

Plat, Annexation and Zoning Committee Minutes

March 9, 2011

10:05 a.m.

City Council Chambers, 140 W Pine

Members Present: Bob Jaffe, Cynthia Wolken, Jason Weiner, Ed Childers, John Wilkins, Lynn Hellegaard, Renee Mitchell, Marilyn Marler

Members Absent: Dick Haines, Stacy Rye, Dave Strohmaier

Others Present: Jen Gress, Kevin Slovarp, Heidi Bakula, Jim Nugent, Amy Fisher, Roger Petersen, John Hendrickson, Jerry Ballas, and Deni Forestek

I. Approval of Minutes - the minutes of [March 2, 2011](#) were approved as presented.

II. Public Comment on Items not on the Agenda - None

III. Staff Announcements - None

IV. Consent Agenda Items

V. Regular Agenda Items

A. Amendments to Article 9, Public and Private Improvements of the Missoula City Subdivision Regulations. ([memo](#))—Regular Agenda (Jen Gress) (Referred to committee: 02/07/11) HELD IN COMMITTEE

Draft Administrative Rule #208

Jen Gress explained that this project was initiated as a combined effort by the City Engineer and OPG to amend the City Subdivision Regulations known as Article 9, Public and Private Improvements:

- The changes to Article 9 were not addressed during the last amendment process because it was outside the scope of work.
- The proposed language was intended to be a clarification of process and submittal requirements and to clarify and solidify current engineering practices.
- Planning Board held a public hearing on February 1, 2011 and recommended approval of amendments with two minor language changes.
 - The change in Amendment 9-010.1A clarified that the Engineering Division would be the reviewing and accepting party of the required securities, estimate of probable cost, and agreements.
 - The change in Amendment 9-010.2 would remove redundant language.
- OPG received additional comment from the City Attorney's Office after the Planning Board meeting recommending the retention of Section 9-030 (Warranty of Improvements). OPG Staff agreed with the comment and amended the comment box under Section 9-010.3 (Subdivision Improvement Agreement) to remove the reference to the warranty and reinstated Section 9-030 (Warranty of Improvements).

Committee members asked questions and requested information:

1. Can you explain the genesis of the change? Some of the current practices that Engineering was doing needed clarification and some language from the securities section needed removed because of changes occurring in the banking industry.
2. What was the reason for the Estimate of Probable Cost? Kevin Slovarp, City Engineer, explained that when a developer was ready to file the plat and improvements were not

completed per City Engineering, they wanted to have an itemized list and cost estimate to secure that specific amount.

3. Was there an Administrative Rule that needed drafted? Mr. Slovarp explained that Engineering developed an Administrative Rule that should keep the City current with banking practices and could be amended to keep up with changes in the industry. Council requested a draft of this proposed Administrative Rule before the public hearing.
4. The Finance Department should be able to comment on this amendment since that department knows what would be considered acceptable security.
5. Why was the Warranty of Improvement section removed? It was thought to be redundant; however, upon further review, they discovered it was not.
6. The Warranty of Improvements section needed more clarity to specify when exactly the two year warranty began to avoid litigation.

The public hearing on this item will be held March 14, 2011.

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. Resolution repealing resolution No. 7404 and declaring the annexation of Lots 53 and 54 Dinsmore's Orchard Homes No. 5 null and void. ([memo](#))—Regular Agenda (Jessica Miller) (Referred to committee: 01/10/11)
6. Amendments to Article 9, Public and Private Improvements of the Missoula City Subdivision Regulations. ([memo](#))—Regular Agenda (Jen Gress) (Referred to committee: 02/07/11)
7. Consider a request to adopt an ordinance to rezone property located at 217 & 235 Catlin Street and 1715 Trail Street from RM2.7 (Residential 2.7 multi-dwelling) to RM1-45 (Residential 1 multi-dwelling). ([memo](#))—Regular Agenda (Janet Rhoades) (Referred to committee: 02/14/11)

VIII. Adjournment

The meeting adjourned at 10:20 a.m.

Respectfully Submitted,

Deni Forestek

Recording 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.