

FORMAL AGENDA
MISSOULA CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
140 WEST PINE STREET, MISSOULA, MT
FEBRUARY 22, 2010, 7:00 P.M.

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

B. **APPROVAL OF THE MINUTES**

- [February 8, 2010](#) 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 \$ 723,175.33. ([Detailed Claims](#)) ([Chart of Accounts](#)) (A&F) (02/16/10)
2. Approve [claims](#) totaling \$ 209,059.07. ([Detailed Claims](#)) ([Chart of Accounts](#)) (A&F) (02/23/10)
3. Approve and authorize the Mayor to sign the collective bargaining agreement between the Montana Public Employees' Association working at the Parking Commission and the City of Missoula. ([A&F](#))
4. [Resolution](#)—Adopt a resolution of the Missoula City Council adopting Montana Code Annotated (MCA) Title 18 – Public contracts, Chapter 4, - Montana Procurement Act, Part 3, procurement procedures and the accompanying administrative rules of Montana (ARM) as an alternative purchase procurement procedure. ([Cons](#))
5. Approve the Larson Addition Subdivision extending the final plat submittal deadline to June 16, 2011. ([PAZ](#))
6. [Resolution](#)—Adopt a resolution of intention to adopt sand and gravel resources and wildland urban interface – related minor amendments to the Missoula County Growth Policy and set a public hearing on March 22, 2010. ([PAZ](#))
7. Approve the River Place Subdivision final plat. ([memo](#))
8. Set a public hearing on March ~~08~~22, 2010, to consider an [ordinance](#) amending Missoula Municipal Code Title 10, entitled "Vehicles and Traffic," by adding Chapter 56 entitled "Refusal to submit to alcohol and/or drug tests" and enacting sections 10.56.010 through 10.56.030. ([PS&H](#))
9. Approve the 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**

- [Jeremy Flesch Day/Neighborhood Volunteers Week](#)
- [National FFA Week](#)

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](#) amending cable franchise fee ordinance #3237 to clarify the procedure for collecting the PEG (Public Education Governmental) Access Fee from

subscribers that reside in multiple dwelling units such as apartments, condominiums and similar structures. ([memo](#)) ([A&F](#)) **Approved unanimously.**

- Public hearing on adopting a six month [interim urgency zoning](#) measure revising the Missoula City zoning ordinance, Title 20, Chapter 20.110 (Measurements and Exceptions), Section 20.110.050(a)(3) to provide for additional flexibility in application of the setback measurement. ([memo](#)) ([PAZ](#)) **Approved unanimously.**

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

[02/10/2010](#)

[02/17/2010](#)

Budget Committee of the Whole

02/01/2010 will be available at a later date

Committee of the Whole

[02/10/2010](#)

Conservation Committee

[02/10/2010](#)

- Approve and authorize the Mayor to sign the agreement with Montana Department of Natural Resources and Conservation (DNRC) to facilitate implementation of a GIS based street tree inventory and allow for the carrying out of a UFORE ecosystem analysis of Missoula in an amount not to exceed \$37,799.60. —**Approved 9 ayes, 1 nay with Mitchell voting nay.**

[02/17/2010](#)

Plat, Annexation and Zoning Committee

[02/10/2010](#)

- **Ordinance**—Adopt an ordinance of the Missoula City Council amending Missoula Municipal Code Title 20 establishing Chapter 20.30 entitled “Historic Preservation” and amending Chapter 20.85, entitled “Review and Approval Procedures” by amending Section 20.85.010 and creating Section 20.85.085. — **Approved 6 ayes, 4 nays with Haines, Hellegaard, Mitchell and Wilkins voting nay.**

Public Safety and Health Committee

[02/17/2010](#)

Public Works Committee

[02/10/2010](#)

- **Ordinance**—Adopt an ordinance amending Missoula Municipal Code Title 12 Sidewalks and Public Places to add Chapter 12.22 Section entitled “Parking Facilities” Section 12.22.010 through 12.22.130 to establish requirements for paving and parking lot construction. —**Approved unanimously.**

[02/17/2010](#)

L. **NEW BUSINESS**

- Request by Jason Wiener to consider an [emergency ordinance](#) of the Missoula City Council amending Title 12 Streets, Sidewalks and Public Places to add Chapter 12.22 Section entitled “Parking Facilities” Section 12.22.010 through 12.22.130 to establish requirements for paving and parking lot construction. —**Failed 7 ayes, 1 nay, and 2 abstentions with Haines voting nay and Wilkins and Hellegaard passing. 8 affirmative votes were required for approval.**

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:

- Consider an ordinance amending Missoula Municipal Code Title 9 to add Chapter 9.64 entitled “Illegal Discrimination” generally prohibiting discriminatory practices in the areas of employment, public accommodations and housing on the basis of race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, gender identity or gender expression, and amending section 2.94.030 entitled “Percent for Art Programs established:”, Section 5.82.080 entitled “Non-discrimination”, Section 9.12.010 entitled “Housing Discrimination declared unlawful” and Section 12.58.100 entitled “Exceptions.” ([memo](#))—Regular Agenda (Stacy Rye and Dave Strohmaier)
- Review of financial reports on City website ([memo](#)).—Regular Agenda (Brentt Ramharter)
- Resolution of intention extending the duration of the Missoula Downtown Business Improvement District for a period of ten (10) years. ([memo](#)) – Regular Agenda (Marty Rehbein)
- Authorize the Mayor to sign a grant application to the Economic Development Administration, in conjunction with the Montana Sustainable Building Center (MSBC) ([memo](#)).—Regular Agenda (Ellen Buchanan)

To Plat, Annexation and Zoning Committee:

- Conduct interviews and appoint a member to the Design Review Board ([memo](#)).—Regular Agenda (Kelly Elam)

To Public Works Committee:

- Request for right-of-way encroachment permit for a ground sign at 1522 South Reserve Street ([memo](#)).—Regular Agenda (Doug Harby)
- Award Street Maintenance/Construction Material Contracts ([memo](#)).—Regular Agenda (Brian Hensel)

N. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

O. ADJOURNMENT

The meeting adjourned at 9:22 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.