

FORMAL AGENDA
MISSOULA CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
140 WEST PINE STREET, MISSOULA, MT
NOVEMBER 23, 2009, 7:00 P.M.

A. CALL TO ORDER AND ROLL CALL—The Mayor and all Council members were present.

B. APPROVAL OF THE MINUTES

- November 9, 2009—approved as submitted.

C. SCHEDULE OF COMMITTEE MEETINGS

D. PUBLIC COMMENTS

E. CONSENT AGENDA

(Items on the consent agenda were approved in City Council committees by a unanimous vote. We save time at Council meetings by voting on these items as a package. The City Clerk will read the list aloud, so citizens watching on MCAT will know what is on the consent agenda. We'll invite community comment on these items before we vote.)

Approved unanimously.

1. Approve claims totaling \$ 498,810.96. (Detailed Claims) (Chart of Accounts) (A&F) (11/17/09)
2. Approve claims totaling \$ 236,296.84. (Detailed Claims) (Chart of Accounts) (A&F) (11/24/09)
3. Resolution—Adopt a resolution relating to Special Improvement District NO. 544; authorizing the execution and delivery of \$2,028,090 Special Improvement District NO. 544 bonds (DNRC Revolving Loan Program) consisting of \$29,688 A Loan Bond, \$359,300 B Loan Bond, \$1,608,102 C Loan Bond, and \$31,000 D Loan Bond to pay cost of improvements to the district; creating special funds and accounts for the administration of certain money derived there from and defining the terms and the manner of payment of the bonds. (A&F)
4. Resolution—Adopt a resolution relating to \$1,350,012 sewer system revenue bonds (DNRC water pollution control State Revolving Loan Program), consisting of \$361,012 subordinate lien taxable Series 2009 A Bond, \$925,000 series 2009 B Bond and \$64,000 Series 2009 C Bond; authorizing the issuance and fixing the terms and conditions thereof. (A&F)
5. Approve a 30 foot wide water easement to Stockyards Road Investments LLC at Pleasant View Park #7 on Flynn Lane. (Cons)
6. Set a public hearing on December 7, 2009, to consider adopting an ordinance extending the interim zoning of Parcels 1, 2, 3, and 4 of Dinsmore's Orchard Homes Addition No. 4, Tracts 7, 11, and 12 located in the SW ¼ of Section 19, Township 13 North, Range 19 West, P.M.M., commonly known as The Gables Subdivision for six months. (PAZ)
7. Ordinance—Adopt an ordinance amending Title 8, Chapter 8.28, Missoula Municipal Code title 8, entitled "Garbage and Rubbish" amending Section 8.28.020 entitled "Jurisdiction" to remove extraterritorial powers. (PS&H)
8. Approve and authorize the Mayor to sign an agreement with Lloyd A. Twite Family Partnership for Miller Creek sanitary sewer system improvements. (PW)
9. Approve the amended agreement between the City of Missoula, Maloney Properties, LLC, and Lloyd A. Twite Family Partnership related to Miller Creek Road improvements. (PW)
10. Approve and authorize the Mayor to sign the agreement for engineering services to DJ&A, P.C., for Lower Miller Creek Road improvements in the amount of \$47,834.78. (PW)

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

G. SPECIAL PRESENTATIONS

- Hospice/Palliative Care Day

H. PUBLIC HEARINGS

(State law and City Council rules set guidelines for inviting community comment in a formal way on certain issues. Following a staff report on each item, the City Council and the Mayor invite community comment. The City Council normally votes on the same night as the public hearing unless one Council member requests that it be returned to a City Council committee for further consideration.)

- Public hearing on a [regular](#) and an [emergency](#) ordinance amending Missoula Municipal Code Title 15, and enacting a new chapter, entitled "Grading and Drainage." ([memo](#)) ([PW](#)) **Both ordinances were approved unanimously.**
- Public hearing on a [regular](#) and an [emergency](#) ordinance amending Missoula Municipal Code Title 12, and enacting a new chapter, entitled "Parking." ([memo](#)) ([PW](#)) **The emergency ordinance was approved 11 ayes, 1 abstention with Wilkins abstaining. The regular ordinance was returned to the Public Works Committee.**

I. COMMUNICATIONS FROM THE MAYOR

J. GENERAL COMMENTS OF CITY COUNCIL MEMBERS

K. COMMITTEE REPORTS

(Items listed under Committee Reports were not approved unanimously in City Council committees. The chairperson of the standing City Council committee will make a motion reflecting the committee's actions. We invite community comment on each item.)

Administration and Finance Committee

[11/18/09](#)

Conservation Committee

[11/18/09](#)

Plat, Annexation and Zoning Committee

[11/18/09](#)

- [Ordinance](#)—Adopt an ordinance amending Missoula Municipal Code Title 20, the Missoula City Zoning ordinance and establishing Chapter 20.30 entitled "Historic Preservation." **The ordinance was returned to the Plat, Annexation and Zoning Committee.**

Public Safety and Health Committee

[11/18/09](#)

Public Works Committee

[11/18/09](#)

L. NEW BUSINESS

M. ITEMS TO BE REFERRED

(Items listed here have been proposed by Council members, staff, or the Mayor for consideration in City Council committees. Committee chairs are responsible for scheduling consideration of these items in their respective committee meetings. These items are listed on our agenda for information only. They will not be considered at this meeting. For further information about any item, contact the person listed in parenthesis.)

To Administration and Finance Committee:

- Adopt a resolution supporting the Community Access Preservation (CAP) Act of 2009 (H.R. 3745), which protects the funding for PEG channels and ensures their content is treated equitably when assigned cablecast spectra ([memo](#)).—Regular Agenda (Mayor Engen)
- Confirm the re-appointment of Beth Antonopoulos to the Library Board for a term commencing January 1, 2010 and ending December 31, 2013 ([memo](#)).—Regular Agenda (Mayor Engen)
- Confirm the reappointment of John Rettenmayer to the Missoula Civic Television Advisory Committee for a term commencing January 1, 2010 and ending December 31, 2013 ([memo](#)).—Regular Agenda (Mayor Engen)
- A resolution of the city council awarding neighborhood project fund grants to certain organizations and directing staff to negotiate contracts with said organizations for the Mayor's signature ([memo](#)).—Regular Agenda (Erin Scott)

To Conservation Committee:

- Update on the Open Space Projects ([memo](#)).—Regular Agenda (Jackie Corday)

To Plat, Annexation and Zoning Committee

- Approve or deny a floodplain variance request on property located at 2215 Missoula Ave, Section 14, T13N, R20W in the Rattlesnake Creek floodplain ([memo](#)).—Regular Agenda (Todd Klietz)
- Approve or deny a request to amend the phasing plan for Teton Addition at Maloney Ranch ([memo](#)).—Regular Agenda (Mitch Doherty)
- Approve or deny Clark Fork Terrace No.2 Subdivision plat extension ([memo](#)).—Regular Agenda (Rebecca Ciccone)

To Public Safety and Health Committee

- Discuss train engine exhaust emissions in the Missoula rail yard ([memo](#)).—Regular Agenda (Dave Strohmaier)

To Public Works Committee

- Review construction bids for Reserve Street Sewer main replacement project (Site ID 184), award bid to lowest responsible bidder, Advanced Earthworks, Inc. in the amount of \$306,474.40 and authorize the return of bid bonds ([memo](#)).—Regular Agenda (Kevin Slovarp)

N. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

O. ADJOURNMENT

The meeting adjourned at 8:44 p.m.

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. Please call 552-6080 or write to Martha Rehbein, 435 Ryman Street, Missoula, Montana 59802, to make your request known.