

Journal Of Proceedings
Missoula City Council Meeting

May 3, 2021, 6:00 pm

ZOOM Webinar

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

Members Absent: Bryan von Lossberg

Administration Present: Jim Nugent, City Attorney, Marty Rehbein

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

1. CALL TO ORDER AND ROLL CALL

The virtual meeting of the Missoula City Council was called to order by Vice-President Gwen Jones at 6:00 PM.

2. APPROVAL OF THE MINUTES

2.1 Minutes from the April 26, 2021 meeting

The minutes were approved as submitted.

3. SCHEDULE OF COMMITTEE MEETINGS

3.1 Committee schedule for the week of May 3, 2021.

4. PUBLIC COMMENT

5. CONSENT AGENDA

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

ABSENT: (2): Alderperson Anderson, and Alderperson von Lossberg

Vote result: Approved (10 to 0)

5.1 Claims- May 4, 2021

Approve claims in the amount of \$ 600,410.18 for checks dated May 4, 2021.

Vote result: Approved

5.2 Resolution to Surplus Fire Equipment

Adopt a resolution of the City Council declaring certain City of Missoula property as surplus and authorizing its disposal.

Vote result: Approved

5.3 Municipal Court Ordinance Update

[First reading and preliminary adoption] Set a public hearing for May 17, 2021 and preliminarily adopt an ordinance amending Title 2, Chapter 2.42, Section 2.42.010 entitled "Municipal Court" to establish three municipal court judges as well as establish the duties of the chief judge.

Vote result: Approved

5.4 Truitt Contract Amendment – National Institute of Health Grant

Approve and authorize the Mayor to sign the National Institute of Health Grant Administration Agreement Amendment in an amount not to exceed \$46,209.00.

Vote result: Approved

5.5 Resolution Relating to the Financing of Proposed Storm Water System Improvements; Establishing Compliance With Reimbursement Bond Regulations Under the Internal Revenue Code

Adopt a resolution relating to the financing of proposed storm water system improvements; establishing compliance with reimbursement bond regulations under the Internal Revenue Code

Vote result: Approved

5.6 Ordinance Amendments for the Affordable Housing Citizen Oversight Committee

[First reading and preliminary adopting] Set a public hearing for May 17, 2021 and preliminarily adopt an amendment to Ordinance 3663 to address administrative changes to the Affordable Housing Citizen Oversight Committee structure.

Vote result: Approved

5.7 Appointments to the Affordable Housing Citizen Oversight Committee

Appoint Paul Herendeen to the Affordable Housing Citizen Oversight Committee for a term beginning June 1, 2021 and ending on May 31, 2024. Appoint Laura Bird and Katie Carlson to the Affordable Housing Citizen Oversight Committee for terms beginning June 1, 2021 and ending on May 31, 2023. Appoint Will Sebern to the Affordable Housing Citizen Oversight Committee for a term beginning June 1,

2021 and ending on May 31, 2022. Appoint Bobbie Jo Weston as Second Alternate to the Affordable Housing Citizen Oversight Committee for a term beginning June 1, 2021 and ending on May 31, 2022.

Vote result: Approved

5.8 Annexation and Rezoning of Invermere Subdivision Phase 3A

Adopt a resolution of intention to annex and incorporate within the boundaries of the City of Missoula the Invermere Subdivision Phase 3A as shown on the plat thereof located in the SE ¼ of Section 12, Township 12 North, Range 20 West, and zone the property Residential 20, based on the findings of fact in the staff report and subject to the recommended conditions, set the public hearing for May 17, 2021, and refer this item to the Land Use & Planning Committee on May 19, 2021.

Vote result: Approved

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

7. SPECIAL PRESENTATIONS

- 7.1 Proclamation - Better Hearing Month
- 7.2 Proclamation - Five Valleys Land Trust Day
- 7.3 Proclamation - Bike Month
- 7.4 Proclamation - Drinking Water Week

8. PUBLIC HEARINGS

- 8.1 Pattee Street Right-of-Way Vacation Request

The Missoula City Council will hold this public hearing open and will take it up under Final Consideration at the next regular City Council meeting on May 10, 2021.

9. FINAL CONSIDERATION

- 9.1 An Ordinance Amending MMC Chapter 12.24 to Change Excavation Permit Language

Moved by: Alderperson Becerra

[Second and final reading] Adopt an ordinance amending Chapter 12.24 Missoula Municipal Code entitled "Excavations" amending Sections 12.24.020, 12.24.030, 12.24.040, 12.24.090, and 12.24.100 increasing the time for work to commence on a permit from 15 to 180 days, provide for remedies when permitted work does not meet standards, modify the requirements for resurfacing, and add storm sewer permits to the list of required excavation permits.

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

ABSENT: (2): Alderperson Anderson, and Alderperson von Lossberg

Vote result: Approved (10 to 0)

9.2 An Ordinance Amending MMC Chapter 12.44 Article III Title Change Addressing Cemetery Leadership

Moved by: Alderperson Sherrill

[Second and final reading] Adopt an ordinance of the Missoula City Council amending Missoula Municipal Code Title 12, Chapter 12.44, Article III entitled "Cemetery Director," to state "Cemetery Superintendent" and amend Section 12.44.340 entitled "Duties" to allow for the Cemetery Director to now be known as the Cemetery Superintendent to follow the position structure within the Department of Public Works & Mobility.

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

ABSENT: (2): Alderperson Anderson, and Alderperson von Lossberg

Vote result: Approved (10 to 0)

9.3 An Ordinance Amending MMC Chapter 12.44 Generally Amending Cemetery Regulations

Moved by: Alderperson Sherrill

[Second and final reading] Adopt an ordinance of the Missoula City Council amending Missoula Municipal Code Title 12, Chapter 12.44 Missoula City Cemetery, Ordinance #3594 as follows: Section 12.44.010 entitled "Established" to allow for additional operation activities of the cemetery as approved by Missoula City Council; Section 12.44.030 entitled "Records" to remove the requirement that the cemetery retain obituaries; Section 12.44.070 entitled "Reserve Funds" to allow revenue generated from niche sales to be merged into the Cemetery Capital Fund Reserve; Section 12.44.050 entitled "Conveyance of Assignment" to clarify how a grave, niche mausoleum, memorial or cremation location can be assigned; Section 12.44.110 B. entitled Grounds Regulations removing "and for no other purpose" and adding "and for other purposes or acts intrinsic to the operation of a cemetery or as approved by Missoula City Council"; Section 12.44.120 entitled Interment Arrangements to comply with the proposed changes in conveyance and to remove fees for reinterment; Section 12.44.170 entitled "Monument Placement" to reduce restrictions on monument placement; and Section 12.44.245 entitled "Sections" by amending Subsection I to include a Pet Ossuary and moving the current Subsection I to a new Subsection J.

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

ABSENT: (2): Alderperson Anderson, and Alderperson von Lossberg

Vote result: Approved (10 to 0)

10. COMMUNICATIONS FROM THE MAYOR

11. GENERAL COMMENTS OF CITY COUNCIL

12. COMMITTEE REPORTS

12.1 Administration and Finance committee (AF) report

12.1.1 April 28, 2021 AF report

12.2 Budget Committee of the Whole (BCOW) committee report

12.3 Committee of the Whole (COW) committee report

12.3.1 April 28, 2021 COW report

12.4 Committee of the Whole Appointments (COWA) Subcommittee report

12.5 Land Use and Planning (LUP) committee report

12.5.1 April 28, 2021 LUP report

12.6 Land Use and Planning Appointments (LUPA) Subcommittee report

12.7 Parks and Conservation (PC) committee report

12.8 Public Safety and Health (PSH) committee report

12.8.1 April 28, 2021 PSH report

12.9 Public Works (PW) committee report

12.9.1 April 28, 2021 PW report

13. NEW BUSINESS

14. ITEMS TO BE REFERRED

14.1 Administration and Finance committee referrals

14.1.1 Resolution for 3rd Quarter FY 2021 budget amendments. This resolution amends the fiscal year 2021 budget to recognize revenues, and appropriate expenditures and budget transfers not identified in the original budget.

14.2 Budget Committee of the Whole referrals

- 14.3 Committee of the Whole referrals
- 14.4 Committee of the Whole Appointments Subcommittee referrals
- 14.5 Land Use and Planning committee referrals
- 14.6 Land Use and Planning Appointments Subcommittee referrals
- 14.7 Parks and Conservation committee referrals
 - 14.7.1 Fort Missoula Regional Park Phase 2 Seal Coat Contract
- 14.8 Public Safety and Health committee referrals
 - 14.8.1 Update on the Emergency Winter and Non-Congregate Shelter
- 14.9 Public Works committee referrals
 - 14.9.1 Mullan BUILD Right-of-Way Agreements
 - 14.9.2 Cost Sharing Agreement with United States Army Corps of Engineers for Clark Fork Area Levee III and V Evaluation
- 15. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS
 - 15.1 Administratively approved agreement report
- 16. ADJOURNMENT

The meeting adjourned at 6:42 p.m.

Martha L. Rehbein, CMC, City Clerk

John Engen, Mayor