

FORMAL AGENDA
MISSOULA CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
140 WEST PINE STREET, MISSOULA, MT
AUGUST 8, 2011, 7:00 P.M.

A. CALL TO ORDER AND ROLL CALL—The Mayor and all City Council members were present except Marler and Strohmaier.

B. APPROVAL OF THE MINUTES

- July 25, 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 unanimously.

1. Approve claims totaling \$356,159.33 (Detailed claims) (Chart of Accounts) (A&F) (08/02/11)
2. Approve claims totaling \$1,057,885.08 (Detailed claims) (Chart of Accounts) (A&F) (08/09/11)
3. Approve and authorize the Mayor to sign the collective bargaining agreement between the City of Missoula and the Montana Public Employees Association (Parking Commission). (A&F)
4. Set a public hearing on August 22, 2011, on a resolution levying assessments on property situated with Special improvement District Number 548 (Arthur/Maurice Traffic Improvement Project) of the City of Missoula, Montana, in the total amount of \$1,250,000.00 excluding debt service, to defray the cost of making the improvements in the said special improvement district to resolution number 7493 creating said district. (A&F)
5. Set a public hearing on August 22, 2011, on a resolution levying and assessing a special assessment and tax on the lots, pieces and parcels of land situated within special lightning districts of the City of Missoula, Montana, to defray the cost of street lighting in special lighting districts during the fiscal year 2012 in accordance with sections 7-12-4301 through 4354, Montana Code Annotated. (A&F)
6. Set a public hearing on August 22, 2011, on a resolution levying and assessing the lots and parcels within the City of Missoula Park District Number 1 for the cost associated with the providing certain maintenance, purchasing and improvement services in fiscal year 2012 for City-owned facilities, land and equipment under the responsibility and care of the city of Missoula Parks and Recreation Department; providing for a method of assessments; and providing for other matters properly relating thereto. (A&F)
7. Set a public hearing on August 22, 2011, on a resolution levying and assessing the lots and parcels within the City of Missoula Road District Number 1 for the ~~sets~~-cost associated with providing certain maintenance purchasing and improvement services in fiscal year 2012 for City-owned facilities, land and equipment under the responsibility and care of the City of Missoula Public Works Department's Street, Engineering, and Vehicle Maintenance Divisions providing for a method of assessments; and providing for other matters properly relating thereto. (A&F)
8. Appoint Ben Schmidt, as City County Government Representative, Dan Daly to the Transportation Sector, and Alexander Sievers to the Building Sector of the Greenhouse Gas & Energy Conservation Team for the term beginning August 1, 2011, and ending on July 31, 2014. (Cons)
9. Approve the proposed plat adjustment for the Flynn Ranch Subdivision. (PAZ)

10. Direct staff to prepare an ordinance amending Section 20.45.020 B and C of Title 20, the City Zoning Ordinance, to create a separate category of regulations for smaller accessory structures (less than 120 square feet) that provides for reduced setback standards and doesn't require a permit. ([PAZ](#))
11. Approve and authorize the Mayor to sign the interlocal agreement with Missoula County for Mullan Road and Flynn Lane intersection, and Flynn Lane trail improvements. ([PW](#))
12. **[Resolution](#)** - Adopt a resolution to confirm final ordering of curb and sidewalk improvements adjacent to properties in the Expressway, Great Northern, and Latimer area, Project 09-040. ([PW](#))
13. Award the bid for Project 09-040, Curb and Sidewalk Improvements adjacent to properties in the Expressway, Great Northern, Latimer area to HM Concrete, LLC for the sum of \$103,146.46 and authorize return of bid bonds. ([PW](#))
14. **[Resolution](#)** - Adopt the resolution to confirm final ordering of curb and sidewalk improvements adjacent to properties in the East Broadway Ph. I Area, Project 10-038. ([PW](#))
15. Award the bid for Project 10-038, Curb and Sidewalk Improvements adjacent to properties in the East Broadway Ph. I area to HM Concrete, LLC for the sum of \$26,762.86 and authorize return of bid bonds. ([PW](#))
16. Approve and authorize the Mayor to sign a contract with Montana Department of Transportation for maintenance of State routes located within the City limits and described in the contract from July 1, 2011 through June 30, 2013. ([PW](#))

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

G. SPECIAL PRESENTATIONS

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 to consider a [resolution](#) that authorizes expending up to \$13,840 of the 2006 Open Space Bond funds for a conservation easement on a 160 acre parcel in LaValle Creek Valley. ([Memo](#)) ([Cons](#)) **Approved unanimously.**
- Public hearing on an [ordinance](#) amending Title 20, the Missoula City Zoning ordinance, Chapter 20.75 entitled "Signs" Sections 20.75.030 "Prohibited Signs and Sign Characteristics," 20.75.040 "Signs Allowed Without a Sign Permit," 20.75.060 "Signs in Non-Residential Districts", 20.75.070 "Regulations of specific types of signs," 20.75.080 "Signs for Businesses that Lack Street Frontage," 20.75.100 "Special Signs" Review by the Design Review Board, and 20.75.170 "Measurement Rules" and amending Chapter 20.100 "Terminology" to correct errors and inconsistencies with terminology, definitions, and permitting procedures within this Title 20 Chapter. ([Proposed ordinance revisions](#)) ([Memo](#)) ([PAZ](#)) **This public hearing will be held open until August 22nd.**
- Public hearing on city acquisition and ownership of the Civic Stadium as an Urban Renewal Project and related resolutions, lease, agreements and other matters pertaining thereto. ([Memo](#)) ([A&F](#)) **This item was returned to the Administration and Finance Committee.**
 - [Resolution Relating to \\$1,555,000 Civic Stadium Revenue Bonds](#)
 - [Resolution Relating to use of \\$2,000,000 of Tax Increment Revenue for the Civic Stadium Project: Authorizing and Initial Payment of \\$500,000 and Authorizing the Issuance of \\$1,500,000 in Civic Stadium Subordinate Lien Notes – \(Updated \[draft resolution\]\(#\)\)](#)
 - [□Missoula Civic Stadium Lease and Use Agreement](#)
 - [□Civic Stadium Agreement with Play Ball Missoula](#)

- [Ordinance Declaring the Purchase of the Civic Stadium an Urban Renewal Project in Urban Renewal District II](#) - (Updated draft [ordinance](#) revised based on discussion at [August 3, 2011](#) A&F committee meeting)
- Public hearing on a [resolution](#) levying a special assessment and tax on the lots, pieces and parcels of land situated within Street Maintenance District #1 of the City of Missoula, Montana, for the purpose of defraying the cost of flushing and removing street rubbish from streets and avenues in the district generally located downtown during the fiscal year 2012. [\(Memo\)](#) [\(A&F\)](#) **Approved 9 ayes, 1 nay with Haines voting nay.**

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

- [July 27, 2011](#)
- [August 3, 2011](#)

Committee of the Whole

- [July 18, 2011](#)

Conservation Committee

- [July 27, 2011](#)
- [August 3, 2011](#)

Plat, Annexation and Zoning Committee

- [July 27, 2011](#)
- [August 3, 2011](#)

Public Safety and Health Committee

- [July 27, 2011](#)
- [August 3, 2011](#)

Public Works Committee

- [July 27, 2011](#)

L. NEW BUSINESS

Request by Dick Haines to reconsider the following item approved on July 25, 2011:

- Approve and authorize the Mayor to sign the Agreement to Sell and Purchase Real Property, Warranty Deed, Promissory Note, Request for Full Conveyance, Montana Deed of Trust and the Lease Agreement associated with the City's acquisition of the EKO Compost property [\(PW\)](#) **The motion to reconsider failed 5 ayes, 5 nays with Childers, Jaffe, Rye, Walzer and Wolken voting nay.**

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 assessments to reimburse the city for hazardous vegetation and nuisance weed cut orders performed in 2010 in the total amount of \$2,505.00 pursuant to section 7-22-4101 Montana Code Annotated and Section 8.40.040 Missoula Municipal Code. ([memo](#)) – Regular Agenda (Marty Rehbein)
- Resolution levying a special assessment and tax upon property to reimburse the city for snow removal performed in fiscal year 2010 – 2011 in the total amount of \$1,476.00 pursuant to Sections 12.16.030 and 12.16.040 Missoula Municipal Code. ([memo](#)) – Regular Agenda (Marty Rehbein)

To Committee of the Whole:

- Resolution declaring the City's preference for a mail-in election as prescribed in MCA 13-19-202. ([memo](#)) – Regular Agenda (Jason Wiener)

To Public Works Committee

- Resolution vacating a public utility easement over and across Lot A, of McWhirk Addition, Portions of Block 17 and 18. ([memo](#)) – Regular Agenda (Dan Jordan)
- Resolution vacating a (public) utility easement 20 feet northeasterly of Lot 15B of Reserve Street Industrial Center Phase I Lots 14B & 15B. ([memo](#)) – Regular Agenda (Dan Jordan)
- Discussion on scope of work on corner lots in conjunction with lineal curb and sidewalk projects. ([memo](#)) – Regular Agenda (Doug Harby)

To Pedestrian Connectivity Subcommittee

- Review current sidewalk funding mechanisms and research and evaluate additional options. ([memo](#)) – Regular Agenda (Marilyn Marler)

N. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

O. ADJOURNMENT

The meeting adjourned at 9:25 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.