

# Journal of Proceedings

## Missoula City Council

March 6, 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, Amber Sherrill, Sandra Vasecka

Members Absent: Jennifer Savage, Heidi West

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

### 1. CALL TO ORDER AND ROLL CALL

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

### 2. APPROVAL OF THE MINUTES

#### 2.1 Minutes from the February 13, 2023 Meeting

The minutes were approved as submitted.

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

Mayor Jordan Hess Is there any public comment on items not listed on our agenda? Mr. Ulrigg.

John Ulrigg John Ulrigg, Ward 1, the City Council's worst nightmare, someone who speaks truth to corruption. You know, I write letter after letter to the City Council, email, you know I'm supposed to get all of you, mine don't go there magically, they disappear into the vapor. So, why am I so mad because I thought you all were reading my emails and they're disappearing; it's been confirmed that that's been going on all my emails have been shot out to somewhere else. So, I'm here to tell you, somebody needs to create some accountability and point of ordering people who are redressing the government about their grievances is a First Amendment violation, you don't do it. Now on to our second constitutional lesson, the Fourth Amendment. Does everybody here know what the Fourth Amendment does? This protects you against illegal search and seizure, which when someone sees something of yours it triggers due process, particularly when the City writes an orange tag on a car that says seizure, you parked here more than five days, it goes away to the impound. Do I get to see a judge? No, that's part of due process, constitutional violation. Do I get to get my car back? No, I have to pay \$180.00. Why? I don't understand the difference here. Why can't I see a judge? You're not following the constitution and then they get auctioned off. You don't have a title to them but to people who buy them then post them up bonded title and take a car that someone said oh and somebody goes home for break for winter for school, they leave their car for more than a week, it gets impounded, they don't get a message because you don't read the plate and contact a registered owner on the plate, it gets drug off the impound and if you notice it gone oh well then you get a hold of him hey someone stole my car no it's been impounded. There's a whole dance you have to go through to find out where it is; 911 doesn't know your car has been impounded. So, it's run very unethically and I still to this day I have 400 of those orange tags I've lost three vehicles to Red's Towing and Impound. You know, they don't even pay the state living wage which is an agreement if they're contracted with the City they have to pay their employees a living wage no one here's enforcing that and then it occurs to

me business licenses those are contracts with the city every person that has a business license here is obligated under your own eat it of a living wage and you don't even adhere to that. So, you take willy-nilly what you want to apply to the law, what you do constitutionally and unconstitutionally you do what you want. I'm out \$180,000.00 because one of your police officers stole my property. I have a Department of Revenue proof of it, proof of it and none of you want to do anything about it, \$180,000.00 that's buying a whole trailer court. That's all I'm out in income, my property was worth another \$75,000.00. Ethan Smith stole it, stole it on a letter saying yeah the District Court told me to do this, no that wasn't done and then what did they do when I start complaining about it they mute me from being able to email you guys to complain about it. So, where's, where's the matrix of accountability, where I get [inaudible], some idiot, some loco, so nut bag. I'm not nuts, I want back where I was. [inaudible] I'm not corrupt. I didn't deal drugs to get my empire; I didn't do anything illegal. I earned it. I paid child support for 30 damn years, half my pay. You know, whining about who will only make this much I lived on less than minimum wage and I still made it and then I said when I get done paying that oh I'm gonna eat together some real estate and I had to go in 1,800 bucks a month. I did it all on my own. The Housing Authority, Housing Authority had a note hey this is the greatest remodel we've ever seen of a mobile home good job keep up the good work I was a Section 8 landlord. I was making money helping homeless; it was a win-win yeah. You know, I'm taking real good care of my houseless people and giving them a place to live and I'm making income. It got taken from me and none of you want to help me get it back, none of you care, and I'm stuck here 58 years old I'm going to be retired and dead in another 30 years and I had it all figured out, it was all working for me it was all and I'm a fifth generation Montanan. I ain't no freaking Yellowstone migrants; this is my world and all of y'all don't care. Oh well, Mr. Ulrigg, pa pa, ta ta.....and you know, you've been here since the beginning, others have too.

Mayor Jordan Hess Thank you sir. Anyone else? Okay, seeing no additional public comment.... oh Mr. Moore. Mr. Moore, you get 4 minutes out of fairness to tonight based on the previous commentary.

Bob Moore Three is okay. Mr. Mayor my first point is less meeting you told me that you were not aware of the listing of Sleepy Hollow, sleepy whatever it is. I told you I would find my copy of it; well I got my copy of it. How are you not aware of this is amazing? Amazed. I'll read a little bit of it. Jack Speer's companies to listing lodging properties for sale Sleepy Inn Motel, centrally located in Downtown Missoula, wood frame, on and on so many rooms, total building size, 9,392, 20 queen rooms, 11 kitchen queens, 2 triple queens. The seller has owned since 1995. Sales for one year, a while back was \$240,000.00. Someone told me this and I don't know if it's right or wrong, they're basically selling prices open around three times the room rent, if that's the case here, it would be worth \$623,000.00. Asking price, guess what the asking price was on April 17, 1920, 2020? Six hundred and 75 thousand dollars, not one million one hundred thousand dollars, 675 thousand dollars [inaudible] buyer wanted to get on selling that motel, not one million one hundred thousand, six hundred and seventy five thousand, which is hard for me to understand. Why would you want to pay more money for piece of property than the buyer is asking? I mean the seller is asking, 675 thousand dollars but no, the Missoula taxpayers have to pay 1 million one hundred thousand dollars. I had never seen Marshall Mountain until yesterday, today, I actually drove by there and I don't know, what is the status of the buying now? You still get running a survey or is there a survey now?

Mayor Jordan Hess Remember, we don't do it back and forth, but if you ask your questions we.....

Bob Moore Well, I was trying....So, so, I went out there today, I saw two cars and apparently, you want a million nine now for that [inaudible] that price came up and this will be a good test of Mike's priority reading before you spend it on you goodies I'll call them. His article we must be honest with ourselves about what each city project accomplishes. That's one good one right there to see how much space you got in, in Mike's way of looking at spending taxpayer money.

Mayor Jordan Hess That's, that's a little over 4 minutes Mr. Moore.

Bob Moore Is that four? Okay. Thank you very much.

Mayor Jordan Hess Thank you.

Bob Moore Remember that number, 675 thousand dollars.

Mayor Jordan Hess Thank you Mr. Moore.

Bob Moore Not one million.....

Mayor Jordan Hess Anyone else tonight for general public comment? Seeing none and seeing none online, we can move on to our schedule of committee meetings. Ms. Rehbein.

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

Public Works and Mobility Committee, March 8, 12:15 – 12:50 p.m.

Public Safety, Health and Operations Committee, March 8, 1:30 – 1:45 p.m.

Housing, Redevelopment and Community Programs Committee, March 8, 2:00 – 3:35 p.m.

Mayor Jordan Hess Thank you Ms. Rehbein. Are there any changes to the committee schedule? Seeing none, that'll stand as published. We can now move on to our consent agenda.

**5. CONSENT AGENDA**

Mayor Jordan Hess Items on the consent agenda were generally approved unanimously in City Council committee meetings. We save a little time on Mondays by just taking those items up as a package. Ms. Rehbein will read the list aloud and then we'll take comment and vote.

Mayor Jordan Hess Thank you Ms. Rehbein. Is there any public comment on the consent agenda? Seeing none in the room and none online, any questions from Council members? Any discussion? Seeing none, we can have a roll call vote.

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

ABSENT: (2): Alderperson Savage, and Alderperson West

**Vote result: Approved (10 to 0)**

**5.1 Accounts Payable (claims) for checks dated March 7,2023**

Approve accounts payable in the amount of \$1,774,484.41 for checks dated March 7, 2023.

**Vote result: Approved**

**5.2 A resolution of the Missoula City Council delegating authority to set compost prices to the Director of Public Works or their designee.**

Approve a resolution delegating authority to set compost prices to the Director of Public Works and Mobility or their designee.

**Vote result: Approved**

**5.3 Professional Services Agreement with WGM for Scott Street Surface Infrastructure Improvements Project – Phillips to Otis**

Approve and authorize the Mayor to sign a Professional Services Agreement with WGM for consulting services on the Scott Street Surface Infrastructure Improvements Project – Phillips to Otis, at the cost not to exceed \$99,912.

**Vote result: Approved**

**5.4 Appointment to the Tourism Business Improvement District**

Confirm the Mayor’s appointment of Daniel Monahan to the Tourism Business Improvement District for a term beginning immediately and expiring on December 1, 2026.

**Vote result: Approved**

**5.5 Sport Court Reconstruction at Marilyn and Franklin park**

Approve and authorize the Mayor to sign a contract with Knife River for sport court reconstruction at Marilyn park and Franklin park in the amount of \$353,898.

**Vote result: Approved**

**5.6 Grant of underground utility easement at East Caras Park**

Approve and authorize the mayor to sign an underground utility easement through a portion of East Caras Park for benefit of Blackfoot Communications and Access Montana.

**Vote result: Approved**

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

None

**7. SPECIAL PRESENTATIONS AND PROCLAMATIONS**

**7.1 Proclamation - Women's History Month**

Mayor Jordan Hess We do have one special presentation in the form of a proclamation; this is for Women’s History Month, and this is a joint proclamation for Missoula County and the City of Missoula.

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of the United States in countless, recorded and unrecorded ways; and WHEREAS, American women have played and continued to play critical economic, cultural, and social roles in every sphere of life in the United States by constituting a significant portion of the labor force, working inside and outside the home; and WHEREAS, American women continue to complete the majority of uncompensated domestic work; and WHEREAS, American women have played a unique role throughout history by providing the majority of the volunteer labor force of the United States and WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our country; and WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and WHEREAS, American women have served our country courageously in the military; and WHEREAS,

American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, all of which create a more fair and just society for all; and WHEREAS, a Montana woman Jeannette Rankin was the first woman elected to the United States House of Representatives; and WHEREAS, Missoula County became the first in the United States to vote for an all-female Commission in 1985 when Barbara Evans and Mary Dusseau and Janet Stevens served on the board; and WHEREAS, despite these many contributions, the role of American women in history has consistently been overlooked and undervalued in the literature, teaching, and study of American History. Now, therefore, we, the Missoula Board of County Commissioners and I, the Mayor of the City of Missoula, do hereby recognize the month of March 2023 as Women's History Month and invite all citizens to observe this month and celebrate International Women's day on March 8, 2023 with programs, ceremonies and activities, and to visit [womenshistorymonth.gov](http://womenshistorymonth.gov) and [montanawomenshistory.org](http://montanawomenshistory.org) to learn more about the vital contribution of women to our country and state's history.

## 8. FINAL CONSIDERATION

### 8.1 Affordable Housing Trust Fund Reserve Balance Funding Recommendation for Bonnie's Place Resident Owned Community

Mayor Jordan Hess We have two items of final consideration. The first is the Affordable Housing Trust Fund reserve balance funding recommendation for Bonnie's Place Resident Owned Community. Do we have any? As always, with our final consideration items, we had a public hearing last week and we'll start with any additional items from staff. We have Ms. Harris-Shears here with the staff report. Anything, any new information or additional comments since last week?

Emily Harris-Shears Hi, no information, no new information and we did not receive public comments.

Mayor Jordan Hess Okay, thank you. Any questions from Council? Seeing none, I would entertain...I'm sorry, first we'll go to...No, I'm sorry, we would take a motion next and in absence of Ms. West, Ms. Jones, would you make that motion?

Aldersperson Jones Yes, happy to make the motion. I make the motion that we approve the funding recommendation made by the Affordable Housing Resident Oversight Committee to award NeighborWorks Montana \$181,550.00 to acquire the Twen Tre/Bonnie's Place manufactured home community to convert to a resident owned community and authorize the Mayor to sign the contract between the City of Missoula and NeighborWorks Montana.

Mayor Jordan Hess Thank you; the motion is in order. Any additional public comment since last week? Seeing none, Ms. Rehbein....Oh I'm sorry, any discussion from Council? Mr. Carlino.

Aldersperson Carlino Yeah, I just want to say that it's really important that we preserve the currently affordable homes in Missoula that we already have in place, and I think this is a good use of money to help the people that are already living there continue to live there at an affordable rate, and be able to own it themselves in the future. And along with that, I hope that we can put more and more money towards the Affordable Housing Trust Fund in this upcoming budget. I know right now the minimum amount is a hundred thousand dollars, which is not, not very much when you're trying to build affordable housing, but, but I just challenge us and hope that we can put more money towards the Affordable Housing Trust Fund uh for the for next year to continue doing more and more good projects like this.

Mayor Jordan Hess Thank you Mr. Carlino. Ms. Jordan.

Alderson Kristen Jordan Yeah, thank you. I agree with my colleague, Mr. Carlino, but I also wanted to say honestly thank you on behalf of residents of Franklin to the Fort. I know that I'm going to become a broken record as far as making sure that Franklin to the Fort enjoys a lot of the same things that other neighborhoods enjoy. We're severely lacking on infrastructure and, and retail space and affordable housing and the fact that this project is, is going to get funding so that these folks can stay in their homes and especially given that a lot of mobile home parks are being sold so that a big developer can come in and put high density apartments in or whatever it is. I just think it's wonderful that we are preserving a particular way people are living already and that they can stay there and, and continue to have their home and their families be in a place that they've chosen to live in. I love this initiative, I love that it's happening in Franklin to the Fort, and I'm super excited about it. So, thank you.

Mayor Jordan Hess Thank you Ms. Jordan. Anyone else? Seeing none, we've had a public hearing and comment and we can have a roll call vote, Ms. Rehbein.

**Moved by:** Alderson Jones

Approve the funding recommendation made by the Affordable Housing Resident Oversight Committee to award NeighborWorks Montana \$181,550 to acquire the Twen Tre/Bonnie's Place manufactured home community to convert to a Resident Owned Community and authorize the mayor to sign the contract between the City of Missoula and NeighborWorks Montana.

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

ABSENT: (2): Alderson Savage, and Alderson West

**Vote result: Approved (10 to 0)**

## **8.2 A Resolution finalizing the Mullan BUILD Water and Sewer Special Development Fees**

Mayor Jordan Hess Our second item of final consideration is a resolution finalizing the Mullan BUILD water and sewer special development fees and again, we go to any additional staff update. I don't see Mr. McInnis here tonight, but if anyone else is here with any additional information, we could take that now. Seeing none, questions from Council? All right, Ms. Becerra, I would entertain a motion on the item.

Alderson Becerra I see Kristen's hand up, but I'm not sure if it's....

Mayor Jordan Hess Oh, I'm sorry Ms. Jordan.

Alderson Kristen Jordan I forgot to put it down. Thank you.

Mayor Jordan Hess Okay great. Ms. Becerra.

Alderson Becerra Okay, I move that we adopt the resolution of the Missoula City Council establishing the final Mullan BUILD Water and Sewer Special Development Fees to be applicable to new development within the Mullan BUILD project area to be effective March 7, 2023.

Mayor Jordan Hess Thank you; that motion is in order. Is there any additional public comment that we didn't hear last week? Seeing none, any discussion from Council? And seeing none of that, we can have a roll call vote. Ms. Rehbein.

**Moved by:** Alderson Becerra

Adopt a resolution of the Missoula City Council establishing the final Mullan BUILD Water and Sewer Special Development Fees to be applicable to new development within the Mullan BUILD Project Area to be effective March 7, 2023.

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

ABSENT: (2): Alderperson Savage, and Alderperson West

**Vote result: Approved (10 to 0)**

## 9. PUBLIC HEARINGS

### 9.1 Referral and Staff Report\_Airport Vehicle Repair Public Forum

Mayor Jordan Hess We have two public hearings. The first is an airport vehicle repair facility public forum and this is one of those goofy things that we have to do because of state law. We will have a public hearing on an item that we have no power to deny or condition, but we have our, we have Trey Reinhardt here with our staff report.

Trey Reinhardt Hi, how's it going? So sorry, I'll pull this up. Are you able to see my screen?

Mayor Jordan Hess Not yet.

Trey Reinhardt Okay, well I guess I have to do that first. Okay, this is a public forum for Missoula County Airport Authority lease space at the airport.

Mayor Jordan Hess Okay, we do see your screen now.

Trey Reinhardt Okay perfect. The lease space is located at 4955 Aviation Way, I provided a more zoomed out map for context. This parcel is located in the aviation zoning district. To the north of this parcel is M1-2 limited industrial zoning district. This parcel has a land use designation of public and quasi-public, which is lands owned by the public or quasi-public agencies. To the north the land use designation is regional commercial and services. Title 20, Section 20.85.095, government agencies may propose to use public land contrary to local zoning regulations; however, a public hearing is required to allow for a comment on the proposed use. City Council does not have the power to deny or condition the request. An agency is defined as a board, bureau, commission, department and authority or other entity of state or local government. The Missoula County Airport Authority is considered a government agency. Missoula County Airport Authority leased space to Krusers on May 26, 2022. Krusers Mobile Services is a motor vehicle repair business per Title 20, Table 20.20-1, motor vehicle repair is not an allowed use in the aviation zoning district. For staff to approve a business license for Krusers Mobile Services, Missoula County Airport Authority is required to hold this public form. Staff has no recommendation on this motion. Lynn Fagan with Missoula County Airport Authority is at this meeting and able to answer any other questions that I can't. Thank you and have a good evening.

Mayor Jordan Hess All right, thank you. Ms. Fagan, do you want to add anything else tonight?

Lynn Fagan Can you hear me?

Mayor Jordan Hess Yes we can.

Lynn Fagan Great. I just wanted to add that Krusers has started doing Aviation repair also on general aviation planes. So, part of their business at least falls within the zoning but not all of it because they still do auto repair, but I'm happy to answer any questions.

Mayor Jordan Hess Okay, thank you. With that, I will open the public hearing, if anyone would like to make comment on this? Seeing none, any questions or comments from Council? Okay seeing none, go forth and build an airport vehicle repair facility.

Lynn Fagan Thank you Mayor.

Mayor Jordan Hess Thank you.

## **9.2 Ward Boundaries**

The Committee of the Whole will take this item up on 3/8/2023 at 10:45 a.m.

Mayor Jordan Hess We have one additional public hearing. I just have to point out every time we do that that is required by state law and is a strange process if anyone's listening for the 2025 legislature that's, that would be a good priority. We have our Ward boundary redistricting public hearing at this time and I'll turn it over to Mark Hendrickson for our staff report.

Mark Hendrickson Good evening representatives. I'm Mark Hendrickson, I'm an associate planner with JS Focus in the Community Planning Division of CPDI and we are here today conducting the first reading and conducting a public hearing on amending the ordinance Title 1, Chapter 1.16, entitled election wards. So, every two years in preparation for City elections, staff updates Ward populations and proposes any changes needed toward boundaries in order to maintain practical equality of population by Ward. Every 10 years, Ward boundaries are adjusted, as needed, based on new census data. We are in a mixed year where we received the 2020 redistricting data but also it moved two years past when that data was accurate. Staff has decided to use the same methodology as before, using the census data, as well as building permits to calculate new population. The 2020 census data was released in spring of 2021, staff has processed it using the same methodology as was used in the 2011 redistricting effort. To calculate the base population in 2020, we use the households in each block, multiply that by the occupancy rate of the block, then multiply the average number of people per household for the block. Finally, we add group quarters population. After staff calculated the population base in 2020, we then calculate the block population increase by pulling in residential building permits multiplying the dwelling units associated with those permits by the occupancy rate for the block they've fallen, and then multiply that by the average household size as well. We can then add these two numbers together to get an updated estimated population for that census block. The only change that will happen is that we will gather the average household size and the occupancy rate from here on out using the American Community survey five-year estimates. This will enable us to capture larger demographic trends that may happen over the next 10 years. So, we're using residential building permits issued in 2021 and 2022 to estimate the number and distribution of the City's new population. Most residential development permitted in that two-year time frame will be completed and occupied by the end of 2023. This coincides nicely with the timing of the upcoming election and Ward representatives taking their seats in January of 2024. Here's a timeline of the last 12 years of redistricting efforts. In the 2021 redistricting effort, the decennial census redistricting data was not released yet. So, staff estimated population using the same methodology as the previous 10 years. We compared this methodology in population estimates with census data, in the percent of error that staff was off using this methodology was under one percent. The estimated City population for the 2021 Ward redistricting project was 78,376 and using the same methodology as 2011 to process the decennial census, staff estimated the 2020 population to be at 78,576. Listed here are the guidelines we try to follow when redistricting. We need to maintain the population plus or minus 3% of Ward average for



each Ward. We aim to keep Ward boundaries regular and compact in shape and size, so that they are convenient for voters. We aim to use natural and physical geographic boundaries. We aim to respect political and census boundaries where possible and we also need to avoid redistricting a seated representative out of their Ward. Here's a map of the current Ward boundaries with the location of award representatives in blue points. In terms of distribution of neighborhood representation, Ward 1, shown here in green represents six neighborhoods. Ward 2 in pink represents three neighborhoods. Ward 3 in blue represents three neighborhoods. Ward 4 in brown represents six neighborhoods. Ward 5 in purple represents six neighborhoods. Ward 6 and teal represents five neighborhoods. In terms of neighborhoods that are split already by current Ward boundaries, these consist of Captain John Mullan, Franklin to the Forth, North Side, West Side, University District, Southgate Triangle, Two Rivers, Moose Can Gully, and Rose Park. Here's a map of the residential development that took place in 2021 and 2022. The yellow points represent single family development and orange circles represent multi-dwelling units. The larger they are, the more dwelling units associated with them. Over these two years, 2,238 housing units have been added in the city. Development has occurred throughout the city though it has not been equally distributed. This map represents the new population that has been added according to building permits. It is important to remember moving forward that Ward populations varied from average calculated in 2021. The largest amount of dwelling units created during the previous two years was in Ward 2 shown here in pink. This accounts for more than 50% of new residential development, primarily in large multi-dwelling apartment complexes. The lowest amount of growth in the city occurred in Ward 4, shown here in brown, accounting for just over 2% of new residential development, mostly in single family dwelling units. As I said before, in 2021 and 2022, the City added 2,238 dwelling units for a total of 37,546 throughout the city. This added 4,872 people for a total estimated population of 83,448. This means that the average population per Ward is 13,908 and 3% of that average is 417. Taking it a step further, this means that the minimum population of a Ward should be 13,491 and the maximum population should be 14,325. We use the aforementioned table to run these calculations for alignment on each Ward. As you can see, Wards 1 and 5 are within alignment. Ward 2 is over the average of population by 1,852 people. Ward 6 is over the average population by 947 people. Ward 3 is under the average population by 1,758 people. Ward 4 is under the average population by 1,547 people. Because of this misalignment, Ward boundaries must be adjusted. Here's a map of our proposed boundary adjustment option. Black lines represent the current Ward boundaries, the colored polygons represent new proposed Ward boundaries, and the red circles highlight the changes made to each Ward in this proposed option of changes. I'll get into the specifics for each of these over the course of the next few slides, but overall big picture movements are the boundary along Wards 1 and 2 have slight shifts to a more suitable geographic boundary. The Kim Williams Trail moves to Ward 3 to account for the river boundary. This block has no population in it; it is more of a geographic change. Ward 6 shrinks in Franklin to the Fort Neighborhood putting more population in to Wards 3, 4, and 5. Ward 4 continues its movement southward into Ward 5 along Hillview Way and into Southgate Triangle Neighborhoods. Ward 6 continues its growth northward into the Sxwtpqyen neighborhood. In terms of distribution of neighborhood representation in this proposed change, Ward 1 would represent five neighborhoods, Ward 2 would represent three neighborhoods, Ward 3 would represent five neighborhoods, Ward 4 would represent six neighborhoods, Ward 5 would represent five neighborhoods, and Ward 6 would represent four neighborhoods. In terms of neighborhoods that are split by these proposed boundaries, they are the same amount of neighborhoods that are currently split by the adopted Ward boundaries. Here's an overview of the Ward 1 and 2 shift in the West Side neighborhood, blocks outlined in green are shifting to Ward 1, blocks outlined in pink are shifting to Ward 2. The numbers inside of each of these blocks represent the calculated estimated population using the methodology described before. So, in this switch, Ward 1 would gain 239 people, Ward 2 would gain 580 people. The reason behind the switch is that Scott Street is the main thoroughfare and West

Broadway is a main thoroughfare. It allows Wards 1 and 2 to become more regular in shape and convenient for voters. Ward 1 is already within alignment and will grow with the Scott Street Reserve Master Plan. Here's an overview of movement from Ward 3 into Ward 6 and 6. Blocks outlined in orange are shifting into Ward 3. So, in this shift, Ward 3 moves across Russell Street into Franklin to the Fort and Southgate Triangle Neighborhoods. Ward 3 gains 1,885 people, Ward 4 loses 133, and Ward 6 loses 1,752 people. The reasoning behind the shift is that it starts a gradual movement of Ward 3 westward along 14th Street and South 3rd Street. It allows greater distribution of neighborhood representation among City Council members. It also allows Ward 3 to maintain a compact and regular shape. Here is an overview of the shift of Ward 4 into Ward 5. Blocks outlined in blue are shifting from Ward 5 into Ward 4. So, in this shift, Ward 4 gains 1,166 people and Ward 5 loses 1,166 people. The reasoning behind this shift is that Hillview Way and 39th Street are main thoroughfares and continues the gradual movement of Ward 4 Southward into Moose Can Gully and South 39th Street Neighborhoods. Here's an overview of Wards 4 and 5 shifting northward into Ward 6. Blocks outlined in blue are shifting into Ward 4, blocks outlined in yellow are shifting into Ward 5. So, in this shift, Ward 4 gains 401 people, Ward 5 gains 730 people, and Ward 6 loses 1,131 people. The reasoning behind this shift is at South 14th Street and Johnson are main thoroughfares. It continues the gradual movement of Ward 5 northward and into Ward 6 and it allows greater distribution of neighborhood representation among City Council members. Here's an overview of the shift of Ward 6 into Ward 2. Blocks outlined in brown are shifting from Ward 2 into Ward 6. So, in this shift, Ward 6 gains 1,842 people and Ward 2 loses 1,842 people. The reasoning behind this shift is that it un-splits an intentionally splits census block from 2021. It continues the expansion of Ward 6 north and west into Ward 2. It allows the Pleasant View subdivision to continue to be represented by Ward 2 and it also enables either ward to capture future growth in the Sxwtpqyen neighborhood. Here's the proposed Ward scenario population. As you can see, all Wards are within alignment; however, Ward 1 is now 48 people from the Ward population average, Ward 2 is 213 from average, Ward 3 is 50 people from average, Ward 4 is 118 people from average, Ward 5 is 167 people from average, and Ward 6 is 76 people from average. This map, this shows a map of future movement of Ward boundaries within the next few iterations and what it may look like eventually based on current and projected trends of development. Entitled lots are shown on the map with larger circles representing a larger number of units in the subdivision. As you can see, the largest growth is expected to happen in Ward 2 and 5. Also the Sawmill District is expected to grow Ward 3's population in the next few years. Entitled lots are not mapped for the subdivisions that have been approved in 2022 yet. So, some expected growth areas are going to be in the Sxwtpqyen neighborhood circled here in red, the Scott Street North Reserve master plan also circled here in red, and the Miller Creek area subdivisions circled here in red at the southern end of the city. There's going to be movement of Ward 4 along Hillview Way into that growth. There's also going to be growth along Mary Jane Boulevard and finally in the Sawmill District. Shown here is a timeline of this project I first presented to you all at the Budget and Finance Committee on February 8, 2023 to set the public hearing. There have been two legal ads placed in the *Missoulian* on February 19, 2023 and February 26, 2023. I gave an informational presentation of the community Forum on February 26, 2023 as well. There is an Engage Missoula page where the public is invited to send comments. I have included the link here and it will be available on the home page of Engage Missoula. We've had a total of, we have had 70 total visits to the page and one public comment through Engage Missoula. Next City Council meeting will be on March 13, 2023, which will be the second public reading and final consideration. Here's a recommended action that we are inviting questions and comments from the public on. I'm here to answer any questions you may have. Thank you.

Mayor Jordan Hess Thank you Mr. Henderson. And with that, I will open the public hearing first and then we'll come back to any public or any Council discussion. Ms. Bornstein.

Maggie Bornstein Hello, good evening. For the record, my name is Maggie Bornstein. It's been a while since I've done things this way and I just want to say, I'm speaking on behalf of myself and not my employer, but I will reference some things related to things that I've seen in my work right now. And I've seen kind of what happens with Senate districts, and these are getting close to the numbers and Senate districts and legislators get to pick what they put on their name tag, whether it's the name of their county. I've seen a lot of correction happening to say I mostly represent Laurel and not Billings and I think that I understand the nature of this and trying to expand the number of neighborhoods that are represented across the board, but I'll say I'm a ward 3 resident now but in my experience being a Ward 1 resident, I often felt that the issues related to downtown were not given the same consideration as those issues related to what was happening in the Rattlesnake and on the North Side, and I don't mean to say that with any ill will to the folks that represented me there, but that by nature, I just feel like expanding the greater number of neighborhoods will not lend itself to better government and I would really encourage City Council to perhaps direct staff to draft an alternative map. And then, I think that also kicks it back into your hands to have a little bit more onus on, on the direction that you take in allowing the City Council to decide between potentially two maps I think that's a better way to govern and, and a way to kind of stand behind that because I think they are significant changes. And I'm speaking really to the efforts to split up Franklin to the Fort, I think that's a really, really unique neighborhood with unique needs and I kind of am worried about the delusion of their issues by spreading that further across more Council people. I think that having more localized neighborhood representation lends itself to better government. I think overall what is good for one Ward is really good for the City of Missoula as a whole but I think that just one principle that that's sort of the direction that we should move towards rather than splitting it up, though I do understand that a lot of staff time has been put into this and I do understand that it's coming from a very great place. I just disagree with the nature of it and so I'd offer you the opportunity to consider it further. Thanks.

Mayor Jordan Hess Thank you. Thanks for your comments. Anyone else tonight? Okay, I don't see anyone else online or in the room. A couple items, by way of housekeeping, so I, my understanding is that this will go back to committee for additional discussion, as well just to make sure that we meet our, our deadline. Ms. Jones, is that's just confirming that I guess please?

Aldersperson Jones Right, we have a deadline, and my understanding is there may be some more attention paid to the maps, right.

Mayor Jordan Hess Okay and then, so we can go on next to questions from Council and let's just go ahead and take questions and comments at this time. So, I've got Ms. Jordan and then Ms. Vasecka.

Aldersperson Kristen Jordan Thank you. Thank you Mr. Hendrickson for that really great report and I too, I'm with the woman who just provided comment. I know this is not an easy task, but I do have some questions for you. The first one I have; I just have two questions. The first question I have for you is on slide 18, you have no projected growth in Franklin to the Fort and I'm curious how that is a possibility? Because we have River Road, we have a lot of open areas, we're seeing a lot of, of growth and I know that you kind of used previous parameters to kind of project future parameters, but I see Franklin of the Fort being a pretty hot spot. It's the smallest Ward, it's the densest Ward, and I'm just curious why we don't see any expected growth according to your metrics?

Mark Hendrickson Yes, so you are, you are correct and think about it, it can grow, it can definitely grow into a much more, much denser neighborhood than what it is. The metrics

that I'm using is just entitled lots, so that's lots that have been or lots that have been approved by City leadership.

Aldersperson Kristen Jordan Okay.

Mark Hendrickson City Council....

Aldersperson Kristen Jordan Okay. Thank you. May I have one more question?

Mayor Jordan Hess Of course, go ahead.

Aldersperson Kristen Jordan In lieu of what is happening at the state level regarding the restrictions that may or may not be placed on how many City Council Members we can have in each Ward. I'm wondering if we put any thought into how that might affect our Ward redistricting and whether or not we might consider having more Wards? We could be drastically affected by a decision that is going to be made at the state level here and that's going to impact our Wards and who can, who can be in office, and I'm just wondering if we have any plans in place to prepare for that potentially big change that will affect half of our City Council?

Mayor Jordan Hess Yeah, so, I'll take that and then if any staff want to fill in any, any gaps, they're welcome to. Our interpretation is that that legislation, as proposed, does not impact us since we have, since we have a charter. It's our interpretation that that only affects City governments that utilize general powers rather than self-governing, local governments. Our charter, that, that legislation frankly sets us up for a potential constitutional conflict. Our charter is, is protected in a lot of ways under, under, in the state and likely has supremacy over that law and that's, that's our view. It may require some, some form of interpretation, whether it's by a court or, or legal interpretation in order to be certain of that, but that's my understanding and since I just invoked a legal opinion that I'm that I'm or gave a legal opinion that I'm not qualified to give, I should probably give our attorney an opportunity to, to fill in on that but that's my understanding from a lot of the discussion. And Mr. Nugent.

Jim Nugent Yeah, I can understand why there's all the concern and we have to really bide our time, and wait and see what actually ends up being adopted. There's several bills right now that might conflict with our existing charter including partisan and non-partisan and right now, we asked for the voters want nonpartisan elections. There's also the one about Senate Bill 420 and moving, well there's more than one that's proposing the move the elections to the even number years. If some of them pass and if there's an immediate effective date that affects this particular year, say on the one that Kristen is asking about, we'll have to scramble obviously to try and abide by that new law. Now to answer one of her questions is technically, the City Council can create more Wards. The state law and even your own charter allow you to create more Wards. Right now, there is a state law that says up to 10 Wards, but because we're self-government, we're probably not bound literally to the 10 Ward maximum, but you can be pondering that you do have flexibility if you need to engage in that conversation. It's going to be quite a conflict with some of these laws because the filing time period will be opening, I believe, next month. Marty is usually in close coordination with the elections office about when the filing, I think it's 60 days and it's usually part of April through May into June, but it's premature at this moment and until we know for sure what passes, it's difficult to be planning anything except that you almost have to be prepared as an administrative staff to like be an emergency service responder and become a fireman or a policeman quickly trying to address whatever the aftermath is from the state legislature. So, it's a good question and there obviously are several areas that are being proposed that are in conflict with our charter, and you would think that if the voters vote and adopt a charter, the charter should prevail, but we saw what happened with the gas tax that was adopted in the 1920 or the 2021 legislature totally eliminated the laws, so that they didn't exist. So, you couldn't collect the gas tax.

Mayor Jordan Hess Thank you. Ms. Jordan, do you have a follow-up?

Aldersperson Kristen Jordan Yes, I just have a comment to make. Just a final comment that I wanted to make sure got during a City Council meeting because we have a different audience than we do on committee day and that is, is that it's really tough as a representative of Ward 6 to see it getting piecemealed out. And again, I, I understand staff are doing the best they can, this is by no means a derogatory comment on the work that you've done in this, in this area Mr. Hendrickson. It's more coming from as an elected official of a neighborhood that's getting piecemealed out to other, other Wards when we have an identity, we have a community in Franklin to the Fort and, and this Ward is a diverse Ward that is actually pretty, pretty proud of being a Ward together. And I, I am, I am concerned about the fact that Franklin to the Fort continues to kind of shift people into other areas regardless of how it affects the neighborhood feeling. I think that this feels like it I guess if Franklin to the Fort kind of hadn't been not looked after for so long, which it hasn't been, we are, we are lacking in infrastructure, we are a food desert, we are an infrastructure desert. It feels like Franklin to the Fort is a, is a parts car that is available when other cars break down and as a representative of Ward 6, I want to see that not happen anymore and if we were to go to more than six Wards, I would love to see potentially maybe a River Road Ward and a Franklin to the Fort Ward because those are two distinct areas and I think it's just frankly, no pun intended unfair that Franklin to the Fort keeps getting the bottom of the barrel in infrastructure investment, Ward realignment, zoning updates. It's frustrating and I'm hearing from my constituents about it and that's, that's all. Thank you.

Mayor Jordan Hess Thank you Ms. Jordan. Ms. Vasecka and then Mr. Carlino.

Aldersperson Vasecka Yeah, thank you. I, I basically just want to echo what my Ward mate said. With this presentation, there I, I really understand all the work that was done at Mr. Henderson and I'm not dismounting any of that because there were a lot of rules and goals that you had to, that you wanted to adhere by but as a Ward 6 representative, out of the three out of the six major changes that were happening, we were in half of them and so our Ward is getting drastically, drastically changed. And I have heard from a lot of folks, especially in the Franklin to the Fort Neighborhood that right now it is represented by Ward 5 and Ward 6, so it is divided in between two Wards but with this proposed change it is going to be divided it's going to add two more I guess two more Wards so then four more award representatives and it's a lot of, of our constituents have reached out about the frustration with that. So, I was wondering if it could be possible to I don't know do some do a little bit of changes to try to keep Franklin to the Fort within just Ward 5 and Ward 6, if that was possible to adhere by the natural boundaries that you wanted to adhere by in the population changes? So, I understand if it can't happen, I just, I would like to see if, if it is able to happen. I, I would be very interested and I'm sure a lot of our constituents would be really interested in seeing what that proposed map would be, if it is possible?

Mayor Jordan Hess Thank you.

Aldersperson Vasecka Thank you.

Mayor Jordan Hess Mr. Carlino then Ms. Sherrill.

Aldersperson Carlino Yeah, I just had a couple questions. I was wondering if during the redrawing of the Wards, if that would be the appropriate time to, to move to adding more Wards in the future or if we would want to do that at a separate time?

Mayor Jordan Hess Mr. Nugent. Jim Nugent.

Jim Nugent Yeah, I would suggest that you have to take it to committee and discuss it in committee, but it's appropriate to be doing it now, as you're trying to deal with or address this topic at this time. The thing is, you'll have to potentially running into the deadline that

Gwen's talking about, you might have to have some special meetings just to focus on, on dealing with the Wards and it'll be real important to have a lot of public notice, so that the public can provide you with some input on their thoughts, but there's, there's no law that says you make the referral now or you make the revision now or you add the number of Wards now. So, really, the Council decides all this and it's up to the Council to see when they think they can work it in and if the Council thinks it can work it in right now, in this current process, you have the opportunity to do that. The Council makes policy and sets this type of stuff, so you are the policy making body that needs to discuss it and someone has to put it in the committee for discussion or it can evolve out of what you've got going on now, but there needs to be more notice if you're changing the number of Wards, in that you're gonna have to have Marty getting a lot of notification out that there might be more Wards, even one person per Ward, but I think that, that might most likely won't apply to the City of Missoula the way it was currently written, but until we know what the other chamber does and whether it gets amended and whether it ends up on the governor's desk and whether the governor signs it, we're in a real limbo, in a holding pattern and I think they're going to have to get more sensitive to the fact that the filing is opening here real soon for the municipal offices. So, you would hope they'd have some sort of sensitivity to try and not mess up things that are already underway, like if people are already filing for office to suddenly say there'll be no election this year is that a minimum awkward obviously.

Mayor Jordan Hess [laughs]. Ms. Rehbein.

Marty Rehbein There's lots of reference to candidate filing and I just wanted to note that candidate filing, according to the calendar that is on the Secretary of State's website is April 20, 2023. And a City Council ordinance that is not an emergency ordinance takes 30 days to go into effect. So, one of the reasons why we try to finalize Ward boundaries 30 days in advance so, that'd be March, March 21, so 31 days in March, so that this ordinance will be in effect before April 20, 2023. So, if you're going to amend boundaries, probably want to adhere to the same schedule. It'd probably need to be some sort of a, an emergency ordinance and like City Attorney Nugent indicated, you'd want some public input on it just the way you're taking it tonight.

Mayor Jordan Hess Thanks. Mr. Carlino.

Alderson Carlino Yeah, one more question please. I was just wondering, I guess, just kind of for the Council and staff, but just wondering if we considered that keeping neighborhoods together in the same Ward and perhaps having less neighborhoods per Ward when we're looking for the neighborhood equity amongst words could make for better representation? I just want to throw that out there, that perhaps having less neighborhoods per Ward, can make for better representation than having five or six neighbor, neighborhoods for each Ward. I guess, I'm just wondering what staffs thoughts are on that or Council members?

Mayor Jordan Hess Mr. Hendrickson.

Mark Hendrickson Yeah, so, there's some neighborhoods that can, that have stayed the same, they stayed under one Ward. There are neighborhoods that will need to be split by representatives just because of the size, the population size of them and also where Council members live. We can't redistrict Council members out of their Ward, so there's a lot of fine-tuning that goes along with this process and, and those two are kind of the biggest caveats that we can't get around.

Mayor Jordan Hess And, and did we reduce, as far as the number of, I guess if I could maybe restate the question? Did, did the number of neighborhoods represented, so for example you, you said that Ward 1 represents five neighborhoods and, and so on, did those become more balanced through this redistricting or did those numbers change dramatically?

Mark Hendrickson So, the, the distribution of representatives among neighborhoods, those went up. The only Ward that represents below four neighborhoods is Ward 2 or yeah the lowest amount of representative neighborhoods is Ward 2 and that's just the amount of growth that they're seeing. So, we need to keep them a little bit on the lower end, so we they can accommodate growth from the future. In terms of split neighborhoods, the neighborhoods that are split with this proposal maintains the same neighborhoods, of the neighborhoods that have been split by the adopted boundaries, but the current adopted boundaries.

Mayor Jordan Hess Okay, thanks. So, next I have Ms. Sherrill and then Ms. Jones.

Alderson Sherrill Yeah, thanks. This, this, it sounds like this might be going back to committee, so I might be doing kind of some semantics here and, and I appreciate Mr. Carlino's question because as a representative of Ward 4, I have six, Mike and I have six neighborhoods and we continue to have six neighborhoods after this change, but that's a lot of neighborhoods and we have little pieces of some of those neighborhoods, which I, I don't think is ideal. So, I do understand Mr. Carlino's concern. I also understand when we have to abide by state law and we're trying to be within 3% that it's really hard to do that. So, anyway, I'm glad you didn't give me eight as I guess my, my thought on the matter, but anyway, I know you're looking at expected growth and we do this every two years, so this is the second time that I've done this on Council, and I do appreciate that you're looking at the number of neighborhoods. One of my concerns and I think I brought this up on, on Wednesday whatever Wednesday it was that we saw this and maybe is, is talking a little bit about what Kristen was saying, is like the moving back and forth, I, I'm really worried about that because I am one of those representatives that lives on the edge of my Ward and I'm sure that that you know that Mark because you were trying to draw my house in, but you know those, those neighbors, the, the people that live on the edge of these Wards, I'm really worried about them being moved back and forth. I realize we're probably not doing it every two years, but if, but since we do this every two years, I mean every four years if you get moved if you're in Ward 3 and then you're in Ward 4, and then you're in Ward 2, I mean, well I guess you couldn't get to 2 very easily, but are we look I guess my the long-winded way of saying this is are we looking historically at where those lines have been not just two years ago? So, you know, the retired couple that's living on the edge of the Ward hasn't moved Wards you know every two years when they've been living in their house for 40 years. I'm, that's one of my concerns, I, I also want to say that I appreciate this discussion and I appreciate all my colleagues concerns around it because I think it's a, it's a very complicated thing for you to try to do Mark, and I think every, every point that's been brought up is really good.

Mayor Jordan Hess Mr. Hendrickson, do you want to add anything to that?

Mark Hendrickson So, based on the population model, I, we're striving not to change people back and forth. Obviously, that's a, that's a concern. I think the, the whole goal between the future growth perspective, that last slide in 18, is just a guidance of where this will go in the future. And so, with that future growth perspective, I used ward 3 as, as kind of a catalog of being like okay well let's, let's look at a Ward that's bounded by a bunch of other boards. So, it can't necessarily annex into new parts like Ward 2 or Ward 5 or Ward 4, and so, with that future growth perspective, the, the population would be, would have to be at 96,000 to reach that type of, that type of movement. That was the whole goal of that was to try to get the future or predict the future.

Mayor Jordan Hess Thank you. Ms. Jones and then Mr. Nugent.

Alderson Jones Thanks. So, clearly, I think we need to hear this in committee on Wednesday, which is fine, and I would just put this to Marty and you can chew on it if I'm thinking we could have a 10:45 to 11:45 COW meeting to discuss this. And I just wanted to point out something and then just a kind of a comment/question. We are, our charter calls for two representatives per Ward and if we, we are already by far the largest City

Council in all of Montana and if we start adding more Wards on, we have to abide by that. So, to me, the local government study that is coming up in a year or so is actually the proper venue for the community to really look at this topic, if they think it's important enough because otherwise, we're, I just don't think it's appropriate with one week before a deadline to be having a completely new topic and I certainly hear the issues regarding the impact on Ward 6. So, Mark, I'm hoping Wednesday, if you can speak more to future growth and the directions we need to go in for future growth because the Wards are going to change and we have to figure out how to, what's the goal in terms of coherently having Wards that have an identity for lack of a better phrase. So, I just wanted to ask if you'll do that on Wednesday? As my question....

Mayor Jordan Hess Thanks. Mr. Nugent then Ms. Anderson.

Aldersperson Mike Nugent Thank you Mr. Mayor. I appreciate all the comments I would echo my Ward mate, Ms. Sherrill's, comments about all the neighborhoods we represent. They're all great, but there's a lot of them. I would say similar to some of the election bills in front of the state legislature right now, everything that's in front of the state legislature as an election bill should be a study bill not a, an actual bill and if that's what we believe at the state level then that is what we should do at the local level too and I. I am open to the idea of more Wards and changing the charter and single representative and all that, but I think that conversation should be a year prior to the deadline for notice to properly file for Council seats, not a week before. So, I just think that we've got to be careful to, if we are frustrated by the standard that the state legislature is setting, I think we've got to be careful to not discount on one hand but then do it on the other and those are just my thoughts on that.

Mayor Jordan Hess Thank you. Ms. Anderson.

Aldersperson Anderson Thank you Mr. Mayor. This, okay, so this probably is a question for Marty, if not Mr. Nugent in regards to, can you walk us through a little bit further the deadline? I'm concerned that you know we're having a committee and then we're supposed to vote on it again next Monday for finalization, and I'm wondering if we could have some more time and to have these discussions, but so something about 30 days before the April 20th deadline and we're bound by that no matter what?

Mayor Jordan Hess Ms. Rehbein.

Marty Rehbein So, what's before you tonight is an ordinance. An ordinance, that regular ordinances take 30 days to be adopted under state law and by your charter. So, if you want more time, this ordinance would need to be an emergency ordinance plus a regular ordinance because emergency ordinances go into effect immediately, but they're only effective, Jim, correct me if I'm wrong, 90 days and so you'd want the regular ordinance to be in effect. So, they should essentially say the same thing, so that there's continuity of the effectiveness of the two things, the emergency and regular. So, I would say, you can take more time, you just need to draft an emergency ordinance to go along with this and, and whatever boundaries you end up deciding.

Mayor Jordan Hess Okay, thank you Ms. Rehbein. Does that answer your question?

Aldersperson Anderson So, if we would like to continue on that path to have more time, how should we indicate that?

Mayor Jordan Hess Could I suggest, we cross that bridge if we get to it?

Aldersperson Anderson Okay.

Mayor Jordan Hess We do have another week, so....

Aldersperson Anderson Copy that. Thank you.



Mayor Jordan Hess Okay. Ms. Becerra.

Aldersperson Becerra Thank you. I just wanted to comment that I, I have some concerns about the current map, but I think, I'm gonna have concerns no matter what map comes before us because there's always pluses and minuses to everything, and I just want to point out for my colleagues on Ward 4, that while Ward 2 has a significantly low number of neighborhoods, my neighborhoods are huge because geographically speaking, they encompass a huge amount of territory. And so, I think it's, what's important for me at least is that neighborhoods feel cohesive and that they remain unified, rather than split. It's not so much the number of neighborhoods that I could end up representing or, or anyone in Ward 2, and I, I just I also want to point out that Ward 2 is growing significantly and Sierra and I have not met many of the new residents of Ward 2, which makes it really challenging on a number of levels, but... So, like I said, I, I think that no matter what staff presents us, we're gonna, there's gonna be pluses and minuses to, to all of it, but I would encourage us to do what we can to keep neighborhoods not divided. Thanks.

Mayor Jordan Hess Thank you. I don't see any additional hands. I'll just stay, for what it's worth, and I'm not advocating one way or another, I, when I represented Ward 2, it was very cohesive and it included everything west of the Bitterroot Branch railroad tracks and everything in between the mainline railroad tracks and the river. So, it really included all of the west side and all of West Broadway. Over the years, that got carved off and the west side got bifurcated between Wards 1 and 2, and I actually found that to be a benefit. I, I thought, I appreciated having four representatives to work on some of the complex issues along West Broadway. I appreciated the collaborative nature and I appreciated having more voices at the table and I, I didn't see that to be a problem in, in what is also an underserved area being, being split into two Wards. I actually found it to be practically on the ground beneficial. So again, not, not advocating one way or the other, but just adding that alternate perspective. I see Jim Nugent. Mr. Nugent.

Jim Nugent Yes, I wanted to point out that Marty gave a real good outline of where you're at and where you have to be if there's any emergency ordinance, but if necessary, like she pointed out, the emergency ordinances are only good for 90 days for the non-land use ones. So, you could adopt them together on the same night. One of the things other things that's an unknown is that once the filing has opened, for orderliness, you'll want to have your Wards pretty well determined, so people would know where to file, but there really isn't any law that provides strict adherent guidance for you on that. If you went into that a week or two, I don't think the world would end, but I would urge that you try and have something done by the April 20, 2023 deadline that Marty just indicated was when they could commence filing. And then, I just observed that if, if Senate Bill 420 passes and there's the municipal elections are moved to even number of years, you might get your year to study what you want to do for the future. And one of the things that the city has to be wondering about with respect to Senate Bill 420, if they moved the elections to the even numbered years for cities, even though that conflicts with our charter, what will the County elections people do? Because Marty doesn't conduct the elections, the City Clerk's office doesn't conduct the elections, we retain or hire the county to conduct the elections, and would the county insist that we follow Senate Bill 420? That's another unknown that's out there with respect to if we end up seeing Senate Bill 420 pass and right now, it seems to have a lot of steam.

Mayor Jordan Hess Thank you. All right, there are no additional hands raised. Would anyone like to make additional comments tonight? Seeing none, so our rules state that one member can refer an item back to Council or back to committee after a public hearing and I will interpret Ms. Jones remarks as her doing that.

Aldersperson Jones Yes.

Mayor Jordan Hess Okay, so Ms. Jones has referred this item back to committee and it'll be heard on Wednesday, and we will have it back here for final consideration on March

13, 2023. Anything additional on this item before we move on? Okay, seeing none, we can move on.

## **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 March 1, 2023 Meeting**

### **10.3 Committee of the Whole (COW) committee report**

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

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

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

#### **10.6.1 Minutes from the March 1, 2023 Meeting**

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

#### **10.7.1 Minutes from the March 1, 2023 Meeting**

## **11. NEW BUSINESS**

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

Mayor Jordan Hess We have our standing item of new business, and this is our weekly legislative update, and Jessica Miller's here with our update and with some fun facts around transmittal. Ms. Miller.

Jessica Miler Hi everybody, Jessica Miller with the Mayor's office. So, legislative day 45 out of the 90-day session was last Friday March 3, 2023, and that was the deadline for transmittal of general bills. And so, that's bills not dealing with revenue, appropriations, study bills, or referenda. I think there may be one or two other obscure categories that I am missing out of that list, but so that was the deadline for general bills. So, there was a lot of work going on in committees last week or not so much in committees, but on the floor, there were a lot of floor votes. They went through each, each chamber went through a couple of hundred votes, I would say on the floors while they were in the last couple of days last week. So, they were pretty busy, and I just have a brief presentation that I wanted to share with folks, and it's the first time I've done this this way, hopefully you folks are seeing my PowerPoint, is that correct? Okay. The last time I tried this, it didn't work. So, just a couple of statistics for everybody here. This year, in the legislature, we have 4,622 total draft requests, 1,413 of those bills have been introduced. It is still possible that there may be a couple more bills introduced because again any revenue and appropriations bills can, can still be coming through for the next couple of weeks and their transmittal deadline, I believe, is the first Friday in April and so, the introduction deadline would be the first or would be the last Friday in March. So, I think that we may still get a few more, but the bulk of them should have come through now. They've had a grand total of 937 hearings in the House, 726 hearings in the Senate, and so far 86 bills have actually been passed. Their statistics don't indicate whether those have just been passed through the House or if they've been signed by the governor yet or not, but there are more statistics on the Legislature's website. They have a really great dashboard there and I did not get this to the City Clerk's office before the meeting, but I will get this to them afterwards, so that it can be attached to the meeting and everybody can take a look at it because that dashboard they have is pretty, pretty neat and it actually compares it with previous years as well. This draft request number is a lot higher this year than it has ever been before. And as far as the numbers by the City of

Missoula, total bills that we were tracking including drafts that ended up not ever having any, any actual legislation attached to them, 775 total, 322 of those were introduced. I'm the one who's up here every week speaking with you but I have a total of 62 reviewers and staff who are in the system in some manner, not all of those are actively reviewing bills, some of them are, are monitoring but, but may not actually be engaging in the review, but I do not do this by myself. All of those folks are in there reading the bills and and trying to help us determine how those are going to affect our operations and how they align with our goals. And I have received a total of 807 of those staff bill reviews because many of those bills, of course, need reviews from multiple departments, multiple staffers. We have a lot of folks really busy down in our, our land use and planning department who have to give us their perspective on a lot of those bills and as far as total staff time spent lobbying and so, that's really a testimony in travel. It's direct contact with legislators, that's what we have to track and submit to the commissioner of political practices. We've spent 54 hours of that time, we don't have to track our time spent actually reviewing bills and classifying them and so that, I don't have that number, but I know that it would be a lot if we have that. So, just some, some interesting little numbers that we've got there for folks for transmittal. And with that, I'm going to jump into my usual spiel of the status of some of our bills.

Mayor Jordan Hess [inaudible] Mr. Carlino.

Alderperson Carlino Yeah, I was just wondering about the staff time, if we have a specific amount of numbers or number of hours or range of number of hours that our contract lobbyists should, should be working? Fifty-four hours in, you know, in the first two months or so, it just felt like on the low side for what we're paying, and I was just curious if, if that encompassed everything? Fifty-six hours or was it 54 hours?

Jessica Miller So, that's actual staff time spent testifying and lobbying. So, our lobbyist, that. that doesn't include our, our lobbyist time. So, we do have staff who are testifying on some of our bills. You know the lobbyist is doing all of the hallway work and all of the getting the drafts before the draft is there, sometimes it is beneficial for our staff to be the, the folks who are in the room testifying at a hearing. Again, for example, when Marty Rehbein went over last week to talk about the records bill that she had a heavy hand in drafting, it was really good to have her, her there in person speaking to that bill and how we got there and being able to answer those questions, and so, that, that amount of staff time we do have to track. Our lobbyist hours, we, we track, as far as our reporting to that, we, we report the straight dollar amount on that and I couldn't even begin to quantify the amount of time our, our lobbyist spends on, on that. I'm sure he we've probably spent 54 hours just emailing each other, let alone his time going back and forth between multiple hearings because we'll have concurrent hearings and he'll go and testify in in one hearing and then go listen to another and be popping back and forth from one to room to the next. And so, we don't have a total on those hours, but that's, that's a lot. So, the 54 hours is, is just City of Missoula staff, when we've had our folks in the room testifying and, and speaking with lobbyists and answering those questions directly.

Mayor Jordan Hess Thanks. And just while we're on the topic, I'll add that, as you mentioned, we don't have the staff time reviewing bills on there and I, just based on my observations, that's in the several hundreds if not if not thousands of hours of staff time spent on legislative issues all around. It's, it's an incredible number. Do you want to go on to the weekly or to the report of what happened last week?

Jessica Miller Okay. So, we do have a fair number of bills that we were opposing, that were deliberately tabled or failed second reading. It was kind of interesting when I was going through the status, again anything that didn't make transmittal deadline would be considered dead. When I was looking at the status updates on them, it, it seemed to me that the legislature actually took deliberate action on everything and either specifically tabled items or they went to second reading and failed on that vote, rather than just sort

of letting them die in committee by default. So, I thought that was kind of interesting that there was, there seemed to be deliberate action on all of the on all of the bills at least the ones that we were tracking. So, some of the items that failed last week was HB 618. This one was to revise laws related to special districts and that would have basically eliminated our road and park districts as we know them, that one was tabled in committee. SB 467 revising laws regulating regulation of local short-term rentals, there was some ambiguous language in there. It failed second reading, you know it's kind of unclear on whether it would have changed our regulation and our licensing requirements, but that one did fail on second reading. SB 251 would have sunset, would have either sunset our existing of voter approved to property tax levies or required reapproval votes periodically; that one was tabled. And then, SB 291 and SB 292 both would have revised the threshold for certain mill levy and bond elections and required that was the thing where it would need to be passed by more than 50% of the votes, based on what percentage of registered voters had actually voted. Those were two, two similar bills and those were both tabled in committee as well. As far as bills that we've opposed that are still moving forward that we have concerns about, HB 282 and HB 283 are both generally revising rental laws, which skew things kind of in the landlord's favor and, and make things more difficult for our renters in our tight rental market today. HB 692 and SB 12 would both require some level of, of public defender, that the city would have to contribute based on if we, there was a public defender involved in, in defending things that are City bills but we would have to determine ahead of time if we were going to ask for jail time, it, they're, they're both a little bit cumbersome moving forward. We're, we're working with the Montana League of Cities and Towns on all of those and, and trying to to get somewhere there. We have a number of bills that restrict local decision making that are still moving forward, HB 774 generally revised election laws, that's an even numbered bill or changes elections to even numbered years. SB 420 that Mr. Nugent mentioned earlier, City officials on even numbered years. HB 293 is about nicotine and vapor products, and may restrict our vaping laws that we have. SB 206 would, is exempting certain cell phone use from local ordinances, so that would restrict our cell phone law. SB 262 generally revising our licensing requirements, so those are some of our business licenses that we have that I think we've discussed in, in previous sessions and then SB 381, which was brought up earlier tonight as well requiring one Council member per Ward of first-class cities. So, those all involve local decision making, we are opposed to those, and they also are all still moving forward. There's also a handful of land use and zoning bills, these are all sort of in the category of trying to improve the housing situation, but as I think I mentioned last week, there's, there's a larger land use and zoning package, which is really more conducive to being able to, to allow communities to keep their decision making local and to grow in a way that is right for that particular community while still streamlining land use and zoning, so, we're, we're in favor of that one and and these ones are all cumbersome and difficult in zoning the whole state at once is not necessarily the best way to go about it and so those are SB 245 revised municipal zoning to allow multi-family and mixed-use development everywhere. SB 323 allow for duplex, triplex, and fourplex housing in city zoning and so, there would be no single-family neighborhoods, no single family zoning anywhere in the city. SB 331 revising condo and townhouse exemptions and again that is, is kind of in a similar vein and then SB 379 revising zoning laws, which has to do with some minimum lot sizes and some ADUs, those are all still moving forward. And then SB 406, it revises laws related to local building codes and especially excuse me especially fire codes, so our fire department has some concerns about that one. And then, SB 500 would provide a uniform duration for latecomer agreements, which essentially puts a three-year limit on some of those programs where a developer can, can build a system and then the people who, who add on to it later can, can pay the developer back for the cost of, of installing that system. It puts a three-year buyback on that and usually those take about 20 years to build out. And then, onto the good news, the items that we are supporting that are still moving forward strong. So, we have HB 6, renewable resource grants that does this currently include some funding for our storm water system. HB 76 generally revised

transportation laws that streamline some of our BARSAs funding reporting, so that's helpful for us. HB 189 revises the property tax assistance program, provides an inflationary adjustment for folks. Let's see, HB 267 is the safer account for federal highway grants, so that's another infrastructure one. HB 355 appropriate funds for local government infrastructure projects, that's another good infrastructure one still moving forward. HB 465 revising local government acceptable use of building permit fees allows us to increase the, the reserve on that a little bit in the uses of it. HB 481 increasing the rate of inflation limit for calculating property tax levies and so instead of increasing our, our rate of inflation to or instead of having our mill cap at half the rate of inflation, it increases it to the rate of inflation each year. HB 546 authorizing additional funding for coal trust loan program for housing, all the housing programs are good. SB 320 would require the refund of residential lease application fees. SB 374 revising local government public document retention, that is our bill that that we initiated to try to streamline and reduce some of the bureaucracy and red tape around that. And then, SB 382 is creating the Montana Land Use Planning Act, which is the big land use bill that streamlines everything and helps you know communities kind of grow in, in the way that's best for the community. So, there are a lot of bills still moving and that's where we're at right now, and they are on [inaudible] until Thursday, and there aren't very many hearings this week. I think I've seen two hearings on Friday and then they'll be going strong again starting next week.

Mayor Jordan Hess Great, thank you. Any questions or discussion? Ms. Anderson.

Aldersperson Anderson Thanks so much. I just want mine as a comment, not a question. I just want to say thank you so much to Jessica and all the staff. This legislative session has seen an unprecedented number of bills affecting municipal government, which is really frustrating and creates a ton of work for our staff and they've been very busy. And I literally was on Thursday night watching transmittal and had the sheet that Jessica was tracking and going through and watching bills and so, I just want to acknowledge that a thank you to that and also a frustration that the party that is in control talks a lot about small government, but yet spends a lot of time regulating people's lives and telling municipal self-governing cities how to run their operations. So, it is frustrating and creates a lot of work, but just thank you to the staff for tracking all of that and doing the really hard work advocating for Missoula.

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

Aldersperson Kristen Jordan Look at that, I lowered my hand though. I just wanted to echo, Ms. Anderson's comments. Jessica, what you're doing in helping us stay on top of these bills is really helpful to me and I just want to say thank you to you and your staff for, for doing this. I appreciate it very much.

Mayor Jordan Hess Thanks. Anyone else? All right, thank you Jessica, appreciate the update as always and we can move on.

**12. COMMUNICATIONS FROM THE MAYOR**

None

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

Mayor Jordan Hess We'll start, we'll start at this end tonight with Mr. Nugent on comments from City Council members.

Aldersperson Mike Nugent I will pass tonight Mr. Mayor.

Mayor Jordan Hess Mr. Contos.

Aldersperson Contos I'll pass, thank you.

Mayor Jordan Hess Mr. Carlino.

Alderson Carlino Pass.

Mayor Jordan Hess Ms. Anderson.

Alderson Anderson Pass.

Mayor Jordan Hess Ms. Vasecka.

Alderson Vasecka Pass.

Mayor Jordan Hess Ms. Sherrill.

Alderson Sherrill I want to say something. I'm going to be really quick. I want to just thank our staff and kind of celebrate the fact that we've had two new administrative policies related to our climate goals recently. One is a sustainable building policy, as well as a vehicle reduction, emission reduction policy. So, I'm excited about these. I'm going to be, we're going to be bringing them forward for discussion. Don't ask me all the questions because I won't know all the answers, but they will. So, I'm excited to bring these forward in Climate, Conservation and Parks, so be looking forward to that.

Mayor Jordan Hess Ms. Becerra.

Alderson Becerra Pass.

Mayor Jordan Hess And Ms. Jordan.

Alderson Kristen Jordan I'll pass, thanks.

Mayor Jordan Hess And Ms. Farmer.

Alderson Farmer I'll also pass, thanks.

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

**14.1 Administratively approved agreement report**

**15. ADJOURNMENT**

Mayor Jordan Hess We will be adjourned. Thank you for your service everyone.

The meeting adjourned at 7:49 p.m.

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

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Jordan Hess, Mayor