

**JOURNAL OF PROCEEDINGS  
MISSOULA CITY COUNCIL MEETING  
February 27, 2017**

**I. [CALL TO ORDER AND ROLL CALL](#)**

The meeting of the Missoula City Council was called to order by Mayor John Engen at 7:00 PM in the City Council Chambers at 140 West Pine Street. The following members were present: Julie Armstrong, Emily Bentley, Michelle Cares, John DiBari, Annelise Hedahl, Jordan Hess, Gwen Jones, Marilyn Marler, Ruth Ann Swaney, Bryan von Lossberg, Heidi West, Jon Wilkins. The following staff members were also present: Chief Administrative Officer Dale Bickell, Mayor John Engen, Communications Director Ginny Merriam, City Attorney Jim Nugent, City Clerk Marty Rehbein. The following staff members were absent: Central Services Director Steve Johnson

**II. [APPROVAL OF THE MINUTES](#)**

1. [Minutes from the February 13, 2017 meeting](#)

The minutes were approved as submitted.

**III. [SCHEDULE OF COMMITTEE MEETINGS](#)**

Parks & Conservation Committee, March 1, 9:20 – 9:45 a.m.

Public Works Committee, March 1, 9:50 – 10:35 a.m.

Land Use & Planning Committee, March 1, 10:40 – 11:20 a.m.

MEP Investor meeting, Public House, 130 E. Broadway Street, March 1, 11:30 – 1:30 p.m.

Administration & Finance Committee, March 1, 1:40 – 2:15 p.m.

Committee of the Whole, March 1, 2:20 – 3:00 p.m.

**IV. [PUBLIC COMMENTS](#)**

Kandi Matthew-Jenkins, 1211 Cooper Street, addressed Mayor Engen on the article of February 17 in the paper. She was impressed with his forthrightness and she appreciated that. She has testified many times that alcohol is an entry drug most teens use. His reference in the article of being 19 when starting drinking rings true. She wanted to know how he feels about exposing our youth to all the temptations when there is a brewery on every corner and every event glorifies drinking. His remarks about starting at lunch hit her. Whether or not he becomes Mayor again, she feels the blame these past years of whether or not he was competent to make decisions falls squarely on the City Council's shoulders. They knew and they didn't tell. Her personal feeling is that this Council should be recalled except Ms. Swaney because she had not the knowledge. Whether or not he wins, she cannot say but because of the decisions made through this Council, one cannot escape speculation that possibility they weren't for this city, its citizens or the taxpayers and, therefore, should be recalled in mass.

Bob Moore agreed with the former speaker 1,000 percent. He's often wondered, since the Mayor stated that with alcohol and drugs you live in a fog, how he was running the city.

Mayor Engen asked Mr. Moore to speak up because he couldn't understand him.

Bob Moore said he has a sore throat. Alderwoman Cares wrote a letter to the paper for people to contact her if they have concerns on certain topics. He's contacting her now through the entire Council and the Mayor. He listed weekly numbers of people in crime reports in the city of Missoula: 53 people, 73 people, and 59 people. DUI charges of 16. One DUI resulted in killing somebody. Violent crimes, 2. Sexual offenders, 3. He thinks you should start running the city in a more business-like manner, a fairer manner and get things done for the average person instead of the owners of the shopping center. It seems like our main emphasis is owners of the shopping center or the Fox hotel, etc. He spoke about an article that was left on his desk today. It said in most cases street clearance, particularly for emergency vehicles, is even worse than for working for clearance on the sidewalks. He's requested his two representatives to do something about that. Why hasn't it already been done? He had several letters from

people concerned with their taxes. One said: "Anyone thinking of the tax burden?" "Are we being bonded to death?" The answer is yes.

## V. CONSENT AGENDA

### 1. [Claims February 21, 2017](#)

**Recommended motion:**

Ratify claims in the amount of \$411,102.01 for checks dated February 21, 2017.

### 2. [Purchase of One 1/2 Ton Pickups for Waste Water Treatment](#)

**Recommended motion:**

Award the purchase of one (1) 2017 Ford F150 extended cab pickup for the Wastewater Treatment Plant to Bison Motor Company of Great Falls, Montana in the amount of \$28,743.50. This is a cooperative purchase with the State of Montana.

### 3. [Claims to be paid February 28, 2017](#)

**Recommended motion:**

Approve claims totaling \$1,457,071.42 for checks dated February 28, 2017.

### 4. [Water Claims to be paid February 28, 2017](#)

**Recommended motion:**

Approve water acquisition related claims for checks dated February 28, 2017, in the amount of \$75,468.56.

### 5. [Purchase of one Police Department Charger](#)

**Recommended motion:**

Approve the purchase of one (1) Dodge Charger for the Police department from Billion Dodge Chrysler Jeep of Bozeman, Montana for \$27,311.00 with the addition of corner lights, push bumper, center console and large integrated display package for a total of \$31,714.00. This is a cooperative purchase with the State of Montana.

### 6. [Purchase of Street Division Pickup](#)

**Recommended motion:**

Approve the purchase of one (1) 2017 Ford F250 4-wheel drive crew cab pickup for the Street Department from Bison Motor Company of Great Falls, Montana for the purchase price of \$30,196.00. This is a cooperative purchase agreement with the State of Montana.

### 7. [Brooks Street Corridor Report](#)

**Recommended motion:**

Adopt a resolution recognizing and acknowledging the Brooks Street Corridor Report for the purpose of promoting a healthy pedestrian and transit friendly vision for future development in the Brooks Street Corridor.

### 8. [Ordinance modifying Historic Preservation Commission Membership Requirements](#)

**Recommended motion:**

Direct Development Services staff to distribute draft amendments to Title 20, Section 20.90.30 2.b.and e. (Historic Preservation Commission Membership), for comment, conduct a Planning Board public hearing, and then return to City Council for final consideration.

9. [Resolution amending the FY2017 budget to appropriate expenditures and identify revenues and budget transfers that were not identified in the original budget](#)

**Recommended motion:**

Set a public hearing on March 13, 2017 on a resolution amending the City of Missoula Parks Department's annual appropriations, revenues and budget transfers including items that were grants and donations not formally added to the budget that increase the total city budget by \$207,892.

10. [Resolution amending the fiscal year 2017 budget](#)

**Recommended motion:**

Set a public hearing on March 6, 2017 for a resolution amending the annual appropriations for Development Services as set forth in the fiscal year 2017 City of Missoula budget and capital improvement program that increases the total city budget by \$31,950.00 and appropriate Building and General fund in the amount of \$31,950.00 (total expenditure) in order to pay for the yearly Buildingeye subscription maintenance that was not included in the 2017 budget and that was approved previously by City Council.

11. [Workiva Wdesk software contract purchase](#)

**Recommended motion:**

Approve and authorize the Mayor to execute the software licensing, annual support and maintenance agreement, and Statement of Work contracts with Workiva Wdesk for the purchase, installation, implementation and training of Wdesk Platform software in the amount of \$39,126, to be used mainly by the Finance Staff for creating a streamlined process for presentation and publication of the City of Missoula annual budget and Comprehensive Annual Financial Report (CAFR).

12. [Urban Renewal District III Reimbursement Resolution – MRL/Johnson Street Property Purchase and Design and construction of Bitterroot Trail Segment](#)

**Recommended motion:**

Adopt a resolution relating to the financing of a proposed Urban Renewal Project (MRL/Johnson Street property purchase and design and construction of Bitterroot Trail segment) in Urban Renewal District III; establishing compliance with reimbursement bond regulations under the Internal Revenue Code in an estimated maximum aggregate amount of \$2,500,000.

13. [Transfer of Syringa Park from Missoula County to City of Missoula](#)

**Recommended motion:**

Approve and authorize the Mayor to sign the quit claim deed accepting the transfer of Syringa Park, located on Lincoln Hills Drive in the Upper Rattlesnake neighborhood, from Missoula County to City of Missoula.

14. [Adopt Resolution Affirming Name/Locations of Primary Commuter Trails](#)

**Recommended motion:**

Adopt a resolution affirming the official names and locations of Missoula's three

primary commuter, shared use paths, including Ron's River Trail, the Bitterroot Trail, and the Milwaukee Trail per Exhibits A, B, and C attached to the resolution.

15. [Resolution approving municipal acquisition of the water system](#)

**Recommended motion:**

Adopt a resolution approving municipal acquisition of the water system, supporting commitments and representations made throughout the condemnation proceedings to ensure access to clean, affordable and reliable water, and authorizing the Mayor to enter into necessary contracts to hire existing Mountain Water employees.

16. [Water acquisition financing resolution and agreements](#)

**Recommended motion:**

Adopt a resolution of the City Council of the City of Missoula, Montana, authorizing the sale, issuance and delivery of the City's Water System Revenue Bond Anticipation Note, Series 2017A, and Water System Revenue Bond Anticipation Notes, Series 2017B, in an aggregate principal amount not to exceed \$140,400,000, to provide money to finance the acquisition of the assets of Mountain Water Company, establishing and funding a capital contingency fund, paying post- summons interest and additional defendant attorneys' fees in connection with such acquisition, and paying costs of issuing the 2017 notes; fixing the date, form, maturities, interest rates, terms, payment and redemption provisions of the 2017 notes; providing for the registration of the 2017 notes; appointing a registrar; providing for the collection, handling and disposition of revenues; providing for the payment of both the principal of and interest on the 2017 notes by the issuance of its Water System Revenue Bonds, Series 2020; creating and adopting certain funds and accounts and providing for deposits therein; establishing certain covenants between the City and the registered owners; establishing certain events of default; authorizing the execution of a continuing covenant agreement and a note purchase contract and an escrow agreement; and providing for other matters properly relating thereto.

Mayor Engen said, thank you, Ms. Rehbein. Mr. DiBari, you had a change to one of the items?

Alderman DiBari said, I do, yes. I'd like to offer an amendment to item #7 which is the Brooks Street Corridor Report to insert the word "bicycle" in the last line of the resolution and I will read that for the record. It should now read, or I'm proposing that it should now read: Now, therefore, be it resolved that the Missoula City Council hereby adopts this resolution to recognize and acknowledge the Brooks Street Corridor Report for the purposes of promoting and implementing a healthy pedestrian, bicycle and transit-friendly vision for future development in the Brooks Street Corridor.

Mayor Engen said, thank you, Mr. DiBari. Without objection, we'll include that amendment. Seeing none, I do want to speak briefly to item #16, ladies and gentlemen. This is the short-term financing that will enable us to acquire Mountain Water Company and it sets us up for the long-term financial package. There are two pieces to this resolution I wanted to note for the record and for folks in the audience. We are doing this because the short-term financing eliminates some of the speculation and puts us in a position to borrow the appropriate amount of money when some of the questions that are before the courts are cleared up. We don't need to make a 30-year decision until we have a bit more information and this allows us to make an 18-month decision and still proceed. Low short-term interest rates worked to our advantage today, and as I suggested before, there are many fewer unknowns as we get some court decisions. The two pieces before you this evening are Series A Acquisition Note in the amount of \$114 million. What that will do is cover the purchase price of the system plus legal expenses, plus post valuation improvements to the system, the cost of issuing this money years 1 through 3 of capital projects and a reserve for any surprises in the capital needs category. The second series, a series to be a reserved note is a \$22.4 million note. This will be placed in the interest earning escrow account and used as contingency. This is

something that the bank needed against outstanding but unlikely legal claims. It's insurance that will bear interest and if we don't need it, we won't spend it. A reminder, these monies are secured only by the water system, not by general tax obligations. There's no effect on property taxes with the issuance of this financing. There is no pledge of the general credit of the City of Missoula. And there is no impact on the City's General Obligation Bond credit rating. The credit rating for these notes, based on what S&P (Standard and Poor's knows about, the water utility and our management of utilities is an A rating which is stable and they're assuming that we do a good job. So, what you're doing tonight is paving the way for us to acquire Mountain Water. We will, upon making a motion for possession, deposit funds in escrow with District Court and proceed based on what Judge Townsend instructs as a function of that order. It is, in short, a big deal and your staff has worked diligently, along with our crack legal team, for many years to get to this point. This is a good deal. Tonight, it's a good deal. Tomorrow and it's a good deal for many, many years to come for Missoulians and your casting your vote this evening, as you did in committee unanimously, indicates your resolve and faith in our community and in the future of this water system to serve many generations of Missoulians to come. With that, are there questions or comments from Councilmembers this evening? Ms. Marler?

Alderwoman Marler said, I wanted to speak to items 15 and 16 also because they are a big deal. This has been going on since about 2011. I was still on City Council at the time, so was Jon Wilkins, so was Dave Strohmaier, I think, yeah, when Carlyle Corporation was trying to buy the water company and they said that if we supported their request to the Public Service Commission, they would sell us the water company, and that didn't happen. Here we are, several years later. It's taken some work. I wanted to thank the staff for getting us to where we are and the legal department who's worked on this since it was apparent when Carlyle was not going to just sell it to us like they said that they would. I want to thank Mayor Engen for your leadership through this and I want to thank the public of Missoula, all of the citizens of Missoula. I think there were several concerted efforts to try to undermine public support for this process and I think that the public was really clear the whole time that this was important to us and I was happy to be a part of this. It may be one of the most important things I've been involved with since my time on City Council. And I just didn't want this vote to go by without commenting on it and thanking everyone involved.

Mayor Engen said, Mr. von Lossberg?

Alderman von Lossberg said, thanks. I normally don't write out some notes but I did in this case. It is a big deal and I echo all of Marilyn's, Ms. Marler's thanks to the various people. I wanted to make a few comments though on the record. Many of us here have read Michael Lewis' 2010 book The Big Short, about the subprime mortgage and financial market crisis in 2007 and 8, or you might have watched the movie. I believe the most important observation in the book comes in the epilogue where Lewis identifies the root cause of the behavior under pending the crisis and he calls it a misalignment of interest. The quote where he talks about this still being an issue despite regulations and superficial changes at the big financial firms goes like this: The changes were camouflaged. They helped to distract outsiders from the truly profane event which was the growing misalignment of interest between the people who trafficked in financial risk and the wider culture, the surface rippled but down below in the depths, the bonus pool remained undisturbed. So, it's this issue, again the growing misalignment of interest. I think that assessment succinctly and elegantly captures our situation here with the water utility, both the history of private ownership, distant and recent, and the opportunity to, of course, correct, if you will, moving forward under public ownership. Carlyle's interests were never the interests of Missoulians. They were never in this for the long haul despite ascertains to the contrary and we need a utility owner and operator in it for the long haul, for capital investments in the system: wells, pumps, meters, pipes, that ensure a durable resilient system sustained by reasonable rates. Algonquin Liberty, their interests are most certainly not the interests of Missoulians either but in a worse way than Carlyle's, I would argue. Algonquin interests are in a profit potential and increasing its dividend 10% a year, period, that is their interest. And the decisions, perhaps more importantly that support those goals, are made in Oakville, Ontario, Canada for some ineffectual oversight from Helena. When it comes to any utility it's appropriate to be obsessed with capital investments in the system. That's really what it's all about. And that's why I found this report, that's important and I'm referencing this, it's a 127-page final report on the management and operations audit of the customer service and accounting functions of

Liberty Utilities prepared for the New Hampshire Public Service Commission. I did a lot of reading trying to find out who this company was that was coming into the community. What it says about Algonquin Liberty, well, it says a lot but perhaps these three sentences are the most important. The capital expenditure approvals were based on insufficient evaluations and assessments performed by senior management as a result. The capital budget processes violate the company's own capital expenditure policies as well as that of good utility business practice. The monitoring and control of capital expenditures also shows little attention paid to this area as compared with greater focus on earnings, revenue and operating expenses. That hits us in rates. That is a misalignment of interest. We can do better. We're going to do that here locally with infinitely greater transparency where the interests of the utility and the community are aligned and we start that process with respect to funding operations and capital investments with this financing deal before us tonight and I'm proud to support the motions. Thanks.

Mayor Engen said, and, Ms. Jones?

Alderwoman Jones said, everybody's making great comments. I just wanted to add in, I spent a lot of time knocking on doors when I campaigned and the great majority of people in Ward 3 said that this was very important to them, which I had heard it was very important in Missoula across the board, but it was heartening to hear it from individuals in my ward. It was a common theme while I campaigned. And I philosophically certainly understood how important it was to own our water company, but sitting on City Council I spent time talking to people to really understand the dynamics and how the numbers would work going from a for-profit to a nonprofit status. And by the time I conducted all of that research and looked into it, I feel very comfortable voting on this and I think Missoula is excellently situated to make this very successful. So, I want to thank all of the people on Council who saw this through because I came in at the very end and this has been the easy part frankly. You guys did the heavy lifting. To the Mayor and the prior City Councils and to citizens who were supportive of this and I know citizens who testified during the trial. Thank you for that and thank you to the legal team and the experts. You guys did a great job. I am so appreciative so I'm very happy to be voting on this tonight. It's a good day for Missoula.

Mayor Engen said, Mr. Wilkins?

Alderman Wilkins said, so, I think first, I need to thank my ward because I would talk to people in my ward and everybody I seemed to talk to said, We need our water. We need it to belong to us. So, that kept me saying yes to all these things that happened. And I'm a layman to a lot of this stuff and I appreciate Marilyn's comments and also Bryan's comments. And I appreciate the Mayor's hard work and our attorney's hard work and even decisions in the afternoon seemed to be great too so thank you everybody that was involved in this. I appreciate it. I turned my faucet on today and I think the water ran quicker.

Mayor Engen said, Mr. Hess?

Alderman Hess said, thank you. Many people have alluded to it but I want to call out that this is a real long-game decision. My belief is that when we wake up tomorrow this action will be judged favorably. I think that based on my understanding of our community and my interactions with my constituents that that is a fundamental truth. But my sincere hope and my sincere belief is that these actions will be judged even more favorably in a hundred years or 500 years. This is a really big deal and I'm proud of my Council colleagues. I'm proud of our Mayor. I'm proud of our staff and our legal team and I'm proud of our community, and I'm very pleased to support this tonight.

Mayor Engen said, Ms. Bentley?

Alderwoman Bentley said, I won't repeat what I've already heard tonight and there's been some really nice comments but I did want to specifically call out some people who worked really hard on this and it's my fellow Councilmembers, former Councilman Jason Wiener, Council President Marilyn Marler and especially more than anyone, Councilman Bryan von Lossberg who I know spent from the day we started on Council, hundreds and hundreds and hundreds and hundreds of hours tracking this and following it. And I admit that I rested easy knowing that he was losing sleep because I knew that how hard he

was working and it's no small task and thank you, Bryan. I know that it was a huge lift and I'm so proud of you and I'm so proud of all of us.

Mayor Engen said, further discussion? Anyone in the audience care to comment on the consent agenda this evening? Why, a familiar face.

Bruce Bender said, for the record, my first public comment on the items 15 and 16. So, as you have already been talking about, obviously, the significance of this, so, Mayor Engen and City Council, congratulations on this. This is a great moment that people of Missoula have been waiting for this for a very long time. Congratulations to you, Mayor Engen, you know, for your vision, for your endurance down the long windy road with a lot of bumps. And to Marilyn Marler and Bryan von Lossberg for your strong leadership. As it's already been mentioned, you know, the echoes in this chamber are the applause from past Mayors and past City Councils, especially Mayor John Toole who was unsuccessful in his acquisition efforts in the '80s. As you already talked about the city staff, I wanted to recognize Leigh Griffin, John Wilson and Steve Johnson who have labored for the details. To Jim Nugent who brought a certitude in your guidance. You were there in the '80s and that was always helpful. To Ginny Merriam who's kept us on message. Especially to Dale Bickell whose wise financial skills and fortitude was key to making this happen. To the legal team, Harry Schneider, Tosha Jones, Scott Stearns, they not only brought critical legal skills but they brought a tremendous commitment and belief in the cause. So, finally, the cause of bringing essential municipal services to city control always was to the people of Missoula, always right and just. When ownership of our water was moved to a global market amidst global issues of climate change and I'm a believer of that. And for those that know me, I'm not going to break into song or anything like that right now either, being a believer but these global issues make our actions so much more imperative and more necessary. As already been stated, this action will benefit our future generations the most, for good quality drinking water will even be more essential to survive the future as it changes with climate change. Because of your actions, future generations will have ownership and control of their drinking water and not some global market company, so thank you.

Mayor Engen said, thank you, Mr. Bender. Anyone else care to comment? Mr. Moore?

Bob Moore said, this is a list of \$1,400,000 that you have. It's a slightly different number in the minutes but it's a list that's going to be paid tomorrow. One of the items in this is a check to Southgate Mall Associates, development certificate #2, Mary Avenue East Improvements. \$643,000.14. I do not think this should be paid so I request that you vote against paying this in the consent agenda tonight. There's another one here for...I guess FI fee stands for façade improvement from \$67,000 and something else for TIP financing for a total of over \$48,000 that the taxpayers' money pay. I think this should be removed from this list and these payments not be made. As far as the water expenditures, in 15-16, I guess I run in different circles because I haven't found anybody that is in favor of spending this \$114 million plus \$22 million to purchase the water system. I haven't seen one person. And I've probably talked to...this is people...a waitress or a car wash place, just people I run across. I haven't found one person. Maybe somebody could tell me or show me a person on the street, a regular person that has approved and wants this thing. And the motion you're talking about to ensure access to clean, affordable and reliable water. I haven't read, seen or heard anybody say that we didn't already have clean, affordable, reliable water. Perhaps somebody could show that to me. One of the criterias you have in spending taxpayers' money says when you look at project financing or examine to excess the need for TIF assistance. Clearly, if the developers, city, whoever it is does not need it, it doesn't say want it or want to increase their pocketbook. It says if they're needed to do the project. So you're telling me these tens of millions of dollars is being spent to put a road real close to the shopping center. And I know you got up here and said connectivity. That was a big famous word, connectivity. That's why we're connecting this road from Reserve to Brooks. Not true. The only reason we're building that road is the owners of the shopping center wanted it and they have the power and influence with the Mayor and the City Council to get that done. Thank you.

Mayor Engen said, thank you, Mr. Moore. Any other comment on items on the consent agenda this evening? Ms. Matthew-Jenkins?

Kandi Matthew-Jenkins said, I was here for the City Council meeting when Robert Dove and the person from the Coalition and the Mayor all did their deal. And I don't remember

at one time during that whole thing or in days after that that Robert Dove ever gave anybody their word that they would sell to the City, the water company. And I was an eyewitness of all those goings on and I didn't see that happen. So, now you're going...not going to pay Carlyle, who pays taxes in California but you're going to be in debt. We are going to be in debt to an international monetary fund, Barclays. How does that sit with you with the way that the markets are going and the problems that we have right here, I'm sure that the water rates will go up because I'm not so sure you've entered in a beneficial agreement, short-term, long term or any term, with an international bank. And I'd be really scared of that, that we can't fund our own water system right here in America. So, but I know what I know and that doesn't change your minds. I've never seen anything like this, the aggressiveness to take somebody else's property away from them.

Mayor Engen said, any other general public comment this evening? Seeing none, we've had comments and questions from Council and we'll have a roll call vote on the consent agenda.

City Clerk Rehbein said, on the consent agenda, items 1 through 16 with the amendment to #7.

Upon a roll call vote, the vote on the consent agenda was as follows:

AYES: Armstrong, Bentley, Cares, DiBari, Hedahl, Hess,  
Jones, Marler, Swaney, von Lossberg, West, Wilkins

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried: 12 Ayes, 0 Nays, 0 Abstain, 0 Absent

Mayor Engen said, and the consent agenda is approved. Thank you, ladies and gentlemen.

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

None

## VII. PUBLIC HEARINGS

### 1. Kolendich-Grove Street Open Space Acquisition

#### **Recommended motion:**

(Adopt/Deny) a resolution to expend up to \$320,000 of 2006 Open Space Bond proceeds to purchase in fee the Kolendich-Grove Street property, approximately 4.6 acres of land adjacent to the Clark Fork River, to expand the City's open space and conservation lands network, extend the Milwaukee Trail and pay transaction and project-related costs associated with the acquisition.

Commissioner Strohmaier moved to approve the open space acquisition with a contingency. The motion was seconded by Commissioner Rowley. The motion passed unanimously.

Elizabeth Erickson, Open Space Acquisition Attorney with City Parks & Recreation Department and the City Open Space Program, said, that is a very tough act to follow, the final vote on the acquisition of Mountain Water. But on the same theme of thinking of a global context in which our local community actions are situated our Open Space Bond programs support local community conservation and community conservation of public lands. And on that note I am here to present the Kolendich-Grove Street Open Space Bond proposal and request that the City Council and Commissioners vote to approve the bond expenditure for the acquisition of additional public lands here in Missoula to add to

the City's open space and conservation lands network. I would like to start out by thanking the Kolendich family and especially Frank Kolendich who we've been working with on this project for almost a couple of years really and before I started working on this, my predecessor and a number of other people have been working on this project for many years. The Kolendich family has lived on this land for over 100 years it's been in their family. They have some amazing stories of when the Milwaukee Railroad used to actually go through here and the trains would go through the property. And Frank and his siblings want to protect a portion of their property to open space to honor their grandfather in particular, who has the nickname Coley. And I just want to say thanks to the Kolendich family before I get started. So, the Kolendich property is located west of Reserve Street. It is adjacent to the Clark Fork River. It's in a location where the river is really braided and has moved around a lot and its floodplain. It contains a portion of the Orchard Homes levy. It also contains a section of the Milwaukee Railroad, former historic Milwaukee Railroad and the existing Milwaukee Trail terminates at Grove Street, which is right next to this property. The property is located primarily within the Clark Fork River open space cornerstone. And the City's open space cornerstones are a way of highlighting geographic priorities for conservation. And the Clark Fork River is also part of an important bird area. It provides a lot of significant wildlife habitat in this area. This property is also located in Ward 6. And this would provide additional trail and parkland connections in a neighborhood that doesn't have as many acres per capita as some other neighborhoods in Missoula. So, the acreage that is proposed to...for sale to the city is part of a larger parcel and the family intends to pursue a residential townhome development on the remainder portion. You can see in purple here is the land that would be transferred to the City for open space and trail. And then the remainder portion is up here and that...the details of that project are still in the works and it would go through a conditional use and an annexation and zoning process, so you'll hear more details about that when it's ready. But really this type of project is what the new Growth Policy contemplated for a location like this. It provides a housing development adjacent to a transportation, non-motorized transportation commuter trail with easy access to amenities, to restaurants and stores and all of that can be accessed via the bike path with open space land in the opposite direction to provide land for hiking and recreation. So, this is a great balance of competing needs, oftentimes competing needs in Missoula between housing and open space conservation. Protection of the Clark Fork River Corridor is articulated as a high priority in the 2006 Open Space Plan. And more specifically the Open Space Plan notes a strong need for protecting riparian corridors, in particular, the portion of the river that's west of Reserve Street for their wildlife and water quality values in addition to allowing recreational access to the river. The Open Space Plan, as well as the Open Space Bond language, prioritize acquisitions for recreational and commuter trails. And this acquisition would serve purposes of the Open Space Bond and the specific purposes which include protecting water quality, protecting access to the Clark Fork River, protecting wildlife habitat, providing open space and scenic landscape and providing a key connection in a potential future and recreational and commuter trail and also managing for growth. So, this is a picture of the property looking west from Grove Street. This is standing, basically, right at the gate on Grove Street. And you can see the old Milwaukee Corridor runs, essentially where you can see these tire tracks here. And off in the distance is an existing bridge that the Kolendich family intends to transfer to the City as a donation. Their interest in the bridge as a donation in addition to this acquisition. So, as a letter of support from the OSAC states, this property is truly a crossroads in both literally and figuratively in conservation efforts in this vicinity. You can see a little purple flag-shaped parcel here which looks really small on this vicinity map. And all around it are other protected public lands or lands that provide trail connections. This area outlined in blue is the Clouse property that the City acquired in early 2016. It is approximately 75 acres of riparian land that includes mostly a mid-river island. This island is not accessible except via wade and access across this channel. So, this project will provide actual physical and legal access across that bridge to the Clouse acquisition. This land right here is the Tower Street conservation area. It is approximately 80 acres that the City acquired also using open space bond funds. Here we have a conservation easement so we're also part of the open space bond program. And here we have Fish, Wildlife and Parks land at Kelly Island and that's working down river along the Clark Fork. This is the City poplar plantation on the Clouse land that the Clouse family retained. The City has a long-term lease on that property. The City recently acquired Eko Compost which is adjacent to the Wastewater Treatment Plant. This is state land belonging to MDT under the Reserve Street bridge. And all of these yellow lines are trails. So, this is just truly a key anchor point in all of these different conservation efforts in Missoula west of town. So, very exciting for its ability to leverage

many, many years of work and efforts in conservation and recreation. So, again the Milwaukee Trail is a huge part of this whole endeavor. This blue line, as most of you know the actual paved Milwaukee grade or Milwaukee Trail through town is not a perfectly blue straight line and part of that is because the City had to re-acquire those easements long after the Milwaukee Railroad Holdings Company divested its interests back in the '80s and those sections were sold off piecemeal. And so, over time, the City has been able to secure either acquisition or easements for the portion up until Grove Street. And what it really looks like is the snaking, zig-zag line. Whoops. And going west we have hopes that it could actually be more consistently along the historical Milwaukee grade. We've worked to secure easements along a portion of this section and are working to get, hopefully, the entire section to get to Schmidt Lane. But the Milwaukee Trail is a specific goal in the City's 2006 Missoula Urban Area Open Space Plan as well as the Missoula's Long Range Transportation and Active Transportation Plans. Again, it would provide access to the Clark Fork River and legal and physical access to the Clouse and Clark Fork property. And the Kolendich acquisition would hopefully support a future formal trail along the Orchard Homes levy which there's a trail that is used by the neighborhoods and there would need to be work accomplished in order to make that actually a formal trail, but this would be a step in that direction with the City acquiring some of the land that's next to that levy. So, a couple more pictures of the bridge. This is the existing railroad bridge. Right here it goes across this channel that's not the main channel of the Clark Fork. The main channel is on the other side of the Clouse island. The bridge that, in its current state, it's not acceptable for public use. It has some gaps between the railroad ties that go across it. The railings are not safe so part of the budget is requesting money to do an assessment of the safety status of this bridge, an engineering assessment and then also come up with a budget for what it would take to make it viable for public use. The bond funds can be used for abatement of safety hazards and so the goal with this would be to find out what it would take to re-deck and put some railings in so we can open this up sooner rather than later for public access to the Clouse island. This is looking from the Clouse property to the east and the bridge is off in the distance here and this is a different season. So, the budget for the project, the request is up to \$320,000. The purchase price for the open space parcel is \$255,000. There's some other acquisition in project-related costs. Again, you'll see here that there's the funding request for the baseline assessment for the bridge safety and also the abatement of any hazards related to public use of that. Some of the typical due diligence costs and then some of the other costs for preparing the site for public use. And currently in the City's portion of the open space bond there is \$824,000 and some change so if this project is approved at the requested funding amount, the balance of the City's portion of the 2006 bond will be \$504,054.09. As with all of the acquisition projects, the request is an up-to amount and that's because some of the project-related costs are an estimate. We don't know exactly what those are going to be until they are bid or spent. This represents the ceiling of what this project could cost. If it comes in under budget, that's great. That money would then be returned so the bond fund to be available for other projects. We've had one project recently that we were able to close out and it came in at about \$40,000 under budget and so that's now available for use for other projects. So, this again represents the high end of what it could cost. In terms of management costs, the figure that our Conservation Lands Manager uses to calculate management costs is based on the 2010 Conservation Lands Management Plan then increased to 2017 figures and it's about \$137 an acre. This is a relatively small parcel. So, in terms of the CLM Programs Management, it's probably about \$6-700. The real management costs are going to come at the date that the trail is developed and that will have to come from a different funding source, the actual extension of the Milwaukee Trail. That's something that once we have the land acquisition in place we can start seeking funding for the trail development. And this final slide is a picture looking at the main channel of the Clark Fork River from the Clouse island and this is what will be accessible to the public if this project is approved.

Mayor Engen said, was that taken this week?

Elizabeth Erickson, Open Space Acquisition Attorney with City Parks & Recreation Department and the City Open Space Program, said, it was not. It was not taken this week. I think this was taken in late summer or early fall.

Mayor Engen said, because if it were, we should buy it, now.

Elizabeth Erickson, Open Space Acquisition Attorney with City Parks & Recreation Department and the City Open Space Program, said, and I'd be happy to answer any questions. Kali Becher has a staff report for the County.

Mayor Engen said, Ms. Becher? Thank you.

Kali Becher, Missoula County Parks Trails and Open Lands, said, and as Elizabeth mentioned, I have a short staff report for this project. As was just overviewed with the budget, if this project was approved by the Council and the Commissioners, up to \$320,000 would be deducted from the City's \$5 million share of the Open Space Bond. In February, the Board of County Commissioners determined that the project is a qualified open space project through the adoption of a reimbursement resolution, which qualified the project for funding through the 2006 Open Space Bond. As per the City-County agreement related to the Open Space Bond, the Board of County Commissioners shall approve a qualified open space project that is recommended by the City Council unless A) the project has substantially changed in scope and then no longer meets the purposes of the open space bond or B) evidence has been presented that raises questions about the lawfulness of the project and the Board determines the project to be unlawful. Staff finds that the project meets the following purposes of the Open Space Bond. Protecting wildlife habitat, providing open space in scenic landscapes, providing access along rivers and streams, providing or protecting the water quality in a river, managing for growth and providing recreational and commuter trails. Staff recommends the Board of County Commissioners approve this project. Thank you.

Mayor Engen said, thank you, Ms. Becher. So, on behalf of the City of Missoula, I will open the public hearing. Commissioner?

Commissioner Curtiss said, thank you for letting us join tonight for a joint hearing. I would open the hearing for the County Commissioners.

Mayor Engen said, with that, if anyone would care to comment on this proposed acquisition?

Robert Erickson, 945 Longstaff, said, Commissioners, Councilors, thanks for having me. I'm very pleased to speak in support of your resolution tonight. I'm a member of the Open Space Advisory Committee for the City. We've been considering the idea of this project for many years prior to my time on the committee and it has just been an idea because this property hasn't been open and hasn't been for sale. It's still not for sale. It's only for acquisition by the City at this point. And it's a pretty exciting acquisition. The committee has spent considerable time dreaming of this and then over the past year at least considering this particular acquisition and much gratitude goes to Elizabeth and the City staff for finding this project, for negotiating this project and for putting it together in a package that provides the most bang for the buck that the City's going to get for projects like this. As the Open Space Committee's letter indicates, this received unanimous approval from all of the members and I can tell you, beyond unanimous recommendation for approval, people are just plain old excited about this one. I'll highlight just a couple of the features Elizabeth spoke about but they are worth some emphasis. Number 1, this is a key, key parcel for continuing on the Milwaukee Trail. The Milwaukee Trail currently ends with this property starts. There could be no more expansion of the Milwaukee Trail without this particular property. It's that important. That, of course, has been a long-term goal for the City for many, many years. Ultimately, this will be one of the important and final pieces to allow us to continue that trail over the Clark Fork River and ultimately to Mullan Road with the existing trails already out that direction. Equally as exciting, I think, are the access opportunities that this parcel provides. Elizabeth spoke very eloquently about the Clouse project, which we vetted and the Council approved last year. That's a spectacular piece of property as well. Among other things are the riparian island which is along the Clark Fork Corridor, particularly so close to the city limits, is relatively untouched. It's a very spectacular piece of property but it's not accessible without this property, the Kolendich property that you are considering tonight. Not only does it provide legal access but it also provides physical access by way of the existing railroad bridge. The Clouse property came with half of that bridge but half of a bridge doesn't quite get you where you need to go. This is the other half of that bridge. The bridge, you saw the photos. It needs some work but I'm not an engineer but I suspect it's structurally sound. Pickup trucks, utility pickup trucks drive across it. I think it can support non-motorized traffic. It'll need some safety improvements for sure but once done this will

provide access, not only to the Clouse property island, the western portion of that island, which is currently City owned, of the Tower Street, again adjacent to that, is conservation easement property and then you have, of course, Kelly Island. The big picture is that you'll have a four-mile stretch of continuous, permanently protected riparian habitat which is going to be a gem for the city. It was nice to hear long-term thinking tonight about other issues. Well, this is another long-term project that is maybe not as important, maybe not as big but it's certainly a big piece of our puzzle too. I respectfully urge the Council and the Commissioners to adopt this resolution. Thank you.

Mayor Engen said, thank you, Mr. Erickson. Mr. Flesch?

Jeremy Flesch said, I am here to support the use of open space bond funds to purchase the parcel mentioned to the west of Grove Street. If approved, I look forward to using this open space and especially the trail. I also believe that many of my neighbors and fellow Missoulians will use the open space and the trail in the same way. I could go on much longer and talk about all of the benefits that I see to this space and this trail but I'll stop here. Thank you.

Mayor Engen said, thank you, Mr. Flesch. Anyone else this evening?

Bob Moore said, I wish to express my opinion that this should not be an expenditure of the City. Every time I hear the word trail or open space or riparian, whatever it is, we've got to buy it. Now I think you should just pass a resolution that says, If you want us to spend any of our money, just the word...put the true word trail in there and it's a good investment and buy it. Write the check.

Mayor Engen said, anyone else this evening? Alright, seeing none, I will close the public hearing on behalf of the City. Commissioner?

Commissioner Curtiss said, I'll close the hearing for the Commissioners.

Mayor Engen said, and discussion on the motion? Ms. Cares?

Alderwoman Cares said, I am happy to vote in support of this today, as discussed during the committee meeting, when we heard this item. I and other Councilmembers agree with staff and OSAC that this is an incredibly crucial piece and is absolutely in the spirit of the open space bond now as passed. And as a resident of Ward 6, I am so pleased for myself and the fellow residents in our area to have this area. As the OSAC representative mentioned, that if this didn't happen, the Milwaukee Trail would never continue. If this was a residential, all the way throughout this property, we would never be able to continue west, and so it's incredibly important. I'm incredibly excited to vote yes tonight.

Mayor Engen said, and because I'm a little bit dumb, this is actually the question period. I apologize. But we'll have discussion after the motion and that was a great discussion, Ms. Cares.

Alderwoman Cares said, I have no questions.

Mayor Engen said, it was entirely appropriate. That's what I asked for. Are there questions from Councilmembers? Alright, Mr. DiBari?

Alderman DiBari said, I have a question for Ms. Erickson. Can you go to slide #5? I just wanted to check the parcel boundaries.

Elizabeth Erickson, Open Space Acquisition Attorney with City Parks & Recreation Department and the City Open Space Program, said, let's see.

Alderman DiBari said, that's it. So, the small chunk of land to the west of the purple and the bridge portion, that's going to remain in the Kolendich ownership?

Elizabeth Erickson, Open Space Acquisition Attorney with City Parks & Recreation Department and the City Open Space Program, said, no. So, this is part of the work that we're doing in working with the Kolendich family to take the property through a boundary line relocation. These lines represent the legal property boundaries that show up when

you see the parcel aligns in the property information system. So, really the survey that was done, the draft survey, shows that the property goes to this place. We're still figuring out the status of this little section that has part of the bridge as part of it. I'm trying to explain this in a nutshell. There's a discrepancy between the deed for the Kolendich family and the historic plat for the Milwaukee Railroad. The plat shows that it stops in one spot and the deed shows that it stops in another and there's just a little bit of a discrepancy. It's less relevant in this situation because the intent in this project is that the bridge will be transferred to the City. It's just figuring out how to draw this parcel boundary to make the boundary line relocation work. And I will also point out that Paul Forsting from Territorial Land Works, who's representing the family for the development portion, is here if you have additional questions about the development portion too. Does that answer your question?

Alderman DiBari said, almost. The middle, it looks like a triangular piece to the west, yeah, that chunk in there.

Elizabeth Erickson, Open Space Acquisition Attorney with City Parks & Recreation Department and the City Open Space Program, said, this piece?

Alderman DiBari said, yup. So, what I'm looking at the cadastral line and it shows that that's a part of Kolendich LLC, but it's not a part of the conservation easement. Correct?

Elizabeth Erickson, Open Space Acquisition Attorney with City Parks & Recreation Department and the City Open Space Program said, any of the Kolendich LLC ownership that extends out into this area will be transferred to the City also.

Alderman DiBari said, okay.

Elizabeth Erickson, Open Space Acquisition Attorney with City Parks & Recreation Department and the City Open Space Program, said, when we acquired the Clouse property, we didn't do a retracement survey of these islands so the City essentially acquired all of the Clouse ownership of this land. Where that exact boundary is drawn here we're still working through that line with the boundary line relocation. The draft survey for the Kolendich property is this purple parcel. These lines that show up in the property information system, the GIS system is not always entirely accurate. So, what you're seeing in cadastral is not necessarily what's in the deeds and survey show.

Alderman DiBari said, thanks.

Mayor Engen said, further questions? Commissioners have any questions?

Commissioner Rowley said, I just have a follow-up with Elizabeth. So, the final, after you've done all of your due diligence, the final document will reflect there won't be any gaps between the Kolendich property and the Clouse property.

Elizabeth Erickson, Open Space Acquisition Attorney with City Parks & Recreation Department and the City Open Space Program, said, correct.

Commissioner Rowley said, okay.

Mayor Engen said, any further questions? Alright, with that, I would ask Commissioner Curtiss to make a motion on behalf of Commissioners.

Commissioner Curtiss said, so, I'll ask for a motion from one of the Commissioners.

## **MOTION**

Commissioner Strohmaier made a motion that the Missoula Board of County Commissioners adopt a resolution to expend up to \$320,000 from the City's portion of the 2006 Open Space Bond funds for the purchase of approximately 4.6 acres and projected related costs based on findings that the project qualifies for funding, that the City has referred a recommendation of approval, that the project meets the purposes of the Open Space Bond and that the project has not been determined unlawful. This is contingent upon receipt of the signed City approval resolution.

Commissioner Curtiss said, is there a second?

Commissioner Rowley said, second.

Commissioner Curtiss said, is there further discussion? All in favor.

Upon a roll call vote the motion passed.

Mayor Engen said, thank you, Commissioners. And, Mr. von Lossberg?

Alderman von Lossberg said, thanks. It's my pleasure to move we adopt a resolution to expend up to \$320,000 of 2006 Open Space Bond proceeds to purchase in fee the Kolendich-Grove Street property, approximately 4.6 acres of land adjacent to the Clark Fork River, to expand the City's open space and conservation lands network, extend the Milwaukee Trail and pay transaction and project-related costs associated with the acquisition. May I speak to it briefly?

Mayor Engen said, Mr. von Lossberg?

Alderman von Lossberg said, thank you. I'll just simply add my thanks, particularly to Ms. Becher and Ms. Erickson. Next to seeing my daughter come to Council for Super Heroes of Kindness Night, I enjoy seeing you two the most. And I want to thank Ms. Erickson and all of OSAC for your continued excellent work on behalf of all the residents in the community and I want to thank the Kolendich family. This is a real gem in our expanding network of open space lands, so thanks.

Mayor Engen said, and now discussion on the motion? Mr. Wilkins?

Alderman Wilkins said, so, I also want to thank staff. I, you know, I've always said this is one of the better things that we do on Council. And I got two 19-month old twin boys that I know some day are going to be walking down these trails and they're going to be very happy that we did this. For our future kids and our future people and the people right now, this is an important land decision that you made and I appreciate that.

Mayor Engen said, for the record, those are Mr. Wilkins' grandchildren unless something's happened that we're not aware of. Ms. West?

Alderwoman West said, I also want to thank everyone for their hard work on this project. Tower Road is one of my family's favorite spots to go, especially after that flood a couple of years ago, you could build great forts. But this will be a great and a really nice access point to get across and venture out into the islands without having to wade through water which can be kind of dangerous at times. And I also think that the long-term potential here is amazing to connect, you know, the entire valley, multiple valleys really, so I think this is great. Thank you.

Mayor Engen said, Ms. Marler?

Alderwoman Marler said, I echo a lot of what some of my colleagues have said. This is just incredible for the project itself and even better for the long-term prospects and connecting things together. And, as Ms. Erickson and Ms. Cares both mentioned, this is a part of town that doesn't have a North Hills, South Hills, Jumbo, Sentinel, you know. And our section of the trail, which we just got a few years ago, the Milwaukee road trail, gets so much use but it's still mostly not along the river until you get down past Russell Street. So, this will be an easy, much needed, connection to an actual natural area within a few miles of my house. It's going to be amazing and I just feel so good to be a part of this and this night just keeps getting better. Good things to vote for. Thanks, everybody.

Mayor Engen said, thank you. Further discussion? Commissioners? Alright.

Commissioner Curtiss said, so we voted but I would like to add to the, you know, it's just great to see these projects come together and add the access to our public lands, our public water. Not just drinking water but the swimming water. So, this again is one of our favorite things to do also.

Mayor Engen said, with that, we have had a public hearing, we'll have a roll call vote.

## **RESOLUTION 8145**

### **MOTION**

Alderman von Lossberg made a motion to adopt a resolution to expend up to \$320,000 of 2006 Open Space Bond proceeds to purchase in fee the Kolendich-Grove Street property, approximately 4.6 acres of land adjacent to the Clark Fork River, to expand the City's open space and conservation lands network, extend the Milwaukee Trail and pay transaction and project-related costs associated with the acquisition.

Upon a roll call vote, the vote on Resolution 8145 was as follows:

AYES: Armstrong, Bentley, Cares, DiBari, Hedahl, Hess,  
Jones, Marler, Swaney, von Lossberg, West, Wilkins

NAYS: None

ABSTAIN: None

ABSENT: None

Resolution 8145 carried: 12 Ayes, 0 Nays, 0 Abstain, 0 Absent

Mayor Engen said, and the motion is approved. Congratulations and thank you again. And thank you, Commissioners, for joining us this evening. You're welcome to stay but you never do.

## **VIII. COMMUNICATIONS FROM THE MAYOR**

None

## **IX. GENERAL COMMENTS OF CITY COUNCIL**

Alderman Wilkins said when his grandchildren get a little older, he can always tell them to go take a hike.

Alderwoman Marler said because of a short-term conflict with work, Ms. Bentley wants to be on just the Committee of the Whole and temporarily removed from all other committees.

Alderwoman Armstrong stated that today our Council approved the financing with revenue bond to purchase Mountain Water Company. This process was started years before her term on Council began and, like many others in our community and her ward, she had a profound sense of disconnect to the City's acquisition of the water utility. Whether that was due to the unique policies and legal actions that were used to approve to facilitate the acquisition or through a perceived lack of communication, a great deal of uncertainty surrounded this landmark case in our community. Over the past years many of you have read headlines that said things like "City of Missoula sues to acquire water company" or "City being sued by water employees." And while these headlines were technically correct, they did not properly convey the spirit of this transaction. From a practical point of view for the customers it will be as if we are switching out the current shareholders for the bondholders and the Board of Directors for city management. Although, technically, the legal structure might be different, your service will not change. Her hope is that the vision for city-owned water utility remains clear, delivering value and reliability to our customers and employees in perpetuity. The media justifiably sank its teeth into this case and made sure that it stayed front and center for a very long time. She said she would not speak for the rest of the Council but she personally apologized to the employees of Mountain Water for what they've gone through over the past few years. She's sorry they suffered the anxiety of not knowing what was happening with the future of their employer, for the constant tension involved with reading daily headlines and for any trauma induced by hearing disparagingly statements made regarding quality

of their work. This is a good thing. We will all go forward and she's truly sorry for any of the stress that they or their families may have undergone.

Alderwoman West pointed out the zero to 50 community listening Sessions that are going to be happening starting March 2 and two of those are going to be taking place in proximity to her ward. One is going to be at the Missoula Public Library on March 8 and on March 7 there's going to be one on the west side in the Burn Street Center. Come, participate and help us reduce what we send to the landfill.

Alderwoman Cares thanked KECI for their recent story about city employee expenditures. This is an example of the ways in which the public can take time to explore city data and come back with their analysis. While she wonders about the intent behind the story she thinks in the end it is a good thing. She hopes city administration will evaluate our employee expense policies to ensure overspending or inappropriate spending, if currently in existence, does not occur in the future. She hopes City Council will support big data opportunities as they arise. Opportunities that K-12 and college students could explore but data companies could use to make decisions about moving here and that, and yes, local news stations can spend time analyzing, sharing their findings and bettering our community.

Alderman DiBari noted that Ms. Jones will be serving as Vice-Chair of the Land Use & Planning Committee. Also, he thanked his colleagues who spoke in favor of the water acquisition. They said many of the things he's had on his mind and he wanted to keep the meeting shorter by not speaking.

## X. COMMITTEE REPORTS

1. Administration and Finance Committee Report
  - a. [February 15, 2017 Administration and Finance report](#)
  - b. [February 22, 2017 Administration and Finance report](#)
2. Committee of the Whole Report
  - a. [February 15, 2017 Committee of the Whole report](#)
  - b. [February 22, 2017 Committee of the Whole report](#)
3. Land Use and Planning Committee Report
  - a. [February 15, 2017 Land Use and Planning report](#)
  - b. [February 22, 2017 Land Use and Planning report](#)
4. Parks and Conservation Committee Report
  - a. [February 15, 2017 Parks and Conservation report](#)
  - b. [February 22, 2017 Parks and Conservation report](#)
5. Public Safety and Health Committee Report
  - a. [February 22, 2017 Public Safety and Health report](#)
6. Public Works Committee Report
  - a. [February 15, 2017 Public Works report](#)

[Bid award for street improvements project 16-016: Halling Farms Tract 2 – Clark Fork Lane](#)

### **Recommended motion:**

Award the bid for street and drainage improvement project 16-016: Halling Farms Tract 2 – Clark Fork Lane to Doug Smith Grading, LLC for Schedule A of \$174,681.40 and Schedule B of \$24,872.70 for a total of \$199,554.10 and authorize return of bid bonds.

Alderman Hess said, thank you. I move that we award the bid for street and drainage improvement project 16-016: Halling Farms Tract 2 – Clark Fork Lane to Doug Smith Grading, LLC for Schedule A of \$174,681.40 and Schedule B of \$24,872.70 for a total of \$199,554.10 and authorize the return of bid bonds, and I'd like to speak to the motion.

Mayor Engen said, Mr. Hess?

Alderman Hess said, this is a really important project west of Reserve Street. This provides for, I'm trying to dance around the word "connectivity" but I can't. Because connectivity is important and this is a neighborhood that doesn't have a lot of the collectors that are in planning documents that have been adopted by the County and jointly by the City-County through the MPO. This builds a portion of a needed collector roadway. There were some questions in the committee meeting about why this doesn't build the entirety of the collector roadway. We received by email an explanation from Kevin Slovarp about this project being segmented as land becomes available. That explanation was satisfactory to me and I support the motion and I encourage my colleagues to do the same.

Mayor Engen said, further discussion on the motion? Ms. Cares?

Alderwoman Cares said, I'll support the motion but I don't agree that it would have been impossible to build this entire road. It is my understanding, based on the email that we received, that it is possible if there had been outreach earlier for us to have built this entirely because there's interest from that property owner. It's also my impression that we did not do so until Council asked about it at committees last Wednesday. So, I'm disappointed in that. I think I have the understanding correct, and if I don't, I would hope that someone would correct me, but I will support it because I understand the importance of folks who are going to be living in the apartments that are being built right now. Obviously, they need the infrastructure to leave the homes and we do have a housing dearth and so I'll approve, or support the motion.

Mayor Engen said, further discussion? Seeing none, anyone in the audience care to comment? Seeing none, we'll have a roll call vote.

## **MOTION**

Alderman Hess made a motion to award the bid for street and drainage improvement project 16-016: Halling Farms Tract 2 – Clark Fork Lane to Doug Smith Grading, LLC for Schedule A of \$174,681.40 and Schedule B of \$24,872.70 for a total of \$199,554.10 and authorize return of bid bonds.

Upon a roll call vote, the vote on the motion was as follows:

AYES: Armstrong, Bentley, Cares, DiBari, Hedahl, Hess,  
Jones, Marler, Swaney, von Lossberg, West, Wilkins

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried: 12 Ayes, 0 Nays, 0 Abstain, 0 Absent

Mayor Engen said, and the motion is approved.

## **XI. NEW BUSINESS**

1. Legislative Update

Mayor Engen said the Legislative Update is available to the Council in their packets. He noted, for the record, Mr. Bickell and he were in Helena on Wednesday testifying on behalf of the bridge and road safety bill presented by Representative Frank Garner. There were about 50 people testifying in favor of that piece of legislation which would provide a considerable boost to the City of Missoula's ability to repair, maintain and construct roads and bridges. There was some opposition. No executive action has been taken on that bill. They've had a couple of weeks of leaning into legislation that is anti-TIF. There were lots of folks from all over the state who employ that really lone economic development tool, that's allowed municipalities in the state of Montana to make things happen. Lots of support for TIFs and much of the bad stuff is beginning to disappear, so we'll keep plugging as we approach the mid-point of the Legislature.

Alderwoman West updated with what is happening with House Bill 361 which she had asked the City of Missoula to oppose, which revises the eligibility downward and that was tabled in committee on the 22, so it's done for now.

Alderman von Lossberg said unfortunately House Bill 504 was killed in committee recently. Our local Representative Bennett brought this forward. It almost got out of committee and was on a tie vote. He was pleased to see former Councilman Adam Hertz supported the bill. But Representative Skees from Kalispell had made the comment that solar is "not ready for prime time." He assures the Representative that the dozen solar companies that operate in Missoula and are a vital part of the economic work that happens here and the jobs and the installations they do, he believes may be the dumbest comment and disagrees with him. Though they did also debate guns in school so there might have been something there.

Alderwoman West asked is there a way someone could explain to the Council, maybe next week, what the processes are for things that are tabled to come back and what the difference between tabling and dying is.

Mayor Engen said, sure.

## **XII. ITEMS TO BE REFERRED**

1. Administration and Finance Committee
  - a. [Consider divesting City of Missoula funds from Wells Fargo](#)
  - b. ["Betty's Fund" City administered Property Tax Relief Fund](#)
2. Committee of the Whole
  - a. [Zero Waste Plan Update](#)
  - b. [Consider a joint meeting with the Confederated Salish and Kootenai Tribal Council](#)
3. Land Use and Planning Committee
  - a. [Sale of City-Owned Property](#)
4. Parks and Conservation Committee
  - a. [Council Appointments to the Open Space Advisory Committee](#)
5. Public Works Committee
  - a. [Purchase of Waste Water Treatment Tub Grinder](#)
  - b. [Purchase of One 1/2 Ton Pickup for Storm Water Division](#)

- c. [Petition to vacate portions of public rights-of-way known as North Avenue and Holborn Street located in Blocks 40 & 41 of Union Addition and Block 17 of Homevale Addition](#)

**XIII. [MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS](#)**

- 1. [Administratively approved agreement report](#)

**XIV. [ADJOURNMENT](#)**

Mayor Engen thanked the council members and the staff for their service.

The meeting adjourned at 8:25 p.m.

ATTEST:

APPROVED:

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Martha L. Rehbein, CMC  
City Clerk

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John Engen  
Mayor

Respectfully submitted by,

Kelly Elam  
City Clerk Office