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

Administration Present: Mayor John Engen, Ginny Merriam, Communications Director, Jim Nugent, City Attorney, Marty Rehbein

Administration Absent: Dale Bickell, Chief Administrative Officer

1. CALL TO ORDER AND ROLL CALL

The meeting of the Missoula City Council was called to order by Mayor John Engen at 7:00 PM in the City Council Chambers at 140 West Pine Street

2. APPROVAL OF THE MINUTES

2.1 Minutes from the February 24, 2020 meeting

The minutes were approved as submitted.

3. SCHEDULE OF COMMITTEE MEETINGS

3.1 Committee Schedule for the week of March 2, 2020

- Public Safety & Health Committee, March 4, 8:20 – 8:50 a.m.
- Parks & Conservation Committee, March 4, 8:55 – 9:55 a.m.
- Public Works Committee, March 4, 10:00 – 11:40 a.m.
- Administration & Finance Committee, March 4, 12:10 – 1:50 p.m.
- Land Use & Planning Committee, March 4, 1:55 – 3:10 p.m.
- Public Safety & Health Committee, March 4, 3:15 – 4:20 p.m.

4. PUBLIC COMMENT

Brandon Zimmer said he’s our neighbor and he wanted to extend his heartfelt thanks to Jesse, Sandra, John and Heather for supporting Brandon Bryant. Their honest and heartfelt remarks are a testament to the kind of service that stems from thinking with your heart. When you think from the heart you have realizations. He genuinely loves the City Council. He gave a quote from a Native American Elder Tecumseh. “Love your life. Perfect your life. Beautify all things in your life. Seek to make your life long and its purpose in the service of people.” He trusts that the Council can relate with the principles embodied within this quote. All Councilmembers have
taken on significant caretaker roles in their community who have sworn an oath to provide their expertise in earnest service to the people of Missoula, thus perfecting the lives of all the humans around them. By their vigilance, we all live better lives. He met Brandon Bryant on a job site in 2013 and they immediately recognized they were mirrors of each other. They not only share the same first name, they are the same height and stature as well. He could almost be his twin by simply shaving his head. Other than that, it seemed he and Mr. Bryant were complete opposites. At first, they actually didn’t like each other. He’s a Hippie pacifist who never wrestled and only got into one fight his entire life in grade school. He eats granola and wears toe shoes and has been suspicious of militarism his entire life. He was shaken by Brandon when they first met by an observation that many of you can probably appreciate. Mr. Bryant’s story shook him to the bone about piloting drones. It must have been the worst feeling in the world to do what he was ordered to do when he was in the U.S. Air Force. He’s since come to know his gentle soul on a far greater depth and he’s all the wiser for it. Mr. Bryant has made Brandon question what kind of value his service holds to the greater good. In light of this man’s immense body of work, his twinkle toes and softy-hearted service doesn’t seem to hold much of a candle to what Brandon has accomplished for the people of this earth. He cannot count the number of times he’s cried with him, listened to him and tell his truth or share in the unbearable pain he experienced when his vow of service was reduced to robotized, collateral damage. He loves and respects Brandon Bryant and earnestly said he’s a threat to no one. Brandon has never made him feel unsafe. He is home. His heart is huge. He’s not asking that people like him; just love him. He added that he loves folks and it is possible for all of us to love each other. Please remember to beautify all things in your life.

Daniel Carlino said the picture of coal trains on the screen gets him motivated in the mornings. He’s running for the Public Service Commission in our district and he wanted to talk about a campaign he’s been working on long before that. As a young person getting involved in politics, he’s been disappointed mostly on the federal level. The money into our political system has corrupted all of our politicians and it’s holding us back from stopping the climate crisis. Pete Buttigieg is the Mayor of South Bend, Indiana and just dropped out from running for President. He took millions of dollars from the fossil fuel industry thus he can’t stand up for us. He had gotten over 2,000 politicians to sign onto this No Fossil Fuel Money Pledge saying that you won’t take money from the fossil fuel industry lobbyists, the political action committees and executives. Two mayors in Montana have been asked about this pledge. Mayor Romont Collins is now running for the U.S. Senate. When you run for the U.S. Senate and you’re the nominee as a Republican or Democrat, you get offered a lot of fossil fuel money. When he asked Mr. Collins to sign the pledge, he said of course, that’s a no-brainer. We’re in a climate emergency. That was a great answer and he signed the pledge and now we have his word that he won’t take fossil fuel money. Mayor Engen also was asked to sign the pledge. He said good words but did not sign the pledge. His words were, I wish they would offer me fossil fuel money so I could reject it. We assume that meant that he was going to sign the No Fossil Fuel Money Pledge and Mr. Carlino is worried Mr. Engen is going to run for another political position eventually, one that’s not as local, and he’ll get offered fossil fuel money and we don’t have his word to not take it so he asked the Mayor to sign this pledge today. Everyone should sign this pledge if you care at all about climate change. He understands the Mayor is super busy but now would be a good time to sign the No Fossil Fuel Money Pledge. He read the pledge.

Mayor Engen said Mr. Carlino certainly could leave the pledge with him but he would love to have a conversation with him in person about it sometime and he will have his staff reach out to him.
Daniel Carlino said he'd love to have that conversation and thanked the Mayor and hoped they would not butt heads so much on things as simple as this.

Mayor Engen said he’s not sure they've actually butted heads but they can try that sometime.

Dan (no last name stated) reiterated his statement from last week and keep it fresh so you know he’s serious when he says we’re a community of love. Brandon did a great job of echoing everything that he wanted to say. He thanked Stacie Anderson for her comments last week. Suspicion is like the devil’s frosting or something but the public is often going to be skeptical if not outright suspicious of the government always and so it was good that she established that because if there’s a fallacy that a foundation of belief is being built on, we ought to air that fallacy right quick and get distrust out of the room. He hopes you can believe them when they echo statements that no one was ever offered harm or in danger at all. There was never any physical threat or danger to anyone. These are people who are emotional beings as well. It’s important not to categorize and label people. These are all individuals getting up to speak and should be looked at as citizens first and constituents and Missoulians and not lumped into any group or labeled beyond that, first and foremost. He thinks it does a disservice to whatever they want to speak on.

Matt Wordell, Ward 1, echoed what Brandon and Dan said. When he started coming to Council meetings, he came with a message that he thought everybody could work together. He thought it was unfortunate that he started coming at a time of discord with TIF and the riverfront triangle. There’s still a discussion to be had there but something else is taking precedent in his life personally and that’s the issue with his friend Brandon. Last week he professed a spiritual commitment to nonviolence and before he returned to his seat, he was accused of leveling a personal attack by someone who won’t even look him in the eye. The next morning he found in the Missoula Current an article that he had confessed to sending the video that Brandon was arrested for. Mr. Wordell was mortified. He looked up the video, thinking he may have misspoken somehow, and there was nothing in his statement could be construed as a personal attack or an admission of any kind by anyone with even a basic grasp of the English language unless they had intentionally misheard him. He came to talk about shared definitions and mutual understandings so that they can build a basis to move forward. He is afraid now because things are blatantly being made up about him and put out in the press. He had to threaten a man with a lawsuit to get him to retract and he did so quickly. He wants what’s right for this town. He doesn’t have a fortune to protect or to grow. He wants to build a family here, not a business. He doesn’t have money to make. He will leave people alone and he asked that they leave him alone.

Bob Moore said he had a brochure produced by the MRA. One of the paragraphs stated that Montana state law requires that urban renewal districts expire 15 years following their adoption unless there’s outstanding bonds for which tax increment has been placed. In that case, the district must continue to exist until the bonds are paid off. It’s sad how incorrect that is. Another article about TIF is put out by the state. These are tax dollars in the normal public budgeting process of the governing body must be followed. That’s 100% false. If you don’t believe both of those statements are false, get the 13 criteria that the MRA Board is supposed to follow. One of the criteria is to determine if the applicant needs the MRA funds. If the criteria is required to be followed by the MRA Board, but it never is. If you don’t think so, go get all the minutes to see if you can find where the criteria is actually followed. You can’t find one. The statement that expiring after 15 years unless there’s debt owed and therefore secured by a bond is also 1,000% misleading. The facts are that you get something that extends the bond in that district so it goes on forever. He’s asked the Mayor and the MRA Board to produce and make a report of how
much money has actually come back as a result of these things sunset. For some reason, nobody has ever produced a report. Last Monday he mentioned he lost about $10,000 on that day and by Friday he lost a heck of a lot more. He’s still thinking that since the City is going to pay the gentleman $10,000 who had a music band there and the ground got messed at the baseball field, he’s still waiting to get his check from the City for his loss.

5. **CONSENT AGENDA**

*Mayor Engen* said, thank you, Ms. Rehbein. Questions or comments from Councilmembers this evening? *Mr. von Lossberg?*

*Alderperson von Lossberg* said, just wanted to clarify that the motion date in the Administration and Finance package was incorrect and it just got moved as the recommended motion so what did we set for the public hearing for the budget amendment, the 23rd?

*City Clerk Rehbein* said, it has to be the 23rd because of the advertising requirements and we’re not having a City Council meeting on March 16th.

*Alderperson von Lossberg* said, so, if you need it for cleanup, I amend it to the 23rd.

*Mayor Engen* said, okay, without objection. Further questions or comments? Anyone in the audience care to comment on the consent agenda this evening? Alright, seeing none, we’ll have a roll call vote. And for the record, Ms. Jones is here.

Upon a roll call vote the motion passed with 10 Ayes, 2 Absent

*Mayor Engen* said, and the consent agenda is approved.

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

**ABSENT:** (2): Alderperson Anderson, and Alderperson Merritt

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

5.1 **Claims March 3, 2020**

Approve claims in the amount of $413,384.57 for checks dated March 3, 2020.

**Vote result:** Approved

5.2 **Emergency Winter Shelter Contract Amendment**

Authorize the Mayor to sign a contract amendment with the Poverello Center to support the provision of Emergency Winter Shelter services in the amount of $70,000.

**Vote result:** Approved
5.3 **Contract – Climate Smart Energy Conservation and Climate Action Plans**

Authorize the Mayor to sign a contract for services with Climate Smart Missoula to support the implementation of the City’s adopted Energy Conservation and Climate Action Plans in an amount not to exceed $30,000.

*Vote result: Approved*

5.4 **Contract – Home ReSource ZERO by FIFTY: Missoula’s Pathway to Zero Waste Plan**

Authorize the Mayor to sign a contract with Home ReSource to support the implementation of the City’s adopted ZERO by FIFTY: Missoula’s Pathway to Zero Waste Plan in an amount not to exceed $35,000.

*Vote result: Approved*

5.5 **Resolution amending the fiscal year 2020 budget to appropriate expenditures and budget transfers not identified in the original budget**

Set a public hearing on Monday, March 23, 2020 on a resolution amending the annual appropriations for the City of Missoula, Montana, as set forth in the fiscal year 2020 budget and capital improvement program.

ABSENT: (3): Alderperson Anderson, Alderperson Jones, and Alderperson Merritt

*Vote result: Approved*

5.6 **2508 & 2536 South Avenue West and 26th Avenue Right of Way Annexation**

Adopt a resolution of intention to annex and incorporate within the boundaries of the City of Missoula a certain parcel of land described as Lot 63 of U. S. Government Survey #2 and Lot 3 of Ochsner Addition located in Section 30, Township 13 North, Range 19 West, P.M.M., along with a portion of 26th Avenue right-of-way adjacent to the property and zone the property B2-2 Community Business, subject to the recommended conditions of annexation approval, and set a public hearing for March 23, 2020

*Vote result: Approved*

5.7 **Bid Award with FirstMark Construction for the University Force Main Replacement Project**

Award the bid for construction services on the University Force Main Replacement Project to FirstMark Construction for an amount not to exceed $188,524.30 and authorize the return of bid bonds.

*Vote result: Approved*

5.8 **Resolution to Order 2019 miscellaneous curb and sidewalk improvements – Project 2019-001**
Adopt a resolution to order 2019 curb and sidewalk improvements adjacent to miscellaneous parcels in Project 2019-001.

Vote result:  Approved

5.9  Russell Street funding agreement between the City of Missoula and Montana Department of Transportation

Approve and authorize the Mayor to sign the Funding Agreement Memorandum of Understanding between the City of Missoula and the Montana Department of Transportation for the Russell Street project – Dakota to Mount Avenue and the Broadway intersection.

Vote result:  Approved

5.10  Interlocal Agreement with Missoula County for the Mullan BUILD Grant Project

Approve and authorize the Mayor to sign an Interlocal agreement with Missoula County for the Mullan corridor Better Utilizing Investments to Leverage Development (BUILD) Grant project.

Vote result:  Approved

5.11  Agreement Amendment with FCS Group, Inc. for the Utility Financial Plan and Rate Study Project

Approve and authorize the Mayor to sign an agreement amendment with FCS Group, Inc. for the Utility Financial Plan and Rate Study Project for a cost not to exceed $29,040.00.

Vote result:  Approved

5.12  Resolution revising funding assistance program for assessment of construction projects ordered by City Council pursuant to MMC 12.12

Adopt a resolution of the Missoula City Council revising the funding assistance formula for assessments of public right-of-way construction projects ordered by City Council pursuant to Missoula Municipal code 12.12, and identifying the City of Missoula Road District Number 1 as the funding source for ongoing fiscal support.

Vote result:  Approved

5.13  Professional Services Agreement – Project 2019-013: Mullan Road Reconstruction Project

Approve and authorize the Mayor to sign a Professional Services Agreement with WGM Group, Inc. for design, bidding and construction administration services for the Mullan Road Reconstruction Project for a cost not to exceed $142,147.

Vote result:  Approved
6. COMMENTS FROM CITY STAFF, AGENCIES, BOARDS, COMMISSIONS, AUTHORITIES AND THE COMMUNITY FORUM

6.1 Community Forum Report - Antony Jo

Antony Jo, Captain John Mullan Neighborhood Council, moderated the last Community Forum which was on February 27th. He thanked Jesse Ramos for joining them that night. They had a presentation by Aaron Wilson from the Missoula Metropolitan Planning Organization about the Long-Range Transportation Plan. He had requested a volunteer from the Community Forum of Liaisons to take part in the committee. Laurel from the Heart of Missoula volunteered to represented their group. If anyone is interested in finding out more about the Long-Range Transportation Plan, you can visit www.missoulampo.com. They also had a presentation by Tom Zavitz and Mary McCrae from the City about the interesting topic of Zoning 101. They learned about the different types of zoning, a little bit of history about it and why we use it. It was very informational. There’s a lot of zoning codes for different sized parcels. They’ll be bringing them back for another zoning session. They voted on one item that evening which was a request to add $300 to encumbered to help the Neighborhood Councils when they have meetings. That was passed unanimously. They had reports from staff, Neighborhood Councils, City Council. There is a Mullan Area Master Plan charrette that’s going on from the 23rd to the 27th of March. The first event will be on March 23rd from 6 to 8:00 p.m. A Charrette is a brain-storming session and opportunity for residents to come in and weigh in. It’s very similar to what happened with the Downtown Area Master Plan as well. You can go to mullanareamasterplan.com for more information.

www.missoulampo.com

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7. SPECIAL PRESENTATIONS

8. PUBLIC HEARINGS
9. **COMMUNICATIONS FROM THE MAYOR**

10. **GENERAL COMMENTS OF CITY COUNCIL**

   Alderperson Ramos said that in regards to the letter some of the Council released last week, he was told that the video the Council received was made by Mr. Bryant but a Councilmember told him it was not made by Mr. Bryant and was not sent by Mr. Bryant. He was informed that a Councilmember found the video and gave it to the rest of the Council.

   Alderperson Harp congratulated the U19 Girls Hockey Team. Over the weekend they won their fourth consecutive state title and that was under the leadership of Grace Honney and Annie Petshower. This team of girls represents all four public high schools along with Corvallis as well and they won 7-2 over Flathead Fusion. She also congratulated Tom Beaudette and Bruce Haroldson, of what has been known as Beaudette Consulting Engineers and has now been absorbed by another organization called DCI. When she first became a financial advisor and venturing out on her own in her own practice, they let her come in and help advise their engineers and surveyors about financial management and it was there that she witnessed one of the coolest things when it comes down to leadership. You make a place that you want people to thrive in and they did so in a way that was accepting of making mistakes, allowed for innovation and they led constructively. Lastly, in regards to the Coronavirus, we have a three-foot radius of moisture that comes from our noses and our mouths. Protect it as best you can. If you cough or sneeze, do so into your elbow. Refrain from coughing into your hand and then touching something or someone’s hand as you greet them.

   Alderperson West said we have 10 days until census reporting again. You can start filling it out online on March 12th. She’s having a census taking party at her house and everyone is invited. This is hugely important for much of our government funding that we get, whether it’s Medicaid or SNAP or funding for early childhood education. It touches every part of our life. We have huge populations in Montana that are under-counted and under-represented and it’s really important that we all participate and that we let folks know and make it possible especially for marginalized people in our community to participate.

11. **COMMITTEE REPORTS**

   11.1 Administration and Finance committee (AF) report
       11.1.1 February 26, 2020 Administration and Finance report

   11.2 Budget Committee of the Whole (BCOW) committee report

   11.3 Committee of the Whole (COW) committee report

   11.4 Land Use and Planning Appointments (LUPA) Subcommittee report

   11.5 Land Use and Planning (LUP) committee report
       11.5.1 February 26, 2020 Land Use and Planning report

   11.6 Parks and Conservation (PC) committee report

   11.7 Public Safety and Health (PSH) committee report

   11.8 Public Works (PW) committee report
       11.8.1 February 26, 2020 Public Works report
12. NEW BUSINESS

12.1 Resolution Supporting Local Option Fuel Tax

Jeremy Keene, City Public Works Director, said, I’m just going to give you a little background about the local option gas tax resolution that’s before you. This is something that the City of Missoula and Missoula County have been discussing for a number of years, probably more years than I know. It is a...it is enabled in state law that allows counties, through a vote of the citizens, to enact a two-cent gas tax. It’s a tax on gas, not diesel, and it’s limited to two cents. Why are we talking about this? We’ve had a number of discussions over the past year about our need to maintain infrastructure, roads in particular. What you’re looking at here on the screen is some of the initial results of our Pavement Condition Survey and this is something that we’ve been working on collaboratively with the County to assess all of our streets in the city and in the county and give them a pavement rating. And this is, basically, a way of getting a handle on what is the order of magnitude of maintenance needs that we have. And this is just a snapshot of the crack survey that they did so all the streets that are showing up in red have many cracks and the streets that are in green have fewer cracks, and so that’s just an indication of how well that pavement is performing and how close it is to needing major maintenance or in habilitation. So, you can see, just in this snapshot, that there’s a lot of red on our streets. You know, most all of the core of the city is red so I don’t think that’s any surprise to anybody but it is the status of our roads. Some of the typical issues that we’re seeing in the county are roads like this one on Beckwith Street and the County was able to overlay this street last year using BARSA money. BARSA is a state gas tax that was recently enacted and they were able to use that effectively to rehab that road. Some other typical problems that we’re dealing with, both in city and county streets pavement failures. A lot of our city neighborhood streets were never built to a full urban street standard so no curb and gutter, no sidewalk and no drainage facilities and you start to see some of the problems with the pavement that happen when we don’t have good drainage. We also have a large collection of other streets that are in relatively good shape today but we’re starting to see the cracks and as those cracks form. What happens is the water can get in, you get freeze and thaw and then you start seeing the potholes and eventually you start having major problems with the pavement. So, right now, both the City and County have a similar budget of about $6.5 million. This equates to what we’re spending now, about $19,000 a mile in the city. We’ve done some rough estimates around what should we be spending to properly maintain these streets. And we looked at, if we were to do regular maintenance and rehabilitation over a 30-year pavement life, what would we need to be spending? And we figured that that’s about $13 million a year so we’re right now spending about half of what we need to so our funding gap is about $6-1/2 million. And the County has a similar problem. It’s a little bit less because the County maintains roads that are not as complicated as ours. They don’t have all the curb and sidewalk everywhere but also, they’re only funding at about two-thirds of the level of where they need to be. This is where the numbers really get bad is what happens if we don’t maintain them? The risk is that those streets go beyond the point where we can still regular maintenance or rehabilitation and we have to completely rebuild them. So, that number is more like $53 million a year to completely reconstruct streets and so our funding gap is even bigger. So, it’s much more cost-effective for us to maintain the streets than it is to wait until they’re too far gone and we have to completely reconstruct them. So, maintenance and repair of existing streets and roads is
consistently one of the highest priorities when we ask our citizens what they want. This was a poll that was…or a survey that was recently done in 2019, our Transportation Survey, and 45% of city residents said that’s the top priorities, maintaining streets. So, the local option gas tax, this is, like I said, it’s a two-cent tax. We estimate that it would raise about $1.1 million annually. That amount would be split equally between the City and the County and that represents roughly an 8% increase in our budget. So, the gas tax won’t do everything but it will do one to two additional rehabilitation projects a year. It also gives us the ability to leverage those funds against grant money, like the build grant, like other funding sources like FLAP, which is the Federal Land Access Program or CMAQ, which is our Air Quality Program. So, those are often…those funds are often leveraged at four to one or better where we’re only putting in anywhere from 15 to 25% of the funds. And, finally, it would allow us to improve services. Things like snowplowing, street sweeping, leaf collection, pothole repair, all those things that we hear a lot from our citizens about the appreciation for doing those things and needing to have a higher level of service. So, didn’t we just get a gas tax? BARSA is the state gas tax that was enacted in 2017. This was House Bill 473, if you remember. This was passed in 2017. It’s a graduated fuel tax. Started out at two cents a gallon and will gradually ratchet it up to six cents by 2023 and two cents on diesel. It’s administered statewide so it’s the same allocation as the other state gas taxes that have been on the books for a long time. And what that means is that that money that may come into our community gets spread out throughout the whole state. We don’t necessarily control where that money goes. It gets spread around to a lot of the other counties in the state that have a lot of road miles but fewer people. And the really important thing here is the final bill was about half what the original amount was recommended by the Montana Infrastructure Coalition. So, they originally said we need at a minimum 10 cents a gallon to do the basic maintenance that we need on our roads. And through the process of creating that bill, that number was actually ratcheted down to 6 cents. So, for the local option gas tax, what does this mean for the public? It’s about $11 a year. If you drive about 13,500 miles a year and get 25 miles to the gallon, that’s what it would cost you. So, we looked at, you know, how does that compare, if we had to raise that same amount of income through property taxes, through our road district, on a $300,000 home, we would have to increase those property taxes by $14.46 a year. So, this is a way of…a gas tax is a user tax. It’s a tax on, you know, direct use of the roads. The more you drive, the more you pay. And one of the things it lets us do is it captures a lot of our out-of-town visitors so it’s estimated that we have three million people come through Missoula every year. About 1-1/2 million of those spend the night. And so, the estimates are about $400,000 of that revenue annually would come from people that are visiting the community, so it’s a way of having them help pay for the roads that they use. Just a few cost comparisons on some of the other things that typically you pay for. Average cell phone bill is about $2,000 a year. Your electric bill is about $1,200 a year. We already spend about $270 a year on state and federal gas taxes and if you bought a cup of coffee at Starbucks every day, it would be about $1,600 a year, so it’s a relatively small amount that we believe can make a meaningful difference in the way we are able to maintain the roads. Thank you.

Mayor Engen said, thank you, Mr. Keene. With that, Mr. Hess?

Alderperson Hess said, thank you, Mayor. Would you like a motion at this time?

Mayor Engen said, please.
Alderperson Hess said, okay. I move adoption of a resolution requesting the Missoula County…Board of County Commissioners adopt a County resolution and refer to the people of Missoula County for authorization of a local option motor fuel excise tax, excluding all diesel fuels, not to exceed two cents per gallon, in accordance with Montana Code Annotated. I’d like to speak to the motion.

Mayor Engen said, Mr. Hess.

Alderperson Hess said, thanks. Anyone who served with me on Council for very long has heard me talk a lot about the poor quality of our infrastructure and our infrastructure deficit. We have been systematically, as a nation, we have been willfully under-investing in our transportation network and we have seen decades…decade upon decade of declining federal investment or stagnant federal investment at best. Our federal gas tax hasn’t changed since, I believe, 1993. Meanwhile, the cost of asphalt, the cost of oil, the cost of everything that goes into building a road has gone up dramatically since 1993. As our Public Works Director, Mr. Keene, just showed, the cost of maintaining our roadways goes up dramatically when we allow them to deteriorate to a point where they need to be rebuilt, and it would be bad public policy to allow that to happen. It would be very bad for the taxpayer. It would be very bad for our city to allow our infrastructure to deteriorate to that level. A local option gas tax would allow us to make significant investments in our transportation network and help stem the tide on that infrastructure backlog that we have right now. You all know, from going through our budgeting process, that we have very limited local revenue options. Montana is very heavily reliant…Montana local jurisdictions are very heavily reliant on property taxes and we certainly hear about property taxes rising. A lot of that is factors beyond our control and anything that we can do to reduce the burden on property taxpayers is a burden that…anything that we can do on that end is, I believe, something that we should do. This local option gas tax option would allow tourists and non-motorists to contribute their fair share to the maintenance of the roadway system that they use within Missoula County. It also would provide matching funds for federal grants, as Mr. Keene mentioned. We just…you all know we…Missoula County recently received the build grant for $13 million of roadway infrastructure on the west side of town in the Mullan Road area. Any federal grant like that requires local match. It requires local skin in the game and this gives us options to build or to apply for and receive and expend additional federal funds. It’s a really good way to leverage local money for…to a good end. We’ve got great planning documents. We’ve got really good…a really good long-range transportation plan and a lot of good sub-plans around that and what we really need is tools to implement those plans. We need resources to invest in our infrastructure, to invest in our community. And what we know from a variety of surveys from our city-led Citizen Satisfaction Survey from our Transportation Survey, that the Transportation Division just released and from some of the polling that the partners on this initiative just completed, is that our citizens value our roads. They value our roads and they’re willing to pay more to invest in the quality of our roads. This is not without precedent. The City Council passed Resolution 5609 in July of 1994 and Resolution 7704 in June of 2012, both of those asking the County Commissioners to put the exact same resolution on the ballot. What I’m asking for your supporting tonight is to do the exact same thing again for the third time and maybe the third time is the charm that this…that the County put this item on the ballot and put it up for public vote. We talk a lot about improving the quality of our roads and this is an opportunity to put that out to the voters and let them tell us how they feel about it as well,
so I encourage your support. The one last thing I would add is that the American Society of Civic Engineers has routinely...rates the quality of local infrastructure. In their 2018, which is the most recent version, but in their 2018 Montana Report Card, roads are given a c- which is somewhere, at best, mediocre and, at worst, poor and needing immediate action. And that 46% of our roads fall into that category and that the poor quality of our roads cost motorists approximately, or on average, $385 per year in additional vehicle maintenance. So, $11 a year for improving infrastructure can take a pretty good-sized dent out of that and I think that’s a good thing. Thanks for your support tonight.

Mayor Engen said, alright, further discussion on the motion, and I’ll remind Councilmembers you’re ain’t voting on whether there will be a tax. You’re not voting on whether to put it on the ballot. You’re voting on whether you will send a resolution to the Missoula County Board of Commissioners suggesting they put it on the ballot. So, temper speechifying, accordingly is my suggestion this evening. With that, Ms. Sherrill?

Alderperson Sherrill said, thank you. I want to just say that I agree with everything that Mr. Hess had said and I will be voting for this and I hope the other Councilmembers will support it as well. After having done a pretty extensive door-knocking campaign last year, our city is worried about the roads. That is one of the number one things that they have said. They’re also very worried about property taxes. And, as Mr. Hess also articulated, we have very few tools other than property taxes, as a city, to take care of this crumbling infrastructure that we...this underfunded infrastructure. So, I like this because it is user-based. I like this because it is a great tool to leverage federal money that we’re always trying to get. So, I appreciate that we’re bringing this forward and I’ll be supporting it.

Mayor Engen said, Ms. Harp?

Alderperson Harp said, I, too, will be supporting this motion. I believe this is an excellent example of cost-sharing and doing the fiscally responsible and prudent thing to do. We know infrastructure is incredibly expensive. Putting it off and hoping and praying for a better outcome by doing nothing just seems very irresponsible. I guess my only question would be if there’s a way within the language of the resolution to see about automatic increases, based on a CPI index of some sort so that we can continue to pick away at this and not having to do a resolution every few years, whatever it takes.

Mayor Engen said, not a statutory option. It’s two pennies. Ms. Vasecka?

Alderperson Vasecka said, I, respectfully, disagree and I do not support this. I was voted in to protect our tax dollars and not just our property tax dollars and I believe that this would set a...it’ll just hurt our taxpayers again on a local level. It’s already been implemented on the state level. I don’t think that we need to gouge our citizens even more at the local level. I do agree that we are underfunding our infrastructure. That’s why I’m really excited to, for this budget season, to figure out how we can divert more dollars to our infrastructure. And I actually do have a procedural question. I’m a little bit confused about why we didn’t see this in committee first.

Mayor Engen said, time...

Alderperson Vasecka said, okay.

Mayor Engen said, it was time sensitive. Yup.
Alderperson Vasecka said, okay. And that is all. Thank you.

Mayor Engen said, Mr. Ramos?

Alderperson Ramos said, thank you, Mr. Mayor. I’m going to try and keep my opinion to a minimum but do want to just speak a little bit as to why I’m going to be voting against this. But, first, I wanted to thank my friend, Mr. Hess, who actually reached out to me last week. Came to my office and we had a really, really good visit about this and I certainly see where he’s coming from and I see where a lot of other folks are coming from and I think it’s with good intention and I was very pleased to see Mr. Hess’s passion about fixing the infrastructure and kind of doing that thing for the citizens. But I do want to kind of state briefly, as briefly as possible, Mr. Mayor, why I’m not going to be supporting it. Again, it just kind of comes from a different line of thinking, I think, with a lot of…maybe with the folks on the more libertarian/conservative side of things where we truly believe right now that the government does not have a revenue problem. We think that the government has a spending problem, and I’m going to highlight that with just a few basic examples, and the road is one spot where I’m going to start, where we created this Road District before any of us were on Council actually and it started at $300,000. Last year we levied it at about $4.5 million so equating to a substantial increase over the last few years. We’ve taken about $21 million out of that Road District since we created it. I tallied it up. And I think it’s hard-pressed to find any citizens that would agree that our roads have gotten that much substantially better over it. In addition to that, with the $4.5 million, subtracted from the $6 million, roughly, $6.5 million, spent on infrastructure, that leaves about $2 million left from the general fund that we’re actually using this spend on roads…spend on repairing the roads so a lot of the conservatives and other folks think that we should be spending more of the general fund for that, and there’s various different ways that we can do this, and I’m not even talking about a lot of the various suggestions…I suggested cutting, a couple of years ago. Those would have been more than enough to cover this $500,000 a year. But in addition to that, if we just look at CMAQ, where we spend $349,000 a year on Missoula In Motion, where we essentially tell people to ride the bus and I think they do, do some good stuff but at the end of the day we could use that money to purchase street sweepers, to do other stuff for air quality and different sorts of mitigation efforts like that. I do realize that a lot of this could be cap management where a lot of this, we’re trying to get more money from above and beyond our cap, which we have not exceeded yet, by the way, but I think that we could in the future. One thing that I do want to suggest is a potential TIF remittance. If we took $1.5 million out of the MRA, which we have done more actually over the last past two years, we could do $500,000 each to the City, the County and a little bonus, we could give $500,000 back…or $500,000 back to the local schools. So, we could use some of the money that’s…that we already have and we could take just that very, I think, a reasonable amount out of the TIF funds, the $1.5 million, which is less than the 2.1 and 2.7 respectively that we’ve taken out in 2019 and ’18, and I think that would be very helpful as well. I kind of look at this gas tax, even though it’s only 10 bucks, I think back to when I got myself through AT&T…they were, well, Jesse, Mr. Ramos, it’s only going to be 60 bucks a month and I went, wait a minute, let me see the itemized bill. So, they give me the itemized bill and I see there’s, okay, it’s $60 and then you see $10 installation fee. You see a $30 start-up fee. You see $10 state tax. $10 federal tax. You see visual voice mail on there. You see all these different things and the next thing I know, my bill’s going to be 120 bucks a month. I ended up getting the phone anyways but in any event I
feel like this is what we’re doing when we do an extra $10 a year here, an extra $20 a month or a year for the open space bond, $23 a month for the maintenance levy, $200 a year increase on the impact fees. We do the wastewater incre…or the stormwater increase on that rate and all of those separately don’t see like a lot of money but when we kind of continue to kind of stack up and stack up, you come up with my AT&T bill, which is double what I actually expected it to be, unfortunately. And I agree with Mr. Hess that a lot has gone up since 1993 but that includes population. That also includes government revenue and government revenue has gone up in a much faster rate than inflation or in costs will allow for. So, the more people that we have and the more people we have paying taxes and the higher the revenues go for the government, like in 1993, the more that we should be able to essentially pay for more of that. But I think the problem does lie with us paying more and more money out of the general fund. And the tourists argument or the folks outside of the city paying this, I get that argument but at the end of the day if a tourist is here, let’s just say for a week a year, they pay the gas tax once but we live here 53 or 52 weeks a year so we’re going to be paying at 52 times versus the one time that a tourist pays. People that travel from outside of Ravalli County, I get it. I get that a lot of them probably won’t look at the two-cent difference but growing up with my mom, I know she shopped around and looked at the different gas stations to see what the cheapest price was. And I do want to bring up the local businesses. So, right now Town Pump literally sets the market for all these local gas stations which again that’s the free market but when you see that Town Pump is one cent lower than all the other local gas stations, that’s not because they’re one cent lower; it’s because everybody else literally has to set it at one cent higher to make any money because Town Pump actually has their own shipping transportation company as well. So, what this is going to do is it’s going to squeeze these local businesses because Town Pump can eat something like that. In addition, some of these smaller local gas stations that are going to take a hit because there will be people that buy gas in Ravalli County and don’t come to Missoula because of this gas tax. And, in addition, I mean, I love the user tax. I’m all about the user fee. I mean, everybody up here knows that I’m all about user fees. We’ve seen that with Mountain Line. We’ve seen that with Splash Montana. We’ve seen that with any number of things and I’m willing to have that discussion if and when...if we take out all the money that we’re paying in property taxes that is supposedly going to the streets and roads right now and we completely remove that and give it back to the taxpayers, then I’m open to the conversation of just funding it off of a user fee, but until that happens, this is just going to be an additional fee and an additional tax. So, this is just going to be added up on top and I don’t ever see this as being a tax decrease so I see it as a tax increase. Again, I get why folks are doing it and I’m glad to see some, I guess, efforts towards fixing the streets but I will not be able to support it tonight and it I was not as short as I had hoped.

Mayor Engen said, Ms. Becerra?

Alderperson Becerra said, well, I just wanted to add to what Mr. Hess so eloquently expressed and also add that although we receive federal funds and state funds, those come with a lot of limitations to what we can do. This would allow us to have some flexibility and would give us the opportunity to set priority on some very…on some projects that are in much need of repair. I also think that that can help us shift some funds from the general fund and do some other projects that our community has been deeming necessary for a long time. I, also, want to point out that we’re talking about two
cents and I just quickly looked up the history of gas price in the U.S. and in 1929 it was...the average was $2.38. Today, in 2020, it's $2.45 with the exception of 2012 when it was $3.80. So, the cost of doing repairs and fixing of infrastructure has gone up significantly, and yet the price of gas has not. So, I think that this is a, you know, an equitable way to get some of the funds that we need in order to do some much-needed improvements in our community and, therefore, I'll be supporting this motion.

Mayor Engen said, further discussion? Ms. West?

Alderperson West said, so, I also am going to support this which is just to pass on a resolution to the County Commissioners to put this on the ballot. And I think that when we have the opportunity to let the public weigh in, we should, and I think that...I do want to point out that, you know, this is as equitable as it could be. It's not perfect. I think there are populations in our community that are more car-dependent than others. Women, being one of them, because we have to ferry around children and doctor's appointments, do grocery shopping and coordinate all these things in our lives. That being said, I think as a community we also invest in making transportation more affordable for everyone including our zero-bus service and I think that this is a great way of really maybe reflecting the real cost of what it actually takes to live in a car-dependent society just a little bit more.

Mayor Engen said, further discussion? Seeing none, anyone in the audience care to comment on the resolution before the body?

Bob Moore said, I agree with Mr. Jesse. Missoula has a major, major spending problem. It doesn’t have a revenue problem. If we can stop spending $10,000 to fix the ball field for somebody else that should have fixed it, that’s $10,000. How much is two cents compared to that? My adding is not too good anymore. Of course, then you could always join the City Council and the Mayor and MRA and WGM when they were getting the road...Mary Avenue between the two big roads, made up for their shopping center...

Mayor Engen said, what do you think of the resolution, Mr. Moore?

Bob Moore said, I’m trying to get to that in a slightly rounded way. I’m trying to say you’re wasting money left and right, up and down, every way possible. I used to go to some of the MRA meetings. I went to one meeting and wanted to do something. I’ve forgotten what it was. It was giving $10 million to somebody. I asked...I offered to pay for a survey. The City had just had a survey and I say, well, gosh, we’ll use that some one and I offered to pay for the survey at about $25,000. Still...the offer is still there but one of the Board of Directors put an end to that thought real fast cause they didn’t want to know what the citizens thought. So, why don’t you ask the citizens what they think about all these little taxes and including this tax? And put yourself under an obligation that if the City survey says no we won’t do this or we don’t like that or we won’t give the bank $8 million or savings and loan and this and that, and these millions of dollars, we’ll follow the vote of the citizens. Would you do that?

Mayor Engen said, so, it sounds like you support the resolution because it’s calling for a vote of the citizens on the tax.

Bob Moore said, that would be good.

Mayor Engen said, okay, well, you’re in support of the resolution.
Bob Moore said, but this two cents, unlike Jesse, is not a lot of money and you know that’s not fair. Why don’t you combine that with the millions of dollars you’re going to give for the two hotels going up?

Mayor Engen said, that’s not the question before the body tonight.

Bob Moore said, well, I’m asking you to add it to the body.

Mayor Engen said, yeah, can’t do it but thank you.

Bob Moore said, can’t do it? Okay. You could do it if you wanted to.

Mayor Engen said, anyone else care to comment?

Earl Allen said, and while the Mayor’s familiar with me and my work here in town for Noon’s, I’d like to let you all know that I’m here completely on my own volition tonight, as a private citizen of the county. Nope, I’m not really a constituent of any of you elected folks here but for almost everyday of my life, at least since my days at good old Hellgate High and probably a few more, I’ve commuted in from Turah, east of town, into the city for shopping, work or school. I believe that my daily commute and spending have added value to the businesses and properties here in town and that my work has added more than just value to the tax base but value to the overall community. So, in that sense, being a member of the larger community here, I’m here, if for no other reason than to state my personal objection and doubts to this resolution and plan. As I expressed to the County Commissioners last week, my great concern here is by putting this on the countywide ballot, in the rush it seems proponents are looking to get this done, especially with mail-in and absentee elections, the voters in the city will ride roughshod over the folks outside the city limits and pass a regressive tax which will have a greater, harder effect on the folks out where I live, folks who commute to town everyday for work, folks like my friends’ parents who are now retired and live on fixed incomes, folks who don’t make a lot or have a lot. These folks can’t pay the City’s infamously high rents. They typically won’t like putting up with allegedly misspent taxes on the hot button issues of the day and they don’t have the greater options of free subsidized public transportation that are available in the city limits. So, when figures or the quotes or estimates of $10.76 or about 11 bucks a year are thrown down as the average driver’s increase, I honestly have to question the math. That estimate to me is woefully under what I believe what folks like me in Turah or better still my friends and neighbors in Clinton will pay. I say it’s far more simply off the mileage driven into town on our daily commutes or trips to the shopping centers. In my house, it doubles. Two cars and two jobs. And I do wonder what that rate would be like for the soccer moms and dads putting miles on their cars running their kids back and forth to activities around town. Further, it said the tourists would only pick up about a third of the tab so the way I see it most of the bill goes to us locals and the greater effect on the pocketbook goes to those folks, like me, who come in from out in the county. I live in an area where it’s a captive market basically with no alternatives. And by the way, I drink my coffee black, I bring it in from home. I’m not getting a latte a day from Starbucks, although they are quite tasty. But this brings to my other question too, proponents say that it will help reclaim the costs and the burden of tourism on our roads or at least the third, the way it sounds, and yet I wonder, which county roads or city streets are actually being torn up by these tourists? Aren’t the marked federal, state and secondary routes most likely to be used by travelers already funded by state and federal taxes? Doesn’t the state already allocate gas taxes to cities by population and road
miles? Judging by what I’ve seen on the State’s website, Missoula’s city and county gets about 10% or better of all of the allocated gas taxes collected around the state. I see that as money coming into town, not going out. Do the proponents recognize, and I know it’s been mentioned, that the state gas taxes went up a nickel a gallon since the last time this was brought up before the Council? And those rates are already scheduled to continue to go up again in the next few years. It seems to me that, judging by some charts I’ve seen on the MDT website, a couple hundred thousand dollars more in revenue is coming into the city now than say like fiscal 2020 than fiscal ’19. I encourage you to take a look. Have the proponents considered how much would be gained versus lost when the thousands of commuters who drive up from Ravalli County change their shopping patterns? By the way, again, those folks have a choice not to pay the higher tax before they cross the county line. Folks like me, east of town, don’t have the option. Again, we’re a captive part of a car-dependent audience. What happens when they stay home even more than they do now? Sure, less wear and tear on our roads but far less value for our trading center as they keep their dollars away from our businesses here. Frankly, folks, I don’t see this as a binary choice between excised taxes and property taxes or even care or not care of the roads. I see it as a choice of timing and prioritization. The folks at Moore did some charts about how the vote would turn out and I think their combined responses look awfully optimistic. I don’t think the proponents will see the money they expect and I think you’ll all be back here again soon, looking for another 4% increase in the citywide road district and taking heat, rightly or wrongly, from your constituents who feel they’re taxed enough already. They’ll be complaining about how road money is spent on bike lane markings on streets, money lost on environmental impact studies or TIF spent on bridges to nowhere. You’ll actually diminish what you seek to improve. You’ll pick winners and losers in business. More importantly, between the individuals in our larger community and you’ll actually push away that which you seek to bring in. Thank you.

Mayor Engen said, thank you, Mr. Allen. It's a race to the microphone. Ms. Francine.

Lily Francine said, I'm a constituent and a bike rider and I use my car for work and I would love a chance to vote on this, and I would like better roads for my biking and my driving. Thank you.

Mayor Engen said, thank you.

Chris Anderson said, I'm President of DJ&A Engineering, headquartered here in Missoula. As an engineer we're intimately familiar with the state of the transportation infrastructure of Missoula. We partner with the city and county on many projects to improve that infrastructure. So, I could tell you all the reasons why the gas tax is a good idea but that's not even the issue tonight. The issue is whether or not we can support just putting it on the ballot and allowing citizens of the county to decide. And I don't know why anybody would be opposed to that. Why would anybody be opposed to actually letting people vote on an issue that affects them, one way or another, and letting that healthy debate ensue? And I think that what we ought to be doing is looking at, and I appreciate Councilwoman West's clarity that she brought to that issue. So, for those that have already expressed that they're opposed to the gas tax, I think that's great and I really appreciate Councilman Ramos. He scheduled time in his busy day to meet with me. It sounds like he met with Jordan as well to discuss the issue. And I appreciate that because I think that that...I learned a lot actually from that discussion and ways that we
can potentially look at putting some sideboards on this gas tax to make it good for all people. But my question for you tonight is, why would you vote not to put it on the ballot? That just doesn't make a lot of sense and it's not even whether to put it on the ballot, it's whether to write a letter of support to the Commissioners to put it on the ballot. So, I would just encourage you to think of it in that context and then let the healthy debate ensue about whether or not this tax is right for Missoula County. Thanks.

Mayor Engen said, thank you, Mr. Anderson. Anyone else this evening? Alright, with that, we will have...we better do a roll call. Ms. Rehbein?

City Clerk Rehbein said, it is. It's a resolution so it's required.

Upon a roll call vote the motion 8 Ayes, 2 Nays, 2 Absent

Mayor Engen said, and the resolution is approved

Moved by: Alderperson Hess

Adopt a resolution of the Missoula City Council requesting the Missoula County Commission adopt a resolution and referral to the people of Missoula County for authorization of a local option motor fuel excise tax, excluding all diesel fuels, and not to exceed two cents per gallon, in accordance with Montana Code Annotated, (MCA) 7-14-301.

AYES: (8): Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Sherrill, Alderperson von Lossberg, and Alderperson West

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

ABSENT: (2): Alderperson Anderson, and Alderperson Merritt

Vote result: Approved (8 to 2)

13. ITEMS TO BE REFERRED

13.1 Administration and Finance committee referrals

13.1.1 Collective Bargaining Agreement, Building Inspectors – Fiscal Years 2020-2023

13.1.2 Collective Bargaining Agreement, Garden City Compost – Fiscal Years 2020-2023

13.1.3 Collective Bargaining Agreement, International Association of Machinists and Aerospace Workers – Fiscal Years 2020-2023

13.1.4 Collective Bargaining Agreement, Missoula Parking Commission Employees Association - Fiscal Years 2020-2023

13.1.5 Collective Bargaining Agreement, Wastewater Division Chemists - Fiscal Years 2020-2023

13.1.6 Collective Bargaining Agreement, Wastewater Division Plant Operators – Fiscal Years 2020-2023
13.1.7 Audit Presentation Fiscal Year 2019
13.1.8 Equipment Leasing Agreement Resolution
13.2 Budget Committee of the Whole referrals
13.3 Committee of the Whole referrals
13.4 Land Use and Planning Appointments Subcommittee referrals
13.5 Land Use and Planning committee referrals
   13.5.1 Mullan Area Master Plan Interlocal Agreement
   13.5.2 Appointments to the Historic Preservation Commission
13.6 Parks and Conservation committee referrals
   13.6.1 Council update on 2020 plan for removal and restoration of the Rattlesnake Reservoir and Dam by the City, Trout Unlimited and Montana Fish, Wildlife and Parks.
   13.6.2 2018 Open Space Bond Interlocal Agreement
   13.6.3 Resolutions for Open Space Declarations
13.7 Public Safety and Health committee referrals
   13.7.1 Resolution amending Clark Fork River Market boundaries and hours of operation
   13.7.2 CoVid 19 Virus Presentation – Missoula Public City-County Health Department
13.8 Public Works committee referrals
   13.8.1 Council update on 2020 plan for removal and restoration of the Rattlesnake Reservoir and Dam by the City, Trout Unlimited and Montana Fish, Wildlife and Parks.
   13.8.2 Professional Services Agreement – Project 2020-007: Railroad Quiet Zone & Traffic Study
   13.8.3 Presentation by consultants and Metropolitan Planning Organization (MPO) staff on public kick-off for the Long Range Transportation Plan update
   13.8.4 Contribution Agreement with spectrum for Education Products
   13.8.5 Professional Services Agreement – Project 2019-047: construction project assessment program updates
14. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS
14.1 Administratively approved agreement report
   14.1.1 Administratively Approved Agreement Report for week of February 24-28, 2020
15. **ADJOURNMENT**

The meeting adjourned at 8:13 p.m.

__________________________________  ______________________________
Martha L. Rehbein, CMC, City Clerk    John Engen, Mayor

__________________________________  ______________________________
Kelly Elam, Administrative Assistant ||