

**FORMAL AGENDA**  
**MISSOULA CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**140 WEST PINE STREET, MISSOULA, MT**  
**MAY 23, 2011, 7:00 P.M.**

**A. CALL TO ORDER AND ROLL CALL**—The Mayor, County Commissioners and all council members were present except Strohmaier, Wiener and Commissioner Carey.

**B. APPROVAL OF THE MINUTES**

- May 16, 2011—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 \$ 692,304.25. (Detailed Claims) (Chart of Accounts) (A&F) (05/24/11)
2. First reading on an ordinance rezoning property located at 1500 39<sup>th</sup> Street from RM1-35 (Residential, 43 multi-dwellings per acre) & RT2.7 (Residential, 16 dwellings per acre) to B1-1 (Neighborhood Business) and from RT2.7 (Residential, 16 dwellings per acre) to RM1.5 (Residential, 29 multi-dwellings per acre); and confirm the public hearing date set on June 6, 2011. (memo)
3. Resolution—Adopt a resolution of intention to adopt the Missoula Active Transportation Plan (MATP)-2011 as an amendment to the Missoula County Growth Policy and a replacement of the 2001 Non-Motorized Transportation Plan and set a joint city and county public hearing for June 13, 2011. (PAZ)
4. Set a public hearing on June 13, 2011 to consider an ordinance amending the text of the Southside Riverfront Neighborhood Character Overlay and on an ordinance to rezone certain properties to be included in the Southside Riverfront Neighborhood Character Overlay as described in Section 20.25.060 of the Title 20 Missoula City zoning ordinance. (PAZ)
5. Resolution—Adopt a resolution declaring certain City of Missoula property as surplus and authorizing its disposal. (PW)
6. Approve and authorize the Mayor to sign Amendment No. 10 to the City/HKM Engineering, Inc. agreement for the Russell Street / South 3<sup>rd</sup> Street - Environmental Impact Statement Project in the amount not to exceed \$22,603 contingent upon City Attorney and Montana Department of Transportation's concurrence. (PW)
7. Approve and authorize the Mayor to sign the agreement for consultant services with Territorial-Landworks, Inc. in the amount, not to exceed \$49,367.12 on Project 10-020 University of Montana Crosswalk Improvements. (PW)
8. Resolution—Adopt a resolution of intention to consider adoption of the Missoula County Emergency Operations Plan and set a joint public hearing with the Missoula Board of County Commissioners on June 13, 2011. (PS&H)

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

**G. SPECIAL PRESENTATIONS**

- Presentation of Burk-Brandborg Award by the Conservation Roundtable

- Special Presentation by the Public Art Committee--**postponed**
- Special Presentation—Neighbor Days by City Clerk Marty Rehbein

## 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.)*

- Joint public hearing with the Board of County Commissioners on a [resolution](#) to authorize the city for open space purposes to 1) accept a conservation easement on a 20.57 acre parcel located on the west side of Mount Jumbo, 2) accept an adjacent 6.28 acre parcel in fee simple, and 3) authorize the expenditure of \$9,810 in open space bond funds to cover the costs of survey and other professional fees incurred to complete the transfers. ([Memo](#)) ([Cons](#)) **Approved unanimously.**
- Joint public hearing with the Board of County Commissioners on a [resolution](#) to expend \$80,000 of 2006 Open Space Bond proceeds to contribute towards the purchase of approximately 35 acres adjacent to Deer Creek Road south of the BNSF railroad tracks near Bonner, to be owned by Montana Fish, Wildlife, and Parks to help secure the extension of the Kim Williams Trail and for open space purposes as stated below in this resolution. (Proposed Amended Resolution) ([Memo](#)) ([Cons](#)) **Approved unanimously.**
- Public hearing to comment on whether the Palace Apartment low-income housing rehabilitation project located at 149 W. Broadway meets a community need. ([Memo](#)) ([A&F](#)) **No Action Required**
- Public hearing on an [ordinance](#) and [emergency](#) ordinance amending Missoula Municipal Code Chapter 3.18 entitled Sewer Connection Expense Relief Loan Program for the purpose of allowing the City to finance the costs of external grease interceptors installed in retrofit/remodel situations. ([Memo](#)) ([PW](#)) **The motion to adopt the regular ordinance as amended passed 7 ayes, 3 nays with Hellegaard, Haines and Mitchell voting nay. The motion to adopt the emergency ordinance as amended failed 6 ayes, 4 nays with Hellegaard, Haines, Mitchell and Childers voting nay (an emergency ordinance requires a 2/3 affirmative vote of the entire City Council)**
- Public hearing on an [ordinance](#) amending Title 5, Missoula Municipal Code, entitled "Business Licenses and Regulations" Chapter 5.04 entitled "Definitions", Chapter 5.08 entitled "Licensing Provisions Generally," Chapter 5.20 entitled "Junk Dealers", Chapter 5.24 entitled "Pawnbrokers," Chapter 5.28 entitled "Secondhand Dealers," Chapter 5.40 entitled "Boiler-room Operations," Chapter 5.52 entitled "Liquor," and Chapter 5.90 entitled "Devices Depicting Sexual Activity" adjusting and/or increasing the fee provisions in each chapter's fee section in accordance with the results of an official 2010 fee study commissioned by the City of Missoula. ([Proposed Ordinance Amendments](#)) ([Memo](#)) ([BCOW](#)) **This item was returned to Budget Committee of the Whole.**
- Public hearing on an [ordinance](#) to amend portions of Missoula Municipal Code Chapter 8.40 entitled "Hazardous Vegetation and Nuisance Weeds", Chapter 12.04 entitled "Street Vacation", Chapter 12.12 entitled "Curbs, Sidewalks, and Paving", Chapter 12.14 entitled "Right-of-Way Occupancy Permit", Chapter 12.24 entitled "Excavations", Chapter 12.30 entitled "Fences", Chapter 13.06 entitled "Industrial Wastewater", Chapter 15.38 entitled "Accessibility", Chapter 15.65 entitled "Grading, Drainage, Erosion Control and Storm Water Pollution Prevention Plan (SWPPP)", pertaining to fees. ([Proposed Ordinance Amendments](#)) ([Memo](#)) ([BCOW](#)) **This item was returned to Budget Committee of the Whole.**
- Public hearing on a [resolution](#) to increase fees for services related to the review and processing of land use applications pursuant to city adopted regulations pertaining to zoning, subdivision and floodplain services based on the 2010 cost of services study. ([Memo](#)) ([BCOW](#)) **This item was returned to Budget Committee of the Whole.**
- Public hearing on an [ordinance](#) to amend Title 8, Missoula Municipal Code, entitled "Fire Inspection Fees" section 8.50.010 entitled "Establishment of Fees" and section 8.52.020

entitled "Manufacture in City Prohibited—Permit for Sale or Discharge" increasing the inspections fees and establishing fees for pyrotechnic/fire performance permits in accordance with the results of an official 2010 fee study commissioned by the City of Missoula. ([Memo](#)) ([BCOW](#)) **This item was returned to Budget Committee of the Whole.**

- Public hearing on an [ordinance](#) to amend Title 12, Chapter 12.58 entitled "Special Event Permits" establishing section 12.58.035 to establish a fee for holding special events in accordance with the results of an official 2010 fee study commissioned by the City of Missoula. ([Memo](#)) ([BCOW](#)) **This item was returned to Budget Committee of the Whole.**
- Public hearing on a [resolution](#) to approve the annual appropriations and the Capital Improvement Program for the city of Missoula as set forth in the fiscal year 2012 budget. The City Council will also hear public comment relating to the fiscal year 2012 work plan and budgets for the Business Improvement District, Tourism business Improvement District, Road District 1 and the Park District 1. ([Proposed Resolution Amendments](#)) ([Proposed Resolution Amendments 05/23](#)) ([Memo](#)) ([BCOW](#)) **This public hearing will be held open and public comment will be taken until the City Council finalizes the city budget.**

**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**

[05/18/2011](#)

**Budget Committee of the Whole**

[05/04/2011](#)

[05/11/2011](#)

05/18/2011 will be at a later date

**Committee of the Whole**

[05/16/2011](#)

**Conservation Committee**

[05/18/2011](#)

**Plat, Annexation and Zoning Committee**

[05/18/2011](#)

**Public Safety and Health Committee**

[05/18/2011](#)

**Public Works Committee**

[05/18/2011](#)

**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:**

- Resolution awarding the sale of \$1,250,000 of SID #548 Bonds for the 5<sup>th</sup>/6<sup>th</sup>/Arthur Street Project. ([memo](#))—Regular Agenda (Brentt Ramharter)

**To Conservation Committee:**

- Confirm the appointment of Ross Mollenhauer and Johnna Eisenmann to the Parks and Recreation Board for a term starting immediately and ending April 30, 2014. ([memo](#))—Regular Agenda (Mayor Engen)
- Consider a resolution for change orders for construction of Project #PR11-09MT, Milwaukee Railroad Path- Missoula Russell to Reserve CTEP #STPE 8199(66) ([memo](#)).—Regular Agenda (Dave Shaw)

**To Plat, Annexation and Zoning Committee**

- [Petition 9522](#)—Merlin Lane Sorensen; 9292 Futurity Drive; Lot 15 in Block 4 of Missoula Industrial Park; Geocode 232528403050000; Petition for Annexation
- Consider a request to adopt an [ordinance](#) to rezone property located at 1500 39<sup>th</sup> Street from RM1-35 (Residential, 43 multi-dwellings per acre) & RT2.7 (Residential, 16 dwellings per acre) to B1-1 (Neighborhood Business) and RM1.5 (Residential, 29 multi-dwellings per acre). ([memo](#))—Regular Agenda (Janet Rhoades)

**To Public Safety and Health Committee:**

- Confirm the appointment of Daniel Doyle to the Police Commission for a term starting immediately ending April 30, 2014. ([memo](#))—Regular Agenda (Mayor Engen)

**To Public Works Committee**

- Approve Congestion Mitigation and Air Quality (CMAQ) Contract agreement with the Montana Department of Transportation for \$37,942.00 for the FY2012 Bicycle Pedestrian Program. ([memo](#))—Regular Agenda (Phil Smith)
- Third amendment to the first and second 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. ([memo](#))—Regular Agenda (Kevin Slovarp)

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

**The meeting adjourned 9:27 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.*