

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JANUARY 14, 2021 – 2 PM

Virtual Meeting –Microsoft Teams

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Time stamps (in green) correspond to meeting recording above. Please click to the time stamps listed to view a particular item in the meeting.

ATTENDANCE:

Commissioners Present:

Chair David Strohmaier
Commissioner Juanita Vero

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Emmie Bristow, Community Engagement Coordinator, Communications
John Hart, Civil Deputy Attorney, Attorney's Office
Tim Worley, Senior Planner, Community and Planning Services
Steve Niday, Survey Party Chief, Surveyor's Office
Andrew Hagemeier, Senior Planner, Community and Planning Services
Sam Scott, Real Property Projects Coordinator, Clerk and Recorder's Office
Shane Stack, Director, Public Works

1. **CALL TO ORDER** *[Time stamp – 00:00]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:06]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:18]*
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 00:57]*
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 01:38]*
[None]
6. **[CURRENT CLAIMS LIST](#)** *[Time stamp – 02:05]*
Claims received as of December 30, 2020 to January 5, 2021 by the Commissioners' Office total \$1,142,879.65.
7. **HEARINGS**

a. Budget Amendments [Time stamp – 04:51]

Amanda Henthorne, Budget Analyst, Finance

i. County Attorney – Montana Board of Crime Control Grant

[Time stamp – 05:08]

Commissioner Vero made the motion that the board adopt the resolution to amend the Fiscal Year 2021 Budget to include revenues and expenses related to the grant received from Montana Board of Crime Control.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Resolution 2021-008. B: 1047 P: 1220]

ii. Community and Planning Services – Sxwtpqyen Master Plan

[Time stamp – 07:11]

Commissioner Vero made the motion that the board adopt the resolution to amend the Fiscal Year 2021 Budget to include additional revenues and expenses related to additional work on Mullan Area Master Plan, soon to be Sxwtpqyen.

Commissioner Strohmaier seconded.

[Motion passed 2-0.]

[Resolution 2021-009. B: 1047 P: 1219]

b. Alexandra Estates Subdivision Amendments [Time stamp – 10:20]

Tim Worley, Senior Planner, Community and Planning Services

[Continued to June 10, 2021 Public Meeting]

c. Review of New Information – McCauley Meadows Subdivision [Time stamp – 13:36]

Tim Worley, Senior Planner, Community and Planning Services

[Continued to April 22, 2021 Public Meeting.]

d. McCauley Meadows Subdivision [Time stamp – 13:36]

Tim Worley, Senior Planner, Community and Planning Services

[Continued to April 22, 2021 Public Meeting.]

e. Road Petition – Conifer Drive and Brookview Drive [Time stamp – 25:41]

Sam Scott, Real Property Projects Coordinator, Clerk and Recorder's Office

[Continued to February 4, 2021 Public Meeting]

8. OTHER BUSINESS [Time stamp – 57:58]

9. ADJOURN

Chair Strohmaier – Called the meeting to adjourn at 2:59 p.m.

BCC Public Meeting January 14, 2021 – Transcription

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[00:00:02] Where 14th meeting of the Missoula Board of County Commissioners all began per tradition with a land acknowledgement that Missoula County acknowledges that this event takes place in the Aboriginal territories of the Salish and Kalispell people.

[00:00:18] And next, if you would, join me for the Pledge of Allegiance.

[00:00:25] Violet, could you cue up the flag?

[00:00:31] I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

[00:00:54] Ok, thank you, everyone, for that. Are there any public announcements from staff at this time?

[00:01:04] One announcement I would like to make is that next week on January 20th, will be the second meeting of the board of directors for the Big Sky Passenger Rail Authority. You can learn more about that and how to participate in that meeting by going to Montana Passenger Rail Summit dot org.

[00:01:28] And you can find Dayal and information there. The meeting is on again January 20th from 3:00 to 5:00 p.m..

[00:01:38] At this point in the agenda, are there any comments from folks participating today on items not on today's agenda?

[00:01:46] You will have a chance if you have the agenda in front of you to comment on those specific items when we take them up during the public hearing portion of the agenda, anything that you'd like to comment on that's not on the agenda. OK, see, none of our current claims received as of December 30th, 2020 through January 5th, twenty twenty one by the commissioner's office, total one million one hundred and forty two thousand eight hundred and seventy nine dollars and sixty five cents.

[00:02:19] As we typically point out in these meetings, if you'd like more detail on what that amount breaks down into, you can go to the electronic copy of today's agenda and click on the current claims list link, and that will open up a list of the specific claims that comprise that total that I just read.

[00:02:42] So today we have a number of public hearings. And just by way of procedure and housekeeping, what we'll do is begin with a staff report on each of these or for those public hearings that have already been opened and remain open.

[00:02:59] We'll have an update from staff, will then take public comment. And if it's an item that we'll be taking action on today, the commissioners will then have an opportunity for questions and deliberation amongst ourselves and then we'll vote on it if indeed we are taking action today. If you'd like to comment on any of those items at this point in time when I indicate that it's open for public comment, if you're joining us today via the Internet, please use the phrase hand function in Microsoft teams. If you go to your menu at the top of your screen, you'll see a little icon that looks like a raised hand. Click on that and I'll know who to call on and I'll take you in the order in which I see you appearing on the screen.

[00:03:46] I see there are a number of folks dialing in today via phone, actually quite a few and an ever increasing number, I suspect, although I could be wrong, that folks are interested in commenting either on the McCallie Meadows subdivision or the potential or the road petition that's before us today.

[00:04:11] What I will do at that time is just quickly read down the list of numbers reading off the last four digits of your phone number. If you want to comment on that item, go ahead and comment. At that point. If I hear silence, that's my indication that you're not interested in commenting.

[00:04:28] And we'll move on if for some chance you are here to actually speak up on the topic of budget amendments today or the Alexandro estate subdivision.

[00:04:40] I'm not going to read through the entire list of phone numbers. Just chime in and and we'll try to keep things from getting too out of control with people talking on top of each other.

[00:04:51] So with that, we will begin with our first public hearing that will open. And this is on a couple of budget amendments. This is brought to us today by Amanda Henthorn, our budget analyst out of our finance department.

[00:05:03] Amanda, thank you.

[00:05:07] Strohmeier and I will start first with our budget amendment for the county attorney. I'm asking today for you to adopt a resolution to amend the fiscal year twenty one budget to include revenues and expenditures related to a grant that the county attorney's office receives from the Montana Board of Crime Control.

[00:05:26] And with the covid-19 kind of grinding everything to a halt earlier in the year, several trials and other kind of arrangements and all sorts of things were put on delay. And the county attorney's office now finds itself in a position where it is swamped with work as all of that backlog and current crimes still continue to happen. And so they requested the assistance of an additional temporary attorney.

[00:06:05] We received just over seventy thousand dollars in funding for this position for basically calendar year twenty twenty one, which will run for the first half of this fiscal year. And there is no match in terms of dollars or funds the Missoula County has to provide. You also approved this grant agreement at your December eight. Twenty twenty administrative meeting.

[00:06:33] Ok, thanks, Amanda. Let's go ahead and dispense with this item. Is there any public comment on this budget amendment?

[00:06:43] Ok, see none of the questions or motion.

[00:06:52] I don't have any I move that the board adopt a resolution to amend the fiscal year twenty one budget to include revenues expenses related to the grant received from Montana Board of Crime Control.

[00:07:04] I will second that. Any further discussion. All in favor?

[00:07:08] I That's right, Amanda.

[00:07:14] All right. I could have another resolution to amend the fiscal year twenty one twenty twenty one budget to include revenues and expenses related to additional work on the Melun area master plan. The city of Missoula, in working with our Community and Planning Services Department, had asked for additional services, some training and other Web based tools, in essence, to help disseminate information about the plan. And the city of Wasilla has agreed to pay for those. We need to amend our budget to include the reimbursement revenue for them for those additional expenses, because we are managing the contract with the consultant for that. So in order to pay the consultants more and get that money from the city, we just need to amend the budget. There is no expense to Missoula County.

[00:08:10] And my understanding is Andrew Meyer will have updated contracts to you next week for all of these items as well. Did we want to switch?

[00:08:22] I'm looking at the RCA. Do you want to switch this to so up the uptaking?

[00:08:29] Masterplan.

[00:08:30] Yeah, I think that would be appropriate and we could just include that as part of your motion to amend the name of the plan.

[00:08:43] I'm also wondering if, yeah, I don't want to hold anything up to if there's like a timing issue, but it shouldn't be that difficult, right?

[00:08:52] No, we can certainly amend that. I don't think it has any impact on the actual resolution, but I will check and make sure. OK.

[00:09:07] This is Andrew. I just wanted to apologize to Amanda for all of her records reference Molen. And so I didn't give her a heads up that we changed the name of the planning process to switch to Kane. So she just referenced all of her documents that she has with the with the contract and the budget items and everything. So sorry about that, Amanda.

[00:09:29] No, no problem.

[00:09:32] I will make sure that that change gets made on the reason for the resolution and we can get that updated and have you sign it once. That's correct.

[00:09:43] If you are still willing to approve the additional fifteen thousand dollars, I move that the board adopted resolution to amend the fiscal year budget to include additional revenues and expenses related to additional work on Bolinder and Master Plan soon to be swapped again.

[00:10:02] I will second that. Is there any public comment on this budget amendment? Any further discussion all in favor?

[00:10:12] All right, thanks, Amanda. Thank you. Have a great afternoon. You, too.

[00:10:20] Our next public hearing that will open is on the Alexandria State subdivision, proposed amendments temporarily with community planning services.

[00:10:30] Would you like to introduce this for us or thanks to Tim Whurley from Capps. It's going to show a very.

[00:10:54] I don't see him on the call, it looks like he might have gotten booted for just a second and hopefully he can hop back on here shortly.

[00:11:06] Ok, we will stay in a holding pattern momentarily.

[00:11:26] I see, I see Tim's back on.

[00:11:31] Apologies, commissioners, I'm not sure what happened there.

[00:11:35] So Alexandra states, if we're ready just to continue here, this is a request.

[00:11:44] Gm is representing the developer and the request is to amend, I believe it's a total of eight conditions of approval. Or Alexander Estates subdivision, which is a twenty three lots of division on the west side of Highway 90 through south between Missoula and Lolo, and that developer has requested an extension of this hearing item to basically process the recommendations that have come out of the staff report for this particular condition amendment requests. So my recommendation missioners is just to leave the hearing open and open things up for

public comment. If any folks are present to comment. I'm not saying I'm president, but maybe somebody on the line representing the developer.

[00:12:41] Yeah. At this time, is there the applicant or applicants representative on the line who would like to speak to this? OK. Is there any member of the public who would like to offer comment on on this item?

[00:13:03] Ok, CNN will keep the public hearing open and any indication, Tim, how much additional time they think they need or too early to tell?

[00:13:15] Yeah, I've I've requested that information and it's a little too early to tell. But what we will do is we will actually notice this public hearing item so that folks are aware of it and bring it back to you when it's ready to go.

[00:13:32] Ok, thanks. We'll keep that open.

[00:13:36] And our next two items here that pertain to the McColley Meadows subdivision also have their genesis in a public hearing that is also open from a previous meeting.

[00:13:50] And Tim Worley will also update us on this. I should just let folks know, and I'm sure Tim will mention this. Also this.

[00:13:58] We will not be taking action on this today. So if if you want to offer comment today, you will be able to. But just know that this is not the end of the story and we'll be coming back. So if you don't want to comment today but do want to add a different date or a later date, that's OK. Also, Tim.

[00:14:21] Thank you.

[00:14:22] Yes, there's actually two individual public hearing items, and the first is the review of new information for McColley Meadows subdivision. And just to recap our chronology, this went to the planning board on the 6th of October, came before you initially on the 5th of November, and that's when new information was introduced that had not been presented. That planning board. We determined that this new information was relevant and credible, which triggers a requirement for a hearing within forty five days.

[00:15:00] This new information has been distributed for review and we've received public comment in response to particularly the new information.

[00:15:14] At the time, the developer's representative felt that they needed more time to assess the responses to the new information, and we agreed upon a date of January 14, twenty twenty one for that public hearing discussion. The developer's representatives have has requested a further extension to address the responses to the new information. And we do not have a date certain for that. So my recommendation would be to take public comment and leave the hearing open.

[00:15:55] And Tim is the developer's representative present today and would they like to say anything?

[00:16:03] I am not aware that they are on the call, OK?

[00:16:10] Well, that being the case, this will be our course of action will take public comment, leave the hearing open until a date, yet to be determined when we'll reconvene and and take this up again. So at this point, if there are folks who are joining via Microsoft teams who would like to comment, please use the phrase hand function and I'll call on you. Once we've exhausted all of those folks, we will move on to the phone callers. Mr. Brown.

[00:16:45] It looks like your mutagen, Jim Brown. Yep, we got you now.

[00:16:52] Ok, can you hear me?

[00:16:54] Yes, we could hear you.

[00:16:57] Good. So I'm not sure if I need to say what I'm going to say now or wait for next time, but I will say it anyway. I just want to be very brief, but highlight a few things that we've offered in our comments. First, we don't believe any homesites are appropriate on McCallie itself. And we've submitted that several times in our testimony. There's a couple important aspects to review. One is that the McCallie beauty is a grassland habitat, which has been much diminished in a lot of places, particularly in the Missoula Valley. It's important to a lot of particular bird species. It is in the car park river, grass valley, important bird area, which after a lot of bird surveys, was approved by the National Audubon Society as having continental significance. So it's important way beyond the state of Montana. It's also a cornerstone of the Missoula's open space plan. It's a prominent landmark in our valley. The other important bird part is that's really come to light lately in a strong way is that McColley Beauty lies right in an important migration corridor through the Missoula Valley. And we've known this for a long time through bird surveys that show the diversity of species and then some recent studies through the Night Flight Project, which installs a lot of speakers throughout the Bitterroot, and one that here in the Missoula Valley there, there's a huge number of individual birds of a lot of songbirds, species that migrate through this valley.

[00:18:41] The important thing is that come daylight, they sit down to avoid predators and to rest and catch up a little bit with their eating before they take off again on their route. An earlier comment had mentioned that our earlier testimony had no scientific basis, and that's completely unfounded. I could go into considerable detail about the scientific basis, but I don't think you want that. But it's based on numerous bird surveys and a lot of studies of bird behavior. And bird ecology. So there's two big impacts from developing these home sites on the pute itself. One is the direct loss of habitat and the other is which is quite substantial, is disturbance and a displacement of birds due to activities of people, both noise and and if there's a building disturbance, some birds are much more disturbed than others. I mean, everybody knows that house birds love people and buildings, but a lot of the migrant songbirds are very sensitive to disturbance. And so that's a major impact. Just to summarize a little bit, I've been birding and I've been a student of bird ecology for sixty six years. Fifty five years that I've been here in Missoula.

[00:20:02] And during this time I've seen a definite reduction in habitat, as you can understand, but also some bird species that were once fairly easy to find. A common now are a very unusual.

[00:20:16] So the important thing is here that there's a incremental loss of habitat in the Missoula Valley and that incremental loss of habitat is substantial and it is significant. So this valley, which is in the eBay and an open space cornerstone, is really a precious resource through our river bottoms and our valley. So I think it's important now for future people that we take good care of this. Precious resource. Thank you, commissioners.

[00:20:53] Thank you, Jim. Other folks joining us via the Internet who would like to comment while I see Violet, are you.

[00:21:06] Sorry, no comment.

[00:21:07] I just wanted to remind folks calling in, if you do want to comment, just don't forget the hit star six so that you can unmuted yourself. Thanks.

[00:21:18] Ok, thanks.

[00:21:21] John Hart, deputy county attorney, thank you, Commissioner.

[00:21:25] Yeah, I would just recommend to Mr. Brown that he and his organization. Compile and submit copies of any and all scientific and other birding journal articles that you think that the county commissioners should consider in making the decision as to whether or not to approve or deny or approve with conditions this subdivision. I recommend that it's important that the commissioners actually have copies of those reports and journal articles, if it's possible for your organization to submit those prior to the next hearing.

[00:22:13] Thanks, Jim, Jim, would that be possible?

[00:22:19] Yes, we will submit we've already submitted references to some of these journals, but I will put together more of that background.

[00:22:30] Exactly. And I saw the reference to certain articles. And my point was, if there is anything more that you want the commissioners to consider, please, please submit that before the next hearing.

[00:22:47] One of the things we have, which I don't know that you want to see, would be numerous bird surveys through the AIBA and if the questions are interested, those we can submit them.

[00:23:01] Yeah, that would be good, Jim.

[00:23:03] I mean, if the volume gets completely out of hand, maybe you could winnow it down to the most salient surveys and provide the balance.

[00:23:17] Ok, well, thank you.

[00:23:21] Thank you, John and Jim, for folks joining by Microsoft teams who would like to comment. And then we'll move on to the phone callers.

[00:23:35] Ok, let's move on into the phone numbers, I will call out the last four digits of your number, please, on mute yourself if you want to comment. If I don't hear anything, I will just move on to the next number four, six, seven, eight.

[00:23:53] Four zero four nine. Five, six, one, one. Four, seven, six, five.

[00:24:12] Five, nine, eight, one.

[00:24:19] I feel like we're preparing for a lotto drawing here or something. What do you think? Four two five nine.

[00:24:32] Five, three to six. Bingo. OK, bingo night is that you still need a.

[00:24:42] Yes, OK, well, I'm assuming you don't want to comment on this and are here for the next item.

[00:24:48] No, just being a smart aleck.

[00:24:50] Ok, there is always one in the group now. I lost my number.

[00:24:54] Were you five, which never are you four to five. Nine. I know, I figure with seven to zero seven oh, OK, how about four or five, four two.

[00:25:12] Nine nine four zero.

[00:25:16] Is there anyone who wants to comment out here on the McColley Meadows subdivision recognizing you'll have another chance when we take this up again? OK. The public hearing hearings will remain open, thanks, Tim.

[00:25:41] Ok, now you will have a chance here shortly, Steve, to spout off about whatever you feel appropriate to chime in on. But first off, we have all open the public hearing on this road petition related to Conifer Drive and Brooke View Drive. Sam Scott, would you like to introduce this for us?

[00:26:04] I would. Let me share my screen here. Can you see this? Yes. OK, Sam Scott with the Clarkton Recorder petition to establish a county road has been submitted to our office.

[00:26:18] The roads petition to be established are those portions of Conifer Drive from Nine Mile Road ending at Meadow Mountains one and then Brooke four. You drive beginning at Conifer Drive, ending it also not Meadows No.

[00:26:32] One, and then disappearing has been published twice in the Missoulain and all affected landowners have been contacted.

[00:26:38] The petition was signed by more than 10 free holders of the road district and is now presented to the board for discussion and to schedule a viewing. And I believe Steve probably does have some comment as well.

[00:26:50] Ok, Steve nowadays.

[00:26:54] Yes. I don't really have any comments yet.

[00:26:58] I believe, Dave, you are up for the viewing and seeing all those six to six numbers. I'm suspecting those callers are interested in commenting on this. So let's let them go and we'll see if they have any questions that I might be able to answer.

[00:27:17] Very good. Well, we are opening the public hearing on this, we will be revisiting this at a later date, also after the commissioners have a chance to go out and view it on site.

[00:27:28] Let's as with the last public hearings begin with, is there anyone on the line or dialing in using the Internet via the Microsoft teams to connect, in which case, please raise your hand and I will take you in order.

[00:27:45] Ok, see none. Let's do another quick run through the lucky numbers and see if anyone would like to chime in. And again, if not, no pressure, I will just move on and and take the next number four, six, seven, eight.

[00:28:06] Yes, four, six, seven, eight. Would you like to identify yourself and offer any comment on this?

[00:28:14] Yeah, we have a couple of things. One is and could you tell us what timeline? Yeah. And sir, could you please state your name?

[00:28:24] Sorry, my name is John Ashley. I'm here with John Murphy.

[00:28:29] Ok, thank you. Go ahead.

[00:28:32] Yeah, we're really interested in what the timeline and the events would be to get this accomplished and then also to look at what initial costs may be to each of the freeholders. And also ongoing cost would be for each of the freeholders.

[00:28:52] Sure, thank you, Steve. Would you like to take a stab at answering any any of that?

[00:28:59] I think we probably have a clear picture of the timeline for making a decision on this than we might on some of the other items.

[00:29:08] But go ahead.

[00:29:10] Yeah, the timeline can be relatively quick, depending on the commissioner's schedule and ability to get out there and do the onsite viewing.

[00:29:21] After that takes place, we'll continue. This public hearing will present a viewing report and entertain any comments from the public. Additionally, you mentioned costs to the freeholders. There shouldn't be any cost to the landowners out there. Not only costs that could. Factor in would be if one of the landowners that is directly affected by this new potentially new stretch of public right away, if they claim some kind of damages due to the making of a public right of way, that goes above and beyond the benefits that they may get. We would have to the county would have to consider those damages and potentially pay that that difference typically than the benefits equal the burden. And generally speaking, no money changes hands when a new road is established like this. That's just general. That's not always the case, though.

[00:30:44] Thank you, Steve.

[00:30:48] Now, that's going to come up, I'm sorry, in the event of those costs, which could be minor but could also be major. Is there a way of not participating in this?

[00:31:08] Well, let me repeat, the cost would not be. By the landowners, the cost would be to the county. Does that change your question at all?

[00:31:23] Yeah, if my wallet is protected, yes.

[00:31:26] Well, it's only protected insofar as any of the costs would be spread out to the wallets of everyone in Missoula County who are paying property taxes, it looks like from public works is has a hand up maybe to answer some of this.

[00:31:44] Yeah, I just wanted to jump in. I think there's some confusion, too. I think there was a group of folks out on Conifer that had assumed that if the county takes over maintenance of the road and ownership of the road, that then there would be another side created and then all the property owners along the road would have to pay more taxes.

[00:32:02] And that's not the case. And we've tried to communicate that that, you know, there's by Missoula County taking over maintenance and ownership of this roadway.

[00:32:10] There's no change in what you would see on your tax bill regardless.

[00:32:14] And so I don't know how to state it any other way.

[00:32:19] There's there's not going to be an increase in your taxes.

[00:32:23] You just got two thumbs up.

[00:32:25] Ok, that's pretty clear. Shane, thanks for that clarification.

[00:32:30] Thank you, Sharon. OK, we'll go on to the next caller. Four zero four nine. How about five six four zero four nine, or are you wanting to speak?

[00:32:43] Hi, I'm Stella Venlo and my comment was, if we can have this done quickly, it means our students would not have to be on the bus at seven twenty in the morning. So I would like to see it happen quickly so the students are able to be picked up earlier.

[00:33:05] Could you explain just for my own edification, what the situation is there?

[00:33:11] Does the bus not not go across Conifer Drive so a different bus has to go and pick up other kids?

[00:33:21] It has to come to Conifer Drive first via Six Mile Road and then pick up the Conifer Drive students at the mailboxes. Then it has to go back. And basically it makes that bus route much longer, where if we had the conifer drive open, the shorter bus route that goes up nine miles could pick the students up and it would be much later in the morning because they would be the person who goes up nine miles would be picking them up on their way into the into the school.

[00:34:01] Mm hmm. OK, thank you for that comment. Next caller. Five, six. One, one.

[00:34:16] And if folks have the ability and could mute themselves after they speak, that would be great just in the event that dogs start barking or unexpected noises appear in the background.

[00:34:29] Five, six, one, one.

[00:34:34] How about four, seven, six, five?

[00:34:40] Hello, yes, hello, welcome.

[00:34:46] Yes, it's a great comment at this point, the burden falls on a few individuals that own it that don't necessarily have time to do the plowing, don't have necessarily time to do any maintenance on it type of thing. And so adding it to the county would not only assure that that road would be taken care of, but free up individuals that have had to donate their time and money to maintain it. And that's the only comment I want to just say thank you.

[00:35:25] Who is this that's speaking to us? Oh, this is Mickey Okot. OK, thanks, Nicky. I appreciate that. Thank you. Bye bye. Good bye. Five nine eight one. You hear me? We can hear you. Welcome.

[00:35:45] Be able to hear me.

[00:35:46] Yeah, we can hear you. If you could state your name for us, that would be great.

[00:35:50] Paul Clifford, some of the people coming by. Tony up here.

[00:35:54] Ok, Tony, go ahead.

[00:35:57] As far as the bus route goes and what Della said is correct, it actually saved almost 30 minutes off of the bus route and probably only pertain to this particular leak. But we had a bus driver go across that route and there was an individual down there that complained about that. So then they changed our bus route again. And then my biggest concern was that consent not given for an establishment or authorization of probable cause of the right of way of 40000 dollars. We clarify that a little bit.

[00:36:38] Yeah, yeah, yes. I can speak to that.

[00:36:45] So I looked at a worst case scenario where the entire proposed right of way would. In opposition, I guess there would be an opposition by all the landowners adjacent to that entire right of way, the entire right of way that's being asked to become public is three point seventy five acres. So I looked at three point seventy five acres and made a kind of a guess at what undeveloped land would sell for out there. And that's kind of a worst case scenario. So that's where that number came from. And I would not expect that it would come anywhere near that because I wouldn't expect all the landowners to oppose. In fact, they've signed the petition. Most of them. And as I had said earlier, you have to award damages based on benefits and detriments. So anyway, hopefully that answers your question.

[00:38:02] It does. And a couple of the individuals that weren't able to be on the phone today when they thought that, no, there was a concern about it because there was a car up a road project, private account that was generated for the upper conifer and the pond road. And several people on Conifer Drive donated significant amounts of money. We drew up the figure specifically for the Ponderosa with twenty thousand three hundred dollars. And we have records of who those people were that donated the like with all the money that the people up here put into it. And we see that 40000 that might potentially bear on the people. We kind of see that as unfair.

[00:38:48] Yeah, it's, um, it's an element required by law that we provide an estimate of cost should the worst case scenario happen, essentially, but I would not speaking for the commissioners, but I would say that, you know, if it came back that there was multiple landowners opposed and asking for damages, they would merely most likely deny the petition.

[00:39:20] And there would be no cost then. Right.

[00:39:24] John Hart, our deputy county attorney, did you have something you want to add?

[00:39:28] Well, I wanted to ask Steve question, Steve. It was my understanding when I reviewed this petition yesterday that every property owners who whose land would be encumbered by establishing Conifer Drive as a public roadway has signed the petition and consented to waiving damages. Am I mistaken about that?

[00:40:00] Yes. The Millers, Scott and Carol, by virtue of a letter sent to the commissioners, have opposed the action at this time. So, yes, other all other directly affected landowners have signed the petition. So just the one one one couple there, the Millers.

[00:40:26] I thought the Millers property was not actually would not actually be encumbered by this, am I mistaken?

[00:40:35] So their property line goes from the concrete, the pavement on a nine mile road to about right in the middle of the pond road. Now, I believe, if I'm correct, that the 60 foot right away through there right now and their physical driveway is right up against the concrete or within, you know, 20 feet.

[00:41:02] So, Sean, yes, you bring you touch on a nuance of this particular situation where as their ownership line goes not to the center of the road, as it does in most cases, but to the north westerly side of the road, the way this. The road was initially created, it was created to burden all the landowners on the southeasterly side of the road and not the northwesterly side of the road, so they can certainly voice their opposition. But in terms of damages, I don't believe the damages would include any payment for the easement burdening their land directly. It would be more indirect damages, such as increased dust or other items.

[00:42:04] Ok, thank you, but thank you, Commissioner.

[00:42:10] All your muted Dave, of course I am.

[00:42:16] Steve and John and thanks, Tony, for your comments. Thank you. Next caller, four two five nine.

[00:42:25] David.

[00:42:28] Yeah, I did not press the Star six again when my five oneone number came out.

[00:42:37] Could you repeat that?

[00:42:39] This is Chris Ziggler from the last four digits, four, five, six one one oh, I did not appropriate our sixth unmuted myself. Apparently. I just want to I want to make a couple of comments. Sure.

[00:42:58] Five of the. Landowners who would be affected by this. We're at a meeting with Shane Stack and several of his employees back in July when we went over this. Those five affected landowners have signed this petition. We talked with the Millers about signing it. They said they did not want to sign it, but they were not they would not object to it. So I just wanted to clarify that a second issue would be that there should be another landholder listed as affected, and that would be Dorothy Durden. Whose land is to the north east on you drive, and she also signed a previous petition, so she's in favor of it. So actually, six out of the seven people who would be directly affected by this assumption of maintenance by the county have actually signed the petition.

[00:44:08] Thank you, Steve, does that align with what you are looking at there? Yes, OK. All right, thanks for that clarification, next caller, four two five nine.

[00:44:27] Yes, after. Hi, who can you state your name again?

[00:44:37] I think, oh, perfect. I think you're unmuted now.

[00:44:43] Yellow.

[00:44:44] Yes, we can hear you if you could state your name for us, that would be great.

[00:44:48] Paul. Hi, Paul.

[00:44:51] Ok, I just heard Chris mention that he had some interest in this. Actually, I want all 60 foot of that road. And I think she would be in the same situation that you're in because I own all 60 feet of that road on.

[00:45:10] Ok. Another thing I've noticed in here is that the mention of the word right away is used quite a bit. As far as I know, this is not a right away. It's an easement.

[00:45:19] If it's a right away, you'll have to buy it from us. So I think that word has been construed wrongly.

[00:45:28] Steve, could you speak to the technical use of these terms?

[00:45:34] Well, it's an art. Yeah, there you go. You're getting into John's arena.

[00:45:40] Can you give me Kevin? So some commissioners, obviously, you're hearing a petition to establish a county road, and that would be if you were to approve this petition.

[00:45:55] You this is not an easement in the sense of, you know, you and I owned land next to each other and I give you the right to you and only you the right to cross my land at your choosing. This is a this is a public easement, so to speak. And that but that is the term right of way implies that, you know, the it's the public's right to use this way for all lawful purposes.

[00:46:36] And that may include more rights than are included in a private easement between private parties. But but the effect is, is is exactly the same. Whether you want to call it a public easement or you want to call it a county road or you want to call it a public right of way. There are statutory rights that come with the designation of a county road. And if you grant this petition, then the public will have all of those rights.

[00:47:11] That's fine with us.

[00:47:12] Ok, thank you, Paul, and thank you, John, for that clarification. Next caller. Five, three to six.

[00:47:24] The spruces. Hi, Bruce. Go ahead. OK, can you hear me?

[00:47:31] We can can you state your last name, Bruce Simms?

[00:47:35] Assam's.

[00:47:36] Ok, very good. Go ahead.

[00:47:38] Yeah, and I think something that hasn't been mentioned is that I think during the winter, if we could get this plowed properly, it would add to public safety because there are some steep embankments along the road. And and, you know, there's been some times when cars have had difficulty, drivers traversing road. Also, if there's ever dust abatement, it would really help with the with that issue as well. So that's my comment.

[00:48:06] Thanks. And just quickly speak to that Shane Stack, could you clarify, would you envision this being folded into our winter maintenance schedule should it become a county road?

[00:48:21] Yeah, we would definitely plow it. And then we've also considered the dust abatement. And it's such a small stretch.

[00:48:26] I think we could we could do dust abatement.

[00:48:31] And I think there was even comments of a hard surfacing. And if MDT as a project in the area in the future, we could work to get millions up there, too.

[00:48:39] So very thanks for that. Next caller, seven two zero seven.

[00:48:52] Looks like your unmuted now go ahead and state your name, if you like, and offer your comment.

[00:48:57] This is Bill. One way for the folks to tell you several years ago to take that stretch of road over in the control.

[00:49:06] That really was the first Bill Dam and it was not had not been engineered. And so has those things been taken care of at this time? Well, we're going to have to do something different with that dam that the roads crossing.

[00:49:23] Thanks for that, Shane. Would you like to feel that one, too?

[00:49:26] Sure. We haven't done any analysis that I'm aware of and I don't know the history. I kind of just given a brief, I guess, history of the fact that they're the reason why it wasn't considered in the past was because there was concern about the dam.

[00:49:45] But, you know, talking to the county engineer, he he doesn't see it as too big of a challenge.

[00:49:51] And if we need to, we can have a geotech, evaluate it and and give us feedback on whether or not we should be concerned.

[00:50:01] And so at this time, there will be no obvious ideas included in this project.

[00:50:08] That is correct. OK, well, that was my concern. So thank you.

[00:50:15] Thank you. Next caller is four or five, four two.

[00:50:26] Four or five, four, two, if you want to speak, you'll have to unmuted yourself.

[00:50:34] Ok, we will move on to up there we go.

[00:50:40] Welcome, if you'd like to state your name and offer your comment. We'd appreciate it.

[00:50:46] Appreciate that. This is the Morris at the upper end of Conifer and our questions have all been answered. Thank you.

[00:50:53] Thank you. Nine nine four zero.

[00:51:01] Hi.

[00:51:05] Yeah, we can hear you if you could state your name for us, that would be great, Laurie.

[00:51:11] My only question was, are the residents going to have an input on a speed limit on that road?

[00:51:19] Well, exactly.

[00:51:23] So at any point, we will always take into consideration your your desires for speed limits. We're somewhat bound by state law in terms of we may or may not be able to set the speed limit that folks might like.

[00:51:45] Do you have particular thoughts on the matter right now?

[00:51:49] Well, I think a lot of people use that that road to walk. I've ridden my horses across it a few times, and I think having a, you know, a high speed limit on that road could potentially be dangerous.

[00:52:05] A lot of the residents, sure, Shane, could you clarify what what's the, you know, off hand based on your understanding of this road, what would be the lowest speed limit that we could apply there with with it being a gravel road?

[00:52:22] I believe we can go to twenty five.

[00:52:25] And it's the paved roads where we have the thirty five issue and that urban districts.

[00:52:32] But right now, the paved road is not not a problem, right? I mean, that's not a consideration right now. That's just down the road.

[00:52:43] No. Yeah, that it's gravel right now. So we would be able to to posted it as low as twenty five.

[00:52:50] I think we would want to do a little evaluation and collect speed data and try to make an engineering based recommendations for the commissioners to to finally decide.

[00:52:58] But we can go as low as twenty five.

[00:53:02] Ok. All right. Thank you.

[00:53:06] Thank you. Eight four eight five four four four five. Eight, five, four, four. How about zero five, four, three?

[00:53:30] Is there anyone who has not spoken who would like to offer comment on this? OK, I guess see none we can go ahead and move to trying to schedule the road viewing Violet or Steve, any thoughts on that? Finally, I don't know if you have my schedule in front of you there.

[00:53:55] Yes, I can. I can pull it up. Steve, what would what would work for you?

[00:54:00] Anything?

[00:54:04] No, Dave, I mean, you're pretty free tomorrow, but if you wanted to look at next week oh, you're muted Dave twice in one meeting.

[00:54:20] So, Steve, how much time do you think we need to block out for for this couple hours or.

[00:54:28] Yeah, I would think a couple hours should be fine. Now, I guess that would depend on how many people might want to join us out there and, you know, sometimes the discussion can and grow, but. To our I would schedule two hours.

[00:54:47] Yeah, let's not do tomorrow, I would say, if we could do it sometime in the next couple of weeks. OK.

[00:54:54] Let's see, maybe Steve, I can when I have a little more time to check it out, I can just shoot you an email with that work.

[00:55:05] Yes, absolutely. Find a slot that works for Dave and I'll try to make it work for me.

[00:55:11] Verbeke and Steve, will you then communicate with folks out there when we're going to be taking a look on the ground or or what what's the way that we typically handle this?

[00:55:29] Well, in the old days, we would get people to sign in when they walked into the meeting. I guess if we can record a list of these phone numbers, I can call them or potentially making it easier on myself. I could get word to Chris, who is the lead petitioner, and have him contact the locals out there.

[00:56:02] Yeah, that sounds like a good, good strategy and basically for folks who are listening in today, I will be the commissioner designee who will go out there as Steve and just take a little drive and and refresh my memory what what the road conditions on the ground actually look like.

[00:56:23] Hey, David one, it's Josh. I just want to let you know I'm here today. A day late and a dollar short. We're almost to adjourn, so.

[00:56:35] Ok, well, welcome, Commissioner Slotnick. So violent. You'll get with Steve and work out the details as far as a day in time. And that will be communicated to Chris, I believe, who will not Chris Lansberry, but Siegel. Yes, Siegler.

[00:56:56] Sorry.

[00:56:59] Yeah, and there ain't a date for the second hearing we'll need to set up as well.

[00:57:06] Yeah, do we want to do that, can we do that now? Yeah, early February maybe. Sure.

[00:57:18] How does our public hearing schedule look in the month of February, so the earliest one in February would be the fourth and I'm pretty sure we would have room for it on the fourth if we wanted to do that.

[00:57:35] Steve, will that work for you and Sam? Yes.

[00:57:39] Ok, well, we will get out there, do the road viewing and schedule this for a public hearing on the 4th of February. Thanks, everyone, for sitting through all of this and hanging in there and offering your really good comments and questions today.

[00:57:58] Is there any other business to come before the commission at this time? Dave, you're right. We did come at the very end. You did? We got done with that press conference and I came here. Huh.

[00:58:09] Ok, well, thanks for the moral support, Josh. And with without any other business to come before the commission, we will be adjourned. Thanks, everyone.

[00:58:19] Thanks, everyone. You didn't miss anything. All good. No decisions were made.