

FORMAL AGENDA
MISSOULA CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
140 WEST PINE STREET, MISSOULA, MT
DECEMBER 6, 2010, 7:00 P.M.

- A. **CALL TO ORDER AND ROLL CALL**—**The Mayor and all City Council members were present except Wiener.**
- B. **APPROVAL OF THE MINUTES**
- [November 22, 2010](#)—**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.) **Items 1-5 and 7 were approved unanimously. Item # 6 was considered later in the meeting under Item K. Committee reports.**
1. Approve [claims](#) totaling \$773,348.87. ([Detailed Claims](#)) ([Chart of Accounts](#)) ([A&F](#)) (11/30/10)
 2. Approve [claims](#) totaling \$137,648.04. ([Detailed Claims](#)) ([Chart of Accounts](#)) ([A&F](#)) (12/07/10)
 3. Appoint John Firehammer to the Missoula Civic Television Advisory Commission for a City resident representative for the term starting immediately and ending on December 31, 2013. ([A&F](#))
 4. Suspend the City Council rules and set a public hearing on December 20, 2010, to consider a [resolution](#) levying annual assessments on the hotels located in the Tourism Business Improvement District of the City of Missoula for fiscal year 2011 in the amount of \$1 per occupied room night in accordance with 7-12-1132 MCA. ([A&F](#))
 5. Approve and authorize the Mayor to sign a design/build contract with Sirius Construction in the amount of \$109,015.40 for repair and maintenance of the California Street pedestrian bridge. ([Cons](#))
 6. Re-appoint Tim Skufca to the Consolidated Planning Board for a regular position for the term beginning January 1, 2011 and ending on December 31, 2013. ([PAZ](#))
 7. Conditionally approve the proposed phasing plan as shown in Attachment D as amended for Howard Raser Subdivision subject to amendments to the subdivision conditions of approval to specify phasing, as shown in Attachment D as amended and in accordance with Article 4-070.2(A-C) of the Missoula City Subdivision Regulations. ([PAZ](#))
- 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.)
- Public hearing on a [resolution](#) to annex certain parcels and tracts of land consisting of the City's Mount Sentinel Open Space lands and the portion of UM land with the Field House and M trail as well as a smaller parcel owned by the University that is contiguous. The property is located in the southeast quadrant of the City and annexing the area into the City of Missoula boundary and zone the property OP-1 Open Space, OP-2 Open and

Resource Lands and OP-3 Public and Institutional Lands. ([memo](#)) ([PAZ](#)) ([Staff Report](#)) ([Staff Presentation](#)) **Approved unanimously.**

- Public hearing on an [ordinance](#) of the Missoula City Council amending Chapter 9.62 Missoula Municipal Code entitled "Discharging weapons" amending Sections 9.62.010, 9.62.020, and 9.62.050 to allow bow hunting to be done on public or private land that has been approved by the landowner and Montana Fish, Wildlife & Parks (FWP) for an FWP managed bow hunting location. ([memo](#)) ([Cons](#)) **Approved unanimously.**
- Public hearing on an [ordinance](#) amending Title 12 to establish Chapter 12.43 Missoula Municipal Code entitled "Naming of Public Parks and Recreation Facilities" to provide a process and criteria for naming public parks, trails, open space and recreation facilities. ([memo](#)) ([Cons](#)) **This item was returned to the Conservation committee for further discussion.**
- Public hearing on a [resolution](#) amending the annual appropriations for the City of Missoula, Montana, as set forth in the Fiscal Year 2010 Budget and Capital Improvement Program that increases the total city budget by \$2,457,869.55. ([memo](#)) ([A&F](#)) **Approved 8 ayes, 3 nays with Haines, Hellegaard and Mitchell 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

[12/01/2010](#)

Committee of the Whole

[11/15/2010](#)

Conservation Committee

[12/01/2010](#)

Plat, Annexation and Zoning Committee

[12/01/2010](#)

- **Consent Agenda Item #6—The motion to appoint Mr. Skufca passed on a voice vote.**
- Appoint Pat Little to the Consolidated Planning Board for an alternate position for the term beginning January 1, 2011 and ending on December 31, 2013.—**Approved on a voice vote.**

Public Safety and Health Committee

[12/01/2010](#) will be available at a later date

Public Works Committee

[12/01/2010](#)

- Award the purchase of one 2011 International 7600 truck with an Aquatech B15 combination vacuum truck and jetter unit to Utilities Specialties of Butte, MT for a net after trade in cost of \$337,343 and authorize the return of all bid bonds. **Approved 10 ayes and 1 nay with Haines voting nay.**
- Advise the Mayor to direct Public Works staff to use the \$60,000.00 set aside from the recently created City of Missoula Road District #1 for the purpose of reducing sidewalk/curb assessment costs for owner occupied single dwelling unit properties for the installation of American with Disabilities Act (ADA) accessible ramps on corner lots. **This item was returned to the Public Works committee.**

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:

- Review the city's current policy for charging the public for various city-produced documents ([memo](#))—Regular Agenda (Dave Strohmaier)
- Establish the City Council meeting schedule for 2011. ([memo](#))—Regular Agenda (Marty Rehbein)
- Authorize the Mayor to release the Trust Indenture placed on the Palace Apartments, dated March 23, 1995, to facilitate the rehabilitation and preservation of affordable housing in a Downtown Missoula historic building. ([memo](#))—Regular Agenda (Lori Davidson)
- Authorize the Mayor to waive prior and future Payment in Lieu of Taxes (PILT) on the Palace Apartments as these payments are not in accordance with Housing Authority and City policy for housing owned by the Housing Authority that is not "Low Rent Public Housing" subsidized by HUD. ([memo](#))—Regular Agenda (Lori Davidson)

To Committee of the Whole:

- Update and possible action on bills pending before the 2011 Montana State legislative session. ([memo](#))—Regular Agenda (Marty Rehbein)
- Authorize the Mayor to sign the Pleasant View Estates No. 5 Settlement Agreement pertaining to the litigation that Pleasant View Homes, Inc. filed against the City of Missoula. ([memo](#))—Regular Agenda (John Engen)
- Authorize the Mayor to sign the Neighborhoods by Design, LLC Settlement Agreement pertaining to the litigation that Neighborhoods by Design, LLC filed against the City of Missoula. ([memo](#))—Regular Agenda (John Engen)

To Plat, Annexation and Zoning Committee

- Appoint three members to the Historic Preservation Commission for a Northeast region position, an At Large position and an Alternate 1 position for the terms beginning January 1, 2011 and ending on December 31, 2013. ([memo](#))—Regular Agenda (Kelly Elam)

To Public Safety and Health Committee

- Consider an [ordinance](#) amending Missoula Municipal Code Title 9 entitled "Public Peace, Morals and Welfare" by creating Chapter 58 entitled "Social Host and Rental Space Gatherings involving consumption of Alcohol by Minors" and enacting Sections 9.58.010 through 9.58.030. ([memo](#))—Regular Agenda (Dave Strohmaier)

N. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

O. ADJOURNMENT

The meeting adjourned at 9:05 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.