

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

- A. **CALL TO ORDER AND ROLL CALL—The Mayor, the County Commissioners and all Council members were present.**
- B. **APPROVAL OF THE MINUTES**
- [May 24, 2010](#) were 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.) Items 1-9 were approved as submitted.
1. Approve [claims](#) totaling \$304,576.90. ([Detailed Claims](#)) ([Chart of Accounts](#)) (A&F) (06/01/10)
 2. Approve [claims](#) totaling \$307,763.01. ([Detailed Claims](#)) ([Chart of Accounts](#)) (A&F) (06/08/10)
 3. Approve the re-appointment of Gregory Schultz to the City Board of Adjustment for a term commencing July 1, 2010 and ending June 30, 2013. ([PAZ](#))
 4. Ratify the bid award for Project 09-029, Sidewalk Ramps - Missoula Improvements to Patterson Enterprises, Inc. for the base bid of \$177,421.86 and bid alternates 1-4 for \$179,853.03 with a total sum of \$357,274.89. ([PW](#))
 5. Approve an exception to MMC-Chapter 9.30, Noise Control, for LS Jensen which will permit relief from the specified noise levels during construction of the Miller Creek Road Improvements Project - 05-033. ([PW](#))
 6. Authorize the Mayor to sign the agreement with the Montana Department of Transportation for \$43,000 in Federal Safe Routes to School funds to be used for non-infrastructure activities in FY2011. ([PW](#))
 7. Confirm the appointment of Matt Jennings to the Bicycle and Pedestrian Advisory Board completing a term ending September 15, 2010 and for a term commencing September 16, 2010 and ending September 15, 2013. ([PW](#))
 8. Confirm the re-appointments of Roger Petersen and Jonathan Gass to the Building Code Board of Appeals for a term commencing July 1, 2010 and ending June 30, 2013. ([PW](#))
 9. [Resolution](#)—Adopt the resolution to order curb and sidewalk improvements adjacent to properties in the University Area Phase III – Beckwith to McLeod, Project 06- 047. ([PW](#))
- F. **COMMENTS FROM CITY STAFF, AGENCIES, BOARDS, COMMISSIONS, AUTHORITIES AND THE COMMUNITY FORUM**
- G. **SPECIAL PRESENTATIONS**
- [UM Retirees' 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.)
- Joint public hearing with the County Commissioners to adopt a [resolution](#) to expend \$25,000 of the 2006 Open Space Bond proceeds to contribute towards the purchase of

approximately 102 acres on the east side of Bonner School, known as the Bonner Hill, and to be owned by the Bonner School District for open space purposes. ([memo](#)) ([Cons](#))
Approved unanimously.

- Public hearing on an [ordinance](#) to rezone property located at 2012 North Avenue from RM2.7 (residential multi-dwelling) to C2-4 (Community Commercial – Intensity Designator = 4). The property is legally described as Lots 25 and 26 Block 1 of Car Line Addition No. 2 and Lot 12 Block 12 of South Side Addition, located in Section 29 of Township 13 North, Range 29 West, P.M.M. ([memo](#)) ([PAZ 06/02/2010](#)) **Motion to deny the request passed with Houseman, Haines, Hellegaard and Mitchell voting against the motion.**
- Public hearing on a [resolution](#) to adopt the revised City Council draft of the City [Subdivision Regulations](#) articles 1 through 9, dated April 30, 2010 as amended by the Planning Board. ([memo](#)) ([PAZ](#)) ([PAZ 06/02/2010](#)) **This item was returned to the Plat, Annexation and Zoning Committee.**

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.)

Budget Committee of the Whole

[05/26/2010](#)

Committee of the Whole

[05/17/2010](#)

[06/02/2010](#)

Conservation Committee

[06/02/2010](#)

Plat, Annexation and Zoning Committee

[05/26/2010](#)

- Forward an amendment to revise Missoula Municipal Code 20.085.80 to allow and regulate small scale wind energy conversion systems to the Planning Board for consideration. **Approved on a voice vote.**

[06/02/2010](#)

Public Safety and Health Committee

[05/26/2010](#)

- [Emergency Ordinance](#)—Adopt an emergency ordinance amending Missoula Municipal Code (MMC) Title 2, Chapter 2.32 by creating new Section 2.32.060 giving Missoula police arrest authority to five miles outside the city limits.—**Motion failed 7 ayes, 5 nays with (It requires 8 affirmative votes to pass) with Houseman, Jaffe, Marler, Rye and Walzer voting nay.**
- [Ordinance](#)—Deny an ordinance amending Missoula Municipal Code (MMC) Title 2, Chapter 2.32 by creating new Section 2.32.060 giving Missoula police arrest authority to five miles outside the city limits.—**Approved as amended 8 ayes, 4 nays with Jaffe, Rye, Marler, and Houseman voting nay.**

[06/02/2010](#)

Public Works Committee

[05/26/2010](#)

06/02/2010

- [Resolution](#)—Adopt a resolution to recommend to the Montana Department of Transportation to retain the existing lane configuration for Brooks Street between Mount Avenue and Higgins Avenue which is a portion of US Highway 12 within the City of Missoula. **Approved a [resolution](#) to recommend to the Montana Department of Transportation a complete street lane configuration for Brooks Street between Mount Avenue and Higgins Avenue which is a portion of US Highway 12 within the City of Missoula by a vote of 7 ayes, 5 nays with Haines, Hellegaard, Rye, Mitchell and Wilkins voting nay.**

L. NEW BUSINESS

- Request from Ed Childers to set the public hearing on June 28, 2010 on the following matters:
 - [Resolution](#) approving the preliminary annual appropriations and the capital improvement program for the city of Missoula, Montana as set forth in the preliminary fiscal year 2011 budget and to take public comment on the Missoula Downtown Business Improvement District's annual work plan and budget for fiscal year 2011.
 - [Resolution](#) increasing municipal court administrative fees and charges for processing citations and complaints from \$16 to 18 dollars.
 - An [ordinance](#) amending Missoula Municipal Code Chapter 15.32 entitled "Building permits," pertaining to fees charged for building, mechanical, plumbing, and electrical permits and inspections requests and re-inspection fees providing for an increase of 3% for all fees charged by the city of Missoula building inspection division.
 - An [ordinance](#) amending portions of Missoula Municipal Code Chapters 8.40 entitled "Hazardous Vegetation and Nuisance Weeds", 12.04 entitled "Street Vacation," 12.12 entitled "Sidewalk Construction," 12.24 entitled "Excavations," 12.30 entitled "Fences," 13.06 entitled "Industrial Wastewater," 15.38 entitled "Accessibility Standards," and 15.65 entitled "Grading, Drainage and Erosion Control Permits" pertaining to fees and increasing the fee provisions in each chapters' fee section by 3%.
 - An [ordinance](#) amending Title 5, Missoula Municipal Code, entitled "Business Licenses and Regulations" "Chapter 5.08 entitled "Licensing Provisions Generally," chapter 8.20 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" increasing the fee provisions in each chapters' fee section by 3% in accordance with the results of an official 2010 fee study commissioned by the City of Missoula.
 - [Resolution](#) of the Missoula City Council increasing fees by 3% for services related to the review and processing of land use applications pursuant to city adopted regulations pertaining to zoning subdivision and floodplain services.

Passed on a voice vote.

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 re-appointments of Peter Lambros and Paul Filicetti to the Public Art Committee for a term commencing July 1, 2010 and ending June 30, 2014 ([memo](#)).—Regular Agenda (Mayor Engen)
- Amend Council rules to change the Council's regular meeting schedule to two meetings per month ([memo](#)).—Regular Agenda (Marty Rehbein)
- Authorize the Mayor to sign a contract between the City of Missoula and Northwestern Energy to conduct Green Blocks Pilot Project home energy audits using Energy Efficiency and Conservation Block Grant (EECBG) funds under the American Recovery and Reinvestment Act ([memo](#)).—Regular Agenda (Chase Jones)

- Approve the city's commitment to maintain at least 5% of outstanding SID debt in the revolving fund ([memo](#)).—Regular Agenda (Brentt Ramharter)
- Award the sale of City's \$885,000 Pooled Special Sidewalk, Curb, Gutter and Alley Approach bonds, Series 2010 ([memo](#)).—Regular Agenda (Brentt Ramharter)

To Plat, Annexation and Zoning Committee

- [Petition 9470](#)—City of Missoula open spaces; Parcel 1 SUID 5814774 Geocode 22002420860000; Parcel 2 SUID 1876201 Geocode 220024206040000; Parcel 3 SUID 5867608 Geocode 220119201030000; Parcel 4 SUID 5840566 Geocode 220027103020000; Parcel 5 SUID 5840566 Geocode 220034101040000; Petition for Annexation
- [Petition 9473](#)—Leslie J. Jensen; 3209 South 3rd Street West; Lot 18A of Certificate of Survey No. 5068, being a portion of Lot 18 of Dinsmores Orchard Homes Addition No. 4; Geocode #220019309060000; Petition for Annexation
- [Petition 9474](#)—Jack Long Enterprises, Inc.; and Long Machinery; Portion of "A" of Long Addition; Portion of "B" of Long Addition; Tract A3 of Certificate of Survey No. 4048 located in the North 1/2 of Section 28, Township 14 North, Range 20 West; Tract A2 of Certificate of Survey No. 4021 located in the North 1/2 of Section 28, Township 14 North, Range 20 West; Petition for Annexation
- [Petition 9475](#)—R. Scott and Lauren F. Trent; 2754 Royal Wulff Court; Lot 20 of Stillwaters on the Clark Fork No. 2, Phase 1 Geocode 219909301310000; Petition for Annexation
- Petition #7653 to annex the portion of Montana Rail Link Right-of-Way generally located from the Van Buren Street and I-90 Interchange to the East Missoula and I-90 Interchange, including the portions of East Broadway and I-90 Rights-of-way adjacent ([memo](#)).—Regular Agenda (Carla Krause)
- Consider a request to approve a Phasing Plan for River Road Meadows Subdivision ([memo](#)).—Regular Agenda (Mary McCrea)
- Sussex School (1800 South 2nd Street West) Conditional Use request ([memo](#)).—Regular Agenda (Tim Worley)

To Public Safety and Health Committee

- Authorize the Mayor to sign a memorandum of agreement extending the contract between the City of Missoula & International Association of Fire Fighters Local #271 ([memo](#)).—Regular Agenda (Mike Painter)

To Public Works Committee

- Approve an amendment to the existing agreement with Morrison-Maierle, Inc. for professional engineering services on the SID 544 - Rattlesnake Neighborhood Sewer Collection System project ([memo](#)).—Regular Agenda (Gregg Wood)

N. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

O. ADJOURNMENT

Meeting adjourned at 10:46 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.