, just the recommendation for the Affordable Housing Trust Fund Innovation grant this time around. And I would welcome a motion from Ms. Jones.

Alderperson Jones Thank you, I'd be happy to make that motion. I'd like to make the motion that we approve the funding recommendation made by the staff scoring committee to fund the United Way's Centralized Housing Solutions Fund for \$26,250.00. And I'd like to speak to that.

Mayor John Engen Ms. Jones.

Alderperson Jones Thank you . I'm really happy that we are, well I guess I we have come so far in the last year and a half and I just wanted to highlight that this may be only \$26,000.00 that we are allotting for the first disbursement, but I just wanted to take a look back at how much has been accomplished in the last year and a half. A year and a half ago, we set up the framework for the Affordable Housing Trust Fund and during that time we have created the Trust Fund, created the Oversight Committee, and appointed people to the Oversight Committee. The Oversight Committee has created bylaws to administer the Trust Fund and they were able to come up with this first round with a scoring system and evaluate several different propositions. And the recommendation of the scoring committee was to fund this, this request from the United Way. So, I know that this was an educational process and that there were other applicants and I think part of this first scoring round is setting expectations and creating some education and, and kind of figuring out how to use this fund. So, I think it was very constructive for that and I know that the money that was not dispersed is going to be held over and we've got several rounds coming up in this next year. So, we're starting to get some moment, but I also just wanted to

highlight the fact that in a year and a half to have come this far is, is really great in local government because this is a heavy lift. So, thanks to all of the people who have worked on this and Emily Harris-Shears and Eran Pehan and Montana James, they have done a lot of work on this, the Oversight Committee. And thank you to the applicants and I, I know that this is a small disbursement, but I think it's a really strong step forward and I'm looking forward to more rounds with more money. So, I'm happy to support it tonight.

Mayor John Engen Thanks Ms. Jones. So, pardon me, Ms. West and I serve on that Oversight Committee. We had a meeting last week and I will just add that this round of innovation grants was subject of discussion and, and we, the Oversight Committee, I think is very much looking forward to next round. We'll have a couple of rounds, and the committee is in the process of moving forward with its recommendation for, for the granting of roughly three million bucks to support affordable housing in the community, in a few buckets. Those conversations are really thoughtful and interesting, and we'll be getting, we'll be getting, I think lots of money on the ground and, and lots of return on that investment. So, looking forward to that. Is there any discussion on the motion this evening? Ms. Harp.

Aldersperson Harp I just want Marty to know that I will be recusing myself from this vote, as I was in my role as Executive Director for Habitat for Humanity, one of the applicants and will recuse.

Mayor John Engen Thank you Ms. Harp. Anyone in the audience care to comment? Seeing none, we've had a public hearing and will have a roll call vote.

9.1 Funding Recommendation for Affordable Housing Trust Fund Innovation Funding Round & Tri-Annual Affordable Housing Trust Fund Update

Moved by: Aldersperson Jones

Approve the funding recommendation made by the staff scoring committee to fund the United Way's Centralized Housing Solutions Fund for \$26,250.00.

AYES: (10): Aldersperson Anderson, Aldersperson Becerra, Aldersperson Contos, Aldersperson Hess, Aldersperson Jones, Aldersperson Merritt, Aldersperson Ramos, Aldersperson Sherrill, Aldersperson Vasecka, and Aldersperson West

ABSTAIN: (1): Aldersperson Harp

ABSENT: (1): Aldersperson von Lossberg

Vote result: Approved (10 to 0)

Mayor John Engen And the motion is approved.

Mayor John Engen Our second item for final consideration is a rezoning request at the Mill Site and that happens in Mr. Hess's committee, sir.

Aldersperson Hess Thank you Mayor. I move that on second and final reading, we adopt an ordinance amending the standards of the Mill Site Special Zoning District, legally described in exhibit A, to remove the use restrictions on Moose Creek Trail and Silver Parkway in Subdistrict B/C.

Mayor John Engen That motion is in order. Is there discussion on the motion? Seeing none, anyone in the audience care to comment this evening? Seeing nary a hand raise there, we'll have a roll call vote.

9.2 City Rezoning: Mill Site Special Zoning District Amendment. Emily Gluckin, Project Planner, City of Missoula

Moved by: Aldersperson Hess

[Second and final reading] Adopt an ordinance amending the standards of the Mill Site Special Zoning District, legally described in Exhibit A, to remove the use restrictions on Moose Creek Trail and Silver Parkway in Subdistrict B/C.

AYES: (11): Aldersperson Anderson, Aldersperson Becerra, Aldersperson Contos, Aldersperson Harp, Aldersperson Hess, Aldersperson Jones, Aldersperson Merritt, Aldersperson Ramos, Aldersperson Sherrill, Aldersperson Vasecka, and Aldersperson West

ABSENT: (1): Aldersperson von Lossberg

Vote result: Approved (11 to 0)

Mayor John Engen And the motion is approved.

10. COMMUNICATIONS FROM THE MAYOR - None.

11. GENERAL COMMENTS OF CITY COUNCIL

Mayor John Engen We'll start comments from Council members with Ms. Merritt.

Aldersperson Merritt I never get to go first. Well, the last couple weeks, I have been making pleas to folks to sign up to judge the speech and debate tournament and that happened this past weekend. And I just want to give a shout out to all of the student competitors and all of the coaches from all three of our Missoula High Schools, Sentinel Big Sky and Hellgate. It takes a tremendous amount of effort to pull off these types of tournaments. We had students from 13 different schools here in Missoula competing and it was amazing. And I just think it's a really great experience for kids and I'm I imagine that a lot of those speech and debate kids end up being leaders in groups like this. So, thanks to everybody for that.

Mayor John Engen Ms. Jones.

Alderson Jones Thank you. I just wanted to say that I really appreciated people taking the time to come out tonight and give public comment in support of the budget amendment to put to hire a full-time employee to implement our clean energy policy. It's, it's really important and I know there have been a lot of Councilors who've worked hard on this for quite a few years and it's, it's, try and make progress on a really huge issue. And it's, it's nice to see the public paying attention and coming out and putting some sunshine on that. So, thank you very much for that.

Mayor John Engen Ms. Becerra

Alderson Becerra I'll pass, thank you.

Mayor John Engen Ms. Harp.

Alderson Harp I just want to announce that tomorrow night, Tuesday evening, November 16, 2021, Habitat for Humanity of Missoula is co-sponsoring with the League of Women Voters, a panel on that we are calling the next steps on the affordable housing continuum. Myself and Emily Harris-Shears from our Affordable Housing Trust Fund, housing specialists, as well as Missoula County's Jordan Lyons, Housing Specialist, will be on that panel talking about what each of our agencies are doing to address affordability in our community and I think it's going to be just a jam-packed session. And if you did not get to attend our town hall two weeks, maybe three weeks ago, this is an opportunity to, to glean some really great information. Hope you can join us.

Mayor John Engen Ms. Anderson.

Alderson Anderson Thank you Mr. Mayor. I'll just say really quick go Grizz.

Mayor John Engen Mr. Ramos.

Alderson Ramos Thank you Mr. Mayor. Just wanted to touch briefly on something. I actually read a really interesting article in the *Wall Street Journal* today that just talked about inflation and the devastating impacts it's been having on, on the entire country, as well as certainly our constituents are affected by that. It really did a good job of highlighting that one entity that's, that's more or less protected, insulated from the inflation is, is the government and local governments especially have really been benefiting from inflationary, from inflation that's been affecting everybody I mean the *Wall Street Journal* mentioned New York City for instance. And I get that a lot of these municipalities have sales taxes they're especially benefiting from these, but New York City is north of 19%, year-over-year, growth in their budget. A lot of other big cities are north of 20% and I just think it's important that, that us as a Council, I mean, I'm going to be off Council in about a month but just thought it was good to highlight that what we're seeing on the ground affecting us as our City budget it's not what other people are seeing affect them with their local budget. So, where we can, it would be really great if we could

look and focus on cutting costs. I mean as, as home prices skyrocket here, we get more revenue from that because of higher valuations even if we don't raise mills as much. We still get a lot of added revenue from it. We've seen it the last few budget cycles in a row. In addition to that the, the cost of homes continuous skyrocket benefiting us, but that those homes become further and further out of reach of other constituents. So, as, as much as we can do to lower costs, whether it's as simple as not putting something on the ballot, whether it's as simple as not raising something by 3%, whether that's water revenues, whether that's per minute revenues. I mean we're getting a lot of money and a lot of major windfalls from the federal government that our constituents just aren't getting. We got millions, tens of millions of dollars from ARPA, CARES and now infrastructure. So, I think it'd be great if we could really focus on trying to pass some of those savings onto our constituents because they're going to need it. That's all I wanted to say and touch on, and I encourage everybody to look up that *Wall Street Journal* article, that just talks about the boom that the government's getting while everybody else is really getting the short end of the stick and really struggling right now. So, just want to bring that up. Thank you for your time.

Mayor John Engen And I'd really like to move communications from the Mayor to the end of the Council comments, but I'm not going to do that to you. There's a debate to be had over lunch, Mr. Ramos. Ms. West.

Aldersperson West So, I'm just gonna remind people that there is a hula hooping clinic, I believe, this Friday at Lowell School that's hosted by Parks and Rec. So, if people want to sign up and attend, I think that has to be done by Wednesday. I personally would love to be a better hula hooper, so I think my family and I will be going. And I also just want to congratulate the Missoula FFA team. I got to go with my middle schooler to Bozeman this weekend for the Ag Expo and the Missoula FFA team placed in the top three in most of the event that they entered. So, we've got an amazing smart group of kids.

Mayor John Engen Thank you Ms. West. I will be the instructor at that hula hoop workshop, so please note that. If that changes your mind about any of this in any way. Ms. Sherrill. I'm not going to be the hula hoop person.....

Aldersperson Sherrill I'll pass, thank you.

Mayor John Engen Mr. Contos.

Aldersperson Contos I'll pass, thank you.

Mayor John Engen Mr. Hess.

Aldersperson Hess I'll pass, thanks.

Mayor John Engen And Ms. Vasecka.

Alderson Vasecka Thanks. A few things I want to touch on today. I should have mentioned this earlier during the proclamation but....speaking with Small Business Saturday. There have been a lot of supply chain issues for a lot of the big box stores. So, I would encourage everyone to go to your local stores and support your neighbor, your neighbors, and your community for all of your Christmas gifts this season. Also on Thursday was Veteran's Day, I wanted to thank all of our veterans for their service, and I wanted to thank everyone who stood in the blizzard during the ceremony at the Doughboy statue. It was the first time my, my little boy saw snow, so, he enjoyed it. And then finally, since we're not meeting next week, I would like to wish everyone a happy Thanksgiving and please travel safe. Thank you.

Mayor John Engen Thank you all. We will move on to committee reports.

12. COMMITTEE REPORTS

Mayor John Engen Items here weren't approved unanimously and will take a little time this evening to hear a motion and debate the issue before the body. Our lone committee report this evening is happening in Ms. Anderson's committee.

Alderson Anderson Thank you so much Mr. Mayor. Trying to toggle between screens and I'm muting myself.... So yes, let's see. So, we will have a presentation from Police Chief, Jason White, on the recommended motion to approve the purchase of decontamination equipment from Kart Kleen of Missoula, Montana in the amount of \$36,850. I do believe that Chief White is joining us and can give a couple brief words about what it is that we're purchasing and how, what the funds that we, what funds we're using to purchase.

Mayor John Engen Chief.

Chief Jason White Thank you Mr. Mayor, Chief Jason White with the Missoula Police Department. We are looking for approval to purchase four pieces of equipment that we would use for decontamination of items that come into the police department, either as lost, stolen, or found property, or to be able to, to sanitize our uniforms and gear. So those four items, one would be large like a conveyor belt like you see going into the airport where we would put the material in to the device, it would go through the conveyor belt. It would be subject, all of these devices, have UVC light radiation that decontaminates against viruses, including coronavirus and, and bacteria to make it safer for our volunteers and officers that handle, not only their own uniforms but items that come into the police department. The other two devices are locker styles, where you could hang articles of clothing in there such as uniforms to go through the decontamination process. And the fourth is a portable incident bag that we would be able to take out on scene to decontaminate devices. The cost of, of it is \$36,850.00 for all four devices. This

money is coming to us from a federal grant through the US Department of Justice. It was money that was allocated to the Department in June of 2020, and we are nearing the end of that grant cycle. So, we would be using that grant money. It would not be coming out of general fund or out of the Department's mainline budget. The company that we're trying to buy these through is a Missoula based company, so we would be spending that money locally here, as well. And I'd be happy to answer any questions.

Mayor John Engen Thank you Chief. We have a motion that is in order. Is there a discussion on the motion? Ms. Vasecka.

Aldersperson Vasecka Thanks. So, I'm the reason why this is on committee reports tonight and I have to apologize to Chief White because after doing some research and doing some remembering on my ride alongs, I realize that this equipment is very much necessary and that's why I would like that we have committee meetings for the additional discussion of it and then we don't have the final vote for a couple of days. So, that you can do some research about questions that you have. So, after reading some public comment and talking to some police officers and looking at my notes from my ride alongs that I took, I think that this is absolutely necessary for the safety of our officers and for the volunteers. So, I'm going to absolutely be supporting this tonight.

Mayor John Engen Ms. Anderson.

Aldersperson Anderson Thank you so much Chief for the presentation and Mayor for the opportunity to quickly speak out. I was supportive of this in committee and will continue to do so. I think that there was a bit of misconception with some of the public comment that we had on what type of equipment we were purchasing and as Chief White in his presentation sort of outlined, these are you know kind of multi-capacity, larger pieces, smaller portable pieces. So, it gives a variety of options of how to decontaminate and that are you know depending on what it is that you're trying to decontaminate that would be a lot easier than potentially using a hand wand or some sanitary wipes or something like that/ And you know, this is grant funding and we want to do everything we can to keep those in our community who protect and serve us protected as well. So, thank you for utilizing this grant funding and it's good to make sure that we use all of it because we don't want to lose it. And so, I will be in support of this item.

Mayor John Engen Seeing no further discussion, anyone in the audience care to comment? And seeing no hands raised there, we will have a roll call vote.

12.1 Administration and Finance committee (AF) report

12.1.1 Minutes from the November 10, 2021 Meeting

- 12.2 Committee of the Whole (COW) committee report**
- 12.3 Land Use and Planning (LUP) committee report**
 - 12.3.1 Minutes from the November 10, 2021 Meeting**
- 12.4 Parks and Conservation (PC) committee report**
 - 12.4.1 Minutes from the November 10, 2021 Meeting**
- 12.5 Public Safety and Health (PSH) committee report**
 - 12.5.1 Minutes from the November 10, 2021 Meeting**
 - 12.5.2 Purchase of decontamination equipment from Kart Kleen of Missoula, Montana for \$36,850.00.**

Moved by: Alderperson Anderson

Approve the purchase of de-contamination equipment from Kart Kleen of Missoula, Montana for \$36,850.00.

AYES: (11): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West
ABSENT: (1): Alderperson von Lossberg

Vote result: Approved (11 to 0)

Mayor John Engen And the motion is approved.

- 12.6 Public Works (PW) committee report**
 - 12.6.1 Minutes from the November 10, 2021 Meeting**
- 13. NEW BUSINESS - None.**
- 14. ITEMS TO BE REFERRED - None.**
 - 14.1 Administration and Finance committee referrals**
 - 14.1.1 Contract with NeoGov for recruitment and onboarding tracking system for \$5,000.00 for FY22, \$21,460.80 for FY23, and \$21,460.80 for FY24.**
 - 14.1.2 Contract for FY 2022 Relationship Violence Services in the amount of \$184,165.00.**
 - 14.2 Committee of the Whole referrals**
 - 14.3 Land Use and Planning committee referrals**
 - 14.3.1 Appointments to the Planning Board**
 - 14.3.2 Adopt West Broadway Community Master Plan**

14.4 Parks and Conservation committee referrals

14.5 Public Safety and Health committee referrals

14.6 Public Works committee referrals

14.6.2 Bid Award with Prospect Construction Inc, for the Cooper Street Alley Water Main Replacement

15.1 Administratively approved agreement report

Mayor John Engen As always, I thank you for your service and we will be adjourned.