

## Plat, Annexation and Zoning Committee Minutes

December 9, 2009

10:35 am – 12:00 pm

Missoula City Council Chambers, 140 W. Pine Street

**Members Present:** Ed Childers, Lyn Hellegaard, Dick Haines, Marilyn Marler, Renee Mitchell, Stacy Rye (10:45), Pam Walzer, Jason Wiener, and Jon Wilkins.

**Members Absent:** John Hendrickson, Chair Jaffe (Chair), Dave Strohmaier

**Others Present:** Steve Adler, Dennis, Lippert, Kate Likvan, Ruth Link, James McDonald, Bill Nerison, Sheena Comer-Winterer, and Shelley Oly

### I. Approval of Minutes

[December 2, 2009](#) were approved as presented.

### II. Public Comment on Items not on the Agenda

### III. Staff Announcements

President Ed Childers presided over the meeting. Two applicants that re-applied for the Professional positions on the HPC were interviewed jointly and answered questions alternatively. The same procedure was followed for the two applicants that re-applied for the At-Large and Artist positions on the DRB. The two new DRB applicants were interviewed separately.

### IV. Consent Agenda Items

- A. Conduct interviews and appoint two professional positions to the Historic Preservation Commission for the term commencing January 1, 2010 and ending December 31, 2012 ([memo](#)).—Regular Agenda (Kelly Elam) (Referred to committee: 11/09/09) **(REMOVE FROM AGENDA)**

HPC Interview Questions

**MOTION:** The Committee recommends the City Council appoint Jim McDonald and Steve Adler as professional members of the Historic Preservation Commission for a term commencing January 1, 2010 and ending December 31, 2012.

#### Jim McDonald

1. HPC helped people understand the historic resources of the community and why it was important to save these resources. The HPC educated the public to those historic resources. Lastly the HPC hosted various events that allowed the community to express interest in preservation.
2. He had been a board member since the Commission first started back in the 1980's. His experience was based on working for various architectural firms from all over the Northwest, teaching architecture at the University and the knowledge he accumulated from being a Commission member. He felt the most important aspect was identifying the historic resources and that preservation was a part of city planning.
3. In his 30 years of working as an architect, he had been involved with many historic properties that were selected to be on the National Register all over the U.S.
4. The HP ordinance would be beneficial to everyone in the community. He hoped that the ordinance could assist Missoula in moving forward with preservation.
5. The HPC was attributed to economically helping communities by bringing in more people and businesses into various neighborhoods. He added that another aspect of the HPC was ensuring these neighborhoods stayed intact as Missoula continued to grow. Economically property values increase once areas are designated as historic neighborhoods; neighborhoods become more stable and tourism increases. The HPC is a sustainable aspect of the "green" movement.
6. He agreed with Mr. Adler in that a couple of areas had expressed interest and the interest should come from the individual neighborhood. That was how many of the districts were formed as neighborhoods that wanted to have historic recognition. He noted that there was interest for an historical district for the Slant Streets.
7. He hoped he would be considered for the position again. He wanted to see the HPC continue on a positive direction and do more educational programs within the community.

**Steve Adler:**

1. Reaffirming the education component of the HPC was vital to the community. The HPC could contribute by providing more educationally based forums to make the public aware of the role of the HPC in Missoula.
2. Because he had served on the Commission for approximately 14 + years he has the perspective to see the role that the HPC has played in Missoula and how the Commission has affected the growth of Missoula. He added that he had the ability to see the 'whys' of a project because he can see the culmination of previous projects.
3. He was familiar with the National Register and how a property became listed on it.
4. The HP ordinance would give individual neighborhoods the ability to express themselves.
5. He agreed with Mr. McDonald and added that there was no greener building than the one that already existed. Historic Preservation provided a facet to economic development that ends up unique to each location. The history that Missoula has provides this community with a more unique character to the businesses and the economic development that are suited for it.
6. There were many sites that he wanted to see on the National Register. The districts were already on the register so he wanted to focus on the districts as resources. He pointed out that it was easy to see individual buildings as resources but when it came to individual districts, the questions should be what character should be placed on a district or how to administer a district and what was an equitable way of doing that..
7. He wanted to continue the work HPC has begun and try to increase the communication awareness within the community.

Councilman Childers asked both applicants to elaborate on the purpose of Historic Preservation. Mr. Adler stated that preservation was a philosophy and how we as citizens wanted to live our lives. Historic Preservation was about remembering the past which informs the present and in turn makes people think about the future. He noted that it was a valued decision, a matter of education and identity to the people who chose to live in historic buildings or neighborhoods. Mr. McDonald added that the purpose of historic preservation was to preserve and protect the historical and cultural resources in Missoula that made it unique.

Councilman Wiener made the **motion** to re-appoint Jim McDonald and Steve Adler for another term on the HPC. The vote was unanimous and would go on the Consent Agenda.

Councilwoman Marler asked if any one of the applicants were competing for the same position. Councilman Childers replied the applicants were not.

**V. Regular Agenda Items**

**B.** Conduct interviews and appoint members to the Design Review Board for the term commencing January 1, 2010 and ending December 31, 2012 ([memo](#)).—Regular Agenda (Kelly Elam) (Referred to committee: 11/09/09) (**REMOVE FROM AGENDA**)

**The following motion will appear under the Consent Agenda:**

**MOTION:** The Committee recommends the City Council appoint Kate Likvan to the graphic artist position, Dennis Lippert to the practicing architect position, and Sheena Comer-Winterer to the at large position for the Design Review board for the term commencing January 1, 2010 and ending December 31, 2012.

**The following motion will appear under the Committee Reports:**

**MOTION:** The committee recommends the City Council appoint Bill Nerison to the Knowledge and Interest position for the Design Review Board for the term commencing January 1, 2010 and ending December 31, 2012.

Design Review Board Interview Questions

**Kate Likvan:**

1. Her expertise was in graphic design. She owned her own business in graphic design and prior to that she worked for the Missoulian as a graphic designer and a freelancer.
2. After a project was voted on, the enforcement just was not available. Now this enforcement part of the project was being addressed by OPG.
3. On one side of the spectrum there were signs that were designed by graphic designers and attractively done but the digital signage appeared during the transition of the code rewrite so many of these signs were designed without set regulations so they were not as attractive.
4. Because the Board was in a transition period between the old and new rules it would be difficult to know how effective those rulings would be until the Board actually started ruling on various projects.

5. She previously served on the DRB for two years and enjoyed learning about the laws, the different projects in the City and being able to help different business with their concerns.

**Sheena Comer-Winterer:**

1. She has been a realtor for 16 years plus a small business owner and has worked in development and remodeling. She was familiar with the sign ordinance and has gained invaluable experience in being on the DRB and that was why she reapplied for the position.
2. The design issues that were most prevalent were the neon sign issues, the changing sign technologies and how to balance the needs of the business owners with esthetic design while trying to preserve what was attractive about Missoula with industry.
3. There has been a lot of improvement with the new ruling.
4. She was very pleased with the changes in the current sign ordinance. The Board members have spent many hours discussing the changes and familiarizing themselves with the changes.
5. She had served for the last two years on the DRB. She added that she enjoyed learning from the other professionals on the Board. The staff was very helpful and instrumental. Being on this board was an opportunity to serve the community and have the opportunity to make Missoula a better place. She stated she applied for the At-Large position; her prior position was an alternate and she did not feel there was much of a difference. She attended all the meetings because she felt the best way to learn the process was to be in attendance and part of the Board.

Councilman Haines asked about the most beneficial way to enforce the decisions that the DRB made. Ms. Likvan replied that now that OPG had someone to enforce its decisions that the best way was to fine people to uphold the Board's decisions. If there were no consequences then the action would just perpetuate itself. Ms. Comer-Winterer agreed and felt it was important to follow the rules that were laid out by the Board. She added that people needed to be educated on the new rules and regulations. OPG has begun educating the community through letters.

Councilman Wilkins inquired about signage on public land and whether the applicants would be in favor or writing a letter explaining the different rules or regulations. Both applicants agreed a letter should be written to explain the different rules and regulation.

**Dennis Lippert:**

1. He had owned his own stained glass business; he restored the Montana State capitol building's dome in stain glass. He received an architecture degree and apprenticed in San Francisco and moved back to Missoula in 1992 and started his own architectural firm. He stated that he still worked with stained glass and has worked in various municipalities across the U.S. and felt he could bring that knowledge as an artist and architect to the DRB.
2. He felt that the infill was too tight in the residential areas for this community. He stated that being an artist and an architect allowed a different perspective when looking at projects involving landscape and signage.
3. As far as graphics went regarding signage, the impact seemed to be too much for height, design and placement in relationship to safety and traffic issues. He wanted to be involved with shaping the future of Missoula artistically and visually.
4. He felt he would be a "breath of fresh air" because he was not familiar with the current sign ordinance. He knew that he would have a lot of catch up to in order to familiarize himself with the ordinance. He added that many of his clients had dealt with the DRB and he wanted to be more informed about the DRB. Mr. Lippert stated that he had never served on any local boards but would be content with the position of alternate.

Councilman Haines asked about the background of restoring the capital dome in Helena. Mr. Lippert replied that the panels were recovered from Virginia City and he did rubbings of the original design, reduced the rubbings and was able to reproduce the panels that were missing. He also wrote the specifications for the restoration project. Councilman Haines stated that this was a project that Mr. Lippert should be very proud of.

5. Councilman Haines asked how a decision made by the DRB would be enforced if the decision was not carried out. Mr. Lippert replied that a fine of some sort should be levied or make the business tear down the sign and reinstall a sign that the DRB deemed acceptable.

Councilman Wilkins inquired about signage on public lands and whether the applicant would be in favor or writing a letter explaining the different rules or regulations. Mr. Lippert replied that a letter should be written.

**Bill Nerison:**

1. He had 23 years of experience as an architect; he was very interested in the history of Missoula and felt a need to contribute something back to Missoula.

2. The design issues that confront Missoula were as varied as the projects that came before the Board, from appropriate use of spaces to opening up the streetscape to the public.
3. He had mixed feelings about the signage around Missoula. He stated that graphics have everything to do with signage and signage needed to be done tastefully and enhance the streetscape.
4. He was familiar with the DRB and the code ordinance. He mentioned that the ordinance was administered as well as it could be within the current narrative that it operated under. Every document that was revised and put into effect was outdated as soon as it was put into print and should be reviewed for its adequacy and shortcomings.
5. He had never served on a local board but felt the need to give back to Missoula. He would be content with the position of alternate.

Councilman Haines asked how a decision made by the DRB would be enforced if the decision was not carried out. Mr. Nerison replied that enforcement was the weakest link in the chain because it required a lot of man power hours and the lack of man hours equaled the lack of monitoring. One question Mr. Nerison asked was why other communities continue to have an influence on enforcement after the fact when Missoula did not seem to have those resources.

Councilman Wilkins inquired about signage on public land and whether the applicant would be in favor of writing a letter explaining the different rules or regulations. Mr. Nerison felt a letter stating the codes and safety designs would be highly advisable. Schools have a lot to benefit or lose from cooperating with the City.

Mr. Nerison asked what the frequency of the meetings were and what kind of time allocation did this position require. Councilman Wiener replied that there were at least 10 meetings per year and the DRB met monthly on the second Wednesday of each month at 7:30 p.m. Staff sends out informational packets to the DRB members that give the background to each project. Mr. Nerison asked whether the DRB generated work for the Committee. Councilman Wiener stated staff would bring a recommendation that included the legal requirement and findings of fact and the Committee modifies those requirements. Mr. Nerison asked what value the DRB had for the Committee. Councilman Childers stated the DRB have OPG staff that review sign packages and were charged with reviewing the sign ordinance and other general developments in the City.

Councilman Wiener made the **motion** to leave the alternate position vacant and re-appoint Sheena Comer-Winterer for another term as the member At-Large and Kate Likvan as the graphic artist position, and appoint Dennis Lippert as the architect position and Bill Nerison for the knowledge and interest position on the DRB. A discussion ensued because no-one checked the box for the knowledge and interest position on the DRB; and the Committee was not comfortable appointing someone to this position if no applicant had checked that box. The motion to appoint Sheena Comer-Winter for the member at large passed unanimously and will go on the Consent Agenda. The motion to appoint Kate Likvan for the artist position passed unanimously and will also go on the Consent Agenda.

Councilman Wilkins made a substitute amendment to appoint Dennis Lippert to the alternate position because he had never served on a board. Councilman Haines stated that the last two applicants were both professional architects and were both qualified with more expertise than the alternate position. Councilman Wilkins withdrew his amendment. The motion to appoint Dennis Lippert for the architect position passed unanimously and will go on the Consent Agenda.

The motion to appoint Bill Nerison for the knowledge and interest position passed with 8 votes of 'aye' and 1 vote of 'nay' (Councilwoman Hellegaard). This will go under Committee Reports.

Councilman Wilkins raised the point of concern about the public safety of the reader board at Sentinel High School. Councilwoman Rye suggested that the principle and the instructor that raised the money for this sign discuss this situation with the Committee but ultimately the Committee has no jurisdiction because the school was on public land.

## **VI. Items to be Removed from the Agenda**

## **VII. Held in Committee or Ongoing in Committee**

1. Annexation. (see separate list at City Clerk's Office for pending annexations) (Ongoing in Committee)
2. Update the Rattlesnake Valley Comprehensive Plan Amendment ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 04/02/07)

3. Request to rezone the property legally described as Lot 3 of Scott Street Lots Subdivision, located in Section 16, T13N, R19W, P.M.M. form D (Industrial) to I-1 (Light Industrial), based on the finding of fact and conclusions of law. ([PAZ 05/21/08](#)) (Returned from Council floor: 6/2/08)
4. Ongoing discussion of City planning issues with members of the Planning Board.--Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
5. Discussion of OPG's [task list](#) and workload ([Urban Initiatives work plan](#)).—Regular Agenda (Mike -Batton) (Referred to committee: 06/12/06)
6. An [ordinance](#) amending Missoula Municipal Code Title 20, the Missoula City Zoning ordinance and establishing Chapter 20.30 entitled "Historic Preservation." ([PAZ](#)) (Returned from Council floor: 11/23/09)
7. [Petition 9445](#)—Robert C. Massey; 8627 Snapdragon; Lot 16 of Running W Ranch, Phases I & II; Geocode #232522207160000; Petition for Annexation
8. [Petition 9446](#)—Michael S. Williams and Amanda L. Jackson; 8628 Snapdragon; Lot 31 of Running W Ranch, Phases I & II; Geocode # 232522207310000; Petition for Annexation
9. [Petition 9447](#)—Tex L. and Dawn Mercer; 8944 Snapdragon Drive; Lot 51 of Running W Ranch, Phases I & II; Geocode # 232522207510000; Petition for Annexation
10. [Petition 9448](#)—PermaFloors Inc.; 7908 Alita Drive; Phillips Industrial Lots - Lots 2; Geocode # 232528202230000; Petition for Annexation
11. [Petition 9449](#)—Valley Christian School; 2526 Mount Avenue; Lot 34 of U.S. Government Survey No. 2, 30-13-19; Geocode # 220030103100000; Petition for Annexation

### **VIII. Adjournment**

The meeting adjourned at 12:00 pm

Respectfully Submitted,

**Shelley Oly**  
Administrative Secretary  
Office of Planning and Grants

*The recording of these minutes is available in the City Clerk's Office (for up to three months after approval of minutes). These minutes are summary and not verbatim.*