

NOTE: THERE WILL BE A COMMITTEE OF THE WHOLE MEETING IMMEDIATELY FOLLOWING THE COUNCIL MEETING.

FORMAL AGENDA
ABBREVIATED MEETING
MISSOULA CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
140 WEST PINE STREET, MISSOULA, MT
MARCH 16, 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

- [March 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 \$ 206,479.84. ([Detailed Claims](#)) ([Chart of Accounts](#)) (A&F) (03/17/09)
2. Confirm the Mayor's appointment of Link Starbureiy to the Local Government Channel Cable Advisory Committee for a term commencing immediately and ending December 31, 2011. ([A&F](#))
3. Approve and authorize the Mayor to sign a collective bargaining agreement between the City of Missoula and the Teamsters, Local 200, International Union of Operating Engineers, Local 400 and Machinists, Local 88 representing employees in the Street Division, Traffic Services and Vehicle Maintenance. ([A&F](#))
4. Approve and authorize the Mayor to sign a collective bargaining agreement between the City of Missoula and the Operating Engineers in the Wastewater Division. ([A&F](#))
5. Approve and authorize the Mayor to sign a collective bargaining agreement between the City of Missoula and the Laboratory Technicians in the Wastewater Treatment Facility. ([A&F](#))
6. Approve the [Heart of Missoula Council Bylaws](#) as amended. ([memo](#))
7. Approve and authorize the Mayor to sign a contract for a storage facility for the High Intensity Drug Trafficking Area task force in the amount of \$33,317.00. ([PS&H](#))
8. Award the bid for Project 08-005, Safe Routes to School, to Gregston Construction Co. for the sum of \$69,335.65, and authorize return of bid bonds. ([PW](#))
9. Approve the encroachment permit for 620 Addison. ([PW](#))

F. COMMUNICATIONS FROM THE MAYOR

- [Legislative bills for the week of March 16th](#)

G. GENERAL COMMENTS OF CITY COUNCIL MEMBERS

H. 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
[03/11/09](#)

Committee of the Whole

[03/11/09](#)

Conservation Committee

[03/11/09](#)

Plat, Annexation and Zoning Committee

[03/11/09](#)

- Set a public hearing on April 6, 2009 to consider adopting a [resolution](#) establishing a policy for the use of development agreements for owners of property proposed for new development and requesting annexation into the corporate city limits to obtain benefits from city services. **Approved on a voice vote**
- Set a public hearing on April 6, 2009 to consider adopting a [resolution](#) revising resolutions 4578, 4526, 4100, 4128, 5422, 6570, and 6755 amending the sewer administrative fees charged, amending the administrative guidelines and city impact fees for future urban infrastructure in the city's policy for review and approval of request for sewer service to property outside the corporate limits. **Approved on a voice vote**

Public Safety and Health Committee

[03/11/09](#)

Public Works Committee

[03/11/09](#)

- Approve an exception to Missoula Municipal Code-Chapter 9.30, Noise Control, for MDT Contractor, which will permit relief from the specified noise levels during construction of the three (3) MDT Urban Pavement Preservation projects, Russell Street from 39th to Ernest Avenue, Higgins Street from the Clark Fork bridge to Broadway, and Orange Street from the Clark Fork bridge to Broadway for approximately one month or until completed. **Approved on a voice vote and added South from Clements to Margaret**

Urban Wildlife Subcommittee

03/06/09 will be available at a later date

I. NEW BUSINESS

- [Suspend the rules] A request from Dave Strohmaier to consider a [resolution](#) of the Missoula City Council urging support for Senate Bill 9 to allow for certain transportation systems to be included in projects finance by municipal revenue bonds, amending section 7-7-4402 Montana Code Annotated. ([memo](#)) **Approved 7 ayes, 4 nays, 1 abstention with Haines, Hellegaard, Hendrickson, and Mitchell voting nay and Wilkins abstaining.**
- [Suspend the rules] A request from Pam Walzer to reconsider the annexation and zoning, rezoning, subdivision and annexation development agreement for the Chickasaw subdivision. ([Reconsideration memo](#)) **Approved 9 ayes, 3 nays with Haines, Mitchell and Wilkins voting nay.**

If the motions to suspend the rules and to reconsider the Chickasaw project receive a 2/3 majority vote, the council may once again consider the proposed Chickasaw Addition--Annexation and Zoning, Rezoning, Subdivision and Development Agreement:

➤ A [resolution](#) to annex and zone property known as Chickasaw Place located along South Seventh Street West, approximately 1/4 miles west of Tower Street. The property is currently zoned C-RR1 (Residential) in the County and upon annexation, is proposed to be zoned RLD-2 (Residential, 2 du/acre) in the City. The City Council will consider an [ordinance](#) rezoning the property from RLD-2 (Residential, 2 du/acre) to RLD-4 (Residential, 4 du/acre). The City Council will also consider a proposed 9.36 acre subdivision creating 30 single dwelling lots, for a residential density of 3.2 dwelling units per acre. The property is legally described as Lots 53 & 54 of Dinsmore's Orchard Homes Addition No. 5, located in the Southeast 1/4 of Section 24 of T13N, R19W, P.M.M. ([PAZ](#)) ([memo](#)) ([Annexation Report and Development agreement](#))

A motion was approved to adopt the resolution annexing and zoning Lots 53 and 54 of Dinsmore's Orchard Homes No. 5 with an amendment to memorialize the 3

acre parcel set aside for agricultural purposes in the resolution. The Council also adopted an ordinance rezoning the property RLD-4 (Residential Low Density) contingent on receipt from the applicant of an adequate written extension of the subdivision deadline and on Council approval of the application as submitted with new or revised conditions of subdivision approval that have been reviewed and recommended for approval by City and other agency staff that include, at a minimum, a road connection between 7th Street and the northward boundary of the subdivision that is aligned with Stallion Lane, up to 30 residential lots, designation of a three-acre agricultural parcel in the southeast corner of the property, no variance from City Subdivision Regulations regarding sidewalk and boulevard width on S. 7th Street, provision of adequate parking for the proposed short courts and compliance with the City Subdivision Regulations, and connection with or easement to the ditch. The Council also approved the development agreement. The motion passed 9 ayes, 3 nays with Haines, Mitchell and Wilkins voting nay.

J. 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 Daniel Kemmis to the Missoula Redevelopment Agency Board for a term commencing May 1, 2009 and ending April 30, 2013 ([memo](#)).—Regular Agenda (Mayor Engen)

To Committee of the Whole:

- Resolution calling for equitable funding of federal and state transportation dollars for the Missoula Planning Organization area ([memo](#)).—Regular Agenda (Stacy Rye)

To Plat, Annexation and Zoning Committee

- [Petition 9414](#)—Cheyenne Development LLC; 862, 868, 896, 906, 910, 918, 919, 911, 903, 895, 891, 885, 879, 877, 868, 859 Cheyenne Lane; Lots 1, 2, 3, and 6 of First Citizens' Addition No. 2; and Lots 4A and 5 B of Placer Subdivision, Lot 5A and First Citizens Addition No. 2, Lots 4A & 5B also known as the preliminary plat of Cheyenne Lane Subdivision – Lots 1-16; Petition for Annexation
- [Petition 9417](#)—Scott Matz and Tracy Matz; US Government Subdivision No. 2 Lot 35A, Certificate of Survey No. 4567; Geocode # 220030103150000 SUID# 3403608; Petition for Annexation
- Appoint one member in each sector for the downtown, professional, and eastside representative to the Historical Preservation Commission for the term commencing immediately through December 31, 2011 ([memo](#)).—Regular Agenda (Kelly Elam)

To Public Safety and Health Committee

- Fire department FY09 budget update ([memo](#)).—Regular Agenda (Jason Diehl)
- Review of mid-year FY09 budget status and Police department update ([memo](#)).—Regular Agenda (Mark Muir)
- Confirm the reappointment of Robert Quade to the Police Commission for a term commencing May 1, 2009 and ending April 30, 2012 ([memo](#)).—Regular Agenda (Mayor Engen)
- Confirmation of police officer Devin Erickson ([memo](#)).—Regular Agenda (Mark Muir)

To Public Works Committee

- Approve amendment No. 2 of the agreement for engineering services to WGM Group, Inc., for Miller Creek road improvements ([memo](#)).—Regular Agenda (Kevin Slovarp)

- Approve amendment No. 2 of the agreement for consultant services to DJ&A, P.C., for Miller Creek road improvements right-of-way and land services ([memo](#)).—Regular Agenda (Kevin Slovarp)

K. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

L. ADJOURNMENT

The meeting adjourned at 11:00 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.