

**FORMAL AGENDA**  
**MISSOULA CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**140 WEST PINE STREET, MISSOULA, MT**  
**AUGUST 2, 2010, 7:00 P.M.**

**A. CALL TO ORDER AND ROLL CALL**—All Council members were present except Haines.  
The Mayor was absent.

**B. APPROVAL OF THE MINUTES**

- July 26, 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 items 1-8 unanimously.

1. Approve claims totaling \$ 1,188,367.90. ([Detailed Claims](#)) ([Chart of Accounts](#)) ([A&F](#)) (08/03/2010)
2. Set a public hearing for August 23, 2010, on a resolution of the Missoula City Council levying and assessing a special assessment and tax on the lots, pieces and parcels of land situated within special lighting districts of the City of Missoula, Montana, to defray the cost of street lighting in special lighting districts during the fiscal year 2011 in accordance with sections 7-12-4301 through 4354, Montana Code Annotated. ([A&F](#))
3. Resolution—Adopt a resolution levying a special assessment and tax upon property for annual weed assessments to reimburse the city for hazardous vegetation and nuisance weed cut orders performed in 2009 in the total amount of \$1,753.00 pursuant to section 7-22-4101 Montana Code Annotated and section 8.40.040 Missoula Municipal Code. ([A&F](#))
4. Set a public hearing on August 23, 2010, on a resolution to levy a special assessment and tax upon all property situated within the pooled sidewalk curb, gutter and alley approach bonds series 2010 of the city of Missoula, Montana, in the total amount of \$885,000 excluding debt service to defray the cost of installing sidewalks, curbs, gutters and alley approaches pursuant to resolution number 7539 awarding sale of bonds. ([A&F](#))
5. Set a public hearing for August 23, 2010 on a resolution levying assessments on property situated within Special Improvement District Number 544 (Rattlesnake Valley Sewer Project) of the City of Missoula, Montana, in the total amount of \$2,028,089.77 excluding debt service, to defray the cost of making the improvements in said special improvement district pursuant to resolution number 7444 creating said district. ([A&F](#))
6. Set a public hearing for August 23, 2010, on a resolution levying assessments on property situated within Special Improvement District Number 545 (Phillips Street Traffic Calming Project) of the City of Missoula, Montana, in the total amount of \$19,999.71 excluding debt service, to defray the cost of making the improvements in said special improvement district pursuant to resolution number 7435 creating said district. ([A&F](#))
7. Set a public hearing for August 23, 2010, on a resolution levying assessments on property situated within Special Improvement District Number 546 (Pattee Creek Drive Traffic Calming Project) of the City of Missoula, Montana, in the total amount of \$15,500 excluding debt service, to defray the cost of making the improvements in said special improvement district pursuant to resolution number 7441 creating said district. ([A&F](#))
8. Approve and authorize the Mayor to sign the professional services agreement between the city of Missoula and Reliant Behavioral Health, LLC (Employee Assistance Program) ([A&F](#))

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

**G. SPECIAL PRESENTATIONS**

**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 [resolution](#) levying annual assessments for Street Maintenance District #1 which is generally located in the downtown area. ([memo](#)) ([A&F](#)) **Approved 8 ayes, 2 nays, 1 abstention with Hellegaard and Mitchell voting nay and Wilkins abstaining.**
- Public hearing on an [ordinance](#) to amend Title 20, Missoula City Zoning Ordinance to incorporate maintenance revisions. ([memo](#)) ([PAZ](#)) **This item was returned to the [Plat, Annexation and Zoning Committee](#).**
- Public hearing on an [ordinance](#) amending Chapter 12.44 Missoula Municipal Code entitled "Cemeteries" repealing section 12.44.070 entitled "Reserve Funds" removing the requirements relating to the deposit of certain cemetery revenue into reserve funds. ([memo](#)) ([BCOW](#)) **This public hearing was held open.**
- Public hearing an [ordinance](#) amending Missoula Municipal Code Chapter 1.20.010 entitled "General Penalty" amending section 1.20.010 entitled "Designated" and section 1.20.020 entitled "Fine payment" to establish a minimum fine of \$30.00 for violations of city ordinances unless specifically provided for elsewhere in Missoula Municipal Code. ([memo](#)) ([BCOW](#)) **Approved 9 ayes, 2 nays with Hellegaard and Mitchell voting nay.**
- Public hearing a resolution fixing the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2011 budget, Capital Improvement Program, Downtown Business Improvement District work plan and budget in the amount of (TBD) ([memo](#)) (Note: *The Mayor and City Council welcome citizen comment on the budget as they deliberate throughout the summer. This public hearing will be listed on every council agenda until the budget is passed. To view the latest changes to the memo linked above, you may need to click "refresh" on your browser.*) **This public hearing was held open.**

**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**

[07/28/2010](#)

- Approve and authorize the Mayor to sign memorandums of understanding for collective bargaining agreements between the City of Missoula and: Montana Public Employees Association, Teamsters, Operating Engineers and Machinists. **Approved 10 ayes, 1 abstention with Mitchell abstaining.**

**Committee of the Whole**

[07/28/2010](#)

**Plat, Annexation and Zoning Committee**

[07/28/2010](#)

**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 Conservation Committee:**

- Appoint one member to the position of a Conservation Sector representative to the Greenhouse Gas & Energy Conservation Team for the term starting August 1, 2010, and ending on July 31, 2013. ([memo](#))—Regular Agenda (Marty Rehbein)
- Caras Park Improvements and Fundraising Campaign. ([memo](#))—Regular Agenda (Kathy Mehring)

**To Plat, Annexation and Zoning Committee**

- Proposed text amendments to Title 20, Missoula City Zoning Ordinance, Section 20.05.040 Development Options and Table 20.05-3. ([memo](#))—Regular Agenda (Jen Gress)
- Consider a request for a phasing plan amendment for Pleasant View Homes No. 4 Subdivision. ([memo](#))—Regular Agenda (Janet Rhoades)
- Consider amendments to the Title 20 Missoula City Zoning Ordinance, Section 20.45.080 “Wind Energy Conversion Systems” as shown in Attachment 1. ([memo](#))—Regular Agenda (John Newman)

**To Public Works Committee**

- Amendment to Missoula Municipal Code 15.44, Oversize Loads and House Moving and 5.70.020 House Moving License – Generally. ([memo](#))—Regular Agenda (Steve King)
- Approve and authorize the Mayor to sign a contract with Johnson Controls Inc. to complete the energy conservation performance contract. ([memo](#))—Regular Agenda (Jack Stucky)

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

**O. ADJOURNMENT**

**The meeting adjourned at 8:48 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.*