

**JOURNAL OF PROCEEDINGS  
MISSOULA CITY COUNCIL  
OCTOBER 26, 2009**

**CALL TO ORDER AND ROLL CALL**

The meeting of the Missoula City Council was called to order by Mayor Engen at 7:00 P.M. in the Council Chambers at 140 West Pine Street. Present were Alderwomen Hellegaard, Marler, Mitchell, and Walzer and Aldermen Childers, Haines, Hendrickson, Jaffe, Strohmaier, Wiener and Wilkins. Also present were City Attorney Nugent, Finance Director Ramharter, City Clerk Rehbein, Commissioners Carey, Landquist, and Curtiss. Alderwoman Rye, Chief Administrative Officer Bender, and Public Information/ Communications Officer Merriam were absent.

**APPROVAL OF MINUTES**

Minutes of the regular meeting of [October 19, 2009](#) were approved as submitted.

**SCHEDULE COMMITTEE MINUTES**

The following meetings were announced:

Wed., October 28, 2009, 9:10 – 9:25 AM	Public Safety and Health (PSH)
Wed., October 28, 2009, 9:30 – 10:00 AM	Conservation Committee (Cons)
Wed., October 28, 2009, 10:05 – 11:00 AM	Committee of the Whole (COW)
Wed., October 28, 2009, 11:05 AM – 12:00 PM	Plat, Annexation and Zoning Committee (PAZ)
Wed., October 28, 2009, 1:05 – 1:45 PM	Administration and Finance Committee (A&F)
Wed., October 28, 2009, 1:50 - 2:50 PM	Public Works (PW)
No meeting	Urban Wildlife Subcommittee (UWS)
No meeting	EIS Peer Review Subcommittee
No meeting	Economic Development Subcommittee (EDS)

**PUBLIC COMMENTS**

Will Snodgrass addressed his comments in particular to the Rattlesnake Council representatives, Alderman Strohmaier and Alderman Wiener. The Environmental Assessment for the Rattlesnake Sewer Project says that dust will be controlled for. There are massive clouds of dust in the Rattlesnake and the entire project area. The entire area smells of diesel exhaust. Diesel contains poly-aromatic hydrocarbons. They are neuro-toxic, immunotoxic, fetal toxic and cancer causing. The Missoula air shed is a non-attainment air shed for particulate yet we have massive clouds of dust in diesel in the Rattlesnake project area in the face of an EA that dust and particulate will be controlled for. Why are we so concerned about particulate? We're concerned because the EPA has informed citizens and this City that fine particulate passes directly through the lungs, into the bloodstream, goes into the heart and damages the heart, deregulates the immune system, gets into the brain. When we see spikes in particulate levels, we see corresponding following spikes in hospital admissions for cardiac arrhythmia, heart attacks and strokes. Has there been any thought to the particulate that has been and is being released into the air and that much of the particulate comes from the asphalt that is being cut, dug up, crushed, driven over, hauled and piled about? It contains hydro-carbons all of which are carcinogenic, fetal toxic, neuro toxic and very damaging chemicals. Energy is wasted in creating this stuff, digging it up and putting it down again which resonates with the pumping of water uphill and the traveling of water back downhill and up again at great expense. The GAO report of the late '80s and '90s says expensive wastewater facilities fail to perform as expected and the high costs are not justified. When they get into some of the galvanized pipes in the Rattlesnake, you will see a widespread breakage of the service lines into the homes. It had been suggested to tear out all the lines and put new ones in to the homes. The homeowner has to pay from the center of the road now all the way to the home. New legislation 10 years ago took the onus off the water company and put it on the backs of the homeowners. This project is a disaster and there is no need for this project.

**CONSENT AGENDA (1 ROLL CALL VOTE)**

1. Approve [claims](#) totaling \$289,863.04. ([Detailed Claims](#)) ([Chart of Accounts](#)) (A&F) (10/27/09)
2. [Resolution](#) 7486—Adopt a resolution relating to Special Improvement Districts number 534 and 536; amending resolutions number 6998 and 7061 to delete section 6.7 thereof; and providing for an immediate effective date. ([A&F](#))
3. Approve and authorize the Mayor to sign the agreement with Computer Terrain Mapping, Inc. to provide mapping and graphics services for a user friendly map of Missoula’s trails, parks and open spaces in the amount not to exceed \$11,900. ([Cons](#))
4. Approve and authorize the Mayor to sign the agreement with HDR to provide Missoula Parks and Recreation with construction documents and project management in the amount not to exceed \$18,653.00 for the northside pedestrian crossing maintenance and improvement project. ([Cons](#))

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 of that, are there questions or comments from Council members? Seeing none of those, we’ll have a roll call vote.

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

- AYES: Childers, Haines, Hellegaard, Hendrickson, Jaffe, Marler, Mitchell, Strohmaier, Walzer, Wiener, Wilkins
- NAYS: None
- ABSTAIN: None
- ABSENT: Rye

Motion carried: 11 Ayes, 0 Nays, 0 Abstain, 1 Absent

Mayor Engen said, and the consent agenda is approved.

**COMMENTS FROM CITY STAFF, AGENCIES, COMMISSIONS, AUTHORITIES, AND COMMUNITY FORUM**

John Weyhrich, Bicycle-Pedestrian Advisory Board gave an update on the Board. The traffic calming methods of curb extensions and/or bulb-outs was discussed. They received a fairly extensive amount of public comment about these devices and while all the comments were in favor of doing some traffic calming, this pertains particularly to the structures up on Phillips, and while almost everybody was in favor of having something up there to calm traffic, it was quite a divided set of opinions about the efficacy and the safety of the structures that are currently in place. There’s been one unfortunate accident up there with a cyclist sustaining some fairly extensive injuries. So as a response Bike-Ped Board has formed a subcommittee to do some additional analysis and review and to work more closely with the Public Works Department in the future so that they can not only review the projects like these that are coming down the pipeline but also to try to anticipate and provide some feedback about what they feel the public response is going to be. They’re also in the process of coming up with some suggestions for remediation work that may need to be done with the existing structures.

**SPECIAL PRESENTATION** - None

**PUBLIC HEARINGS**

- Joint public hearing with the Missoula County Commissioners on a [resolution](#) to expend \$25,000 of the City’s share of the 2006 Open Space Bond proceeds towards the purchase of a conservation easement on the 207 acres of Anderson family property known as the Spooner Creek Ranch located in the Upper Miller Creek Valley, in partnership the Rocky Mountain Elk

Foundation. Missoula County will also consider contributing \$175,000 from their share of the 2006 Open Space Bond proceeds. ([memo](#)) ([Con](#))

Commissioner Carey said, thank you, Mayor. Yes, I'll open the Commissioners' public hearing.

Mayor Engen said, and with that we'll begin with a staff report this evening. Ms. Corday.

Jackie Corday, Parks Department, said, good evening Council members and Commissioners. I wanted to just give a quick few facts about this project and then I'm going to turn it over to Mike Mueller from Rocky Mountain Elk Foundation. This is the first jointly funded City-County open space project. This was a great opportunity for both the City and the County to work together on a project because the land straddles the boundary of the Missoula County...of the planning region and so it covers both the City and the County. We are asking for a contribution from the open space fund for \$25,000 from the City and then Nancy Heil from the County will talk about \$175,000 contribution from the County as the bulk of the land is situated on the County side, on the Lolo planning region. It's 207 acres, the Spooner Creek Ranch owned by the Anderson family since the '50s. And one of the important figures for you to know is that the purchase of the conservation easement is for \$200,000 and the value of the conservation easement is \$1.8 million so the Andersons are generously donation \$1.6 million in value. And with that, I'm going to turn it over to Mike.

Mike Mueller, Rocky Mountain Elk Foundation, said, [off the mic]...shall I start all over?

Mayor Engen said, you're just fine.

Mike Mueller said, I should say probably, my name is Mike Mueller and I'm the Senior Lands Program Manager with the Rocky Mountain Elk Foundation. And, again, on behalf of the Rocky Mountain Elk Foundation, we're really excited to be bringing this project to the Missoula City Council and Missoula County Commission for consideration. Before I go any further, I would like to introduce the landowners that are making this project possible. Dennis and Becky Anderson are here with us tonight and I'll just have Dennis and Becky wave for now and they'll probably have comments a little bit later. I wanted to welcome you all to the Spooner Creek Ranch and the Spooner Creek Conservation Easement in Missoula County. We have a picture up there on the screen, hopefully it won't look like that tomorrow morning with all the snow cover or maybe it's going to be okay. Their children, Carley and Alex, have been involved in this project also, been a part of the tours and we're really pleased to have the whole family part of this project and be involved with this. This is really neat for us and the Anderson family because this is, the way we understand it, the first time the Missoula County Open Lands Committee and the Missoula Open Space Advisory Committee are doing a joint project on a conservation easement in the County here. And we had our first-time joint project tour last August and you'll see some photographs there of Denny and Becky showing off the property and all the representatives from the City and County there enjoying the tour. This land has been in the Anderson family since 1966. Dennis' parents and grandparents have been on this property and it's been a working farm and a ranch since 1966 and obviously the family has seen residential development creep up Miller Creek for years. This is a great photograph, looking down on the property. The land is nestled in the Lolo National Forest and other conserved land with Miller Creek and Spooner Creek running through its rich grassland meadows. This gives a really good view of the property and you can kind of see all the corridors going down into the rich lush meadows down on the valley floor there. So it's very, very diverse with wildlife and lots of different types of habitat. The Spooner Creek Conservation Easement is 207 acres of deeded land. Another good aerial photo there for you to see the property. This map will show...I've got a couple of maps here that I'll share with you. This map will show Missoula up here to the north, Lolo to the west of the property and there's the Spooner Creek Conservation Easement. I'll get into all the property ownerships around the project. Here again is the project boundaries for the Spooner Creek Conservation Easement. You can see it's bordered to the north, to the east and to the south by Lolo National Forest and to the south and also up here in the northeast corner by the land now owned by the Nature Conservancy. Part of the Montana Legacy Project that the Nature Conservancy and Trust for Public Land, as you all are aware, purchased that land from Plum Creek Timber Company so there's protected land pretty much all the way around this project. To the northwest is private lands. There's a ranch to the northwest and there's a little piece of private lands to the southeast. So you can see it's pretty much surrounded by mostly public...I mean mostly protected

lands all the way around it. Another interesting map here shows five miles around the project and shows all the ownership patterns there with both National Forest land, Montana state lands and, of course, the lands owned by the Nature Conservancy. The project partners are the Anderson family, of course, the Rocky Mountain Elk Foundation and we certainly hope the City of Missoula and Missoula County. Project supporters, there are many of them: Montana Fish, Wildlife and Parks Department, Clark Fork Coalition, Lolo National Forest, the Nature Conservancy, Hellgate Hunters and Anglers, American Wildlands, the Sapphire Ranch, Miller Creek Meadows Ranch, Lazy K Ranch, the Schroeder Ranch and then we have many letters of support from Upper Miller Creek neighbors and landowners nearby. Very quick, the project budget, this is a project cost, as Jackie said, the value of the conservation easement is \$1.8 million. That's from a preliminary estimate that's been performed on the property. And we have some other costs there for appraisal, based on reports, stewardship costs, closing costs and Elk Foundation in kind cost for a total cost of \$1.85 million. Some of the project budget continued. We're requesting \$175,000 from the Missoula County Open Space Bond Program and from the City of Missoula \$25,000. The landowner donation of the CE value or the easement value here is \$1.6 million, a very generous donation from the Anderson family and then they have out-of-pocket costs of \$33,000 and, of course, the Elk Foundation costs to complete the project for a total of \$1.85 million. It's very good to note that for every dollar of County funds that we're talking about tonight, approximately \$9.60 of conservation will be gained to the public in Missoula County. This map here, I want to just take a second with this map. What we're trying to show on this map and the reason why we're coming to vote, the City of Missoula and Missoula County for funding is because this property lies on the border of the Missoula Planning Region, which is the north shaded in blue here and the Lolo Planning Region which is south. So Miller Creek Road runs right through the middle of this property and that's what separates the Missoula Planning Region and the Lolo Planning Regions. So with the help of the staff from both sides and with the family in agreement, we thought it was a great idea to try to get several partners on board with this project. Here's some great photographs of the project and we'll get into the conservation values now. The land currently has three residences on it and there will be two residential lot sites with the conservation easement. This shows residential lot site B; it's going to consist of 10 acres and has a bunk house and a ranch house, part of the original ranch and many out buildings and an arena and things like that that you can see there in the photograph. This is residential lot site A and it holds the main residence, garage and out buildings and it is five acres. Residential lot site B is 10 acres. We've done some really great things with this conservation easement. We've located these residential lot sites in a way that you can see that it'll encompass the two residences under residential lot site B and residential lot site A will have the main residence. Any additional out buildings that's built on the property will go on those residential lot sites. If they want to replace any of the residences or the out buildings, they all stay in those residential lot sites. The landowners have agreed if they do add out buildings to the property, that they be built 150 feet or more from the Spooner Creek or Miller Creek to protect the water shed. And if they build facilities for ranching and other things that they may need or future landowners may need to manage the property, all those structures will be built in those two residential lot sites. A lot of times our easements allow, you know, ranching and agricultural buildings to be built anywhere on the property but they're limiting those buildings in these residential lot sites, which also strengthens the conservation easement and protects the conservation values a little bit further. The current land uses. You can see the lush meadow here in the middle of the summer, just amazing production and grasses that grow there on the valley floor. The land consists of forest, graze able forest, hay pasture, some structures and, of course, some wetlands. This slide is kind of showing the different land uses on the property. You've got some timber and forested land on the other side of Miller Creek Road on the east side and then more forested timber land on the west side of the property and down on the south, you've got some wildlife corridors and riparian areas along Miller Creek and Spooner Creek, some pasture land, some hay lands, quite a mixture and diversity on this property. Now the conservation values that this conservation easement will protect. It's going to protect first and foremost this productive working farm and ranch from residential development and urban sprawl. It's going to provide for the traditional family values in agriculture to continue and it's going to allow for farming, ranching and timber production. The hay protection will continue on this working ranch. Livestock ownership, grazing and equestrian activities will continue. Logging will continue to be a management tool. And then some of the other conservation values, obviously water quality. This is going to conserve nearly a half a mile of a riparian habitat on the mainstream of Miller Creek and Lower Spooner Creek. It's part of the Bitterroot water shed, the Bitterroot River water shed and the landowners, Denny and Becky and Alex and Carley have done a lot of work along these riparian areas planting willows and aspen and really improved the wildlife habitat and the riparian areas. I put this picture in, since we were

out there last summer you can see just the lush growth and the great habitat that they are managing and providing for along the Miller Creek corridor there. That's what you really want to see. And when you have that kind of habitat, you have valuable fish habitat, this easement will protect fish habitat both the Spooner and Miller Creek. And the Montana Fish, Wildlife and Parks Department fishery biologists have sent a letter of support for this easement because these two streams are basin fed cold water streams and they provide habitat for brook trout and un-hybridized or pure, what we call pure west slope cutthroat trout and then down a little bit farther towards Bitterroot River, of course rainbow trout and everything else that comes with healthy streams. Here's some good photographs of Miller Creek, the one that we took this summer and that is one productive stream. Very well managed. And, again, the west slope cutthroat trout and the brook trout are in the upper stretches of the stream and then down lower you see the rainbow trout show up along with some other species. Also this conservation easement is going to protect the open space values, this beautiful and open country view. This land has Miller Creek Road, as I said earlier, running right through it. So the public goes up and down this road and this land can be seen from the public road and so you can see the surrounding public and private lands from this road and this easement just really protects the whole harmony of this area and the pleasant views there of Miller Creek. The easement will protect many wildlife values besides the fisheries values is it will protect habitat for nearly 200 Wapiti better known as elk, mule deer or white tail deer and moose. Great habitat for big game up there. A lot of other wildlife values. I won't read them all but the Montana Natural Heritage Inventory has listed nine species of concern that have been recorded for this area and they just have a wide, wide diverse array of mega fun or wildlife that live on this property. And when you do good management and good stewardship these critters show up. Just in the last year or more they've found beaver activity on these streams. We're not sure where the beaver came from. We've got some theories but beaver show up when you've got a good healthy riparian and stream system there, and they have shown themselves. This is just a good sign of good stewardship. And then I want to, lastly, mention that this project ties into a much bigger landscape scale conservation effort that's going on, and we like to call it the Bitterroot Mountain to the Sapphire Mountain Wildlife Linkage Corridor. This property that's being protected will help protect this valuable linkage zone. And I've got a couple of slides just to demonstrate that thought to you. This slide, a little bit hard to read, but the Northern Continental Divide Ecosystem, this is the Cellway and Salmon Ecosystem and the Greater Yellowstone Ecosystem. We live in a great area here and if you zoom down from these three major ecosystems, you start to see corridors. And this map was made by American Wildlands but you hear lots of talk about wildlife corridors and migration corridors and those linkage zones, well guess what, we have one of those right here. If you zoom down closer, the Craighead Environmental Research Institute has done some studies and we've got one of these linkage zones right south of Missoula, east of Lolo where this project is located. You can see the Northern Continental Divide Ecosystem, the Salmon Cellway Ecosystem here. These red areas are critical with blue being less important but our project area is located right in the middle of that. To get to these migration or wildlife corridors or linkage zones they study movements of things like Grizzly bear, mountain lion, elk and many other species. This slide shows a little bit closer where our project is at and the Elk Foundation working with some willing landowners and some very conservation minded landowners, like the Anderson family, are starting to get some of this land protected with conservation easements. This map here shows in yellow in the oval circle there the Sapphire Ranch or the Davis Creek Conservation Easement that the Elk Foundation holds with the Ryling family and the Spooner Creek Conservation Easement would be located right over in this area, on the eastern side of that oval circle there, right there in this linkage zone so you can see that thanks to some willing landowners and families like the Anderson family, making some progress for protecting that important linkage zone there. The reason the Sapphire to Bitterroot Wildlife Corridor is important, the Montana Fish, Wildlife and Parks has stated this property is part of an important linkage zone at the north end of the Bitterroot Valley where the valley narrows, between the Sapphire and Bitterroot mountains. The linkage zone is only one in the Clark Fork and Bitterroot Valley from near Alberton to Darby, a distance of about 75 miles. These linkage zones are very important to all wildlife but especially to some of those that are listed there on that slide. There's growing interest by the public and private alike to continue to conserve this important wildlife corridor, and so the Spooner Creek Conservation Easement really lends itself to help with some of that work. This is just a slide to the whole Bitterroot Valley and we're talking about the north end right here, where the Spooner Creek Conservation Easement is located. This is one more slide showing that. Here's the Davis Creek Conservation Easement, Spooner Creek Easement and then of course we have state lands, Montana Legacy Property lands, Lolo National Forest lands. You can see how that narrows there and how exciting this conservation work is when we have successes like this with the Spooner Creek Conservation Easement. I don't know

how well this will show up without the lights but this is a photograph of elk on and near the property. How many elk were there, Denny? 90. And I'm just going to finish with I think just a great testimony from one of the neighbors, the Stewart family there that happens to live in the homestead that Denny's parents, I think, lived in with the ranch. And they say in their letter of support that "they live immediately upstream from the Spooner Creek Ranch. The Upper Miller Creek Valley is an unusual treasure. This meadows the centerpiece for an incredible amount of wildlife activity. A large herd of elk often 100 animals strong, including calves moves into the meadow most spring and summer evenings. They spend the days in the safe hillsides above. The population of deer is incredible. The stream in the middle is teeming with cutthroat trout and has virtually never been fished. In most ways the upper valley is a little different from the time 40 years ago when the Anderson family built their first home. What makes a stretch of land so valuable is its proximity to Missoula. An increasing number of families are driving up the road on summer evenings with their kids to watch elk and other wildlife activity. I talk with them all the time. Mom and dad and a couple of kids sit in the back of a pickup truck or a sedan and watch the show. In this day and age where it's tough to drag the kids away from the TV and Internet, it's a great thing to see. My family never minds the drive to town because of our town animal planet experience. I look forward to having my grandchildren experience this just as my kids have." And that's from the Stewart family. So anyway I think with that we'll finish and I can answer any questions.

Mayor Engen said, thank you, Mr. Mueller. Ms. Heil, would you like to add cleanup this evening?

Nancy Heil, Missoula County Rural Initiatives, said, as has been mentioned, this is the first project using both City and County bond funds. And with respect to the City's portion, the Board of County Commissioners signed Resolution 2009-119 qualifying the project for funding so if the Council acts to approve the project tonight, the Commissioners could also take final action pending the receipt of a signed resolution from the City. For the County portion of the funding, the Commissioners signed Resolution 2009-120 qualifying the project for funding with the County's portion of the funds with a finding that it meets these purposes for which bond funds can be used, protecting water quality of rivers, lakes and streams, protecting wildlife habitat, conserving working ranches, farms and forests, managing for growth and providing open space in scenic landscapes. Both the City's Open Space Committee and the County Open Land Citizen Advisory Committee have recommended approval of the project and in the staff report for the County section you'll see an assessment of the project with respect to the review criteria with the finding that it ranks high with respect to wildlife habitat, water quality, working landscapes and scenic and historic values. And, again, the Commissioners...there's a resolution for the County portion attached if you choose to act tonight. As has been mentioned, if both City and County funds are approved for this project, there will be a funding match of private to public dollars of about 9.6 to 1. Thank you.

Mayor Engen said, thank you, Ms. Heil. And with that would anyone in the audience care to comment on the expenditure of funds for this conservation easement this evening? Mr. Anderson and Ms. Anderson.

Denny Anderson said, my wife, Becky. We own the ranch and we'll make this short. First of all, thank you for listening to this project. It's our lifelong dream. Protecting the land up there is, from development and wildlife protection and wildlife habitat protection, is our primary objective. I was raised on this ranch since I was a youngster. My life revolved around ranching, cattle, horses, fishing, haying, elk hunting. My mom would not let me hunt on the ranch. She was very involved in wildlife protection. I always thought she was mean but later on I realized that she wasn't, that it made a big difference. I would go deep into the Bitterroots on pack trips, elk hunting and when I'd come out with my stock, unloading the stock, I would see more game on our property than I would on my hunting trips. I can't think of any other area around Missoula where you can drive 20 minutes from Wal-Mart and run into as much as 100 head of elk right by the main road. Sometimes just separating them, they're on both sides of the road doing the cow, calf talk and it's really cool, and Missoula people can do that so close. My wife, Becky, my children, Carley, Alex have been involved in horse activities all the kids' life from natural horsemanship, 4-H, speed horse events, this went on for many, many years. And the way I see it, it would be nice if our grandchildren and other families can enjoy the same thing we did our whole lives. My mom and dad lived up Miller Creek most their lives and they've really enjoyed their lives up there and they wanted to protect it but they didn't really understand how to do it so in the last few weeks of my mom's life I made a promise to her that I would do the best I can in trying to protect this property. As a second generation ranch owner, I'm deeply passionate about the entire valley, Miller Creek valley and I would like to keep it, or we would like to keep it

remain as old west as it historically has been for the future. Again, we want to thank everybody for their consideration for the project and all the effort the City and the County has done so far for us. Thank you.

Becky Anderson said, thanks also to Mike Mueller for helping us. We couldn't have done it without you, Mike. Thank you for listening to our project.

Mayor Engen said, thank you both very much.

Jim Cusker said, I'm representing the Missoula County Open Lands Committee. You've seen the slides presented by Mike, a very excellent job. You've met the Andersons briefly. What most of you haven't had the opportunity to do properly is walk the land. The pictures, as beautiful they may be, actually don't do justice to the magnificence of this particular piece of property. The hay meadow, when I visited the first cutting already have been taken off and the second cutting was coming on strong in spite of the fact that we had some rather weird weather this summer. The riparian zone. Once again you have to walk along the meanders of that Upper Miller Creek in order to appreciate it. Absolutely magnificent. And to see the efforts that the Andersons have done to enhance that already beautiful riparian zone. Now this beautiful piece of property it just didn't happen, it was nurtured by the care of the Anderson family for the past 43 years. Their stewardship is something that really touches my heart. And just seeing them here this evening makes me so extremely proud of the fact that there are people that are willing to donate that much property value to preserve land of this type in perpetuity. The Open Lands Committee of course, enthusiastically and unanimously endorse the project and we certainly hope that you will also. Thank you.

Mayor Engen said, thank you, Mr. Cusker. Anyone else care to comment this evening on this purchase? Seeing none on behalf of the City, I'll close the hearing.

Commissioner Carey said, I'll close the County's hearing.

Mayor Engen said, and are there questions from Council members or Commissioners?

Alderman Haines said, at this point you're just asking for questions not comments.

Mayor Engen said, yes sir.

Alderman Haines said, I'd like to ask Mr. Anderson a question if he would step to the mic please. Thank you, sir. There's no question about this, this is a beautiful piece of acreage and its values stand out like gold in the sunshine, sort to speak. I think it's a rare opportunity. I had a couple of things with it I had some concerns about and I'm sure Jackie's filled you in on one of my concerns, that's public access and I understand there is no public access across your land. Is that true?

Denny Anderson said, that's true.

Alderman Haines said, I was up there today to look at it again and I noticed in those pictures you have there, which would be just to the right, there's a...it looks like an old road that goes up that one gulch and it has a fence on it that says it's locked and it says there's no public access. Is that on your property?

Denny Anderson said, that's the dividing property between ours and the neighbors, yeah.

Alderman Haines said, it seems to me that would be an excellent place, since it's got a fence on both sides of it, to allow people to walk through there and if you don't have any problem with that of saying no hunting, empty your firearm if you're going through there or get your binoculars out of if you're birding, but it looks to me it would be an excellent place for people to walk through to access land beyond your land without really disturbing anything because it looked to me like it was a fence on both sides of it. Do you think there might be any value to that suggestion?

Denny Anderson said, well, that's a good question and we worked with the Fish, Wildlife and Parks for probably 15 years on access through that property, we've made it a walk-in area, and it worked fairly good except for those quite a bit of abuse, we had arrows sticking in our house. We had gut piles in the front

yard. We had trash. And we've dealt with that but it got kind of a little bit carried away. And so the other thing that made kind of a big difference to me is the land beyond us that was Plum Creek and Champion Log prior and it is pretty much striped. And our place, we don't do much logging. We keep it real minimal and it's a kind of a wildlife sanctuary. It provides habitat which there is none above. And so a good example is I hike back there myself. I'm an avid elk hunter and I don't hunt on my ranch for this reason there, I spent probably 10 miles mountain biking in that country and we saw two deer, we got back to my house and there were eight deer 15 feet from the kitchen window, and they don't run from you. They're...it's kind of a preserve, sort to speak, and so if we allowed public access through there, what I've noticed before is it blows all the animals out of there, pushes them up into the country and to the upper areas and there's a lot of shooting up there and it just...part of our deal is to preserve the wildlife and again I'm an avid hunter and I love it but it's kind of a little area that we don't hunt.

Alderman Haines said, further comment. And I respect that. I just spent Sunday on private land out the Potomac where they let hunters on there. I wasn't advocating for hunters on your property. All I was looking at was a way to pass through to the land beyond your land, and that's what I would like to see. I have a problem with a lot of the land that we buy under open space in the City, some of it very expensive and the taxpayer that pays that money or, in this case, not only the taxpayer but Foundation members can do nothing more than look at it. And while that's all well and good and it preserves some land of great value, I'd also like to see people be able to utilize that land in a non-obtrusive and non-abusive way. And it would seem to me that you could let people go through there as long as they're walking.

Denny Anderson said, uh-huh. Well, there is other access to that land back there that's not too far from us because the ranch extends probably a half a mile and on both sides there's access to that property back there. And with permission, there's like...some are backpackers or hikers, you know, we would let them through. There's not a problem. It's just when it comes to hunting and they push all the wildlife out, it's kind of a different deal for us. That's kind of why we disallow crossing during hunting season and besides that the road goes probably 50 yards from our house which for us is close and people walking back and forth, it just, I don't know, it just...it's almost like someone in your backyard, you know.

Alderman Haines said, we have some places like that in Missoula that this Council saw fit, they have people live with that problem. I have a question for Jackie if I might. Thank you, sir.

Denny Anderson said, thank you.

Alderman Haines said, Jackie, another problem of this purchase that concerns me is to spend, even though it's a minute amount by some of our other purchases, to spend \$25,000 on that piece of land this far from the City it seemed to me in that particular environment it would go a long way to have the County pay for all of it.

Jackie Corday said, did you want me to respond to that?

Alderman Haines said, you can say anything you want, that's why you're there.

Mayor Engen said, what was the question?

Jackie Corday said, well, I think that we're getting an incredible bargain for \$25,000 and I think that we should be contributing to this, the fact that it's in the Missoula Planning Region and the fact that the County is contributing a huge bulk of it for \$175,000 so I feel that it's very appropriate and it's a very good bargain.

Alderman Haines said, no question that it's a bargain but I just think it's something that the County should pay for given its location and that sort of thing.

Mayor Engen said, further questions? Mr. Hendrickson?

Alderman Wilkins said, I'm sorry.

Mayor Engen said, Mr. Wilkins, my apology.

Alderman Wilkins said, I looked around and I wasn't sure. Jackie, could I ask you a question please? And while she's coming up, I'm really in favor of this. I think I'm getting my little portion of tax money because I drive up there. I love to go to Turah that way and just to travel the whole thing up through Miller Creek and I've seen the elk before and it's a great thing but I was curious how much more money do we have left in this '06 one?

Jackie Corday said, we have approximately \$3 million left so we've spent just about \$2 million. I'll be giving a report to the Conservation Committee in about two weeks, a full update on what we've spent.

Alderman Wilkins said, and then I heard that we could use that bonding...or that open space money to buy parks in some of our areas that we don't have parks that is in the City. Is that correct?

Jackie Corday said, not the 2006 bond. The 1995 bond can and will be used for those underserved areas.

Alderman Wilkins said, okay. That's...

Jackie Corday said, we've got \$385,000 left in the 1995 bond and that's the highest priority is to use it in underserved neighborhoods.

Alderman Wilkins said, alright. That's what I was curious...what I was hearing right or now so thank you.

Mayor Engen said, any other questions?

Alderwoman Mitchell said, in following Dick's question, maybe to direct it to Jackie wasn't the right person. I'd like to direct it to the County Commissioners why the City's being asked to put money in here when it's barely in our...I mean I'm all for this, don't get me wrong. I think it's a great, great way to preserve this area but when it comes down to finances, I'm wondering why the County didn't take this on themselves.

Commissioner Curtiss said, I'd be happy to answer that. So when we passed this bond in 2006, when the taxpayers passed this bond, we defined early on that the Open Space Committee that the City has would oversee the planning region that we call the Missoula Planning Region. I think that the...one of the unique things about Missoula is that City dwellers can wander into a herd of elk in 20 minutes from town and so I guess it's just City dwellers' tax on getting to enjoy the wildlife. It's just that that's the way that we divvied up the money this just happens to be where the line is. I don't think there's anything unique about whether the County could afford to do the \$25,000, I suppose we could but when we looked at the land out but unfortunately it didn't go through but out off of Mullan Road in that wetlands on the...on a ranch there, you know, that's in the City Planning Region too but the land is in the County. So it's just kind of a dividing line.

Mayor Engen said, any additional questions?

Alderwoman Mitchell said, I'm just wondering in the surrounding area of the Anderson's ranch there's Plum Creek area and they've been known to sell off for subdivisions and stuff like that and I'm just wondering does anybody have some kind of pulse on what they think might happen with surrounding area or as far as development and, you know, do you have any pulse on that with the kind of land that surrounds there, maybe the Commissioners or the Rocky Mountain Elk Foundation person, somebody really familiar with that area?

Mayor Engen said, Ms. Heil, Mr. Mueller, whoever would like to, step right up.

Nancy Heil said, Mike can add to this if need be. The surrounding Plum Creek land is now former Plum Creek land in that area that's been purchased by the Nature Conservancy as part of the Montana Legacy Project.

Mike Mueller said, all great questions, really. I'd like to comment on a couple of things and, yes, as this project was being developed years ago, one of the big questions we had was what's going to happen with

the Plum Creek land around this project and in that corridor. You know how things just kind of work out with TNC and TPL and the Montana Legacy Project being completed and closing and all this property being bought from Plum Creek Timber Company, it was like icing on the cake for this project and others that we were considering in this whole corridor because we were really concerned about...we were going to have to work with Plum Creek Timber Company and I had several conversations with them but now it's kind of a moot point. We had two really outstanding conservation organizations that are neighbors now and they have to guarantee when they either when they own this or divest of their property, TNC or TPL, as I'm sure you've heard the presentations, that public access is maintained on their lands and those lands have to be protected. So you can see it doesn't get any better. And just a couple of comments on the public access and Mr. Haines, Councilman Haines sure knows this as a supporter of the Elk Foundation, the Elk Foundation is very, very supportive of public access across private lands to open up public lands and other lands that aren't open to public use. But in this case and with all conservation easements we do talk about public access with the private landowners. But as we were talking to the Anderson family and as how we saw this land and how it laid, first of all it's a pretty small parcel and there is access to the surrounding lands and TNC and TPL have to guarantee that access now since they own the former Plum Creek lands, so those are additional accesses that will be established for those lands, plus there's access to Lolo National Forest and other lands. And as you all know when you negotiate conservation easements, many times you get purely donated conservation easements. This is almost purely donated. It's an amazing value for all of us but we are paying with public funds on this but you know if we were negotiating public access, the price would be higher. Landowners aren't going to give away public access and so we would probably be asking you for twice as much money if we expected a private landowner to deal with public access. I think some studies show when you require public access, whether it's crossing the land or using the land or whatever, you can diminish the value 15 to 30% more, so we'd be asking for more dollars. And there was one other thing I wanted to mention. I forgot what it was now.

Mayor Engen said, we'll get there, Mr. Mueller.

Alderman Haines said, yeah, Mike, I had a quick question.

Mike Mueller said, yes.

Alderman Haines said, I'm sure you're aware there are literally millions of acres in Montana, Idaho, Oregon, western states that are blocked off by private land and that's not my quarrel. Those people bought that land and in the instance of this, it maybe has been in the family for years and it should be respected as that kind of possession but I know in my career with the Forest Service we were always frustrated at how to allow the public or even business people that were doing business on the forest to get to public land. And to me I think here's an excellent opportunity to have a very controlled access. It looked to me like there was a route going in there that could...and I realize it goes close to the family home, but I see others that have the same thing elsewhere. And this idea of going around it and coming in a different direction can be very burdensome to people that want to use the public land. I was just up Fish Creek here a week ago and looking at some on Burdette Creek. Look at that, you have to walk a mile or so to get around the public land and yet the public land is within a few hundred yards of the road. So I see something like this and I think we're missing an opportunity. I have a very hard time supporting...and you won't find anybody else in this room that's more of a supporter of your organization that I am.

Mike Mueller said, I understand that. Thank you. Point well taken. Can I add one more thing? I remembered what I was going to say. It was about the value of these funds coming from the City of Missoula and OSAC approving this. This conservation easement I think lends itself well to get support from the City of Missoula and I'd like to state the case for that. We all read about the traffic on Miller Creek Road and this conservation easement is going to be mostly donated conservation easement that's going to give up the subdivision and residential development rights on this property. So instead of seeing 20, 100 homes up there or whatever it could be if it was sub developed and along with that the traffic and the services and the uses up Miller Creek that comes along with subdivision or residential development, instead this conservation easement is going to protect an area that really shouldn't be developed because of all the wonderful conservation values that you saw and because of that it's smart growth. It's smart

land use planning. And this conservation easement will protect a very special area right outside of Missoula that Missoulians love to go and enjoy and it'll help us keep the cost of services down by not allowing development up in those areas that are farther out from, you know, the center of activity in our City and our County. That's all.

Mayor Engen said, thank you, Mr. Mueller. Further questions? That last one wasn't quite there.

Alderman Haines said, no and like Mike there I just happen to remember what the other question I was going to ask him if I could. What doesn't show in your pictures as you drive up the creek there, there are a number of areas that are in private ownership that are hay fields and look like they've been well taken care of. The creek runs through them or near them. Is the Foundation doing anything to protect those areas, because they're even closer to town and probably a better buy if you're going to put a subdivision in?

Mike Mueller said, right. Great question and not surprised that's come up. The Elk Foundation has had conversations with many landowners up that valley and over through that corridor that I showed you up over the hill and going to the west. And all I can say is that there's many conservation-minded neighbors and landowners there. And there is one other easement located closer to town and I understand it's only on part of the land that they said in their letter of support, you'd have to look it up, but they're considering additional protection of some of their land. But there's lots of good conservation-minded folks up there and we're sure open to having those conversations. Thank you.

Mayor Engen said, thank you, Mr. Mueller. Any other questions? Seeing none of those, Ms. Marler?

Alderwoman Marler said, Mayor Engen, I move that we expend \$25,000 of the City's share of the 2006 Open Space Bond proceeds towards the purchase of a conservation easement on the 207 acres of Anderson family property known as Spooner Creek Ranch located in Upper Miller Creek Valley, in partnership with the Rocky Mountain Elk Foundation and I would like to speak to the motion.

Mayor Engen said, Ms. Marler

Alderwoman Marler said, I want to thank all the partners that were involved with this, the Rocky Mountain Elk Foundation, our colleagues and good friends at the County Commissioners, the staff but I especially want to thank the Anderson family for your generosity in this and this is really a treasure for all of us in the area, whether it's in the City or not, and I know as a recreationist sometimes when you get tired of running on all the City trails, which we have awesome City trails, it's nice to head up to Miller Creek and run up there and it's nice knowing that this treasure will always be up there to look at or run past or bike past. And I just wanted to additionally add that of all of the open space that we have, this has some of the best public access because Miller Creek Road goes right through the darn thing so it's a different kind of access. I do prefer hiking than driving for my recreation but not everybody does and it's there and it won't be subdivided. Thank you very much to both of you, and I'm going to be happy to vote for this tonight.

Mayor Engen said, and that motion is in order. Discussion on the motion. Mr. Childers?

Alderman Childers said, thanks, Mayor Engen. There have been some questions raised as to whether this is a proper use of these funds and it is a proper use of the funds. It's clear. Not only is it a proper use of the funds it's about the best use of the funds that could be envisioned I think. It's a wonderful use of the funds and I appreciate the folks who went into it and the work that was done by all of them and particularly the donation being given by the Andersons. Thank you.

Alderwoman Mitchell said, A lot of times when I ask questions it's because I'm curious and it's not because I think that it's a poor use of funds. I just wanted to know the rationale behind it. And I am going to support this. I think it's going to be a real gem to have for future generations to go up there and look at the elk and whatever they do. I can also appreciate that you don't want people so close to your house, especially when you're out in the country and I imagine that there are always the few that make it tough for other people to get onto private land because of the garbage and the gates left open and the other

thoughtless things that happen but I think this is going to be a pretty good thing and thank you for answering my questions everybody. You have sold me on this project.

Alderman Strohmaier said, well, I was an enthusiastic supporter of the 2006 open space bond and I will gladly support this tonight. Sometimes folks ask me why in the earth would you ever want to be on the City Council and it's products like this that are able to bestow to future generations a real gift to our community that is one reason why I think for me at least it's a gratifying experience sitting around this table. So, thanks especially to the Anderson family and all the partners.

Mayor Engen said, any additional discussion on the motion?

Alderman Wilkins said, well, I strongly support this and I like that area a lot. I only have one request. I've been married to the same lady for 32 years. She was born and raised in Montana and she's never seen a live moose so if you have a moose, would you please give me a call so I can run her up there so she can see it.

Mayor Engen said, you know, I've found that folks who haven't seen one can be easily fooled as well, Mr. Wilkins, so...I have a greyhound that if appropriately fitted...we'll see if we can take care of that for Susie. I kind of like that. Any additional discussion? Alright. We've had a public hearing on the motion. Why don't we have a roll call vote on the resolution.

## **RESOLUTION 7487**

### **MOTION**

Alderwoman Marler made a motion to adopt a resolution to expend \$25,000 of the City's share of the 2006 Open Space Bond proceeds towards the purchase of a conservation easement on the 207 acres of Anderson family property known as the Spooner Creek Ranch located in the Upper Miller Creek Valley, in partnership with the Rocky Mountain Elk Foundation. Missoula County will also consider contributing \$175,000 from their share of the 2006 Open Space Bond proceeds.

Upon a roll call vote, the vote on Resolution 7487 was as follows:

AYES: Childers, Haines, Hellegaard, Hendrickson, Jaffe, Marler, Mitchell, Strohmaier, Walzer, Wiener, Wilkins

NAYS: None

ABSTAIN: None

ABSENT: Rye

Resolution 7487 carried: 11 Ayes, 0 Nays, 0 Abstain, 1 Absent

Mayor Engen said, and the resolution is approved. Commissioner Carey.

Commissioner Carey said, do we have a motion from the Commissioners?

Commissioner Curtiss said, I would move that the Missoula County Board of County Commissioners approve the expenditure of \$175,000 in Open Space Bond funds via the attached resolution for the purchase of a conservation easement on the Spooner Creek Project based on the finding of fact that the project qualifies for funding and the recommendations of the Open Land Citizen Advisory Committee public hearing comments and staff analysis and I'd like to speak to my motion.

Commissioner Carey said, is there a second?

Commissioner Landquist said, there is but I would like to speak also when Jean's done I guess.

Commissioner Carey said, okay but you are seconding the motion.

Commissioner Landquist said, I am seconding the motion.

Commissioner Curtiss said, I, too, would like to thank the Anderson family for your stewardship of this land for so many years and your generous contribution to this easement, and I think that there, with it being surrounded by, or almost surrounded, by public land there's plenty of access for people and that this conservation easement will provide a protective corridor for the wildlife and for fish and protect it from future subdivision. And it's a huge benefit to the public even if they don't come and ask for permission to walk on the property. Just as they said the road goes right through the middle. You can sit in your car and watch the animals and just enjoy the view. Personally I like to see bales in the field and that kind of thing too. And the landowners will continue to ranch and manage the property. I think that's a huge benefit to the public that we aren't burdened with using tax dollars to do that so we're not buying the land, we're only helping with the easement and you've been very generous. And it's a very unique and being so close to the City and letting those of us who live and work in the City have access to this, so I sure appreciate your generosity and all the partners.

Commissioner Carey said, Commissioner Landquist.

Commissioner Landquist said, I also wanted to take this opportunity to wholeheartedly thank the Anderson family, your children who have embraced this project as well and know, you know, that this will be kept in the family as a working ranch as well as all the wonderful conservation elements attached to it as far as the habitat connectivity for the diverse wildlife that it offers and not only just for now but for the many future generations that it holds. You know, I too, that's my cup of tea when I'm taking a drive in the country being able to look at ranches that have all the features that yours does and it just takes me away, even though I am a country person I have such a very small acreage compared to yours and it really took my breath away getting the tour of your place. I also want to thank the City Council for approving this tonight as well and to the people out there that are putting projects like this together that require the City, and I know the County's been fortunate in being able to take part in field trips to the places that we contribute dollars to put in conservation easement but it doesn't seem as though that privilege has been offered to the City Council folks and I think that something's really missing there without them being able to step foot on the places that we're preserving for the future generations. I'd just like to throw that out there and let you know that I have a funny feeling they'd take you up on the offer to view these sites themselves if they were offered. Thank you again very, very much.

Commissioner Carey said, those in favor of the motion, please say aye. Okay.

Commissioner Curtiss said, I would also move that the Missoula County Board of County Commissioners approve the expenditure of the \$25,000 of the City's portion of the Open Space Bond funds contingent upon the receipt of the signed resolution from the City Council via the attached resolution for the purchase of conservation easement on the Spooner Creek Project based on findings of fact that the project qualifies for funding, that the City has referred a recommendation of approval when the project meets the purposes of the Open space Bond fund and the project has not been determined to be unlawful.

Commissioner Carey said, is there a second?

Commissioner Landquist said, there is a second.

Commissioner Carey said, all in favor say aye. Thank you.

Mayor Engen said, alright. That motion carries as well. We don't usually applaud in this hall but we will tonight. That's just fine. Ladies and gentlemen, thank you Anderson and Mr. Mueller and our friends at the County and Ms. Corday. Nice work all around. We'll let the Commissioners flee the scene unless you'd like to stick around for additional public hearings this evening. You'd be more than welcome. Fair

enough. I'm just going to adjust our order here slightly this evening, folks, because I have a feeling our third hearing will be much briefer than our second so we'll move on...

- Public hearing on a [resolution](#) 7488 to amend the FY09 budget to appropriate expenditures that were previously approved as projects by the City Council but not formally added to the budget. ([memo](#)) ([A&F](#))

Mayor Engen said, this is a housekeeping piece of business and our staff report this evening comes from Mr. Ramharter.

Finance Director Ramharter said, okay. Thank you. This is a budget amendment that we typically do each year about this time. We're on the accrual basis of reporting for our budget and as such we have just closed our books and what this particular budget amendment does, it's a little over \$4 million and it allows us to recognize within the budget grants that have been received during the year, construction financing that's been undertaken. It's predominantly designed to make sure that we're not out of compliance with our audit. Our auditors will be on site in a day or two and so it's important that we get this passed so that, you know, our budget is basically compliant with state law and does acknowledge the grants that were authorized but not necessarily anticipated when the budget was set a year and a half ago. And so that's the core reason for this. There are a lot of numbers that come in after we adopt a budget. There were some tax increment...Missoula Redevelopment Agency numbers that they ask that we correct. I did not review those in committee but they're predominantly just transfers between various Redevelopment Agency accounts, adjustments of contingencies and acknowledgment of the actual tax revenue that they actually received during the year. There always...whenever they set the budget it's always based on the preceding year's taxable value. Their districts have been growing over the last few years so it's important to get them in compliance with our budget as well. So that's the basic reason that we're doing this budget hearing and opening it up for comments tonight.

Mayor Engen said, thank you very much, Mr. Ramharter. Would anyone in the audience care to comment on this bookkeeping resolution for the City of Missoula's fiscal year 2009 budget? Anyone care to comment? Seeing none, we will close the public hearing on this item. Are there questions from Council this evening? Seeing none of those, Mr. Childers.

Alderman Childers said, thanks, Mayor Engen. I'd like to move a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in fiscal year 2009 budget and Capital Improvement Program. It increases the total City budget by \$4,069,774. As you can see, it's a substantial number. It's taken care of as a bookwork number, which it is but, you know...and it's last year, fiscal year 2009. Thank you.

Mayor Engen said, thank you, Mr. Childers. Is there discussion on the motion? Seeing none, we've had a public hearing and we'll have a roll call vote on the resolution.

## **RESOLUTION 7488**

### **MOTION**

Alderman Childers made a motion to adopt a resolution to amend the FY09 budget to appropriate expenditures that were previously approved as projects by the City Council but not formally added to the budget.

Upon a roll call vote, the vote on Resolution 7488 was as follows:

AYES: Childers, Haines, Hellegaard, Hendrickson, Jaffe, Marler, Mitchell, Strohmaier, Walzer, Wiener, Wilkins

NAYS: None

ABSTAIN: None

ABSENT: Rye

Resolution 7488 carried: 11 Ayes, 0 Nays, 0 Abstain, 1 Absent

- Public hearing on an [ordinance](#) amending Missoula Municipal Code Title 20, the Missoula City Zoning Ordinance and establishing Chapter 20.30 entitled "Historic Preservation." ([memo](#)) ([PAZ](#))

Philip Maechling, OPG, Historic Preservation Program, said, I'm not quite sure how to get rid of this one. Just hit the end show? This is a short presentation on the draft to Missoula Historic Preservation ordinance which has a placeholder in Title 20, the zoning code that has been adopted by the City Council and will take effect in the next month. The Historic Preservation Commission was adopted and created by the Missoula City Council and it has an advocacy role in the promotion and preservation of historic and pre-historic sites, structures, objects, buildings, landscapes and historic districts. This ordinance is about setting up protection for areas that are in Missoula Historic Districts and they're individually listed in the National Register of Historic Places. To give you some sense of how many historic resources we have right now that are adopted by the National Register, this is the larger urban area UFDA map and you can see some small colored shapes. Those are Missoula's Historic Districts. They're approximately 8% of Missoula's city's properties and include Fort Missoula, the Missoula Downtown Historic District, the McCormick, Southside and University area neighborhoods, The University of Montana,. The East Pine Street District is in the downtown district and then Missoula's Northside Railroad District and Lower Rattlesnake are also National Register Historic Districts. There are historic district ordinances in the cities Billings, Bozeman, Butte, Helena, Livingston, Red Lodge and the oldest one is Virginia City, just to give you some sense of our companion cities and what they're doing to protect their resources. Right now, if you look at this range of options that have been discussed, we are at the none except Fort Missoula and the Roosevelt block corner area. That's kind of at the bottom of the list. The next level of protection might be individual and eligible sites only. The next level would be historic districts individual and eligible sites, with the downtown perhaps on hold until a form based code is developed for the downtown as an implementation of the Downtown Master Plan. The Planning Board recommended to the City Council historic districts, individual and eligible sites. The initial study that we did included all sites 50 years and older within the City limits. We have landmarked buildings in the downtown certainly, buildings that have been protected by their owners and are individually listed in the National Register. We have Fort Missoula which is the only Historic District that actually has its own zoning regulations that protect it. This is what an historic nomination looks like. It's a fairly homely form but it's an official record. The National Register is the official record of historic sites in the United States and it's maintained by the keeper of the National Register of Historic Places. This is the bank building, it used to be the Montgomery Ward building which actually was restored for historic preservation tax credits to its original colors. There's been some discussion about whether or not the ordinance regulates colors and the fact is, and we keep saying it, that it does not. These are Missoula's residential historic districts. This is the McCormick Historic District, a residential district that is to the west of Orange Street on the south side of the river. These are every day neighborhoods. This is the residential section of East Front Street on the Downtown Historic District. This is an A.J. Gibson building from the 1890's in the Lower Rattlesnake that has received a Historic Preservation Award for stewardship in the Lower Rattlesnake Historic District. Federal buildings and federal permit processes are protected to some extent by federal law but there is no federal jurisdiction over local jurisdictions and local zonings so this is an opportunity for the City to do something to create its protection forestry resources. Someone had asked for a list showing how the Historic Districts are rated. This is an example from the University Area Historic District. Each site is evaluated in a historic district. The buildings are noted, documented and again evaluated as to whether or not they are contributing or non-contributing buildings to that historic district. This is the Downtown Historic District tally sheet as you can see it, a slightly earlier version of it. There actually are 590 properties in the Downtown Historic District. The ordinance itself is fairly straightforward. It's not breaking ground in any way. We've changed the name of the actual permit to more closely reflect what it actually is; it's a historic preservation permit. And this shows the ordinance has a purpose definitions and the usual pieces of an ordinance. There's a designation process and in this case the National Register process and alternations and new construction and relocation and demolition are subject to this permit. If you're not subject to a building permit or a

zoning compliance in some way, then you're not subject to this ordinance. It also does not cover publicly owned property that is developed by public resources. The actual application process is fairly straightforward. A person would come to Historic Preservation office with a concept. If it meets the guidelines and standards, then the concept would be approved. As a preservation permit, if the concept cannot be approved and it's denied, then the owner can appeal that to the City Council for appeal, can request a variance or can bring the project into compliance. It's pretty straightforward. For projects where it's difficult to tell whether they actually comply or don't comply, then they go to the Preservation Commission for review and evaluation and then the permit is either granted or it's not approved and then it would go again forward to the City Council for an appeal or to the Board of Adjustment for a variance or the project can be brought into compliance. Clearly not every building gets to stay where it is. This building was actually a composite of buildings that were put together and under this ordinance this building would be granted a demolition permit. In this case the site was altered to include the Whittier Corp Project and another development on the north side on Phillip Street. This is an example of a new, a modern building that was approved in New York City in the Historic District. The New York City Landmarks Commission is an extremely active group but ordinances like these are intended for new construction to happen. They're not pickling or mothballing neighborhoods and of course one of the most interesting neighborhoods in the United States is Manhattan Island and it has extremely restrictive preservation rules and at the same time magical modern buildings are built all the time in New York City, so this is not about stopping development. This is about encouraging development that makes sense. Economics of preservation are extremely important to the community. The environmental benefits of course are very important. It's clearly...I mean it's easy to see that the greenest building is the one that's already built. This building is an example of adapting a historic building to modern uses. It was done to convert these chambers into the Council Chambers from what was the Moose Lodge when it was originally built. It's important to note that in terms of rehabilitation versus new construction, that the costs are about the same as new construction. If you don't have to demolish a building, the costs go down. And this is an example of a reconstruction which is labor intensive and again the money cycles in the community over and over again. We look at these buildings on Front Street all the time and recognize them as pieces of our story, even though the architectural styles are very, very different. This is what they looked like back in 1994. The combination of historic designation and historic preservation tax credits caused these projects to be built and reconstructed. And, of course, there's another opportunity down the street. The Missoula Mercantile Warehouse, another example, and I'll go quickly through this. The old Children's Theatre. This is in a state of demolition and deconstruction. This is the building itself which was built over top of the original Mill raise to the Missoula Mill, and you can see evidence on the side of the building. This is what it looks like on the inside. This went through all of the steps then followed the Secretary of Interior's guidelines for reconstruction and rehabilitation. Clearly modern uses in an historic building and historic preservation tax credits were part of this process also. The Roxy, another stellar example of a primary building, in the University Area Historic District recently reconstructed with a new marquee and the original openings were found actually in the wall when they did this work, so this is a restoration kind of a project that we see. To give you an example of paint in historic districts, this is not Missoula, this is Georgetown in Washington, D.C., one of the oldest historic districts with regulations in the country and clearly anyone who wants to paint their building any color can certainly do that within the guidelines of the historic district. Paint is clearly reversible. Here's another example of the same kind of thing, a monolithic building with three independent townhouses, each of them painted completely different colors and fairly lively, again in the Georgetown Historic District. Another example that went through the process that we're talking about here is Eric Hefty's project, the corner...at the corner of Brooks and Higgins. And this is new construction in an historic context. This is the Historic Roosevelt Block designed by A.J. Gibson. This is what connects the two and this is a construction image, but this plaza connects the old and the new and that's the linkage between old and new, and clearly it's modern construction, as we see it. And this was approved by the Historic Preservation Commission granted a preservation permit. Another example that went through the same kind of process, the Missoula Art Museum, which is actually the 1903 version. What you see here is the 1913 version, a thoroughly modern addition added to the original Carnegie Library. And then we have a third addition and a third architectural style connected by a fairly transparent hyphen, again going through the Secretary of Interior process with the Missoula Art Museum addition. The landmark building, you may have seen the article on the Downtown Historic District in yesterday's newspaper. What have we lost? We've lost the Bonner Mansion. This is what replaced it. So sometimes things happen that simply don't fit in to the original. This is an example of the owners of this

building are interested in seeing if they can't restore some of the original stone work cornices and details to this building. And that concludes my presentation.

Mayor Engen said, thank you, Mr. Maechling. Any additional staff report items this evening? Alright. With that, ladies and gentlemen, we will open the public hearing. I want to let you know that at least a couple of Council members have asked that this item be returned to committee for further consideration so this won't be your only opportunity to comment this evening. So if you'd like to step right up and let us know what's on your mind, you're more than welcome.

Alan Matthews said, I live at 823 Waverly Street, which is close Lowell School which was a 1908 design by A.J. Gibson, a school that's much beloved by the neighborhood and Pam can testify to that one. For those of you who don't know my past, I was Historic Preservation Officer for 11 years in Missoula and worked on quite a few of these historic district nominations. And I want you all to know that these were neighborhood-initiated projects. These people wanted these areas to be historic districts and they came to the Historic Preservation Commission and asked us to do the survey to do all the effort to nominate these to the National Register and it involves a considerable amount of work and time. And right now there are neighborhoods that are lined up waiting for the City to do surveys in their area so that they can also be historic districts. I know the west side and the slant street area are two that immediately come to mind. I had a number of...I had quite a few remarks that I'm going to just summarize I think because Phillip covered a lot of them. The main thing though is that we virtually have no protection whatsoever or, you know, no guidelines for people to follow when they alter their house in a historic district or their commercial building. And throughout the years we'd looked at design guidelines in historic ordinances from all over the country. There's a huge file, at least it was there when I left, and I'm sure it's twice as big now, in Phillip's office, but don't go into Phillip's office because it's dangerous going in there, you know some falling objects might hurt you. I'm going to just read something otherwise I tend to go on too long and Mayor Engen has this big hook back there I know to grab you with. While Missoula is lotted for the great number of properties listed in the National Register at the present time, only Fort Missoula and the Roosevelt University Apartments have the protection of design guidelines and review. As such, Missoula lags behind the 2,300-plus historic districts in the nation that have design review process. Those include districts or individual properties in Billings, Bozeman, Butte, Helena, Livingston and Virginia City. Livingston has had a design review of its downtown properties for more than 20 years. Bozeman has had design review for all of its historic districts for almost that long. They have not limited architectural creativity in those communities. They've led to some architects having to reach deeper into their pool of creativity and talent to design additions and new construction that respects the historical design of the neighborhoods. We now have the opportunity to protect our resources that define the very character of the historic neighborhoods and downtown. This is something that people have been asking Missoula to do for many, many years and I think now is the time that we should do this to allow protection, allow the neighborhoods to protect their historic character which is the main reason that a lot of people move into certain parts of town. So I thank you again for allowing me to speak on behalf of this revised ordinance. Thank you.

Mayor Engen said, thank you, Mr. Matthews. Anyone else care to comment this evening?

Kate Hampton said, I'm here representing the Montana Preservation Alliance and the National Trust for Historic Preservation. And I'd like to thank you for the opportunity to testify in favor of the preservation ordinance this evening. Before my employment at Montana Preservation Alliance and the National Trust I ran the National Register of Program through the State Historic Preservation office for eight years. So I'm very familiar with the onerous paperwork and survey that goes on with this process and just wanted to comment I've always felt that the National Register in its essence is a planning tool. It's that which allows us to become educated and understand why a place is significant and why it's important and why it's worthy of preservation. And that's what you say about the National Register; it's the official list of properties worthy of preservation and because now you've done all this good work and there's still work to do, but now that you've done all this good work and you have these districts identified, you have the tools in front of you to understand what is important, what is essential to understanding our cultural resources and our cultural heritage in Missoula. And so that's really why the National Register was created in the first place to help people like you to make decisions about what's worthy of preservation and to set up design ordinances and guidelines. But the National Register itself, beyond federal regulation and federal

monies has no effect on private property rights or...and doesn't dictate what people can and cannot do with their property. So this is where local ordinances come in. And so I'm just really always been proud of Missoula and their forward thinking and their dedication to their heritage and in understanding why things are important. And so now I work for the Montana Preservation Alliance and in that capacity I work with communities state-wide to identify properties at risk, engage with owners and local officials to come up with solutions for reuse and rehabilitation, and encourage the development and implementation of policies that use historic preservation as a tool for not only preserving the past but also to encourage heritage tourism, redevelopment in downtowns and sustainable, responsible growth. Each of my experiences professionally has allowed me to gain a better understanding of Montana's history and how and why places developed and why they look the way they do. Transportation, commerce, industry, education as well as architectural trends, prominent architects and the availability of materials all inform the built-in environment. And I have found when property owners and local officials understand why property's important and can identify its significant characteristics they strive to protect their integrity. And so I'll skip over a bunch of stuff because Phillip and Alan have already talked about it. But I did want to mention that for the last 70 years design review has become an effective and popular way for American communities to preserve and protect the irreplaceable character of their historic districts. It's been used in various settings and with various settings and with very specific goals from protecting the environments of colonial area landmarks to maintaining small scale residential qualities of pre-World War II suburbs. Guidelines all share the common goal of maintaining the nature of an existing historic district on the basis of architectural history and design considerations. And with time property owners find that protecting historic resources yield additional benefits, a strengthened economy as well as a strengthened sense of community pride. Not only does preservation serves as a catalyst for revitalization of neighborhoods it also generates tourist dollars. For example, in Savannah, Georgia, which passed its historic preservation ordinance in 1972, tourist spending increased from \$1 million in 1962 to over \$75 million in 1977. And in preparation for this meeting I spoke with Allison Brewster and I'm not sure if Allison came here, so I'll relay a few facts that she just gave to me, and Allison Brewster is the Historic Preservation Officer in Bozeman and oversees the implementation of their historic preservation ordinance, and that has been in place since the late 1980s. And she offered that their ordinance provides clear guidance to property owners, architects and local officials and that her office processes an average of about 250 applications per year. Of those, she said, nearly all are granted without contention between the parties and that only extremely rarely are permits denied. The key is education about the purpose of the ordinance and the process to be followed. And with early consultation, and we say it's never too early to discuss your ideas about a project, the process is smooth and beneficial to all concerned. Preponderance of preservation recognize the communities are dynamic and changing and that diversity is the major contributing element to the historic character of neighborhoods in areas. And historic preservation ordinances, such as this one considered this evening, encourage the protection enhancement of these many diverse features for future generations. It's the purpose of the ordinance to protect and to enhance Missoula for the educational, cultural and economic benefit and enjoyment of its citizens and visitors. And for these reasons, as a representative of MPA and the National Trust, I encourage you to support this motion, this ordinance and I'm available for any questions you might have.

Mayor Engen said, thank you very much. Any additional comment this evening?

Jennifer Anthony said, I'm a structural engineer, I am a former board member of the Historic Preservation Board, I'm a current founding board member of Preserve Historic Missoula and I'm also a homeowner in the Historic Southside Neighborhood with a contributing structure. I worked on this overlay for over 14 years, first as a participant in the Southside Neighborhood Association then with the Preservation Board and then on a subcommittee that I ran and then with the Preservation Board, not as a member, as a neighbor with neighborhood meetings, so we've been working on this for a long time and a lot of neighbors really want this. My husband and I bought our house 14 years ago and we almost didn't buy the house because we're right across the street from some metal buildings that are pretty ugly and inappropriate for the neighborhood and it put us off a little bit, but we did end up buying the house. And I was surprised to learn, when I started learning the history of the neighborhood, that the Holiday Gas Station just behind the metal buildings I'm speaking of, was once a beautiful brick building, H.O. Bell and Artico Brick Auto Show Room that was torn down for progress for a gas station. If there had been an historic preservation overlay at that time, that might have been adaptively reused. It might not have but something might have been built there that looked a little more appropriate. The metal buildings across

the street from me were a garage built in the '50s might have been converted to apartments like the place where the Clark Fork Coalition is that were similar, there was a similar 1950s garage across the street from Orange Street, so things would have been done that a metal building would not have been allowed under an historic zoning overlay, and I think that would have been for the better of the neighborhood, but it's not too late. So, I know many others will speak about the, from the preservation community will testify more eloquently about the economic benefits which are definitely there, the value of having a sense of place in history and not being anywhere U.S.A. which is a prevalent problem in our society. I want to approach this more as a homeowner who wants to preserve the quality of life and the property value that I feel is threatened by not having some sort of a zoning protection...I get nervous. So a zoning overlay with design guidelines would ensure that any new addition or new construction in an historic district would be sympathetic in scale, setback, form and materials. I believe much inappropriate construction is done simply because the property owner doesn't know any better and design guidelines help educate them. I was struck soon after moving to western Montana with the lack of protection for historic resources. Visiting Bozeman I noticed very cohesive historic districts and learned that after Taco Bell moved to town and demolished several of the most important historic villas in town for a parking lot and a drive-thru, the citizens were so outraged, how could this happen, that they passed a very strict zoning overlay and 20-some odd years later we still don't have any protection in our town, so I'm asking that you consider this. Thank you.

Mayor Engen said, thank you, Ms. Anthony. Mr. McCormick.

Dale McCormick said, I'm a homeowner in the Riverfront Neighborhood. I have a few comments this evening; a couple are more general and some more specific. First, I appreciate all the work that Phillip has been doing and I think this is a good starting point. There are historic resources in Missoula that have been listed on the Historic Register but are not protected in any way as has been pointed out this evening. As a member of the Riverfront Neighborhood Leadership Team I was so disappointed at the public notification process for this hearing and though I'm sure the legal notification requirement has been met, it caught our neighborhood council a bit by surprise and I think partly is because the Planning Board hearing notification was good but the Planning Board hearings ended and it said, at a future date to be determined, so you had to be kind of tracking the City website to know when this was happening this evening. And just to be totally clear, my testimony this evening is as a citizen who lives in one of the designated...and owns a house in one of the designated historic districts but totally independent of the Riverfront Neighborhood Council so am not speaking for them. The second general comment I have is that I find it somewhat disturbing that this ordinance would not apply to government-owned property per state law and I'm especially curious how this affects buildings like the County Courthouse or structures on the University Campus or Fort Missoula, and Phillip helped educate me on the situation of Fort Missoula, and that's good, but it does seem like an unfortunate double standard. As far as more specific comments, the way I see it at the risk of sounding naïve is that there are three types of historic resources that this ordinance deals with. The first category would be those that are places listed on the National Register of Historic Places. I believe those places should be protected and that an ordinance that would prevent somebody from demolishing the Wilma, for instance, would be a good thing and I would encourage you to pursue that type of protection. The second category would be those called contributing resources and I think there may be value in some form of protection of these resources to protect the historic fabric, but I'm not convinced that a one-size-fits-all approach, as presented in this ordinance, is the best solution. Perhaps it should be up to the individual historic districts to tailor the degree of and type of protection of contributing resources based on the particulars of that district and perhaps it should be more incentive-driven where you get rewards for doing the right thing rather than having to go through a more lengthy and expensive process. And the third category would be those that are the noncontributing resources or vacant, undeveloped land. And I don't think these should be reviewed for historic appropriateness as they are developed or redeveloped. I believe this approach goes contrary to many of the goals of historic preservation. History is about change over time. Let the undeveloped land and noncontributing resources that are redeveloped reflect the time in history they are constructed, unencumbered by historic filter. That concludes my comments and thank you for your time this evening.

Mayor Engen said, thank you, Mr. McCormick. Anyone else care to comment this evening? Mr. Austin wins that heat.

Rod Austin said, what's that? Oh.

Mayor Engen said, it was a sprint to the front.

Rod Austin, Downtown Business Improvement District, said, I don't win very many of those these days. I've actually gotten a pretty good education although I don't think I've graduated from the history class. I really didn't know a heck of a lot about historic ordinances until I got involved in the work that's been going on here. You all should have received the letter from the Business Improvement District in support of a historic ordinance. I think the letter goes through a little bit of detail about trying to create some design guidelines for the Downtown District. I think if you were watching most of the slides, maybe not most but a good percentage of the slides that were presented tonight, and usually when you're looking at something historic relative to Missoula, you're probably going to see some pictures or some streets of downtown Missoula. It's probably got, if not the most, pretty close to the most concentrated number of buildings that people generally think of as a big part of the history of this community and the county. One of the reasons I think that a bunch of us a few years ago decided that we needed a Master Plan for downtown was in part not only to help promote investment, private investment and public investment, but also to protect the historic nature of the things that we have in our downtown, as well as some of the neighborhoods that butt up against the Downtown District. I think what we would like to see in the ordinance perhaps, and particularly for the downtown, is some sort of design guidelines that could be put together that would help create an environment for private investment to have some surety of the things that they could or could not do, where they could or could not do the...having said that, there has been a lot of good work gone into this and we're pretty close to getting it done. Thank you. I would like to point out that both the BID and the MDA did have a hand in, oh, I don't know, several months ago, getting a nudge to the Downtown Historic Designation at the state level. I think it had been sitting on someone's desk for awhile and we were inquiring as to where it was and got it moving and I believe that we're pretty close to having it completed. I haven't heard the final word yet. Thank you.

Mayor Engen said, thank you, Mr. Austin. Ms. Link.

Ruth Link said, for the record I let him win. This is Ruth Link with the Missoula Organization of Realtors and I just want to start out by thanking everybody who had a hand in this. I think it's come a long ways since the...even the one that we saw a few months ago or earlier this year. I do want to recognize this as an important tool for the community and for the landowners and property owners who want to protect their structures. We are concerned about noncontributing resources being included in the historic districts, seven percent of all the properties in Missoula, it seems like a pretty broad brush and we'd just like you to consider that as you go into your committee hearings. Also we are concerned about the timeline, 60 to 90 days for a demolition or a large project seems reasonable, when you're talking about possibly adding a deck or doing something of that sort. A 60-day timeline for an individual homeowner could be prohibitive so we just want you to consider that. And then finally Ms. Rehbein was kind enough to email you guys a sheet that had a couple of suggestions for the demolition by neglect section. One of them actually came from Washington, D.C. so it's kind of fitting but he used a couple of examples from there and I'll just read a few little bits of it. "It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of building and structured designated as contributing or significant" and then we put our own stuff in there. "Therefore such maintenance as necessary to prevent deterioration and decay of the exterior" and it goes into a list where it says "facades which made fall or injure persons or property, deteriorated inadequate foundation, defective flooring, members of ceilings and roofs" basically things that would actually affect the structure that might cause something to be...to need to be torn down. So it's very specific and that's kind of what we were going for in our requests to further define the demolition by neglect area. And thank you for sending this back to committee so we can work on it further.

Mayor Engen said, thank you, Ms. Link. Anyone else care to comment this evening? Please step right up.

Linda Smith said, although I live in the Slant Street Neighborhood I'm talking about a building that I am the former, or one of the former owners of; it's in the University Neighborhood Historic District. So as a former owner of the Swift building, which is on the National Register, as a contributing element in the University Historic District, we included in the buy-sell a provision for establishing an historic easement for the

building knowing, as the proposed historic preservation ordinance states, that the federal process of listing a property in the National Register does not require that the property be protected. We had invested a great deal of time and money over the years in upgrading and renovating a historic railroad building built in 1912. It now functions as a modern office building and has contributed to Missoula's economic vitality through providing spaces to local organizations, nonprofits and very small businesses for over 30 years. And as its value has increased so has its economic contribution to the City coffers. When extensive renovation was required to meet fire code, the architect we were working with contacted Missoula Historic Preservation Officer who collaborated with us in addressing the historic aspects of the project. He was very helpful to us in the process. We experienced no time delays as a result. It's my understanding that an application for a historic preservation permit can be done well in advance so there would be no need to extend the time beyond the usual time necessary for approving a building permit. We received an award from the City for adaptive reuse of an historic building and very much appreciate the City's acknowledgement of how much effort goes into restoring an historic building has fallen into disrepair. Finally, I think Missoula needs signs for its historic districts so everyone knows where they are. And with all the time spent by citizens working with City staff to establish historic districts in Missoula I encourage the Council to protect them by adopting the proposed historic preservation ordinance. Thank you.

Mayor Engen said, thank you, Ms. Smith. Anyone else care to comment this evening? Mr. Poswitz.

Carl Posewitz, Ward 3, said, I think most of my comments are going to be right along the lines of Mr. McCormick's. Just for the record, I have no, you know, I think preserving our historic landmarks is a very important job that we need to undertake here in Missoula. Some of the problems I have with the ordinance as currently written are there's just some vague areas. I still have some questions, some pretty basic ones like is this ordinance going to supersede the underlying zoning. For instance, can they...if you're zoned to be able to build to 100 feet, can they use the ordinance to say, well, historically it's only been 30 feet so that's where you're going to be stuck. I don't know for sure if they're able to change your basic zoning envelope with this ordinance or if the primary zoning, you know, overrules however this historic overlay may be interpreted. Number two, I also don't think that noncontributing resources...I would like to see it really just limited to historic landmarks, the buildings that we...a lot of the buildings Phillip showed us that are obviously historic resources that need to be preserved. I think this particular ordinance is just...it's just grabbing too much, including vacant land, metal buildings, noncontributing resources. They just shouldn't be swept up I think in the ordinance overall. Another issue I have is that of the numerous districts in Missoula. I just...I kind of believe each person living in those districts should at least have a say as to whether...like a direct say as to whether the whole district wants to be under this ordinance or not. Right now it's kind of...there's a lot of people that come here and say they want it and that's great. I mean I think if you did a...I just mailed in my ballot for City Council. I can't understand why we wouldn't do a direct mail to the people living in those districts and say, hey, this is a great idea, we think this is a great idea, do you want to be part of it? Then if 51% say, yeah, it is, I mean I think that's great but I am a little troubled by some of the notification procedures, the, you know, the initial mailer went out on the 4<sup>th</sup> of July weekend. This hearing is the Monday after hunting season so I think a lot of people are maybe not aware of this. The other part of the ordinance that concerns me a little bit is it's pretty...it's so broad and it's, to me, it looks like it could expose the City developers out of potential litigation exposure. There's phrases in here where the properties being evaluated based on its feel, like its historic feel, and I can see people spending years arguing over whether the feel was correctly interpreted or not per the ordinance. Then lastly, you know, the thing that probably concerns me the most about the ordinance is that there's a subtle component of this that is really all about local government evaluating the creative and aesthetic content of people's projects. We have a brand new 200-page zoning ordinance that really, you know, defines building envelopes, setbacks, heights, uses and I think that's all great but this has got a kind of nebulous component to it where, you know, bring your idea down to City Hall and we'll tell you if it's artistically worthy of moving forward. Now I, you know, I'm again all for landmark preservation but you've got a lot of parcels in here that have absolutely no historic landmarks status or it's nebulous or it's a stretch at best which are suddenly going to be evaluated by local government for its aesthetic value. So those are just my thoughts for tonight and I appreciate your listening to them.

Mayor Engen said, thank you, Mr. Posewitz. Anyone else care to comment?

Wendy Capaluco, 514 West Alder, said, I'm a resident, live downtown. My house is contributing so are the two little outbuildings I have in my backyard. They're pretty small. One of them I just fixed up. It's a little shed. Before, I'm pretty sure everyone say it should be condemned. On my street, West Alder, there's a lot of buildings that probably everyone's going to say should be condemned. By the way, most of those people have a lot more money than I do and they don't live in those houses, shockingly, but anyway, that's a totally different subject. I looked over this ordinance and it seems like there's going to be a lot of argument probably still about it, from what I can tell. I don't know. You guys, that's your job. But it looked like it was a good start. And I think that the historic preservation, you know, I think when you look at that I think Missoula's a really unique place, I mean just you guys are talking about all the conservation stuff. Living downtown is great for someone in my income bracket to live in a small house downtown is awesome. I can see Jumbo, I can see the hills behind me, it's great. I mean if you could preserve these little...just these little pockets of neighborhoods, they're so small, you'd be doing such a great service. So that's it. That's all I want to say and good luck to you all. Thanks.

Mayor Engen said, thank you very much.

Father Rich Perry said, I'm the pastor at St. Francis Xavier Parish and we have the great honor of being the owners of a whole historic block. And it's a block that has been made deemed to be eligible for the National Register of Historic Places. When I look at this ordinance, I see a lot of barriers and hoops that we have to jump through if we want to do anything...with anything on that property. Obviously we're not going to touch the church, that's not our concern. The church...the only thing that we're going to do with the church is to continue the restoration of it. There are other buildings on the property that are not useful, not useful to us and as far as I can tell are a blight on the neighborhood. There is a building we would like to get rid of. There are two other buildings we want to preserve. We want to preserve the front of Pine Street. We want to preserve that historic front but we also need space for our people, the people in our parish. I'm responsible for 2,000 people in that parish. They need a place to go. They need a place to visit together. We need a place to gather and we don't have that. few want to try to build something that will connect the buildings that are there, connect the church to the rest of the buildings. If you ever get a chance to look at the drawings of what we have intended, you will see that Carl Posewitz has taken great pains to create an addition to our church that fits in architecturally, aesthetically and beautifully, colorfully, historically with the church as it exists right now. My problem with this ordinance is that it doesn't leave much room, much wiggle room. It seems to me restrictive. I recognize the importance of historical places. We have two awards from the Historical Preservation Society of Missoula, one for the church and one for the restoration of the church of the 1980s and one for the upkeep of our parish offices. So we are not unfamiliar with or against anything that has to do with historical preservation but it would really be nice if somehow the ordinance is expressed in such a way that there is a possibility of collaboration rather than simply trying to make sure that we are fitting into all of the restrictions and all of the requirements of this ordinance. So I would ask you please to reconsider and to provide a way in which we can be partners in historic preservation and not just subjects of it. Thank you.

Mayor Engen said, thank you, Father Perry. Anyone else care to comment this evening? Any additional comments?

Steve Adler said, number one is there's been a lot of confusion between contributing and noncontributing and not so much confusion but I think a misunderstanding. Oh, is that better? Okay, I'm sorry. And one of the things that I would like us all to focus on as the discussions move forward is the notion of contributing and noncontributing. When we're talking about contributing and noncontributing elements or buildings, we're talking about elements of a district and I think it's very important that everybody understands that the district is on the Register in the same way that individual buildings are listed on the Register, which suggests we need to, in some way or another, deal with that district as a whole. And as a member of the Preservation Commission and as somebody who has administered similar guidelines, I foresee a lot of problem in trying to administer a district but somehow tell people that your property is contributing, you're subject to an ordinance but right next to you is a property that's not contributing and your neighbor's not subject to it or vice-versa. I think...I'd just like us to focus on that as we move forward. A couple of things I can respond to Carl Posewitz' question about does this supersede underlying zoning? The answer is no it does not or it shouldn't, anyway depending on how you read the ordinance. And I'd like to...do you guys have the ordinance? There is the second paragraph of the ordinance that basically

says the designation of a resource as a historic district does not change the underlying zone classification of the historic district and does not exempt historic resource owners from complying with other city building and zoning regulations. A designation may place further restrictions upon the historic resource than the building or zoning regulation requires. I realize there's room for interpretation in there and if we need to clean that up, I'd like to say, and I think I speak for the Commission on this one, we would be happy to say, no, we do not intend to impose on height, setback, bulk, the basic things that already the province of zoning, we don't want those to overlap. And regarding one other issue, and it's on the aesthetic censorship, is there's...I understand the concern, I'm an architect as well and I do the same thing as most other architects are concerned about but I maybe have some different experience too and know that this is nothing you need to fear from a designer's standpoint. And somewhere in here is a balance we can strike I believe, and that's going to be part of future discussion. When we're talking about 7% of Missoula being subject to this ordinance and the vagaries of the ordinance have yet to be worked out and the points kind of nailed down and 93% of Missoula not subject to the ordinance, I guess if you're looking at numbers and percentages, what is a fair percentage and why? So even if you buy into the idea that it's aesthetic censorship of some sort, I'd like to remind everybody that this actually came out of many attempts from neighborhoods to develop their own guidelines. And we actually started this work by developing guidelines and when we got involved with the land use law clinic at the Law School, they were the ones who kind of pointed out the error of our ways and said, no, what's the use of guidelines if you don't have the legal underpinnings to support them, so that's what landed us where we are today is developing some legal underpinnings to support the guidelines. Similarly we're in a bit of a catch 22 because we can't really propose guidelines or, excuse me, propose the underpinnings without having some guidelines go along with them. So as the discussion continues, I'd like to be able to talk a little bit more about the Secretary of the Interior standards which are currently proposed as kind of a default setting for guidelines. They're general. The Secretary of the Interior standards are what allowed the corner, across from Hellgate High School. They're also what allowed the latest addition to the Art Museum. So I don't see these as being any too limiting but I do believe that it would be contingent upon the neighborhoods to really identify their own neighborhood and come up with guidelines that are particular to their neighborhood, that they can then plug in and basically replace the Secretary of Interior's standards. I think that's about it. I'm trying to keep it short and I know some others will address some other questions. Thank you.

Mayor Engen said, thank you, Mr. Adler. Any other comments this evening?

Bernadine Gantert said, I live over on 700 Toole Avenue and thank you for changing the sign on Broadway. I live in a home that was built in 1903 and I've been a resident of Missoula for the past 32 years so I have 32 years worth of labor into restoring my old house. I joined the Historic Preservation...applied for the Historic Preservation and now am the representative for the Northside/Westside and I did that two years ago out of my own concern as a resident of the City of Missoula with concerns over what's happening to the image of Missoula as I pass through it on my journey over to the University where I work. I can't stress to you the importance that you need to apply to this ordinance and approve it in what form it comes to be because I'm sure with everyone's input it will only become more useable to the City. All the things that have drawn us to Missoula that we love just as we talked about Upper Miller Creek tonight and the conservation easement, try to think for a moment, take the elk out of the picture and take the vistas and the scenes that you see every day that are your memories and the identify of Missoula. I'm glad that St. Francis...you won't be taking down the church because that for me is a tremendous landmark. Working at the University, we've taken many of the A.J. Gibson buildings. The math building is a beautiful example. We added an elevator onto it with faculty offices as well as new restrooms and took a historic building and made it very functional and beautiful at the same time. So I would urge you to recognize the importance of the ordinance. Thank you very much.

Mayor Engen said, thank you, Ms. Gantert. Anyone else care to comment this evening?

Goodwin Schroeder said, I live on Daly Avenue. I live in a historic house that's actually in the historic book of registries but I just don't have a plaque. I totally love historic architecture and I love my house. The only problem I have is, you know, I would like to, you know, have the right to vote on whether this ordinance goes through. I have preserved my house as, you know, as best as it can be architecturally to be historic. So, yeah, I just...I have other friends that have modern houses that look really nice and so it's

just kind of a...I don't know, I just think it should be up to the individual and I think that for me it would be...I really like the idea of having a vote through the mail just like the City Council, I just voted through the mail. Anyway, that's all I have to say. Thanks.

Mayor Engen said, thank you, Ms. Schroeder. Anyone else care to comment this evening?

Mike Monsos, Chair of the Historic Preservation Commission, said, I also teach historic preservation at the University and have done a lot of construction and contracting in Utah and Montana for step flood. Had a hand in it here and there and preservation can be a little tricky, it can be a little hard. We're up against a lot sometimes. We're up against preconceptions that were in the way of progress or trying to mothball things or prevent. And what I've discovered, I'm on the Commission and been involved, is we don't want to be the ones that are changing ourselves in front of the bulldozers to the tree. We don't want to be the ones that are reactionary. We don't want to be the ones that end up being confrontational because that's what happens right now if we're not involved more because we tend to find about things later. And all the concerns that people have made, I really think, I truly believe that all of those can be addressed and solved if we have this ordinance because what it does it very thoughtfully inserts us into the process so you can take advantage of these wonderful people we have in this Commission, the talent and professional folks we have, in the process so that we actually can give good, intelligent feedback, so we can really say, wow, this is a great idea, have you considered this? You do realize this is historic, what about this idea? It's not about trying to stop anyone. It's not about trying to just shut things down. It really is getting us the chance and you the chance to discuss it, to talk through it at a time that it's not cost prohibitive, it's not after everything's been drafted, it's not after everything is done, it's in the process where we can really talk it through and make smart, intelligent choices to preserve this wonderful city and to kind of avoid the gentrification that turns everything into kind of everything U.S.A. So it really is a wonderful tool and I think you guys really, really appreciate the ability to have the Preservation Commission at your beck and call to help and to discuss issues that come up. We can look at the church. We can look at all the stuff. I would love to see the plans and say, these are cool, what about this? So, thank you very much. Appreciate it.

Mayor Engen said, thank you, Mr. Monsos. Anyone else?

Jim McDonald said, I'm a Historic Architect here in Missoula and I'm on the Preservation Commission but I'm speaking on my own tonight as a owner of a historic building in downtown Missoula, the historic Bluebird Theatre and we also have our architectural business in that building. My wife and I also own a home on Strand Avenue in Ward 3 that is part of the Slant Street District and we should be part of the historic district in that area. I came to Missoula in 1971 from Eastern Montana and I came here just because there were jobs available at that time at the University of Montana. And after a year or so I really felt that this is a place I wanted to stay and become part of the community. What I was finding, as a young person coming to this community, there were...it seemed to be very progressive in the sense of young people coming here, working with the people that had developed Missoula over the years and it was a way to really, that I saw that Missoula became a town that was for all people. And we've seen that throughout the years that we have been here and with the community leaders and the people that are involved in making Missoula what it is today. I'm hoping that the young people that I work with now at the University and some of the other areas will also respect some of my, you know, as I'm on the other end of this and being part of this community. What I want to say though is being a progressive community that I feel we are it is...I think this is where we do need to have new development, we need to accommodate low income people, housing for low income, the homeless, all sorts of people within this community but we can do that in a way and still protect our cultural and historic resources. And that's what this ordinance would do. You've just passed a good zoning ordinance and a Master Plan for the downtown that I feel is...it's a long time coming. We...I was on the committee to redo the zoning ordinance, what, 15 or 20 years ago, I can't remember when it was now but, you know, that didn't happen but this is happening and it's really made it work very well. Progressive communities are all over the nation, protective ordinances for historic resources and as I mentioned the ones here in Montana, I've been involved a lot with the Bozeman one, I've worked on several buildings over there. It's easy. It's the same ordinance. It's easy to work with. It's easy to accommodate both the owners and the community and in many cases it's just a formality of going through and approving something rather than get into something where you're going to go...you're going before a commission and trying to decide what is the best design or use. I have been

involved with over 1,000 projects that have used Section 106 which is essentially the guidelines that you see here in this ordinance. I have been involved with about 15 buildings where they've been new buildings within a historic district, some in historic landmark districts, and it's been very easy to deal with and use both contemporary design, use of new materials that are sustainable and use recycled materials as we did with one of the major projects in Yellowstone National Park. Also, just recently the Bluebird Theatre building that I own got an award from the American Institute of Architects two weeks ago, the Montana Chapter, because of not only restoring the building but designing the interior to a very contemporary use using contemporary materials, sustainable materials and we were awarded for that particular project. When you look at Missoula's uniqueness, because of its historic downtown and its historic neighborhoods as well as its other amenities of trails, the mountains, the views this is very important to keeping... pointed development together in order to make it very unique for Missoula. This does not mean that you have to mimic historic buildings. All buildings should be a product of their own time, however, additions in new buildings should be sympathetic to historic buildings, not just buildings that are part of the latest architectural fad in the magazines. It is required that we all be creative and that architecture is not just buildings but it is part... that they have to be part of the cultural landscape, how they relate to the neighborhoods, to the downtown, to the community so that it can be tied together. Missoula's uniqueness should be protected so that we do not become anywhere U.S.A. and we can do this by working with this ordinance, making it better and creating an ordinance that we can all live with to make it possible for us to be a unique community. Thank you.

Mayor Engen said, thank you, Mr. McDonald. Anyone else care to comment this evening? Going once. Alright. With that, we will close the public hearing. We will have Mr. Strohmaier and Mr. Hendrickson have both asked that the item be returned to committee. I will open it up for some questions and I'm going to start and I just need five minutes, gentlemen, either Mr. Maechling or Mr. Millar, tell me the difference between the Historic Preservation chapter in Title 20 and the Historic Preservation chapter in Title 19. What are the changes? And if those are in the staff report, I didn't get them and I'm sorry.

Roger Millar, Director of the Office of Planning and Grants, said, the Title 19 had a Historic Preservation chapter that was only applied to one property in Missoula and that was Fort Missoula. It existed, it existed for years, it was applied to one place. We have one other place in town and that's the Roosevelt block which has the same regulations but to the form of a PUD rather than the application of the overlay that was in Title 19. We brought the Historic Fort Missoula piece forward in Title 20 so it is protected in Title 20 in exactly the same way that it was protected in Title 19. And the Commission was working with interested citizens, interested neighbors and the rest on creating districts specific guidelines, as you heard, and they realized that those district specific guidelines weren't going to work unless the framework was updated and brought more into a useable format. So a lot of what's in, what is proposed today, was in Title 19 and not applied anywhere. What this did is rather than making it something that you would overlay on specific properties, it just says these are the properties that this ordinance applies to, the guidelines are the Secretary's standards, you have the opportunity to create additional guidelines if you will. And as the ordinance came out of the Historic Preservation Commission and out of the Planning Commission, it would apply to all listed and eligible projects properties on the National Register individual properties. It would also apply to all contributed and noncontributing buildings in National Register Historic Districts. That's the way it came out of the committee and the Planning Board. What we've heard from a number of people is that they like that. What we've heard from other people is the National Register, the individual listed National Register properties and those that are eligible for listing because of their significance as individual properties should be protected today. The Secretary's standards are fine for protecting them but the districts, we can create the regulatory framework for managing the districts but we've heard from folks they'd like to go back and work on those districts specific guidelines and bring the districts into the ordinance one at a time. That was what was intended when the original ordinance was adopted in Title 19. Nobody took up that cause with the exception of Fort Missoula. From my perspective as the Director, and I think I told everybody I just turned 50 this year and I find it quaintly American that everything older than me is historic. I think we need to take a step in the right direction and if you, as a Council, feel that looking at that spectrum that Phillip provided you, that individually listed properties and historic districts, all the properties in the historic, if you think that's a step we can take today, that's great. If you don't let's take a step and perhaps the individually listed and eligible properties would be a good first step with direction to staff and direction to the Commission to bring the neighborhoods back to you as the guidelines are developed specific for each of the neighborhoods.

Mayor Engen said, thank you very much. That I think should help frame the conversations that continue. Further questions?

Alderman Strohmaier said, first off, since I doubt that everyone that's here tonight will be able to make to our next committee meeting, thank you all for coming and thanks to all the folks who put so much time and energy into this draft ordinance. I have a few questions that I'd like addressed when we take this up in committee. First, there's been a good bit of discussion tonight about other cities in Montana that have historic preservation ordinances, particularly Bozeman, I'd be interested in hearing a little bit more about what are the differences and/or similarities between this ordinance and what we see in other Montana cities. Second, while I have no desire to jettison historic districts in any sort of wholesale manner from this ordinance, I would be interested in exploring a couple possibilities that maybe staff can chat with us about on Wednesday or whatever Wednesday we take this up first since there is an effort afoot to develop a form-based code for downtown Missoula, maybe it does make some sense to take the Downtown Historic District out of being subject to the ordinance until such a time that code is developed and also to address some concerns in the Residential Historic Districts. I'd be interested to hear feedback from folks on whether it would make any sense to have a monetary threshold, for instance, on the size of a project to exempt everything below a certain threshold to streamline that process. And, finally, I'd like to hear a little bit more discussion on historic districts and noncontributing resources. There seems to be a good bit of confusion in the discussion tonight about how a noncontributing resource and what is done on that property could potentially in an adverse way impact the integrity of the district as a whole. So that is a longwinded way to articulate three questions.

Mayor Engen said, further questions? With that then and without objection this item will be returned to committee. Mr. Jaffe, do you have a sense of when you might take it up?

Alderman Jaffe said, we'll have a good old time this coming Wednesday. We have a short meeting and we're planning to maybe just introduce what the different issues are we want to cover and then set another date for a more extended discussion after that.

Mayor Engen said, okay. So at least a partial discussion on Wednesday in this hall. At what time, Mr. Jaffe?

Alderman Jaffe said, it's at 11. We have the OPG quarterly from 10 to 11 and then around 11 o'clock.

Mayor Engen said, okay. Alright. With that, the item is returned to committee. That concludes our public hearing agenda items this evening. Thanks for your participation, folks. We'll stand adjourned till about 9:33 to let you all clear the hall and let Council members stretch your legs and we'll conclude our business at that point.

### **COMMUNICATIONS FROM MAYOR**

Mayor Engen said he regretted that things happened pretty quickly on Friday and didn't get to let Council know before the newspaper reported that the City of Missoula has managed to grab \$5 million in our Neighborhood Stabilization Funds for that Silver Tip project at the foreclosed Missoula Athletic Club property, so we're going to have some affordable housing for low income Missoulians which is a great piece of business and a good example of a public-private partnership and we think that there will be continuing opportunities for us to happen to those NSP dollars for more projects in Missoula as that program moves through its funding cycle. We've had great support and assistance from the Department of Commerce and the Federal Department of Housing and Urban Development, so that's a great program. Also, CNN and Money magazine has ranked Missoula as number 10 among small metro areas in the United States as one of the best places to launch a start-up business. You can log onto [www.CNNmoney.com](http://www.CNNmoney.com) and you'll learn more about that but it's a fairly glowing report and we're in good company there. Mayor Engen extended his appreciation to Senator Tester who held an open house in Missoula with regard to the Forest Jobs and Recreation Act. There was a great crowd there and he suspects that the meeting was productive and the Senator is clearly listening and they're making changes as they roll along to this important piece of legislation, not only for Montanans but for the nation. Bruce

Bender and Ginny Merriam are not here this evening because they both have whatever lingering bug is going around. There's a lot of that going around and he fell victim to that as well as a lot of our friends and colleagues have. While it's not H1N1, it's a nice segway into it. Mayor Engen reminded folks in the audience of a couple of great resources from the City-County Health Department. There is a website that will tell you almost all you need to know about H1N1 and what's happening in the City and County of Missoula and there's also a H1N1 flu information hotline and that is at 258-4636. If you are sick, wash your hands and stay home and take care of yourself and if you don't have a fever you can get back to work but really you're doing no one, especially yourself, any favors if you've got a fever and you're out among us. Information changes on the H1N1 daily but we are paying careful attention to what the Health Department's continued updates are, as items develop with regard to H1N1. He also reminded cyclists to use your lights at night while driving and gear up for the Bike Light Program which will provide free lights again this year for those who may not have them. We have a combination of a Grizzly game and Halloween on October 31<sup>st</sup> so everyone please be extraordinarily careful and enjoy.

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

Alderwoman Mitchell said she thought the Andersons may be getting some traffic up their way to look at this beautiful piece of land that was put into conservation.

Alderman Haines stated that for \$25 membership a year, the Elk Foundation does a lot of wonderful things and you get a magazine with some stunning wildlife photos in it. Everyone in Montana should belong to that organization.

Alderwoman Walzer said even though it's at the end of October it is National Humanities Month and the Missoula Cultural Council is partnering with Humanities Montana to celebrate the often overlooked economic, education and civic engagement values that the arts impart in our daily lives. October 27<sup>th</sup> will be an Arts Forum, the arts and civic engagement at the MCT Center for Performing Arts, featuring presentations by Raphael Chacon, Katie Knight and Amy Martin with questions and answers to follow.

Alderman Wiener stated that Michelle Brian Mudd who was here earlier and helped with the historic preservation ordinance and also did the land use law clinic sent an email that people at home might be interested in a planning talk at the Law School, 3:30 to 5:00 p.m. on Wednesday. The gentleman will be from the Orton Family Foundation talking about citizen engagement community planning in the Rocky Mountain West.

### **COMMITTEE REPORTS**

#### **Administration and Finance Committee**

[10/21/09](#)

#### **Committee of the Whole**

[09/21/09](#)

[10/19/09](#)

#### **Conservation Committee**

[10/21/09](#)

#### **Plat, Annexation and Zoning Committee**

10/21/09 will be available at a later date

- Approve the request for a phasing plan amendment for Hauser Addition Subdivision extending the final plat submittal deadlines to October 31, 2014 for Phase I and to October 31, 2018 for Phase II.

Alderman Jaffe said, I move to approve request for a phasing plan amendment for Hauser Addition Subdivision extending the final plat submittal deadlines to October 31st, 2014 for Phase I and to October 31st, 2018 for Phase II.

Mayor Engen said, and that motion is in order. Anyone in the audience care to comment on the motion tonight? Seeing none of that, is there discussion on the motion?

Alderwoman Mitchell said, I believe that I was the lone vote against this which took it off the consent agenda but my only hesitation with this is one that I have with almost any new subdivision and that is when we condition a waive of the right to protest for people who end up buying the properties. And it seems as if when people get a mortgage on a property then they have to factor in an additional SID when that comes down the line that it does put some physical, or excuse me, some fiscal restraints on their budget. So, that was my comment and that was my only reason for objecting to this.

Mayor Engen said, further discussion on the motion?

Alderman Jaffe said, just to remind everybody, it's a phasing plan amendment not a reconsideration of our conditions of approval.

Mayor Engen said, further discussion?

Alderman Haines said, just for the record, there seems to be considerable thought among some distinguished people in the law profession that these waivers are not constitutional. I think you'll see that issue show up in the next legislature.

Mayor Engen said, further discussion? Mr. Millar, did you want to add something shockingly briefly?

Roger Millar said, shockingly briefly, Mr. Haines has a very good point. In the 2009 session the law was changed and SID waivers are limited in the time scope. They can only be for a period of 20 years and the governing body has to be very specific about what the waivers are for. We can't have blanket waivers anymore. That has changed. That does not affect this project but it will affect projects moving forward.

Mayor Engen said, further discussion?

Alderman Haines said, yeah, I wasn't trying to start any kind of an uproar there but in talking to Mr. Nettleson and Greg Petesch, the Code Commissioner over in Helena, they're adamant that these kinds of waivers are just unconstitutional. By putting a nickel into the slot machine I'll talk to you for an hour of all the reasons why they are illegal and that they do to people. So I expect to see it come back. The issue that we had over in...primarily two subdivisions. But I know from personal experience there's some other aspects to that that are going to be dealt with. Thank you.

Mayor Engen said, any further discussion? Seeing none, we'll have a, as a plan amendment, we'll have a voice vote.

## **MOTION**

Alderman Jaffe made a motion to approve the request for a phasing plan amendment for Hauser Addition Subdivision extending the final plat submittal deadlines to October 31, 2014 for Phase I and to October 31, 2018 for Phase II.

Upon a voice vote the motion passed.

## **Public Works Committee**

[10/21/09](#)

**NEW BUSINESS (INCLUDING, BUT NOT LIMITED TO, REPORTS)** - None

**ITEMS TO BE REFERRED**

**To Administration & Finance Committee**

- Claims-Consent Agenda (Brentt Ramharter)
- Review and determine whether City Council actions pertaining to the adoption of ordinances in general comply with state law MCA 2009 7-5-103 Ordinance requirements and city council rules for the conduct of meetings and business (Rule 24 Adoption of Ordinances) ([memo](#)).—Regular Agenda (Renee Mitchell)

**To Conservation Committee:**

- Discussion on recycling in Missoula ([memo](#)).—Regular Agenda (Pam Walzer)

**To Plat, Annexation and Zoning Committee**

- Approve or deny a preliminary plat adjustment and condition amendment request for Flynn Ranch Subdivision ([memo](#)).—Regular Agenda (John Newman)

**To Public Safety and Health Committee**

- A resolution approving disposal of a 1979 Mack Fire Engine ([memo](#)).—Regular Agenda (Mike Painter)

**MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS**

**ADJOURNMENT**

Mayor Engen thanked the council members and the staff for their service.

The meeting adjourned at 9:42 P.M.

ATTEST:

APPROVED:

\_\_\_\_\_  
Martha L. Rehbein  
City Clerk

\_\_\_\_\_  
John Engen  
Mayor

(SEAL)

Respectfully submitted by,

Nikki Rogers, Deputy City Clerk