

Journal Of Proceedings
Missoula City Council Meeting

August 5, 2019, 7:00 pm
City Council Chambers
140 W. Pine Street, Missoula , MT

Members Present: Stacie Anderson, Julie Armstrong, Mirtha Becerra, Michelle Cares, John DiBari, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Jesse Ramos, Bryan von Lossberg, Heidi West

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

Administration Absent: Dale Bickell, Chief Administrative Officer, Ginny Merriam, Communications Director

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 22, 2019 meeting

The minutes were approved as submitted.

3. SCHEDULE OF COMMITTEE MEETINGS

3.1 Committee schedule for the week of August 5, 2019

Public Safety & Health Committee, August 7, 10:40 – 11:25 a.m.

Public Works Committee, August 7, 11:30 – Noon

Parks & Conservation Committee, August 7, 12:30 – 1:30 p.m.

Administration & Finance Committee, August 7, 1:35 – 1:45 p.m.

Budget Committee of the Whole, Committee, August 7, 1:50 – 4:00 p.m

4. PUBLIC COMMENT

Kandi Matthew-Jenkins, 1211 Cooper Street, said she had mentioned the Medicaid expansion and how many people out of state it was covering that are not living in Montana. When she made the comment about making sure that long-term Missoulians for This Place Called Home were actually Missoulians. She brought a copy for the Council. The last entry is for Mosul, France. People out of state are getting our Medicaid expansion and she thinks it's important that we're serving the people of Missoula in long-term care. She continued to read from the Soviet Art of Brainwashing Psychopolitics: The Art of Mental Healing as read into the Congressional record on Un-American Activities between the years of 1936 and 1939. "CHAPTER XIV, THE SMASHING OF RELIGIOUS GROUPS. You must know that until recent times the complete subject of mental derangement, whether so light as simple worry, or so heavy as insanity, was

the sphere of activity of the church and only the church. Traditionally in civilized nations and barbaric ones the priesthood alone had in complete charge the mental conditions of the citizen. As a matter of great concern to the psychopolitician this tendency still exists in every public in the Western World and scientific inroads into this sphere has occurred only in official and never in public quarters. The magnificent tool wielded for us by Wundt would be as nothing if it were not for official insistence in civilized countries that "scientific practices" be applied to the problem of the mind. Without this official insistence or even if it relapsed for a moment, the masses would grasp stupidly for the priest, the minister, and the clergy when mental condition came in question. Today in Europe and America "scientific practices" in the field of the mind would not last moments if not enforced entirely by officialdom." She added that the actions in El Paso and Dayton were not the actions of mentally corrupt people. These people have been affected probably most of their lives by the pharmaceutical agents with the psychotropic drugs that we in America have allowed our children to be brought under.

5. CONSENT AGENDA

Mayor Engen said, thank you, Ms. Rehbein. Questions or comments from Council? Mr. Ramos.

Aldersperson Ramos said, thank you, Mayor Engen. Just trying to navigate this new-fangled map we've got here. I think I'm going to divide the question and take out #5.9 and vote on that separately please.

Mayor Engen said, okay. Anyone else? Anyone in the audience on the consent agenda? Alright. Seeing none, we will have a roll call vote on items 5.1 through 5.8.

10 ayes and 2 absent.

Mayor Engen said, and on item 5.9.

9 ayes, 1 nay, 2 absent.

Mayor Engen said, thank you and the consent agenda is approved.

AYES: (10): Aldersperson Anderson, Aldersperson Armstrong, Aldersperson Becerra, Aldersperson Cares, Aldersperson DiBari, Aldersperson Harp, Aldersperson Hess, Aldersperson Ramos, Bryan von Lossberg, and Aldersperson West

ABSENT: (2): Aldersperson Jones, and Aldersperson Merritt

Vote result: Approved (10 to 0)

5.1 Claims - July 30, 2019

Ratify claims (accounts payable) in the amount of \$1,087,530.52 for checks dated July 30, 2019.

Vote result: Approved

5.2 Claims-August 6, 2019

Approve claims (account payable) in the amount of \$949,054.61 for checks dated August 6, 2019.

Vote result: Approved

5.3 Fiscal Year 2020 Executive Budget

Set a public hearing for August 19, 2019, on:

- Preliminary fiscal year 2020 budget and capital improvement program
- Work plans and budgets for Road District #1, Park District #1, the Downtown Business Improvement District, and the Tourism Business Improvement District
- Permissive medical tax levy
- Increases to the following fee schedules:
 - Fire fees relating to fire inspection, plan checking, pyrotechnic display and special events
 - Development Services fees relating to the review and processing of land use applications pursuant to city adopted regulations pertaining to zoning, subdivision and floodplain services; business licensing; hazardous vegetation removal; and engineering fees and permits related to work and use of City public right-of-way
 - Public Works fees relating to waste hauler permits, wastewater industrial interceptor variance permits, and cemetery fees
 - Police fees relating to special events

Vote result: Approved

5.4 Bid Award for the Alder St. and Cooper St. Water Service Swap Project

Award the bid for construction services for the Alder Street and Cooper Street Water Service Swap Project to Western Excavating for an amount not to exceed \$275,268.00 and authorize the return of bid bonds.

Vote result: Approved

5.5 Construction Agreement with the Montana Dept. of Transportation for the Higgins Ave. Bridge Rehabilitation Project

Approve and authorize the Mayor to sign a construction agreement with the Montana Department of Transportation for the Higgins Avenue Bridge Rehabilitation Project at a cost not to exceed \$1,700,000.

Vote result: Approved

5.6 Railroad St. Water Main Replacement Project Agreement Amendment 1 with Knife River, Inc.

Approve and authorize the Mayor to sign an agreement amendment with Knife River, Inc. for water line installation work along McCormick Street from Toole Avenue to West Alder Street as part of the Railroad Street Water Main Replacement Project at a cost not to exceed \$33,143.00.

Vote result: Approved

5.7 East Missoula Highway 200 Corridor Plan Contract

Approve and authorize the Mayor to sign a contract with WGM in the amount of \$283,800 for the East Missoula Highway 200 Corridor Plan.

Vote result: Approved

5.8 Resolution to Adopt the Pedestrian Facilities Master Plan

Set a public hearing on August 12, 2019, on a resolution to adopt the Pedestrian Facilities Master Plan for the purpose of pursuing a complete, connected and safe network of facilities for pedestrians in the Missoula Urban Area.

Vote result: Approved

5.9 Consider Revisions to the City Sidewalk Funding Assistance Program

Direct staff to draft a resolution regarding revisions to the City's sidewalk assessment funding assistance program.

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

NAYS: (1): Alderperson Ramos

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

Vote result: Approved (9 to 1)

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

6.1 Heart of Missoula Neighborhood Council Report - Laurel Farrell

Laurel Farrell said they had their neighborhood annual general meeting July 24 at Caras Park. They had about 20 people this year at the meeting. There was a mailing list error with their postcard and they are trying to figure out how to correct that. They had hoped that maybe there was just a little meeting fatigue from all of the downtown planning meetings. They had a couple of representatives from the downtown planning group so attendees were able to ask questions about the downtown vision and planning and that was helpful to have some questions clarified. Their ongoing concerns are property crimes. They are hoping some new police officers will be able to help with that. Also, problems related to homelessness, their aging urban forest, garbage in the alleys and the street repair.

6.2 Franklin to the Fort Neighborhood Council Report - Chris Chitty

Chris Chitty said they have two meetings a year. Their summer meeting was on July 30. It was well attended. Eran Pehan talked about housing policy. Bob Hayes talked about storm water. Bill Pfeiffer talked about moving some bus stops. They also got an update on the Montana Rail Link Park. The 9th Street proposed zoning for the Skyview Affordable Housing Project was brought up by Dale McCormick from Professional Consultants, Inc. and there were a couple of representatives from the developer. It was respectful but definitely lively. There were a lot of folks from the neighborhood who were there who you could broadly characterize as folks who didn't want that to happen in the neighborhood. There were also quite a few, less vocal, people who were supportive, in general. He stated that for the most part the discussion was pretty respectful. There were a lot of things that people just don't know about development and he knows Ms. Harp has talked about having discussions with the developer that might be useful, because there were misconceptions and misunderstandings about why things happen and why developers do what they do with regards to sidewalks and parking and whether it's some nefarious circumstance or whether it's just because that's what the regulations tell you what you have to do. Regarding the Affordable Housing Policy discussions that we're going to have, he would not discount the folks who want radical change happening right in their block. Those folks are having a hard time. When they did the U District zoning overlay, there were a lot of folks who said they didn't want big change happening in their neighborhood and Mr. Chitty thinks the same thing can be said for the folks who live in Franklin to the Fort, which isn't to say that they don't want to build affordable housing, because they do, it's just complicated and maybe creating ways to make more incremental changes more broadly distributed across the city would be a useful thing to shoot for.

6.3 Community Forum Report - Jeff Stevens

Jeff Stevens reported on the July 25, Community Forum. There were 14 Neighborhood Councils represented at the Forum meeting. They had four presentations. The first was a presentation by Leanna Waller with an update on the 44 Ranch Park playground development. She discussed where 44 Ranch is, what the park started as, how the proposed project got started, the steps taken by neighbors and the park development and design and how support was gained. It was an excellent presentation. The next presentation was by John Connor. He discussed the Bancroft Pond Trail Project at the Bancroft Pond's park. An excellent presentation and very informative. They had to reschedule a presentation on the Van Buren Soil Wall Mural because of technical difficulties but he hopes everybody has seen that mural. It is completed and is absolutely beautiful. They had a presentation by Ed Weatherby on the Old Saw Mill District. He presented on the Sawyer Student Living which is almost complete and will be opened very soon. He also discussed the restroom in the Old Saw Mill District called the Saw Mill Grill. Also, there was discussion of the concern that's going to be taking place in the area. He discussed the next level of work in the district and answered questions about development in the district. There were three action items on neighborhood project funds. The first was on the \$500 appropriated to the ASUM off-campus Renter Center snow shovel grant. The second was a rescoping of the Slant Street Gateway grant. This money was reallocated to the construction of the new Rose Park, park. They also made a recommendation on large grant funding and increased the maximum amount to be

spent on a single large grant from \$3,000 to \$6,000. The next meeting will be August 22 and the moderator will be Julie Devlin.

7. SPECIAL PRESENTATIONS

None

8. PUBLIC HEARINGS

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

Kevin Slovarp, City Engineer with Development Services, said, I'm going to present the Cleveland/Crosby Traffic Calming Circle. I can't really speak to the KAboom Park and so I don't know if it's something that needs to come back or not, but I wasn't planning on giving any of that report. I know in an email earlier today that Scott had reached out to some folks in Parks Department and a couple of folks replied and said they weren't able to attend tonight. So, I don't know how that affects your deliberations or not, but I wanted to offer some information on the traffic calming circle. So, the request is for \$17,500. That amount of money essentially was expended. The Neighborhood Grant Program paid for \$2,500 of that. In addition, there were private contributions of \$5,050 from the neighborhood and folks that wanted to see that traffic calming circle go in at that location and that was the total amount that came from the neighborhood. We expected that the circle itself would cost anywhere from \$7,000 to \$9,000 and when this was being contemplated, Ben Weiss asked me if City Engineering could fund the balance of that project and I agreed to do that in order for this project that was desired by the residents for two or three years now to be constructed without further delay. So, what ended up happening is we got out there and started the improvements and we realized that we needed to make more improvements than just physically placing a traffic calming circle in the middle of the intersection. We needed to do some reconfiguration of the northwest corner that included curb and sump and ADA facilities in order for buses to negotiate that corner and so we went ahead and did that and that change order worked and paid for that. The total City contribution, City Engineering, would pay for that out of their general professional services account which is general fund money, was \$9,950, and so that's the finances. I've heard that the project works well and that the neighborhood is satisfied with it and is appreciative of it and so I'd be happy to answer any questions if there are any.

Mayor Engen said, thank you, Mr. Slovarp. And I will fill in for Parks staff. The second part of this is an \$8,500 contribution that matches support from KAboom which is a national organization that brings playground equipment to communities and sponsors community builds to put that altogether. So, the entire package you're voting on tonight, is \$82,500 and the \$8,500 with KAboom that takes care of that park project. And with that, I will open the public hearing. Anyone care to comment on these budget amendments? Alright, seeing none, questions from Council? Ms. Harp?

Alderperson Harp said, Mr. Mayor, could you tell us a little bit more about how many other of our neighborhood parks that have had community builds in comparison to just like our Parks Department installing those themselves?

Mayor Engen said, so, typically, off the top of my head, Ms. Harp, I can tell you we did a KAboom project. I was there and I'm trying to remember which park it was. I can think of one other KAboom project that we've done.

Alderson Harp said, and maybe it's not KAboom but I remember shortly after I moved to Missoula that Dragon Hollow is one of the first ones as well as the Westside Park.

Mayor Engen said, yup.

Alderson Harp said, those two.

Mayor Engen said, those two, yup. Yeah, and I don't recall which park was KAboom. And typically for those of you who will recall those playgrounds typically run in the six digits all day long, so getting help from KAboom is meaningful and it happened fairly quickly. We actually got a request, I want to say about three months ago, and so we had to move quickly to make this work. Other questions? Alright, seeing none, in Ms. Jones' absence, who is going to make a motion for me?

City Clerk Rehbein said, actually it's A&F.

Mayor Engen said, oh, it's A&F. Sorry. Ms. Harp. I had Parks on my mind.

Alderson Harp said, alright, I move that we adopt 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 budget 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 and Cleveland intersection and contribution to KAboom for a playground installation at Rose Memorial Park.

Mayor Engen said, thank you, Ms. Harp.

Alderson Harp said, and may I speak to that?

Mayor Engen said, yes, ma'am.

Alderson Harp said, I just want to let everyone know that I fully support both of these improvements. In particular, the traffic calming circle, as Mr. Slovarp indicated, has been a process, to say the least, for a number of years, one in which that shouldn't have to take so long. So, I want to thank especially Julie Devlin for her inordinate amount of patience of working through this process, working with her neighbors, to make this a reality. And I also want to just support the fact that this particular playground installation in my neighborhood is wonderful, as it's adjacent to or part of Rose Memorial Park to begin with, it is one that we have many members of our public come in attendance for, whether it's on Memorial Day or sometimes it's Labor Day or if we have various different Neighborhood Council meetings there, it is a place that many people arrive and it's nice to have this particular pocket park upgraded.

Mayor Engen said, further discussion? Ms. Cares?

Alderson Cares said, I am going to support the motion. I just wanted to mention that the Community Build Day is Saturday, August 17, so it's coming in hot and we'll have a new park, playground. Thanks.

Mayor Engen said, further discussion? Mr. Ramos?

Alderson Ramos said, thanks, Mr. Mayor. I'm going to make it quick. I'm not going to support this just because I'm concerned about the maintenance costs of these parks piling up and causing an additional burden on the taxpayers. I think it's going to be a great park. I'm not an old grinch. I'm just concerned about the numbers on this one and other parks, so respectfully, I'm voting no.

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

Moved by: Alderson Harp

Adopt 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.

AYES: (9): Alderson Anderson, Alderson Armstrong, Alderson Becerra, Alderson Cares, Alderson DiBari, Alderson Harp, Alderson Hess, Bryan von Lossberg, and Alderson West

NAYS: (1): Alderson Ramos

ABSENT: (2): Alderson Jones, and Alderson Merritt

Vote result: Approved (9 to 1)

9. COMMUNICATIONS FROM THE MAYOR

None

10. GENERAL COMMENTS OF CITY COUNCIL

Alderson Harp said this last week they had some vandalism on a brand-new pedestrian bike facility underground pass. It was an act of vandalism and was filled with hate. What makes it so disappointing is not only for whatever reason this person was picking a fight with who knows who, but how much work and effort all those construction workers spent months and months upon producing something that the rest of us can be proud of. It's our taxpayer dollars at work and it's a benefit that we all mutually get to enjoy and someone thought it was his or her prerogative to make it their own. She condemns that and wishes that individual would come forward and take the consequences for his or her actions.

Alderson Anderson asked for a moment of silence to recognize the 31 people killed this weekend in acts of gun violence and the numerous scores of people who were wounded and the communities who are hurting right now from the continued gun violence that is an epidemic in our country.

Alderson West the Outdoor Cinema is showing Mowana next weekend, Saturday, August 10, and the movie should start right around 9 o'clock.

Alderson Ramos echoed what Ms. Harp said that what happened with the bridge was disgusting and it's cowardly if they do not come forward and admit that not only did they vandalize

public property but they also made people in this community feel unsafe and especially in the wake of the shootings where there's disgusting white-supremacy going on across the whole country, to think they can pollute Missoula like that absolutely angers him. All of his fellow Councilmembers would join him in condemning this. If that man or woman has any self-respect at all, they should show themselves and they should certainly take responsibility for their actions and face the consequences because Missoula has no place for hate.

Alderperson Becerra said the mass shootings have been somewhat emotional for her. As a Hispanic woman, she has never felt discriminated against or targeted in her entire life, but the shootings in El Paso certainly shook her to the core. She believes the racist commentary that has taken place at the national level have not helped and the statistics that she read, that more than 255 mass shootings have taken place this year alone is simply unacceptable and she is demoralized to learn that most people talk about thoughts and prayers. She does not know what we can do as a community but she believes it's time to wake up and it's time to change the conversation so that we can have more inclusive and more accepting conversations at all levels.

Alderperson Armstrong marked the passing of a member of her family but more importantly a member of this community, Dr. John Wiesel passed after a short battle with liver cancer. He was the previous director of Community Hospital and director of the Governor's Health Care Innovation Council and he sat on many boards. He's definitely going to be missed in her family and in the community.

11. COMMITTEE REPORTS

11.1 Administration and Finance committee (AF) report

11.2 Budget Committee of the Whole (BCOW) committee report

11.2.1 July 24, 2019 Budget Committee of the Whole report

11.2.2 July 31, 2019 Budget Committee of the Whole report

11.3 Committee of the Whole (COW) committee report

11.3.1 July 24, 2019 Committee of the Whole report

11.4 Land Use and Planning (LUP) committee report

11.4.1 July 24, 2019 Land Use and Planning report

11.4.2 July 31, 2019 Land Use and Planning report

11.5 Parks and Conservation (PC) committee report

11.6 Public Safety and Health (PSH) committee report

11.6.1 July 24, 2019 Public Safety and Health report

11.7 Public Works (PW) committee report

11.7.1 July 24, 2019 Public Works report

11.7.2 July 31, 2019 Public Works report

12. NEW BUSINESS

13. ITEMS TO BE REFERRED

- 13.1 Administration and Finance committee referrals**
 - 13.1.1 Resolution levying street lighting district assessments for 2019**
- 13.2 Budget Committee of the Whole referrals**
- 13.3 Committee of the Whole referrals**
- 13.4 Parks and Conservation committee referrals**
 - 13.4.1 Appointment to the Energy & Climate Team**
- 13.5 Land Use and Planning committee referrals**
- 13.6 Public Safety and Health committee referrals**
 - 13.6.1 Ordinance Amending MMC Chapter 6.07.1605 Animal Control Impoundment Costs**
 - 13.6.2 Review of Sequential Intercept Mapping Report and Next Steps**
- 13.7 Public Works committee referrals**
 - 13.7.1 Agreement with Montana Dept. of Transportation for Sanitary Sewer Manhole Adjustment on the I-90 Ramps – Grant Creek Road Project**
 - 13.7.2 HVAC Maintenance Fiscal Year 2020 To 2024**
 - 13.7.3 Higgins Avenue Bridge Rehabilitation-Hip Strip Plaza and West Stair Feasibility Studies and Design Modifications Project**
- 14. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS**
 - 14.1 Administratively approved agreement report**
- 15. ADJOURNMENT**

The meeting adjourned at 7:36 p.m.

Martha L. Rehbein, CMC, City Clerk

John Engen, Mayor

Kelly Elam, Administrative Assistant ||