

# Journal of Proceedings

## Missoula City Council

June 12, 2023, 6:00 pm

Council Chambers (in person) or TEAMS (virtually)

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

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

Members Absent: Stacie Anderson

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

Mayor Jordan Hess We have no minutes to approve tonight.

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

Mayor Jordan Hess We can move on to public comment on items not listed on the agenda. Anyone want to make a comment on something not on our agenda? Mr. Moore you're hesitating. Come on up.

Bob Moore Bob Moore m-o-o-r-e. I guess I got a lot of requests today. I went out Sunday to see the Marshall Mountains that I understand as being a consideration for buying. I want to put in my two cents to that. I don't want you to buy the mountain. It's a total waste. The reason that somebody wants to sell it is there's somebody in the city who wants to sit and get their hands on it, or whatever they're doing. It is an inappropriate asset for the City of Missoula. Completely 100% unnecessary and not needed. Time that same place got fixed up and so forth three million, four million, somebody want to make a guess five million dollars while there's thousands of things to be prepared before. I guess I must not understand what TIF is. Like I asked the mayor several times to fix my blight and he still hasn't done it. So either I didn't understand blight or he doesn't understand blight. Because I'm sure he wouldn't fail to do it if he ran across blight. City council went all around the shopping center, oh yeah all this is blight. Blight, blight, blight. None of it was blight but still we managed to give away ten million dollars plus or minus a few. If anybody would pick up this brochure that the I guess the MRA fixed it up. They got in there what the definition of what is the blight and maybe you can show me next time. If there is such a thing as blight why hasn't it been fixed for the last 50 years or whatever it's been, needed as blight. Anybody else want to help me understand what blight is? I guess nobody does. Like the three million plus several million dollars that were needed for the Marshall Mountain. I got this long letter amongst other letters.

Mayor Jordan Hess Mr. Moore you're at three minutes you could save the letter for next week if you would.

Bob Moore Okay okay I'll do that if you bring me the definition of blight.

Mayor Jordan Hess Anyone else tonight for general public comment. Come on up.

Barbara Pulley I've been here before so you recognize me. I'm mainly asking some general information that I think that the public should have and a lot of this is all related to the homeless. How many people have moved here from out of state or non-Missoula residents that have moved here. I was wondering some statistics as to what caused them to be homeless. Whether it was domestic abuse or disability or being let go, being evicted or have been forced to be homeless due to rent hikes. How many are families. How many are with children and how many are veterans, you know. And how many persons are going to be able to be in the new planned housing. There's just a lot of information that I wish that maybe it's the Missoulian's fault, I'm not sure, or the reporter's fault but the general public would be nice to know what's happening with a lot of the stuff with the homeless. And I was wondering if you could provide last year's annuals City government's cost to providing assistance including the Affordable Housing Trust Fund. How much is the total dollars in one year for the homeless? Another one is how many are mentally disabled and how many are physically disabled? And in this latest Debt Provisions they're coming out and saying that next year whatever that is, that people that are age 50 to 55 who are physically able have to work 80 hours in order to get their SNAP benefits and I'm thinking okay you guys are going to have to be planning on this being able to either put them to work or finding out how many are affected by this provision of ages 50 to 55. And they've excluded the disabled and the veterans but that's one of the other things. At last week's city council I heard the issue of river pollution due to the garbage and human waste and drug waste by camping below the bridges. I was wondering if your emergency funding that you're going to be doing is to be away from the rivers where you're going to go and I was thinking that Marshall Mountain should be one that should be considered. I was just talking to Gwen and she bus routes may need to be something for the homeless to be able to access the city if they are working in the city. The bus is in east Missoula and Marshall Mountain's not that far away, so maybe that's a possibility. I talked to someone in the crisis team over at McCloud Park last week and they said the biggest problem is

getting an organization to monitor the shelter. I'm not sure what all the issues are but I just general information on the homeless. I was listening to PBS and Mayor Bass in LA has 40,000 homeless. They're putting them into hotels and malls, and underutilized commercial buildings. So then it brought me to wondering what are you guys going to be doing with the public library? Are you putting it up for sale? are you going to use that for housing? Just some general information I wanted.

Mayor Jordan Hess Thank you we can we have much of that and we can follow up. And you know one thing that I forgot to mention is we're asking people to spell their last name now so if you could just spell it.

Barbara Pulley It's Barbara pulley p-u-l-l-e-y.

Mayor Jordan Hess Thank you Ms. Pulley. We'll follow up with some of that. Also for anyone listening our [engagemissoula.com](http://engagemissoula.com) is a City website that has a lot of good information on it on this in particular and we'll follow up directly with the information you've requested. Ms. Harrison.

Allie Harrison My name is Allie Harrison, Ward 3, h-a-r-r-i-s-o-n. Missoula's future belongs to those with vision. As Theodore Roosevelt said best it is not the critic who counts, not the man who points out how the strong man stumbles or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena. Thank you for being in the arena. I know you've all received a lot of criticism but you don't receive enough encouragement. I've come today to say thank you. I believe it's time to stop cursing the darkness and instead to light a candle. Missoula stands at a great crossroads today. While in some ways we are indeed in a state of emergency we are also on the precipice of finding the most innovative solutions to the most challenging problems we face and together putting divisions aside I believe love will prevail. I believe there's a tidal wave of compassion about to flood Missoula and all of us are a part of that. Thank you for being the answer that we need.

Mayor Jordan Hess Thank you Ms. Harrison. Anyone else in the room tonight for general public comment. If you'd like you're welcome to step on up, go right ahead. We just ask you to give us your name and spell your last name and keep it to about three minutes please.

Bob Charles My name is Bob Charles and I've been here my whole life. I'm retired from the City of Missoula in the state of Montana. I'm just here to address the homeless problem and I know a lot of people are and you're getting emails. But contrary to the belief most of these people are not Missoula homeless. They're transients. They come here to live off us. They choose to live off us. They don't want to work. If you will look at their age they're all 20s and 30s. They're not looking for jobs. They put their picture and stuff on the front page but the reporters never ask them are you looking for a job or do you want one, because there are plenty of them. You see that people on the corner panhandling? They are all in their 20s and 30s. And Missoula is becoming a cesspool. They are contacting other people in Seattle and Portland and it's going to keep pouring in. It's a crisis here yes but not humanitarian. I agree you can't do anything about criminalizing the camping but you can the other crimes. There's vandalizing, there's littering, there's urinating and defecating in public, there's alcohol, drugs, assaults. There's all kinds of things that can be enforced that would be against the taxpaying public and it's not being done. This is just inviting them here and it's got to come to a head sometime. When they're not in their bedrolls at two or three in the morning they're out stealing because I've arrested them, I know. You've looked for things that aren't tied down that they can pawn for drugs and alcohol. And I'm sorry people please don't turn a deaf ear to this because the public is getting more and more and more worked up about it and we're tired of paying for these people. We raised our families working two to three jobs and are gone and now we're on fixed incomes and things keep going up and up and up to take care of the homeless, the transients. That's not right. I mean that security the six and seven hundred thousand dollars for security could go to the police department, the street department, many different things in this city besides opening another shelter for the transients. I'm sorry I'm not, turn on a deaf ear to the truly homeless ones that need a leg up, that's fine, but not the transients and they will keep coming and coming and coming. So there's got to be something done. Something's got to be enforced and there's a lot of different things besides the camping. Thank you.

Mayor Jordan Hess Thank you sir. Thanks for your comments. Anyone else tonight? Okay seeing no one else in the room I have one online commenter. Andrew?

Andrew Richards Yeah good evening can you hear me okay.

Mayor Jordan Hess Yes we can.

Andrew Richards Great thank you so much for taking time to listen to my comment. I'm calling, Mike Nugent is aware. I'm a Fairviews resident my full name is Andrew Richards last name r-i-c-h-a-r-d-s. I'm calling about Mountain Lion and their removal of bus stops on High Park Way. First off the communication was really poor but that's not the main topic here. The topic is safety. Mayor Hess released your bold priorities that you see in the future, community safety was at the top and this is definitely a safety issue. They removed the bus stop that was at Parkview Way and Hyde Park Way at that Junction and they moved it to Whitaker. Okay that's fine, however, there's no pedestrian pathway at High Park Way. If it's like this someone's going to get injured. I mean it's fine you do it in June what about January. There's no lights. There's ice, there's snow. It's really a safety issue. It could be your parents walking there. It could be your children all ages use this bus stop and to see them remove it, it would not have a pedestrian walkway it's really going to cause an accident and I really ask anyone that's interested come meet me. Let's meet up. I'll walk that road with you and you can see if that's safe or not to have the public walking there on the bus stop. I really ask that you look into this, assess the safety hazards and please get that bus stop moved back in. One additional comment you know we just passed that levy for increased services for Mountain Lion and to see them remove these bus stops without taking public comment it's really disheartening. So thank you very much for your time. I really hope you take the safety concern seriously and thank you very much. Have a good evening.

Mayor Jordan Hess Thank you Mr. Richards. Thank you for your comments. I see no additional public comment so we can move on to our schedule of committee meetings.

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

Marty Rehbein Next week is Juneteenth and so city council will not be meeting on June 19<sup>th</sup>. It is a holiday for city employees and federal holiday and so we're setting up committee meetings for the next two weeks.

Public, Safety, and Health and Operations Committee, June 14, 10:00 a.m. – Noon.

Budget and Finance Committee, June 14, 1:00 p.m. – 1:45 p.m.

Public Works and Mobility Committee, June 14, 2:00 p.m. – 2:30 p.m.

Housing, Redevelopment, and Community Programs Committee, June 14, 2:45 p.m. – 3:45 p.m.

Public Works and Mobility Committee, June 21, 9:15 a.m. – 11:15 a.m.

Committee of the Whole, June 21, 1:45 p.m. – 2:30 p.m.

Land Use and Planning Committee, June 21, 2:45 p.m. – 3:45 p.m.

The city council members will be attending the Missoula Downtown Association's annual luncheon, coming Wednesday. It's going to take place at the new Missoula Public Library and it is from 11:30 a.m. – 1:30 p.m., June 21.

Mayor Jordan Hess Thank you Ms. Rehbein. Are there any changes? Seeing none that will stand as announced and we can move on to our Consent Agenda. Items on our Consent Agenda were generally approved unanimously in city council committees and we save time here at our Monday council meetings by taking the items up as a package. Ms. Rehbein will read the list aloud and then we will take community comment before we vote.

**5. CONSENT AGENDA**

Marty Rehbein I'm going to note for the record Ms. Sherrill is now in attendance as well.

Mayor Jordan Hess Thank you for that.

Mayor Jordan Hess Is there any public comment on items of the Consent Agenda?

Seeing none in the room, I do have one online. Mr. Hunt. Mr. Hunt are you able to unmute? It appears as though Mr. Hunt may not be able to unmute. Ms. Rehbein could you read the phone numbers in case he needs those?

Marty Rehbein I'd be happy to hang on just a moment. For anybody who ever has trouble unmuting their computer and getting their speakers to work with all the technology you can always call into our meeting that phone number is 406-384-6960. I'll repeat it, 406 -384 -6960. The meeting ID for city council always, doesn't change week to week is 387736445#. I'll repeat that, it's 387736445#.

Mayor Jordan Hess Thank you Ms. Rehbein, Mr. Hunt I see your hand up again. You can go ahead and try to unmute again. If not you're welcome to call us. So Mr. Hunt you're welcome to give us a call at the number Ms. Rehbein listed and I'll watch for that in the meantime one more call for any additional online or in the room public comment. Seeing none, I'm sorry, if you'd like

to come up you're welcome to come on up if you'd like to make a comment. Any discussion from council? Ms. Vasecka.

Alderperson Vasecka I just wanted to say congratulations to soon to be Chief Colyer. I'm very happy that council decided to appoint you to this position so congrats.

Mayor Jordan Hess Anyone else?

Mayor Jordan Hess I just want to brag on Chief Colyer a little bit as well. Chief Colyer has been with the Missoula Police Department for a number of years. He grew up here in Missoula and attended the University of Montana along with North Idaho College where he received a degree in law enforcement and he started out at the Coeur d'Alene police department but he's been here in Missoula since 1996 in the Missoula Police Department. He started out as a patrol officer and worked his way up through the department holding a number of roles and gaining really intimate familiarity with the Department. He was a motorcycle officer in the traffic unit and the field training officer and then he was promoted to Sergeant in 2001 where he supervised uniform Patrol teams, the traffic unit and the street crimes unit. He was promoted again to Lieutenant in 2008 and he served in the office of Professional Standards where he was responsible for citizen complaint investigation, internal investigations, recruiting, and new officer hiring. In 2011 he graduated from the FBI National Academy and later that year was promoted to Captain and was assigned to the detective division. He led the work that guided the Missoula Police Department with the U.S Department of Justice to reform MPD's response to sexual assault and was in that division until he was transferred over to serve as the administrative Captain where he oversaw the office of Professional Standards, the property and evidence unit, the records unit, the police support Specialists and the training program. He's served as our interim Chief now twice and has served in that role with distinction. I really enjoyed getting to know Chief Colyer. I found him to be intelligent and thoughtful and compassionate and I think that he cares about the department and that he cares about our community and that those are attributes that show through in his work every day. I couldn't be more confident in my choice and I couldn't be more confident in the work that he'll do moving forward and I'm really grateful to present his appointment for your confirmation. I want to thank the council members who served on the hiring process as well as members of the department and the number of external stakeholders who served as well. I don't see any additional comments so we can have our roll call vote Ms. Rehbein on the Consent Agenda.

Mayor Jordan Hess Please join me in congratulating our new police chief.

Mike Colyer Are you waving me up here?

Mayor Jordan Hess You're welcome to make remarks if you'd like or you're welcome to shake everyone's hand or both.

Mike Colyer We'll make a quick remark if that's okay. Thank you Mayor Hess and Council. I'm just completely honored to be here and humbled at the faith that you showed me to lead our department. They do great things every day as all of you know and to have the opportunity to support and lead all of them is quite an opportunity. I say all of them because I think oftentimes you know we see on the news and in the media and they make movies about what the cops do, the badges do but we have reserve officers, we have non-sworn people in the field, we have non-sworn people in the department, and all of them collectively make the work happen and so I am going to make a point to myself here moving forward to recognize all the members of our team. So speaking of team I never set out to be the police chief. As a new cop I thought walking in if the biggest accomplishment I could make would be to be the badge number on the briefing board when other officers walked in they're happy to see me as part of the team, thought if I'd get that done in a career that's a successful career and so I've carried that forward and you know as a sergeant I wanted to be part of that team and as a lieutenant I want to be part of that team and now I kind of find myself I want to be part of this team with Council. I want to be the name on the lineup that you guys see as part of the working group and you're happy with that and be a team member with all of our department heads. So again thank you so much for all the faith that you've

put in me and I couldn't be here tonight without the support of my family and past and current leadership within the city police department. I appreciate everything that they've done to help nudge me along this far, so thank you.

Mayor Jordan Hess Thank you Chief, and congratulations. Hey it's official congratulations. Thank you Chief.

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

ABSENT: (1): Alderperson Anderson

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

**5.1 Accounts Payable (claims) for checks dated June 13, 2023**

Approve accounts payable in the amount of \$10,325,686.15 for checks dated June 13, 2023.

**Vote result: Approved**

**5.2 Appointment to the Affordable Housing Resident Oversight Committee**

Appoint Matt Evans to serve as a voting member (Community Member) on the Affordable Housing Resident Oversight Committee with a term beginning June 1, 2023 and ending on May 31, 2026.

**Vote result: Approved**

Appoint Julie Pavlish to serve as a voting member (Housing/Real Estate) on the Affordable Housing Resident Oversight Committee with a term beginning June 1, 2023 and ending on May 31, 2026.

**Vote result: Approved**

**5.3 Contract Change Request - Office 365 Planning & Implementation**

Approve and authorize the Mayor to sign the change request form with Withum Smith & Brown, PC for O365 planning and implementation, in the amount of \$100,000.00

**Vote result: Approved**

**5.4 Resolution amending Animal Control fees**

Set a public hearing on June 26, 2023, on a resolution amending Animal Control fees.

**Vote result: Approved**

**5.5 Confirm Mike Colyer as New Police Chief**

Confirm the Mayor's appointment of Mike Colyer as the City of Missoula's Police Chief.

**Vote result: Approved**

**5.6 Clean Electricity Interlocal Agreement Amendment No.1**

Approve and authorize the Mayor to sign this amendment to our interlocal agreement with Missoula County and the City of Bozeman to continue working with our mutually secured consultant on a green power program that meaningfully advances our shared clean energy goals in the amount of \$55,000.

**Vote result: Approved**

**5.7 Resolution Relating to \$420,000 Storm Water System Revenue Bond (DNRC Water Pollution Control State Revolving Loan Program), Series 2023; Authorizing the Issuance and Fixing the Terms and Conditions Thereof**

Adopt a Resolution Relating to \$420,000 Storm Water System Revenue Bond (DNRC Water Pollution Control State Revolving Loan Program), Series 2023; Authorizing the Issuance and Fixing the Terms and Conditions Thereof

**Vote result: Approved**

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

**7. SPECIAL PRESENTATIONS AND PROCLAMATIONS**

**7.1 Proclamation - Missoula Pollinator Week**

Mayor Jordan Hess We do have two special proclamations.

WHEREAS the city of Missoula has partnered with the National Wildlife Federation to promote the creation and conservation of wildlife habitats throughout the Garden City and WHEREAS our local pollinating hummingbirds, bees, beetles, flies, moths, and butterflies are essential for maintaining healthy and biodiverse ecosystems and WHEREAS pollination allows plants that form the foundation of the food chain for other species including humans to reproduce and WHEREAS pollination plays a vital role in the health of our forests and grasslands which provide forage, fish and wildlife, timber, water, mineral resources and recreational opportunities as well as enhanced economic development opportunities for communities and WHEREAS the active gardening for wildlife promotes sustainable gardening practices such as soil and water conservation, organic practices, and control of exotic species all of which to help restore healthy soil air and water the native pollinators rely upon. Now therefore I Jordan Hess, Mayor of the City of Missoula in the state of Montana to hereby proclaim the week of June 20th through 26th as Missoula Pollinator Week.

I'm grateful to the folks who presented that. Do we have anyone here to speak for that? I don't believe we do.

**7.2 Proclamation - Juneteenth Independence Day**

Mayor Jordan Hess Our other Proclamation, joint Proclamation with Missoula County and the City of Missoula.

WHEREAS Missoula County and the City of Missoula acknowledge the lasting impacts of racism in the United States fueled largely by the horrific institution of slavery and WHEREAS news of the end of slavery did not reach frontier areas of the United States for more than two years after President Lincoln's Emancipation Proclamation on January 1st 1863 and months after the conclusion of the Civil War. WHEREAS on June 19, 1865 Union Soldiers led by Major General Gordon Granger arrived in Galveston Texas with the news that the Civil War had ended and that the enslaved people were free. And WHEREAS African Americans who had been slaves in the southwest celebrated June 19th commonly known as Juneteenth Independence Day as the anniversary of their

emancipation, and WHEREAS African Americans from the southwest and across the country continued the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations. And WHEREAS for more than 150 years Juneteenth Independence Day celebrations have been held to honor African-American Freedom while encouraging self-development respect and dignity for all people. And WHEREAS the strength of character, faith, and resilience demonstrated by former slaves remains an example for all people of the United States regardless of background religion or race. And WHEREAS the character demonstrated by former slaves should inspire us in this country to give thanks for the freedom won by so many people in all nations and to strive for the goals of bringing freedom and democracy to people of other countries no matter what their race or religion. And WHEREAS although Juneteenth Independence Day is beginning to be recognized as the National and even global event the history behind this celebration should not be forgotten. And WHEREAS Montana proudly joins 47 States and the District of Columbia in observing Juneteenth as a state or ceremonial holiday therefore be it resolved that we Missoula County and the City of Missoula do hereby proclaim the 19th of June as Juneteenth Independence Day to commemorate African-American emancipation from slavery and to celebrate the freedom won by people in many countries and to rededicate ourselves to the cause of liberty.

I invite our community to participate in a number of activities to celebrate and commemorate Juneteenth held throughout the community next Monday and grateful for those occurring.

**8. FINAL CONSIDERATION**

**9. PUBLIC HEARINGS**

**9.1 Sapphire Place Annexation, Rezoning, Subdivision, & Master Site Plan**

Mayor Jordan Hess We do have a public hearing which is the Sapphire Place annexation rezoning subdivision and master site plan. We have Dave Degrandpre here with our staff report and this public hearing we open the public hearing tonight and we'll take this up for final consideration on June 26<sup>th</sup>.

Mr. Degrandpre Thank you Mayor Hess. I'm sharing my screen now and we'll get started. Good evening I'm Dave Degrandpre planning supervisor with CPDI. I'm here to facilitate your review of the Sapphire Place annexation major subdivision and master site plan. The property is located just west of Flynn Lane and Mary Jane Boulevard, in Sxwtpqyen neighborhoods master plan area. Summit Beverage and the new veteran's administration clinic are to the north. The 260 lot West End home subdivision which the Council reviewed in December is to the South. And the Icon Apartment Homes subdivision is to the West. The icon project is in staff review currently. The council will review it in August. The parcel is not currently in the city limits. City limits on the map is shown in the pink tone. Annexation and Zoning upon annexation are elements of this project. The city has an adopted annexation policy and the property is located in annexation area A. Areas designated annexation area A largely meet the guidelines of the city's annexation policy and are prioritized for annexation. Annexation of this property would fill a gap left by previous annexations and results in orderly development. Plans for the property are to extend sewer. water and transportation infrastructure in accordance with City standards which the annexation policy also supports. The property contains 18.73 acres of land that was part of the larger Dougherty Ranch. The site is relatively flat containing a historic ranch home and outbuildings, an orchard and some of the largest Ponderosa Pine and Douglas birch trees in the Missoula Valley. An irrigation ditch runs West and Southwest across the property. These are images of the Doherty Ranch residences and icehouse. The style of architecture is American Foursquare or Prairie box and buildings were built in the early part of the 20<sup>th</sup> century between 1910 and 1920. The Montana State historic preservation officer determined that the buildings are eligible to be listed on the national



register of historic places. The buildings have retained their integrity and are proposed to be refurbished and remain on site as an element of meeting the Parkland dedication requirement for subdivisions. Here are a couple of photos of the marvelous pine and birch trees on the property which are proposed to be preserved as in one of the open spaces as part of the master site plan. The slide here shows the preliminary plat. The subdivision includes 39 lots and six open spaces/common areas that are intended to support approximately 300 residential units in buildings of a variety of types and scales. Several new streets and alleys are proposed to provide access to the lots of future buildings. The streets are intended to connect to future developments in all directions. The subdivision also includes a portion of the Flynn Trail which is planned to be a new multi-use path part of the Build Grant Project to extend from the future Grant Creek Trail to the Northwest all the way down through this property and then heading south along Flynn Lane to Hellgate Elementary and Middle School to the South. The average lot size in the subdivision is 0.36 acres and the overall residential density is 16 dwelling units per acre. This image shows the master site plan. I'll get into some of the details of development that's proposed as a part of this. The properties accessed from Flynn Lane at two locations. The north is Sapphire Lane running west from Flynn and near the South is a new street called Pine Butte Boulevard. Four new streets are proposed including those I just mentioned as well as Roper Way which is the main North South street running through more or less the center of the property and in the southwest a short extension of Burnett Drive which is planned to connect to the West End home subdivision again that you recently approved. Access to all buildings is proposed to come from rear alleys as well as sidewalks and trails along the building fronts. There are several open spaces that you can see shaded green the historic residence and icehouse is located in the center of the property on Lot 21 and the large trees are located in the open space called Open Space 4 that surrounds the historic residence. There's one small pedestrian access that would run up between Lots five and six headed from Sapphire Lane to a new Trail Street along the North Boundary of the property that I'll mention but I'll talk about it in greater detail here in a minute. This is an illustrative landscape plan exhibit showing what the eventual plan is. So the developer Cathcart Group is proposing to entitle all of these Lots, rezone the property and annex the property of course then build the homes, the streets, the sidewalks, the trails and the Park and Recreation facilities. There are a number of different building types there are duplexes. There are larger multi-family units etc., a proposed clubhouse and pool area and other recreation areas are part of the plan as well. And to the north I mentioned there's a Trail Street this is along the North Boundary of the property. Trail Street in this area is considered a street type even though it's really for pedestrian and bicycle type purposes and the developer will build that if this project moves forward as a portion of the subdivision related improvements. So speaking of subdivisions to review a subdivision there are several criteria that the governing body in this case the city council must consider. Subdivisions must conclude the consideration of the growth policy and zoning, impacts to agriculture, agriculture water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety and these are the review criteria that are evaluated in detail in the staff report but I'll go through them in short over the next couple of minutes. So, this is the second project that city council has reviewed that's located in the Sxwtpqyen neighborhood's master plan area. Sxwtpqyen neighborhoods master plan area is the applicable Regional plan or growth policy. The master plan requires development based on neighborhood unit types. You can think of neighborhood unit types like a future land use map designation in the growth policy, and the property is predominantly in a town center neighborhood unit. This neighborhood unit is intended to provide a mix of residential and commercial uses within an urban setting. When a subdivision or a property is located in more than one unit the developer has the option of choosing the unit where the majority of the parcel is located. In this case again town center neighborhood unit is where the majority of the property is located and the developer has chosen to apply those rules to this subdivision development. The Sxwtpqyen Neighborhoods form-based code which is the Missoula Title 21 zoning code requires specific percentages of zoning districts or transects based

on the neighborhood unit type. The transects are located in the far left column here, you can see in green O which stands for open space, T3 is a more rural transect it's residential that allows a density of six to eight dwelling units per acre, and T4 is a residential and commercial district, T4R, R stands for restricted is a largely residential district of urban scale and then T5 shown in red is the most urban of all of the transects or zoning districts in this area. It allows for a wide range of uses with buildings up to five stories tall, so it's a more urban area. The form-based code also requires at least three residential building types to be provided for each transect to encourage changes in scale and of different residential types, changes in form as the form-based code mentions. So, this table here is really critical in evaluating compliance with the zoning. Suffice to say that all blocks, lots and development specifications within the subdivision comply with the form-based code based on a detailed staff review. And if you'd like me to go into greater detail on that I certainly can. Other criteria for subdivisions, agriculture and agricultural water user facilities, the parcel has been used for hay production and has soil types designated as prime farmland if irrigating. The irrigation ditch runs across the property which is proposed to be buried and continued to supply water to downstream properties. Essentially the ditch would be culverted instead. There are water rights associated with the property and they are planned to be severed from these 18.73 acres and retained by the current landowner. The development of this parcel the subject property is not expected to impact water availability or other properties and there are several conditions of approval to address this issue. Other criteria include local services, public health and safety. City Water and Sewer and private Solid Waste Services are available to the site. The Parkland dedication requirement is planned to be met via open space parcels and the preservation and reuse of the historic structures as well as the preservation of important natural resources, the big trees that I mentioned earlier and these elements are encouraged under the subdivision regulations and have been scrutinized and found to be appropriate by the city's Parks and Rec Department. Hellgate elementary, middle school as well as Big Sky High School did not respond to a request for comment regarding the potential impacts of the development on school facilities and services but City fire and police will serve the subdivision in installation of additional fire hydrants to serve the development is a recommended condition of approval that would be reviewed and approved by the city Fire Department. The form-based code includes different street types and those typically required under the subdivision regulations. The specific characteristics of the different streets are based on the types of future development envisioned within each of the transects or zoning districts. I mentioned Flynn Lane earlier which runs the length of the property along the east as well as a little bit in the northeast corner of the property. It runs to the South. The subdivider will be required to provide improvements along the property frontage including dedication of additional right-of-way, driving lane, curb and gutter, a landscaped boulevard, street trees, storm water retention, and a bicycle and pedestrian path. I mentioned the interior streets and alleys earlier the developer would be required to construct those streets in compliance with the form-based code. Sidewalks are included along all streets and I mentioned the Flynn Trail earlier that would run from the West Property boundary through the subject property to the East and then along Flynn Lane heading south. The streets are all proposed to be built by the developer and dedicated to the public. In other words the City of Missoula or ongoing maintenance. Alleys would be maintained privately. No potentially significant adverse impacts to the natural environment, wildlife or wildlife habitat are foreseen as a result of the subdivision. There's no flood plain, no steep slopes or other natural hazards, no surface water, riparian vegetation. There is the potential for high ground water, however. As part of the Mullen build project a portion of Grant Creek is proposed to be realigned into a more natural path. This project could result in changes to groundwater in the area so staff proposes a condition stating that basements are prohibited unless and until the subdivider can provide adequate data to prove they're safe to construct. Noxious weed management plan and re-vegetation plan were included as part of the application packet. Additionally a biological assessment of the area was conducted as part of the Mullen build project. This assessment was used in the development of the Sxwtpqyen

Neighborhoods master plan slating this area for development. There is one variance request from the city subdivision regulations and that is the subdivision regulations require that each lot abuts on and has access to a public or private street or road. So lot 24 and 25 you can see here surrounded in red do not abut a street while lot 26 only partially abuts onto Flynn Trail which a Flynn Trail although it's a pedestrian glass access under the form-based code qualifies as a street type. Access to the future structures on those lots shown as duplexes on the master site plan are planned to come from the rear alley of sufficient width to provide fire department access. Alleys are not considered to be streets in the form-based code so a variance is requested. There are six review criteria to consider when granting a variance. First is impacts to the public health, safety and welfare. In this case suitable fire department access and fire hydrants are available or will be available throughout the subdivision. Motorized and non-motorized transportation will be available to all Lots based on the site plan and conditions of approval and therefore the granting the variance would not result in a threat to public health, safety or welfare. I'm going to take #2 and 3 together. The conditions unique to the property as well as undue hardship which would result in the application of the variance were not granted. You can see along the west side of the property there's a funky angle. It's not a square in other words. Not right angles. So this unique shape of the property as well as the planned route of the Flynn Trail and the form-based code requirements that homes front onto streets or face public streets and parks as well as the requirement that alleys provide vehicular access to the rear of structures are all conditions that are unique to the property and would result in an undue hardship if the variance is not granted. Number 4 the variance will not in any manner violate the provisions of the zoning ordinance or the growth policy. Five because all the streets and alleys and trails and sidewalks are going to be built by the developer there will not be an increase in public costs if this variance is granted and lastly the hardship was not created by the applicant or their agents. Again it results from the unique shape of the property, the planned route of the Flynn Trail, the requirement that homes front onto streets and parks and the requirement that alleys provide access to the structures. So staff has recommended and the planning board has also recommended the council approve this variance request. 33 recommended conditions of approval for both annexation and the subdivision they're really for the most part quite standard but to go over a few of them here dedication of right away for Flynn Lane, and installation of half street improvements along the property, installation of sewer, water, storm water all other street and alley improvements including the Flynn Trail and the trail street that I mentioned earlier, multiple accesses to all lots. parkland dedication and historic preservation as I spoke of earlier, fire hydrant installation etc. So there are a few motions that Council will take up in the LUP Committee on the 21<sup>st</sup>. Annexation would be the first one so staff has recommended council adopt a resolution to annex the property and the annexation would become effective upon satisfactory completion of all conditions of annexation and approval of the final subdivision plan. Next the subdivision, both the planning board and staff recommended approval of the variance requests that I just spoke of and staff recommended approval or recommends approval of the Sapphire Place Subdivision preliminary plan application and master site plan, again subject to the recommended conditions of approval based on the findings of facts and conclusions of law in the staff report. I mentioned the planning board so last Tuesday night the planning board held a public hearing and unanimously recommended approval of the various requests. However a motion was made to approve or recommend approval of the subdivision and master site plan and that resulted in a tie vote four to four. Under the bylaws of the planning board it's essentially no recommendation but the application continues onto city council. There was a great discussion. I think some of the board members lamented the lack of mixture of uses in this subdivision, what's proposed here. I mentioned the different transects earlier about 100 lineal feet is proposed to be used for commercial in the T5 area, not a huge amount of mixed uses and we don't have a lot of detail on what the market might want or what the developer might propose so I think the board members were thinking that more commercial would be helpful to reduce vehicle trips to provide

greater community in this neighborhood this new neighborhood as it develops etc. The board also was uncertain how this development kind of fits in with other developments that's being proposed in the area. As you know the properties right out here are green fields right now and they haven't been developed yet so there's just kind of some head-scratching thinking about how all these developments might fit together. Board members also not being super familiar with historic preservation requirements ask Council to look at the conditions and there are three of them regarding historic preservation to see if they are sufficient to meet City's policies. However, board members also recognize the need for rental housing and so while some felt that this application or development is imperfect other members thought that the meeting the demand for housing certainly outweighed the demand. And lastly several board members stated that and recognize that this proposal does comply with the review criteria. And so the planning board did not have access to this map. This is something that IMEG sent in to show context and so there are three developments now that have been proposed in this area. The one that we're looking at now is the lighter shade surrounded by white. This is the Sapphire one with the star right here in the center. The star where the historic home would be located. And then to the south of that is West End homes you can see there's a street connection that's made and then in pink actually along the East boundary of that project is the Flynn Trail you can see how it would come up through this project and then head out to the west and ultimately the north along the forthcoming Icon apartment homes project. So you can see that these plans are starting to come together. We're getting a sense of how these new developments might occur. The green shade shows parkland area and the yellow shows commercial and so this is the Sapphire Project again near the star. There's a yellow area where the clubhouse and some commercials are proposed and then also in Braxton coming up here later this summer there's some dedicated commercial there. So I think without having resources like this it's kind of hard to see you know when you have a one-off project one application at a time it's kind of hard to see how everything works together. But in any event that's now available and so that concludes my presentation. I thank you for your time and attention and I'm happy to answer any questions or we can keep this moving. I know IMEG and the developer is here also to introduce themselves.

Mayor Jordan Hess Thank you Mr. Degrandpre. Would the development team like to come up and say a few words?

Joe Dehnert Absolutely thanks. My name is Joe Dehnert d-e-h-n-e-r-t for IMEG here in Missoula and we are representing the Cathcart Group the development team for the Sapphire Place major subdivision and actually Dan Lamay with the Cathcart Group is going to share a few things with you all, say a few words and then I'll come back up to the podium if that's okay.

Mayor Jordan Hess Great thank you. Mr. Lamay.

Dan Lamay Well good evening. As Joe mentioned my name is Dan Lamay that's l-a-m-a-y. I am the vice president of development and pre-construction for the Cathcart Group and I'm here tonight to obviously speak on behalf of the applicant for the Sapphire Place subdivision. Based on the previous presentation last week we thought it might be helpful to provide this body with a bit of an overview about who we are and sort of what we do. The Cathcart Group is a family-owned, vertically integrated real estate company providing development construction and property management services all within our larger umbrella. We have been in business for almost 40 years and over that time we have grown to have almost 3900 units under management. Our primary focus is on garden style open breezeway non-elevator buildings that are generally three stories in height and sometimes have included basements or terrace levels depending on the site-specific grades. Obviously with the topography of the Sapphire Place site we are not contemplating basements at this time so that's not presently part of our vision for this site. I do have three quick slides to provide hopefully a little better context as to what some of our properties in our portfolio look like and we would expect a similar level of finishes with

Sapphire Place. The first slide is for the Reserve at Rivington. This is a 276 unit development that was completed in the fall of 2021. The 276 units are constructed in eight primary residential buildings on approximately 18 ½ acres of land and this project similar to Sapphire include a centrally located clubhouse. The next slide is for the Reserve at Daleville. This is a 188 unit multi-family development that was completed in mid-2020. The 188 units are constructed in five primary residential buildings and two duplex style buildings. Those would be similar to the buildings that were just reviewed for our Sapphire Place subdivision. This project is constructed on about 12 acres of land and similar to my previous slide this property also features a centrally located clubhouse as well. The last slide I have is for a two-phase development that totals 408 units. The initial phase was completed in 2015 and the most recent phase was completed in 2018. And again similar to my previous two examples this property features a centrally located clubhouse as well. One of the distinguishing attributes of our portfolio we think is our commitment to quality. We strive to develop assets that we're able to manage and operate to high standards because we are long-term asset owners. We are not fee-based developers looking to flip a deal. We believe that our approach to managing for the long term allows us to create properties that offer high quality amenity packages while also providing our residents with a high degree of customer service. We also believe that this long-term focus allows us to develop our communities in a cohesive and holistic way to create spaces for our residents to live, work, play and recreate. It's not uncommon for our communities to have employees that also live in the community that they work within and this is especially true with our approach on Sapphire Place. We believe that the agriform development that was just discussed to our South and the future plans for additional commercial on properties through the west and north of our site will be complimentary in use and that we are well positioned to create the rooftops needed to support these growth opportunities within the surrounding area. So that concludes my very brief overview. I'm obviously going to remain on the call and I'm happy to answer any specific questions that may arise. And I'll turn it back over to Joe to speak to any specifics pertaining to our application. So thank you very much

Mayor Jordan Hess Thank you Mr. Lamay.

Joe Dehnert Good evening again Mayor Hess and council members. Do I spell it one more time?

Mayor Jordan Hess No you're good.

Joe Dehnert Joe Dehnert with IMEG, obviously Dan just introduced himself. I think it's great that you got to at least see someone from the development team and a little bit of the color of what we're talking about when we're proposing Sapphire Place major subdivision. Before I get into a few of the comments which is really the purpose of my discussion here tonight I do want to set the record straight regarding the annexation language. Specifically I think it was presented to you all at the LUP discussion that it was at the request of the development team. We did not request that that language be added rather we asked for the timing of annexation to be clarified. And with collaboration with Dave added that language for clarification purposes. The key issues that have really come up or key comments I would say have been surrounding the mixed-use development. I would say the clubhouse came up at a few different times in planning board. We also discussed the ranch house and what the potential plans could be for that really what it would look like because that's a bit of an atypical component with this project. And then finally the spirit or the intent of the Mullen master plan. So in that order I'm just going to describe and really try to distill the key components for all of the comments that have come up so far. First and foremost regarding the clubhouse the comment that came up was in the event that something were to happen with the conditional use permit and I can provide more detail on that if you guys prefer in the discussion portion but in the event the conditional use permit wasn't approved what would happen to those spaces? What would the T5 Center look like in that area? It

definitely bears repeating that this project as you all saw from Dan's slides is contingent upon the clubhouse being permitted. Really it's central to the Cathcart Group's vision and project and included with that clubhouse conditional use being approved is also the office and retail requirement for the T5 transect zone in the Town Center neighborhood unit. So I'm only bringing this up to assuage concerns that what happens in the event this clubhouse doesn't come to fruition, that is central both to the Cathcart development team's goals and also to the overarching Sapphire Place Subdivision. Regarding the ranch house and it was a similar comment what is the guarantee that the ranch house will get adaptively reused? What are the safeguards that the city of Missoula has or that this project has baked in with conditions of approval that make sure that it's not just going to be an empty random house in the middle of the development. And I had mentioned the fact that the developer already has skin in the game regarding the plans and this has been a multi-year process and there's been a lot of conversations surrounding it but similar to the clubhouse nothing in this development is haphazard or hasn't really been thought out and the Cathcart Group has enveloped this idea of an adaptive reuse into their overall site plan. And baked into the conditions to address the concern about what the city can do to align with its policies there are requirements that not only the restoration for the building but the plans for the restoration for the building be hashed out prior to final plat approval which means there is no legally platted lot that this ranch house would be on without a plan for it. And with that there was actually a pretty interesting comment that came up surrounding what could be done in the ranch house? Right now as you all have seen from our plans it's slotted for just two residential units but after the comments surrounding mixed use, after the comments surrounding what are we doing for commercial out here we were talking with the development team and they immediately said well we're allowed to do whatever permitted uses are granted in T4O subject to review and approval by the Historic Preservation Committee in the city of Missoula Parks and Rec and development services. So in the event there's a coffee shop or a small cafe or a bookstore or some demand for something in the old ranch house because I would agree it would be kind of cool to see that there, they're open to it and they're permitted to do it which is one of the biggest benefits to the form-based code. There's a lot of challenges in working with it but there is flexibility in that realm for permitted uses within the approved Master site plan. Lastly I want to talk about the spirit, the character, the intent embodied in our proposal aligned with the overall Mullen master plan. As I mentioned there are challenges. Our variance alone is a great example of how difficult it is to reconcile subdivision regulations with a new zoning code. You have a subdivision regulation that's mandating fronting a street and a zoning code that encourages and I would say mandates fronting open space and a continuous network of alleys. That is a great example of what the development team has been subject to when trying to figure out compliance but along with that is compliance with street connectivity, with non-motorized prioritization throughout the site, with building forms that create a community. Dan Lamay is talking about an oversight; the Cathcart Group is talking about being involved with this process and not parsing it out to developers that specialize in a cabin style house or any other style house. This is going to be a cohesive community where when you're transitioning from a place like West End homes with the connected streets to the Sapphire Place you have a sense of arrival. So when it comes to measuring alignment with the scale or intent of the Mullen master plan I think those two concepts are married in code compliance and the project that we're looking at tonight is code compliant in both subdivision regulation and Title 21 the form-based code. With that I will end my presentation. I appreciate it and I'm here for questions. Thank you very much.

Mayor Jordan Hess Thank you. So we will open the public hearing first and then we'll come back to questions. Any one care to comment from the public? Seeing none in the room or online we can return to questions from council. Ms. Jordan.

Alderperson Jordan Can you hear me? Mr. Lamay I was just looking at your company website and see that you guys have been building luxury accommodation across the

country. I'm sure you're aware of the housing crisis that we're having here in Missoula and that we're having a hard time creating affordable housing for especially our front line workers and I'm just wondering if you would consider dedicating a small amount of these units to be permanently affordable so that we can stay in line with our wish to create housing for folks who don't have what others do and that we can keep our front line workers and so my question for you is would you consider making any of these permanently affordable?

Mayor Jordan Hess Mr. Lamay or someone from the team?

Dan Lamay I'll be happy to answer that. At this time our current program offers discounts to public service organizations, those that are employed as police officers, work for the local fire department what have you. We generally offer discounts on our marketed rents to support those types of positions so I would hope that that would answer the question that you're asking.

Mayor Jordan Hess Ms. Jordan.

Aldersperson Jordan I'm curious what those discounts look like. I'm guessing these units are going to average probably \$400,000 a piece, which is I would love clarification I was just looking at the quality and the you know the other properties that you have and guessing that they're going to be somewhere in the \$300,000 to \$400,000 dollar range which is not affordable to the average police officer or frontline worker here in Missoula County.

Dan Lamay These are rental apartments. They're not fee simple or for sale. So they would not go for \$400,000.

Aldersperson Jordan What's the discount?

Dan Lamay It's usually 10% in in that range, 10% off the published rent.

Mayor Jordan Hess Thank you. Ms. Becerra.

Aldersperson Becerra Thank you. Just a couple of clarifying information. This is within the airport influence area and I know we have a condition of approval and Dave, have we gotten positive answers from the airport in terms of whatever that requirement is before final plat approval?

Dave Degrandpre I'm going to have to go back through the file. I believe that we have a comment from the Airport Authority but I don't recall exactly what it was. I believe it raised alarms which is why it wasn't stressed in the report. Just one second.

Aldersperson Becerra Thanks.

Dave Degrandpre Now in this case we do not have comments from the Airport Authority and I think that is because this project or I guess I'm speculating but there are other areas other properties within this general area that are located in an extended arrival and departure area or runways. This property is not. So when we when we have a project you'll see with Icon I believe a fair portion of that is within the EADA area and the airport takes a stronger stance on those properties. In this case this is in the larger kind of airport influence area so we simply require an aviation easement be acquired by the developer prior to final plat approval.

Aldersperson Becerra Thank you and I have two more questions. What has the public engagement been like? Has it been any with the neighbors and I know it's required for the subdivision review process but just curious to know what has happened and what you have heard from the neighbors.

Dave Degrandpre So typical public engagement process was followed in this specific case and that includes the developer holding what's called a neighborhood meeting so sending notices out to adjacent landowners holding a meeting on site and then at the city of course we have an EngageMissoula page where I posted information about this specific project. We sent our own notices out to landowners within 150 feet of the property and also advertised for two weeks in the Missoulian on two consecutive Sundays. At this point actually when I last looked at EngageMissoula which was late last week we had received no comments. I received no comments from any citizens.

Alderperson Becerra 150 feet from this property doesn't really have many neighbors. I don't think

there are.

Dave Degrandpre No many and most of them are developers with the exception immediately to the north. So immediately to the north there is Summit Beverage. Immediately to the east there's property for sale. Immediate to the west and south is property for sale, and then you have West End homes also to the South so no there aren't a lot of neighbors.

Alderperson Becerra And so the neighborhood engagement that took place on site who did it include?

Dave Degrandpre I think IMEG may be able to answer that better than I can. I can pull up the meeting notes that they submitted along with the application. But maybe Joe or Danny could tackle that.

Danny Oberweiser Danny Oberweiser with IMEG, o-b-e-r-w-e-i-s-e-r. We had about half a dozen to a dozen neighbors show up for the neighborhood meeting just off site, off Flynn. Most of them are residents of Pleasant View. The feedback we received was actually mostly positive. They're excited to see the high quality standards and the high amenity package that is being proposed.

Alderperson Becerra Thank you and I'll just leave it at that. Thanks.

Mayor Jordan Hess Ms. West.

Alderperson West I think I have two questions. My first one is around I guess the condition related to groundwater and potential changes related to the restoration of Grant Creek. And I was wondering on that larger map if you could point out where Grant Creek currently is and where it's expected to be related to this development if restoration is successful. I didn't see it specifically labeled.

Dave Degrandpre Sure. So the restoration I'll share my screen now. The map shows Grant Creek so that would be up in can you see this line in the Northwest portion of the map? That's Grant Creek. It's supposed to be moved I think a little bit to the southeast. I don't have a visual of that. It's not in one of the maps that I have pulled up and would have to dig around the city's files in order to find, I'm not a part of that team so don't have access to all the files. Public Works and Mobility are in charge of that project on the city side anyway.

Alderperson West Okay I assume that's was Grand Creek but thanks for clarifying. And then I had a second question around I guess the potential of childcare facilities within this development and I realized that there intended to be rentals which gets complicated but I was wondering specifically around the historic property would this space, would that be a use that could fit into the space and has it been like evaluated for you know square footage or that sort of thing for it to house a childcare facility?

Joe Dehnert Great question. Joe Dehnert IMEG. I believe in the form-based code they do contemplate what's typically it falls under home occupation in our current Title 20.



With the exact uses in T4O I'd have to look back at the form-based code but I believe it is permitted. Now at this time it's just planned for residential development but I do think that is one of the permitted uses but I'm going to go back and check the form based code.

Dave Degrandpre I can answer that for you. A childcare center is allowed in all of the transects.

Joe Dehnert That's what I figured okay.

Alderson West Can I have a follow-up? Okay so my follow-up would be I realize it's in allowed use but I think in state law there are certain like square footage requirements that you have to have per child and you have to have a certain, there are parameters around the design that I don't think is reflected in our local zoning code and so I was wondering if any exploration had been made as to you know if any of the designs just like flat out eliminate that as used by design of the actual units if that makes sense.

Joe Dehnert Yeah basically you're asking just to rephrase it if it simply wouldn't work that we know of at this point. So there's actually, it's a really unique and cool situation that we're dealing with this ranch house because we're subject to adaptive reuse standards and Elizabeth Johnson the Historic Preservation Committee, Dave or community plan development innovation services they don't have carte blanc to just go and say yes you can do whatever but there's a bit of flexibility because you're bound right off the bat with no major structural alterations because that would in essence probably damage the building beyond repair. So there hasn't been evaluation of yes we know childcare would work or not but there's a lot more flexibility when that evaluation or if that evaluation comes to the table. And that's really what I was alluding to which is if there's a demand the development team's open to seeing what works and like Dan said when you have people who want to live in the area, that work in the area and want to also recreate with the high-end amenities if there is a demand for something like childcare in that space for adaptive reuse it would have to obviously be evaluated by the adaptive reuse policies and historic structure but I wouldn't see why it wouldn't at least be considered if that conversation came to the table. Thank you great question.

Mayor Jordan Hess Ms. Jones.

Alderson Jones Heidi kind of asked part of what I was going to ask if you want to come back up. It sounds like at this point you don't have specific plans for what the historic ranch house will be used for correct?

Joe Dehnert Just want to clarify right now the historic ranch house is slotted to be used for residential units. That's the plan right now and that plan is based on what the Cathcart team has seen for their entire Sapphire Place vision. But after this comment came up at LUP about hey why wouldn't you consider something like a niche ground floor shop? Why wouldn't you consider something mixed use if available? They were like absolutely that makes sense. If there's a demand for that in this market absolutely and to piggyback on it I think what is available for permitted uses has a lot more flexibility with an existing structure because it's historic. because of the provisions and the oversight that the preservation office gets in in the proposal.

Alderson Jones Follow-up?

Mayor Jordan Hess Ms. Jones.

Alderson Jones Between the adaptive reuse ordinances and regulations and the Sxwtpqyen Neighborhoods plan you've got the flexibility. In other words you've got flexibility to do some of that if ultimately it's decided to go in that direction.

Joe Dehnert Yeah if the Cathcart team decides hey this makes a lot of sense we heard public interest from it, they've said that we will definitely head in that direction. The

reason it's slotted right now for residential development is because it made most sense with the overall proposal. Yes.

Alderson Jones Okay and then a couple more questions. I think Dave this is probably for you. I just needed some clarification regarding the conditional use which I believe is for the clubhouse and that's a conditional use that will be evaluated under staff discretion? Is that the way that works? I just wanted to clarify that and the timeline on it I guess I'd like to know about that?

Dave Degrandpre Sure yes. Unfortunately a clubhouse wasn't really contemplated when the form-based code was developed so it's not one of the listed uses in any of the transects. When that happens the language that's provided in the code says the developer can propose it as a conditional use which ultimately comes to city council. Development services staff had hoped to review these two on the conditional use for the clubhouse as well as the other elements of this project, the subdivision annexation, etc., concurrently but due to several issues staff limitations and turnover among them we were unable to schedule them both at the same time. As you probably know when a subdivision application is received we have to act under state law within certain time periods. For conditional use it's not the same so they tend to get short shrifts so to speak or you know put in line. In terms of a timeline we don't have one at the moment. I'll get together with Mary McRae my supervisor as well as another manager tomorrow to start talking again about doling out these projects. I certainly expect within the next four months that it'll be before Council but I don't have a timeline for you at the moment.

Alderson Jones Thanks, and thanks for clarifying that will actually come before council.

Mayor Jordan Hess Ms. Farmer.

Alderson Farmer Yeah Dave I was just wondering that neighborhood context map is that in our attachments on the agenda and if not can it get attached. Maybe I'm not seeing it because there's 60 attachments but I think it's just a really helpful map to see all the development that's happening in that area so if we could get that attached or sent to us that'd be great.

Dave Degrandpre Sorry was that directed at me? I couldn't hear.

Alderson Farmer Sorry Dave, I was just asking about the neighborhood context map that you keep referring to in your presentation. I don't see it as an attachment.

Dave Degrandpre It's not. IMEG just produced it last Wednesday and sent it out. I will upload or have this presentation uploaded. It's the last to describe and it's the last slide.

Alderson Farmer Okay perfect thank you.

Mayor Jordan Hess Thank you. Any additional questions. So this will remain open and Mr. Nugent you'll hear this in committee again next week. So we will move on for now. I guess we could take any comments. We won't take any substantive comments about the project since the public hearing is still open but if anyone has anything that they want addressed the next time this comes to committee we could take those now. We have Mr. Lamay with his hand up. Mr. Lamay.

Dan Lamay You were cut off there on your comments did you say there's another hearing next week?

Mayor Jordan Hess So we have the scheduled it looks like. So what so our hearing process is a two-week process. So the hearing is now and then we refer an item back to the committee just for additional question and discussion. It's sort of an optional meeting that occurs just in case anyone has any questions that didn't get addressed. That is scheduled for Wednesday the 21st at 2:45 p.m. and typically I'll defer to Mr. Nugent here

if he wants to add anything. Typically no need for a presentation it's more of a question and work session and then Mr. Nugent do you want to add anything.

Alderperson Nugent Yeah Mr. Mayor that's accurate. If there were a bunch of questions from Council the opportunity for staff and the applicants to come back and answer those, so we always schedule it based on the conversation around the table tonight. It seems like it'll probably be a brief meeting but it'll be on the agenda.

Dan Lamay No problem thank you.

Mayor Jordan Hess You're welcome and then our Final Consideration it'll be back before the full body two weeks from today on Monday the 26<sup>th</sup>. Ms. Rehbein.

Marty Rehbein I just wanted to note for the record that we do close the hearing tonight. Land Use and Planning Committee is expected to make the recommended motions and amend them as they see fit and then they're voted on next week, or not next week sorry on June 26<sup>th</sup>.

Mayor Jordan Hess That was my understanding as well but that is contrary to what is printed on the agenda.

Alderperson Nugent Yeah Mr. Mayor that was my like, since it's printed on the agenda I didn't think we had the option of closing the public hearing but that would be our normal process.

Mayor Jordan Hess Mr. Jim Nugent, I saw your hand come up do you want to add anything?

Jim Nugent I was just going to concur with what Marty was explaining. A few weeks ago there was some modification made by the council as to how they wanted to proceed.

Mayor Jordan Hess Yeah I agree and understand that the agenda, I don't know if that creates a conflict that we need to adjust here. The printed agenda does say that the hearing is held open but I know that's our standard process to close the hearing.

Marty Rehbein We'll try to catch that on Friday when we do a gender review from here on out. I missed it sorry.

Mayor Jordan Hess Well without objection, it doesn't appear as though there is significant controversy that would require amendments in committee so we'll just keep it open without objection and then we'll make that process adjustment for next time. Okay. So we can move on from this item. I want to thank staff and the applicant team for the time tonight and move on.

## **10. COMMITTEE REPORTS**

### **10.1 Budget and Finance (BF) committee report**

#### **10.1.1 Minutes from the June 7, 2023 Meeting**

### **10.2 Climate, Conservation and Parks (CCP) committee report**

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

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

#### **10.4.1 Minutes from the June 7, 2023 Meeting**

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

#### **10.5.1 Minutes from the June 7, 2023 Meeting**

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

### **10.6.1 Minutes from the June 7, 2023 Meeting**

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

## **11. NEW BUSINESS**

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

Mayor Jordan Hess I just want to highlight the emergency declaration that was issued on Friday and appreciate the opportunity to describe that in a letter to all of you and wanted to just describe that briefly to anyone listening. That on Friday I declared a state of emergency around houselessness and sheltering in the face of rising homelessness and a failure at the state and federal level to act to provide resources. It is my view that the city must act to continue to work to assist our non-profit partners to address what is a seemingly intractable problem. It's a problem that's unprecedented in my understanding of recent history in Missoula as well as around Montana, around the Northwest and throughout the country. An increasing number of people as we continue to talk about are living on our streets in our parks, in tents, in cars, in RVs, on our in our rights of way without shelter and this emergency order is aimed to address that. I want to continue as we talk about this, I want to continue to mention my view that over decades and decades state and federal government have abdicated their traditional responsibility to provide for the basic needs and dignity of residents living on the margins. That's compounded in the state of Montana by the legislature cutting case management service in in 2017 which set thousands of people up for failure around the state. Just back to the state of emergency that declaration allows us to levy up to 2 Mils to address houselessness and Sheltering. Several weeks ago I asked our staff to start working on plans to open a year-round shelter and this is a result of that. I also want to thank, there's been significant Council interest. I know there's some referrals on this. I know that it's been a conversation that you all have been having with your constituents and with service providers. I want to thank all of you for that and I look forward to the continued discussions. I also want to thank the Missoula County United Way and the the service provider partners who provided a letter to all of us today and I want to acknowledge the good work with a couple hundred people signing onto that letter and asking us to take this step among others. We need to continue to work to identify funding sources or we needed to identify funding sources. We believe we've gotten to a position where we have a suite of funding sources that allow us to open an emergency shelter and inside of about 90 days. The Poverello Center Board of Directors approved that action on Friday morning and we're moving forward with them and we'll continue to keep you all posted. The emergency declaration has to come to council for ratification so we'll work to get that scheduled. Of course we need to keep our eye on the long-term goals of housing and a permanent second shelter in the community. But I just wanted to get that out there on the record and again look forward to future discussions on it.

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

Mayor Jordan Hess We can start this week with Mr. Nugent.

Alderperson Nugent Thanks Mr. Mayor I appreciate it and I do appreciate you recognizing and declaring an emergency because it is and I think that we've talked about this around the horseshoe. I think it's high time we start referring to it as what it is. I am a little frustrated that it was declared an emergency on a Friday and it's not opening for 90 days so we could have discussed it at Council and a lot of us were left to answer questions or were asked questions we didn't have answers to over the weekend and it kind of feels like some of the neighbors feel like there wasn't transparency in the process. I think that's something that just as we have this conversation no matter what we do no matter where we put these things the community is feeling it and making sure that you know pro or con, supportive not supportive, wherever people fall that they get to be part of the conversation. My understanding is that the Poverello was able to have an emergency board meeting on Friday morning and discuss this which means that the Poverello's board has gotten more say on this than we have and I just think that it's important to

remember that Council has to be part of the long-term discussion of where a shelter might be, what those plans are, what makes sense and what are the priorities in the community and I hope that we take more of that path moving forward. On another note I want to say that the midtown master plan had their kickoff party yesterday afternoon and it was a great event and there were people tabling but I want to highlight that Ashley and Emily from the city were their tabling on behalf of the code reform and they were patient and wonderful with a lot of people with a lot of questions that maybe might be considered difficult and I just want to highlight that you know staff is doing really good work and sometimes it's not the easiest thing to do so I appreciate it.

Mayor Jordan Hess Ms. Savage.

Aldersperson Savage Thank you. I just wanted to highlight again I think I said this last week but I was quite delirious when I was talking last week given we had been here so long. This week is Missoula Pride this weekend and all of this week there are events throughout the community. There are performances. There are talks. There's all sorts of events if anyone is interested. One particular one that I would like to highlight is a dance company out of LA and they are coming here to perform After Roe, stories of abortion. There's a Friday night, Saturday night, and Sunday night showing and you can get tickets at the Missoula Pride website. Thank you.

Mayor Jordan Hess Thank you, Mr. Carlino.

Aldersperson Carlino Yeah I just wanted to highlight the Held versus Montana court case that's just started. I think it just started today I believe but there's 16 youth across the state of Montana who are suing the state over our right for clean helpful environment and over the state's contribution to causing the climate crisis and I'm just really proud of the young Missoulians and Montanans who are taking on that fight. And then the other thing I wanted to mention too is just looking at one of the things that we're going to be talking about on Wednesday with the budget process for the year. I think the budget is definitely one of the most important items if not the most important each year the city council takes up and I see that the recommended motion says to have city council amendments to the executive budget due by August 2nd and it says that the public hearing will be held on August 7<sup>th</sup>, 14<sup>th</sup>, and 21<sup>st</sup>, and unless I'm reading this wrong I think this is needs to not pass. The public needs to be able to have a say in what goes into the budget and not into the budget and if we have to have the council amendments to the executive budget due before the public hearing even starts that's a huge undemocratic mistake and I really hope that doesn't happen so I hope everybody takes a good look at that before we take it out on Wednesday.

Mayor Jordan Hess And there's some missing information there that we will fill in on Wednesday that is just really briefly what we're hoping to do is have initial priority amendments in at that time and then of course rolling periods after that so we'll clarify that on Wednesday but thanks for raising that. Ms. Vasecka.

Aldersperson Vasecka Thank you. Yeah I was going to bring that up too because I do agree with my colleague Daniel Carlino on that and if the public wants to come to that meeting I would encourage it. I would encourage that. It's at 1:00 this Wednesday in person at 140 West Pine Street or over Zoom. I also wanted to point out I agree with part of what my colleague Mike Nugent said about the emergency declaration. I found out about it about an hour before the public did so I agree with the frustration with the public about how I wasn't able to answer a lot of the questions over the weekend but I do want to thank the mayor for taking a meeting with me today to kind of clear things up and hopefully something like that will happen in the future. So I encourage folks to come to that meeting as well on Wednesday that's 10:00 here in council chambers and online this Wednesday. Thanks.

Mayor Jordan Hess Mr. Contos.

Aldersperson Contos I'll pass thank you.

Mayor Jordan Hess Ms. Sherrill.

Aldersonperson Sherrill I'm going to pass as well.

Mayor Jordan Hess Ms. Becerra.

Aldersonperson Becerra I'll pass thank you.

Mayor Jordan Hess Ms. Jordan.

Aldersonperson Jordan I just want to echo a couple of things that my colleagues have already said. It's like you've been reading my mind, but I wanted to also really push our pride event this weekend. I think that we really need to stand up for our LGBTQI+ Community. They took a beating in our legislative session this year and we need to show them that we support them and that we value their input and their membership in our community and I will be there at as many events as I can get to. I too also would like to echo that the information is coming in bits and pieces and we're working on tidying up some communication connections so that we can have answers for our constituents before things are announced. I too have been frustrated about some of the information that hasn't been shared in a timely fashion that affects constituents of my ward directly and hopefully we're working on a pathway so that we don't have things like that happen again.

Mayor Jordan Hess Thank you, Ms. Jones.

Aldersonperson Jones Yeah youngest son watched the first chunk of testimony in the environmental litigation this morning and he's good friends with the first woman young woman who testified so he's giving me blow by blows on the whole thing and I'm like yeah keep going to work and do your internship. But I'm excited about that litigation and to see what happens with that. I also just wanted to note the pride events and some specifics are the Missoula events go from June 14th to the 17th and two big ones are June 16<sup>th</sup> Rally at the Courthouse Steps and Saturday June 17th the Pride Parade. You can look it up for more specifics. Then Juneteenth of course is Monday June 19th so the Montana Black Collective is putting on an event on Monday out at Fort Missoula. It will be a celebration from 10:30 until 12:45 so lots of good stuff happening this weekend.

Mayor Jordan Hess Ms. Farmer.

Aldersonperson Farmer I'll pass.

Mayor Jordan Hess Ms. West.

Aldersonperson West I want to remind everyone that it's summer which means that kids on their bikes are riding around everywhere all day long so just be a cautious driver because I watched them in front of my house and they zip in and out of the street at incredible speed and yeah just be aware that there's more people you're sharing the road with during the summer.

Mayor Jordan Hess Thank you. We have no miscellaneous communications reports or announcements. I'm sorry Jim Nugent.

Jim Nugent I just want to provide some clarification about the emergencies stuff there's there seems to be some confusion. It's like mixing apples and oranges. The emergency law about the disasters that requires or allows authorizes up to 2 mils only the city council can levy mils, so it has to come to the city council. The city council will have a role. The mayor makes proclamations. The mayor makes declarations. And I wasn't available Friday afternoon because I had already hit 48 hours and I promised three grandchildren that when school got out we were going to the Dairy Queen so I had left for the day when they were looking for me Friday afternoon. But the 90 days doesn't apply to the disaster and emergency laws. That's a separate Title 10 law so the mayor's declaration and ...

Mayor Jordan Hess We lost you Jim. I think you're muted.

Jim Nugent Okay can you hear me now?

Mayor Jordan Hess Yes we can.

Jim Nugent Okay I don't know where I was when I got on, but I'm trying to clarify that mixing apples and oranges here but go ahead mayor what were you going to say?

Mayor Jordan Hess You were just mentioning the 90-day the distinction.

Jim Nugent Yeah the 90-day law is about ordinances and resolutions. The emergency ordinance that's a separate and distinct law under Municipal Powers. As I understand the Mayor's interested in the 2 mil levy which is over in Title 10 about disasters and that resolution will require city council approval but even the 90-day requires city council approval but that's not what the Mayor is doing as I understand it. The mayor's making a declaration a proclamation and that will exist unless he withdraws or modifies it. And there's no 90-day limitation except it should be clarified the Mayor doesn't make resolutions. Only the governing body makes resolutions so maybe the name has to be corrected on something. I didn't get to see it because I was out of the office Friday afternoon but I'm just trying to clarify there is no 90-day limit on whatever the Mayor was attempting to do or doing and then ultimately it goes to the city council and only the city council can levy taxes.

Mayor Jordan Hess Thank you for that and to clarify it is a proclamation.

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

**14.1 Administratively approved agreement report**

**15. ADJOURNMENT**

Mayor Jordan Hess We have no additional agenda items. Thank you for your service and we will be adjourned.

The meeting adjourned at 7:50 p.m.

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

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Jordan Hess, Mayor