

NOTE: THE ADMINISTRATION AND FINANCE COMMITTEE WILL BE MEETING AT 6:45 PM BEFORE THE CITY COUNCIL MEETING.

FORMAL AGENDA
MISSOULA CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
140 WEST PINE STREET, MISSOULA, MT
JUNE 6, 2011, 7:00 P.M.

- A. CALL TO ORDER AND ROLL CALL—**The Mayor and all Council members were present except Hellegaard and Wolken.**
- B. APPROVAL OF THE MINUTES
 - [May 23, 2011](#)—Approved with corrections
- 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 \$ 907,587.11. ([Detailed Claims](#)) ([Chart of Accounts](#)) (A&F) (05/31/11)
 2. Approve [claims](#) totaling \$ 607,467.80. ([Detailed Claims](#)) ([Chart of Accounts](#)) (A&F) (06/07/11)
 3. 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. ([Cons](#))
 4. Confirm the Mayor's appointment of Daniel Doyle to the Police Commission for a term starting immediately and ending April 30, 2014. ([PS&H](#))
 5. Approve the 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. ([PW](#))
- F. COMMENTS FROM CITY STAFF, AGENCIES, BOARDS, COMMISSIONS, AUTHORITIES AND THE COMMUNITY FORUM
- G. SPECIAL PRESENTATIONS
 - [Healthy Start to a Healthy Summer Day](#)
- 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 an [ordinance](#) to rezone property located at 1500 39th Street. The property is currently zoned RM1-35 (Residential, 43 multi-dwellings per acre) and RT2.7 (Residential, 16 dwellings per acre) and if approved the property will be zoned to B1-1 (Neighborhood Business) and RM1.5 (Residential, 29 multi-dwellings per acre). ([Memo](#)) ([PAZ](#)) **This item was returned to the [Plat, Annexation and Zoning Committee](#).**
 - Public hearing on an [ordinance](#) generally amending Title 10 Vehicles and Traffic by amending Chapter 10.22 entitled “Stopping, Standing and Parking”; Chapter 10.24 entitled “Parking Meters”; Chapter 10.30 entitled “Loading and Unloading”; Chapter 10.33 “Vehicle Removal”; Chapter 10.50 entitled “Street Cleaning Regulations”; and Chapter 10.54 entitled “Violations—Penalties” by amending sections 10.22.230, 10.22.260, 10.22.290, 10.22.300,

10.24.040, 10.30.020, 10.33.010, 10.33.020, 10.50.050, 10.54.140 and repealing section 10.54.130 of the Missoula Municipal Code. ([Memo](#)) ([Parking fine proposals](#)) ([PW](#)) **This item was returned to the Public Works Committee.**

- Public hearing on an [ordinance](#) establishing Chapter 13.07 Missoula Municipal Code entitled "Wastewater pretreatment regulations" and repealing Chapter 13.06 entitled "Industrial Wastewater". ([Memo](#)) ([Proposed revision](#)) ([PW](#)) **Approved unanimously.**
- Public hearing on an [ordinance](#) to amending Missoula Municipal Code Title 13 entitled "Public Services" repealing 13.18 entitled "Wastewater Haulers" in its entirety and enacting Chapter 13.17 entitled "Waste Hauler. ([Memo](#)) ([PW](#)) **Approved 9 ayes and 1 nay with Mitchell voting nay.**
- Public hearing on a [resolution](#) revising resolution no. 7492 the sewer fee structure and increasing sanitary sewer rates for the use of the Missoula city sanitary sewer system. ([Memo](#)) ([PW](#)) **Approved 8 ayes, 2 nays with Mitchell and Haines voting nay.**
- Public hearing on a [resolution \(draft dated 04/21/11\)](#) 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 05/20/11](#)) ([Proposed Resolution Amendments 05/23](#)) ([Memo](#)) ([BCOW](#)) ([Resolution FY 12 Budget Final 06/02/11](#)) ([Final Budget Memo 06/06/2011](#)) **This item was returned to Budget Committee of the Whole.**

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

[05/25/2011](#)

06/06/2011

- [Resolution](#)—Adopt a resolution relating to Special Improvement District Bonds (Special Improvement District No. 548), Series 2011; fixing the form and details and providing for the execution and delivery thereof and security therefor. ([memo](#)) **Approved unanimously.**

Budget Committee of the Whole

[05/18/2011](#)

[05/25/2011](#)

06/01/2011 will be available at a later date

- [Ordinance](#)—Adopt 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. **Approved as amended 8 ayes, 2 nays with Haines, Mitchell voting nay.**

- [Ordinance](#)—Adopt an ordinance of the Missoula City Council amending portions of Missoula Municipal Code chapters 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 Standards", chapter

15.65 entitled "Grading, Drainage, Erosion Control and Storm Water Pollution Prevention Plan (SWPPP)", pertaining to fees. **Approved as amended 7 ayes, 3 nays with Haines, Mitchell and Wilkins voting nay. Wilkins was absent for the vote.**

- Resolution—Adopt a resolution of the Missoula City Council increasing 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. **Approved 7 ayes, 2 nays with Haines, Mitchell voting nay. Wilkins was absent for the vote.**
- Ordinance—Adopt an ordinance amending 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. **Approved 6 ayes, 3 nays with Haines, Mitchell and Wilkins voting nay. Strohmaier was absent for the vote.**
- Ordinance—Adopt an ordinance amending 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. **Approved 7 ayes, 3 nays with Haines, Mitchell and Wilkins voting nay.**

Conservation Committee

06/01/2011

- Resolution—Adopt a resolution in accordance with the section 7-5-4308, MCA procedure to modify municipal contracts, approving change order no. 1 – Milwaukee Trail – Russell to Reserve to the contract between L.S. Jensen Construction and Ready Mix and the City of Missoula. **Approved 9 ayes, 1 abstention with Mitchell abstaining.**

Plat, Annexation and Zoning Committee

05/25/2011

06/01/2011

Public Safety and Health Committee

05/25/2011

Public Works Committee

05/25/2011

06/01/2011

- Approve and authorize the Mayor to sign the agreement with the Montana Department of Transportation for \$37,942 for Congestion Mitigation and Air Quality (CMAQ) funds for the Bicycle Pedestrian Program in FY2012. **Approved 9 ayes, 3 nays with Haines, Mitchell and Wilkins voting nay.**

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:

- Confirm the appointment of Kate Sutherland to the Impact Fee Advisory Committee completing a term starting immediately and ending November 30, 2014. ([memo](#))—Regular Agenda (Mayor Engen)

To Plat, Annexation and Zoning Committee

- Consider a request for a preliminary plat extension for River Road Lots Subdivision. ([memo](#))—Regular Agenda (Janet Rhoades)
- Request for a Conditional Use for 2404 39th Street Birth Center. ([memo](#))—Regular Agenda (Janet Rhoades)
- Consider a request to refund a Board of Adjustment variance application fee for 628 Edith. ([memo](#))—Regular Agenda (Hilary Schoendorf)

To Public Safety and Health Committee

- Confirmation of Police Officers Stonesifer, Martini, Jones and Williams. ([memo](#))—Regular Agenda (Mark Muir)

To Public Works Committee

- Discuss the Rattlesnake Valley Transportation Summit Study. ([memo](#))—Regular Agenda (Dave Strohmaier)
- Resolution to order curb and sidewalk improvement project 10-019, Lolo Street – Bridge to Duncan. ([memo](#))—Regular Agenda (Monte Sipe)

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

The meeting adjourned at 10:48 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.