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Public Participation Memo
13 Monday 2020

Public Participation

For this assignment, I have decided to watch a city commission meeting from April 6th, 2020. I decided to choose this one considering the global event in occurrence and to see how the city commission is adapting to these events. I also chose this one because it helped me get a gauge on how Bozeman is handling the COVID-19 situation. The city commission is running this meeting through Webex in their homes or offices and have opened up the call for the public to join and give their comments. The meeting started at 6:00pm and lasted almost five hours.

Some of the few opening topics brought up by the city commission were educating the public on what services are still open either essential or nonessential services, slowing the spread of COVID-19, and the cancellation of the Monday, April 13th meeting. The option for public comment was given at this point and the Mayor explained that using the hand raising feature, email to enter the queue, and sending a text were all options to give public comment. There was no one lined up to give their thoughts on the meeting at the end of the opening of the meeting.

The main issue discussed was the appeal filed by The Ethna Hotel. The Ethna Hotel is appealing the Community Development Director's Administrative Decision Conditionally Approving Modifications to Site Plan Application 19410 for the Armory Hotel. There are two independent appeals that can follow with a mixture of passing or rejection. The applicant must submit a new plan that complies with the Bozeman Municipal Code. The site of The Ethna Hotel is in the B3 zone district and the Neighborhood Conservation Overlay District. The B3 Zoning district is the Central Business District. The original site plan was approved in 2013. The application was for a conditional use permit certificate of appropriateness and deviations. Later on in 2014, a building permit was issued. Planning staff concluded that the exterior building material did not comply with their municipal code and chose to deny The Ethna Hotel's request. The material they tried to use is known as EIFS and the city has requested that they submit a new application that uses less than 25% of the EIFS material for the exposed building facade.

Some of the concerns highlighted by the city staff are as followed. The city initially approved this plan and if I heard correctly, they went back on their approval. One city staff member was wondering how this building material degrades over time compared to other materials we typically use in Bozeman. One question that was brought up by a city commissioner was something along the lines of "Do the other buildings surrounding The Ethna contain EIFS material?" The question was answered with "Yes, the element contains primarily EIFS as their building material. The concerns of the city staff are very valid and have pointed out a few discrepancies that raise questions from me.

The public concerns were very respectful but to the point. One of the public commenters was a builder who has used EIFS many times before. He was upset because the city had the

opportunity to say no and he knows the EIFS is a poor building material that degrades from hail and woodpeckers quite easily. He is concerned that there will be a big lawsuit and it will be on the taxpayers dime. I would agree with the first commenters' concerns because if there were something to go wrong, it would cost the people of Bozeman lots of time and money. He also said that the city needs to continue to hold meetings and be open for business because that is the best way for public comment to work properly. The second public comment was from a man named Bert. Bert thinks that the developers tried to pull a quick one on the city and got caught. His main concern is that the cheap building materials such as EIFS will cause other properties in the neighborhood to devalue. He is a property owner at 5West and said if he knew his property would devalue he wouldn't have bought it in the first place. The third public commenter's name was Bob. Bob said that the developers did not go through the full city approval process. Bob is a real estate developer and pointed out that the developers were trying to use the EIFS in an untraditional way. A typical layer of EIFS is 2-4 inches. The developers are trying to use an 11 inch layer of EIFS which is roughly 3 to 4 times the normal amount. If you ask me, lots of this sounds fishy.

The interactions between city commissioners was very formal. They addressed their fellow members with "sir" and "ma'am" and they all understood that Webex was a new format to conduct City Commission meetings for everyone. They gave ample time waiting for public commenters to raise their hands and give comments. Once members of the public joined to give their comment, the city staff members were open to their ideas and thoughts. They were respectful to the public even when some of the speakers were mad or yelled at them. They engaged the community by giving them multiple options for giving feedback. They asked for the public to give comments and were open to what they had to say. At one point, a commenter asked for more time to speak and the Mayor said no. I understand because the Mayor had to keep the meeting flowing and I'm sure that wasn't the first time someone was pushed off the microphone.

The rungs of Arnstein's ladder in which this example of public participation relates to most are informing and consultation. The public has known about this project since its beginning in 2014 and has watched the process all the way till now. Everyone who chose to submit public comment had extensive knowledge on EIFS and/or the violations of the city approval process made by The Etha. Nothing was really hidden from the public. The consultation aspect of this case is proven when the commission opened the Webex meeting for public comment. People are giving their input and the city is taking everything into consideration. I thought that maybe placation could maybe be a part of this case but there is no formal public board that is making any decisions.

My opinion on this case is that the city could have denied the original approval in the first place. I'm also confused on why buildings like The Element, which is in the same B3 district, has a majority of their building materials being EIFS. Maybe the city needs to refresh their ideas on this and either allow it for everyone or no one at all. I hope this does not end in a lawsuit like

another member of the public stated. After watching the first two hours of this City Commission meeting, I realized that issues like this go on everyday in Bozeman and across the country. I am interested in attending a public meeting in the future when gatherings can be more than 10 people.

I have uploaded a separate link to the pdf of the agenda for 04-06-2020 to D2L