

**FORMAL AGENDA
MISSOULA CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
140 WEST PINE STREET, MISSOULA, MT
APRIL 23, 2012, 7:00 P.M.**

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

B. APPROVAL OF THE MINUTES

- [April 16, 2012](#)—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 9 ayes, 1 nay with Haines voting nay.

1. Approve [claims](#) totaling \$ 128,091.50. ([Detailed Claims](#)) ([Chart of Accounts](#)) (A&F) (04/24/12)
2. Set a public hearing on May 7, 2012, to consider an [ordinance](#) amending portions of Missoula Municipal Code increasing fees by four percent (4%) in Chapter 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 12.16 entitled "Sidewalk Maintenance", Chapter 12.24 entitled "Excavations", Chapter 12.30 entitled "Fences", Chapter 13.07 entitled "Wastewater Pretreatment Regulations", Chapter 15.38 entitled "Accessibility Standards", Chapter 15.65 entitled "Grading, Drainage, Erosion Control and Storm Water Pollution Prevention Plan (SWPPP)". ([BCOW](#))
3. Set a public hearing on May 7, 2012, to consider an [ordinance](#) amending title 5, Missoula Municipal Code, entitled "Business Licenses and Regulations" 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," amending each chapter's section pertaining to fees to increase the fees by four percent (4%) in accordance with the results of an official 2010 fee study commissioned by the city of Missoula. ([BCOW](#))
4. Set a public hearing on May 7, 2012, to consider an [ordinance](#) amending Chapter 8.50 Missoula Municipal Code, entitled "Fire Inspection Fees" section 8.50.010 entitled "Establishment of Fees" and Chapter 8.52 entitled "Fireworks", Section 8.52.020 Entitled "Manufacture in City Prohibited—Permit For Sale or Discharge" increasing the fees by four percent (4%) in accordance with the results of an official 2010 fee study commissioned by the city of Missoula. ([BCOW](#))
5. Set a public hearing on May 7, 2012, to consider a [resolution](#) increasing fees for the Missoula City Cemetery. ([BCOW](#))
6. Set a public hearing on May 7, 2012, to consider a [resolution](#) increasing fees for services related to the review and processing land use applications pursuant to City adopted regulations pertaining to zoning, subdivision and floodplain services based on the 2010 cost of services study. ([BCOW](#))
7. Set a public hearing on May 7, 2012, to consider an [ordinance](#) amending Chapter 12.58 Missoula Municipal Code Section 12.58.035 entitled "Special Event Permit-Fee" to increase the fee for holding special events by four percent (4%) in accordance with the results of an official 2010 fee study commissioned by the city of Missoula. ([BCOW](#))
8. Set a public hearing for May 7, 2012 on the following:
 - A [resolution](#) fixing the annual appropriations and the capital improvement program for the City of Missoula as set forth in the fiscal year 2013 budget.

- The Tourism Business Improvement District work plan and budget for fiscal year 2013.
 - The Business Improvement District work plan and budget for fiscal year 2013.
 - The Park District Number 1 [work plan and budget](#) for fiscal year 2013.
 - The Road District Number 1 [work plan and budget](#) for fiscal year 2013. ([BCOW](#))
9. Approve and authorize the Mayor to sign a contract for stump grinding services in the amount of \$24,339 to Treasure State Tree Service. ([Cons](#))
 10. Approve and authorize the Mayor to sign the contract for tree pruning and removal services in the amount of \$23,700 to Treasure State Tree Service. ([Cons](#))
 11. [Resolution](#)—Adopt a resolution closing and vacating a 20' (Public) Utility Easement & Pedestrian Public Access Easement on Lots 4 and 5 as shown on the subdivision plat of Whitetail Park, Phase 1. ([PW](#))
 12. [Resolution](#)—Adopt the resolution to confirm final ordering of curb and sidewalk improvements adjacent to properties in the Arthur Ave. – Beckwith Ave. to South Ave. area, Project 11-018. ([PW](#))
 13. Award the bid for Project 11-018, curb and sidewalk improvements adjacent to properties in the Arthur Ave. – Beckwith Ave. to South Ave. area, to CSS Contracting, Inc., for the sum of \$43,914.45, and authorize return of bid bonds. ([PW](#))

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

G. SPECIAL PRESENTATIONS

- [Week / Month of the Young Child](#)
- [Unplug and Play! Week](#)
- [Law Day / Missoula Law Week](#)
- [Crime Victim's Rights Week](#)
- [Hannah Moreau, Missoula Youth Volunteer Day](#)
- [Daurine Spritzer, Missoula Volunteer 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 the pledge of the City of Missoula's special improvement district revolving fund to Pooled Special Sidewalk, Curb, Gutter and Alley Approach Bonds, Series 2012A. ([memo](#)) ([A&F](#)) **No Action Required.**
- Public hearing on an [ordinance](#) relating to the modification of the Missoula Urban Renewal Plan for Urban Renewal District II to approve a proposed project on the former Intermountain Lumber Site at the Garden District Homes subdivision generally located between Russell and Catlin south of Wyoming Street as an urban renewal project and financing a portion of the project through the issuance of tax increment urban renewal bonds in an amount not to exceed \$1,370,000. ([memo](#)) ([A&F](#)) **Approved unanimously.**
- Public hearing on a [resolution](#) amending the annual appropriations for the City of Missoula, as set forth in the Fiscal Year 2012 Budget and Capital Improvement Program that increases the total city budget by \$1,938,479. ([memo](#)) ([A&F](#)) **Approved 7 ayes, 2 nays, 1 abstention with Haines and Hertz voting nay, and Wilkins abstaining.**

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

[04/18/2012](#)

Budget Committee of the Whole

[04/18/2012](#)

Conservation Committee

[04/18/2012](#)

Economic Development Subcommittee

[04/18/2012](#)

Plat, Annexation and Zoning Committee

[04/18/2012](#)

- Direct OPG Staff to draft an amendment revising the accessory dwelling unit (ADU) provisions of Title 20 with the following provisions and to refer the amendment to the Planning Board for review: Revise Chapter 20.45 Missoula Municipal Code entitled, "Accessory Uses and Structures" to allow ADUs by right in all zoning districts that allow residential uses where one of the dwelling units is owner-occupied; revise Chapter 20.60 Missoula Municipal Code to reduce required parking to one parking space for a second primary dwelling unit on a parcel that contains no more than two dwelling units, totaling three required parking spaces for the two units. This would apply to two single detached units or a two-unit house. OPG staff is directed to draft these changes as text amendments to Title 20 and to include a finding of fact and conclusion of law in the staff report indicating the amendments are text amendments.

This item was returned to the Plat, Annexation and Zoning Committee.

Public Works Committee

[04/18/2012](#)

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 reappointment of Karl Englund to the Missoula Redevelopment Agency Board for a four-year term beginning May 1, 2012 and ending April 30, 2016. ([memo](#))—Regular Agenda (Mayor Engen)
- Authorize the mayor to extend the contract with Anderson ZurMuehlen for two more years to encompass the audit of the city for FY 12 and FY 13. ([memo](#))—Regular Agenda (Brentt Ramharter)
- Resolution modifying the boundaries for the Saturday Market located on Pine Street in downtown Missoula. ([memo](#)) – Regular Agenda (Ed Childers)

To Conservation Committee:

- Approve and authorize the Mayor to sign an agreement for the annual purchase of trees for spring planting. ([memo](#))—Regular Agenda (Greg Howe)
- Approve an agreement for professional services for contracted thinning of forests on Mt. Jumbo. ([memo](#))—Regular Agenda (Morgan Valliant)

To Plat, Annexation and Zoning Committee

- [Petition 9559](#)--Jeremy Milyard and Betsy Milyard; 8693 Snapdragon Drive; Lot 23 of Running W Ranch Phases I & II; Geocode 232522207230000; Petition for Annexation

- [Petition 9560](#)—Jeremy Milyard and Betsy Milyard; 8668 Snapdragon Drive; Lot 29 of Running W Ranch Phases I & II; Geocode 232522207290000; Petition for Annexation
- Consider an amendment to Title 20 clarifying that amendment authorizing accessory uses or conditional uses are considered text amendments. ([memo](#))—Regular Agenda (Bob Jaffe)
- Consider a request for a phasing plan amendment for Wratistlaw Addition Subdivision. ([memo](#))—Regular Agenda (Aaron Wilson)

To Public Safety and Health Committee

- Review results of Missoula's City ordinance that imposes fines for persons suspected of driving while intoxicated who refuse a breath test. ([memo](#))—Regular Agenda (Ed Childers)

N. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

O. ADJOURNMENT

The meeting adjourned at 8:57 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.