

**ADMINISTRATION AND FINANCE COMMITTEE**  
CITY COUNCIL CHAMBERS  
**140 WEST PINE STREET**  
**MISSOULA MONTANA**  
**June 29, 2011, 1:05 pm**

**Members present:** Stacy Rye, Chair; Ed Childers; Renee Mitchell; Pam Walzer; Jason Wiener; Dave Strohmaier; Jon Wilkins; Bob Jaffe; Cynthia Wolken.

**Members absent:** Lyn Hellegaard, Dick Haines.

**Others present:** Carrie Garber, Kelleen Roseboom, Jim Nugent, Cindy Wulfekuhle, Melissa Gordon, Lori Davidson, Fred Simpson, Rob Fleming, Frankie McBurney-Olsen, Lauren Caldwell, Kaylen Minor, Dale McCormick, Genevieve Jessop-Marsh.

**I. Administrative Business**

A. Approve committee minutes dated: [June 22, 2010](#)-approved as submitted.

B. **Public Comment on items not listed on the agenda-None**

C. **Review and remove outdated held items.**

**II. Consent Agenda**

A. Approve claims (accounts payable) .-Consent Agenda (Brentt Ramharter)

**MOTION: The committee recommends the City Council approve [claims](#) totaling \$1,425,558.04([Detailed claims](#))07/12/11**

**MOTION: The committee recommends the City Council approve [claims](#) totaling \$750,543.37 ([Detailed claims](#)) 07/05/11**

**III.**

B. Confirm the re-appointments of Kathi Olson and Dana Boussard to the Public Art Committee for a term commencing July 1, 2011 and ending June 30, 2015. ([memo](#))—Regular Agenda (Mayor Engen) (Referred to committee: 06/27/11)**REMOVE FROM AGENDA**

**MOTION: The committee recommends the City Council confirm the reappointments of Kathi Olson and Dana Boussard to the Public Art Committee for a term commencing July 1, 2011 and ending June 30, 2015.**

Stacy Rye said the Council had received an email from Mayor Engen saying he could not attend the meeting but requested the re-appointment of Kathi Olson and Dana Boussard to the Public Art Committee.

Ed Childers moved the appointments.

Upon a voice vote, the motion passed unanimously.

C. Approve the Mayor's acceptance of the State of Montana Board of Crime Control Grant Award for the Domestic Violence (Dou V) Accountability Project. ([memo](#))—Regular Agenda (Kelleen Roseboom) (Referred to committee: 06/27/11)**REMOVE FROM AGENDA**

**MOTION: The committee recommends the City Council authorize the Mayor to accept the State of Montana Board of Crime Control Grant Award for the Domestic Violence Accountability Project.**

Jim Nugent, City Attorney introduced Deputy City Attorney, Carrie Garber and Office Manager, Kelleen Roseboom. He said this is a request to authorize the Mayor to sign the necessary documents to accept this grant. It is a one year grant to fund 2 temporary positions to work on compliance in domestic violence cases; a full-time legal assistant and a ¼ time secretary. It's an attempt to hold the domestic violence offenders accountable for their actions by administrative case management and improved communication with the criminal justice entities. He said once they have an individual in place, there is quite a back log of work to catch up on. He wants

everyone to be aware that on average they have 225 of these cases per year and the new position would be absorbing these additional cases after sentencing. It's difficult to obtain compliance and make sure the offenders are getting the counseling or anger management classes they have been ordered to complete.

Bob Jaffe asked if it is a new position and what will happen when the grant runs out?

Mr. Nugent said it's only a one year grant and we would have to look for additional grant funding. We recognize this is a position that wouldn't be funded out of the general fund. Ms. Garber has some ideas for additional funding.

Mr. Jaffe asked if this will create a new position or is it paying for existing staff to do more work.

Mr. Nugent said it's a new legal assistant position and the existing  $\frac{3}{4}$  secretary we have will go full time for FY12. Ms. Verlanic will advertise it as a temporary long term position.

Ms. Garber said that results from a compliance study, conducted last summer by OPG, indicated that only 1 out of 5 individuals who are sentenced in Municipal Court to complete anger management classes are actually doing that. The mechanisms in place and the lack of formal supervision procedures, ties our hands as the City Attorneys Office to intervene and effect compliance. This position will create new policies and protocols with the new Court Administrator and in cooperation with Judge Andersen and Judge Lowden to increase compliance.

Ms. Rye asked if the County has a similar position.

Ms. Garber said the both justice courts have misdemeanor supervision through a formal probation program, our elected Judge is not willing to do that.

Mr. Wilkins moved the motion and said he thinks compliance is one of the hardest things in City Court. There is no follow up on what people are doing. Domestic violence is a very big issue in our community and it often goes under the radar. He knows it's a problem. Its time our municipal Judge takes his personal feelings out of things and start doing what's right for this community

Ms. Rye asked if the Mayor or Council could institute something similar to the County program

Ms. Garber said you could institute it, but the presiding judge has to order it as part of the sentencing. Judge Andersen is willing to do that but it is not her responsibility or decision to set forth policy and she is subject to the dictates of her supervising judge. She is however, handling over 2/3 of the cases that are being resolved in Municipal Court and has implemented an informal process in her own court by having people report post sentence weather they are in compliance by a certain date. That gives us a date specific opportunity to see if they are in rolled and in compliance of their sentence and we can intervene early. She intends to continue this, but has been encouraged to perhaps reconsider.

Jason Wiener asked Ms. Garber to return in 6 months to see how the new position is working out. He pointed out that domestic violence this is one of the reasons why women with children become homeless. Effective enforcement and prevention is the key.

Ms. Rye added that the abuse can continue as well, if the mother becomes homeless the partner can petition for custody of the children and win. She thanked the Attorney's Office for all their hard work.

Ms. Garber said we are continuing the work of our colleague Judy Wang; she worked so long and so hard domestic on violence issues. We hope this can be a tribute to her.

Upon a voice vote, the motion passed unanimously.

- D. Approve and authorize the Mayor to sign Community Development Block Grant (CDBG) Award Agreements authorized in City Council Resolution Number 7591: ([memo](#))—Regular Agenda (Melissa Gordon) (Referred to committee: 06/27/11) **REMOVE FROM AGENDA**

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with the YWCA of Missoula in the amount of \$16,386 (Award Agreement # 11-01), as authorized in City Council [Resolution Number 7591](#)

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with HomeWORD in the amount of \$4,907 (Award Agreement # 11-02), as authorized in City Council [Resolution Number 7591](#)

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with Missoula Food Bank in the amount of \$14,547 (Award Agreement # 11-03), as authorized in City Council [Resolution Number 7591](#)

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with WORD in the amount of \$16,386 (Award Agreement # 11-04), as authorized in City Council [Resolution Number 7591](#)

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with Parenting Place in the amount of \$14,747 (Award Agreement # 11-05), as authorized in City Council [Resolution Number 7591](#)

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with Missoula Aging Services in the amount of \$7,173 (Award Agreement # 11-06), as authorized in City Council [Resolution Number 7591](#)

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with Garden City Harvest (Orchard Gardens) in the amount of \$12,691 (Award Agreement # 11-07), as authorized in City Council [Resolution Number 7591](#)

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with Partnership Health Center in the amount of \$250,000 (Award Agreement # 11-08), as authorized in City Council [Resolution Number 7591](#)

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with Garden City Harvest (River Road) in the amount of \$12,000 (Award Agreement # 11-09), as authorized in City Council [Resolution Number 7591](#)

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with, Missoula Urban Demonstration Project in the amount of \$96,000 (Award Agreement # 11-10 and Loan and Promissory Note Agreement #11-10), as authorized in City Council [Resolution Number 7591](#)

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with Missoula Housing Authority in the amount of \$27,802 (Award Agreement # 11-11), as authorized in City Council [Resolution Number 7591](#)

**MOTION:** The committee recommends that the Missoula City Council approve and authorize the Mayor to sign a Community Development Block Grant (CDBG) Award Agreement with RAMP in the amount of \$35,000 (Award Agreement # 11-12), as authorized in City Council [Resolution Number 7591](#)

Melissa Gordon, OPG, said the referral outlines the CDBG award agreements for 2011. The awards were approved by Council in February of this year and we are here to request approval of the agreements.

Jon Wilkins moved to approve all of the contracts.

Ms. Rye said she will recuse herself from voting as the agency she works for is receiving and award.

Upon a voice vote the motion passed with Rye obtaining

- E. Consider a resolution transferring certain City-owned real property to the Missoula Housing Authority per MCA 7-8-4201 for the purpose of developing affordable housing. ([memo](#))—Regular Agenda (John Newman) (Referred to committee: 06/20/11) **REMOVE FROM AGENDA**

**MOTION: The committee recommends the City Council direct staff to develop an RFP to dispose of certain City-owned parcels for the purpose of building low-income housing.**

John Herman, OPG, said a final resolution has been provided and we are here to set a public hearing on July 25, 2011.

Mr. Wilkins moved to set the public hearing. He said he is a strong advocate for the Missoula Housing Authority, but feels these lots should be available to other agencies as well. He contacted Habitat for Humanity and asked them be present today. They are in need of lots right now. He understands that any lots donated or purchased by Habitat would stay on the tax roles and they are even willing to pay deed transfers costs.

Frankie McBurney-Olsen, Executive Director, Habitat for Humanity, said we are focused on affordable housing through homeownership. We service families that make between 40- 60% of the median income. The families build their homes along side area volunteers in the community. What makes it so affordable, is when they are done they receive a zero percent interest mortgage with Habitat, we are the lender. The homes do become part of the tax base and in the last 20 years our Habitat families have paid back a half million dollars to the City in property taxes. We are looking for lots, they are hard to find. We would be interested in purchasing or even having them donated.

Rob Fleming, Habitat for Humanity Board Member, said in the past 20 years our organization has affected over 40 families. As the economy has shifted, we have become a leaner organization with a lean budget. Even if it were only one or two lots, it would help stabilize our finances for next year. We don't just shuffle paper and hand out keys. These families put in hundreds of hours of education and building. He said his time on the board has been very rewarding.

Mr. Jaffe said state law requires that it be maintained perpetually as low income housing, does habitat have a mechanism for working that into their contract.

Ms. McBurney-Olsen said there are two ways we can handle it. We have the first right of refusal so we could buy it back and give it to another family. Also, there was a Judge's ruling that encourages Habitat to include language in the trust indenture to require anyone who may inherit the property to meet the income requirements for low income housing, in order to retain ownership.

Mr. Wilkins asked if Ms. McBurney-Olsen had looked at any of the properties yet.

Ms. McBurney-Olsen said yes at first look, without knowing the setbacks its looks like they are lots we can work with.

Ms. Mitchell said in viewing them, would you be able to offer any money for them.

Mr. Fleming said he was wondering the same thing, and hoped they could get a good price for them.

Ms. McBurney-Olsen said she has not had the chance to discuss this with their board.

Mr. Wiener asked if Habitat would consider building duplexes or townhouses on the multi-family zoned lots.

Ms. McBurney-Olsen said yes, as land is becoming harder to find it is a direction we will follow. We have done it in the past.

Ms. Walzer asked if we sell the land, do we have to put it out to bid or can we sell at a reduced rate.

Mr. Nugent said there are no specific state statues to address that. As the Council, you are authorized to gift property.

Ms. Walzer stated so, if we sell the property we have no requirements to put it out to the highest bidder.

Mr. Nugent said no, however the community would expect you to be fair, equitable and reasonable in disposing of those properties.

Mr. Jaffe said there are a lot of details on how this could go down. We may want to step back and take another look and open this up for more discussion or an RFP.

Mr. Newman there is a recent change that would permit townhouse.

Lori Davidson, MHA Director, said this is entirely the Councils decision. If you want to sell them great, but we wouldn't be in the market to buy them. Originally there were 15 surplus lots and the list got whittled down, the ones under consideration are very small. They haven't been surveyed. The configuration is questionable and there may be some title problems. As she said last week, we are happy to accept them and would partner with the College of Technology to get them built.

Ms. Rye asked if there is interest in opening this up to other non-profits.

Mr. Wilkins said they are not ready to set a public hearing and withdrew his motion.

Mr. Strohmaier agreed and said it is less clear today what the course of action should be.

Ms. Rye asked how the surveying should get done.

Mr. Childers stated that Habitat is as fine an organization as MHA is. Habitat's process has new owners build their home and it stays on the tax roles. MHA can accept the property at no cost. It serves the same population. Who else is interested?

Mr. Wilkins said his intentions were to have Habitat pay surveys and transfer costs. Maybe one or two could be available for Habitat and stay on the tax roles.

**Public Comment:**

Dale McCormick, Missoula resident, said it seems to him that anytime you can go through the process as simply as possible would be best. He said MHA would be his choice for the project.

Mr. Wiener said the venue for anyone interested is a public hearing; he is open to Habitat for Humanity.

Mr. Jaffe said he is leaning toward an RFP as we have more than one organization interested in these lots.

Ms. Rye said we need a motion.

Mr. Jaffe said he would like to make a motion to direct staff to develop an RFP to dispose of certain City-owner property for low-income housing.

Mr. Wiener said to list parcel 6 and 22 to sell at market rate.

Jamie Hoffman said this is a great opportunity for who ever get the lots. He said he spoke with Dan Jordan and parcel 17 should be included on the list for development, but the deeds and legals are unclear on the parcels that face 2<sup>nd</sup> street.

Mr. Newman said he would like to talk to someone from Public Works.

Upon a vote on the motion to direct staff to develop an RFP to dispose of certain City-owned parcels for low-income housing, the motion passed unanimously.

**IV. Held in committee**

- A. Approve claims. (Ongoing) (Consent Agenda)
- B. Approve journal vouchers. (Ongoing) (Consent Agenda)
- C. Approve budget transfers. (Ongoing) (Consent Agenda)
- D. An ordinance amending the municipal code as it relates to bike licensing. ([A&F](#)) (Returned from council floor: 12/15/08)
- E. Implications of establishing maintenance districts. ([memo](#)) – Regular Agenda (Bob Jaffe) (Referred to committee: 05/11/09)
- F. Clarify position of council member who also serves on the board of a non-profit agency that has dealings with the city. ([memo](#)) – Regular Agenda (Ed Childers) (Referred to committee: 07/20/2009)
- G. Review the FY 2011-15 capital improvement projects (CIP). ([memo](#)) – Regular Agenda (Brentt Ramharter) (Referred to committee: 04/19/2010)
- H. Amend Council rules to change the Council's regular meeting schedule to two meetings per month ([memo](#)).—Regular Agenda (Marty Rehbein) (Referred to committee: 06/07/10)
- I. Discuss the disposition of surplus city property. ([memo](#))—Regular Agenda (John Newman) (Referred to committee: 10/25/10)
- J. Amend the FY 2010 budget to appropriate expenditures that were not identified in the original budget. ([memo](#))—Regular Agenda (Brentt Ramharter) (Referred to committee: 11/01/2010)
- K. Discuss outstanding third-party contracts. ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 11/08/10)
- L. Review the city's current policy for charging the public for various city-produced documents ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 12/06/10)
- M. Confirm the reappointment of Mark Muir to the Impact Fee Advisory Committee completing a term commencing December 1, 2010 and ending November 30, 2014. (Returned from Council floor: 11/1/10)
- N. Review Missoula's insurance experience, particularly work comp; propose improvements if warranted. ([memo](#))—Regular Agenda (Ed Childers) (Referred to committee: 05/09/11)

**V. Adjournment**

The meeting was adjourned at 2:05 pm

Respectfully submitted,

*Dee Andersen*  
Administrative Secretary