

Journal Of Proceedings
Missoula City Council Meeting

July 22, 2019, 7:00 pm
City Council Chambers
140 W. Pine Street, Missoula , MT

Member Present: Stacie Anderson, Mirtha Becerra, John DiBari, Heather Harp, Jordan Hess,
Gwen Jones, Julie Merritt, Bryan von Lossberg, Heidi West
Members Absent: Julie Armstrong, Michelle Cares, Jesse Ramos
Administration Present: Mayor John Engen, Dale Bickell, Chief Administrative Officer, Ginny Merriam,
Communications Director, Jim Nugent, City Attorney, Marty Rehbein

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 July 15, 2019 meeting will be available at a later date.

3. SCHEDULE OF COMMITTEE MEETINGS

3.1 Committee schedule for the weeks of 07/22/2019 -08/02/2019

Public Safety & Health Committee, July 24, 9:10 – 10:10 a.m.

Land Use & Planning Committee, July 24, 10:15 – 10:55 a.m.

Committee of the Whole, July 24, 11:00 – 11:30 a.m. (meeting at Mountain Line Downtown Transfer Center)

Public Works Committee, July 24, 12:30 – 1:40 p.m.

Budget Committee of the Whole, July 24, 1:45 – 3:25 p.m.

Public Works Committee, July 31, 1:00 – 1:30 p.m.

Budget Committee of the Whole, July 31, 1:35 – 3:05 p.m.

4. PUBLIC COMMENT

5. CONSENT AGENDA

Mayor Engen said, thank you, Ms. Rehbein. Anyone in the audience care to comment on any of the items on the consent agenda this evening? Seeing none, questions or comments from Councilmembers? Ms. Anderson?

Aldersperson Anderson said, thank you, Mr. Engen...or Mayor Engen. I just want to quickly point out to people who...there's been a lot of talk and confusion around e-scooters and e-bikes and this particular resolution that we are adopting in the consent agenda just allow people who personally own e-bikes to travel amongst our commuter trails. This is not opening the door for

any company to come in and rent e-bikes or scooters. This is just allowing for those people in our community who already have it, so I think it's important to note that cause there's been a lot of talk and confusion so I just wanted to take this opportunity to clarify that. Thank you so much.

Mayor Engen said, further discussion? Alright, seeing none, we'll have a roll call vote.

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson DiBari, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Bryan von Lossberg, and Alderperson West

ABSENT: (3): Alderperson Armstrong, Alderperson Cares, and Alderperson Ramos

Vote result: Approved (9 to 0)

5.1 Claims - July 23, 2019

Approve claims in the amount of \$1,875,305.95 for checks dated July 23, 2019.

Vote result: Approved

5.2 Waiver of Missoula Municipal Code Chapter 9.30 Noise Control for JAG Grading & Paving for the Pine Street Trail

Approve a waiver from MMC 9.30 Noise Control for JAG Grading & Paving for trail and road construction for the Pine Street Trail project.

Vote result: Approved

5.3 Surplus property disposal and sale at 1526 Arthur

Adopt a resolution of the City Council declaring a certain City of Missoula-owned parcel of land, totaling approximately 4,878 square feet and generally located at 1536 Arthur Avenue, as surplus and authorizing its disposal and sale to John E. Dunkum in the amount of \$169,800.

Vote result: Approved

5.4 Surplus property disposal and sale at 701 East Beckwith

Adopt a resolution declaring a certain City of Missoula-owned parcel of land, generally located at 701 East Beckwith Avenue, as surplus and authorizing its disposal and sale to Edgell Building, Inc. in the amount of \$302,000.

Vote result: Approved

5.5 2019 Missoula Urban Pavement Condition Assessment

Approve and authorize the Mayor to sign a contract with the Transmap Corporation for a total amount of \$111,823 from MPO Metropolitan Planning (PL) grant funds to conduct a Urban Area Street Pavement Condition Analysis.

Vote result: Approved

5.6 Ordinances amending Chapter 10.42 and 12.40 Missoula Municipal Code to permit electrically assisted bicycles on commuter trails and public right-of-way

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[First reading and preliminary adoption] Set a public hearing on August 12, 2019, and preliminarily adopt an ordinance of the Missoula City Council amending Missoula Municipal Code Title 10, Chapter 10.42 entitled “Bicycles”, to permit and regulate the use of electrically assisted bicycles within the City and on an ordinance of the Missoula City Council amending Missoula Municipal Code Title 12, Chapter 12.40 entitled “City Parks” to allow certain electrically assisted bicycles to use primary commuter trails within the City.

Vote result: Approved

5.7 Tower Street Parking Lot Repair – FEMA Grant

Approve and authorize the Mayor to sign a contract with Knife River for the reconstruction of the Tower Street conservation area parking lot in the amount of \$26,967.00.

Vote result: Approved

5.8 Bluebird-North Hills Open Space Acquisition

Set a joint public hearing with the Missoula Board of County Commissioners on August 12, 2019 on a resolution to expend up to \$450,000 of the City’s portion of the 2006 Open Space Bond funds to purchase 124 acres of open space land in the North Hills to protect scenic open space and wildlife habitat and provide a new public access trailhead and recreational trail.

Vote result: Approved

5.9 2019 Pleasant View Homes No.5 Phasing Plan Amendment

Approve the 2019 Pleasant View Homes #5 Phasing Plan Amendment based on the findings of fact in the staff report.

Vote result: Approved

5.10 Appointment to the Public Art Committee

Confirm the Mayor’s appointment of Willow Kipp to the Public Art Committee beginning immediately and expiring on June 30, 2023.

Vote result: Approved

5.11 Appointment to the Tourism Business Improvement District

Confirm the Mayor's appointment of Kim Sawyer to the Tourism Business Improvement District, for a new term, beginning immediately and expiring on December 1, 2023.

Vote result: Approved

5.12 Annual Assessments for Street Maintenance District #1--Downtown

Set a public hearing on August 12, 2019, on a resolution levying a special assessment and tax on the lots, pieces and parcels of land situated within Street Maintenance District #1 of the City of Missoula, Montana generally located in the downtown area in the amount of \$104,622.00 for the purpose of defraying the cost of flushing and removing street rubbish from streets and avenues in the district during the fiscal year 2020.

Vote result: Approved

5.13 Resolution amending fiscal year 2019 budget for Crosby/Cleveland Traffic Calming Circle and KAboom Rose Park Memorial

Set a public hearing on August 5, 2019 for a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2019 budget and capital improvement program that increases the total city budgeted expenditures by \$82,500 and appropriate the Capital Improvement fund expenditures in the amount of \$82,500 in order to install a traffic calming circle at the Crosby/Cleveland intersection and contribution to KAboom for playground installation at Rose Memorial Park.

Vote result: Approved

6. COMMENTS FROM CITY STAFF, AGENCIES, BOARDS, COMMISSIONS, AUTHORITIES AND THE COMMUNITY FORUM

7. SPECIAL PRESENTATIONS

8. PUBLIC HEARINGS

8.1 Proposed Annexation Policy

Tom Zavitz, Development Services, said, I'm here to present a public hearing to adopt a resolution to adopt an annexation policy for the city of Missoula. And I'm going to do this the old-fashioned way tonight.

Mayor Engen said, also, the lid, the high-tech lid is on the projector.

City Clerk Rehbein said, [inaudible, off microphone]

Mayor Engen said, oh, we don't? Oh, okay. Alright. Old-fashioned it is, Tom.

Tom Zavitz, Development Services, said, okay, so, the pictures weren't that great anyway. This started last year in the fall and we began to put together a potential annexation policy in November and we did research on best practices and we

interviewed City staff and departments and other City agencies and in the late winter, early spring, we came up with a annexation policy that we put in front of the Land Use and Planning Committee first on June 12th. We got a few...we made a few changes after a few suggestions at that meeting and then we took it and presented it to the Urban Growth Commission on June 20th. Went in front of the City County Planning Board on July 2nd where we got, oh, I think we had five suggestions and then I presented those to you at the last Land Use and Planning meeting and two...I added two of those to the current version, and then here we are tonight, July 22nd. And so, I'm just going to run through the sort of basic parts of the proposed policy. And in the intent section or the introduction, there are three basic parts. The first is that an annexation policy as described in state law should be providing health, safety and general welfare through orderly development. And that is through the efficient provision of Public Services and Utilities. Annexation also unites and creates an effective local community government. And, thirdly, I think what's most important, is the equal sharing of community resources and costs. And so, let me jump into the sections of the policy right now. The boundary that we're looking at is inside of the utility services area and outside, obviously, of the current city limits. There are, after researching and sort of mapping the policy items, we came up with a map that showed, which I will hopefully show you in a minute, and you've seen before at the Land Use and Planning Committee meeting, that shows areas that are outside of the city, that are...that sort of meet the criteria that's in the policy and then there are areas further away that tend not to meet the policy items. So, okay, and so that gave us this map that showed areas A and B that were outside of the city limits but within the utility services area. Properties also are suggested to be annexed are obviously the ones that are adjacent to the city limits and that would fill in gaps and not create islands and other types of noncontiguous boundaries for the city. The policy also prioritized the annexation of areas that meet current and city standards including, but not limited to, water, sewer and transportation infrastructure. We should always evaluate direct and indirect costs of service and maintenance needs so, in other words, the proposed annexations should not provide sort of an undue burden to citizens inside the city who are already citizens. And that the newly annexed areas or the proposed annexation areas should provide the same levels of service and infrastructure as other parts of the municipality. And, also, then that we should avoid annexations that would involve substantial utility and service extension obstacles. So, pursue cost-effective annexation opportunities. Next section, the City should prioritize annexations that are obviously advantageous to the residents of the annexation area in the city. That kind of...might make it worse.

Mayor Engen said, you're doing well despite our technical issues, Tom. A lot of distractions but you're doing just fine.

Tom Zavitz, Development Services, said, thank you. Where property owners are generally favorable toward the annexation. Where there are existing annexation agreements and signed annexation petitions. And so that's referring to properties that have signed an agreement with the City in order to get sewer and then they have waived the right to protest if and when the City might want to annex them. In cases where annexation is undesirable, the City should only extend contract sewer to meet planning goals and possibly negotiate agreements with Missoula County in lieu of annexation of

various...where required municipal improvements like sewer and water cannot be provided in a cost-effective or efficient manner by the City. This annexation policy was based on obviously this first the City Growth Policy but then also the City Housing Policy, open space plans, parks plans, pretty much all of the plans that the City has went into the creation of the foundation for this annexation policy. And, also, we...in the policy say that we should avoid development of floodplains and other environmentally sensitive lands or generally just constrained lands, lands that don't make sense to have within the city. And, also, include mixed use highly walkable neighborhoods as guided in the current Growth Policy. So, this is the map that I was talking about earlier. And this olive colored area just outside the city limits here where I have the arrow, this is an area we call Area A. These lands tend to meet the criteria that we have in the Growth Policy. And then these further orange areas, which are usually on the outskirts, are areas that tend not to meet the criteria that are in the Growth Policy now. Now that doesn't say that they might not, in the future, and also it doesn't really mean that areas within these olive areas on an individual basis, there might be other factors that we don't know about or that might just make them...they might be constrained and that we might not want to annex anyway. This is just something to help guide sort of a...if an individual came in with a request for annexation, they could use this map to kind of give them an idea of where they stood as far as an annexation decision. And then, finally, for annexation approval, city annexation should be conducted obviously in accordance with state law. The City continues to reserve the right to condition annexation approvals. And then also where appropriate the area under annexation should petition strongly encourage to join the Missoula Urban Transportation District. And I want to do a couple of cleanup items because we changed the public hearing date, the date that is in the resolution says July 8th, that would be changed to July 22nd. And then inside of the policy we wanted to add and/or water to the line that talks about contract sewer. And then some cleanup on the policy map, just taking away the word "proposed" and a word "have" from the second sentence in the description. And then this is the motion and I can take any questions.

Mayor Engen said, thank you, Tom. I appreciate that and I will just add before I invite comment so, ladies and gentlemen, this is a policy, it is not a dictum, it is not a requirement and it provides guidance where we really haven't had guidance before. Every area that is available for annexation in this map was available yesterday. What we have now are some sideboards that help us understand whether or not annexation makes sense in a more granular...from a more granular policy perspective and I appreciate the good work that Tom and Ben and the team have done to put this together. And with that, I'm happy to open the public hearing. Anyone care to comment on the proposed policy? No? Alright, I will close the public hearing. Are there questions from Councilmembers? Ms. Merritt?

Alderperson Merritt said, a quick question for Tom to maybe put this in a little more of layman's terms. Would you say that one aspect of this policy is to have the City do a little more in depth financial review of an area to be annexed before we approach any annexation?

Tom Zavitz, Development Services, said, right and, you know, any...even...an individually proposed or a city-proposed annexation, which is the rarest, obviously you would want to look at what the costs are versus what the benefits are including the tax revenue, but the cost could include upgrading our infrastructure in places that it are not

within the proposed area. So, looking at that as carefully as possible, is always recommended. Right.

Mayor Engen said, further questions? Ms. Becerra?

Alderperson Becerra said, Tom, would this become an amendment to the Growth Policy?

Tom Zavitz, Development Services, said, no, this stands by itself. This policy, right.

Mayor Engen said, further questions? Ms. Jones?

Alderperson Jones said, and I know we discussed this in committee but I think it is good to go over it again. If you would just discuss a little bit the difference between a policy and an annexation plan because this is an annexation policy so it's very broad. But if you'd just discuss that a little bit, I think that's good to hear again.

Tom Zavitz, Development Services, said, yeah and I...that was something I missed in the beginning. The policy is something that a plan could be based on. And in a plan there are requirements that you would follow during an application for annexation or for a city proposed annexation, so there would be rules, statements that these things must happen whereas in a policy we're saying, here's...here are the types of places, in this case, here are types of places we should annex. Here are the types of things we would like to see happen if this is annexed. Here are the kinds of situations we want to be present when an application comes to us for annexation. It just says those in sort of general ways but they can be somewhat specific but they're not rules. They're things that we want to have happen and they're more just guidelines. And then the next step would be if you went to having a plan, then that would be where you may lay out a strategy for annexing or a timeline or actual places on a map that you see happening in a certain sequence, something like that. But these are just guidelines at this point, right.

Mayor Engen said, further questions? Ms. Harp?

Alderperson Harp said, Tom, could you tell us why guidelines matter, whether we are an individual property owner or if we are a developer or if we are local government? Why do these guidelines matter?

Tom Zavitz, Development Services, said, well, we have to have guidelines. It's similar to a growth policy. A growth policy is not a set of rules. We just have to have...we need to have, criteria is probably not a great word but we want to have statements that say this is the kind of city that we are, these are the kinds of...this is the kind of city we want to become and we can say certain...a little bit more detail, things about that but they are, and I'm searching and not finding the right word, but these are just as you will see in the Growth Policy, these are the goals. These are the aspirations for our preferred annexations if we were to do them. These are the kinds of places.

Mayor Engen said, and I'll supplement that answer. So, to a great degree when we consider annexation many of the items that you're seeing in this policy are already considerations. Ain't nobody knows them but the folks who are administering the policy, so this is an effort in transparency in delivering some degree of consistency. We consider almost everything that is a function of this policy informally today. This policy makes it clear that we will consider these things as a function of our...any proposed annexation whether someone's petitioning to annex into the city or in the case we were to initiate an annexation, but it's not written down anywhere today. It's all part of institutional

memory and we'd just as soon have it in writing so folks know what we're up to. Further questions? Seeing none, Mr. DiBari?

Alderson DiBari said, and I think I need to add "and as amended, at the end of this? Is that true? Because you changed...

Mayor Engen said, yeah.

Alderson DiBari said, so I move that City Council adopt a resolution to adopt the annexation policy based on the Our Missoula: City Growth Policy 2035 for the City of Missoula as amended. And may I speak to that please?

Alderson DiBari said, so I move that City Council adopt a resolution to adopt the annexation policy based on the Our Missoula: City Growth Policy 2035 for the City of Missoula as amended. And may I speak to that please?

Mayor Engen said, you may.

Alderson DiBari said, so, I want to thank Ben and Tom and all the other folks who contributed to the formulation of this policy. I know we routinely seek comment from other departments in the City and interested agencies but I really think that the effort that Tom and Ben put forward to get involvement from those folks really helped strengthen the policy and makes it a more useable document to carry on with the conversation that we were having during questions. The way I've been thinking about this is that this policy helps frame our thinking and guide our consideration around annexation. And it is a way to put into words what our Growth Policy says in terms of how we want the community to grow and develop and, as Tom and others have said, you know, what our aspirations and values are and articulate that in a way in the context of annexation. So, as Tom indicated, what we saw on this map and we may see on other maps that sort of come up as a result of tinkering with the various variables associated with the policy is a way for us to be intentional about the work that we do when we consider annexing a part of the city. There are so many things to consider. The financial aspect of it. The orderly growth and development aspect of it. The public health, safety and welfare, as Tom said. So, I think this helps set the context for us as we begin to think about what annexations may come in the future, help guide our thinking around that. And I think, you know, it's not a call to go out and annex at all. It's, like I said, it's a way to help guide our consideration. But in the event that we are posed with some kind of request for annexation or if we feel like the City in order to help guide its growth wants to go out and do that, it provides the context for us to reasonably consider what we should do in that regard and so I plan to support this and I hope you guys will too.

Mayor Engen said, thank you. Further discussion? Seeing none, we've had a public hearing, we'll have a roll call vote.

Upon a roll call vote, the vote on the consent agenda was as follows:

Moved by: Alderson DiBari

Adopt a resolution to adopt the annexation policy based on the Our Missoula: City Growth Policy 2035 for the City of Missoula as amended.

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson DiBari, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Bryan von Lossberg, and Alderperson West

ABSENT: (3): Alderperson Armstrong, Alderperson Cares, and Alderperson Ramos

Vote result: Approved (9 to 0)

9. COMMUNICATIONS FROM THE MAYOR

10. GENERAL COMMENTS OF CITY COUNCIL

Alderperson Jones said she drove to Seeley Lake for a dedication of a section of highway to Trent Johnson, a firefighter who died two years ago, on July 19th, so it was a two-year anniversary. There were about 200 firefighters there and all of his family. It was a beautiful ceremony and it was a beautiful day. He worked for Grayback Forestry in the Firefighting Division when he died. The Grayback representative said, "Underneath Trenton's youthful exterior was a natural born leader." Ms. Jones knew Trenton and she thought that was a very good characterization of him. If you're on Highway 83, going through the Seeley Swan, it starts at mile marker #14.

Alderperson Becerra said she was listening to the radio today and heard, although it's not quite fire season yet, we might see some fires in August. Those people that might live in areas more prone to fires it's great to take advantage of the many resources that we have in our community through the DNRC, the Forest Service and our Rural Fire Department. She said if you know anyone who might benefit from those benefits, please pass along that information that they can always reach out to the organizations in town that have a tremendous amount of knowledge and resources for how to deal with situations like that.

11. COMMITTEE REPORTS

11.1 Administration and Finance committee (AF) report

11.1.1 July 17, 2019 Administration and Finance report

11.2 Budget Committee of the Whole (BCOW) committee report

11.2.1 July 17, 2019 Budget Committee of the Whole report

11.3 Committee of the Whole (COW) committee report

11.3.1 July 17, 2019 Committee of the Whole report

11.4 Land Use and Planning (LUP) committee report

11.4.1 July 17, 2019 Land Use and Planning report

11.5 Parks and Conservation (PC) committee report

11.5.1 July 17, 2019 Parks and Conservation report

11.6 Public Safety and Health (PSH) committee report

- 11.6.1 July 17, 2019 Public Safety and Health report
 - 11.7 Public Works (PW) committee report
 - 11.7.1 July 17, 2019 Public Works report
- 12. NEW BUSINESS
- 13. ITEMS TO BE REFERRED
 - 13.1 Administration and Finance committee referrals
 - 13.2 Budget Committee of the Whole referrals
 - 13.3 Committee of the Whole referrals
 - 13.3.1 Mountain Line Electric Bus Launch
 - 13.4 Parks and Conservation committee referrals
 - 13.5 Land Use and Planning committee referrals
 - 13.5.1 Ordinance to Amend Title 20 Related to Townhome Exemption Development (TED)
 - 13.6 Public Safety and Health committee referrals
 - 13.6.1 Relationship Violence Services (RVS) Quarterly Update
 - 13.7 Public Works committee referrals
 - 13.7.1 Consider Revisions to the City Sidewalk Funding Assistance Program
 - 13.7.2 Bid Award for the Alder St. and Cooper St. Water Service Swap Project
 - 13.7.3 Railroad St. Water Main Replacement Project Agreement Amendment 1 with Knife River, Inc.
 - 13.7.4 Construction Agreement with the Montana Dept. of Transportation for the Higgins Ave. Bridge Rehabilitation Project
 - 13.7.5 East Missoula Highway 200 Corridor Plan Contract
 - 13.7.6 Resolution to Adopt the Pedestrian Facilities Master Plan
- 14. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS
 - 14.1 Administratively approved agreement report

15. ADJOURNMENT

The meeting adjourned at 7:53 p.m.

Martha L. Rehbein, CMC, City Clerk

John Engen, Mayor

Kelly Elam, Administrative Assistant ||