

FORMAL AGENDA
MISSOULA CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
140 WEST PINE STREET, MISSOULA, MT
APRIL 12, 2010, 7:00 P.M.

A. CALL TO ORDER AND ROLL CALL—**All City Council members and the Mayor were present.**

B. APPROVAL OF THE MINUTES

- [April 5, 2010](#)—**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 \$258,118.66. ([Detailed Claims](#)) ([Chart of Accounts](#)) (A&F) (04/13/2010)
2. Appoint Solomon Martin as the southwest area representative on the Historic Preservation Commission for the term commencing immediately and ending on December 31, 2013. ([PAZ](#))
3. Approve and authorize the Mayor to sign the settlement agreement pertaining to the litigation filed between the parties Stockyard Road Investments LLC vs. City of Missoula et. al., Cause No. DV-10-95, filed in the Montana Fourth Judicial District Court. ([PAZ](#))
4. Approve and authorize the Mayor to sign amendment no. 7 to the City/HKM Engineering, Inc. agreement for the Russell Street / South 3rd Street – Environmental Impact Statement Project in the amount not to exceed \$83,478 contingent upon the city attorney's and Montana Department of Transportation's concurrence. ([PW](#))
5. Approve and authorize the Mayor to sign the agreement for professional services to DJ&A, P.C., for Lower Miller Creek road right-of-way acquisition in the amount not to exceed \$18,147.50. ([PW](#))

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

G. SPECIAL PRESENTATIONS

- [Missoula Diversity 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 an [ordinance](#) of the Missoula City Council, amending Missoula Municipal Code Title 9 Public Peace, Morals and Welfare to add chapter 9.64 entitled “Illegal Discrimination” generally prohibiting discriminatory practices in the areas of employment, public accommodations and housing on the basis of race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, gender identity, gender expression, or military veteran; and amending section 2.94.030 entitled “Percent for Art Program Established” section 5.82.080 entitled “Nondiscrimination” section 9.12.010 entitled “Housing Discrimination Declared Unlawful” and

section 12.58.100 entitled "Exceptions." ([Ordinance Draft 4—redline/strikeout version—04/10/2010](#)) ([Ordinance Draft 4--04/09/2010](#)) ([Legal Opinion 2010-008](#)) ([memo](#)) ([A&F](#)) **The ordinance passed as amended 10 ayes, 2 nays with Hellegaard and Mitchell voting nay.**

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.)

Plat, Annexation and Zoning Committee

[04/07/2010](#)

Public Works Committee

[04/07/2010](#)

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:

- Confirm the reappointment of Ellen Buchanan as the city's representative to the Downtown Business Improvement District Board of Trustees for a term commencing June 1, 2010 and ending May 31, 2014 ([memo](#)).—Regular Agenda (Mayor Engen)
- Confirm the reappointments of Hal Fraser and Nancy Moe to the Missoula Redevelopment Agency Board for a term commencing May 1, 2010 and ending April 30, 2014 ([memo](#)).—Regular Agenda (Mayor Engen)

To Conservation Committee:

- Resolution accepting a \$125,000 DNRC grant to manage Mountain Pine Beetle and authorize the Mayor to sign all documents related to the Montana DNRC grant to utilize \$125,000 for the Mountain Pine Beetle Project ([memo](#)).—Regular Agenda (Morgan Valliant)
- Update from Parks and Recreation Department including Mountain Pine Beetle efforts on City lands and progress to date on the Conservation Lands Management Plan process ([memo](#)).—Regular Agenda (Morgan Valliant)

To Plat, Annexation and Zoning Committee

- [Petition 9464](#)—Eight Acre Woods, LLC; Lot 5 of the Ram Addition Geocode 232521101050000; Tract A-1A, Certificate of Survey No. 3019, being a portion of Tract A-1, Certificate of Survey No. 2593 Geocode 232521101030000; Petition for Annexation
- [Petition 9465](#)—B&E Corporation; Tract B of Certificate of Survey No. 4611 in the East 1/2 of the Northeast 1/4 of 34-14-20; Petition for Annexation
- [Petition 9466](#)—One Horse Construction, Inc.; Lot 24 of Running W Ranch, Phases I&II, Geocode 232522207240000; Petition for Annexation

To Public Safety and Health Committee

- Confirm the Mayor's appointment of Patrick Mulligan as a police officer ([memo](#)).—Regular Agenda (Mark Muir)

- Ordinance amending MMC Title 2, Chapter 2.32 by creating new Section 2.32.060 giving Missoula police arrest authority to five miles outside the city limits ([memo](#)).—Regular Agenda (Mark Muir)

To Public Works Committee:

- Request to vacate the portion of alley between Lots 8 and 12, Block P of the CP Higgins Addition ([memo](#)).—Regular Agenda (Carla Krause)

N. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

O. ADJOURNMENT

The meeting adjourned at 1:47 a.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.