

FORMAL AGENDA
MISSOULA CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
140 WEST PINE STREET, MISSOULA, MT
AUGUST 23, 2010, 7:00 P.M.

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

B. APPROVAL OF THE MINUTES

- August 16, 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 \$ 581,526.39. (Detailed Claims) (Chart of Accounts) (A&F) (08/24/10)
2. Appoint Edwin (Bill) Burnett to the Greenough Park Advisory Committee to complete a term commencing immediately and ending September 30, 2011. (Cons)
3. Appoint Julie Osborn 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. (Cons)
4. Approve the second amendment to the amended agreement between the City of Missoula and Lloyd A. Twite Family Partnership related to sanitary sewer extension and upsizing for the South Missoula area. (PW)

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

G. SPECIAL PRESENTATIONS

- Social Security's 75th Birthday Month

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 conditional use for the Good Shepherd's Preschool center to care for 13 or more children located at 2425 39th Street. The property is zoned RT10 (two unit/townhouse), and is legally described as the North 130 feet of Lot 1 in Peery Addition, located in Section 6 of Township 12 North, Range 19 West. (Memo) (PAZ) **Approved unanimously.**
- Public hearing on a conditional use order to expand the existing Carmike Cinemas Theater located at 3620 Mullan Rd. by adding two large format screens, 800 additional seats, associated bicycle and vehicular parking, and pedestrian facilities. The property is currently zoned C1-4 Neighborhood Commercial, and is legally described as COS 3914

in Section 18 of Township, 13 North, Range 19 West P.M.M. ([Memo](#)) ([PAZ](#)) **Approved unanimously.**

- Public hearing on an [ordinance](#) amending Chapter 15.44 and renaming the chapter from "House Moving" to "Oversize Loads and House Moving" to include oversize loads and update fees and regulations and an [emergency ordinance](#) amending Chapter 15.44 and renaming the chapter from "House Moving" to "Oversize Loads and House Moving" and amending Chapter 5.70 "House Moving" to include oversize loads and update fees and regulations, enacted as an emergency ordinance in order to have terms and conditions clearly established prior to the commencement of the Kearn Module Transportation project, which will move a large number of oversize loads through Missoula. ([Emergency Ordinance - Jaffe - Clean](#)) ([Emergency Ordinance - Jaffe - Underline/Strikeout](#)) ([Explanatory Notes - Jaffe](#)) ([Memo](#)) ([PW](#)) **Approved Emergency Ordinance—Jaffe—Clean version unanimously and will be effective immediately. The regular ordinance was returned to the Public Works committee for more discussion.**
- Public hearing 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. ([Memo](#)) ([A&F](#)) **Approved unanimously.**
- Public hearing 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. ([Memo](#)) ([A&F](#)) **Approved amended resolutions 9 ayes, 2 nays with Haines and Mitchell voting nay.**
- Public hearing 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. ([Memo](#)) ([A&F](#)) **Approved 10 ayes, 1 nay with Mitchell voting nay.**
- Public hearing 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. ([Memo](#)) ([A&F](#)) **Approved unanimously.**
- Public hearing 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. ([Memo](#)) ([A&F](#)) **Approved 10 ayes, 1 nay with Wilkins voting nay.**
- Public hearing on 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. ([Memo](#)) ([A&F](#)) **Approved unanimously.**
- 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](#)) ([Proposed Budget](#))

(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

08/18/2010

- Resolution—Adopt a resolution authorizing the execution and delivery of supplement Nos. 4 and 5 (equipment purchased during fiscal year 2010 in the amount of \$850,000 financed with Wells Fargo Investments, LLC) and related documents to a master governmental lease-purchase agreement for the lease of various items of capital equipment and determining other matters in connection therewith. **Approved 8 ayes, 2 nays, 2 absent. Hellegaard and Mitchell voted nay. Haines was absent for the vote.**

Budget Committee of the Whole

08/18/2010

Committee of the Whole

08/16/2010

08/20/2010 will be available at a later date

Conservation Committee

08/18/2010

Plat, Annexation and Zoning Committee

08/18/2010

Public Works Committee

08/18/2010

- Approve and authorize the Mayor to sign the agreement with the Montana Department of Transportation for up to \$56,397, of which up to \$48,829 is federal CMAQ (Congestion Mitigation and Air Quality) funds to be used for painting bike lanes with epoxy in FY2011. **Approved 9 ayes, 2 nays with Haines and Mitchell voting nay.**

L. NEW BUSINESS

- Jason Wiener requests the city council consider two resolutions extending the protest period for road and park districts until 5:00 PM on Tuesday, September 7, 2010. ([Park District Resolution Extending Notice](#)) ([Road District Resolution Extending Notice](#)) **Both resolutions were approved unanimously as amended.**

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:

- Resolution levying annual assessments for the Downtown Business Improvement District. ([memo](#)) — Regular Agenda (Marty Rehbein)

To Conservation Committee:

- Information on Trail Projects ([memo](#)).—Regular Agenda (Marilyn Marler)

To Plat, Annexation and Zoning Committee

- [Petition 9488](#)—Circle H Ranch, LLC; Lot 16a 1 of West Pointe, Phase I, Lots 6a, 6b, 16a, and 16b Geocode #232526403070000; Petition for Annexation
- [Petition 9489](#)—Cynthia L. Marcum; 530 Speedway Avenue; Lot 22 of Block 27 of East Missoula Addition; Petition for Annexation

To Public Works Committee

- Award the bid for the Headworks and Odor Control Improvements (Project 2009-012) ([memo](#)).—Regular Agenda (Starr Sullivan)

N. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

O. ADJOURNMENT

The meeting adjourned 10:40 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.