

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MAY 13, 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 Strohmaier
Commissioner Slotnick
Commissioner Vero

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Tim Worley, Senior Planner, Community and Planning Services
Rob Taylor, Captain, Sheriff's Office
John Hart, Deputy Civil Attorney, Attorney's Office
Nick Zanetos, Planner, Community and Planning Services
Anna Conley, Chief Deputy Civil Attorney, Attorney's Office
Allison Franz, Communications Manager, Communications
Brian West, Civil Deputy County Attorney, Attorney's Office
Erica Grinde, Director, Risk and Benefits
Jamar Galbreath, Equity Coordinator, Commissioners' Office
Sheryl Ziegler, Assistant Commander, Detention Facility
Alex Beal, Justice of the Peace, Justice Court

1. **CALL TO ORDER** *[Time stamp – 00:02]*
2. **LAND ACKNOWLEDGEMENT** *[Time Stamp -- 00:15]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time Stamp -- 00:35]*
4. **PUBLIC ANNOUNCEMENTS** *[Time Stamp -- 01:27]*
 - a. [Kids to Parks Day Proclamation](#)
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time Stamp -- 03:28]*
[None]

6. **CURRENT CLAIMS LIST** [Time Stamp -- 04:18:]

Claims received as of April 28, 2021 to May 5, 2021 by the Commissioners' Office total \$1,015,579.48.

7. **HEARINGS**

a. **Detention Center Inmate Intake Resolution** [Time Stamp -- 04:58]

Rob Taylor, Captain, Sheriff's Office

Commissioner Vero made the motion to adopt the resolution to address the intake of inmates at the detention center.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Resolution 2021-071. Book: 1055 Page: 1014]

b. **Resolution to Adopt the 2018 International Energy Conservation Code (IECC)** [Time Stamp -- 15:41]

Deb Bell, Assistant Director, Public Works

Commissioner Slotnick made the motion that [the Board of County Commissioners] adopt the 2018 International Energy Conservation Code.

Commissioner Vero seconded.

[Motion passed 3-0.]

[Resolution 2021-072. B: 1055 P: 949]

c. **Roske Family Transfer** [Time Stamp -- 19:05]

Nick Zanetos, Planner, Community and Planning Services

Commissioner Vero made the motion to approve the Roske Family Transfer.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Letter 2021-114 Mailed to: John and Sally Roske.]

d. **Ramos Family Transfer** [Time Stamp -- 25:31]

Nick Zanetos, Planner, Community and Planning Services

[Continued to July 1, 2021 Public Meeting]

e. **Bourdon Family Transfer – POSTPONED**

Nick Zanetos, Planner, Community and Planning Services

[Postponed to June 10, 2021 Public Meeting]

8. **OTHER BUSINESS** [Time Stamp -- 46:12]

9. **ADJOURN**

Chair Strohmaier – Called the meeting to adjourn at 2:46 p.m.

BCC Public Meeting May 13, 2021 – Transcription

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[00:00:02] We'd like to call today's meeting of the Missoula Board of County Commissioners to order. I am joined today by Commissioner Slotnick and Vero. And we begin with a land acknowledgement recognizing that this event today takes place in the Aboriginal territories of the Salish and Kalispell people at this point. Violet, if you could display the colors. And if you could join me in the Pledge of Allegiance, please, 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

[00:00:48] With liberty and justice for all.

[00:00:53] Thank you, violet. And likely in the month of June, we'll start reconvening these meetings in a physical setting and Sophie Moez room in the courthouse. We'll still have the option for virtual participation, but at those hybrid meetings, we will actually have a real physical flag and not just the virtual one, presumably. Ok. Moving on, we have a proclamation to read today. This is Kids Day either Commissioner Vera or Slotnick. Would one of you interested in reading? Josh, I was struggling to look at both of these things simultaneously. I will. I will look. Well, there it is on the screen. Thank you. I make it a wee bit bigger.

[00:01:53] Let me do my best to

[00:01:56] Put a tiny kids to park's day.

[00:01:59] Oh, we will just do it like this. Ok.

[00:02:02] And you can scroll it as I say it. Yes. All right. Well, here's our proclamation. Whereas May 15, twenty twenty one is the 11th kids to Park's Day, organized and launched by the National Park Trust, held annually on the third Saturday of May. And whereas Kids to Parks Day empowers kids and encourages families to get outdoors and visit local parks, public lands and waters. And whereas we should encourage children to lead a more active lifestyle to combat issues of childhood obesity, diabetes, hypertension and high cholesterol. And whereas kids to Parks Day will broaden children's appreciation for nature and outdoors. And whereas kids to Parks Day will recognize the importance of recreating responsibly while enjoying the benefits of the outdoors, and now therefore, we, the Missoula Board of County Commissioners in the state of Montana, do hereby proclaim May 15 twenty twenty one as kids to Parks Day.

[00:03:09] Fantastic. And it's going to be it's going to be a beautiful weekend.

[00:03:15] It is go to a park with your kids for the day. So it's at this point in the agenda where folks who are participating from the public have any comments on items that are not on the agenda. This is your opportunity to comment. You will see that we have a number of public hearings. Five to be exact. If you're wanting to comment on those items, please hold your comments to that time. If not, if there's anything else within the scope of the Board of County Commissioners you'd like to comment on. Do so now if you're on the line via phone, unmute yourself and please just pipe right in. If you're using your computer to access us, please use the raise hand function and I'll call on you in the order in which your hand goes up. Any public comment and items not on today's agenda? Ok, see, none of our claims list, and this is something that we do at all of our public meetings to just tally up the claims that we have approved over the preceding period of time. And in this case, it's April twenty eight through May 5th by the Commissioner's Office total one million fifteen thousand five hundred and seventy nine dollars and forty eight cents. I will just make an announcement that I need to split here today for another meeting in about forty five minutes. So

at that point, I will pass the torch to one of my colleagues to round out the meeting and chair of the balance of the meeting. I'll let you guys arm wrestle virtually or whatever it takes to figure out who's going to do that. Why do you want to do that? Sure. All right. Thank you. Ok. We need a will be the torch bearer. In the meantime, let's see what we can power through here. Our first public hearing, which I'll open, is related to the detention center intake resolution and this is brought to us today by Sheriff TJ McDermott.

[00:05:13] All this Rob Taylor representing the sheriff, so I kind of was left holding this bag, but I see Anna Conley's out here and I'm sure she can enlighten us all on the proposed change here. Anna.

[00:05:29] Are you kidding me, Rob?

[00:05:31] Not even a little bit.

[00:05:35] Well, I also see Commander Ziegler on the on the call, but generally I'll give you my background. As far as I know, my understanding is that last month there was a facilitated conversation with Judge Marx and it was between the detention center and the justices of the peace. The discussion was trying to make sure that the jail population was a safe, controlled population, that there wasn't a capacity issue, and trying to make sure that people who might have warrants for failures to appear for nonviolent misdemeanors are not taking up jail time. We had a resolution in place, as you know, for the last year to address some of the capacity issues surrounding having a safe jail during COVID. And now we're looking to move forward in a non-COVID world and what jail population control looks like you'd like. I can talk through the resolution. We just pull it up really quick.

[00:06:35] Sure.

[00:06:36] Rob, you can talk while I pull it up.

[00:06:39] Ok. To that end, we also had a meeting with the local representatives of local law enforcement agencies and the justices of the Peace, as well as the Municipal Court judge representation and some district court representation about a program that they would collectively like to implement for these failure to appear or what they're calling appearance warrants. So essentially, it's a trackable program that law enforcement officers, when they contact someone with a quote appearance warrant, they're able to give them an official notice to appear on that warrant kind of a last and final second chance on that arrest warrant or before it becomes an arrestable warrant and someone gets booked into jail for their failure to appear. So, in other words, another chance and it gives us the opportunity, as Anna alluded to, to keep these non-violent, lower level misdemeanor offenders out of jail for relatively small criminal violations and give them one more chance to go see the judge on their own terms. And that implementation or that went live on Monday this week and we have the forms. 9-1-1 is conducting the tracking based on our radio traffic with them, and all seems to be going pretty well on that front.

[00:08:00] Violet, can you pull up the resolution on the screen, please?

[00:08:04] I've got it here, Dave.

[00:08:06] Ok. Just thinking for other folks who are out there viewing.

[00:08:09] Yep, I'm sharing it now.

[00:08:11] Ok.

[00:08:12] Thanks, Anna.

[00:08:13] You guys see it.

[00:08:14] Yes. Ok.

[00:08:16] So I think that the the key differences between the resolution that was in place during COVID and this one are these two here. And I see that we have Justice Beal. So please feel free to expound on this. But basically, as

Rob just mentioned, the justices of the Peace and Municipal Court judge have agreed that they're going to specify on warrants whether they're directing law enforcement to take individuals to the detention center upon arrest or to the court to appear. And if the judge directs in the warrant that the person is going to be taken to court, then law enforcement will not take that person to the detention center. And then the detention center will take all individuals sentenced there or brought there on a warrant that specifies that they are to be detained. If they have significant capacity concerns or there's a public health emergency, then they can decline intake of an individual brought to the detention center by an arresting officer on a new offense and the new offenses, as opposed to a warrant directing detention.

[00:09:28] Thanks, Anna. Judge Beal, is there anything you'd like to add?

[00:09:35] Thank you, Commissioner. You know, I think that's a really good summary. The only thing that that I would add is in addition to there being this this change and bringing people to court our goal in many cases and what we've talked directly with law enforcement agencies about is the ability to not have to take anyone into any form of custody whatsoever, but just to give them a warning card that has the contact information for whichever court it was, whether it was Municipal Court, Justice Court, District Court. And then they would. You can see our beautiful hunter or miss cards that should be very difficult to lose in your pocket or in a pile of paper.

[00:10:22] And Anna and I were fighting and we each got one.

[00:10:28] Yeah, yeah, yeah.

[00:10:30] Judge Beal, you can expect Commissioner Slotnick to appear by tomorrow.

[00:10:34] So, oh, I lost mine already, Rob. I don't know.

[00:10:39] Oh, goodness. Anyway, that's just the additional part that I would add is that the hope in most cases is there won't even need to be an, you know, arrest and transport, but rather they'll just be this warning. And, you know, people will call us the next day and everything will be wonderful.

[00:10:59] Thanks, Beal. Sheryl Ziegler, anything you'd like to add.

[00:11:04] You just just one point. And Judge Bell, you may want to weigh in on this one as well, but we've we've had ongoing meetings between the detention center, the municipal court judges and the Justice Court judges. This resolution talks about those meetings continuing. In our meeting this week, we talked about the need for those on an ongoing basis. And while we may not be doing those weekly anymore as as agreed upon amongst the group, we are all going to be willing to be accessible and available. If something comes up for those meetings to that, they need to happen. So we are all agreeing to committing to those meetings as needed moving forward.

[00:11:42] Thank you, Sheryl, and thanks to everyone who's participated in this process today. Judge Beal, who is there something else you wanted to add?

[00:11:52] No, just the process has worked so smoothly, frankly, between the jail and the judges and the lists that we get of all that information. Really, the the point of the meeting was to get a handle on and to talk about people who were there, but we're already getting that information. So as as the expression goes, this could have been an email. We have kind of turned that that weekly meeting into an email.

[00:12:17] Ok, thanks. Before we take questions from the commission, is there any public comment on this resolution?

[00:12:24] If I could pipe in, this is a Jason Marks and I just want to commend the justices of the peace and judge drinks with municipal court and the sheriff are really working very collaboratively to solve what's been a long standing problem of, you know, how do you get somebody to appear in court on a low level offense when they don't come in, when they're supposed to? I know that none of the judges want somebody arrested on their, you know, no valid driver's license ticket they got because the license expired and there may be just not a very organized person in their lives. And I think this will really help solve those problems without, you know, issues of people getting booked

into jail that really don't need to be there. So that's my only comment is I really appreciate how well we work together on this.

[00:13:19] Thanks, Judge Marks. It's an honor to have a district court judge in our presence. This is a rare.

[00:13:28] Come again any time.

[00:13:30] No, no joke. It is a big deal. Oh Dave, I'm jumping the gun. Can I offer some comments? Well, is there any other public comment out there? Any other District Court judges?

[00:13:44] They're all overseeing the conference here in Lewistown. So.

[00:13:47] Oh, nice. Ok. Ok, Josh, thanks. I just want to commend everybody, as Judge Marks did for all the cooperation. This was a really tough thing. This resolution we first passed in the heat of the pandemic and it was difficult for everyone involved. And over time, the the resolution also had to evolve everyone involved. This had to evolve and everybody did. People were rubbed a little bit. It was some chafing and we flexed and no one lost their temper and we got to a better place. So everybody did right by the citizens of Missoula in getting to where we are right now, even though it was difficult. So thanks to all.

[00:14:28] Yup. Thanks for a great example.

[00:14:33] All right, well,

[00:14:34] The language is a little goofy on this. Can I just motion

[00:14:39] What's what's the goofy language of the resolution or the motion?

[00:14:45] I guess I'm maybe I'm in the wrong place. I'm looking at the RCA and it's just the one.

[00:14:50] You're right, it's a little bit. I forgot to fix that up.

[00:14:53] There's some verbs that are missing.

[00:14:55] Yeah. If you just, yeah.

[00:14:59] Can I move to accept this resolution to address the intake of inmates at the detention center?

[00:15:05] Yes. So the motion is to adopt the resolution. Josh, would you like the second?

[00:15:12] Second, do that? Absolutely.

[00:15:15] Ok. Any further discussion on the motion to adopt the resolution? See none. Let's go ahead and vote all those in favor. I OK, that passes unanimously. Thank you everyone who played a role in this, and we look forward to seeing it implemented. Good work. Thank you. Thanks, everyone. You bet. Ok. Our next public hearing, which I will open, is going to be introduced by Deb Bell, assistant director of Public Works. This is a resolution to adopt the Twenty Eighteen International Energy Conservation Code.

[00:15:55] Yes, good morning or good afternoon, rather sorry, I'm sorry, I'm on the phone this afternoon with you, folks. But my internet seems to be a bit more dodgy today than normal. So before you today is a resolution adopting the 2018 International Energy Conservation Code and the building codes there of the state of Montana. Labor and industry notified local jurisdictions of this adopted code back in February 13th of twenty one. And according to state law certified local jurisdictions, which Missoula County is, we may adopt those building codes as adopted and amended by the Bureau. We are given 90 days to do so and we are right at the 90 day mark today. Missoula County is a certified bureau and we are going to adopt. We need to adopt these in and enforce these codes. These codes provide minimum standards to protect life, limb property and public welfare. And just to give a brief overview of what's in the code that's changing a lot of it is language cleanup definition, cleanup, things that have to do with

insulation and penetration requirements by components, equivalency use factors and then just some cleanup language and ceilings without attics and crawlspace walls. So it's basic language cleanup. It won't really be affecting too much stuff at this point. We are not adopting Appendix R. a solar ready provisions for detached one in two family dwellings and townhomes, but we do have the option to adopt that at any point thereafter, and we wanted to do a bit more public outreach on that and get more input before we adopted that. So that will be coming at a later date. But that is the resolution before you today. Yeah.

[00:17:55] All right. Just hang on there and we might have questions for you before we do, though, is there any public comment on the resolution to adopt the Twenty Eighteen International Energy Conservation Code? Any public comment? Ok. See, none. We will close the public hearing and open it up for questions from the commission. Any questions?

[00:18:24] No, but it was a pretty straightforward piece, and I'm looking forward to getting more feedback on this already.

[00:18:31] Yes, definitely, Deb. I'm looking forward to the solar one. I hope it comes soon.

[00:18:37] Sounds good.

[00:18:39] Ok. Someone like to make a motion.

[00:18:44] I would move that we adopt the Twenty Eighteen International Energy Conservation Code.

[00:18:49] Second

[00:18:51] I could not have said that better myself, Josh Well-said said any further discussion on the motion see none all in favor. I. I. Ok, thank you all. Next, we roll into three consecutive family transfers and we will have Nick with our community and planning services. Introduce each of these to us, Nick.

[00:19:17] Thank you, Dave. Let me share my screen here. My staff for PowerPoint in going. Then we'll get started. So this first one is a proposal by John and Sally Roorkee to use the family transfer exemption to the Montana Subdivision and Planning Act. Certainly with the background, this project is located on the north side of I-90, approximately a quarter mile south of the Tura exit on Highway 10 East. It is zoned and the growth policy that guides this area is the two 2002 regional. Laney's guide, that guide doesn't this area as residential with a proposed density of two dwellings per one acre and is also within the Tura Activity Circle. Getting in current on site conditions, the property is two point forty six acres in size. Current density is one dwelling for two point forty six acres. Existing onsite conditions include one home occupied by the claimants John and Sally, and there's also one shot building on the site. The tract was originally created in 1996 by a member of the rocky family using the family transfer exemption, and that could be seen in 646 46, 07. Getting into the Ross's proposal, the claimant's adult son, Jacob, would receive a one acre tract proposed as Tract B two that is the track in yellow to the north. The claim is John and Sally would retain ownership of the Voronezh one point forty six acres proposed as Tract B one. This does include the home and shop with this proposal. The new recommended the new density would be one dwelling for one point twenty three acres, which is compliant with the two dozen to regional guide.

[00:21:14] And it and the application does state that all tracks are intended to remain for single family residential. Now, this app was sent out to Missoula agencies for comment. The only comment received was from the Clerk and Records office, which mentioned a track of record in the southern corner of the property that did not affect the proposed family transfer and is not recommended that this track could be used for a BLR. As with any family transfer, we checked for rebuttable presumption and general evasion criteria, so I'm going to go over those points that were triggered during staff analysis. Rebuttable presumption number eight was triggered at this found applicable. As previously mentioned, the Roske family created the parent track in 1997 using the family transfer exemption as since U.S. forty six 07. General manager number four is applicable across the Roske edition was an 11 lot major subdivision filed in 1980, but it was vacated in 1986 by the Missoula County commissioners, meaning that the project never went through the general division criteria. Number five has the claimant engaged in any prior exempt transactions involving this track. This is also applicable in 05. There was a boundary line relocation utilized

and that scene cross five six six one. Now I'm going to go over the family transfer questions with the claimant. We have John and Sally on the line here.

[00:22:49] Yes, John, here.

[00:22:51] Awesome, thank you, John. Can I please ask you to state your name for the record?

[00:22:56] John Bradford Roske

[00:22:59] Thank you. So the first question is, did you buy the property with the intent of dividing it?

[00:23:06] No.

[00:23:08] Second question did you or your transferees intend to transfer the property within the next year?

[00:23:14] No.

[00:23:16] Three. Have you talked to anyone at the county about going through subdivision review?

[00:23:22] No.

[00:23:24] Thank you. The recipient is not a minor, so we will skip questions four and five. And conclusion Based on staff analysis, Capps is recommending approval of the pros family transfer and now turn it back over to you commissioners for questions.

[00:23:41] Thank you, Nick. Mr. Roske, is there anything else you'd like to add at this point?

[00:23:47] No, it's we originally picked the piece up just to kind of keep people from building next to us, but our son probably falls into a little bit different category. So that's we thought it'd be a great, great way to have them close to us still.

[00:24:07] It's always great when your children fall into that category of watching them close, so that's a good thing.

[00:24:14] And it was my grandparents property, too, so it's really nice that everything's staying in the family for at least a chunk of it.

[00:24:21] Thank you, Mr. Roske. Is there any public comment on the proposed family transfer? Ok, seeing none, we will close the public hearing any questions from the commission on this.

[00:24:35] No it's refreshing when it's compliant with growth policy.

[00:24:40] Thanks, Juan. I was going to say the same thing sums up basically clean, easy.

[00:24:46] Ok, well then how about an easy motion

[00:24:50] I would motion to approve the Rossi family transfer?

[00:24:55] I'll second that.

[00:24:57] Any further discussion. Seeing none at all in favor. I. I. Thank you, Mr. Roske.

[00:25:03] Thank you, sir.

[00:25:05] Thank you.

[00:25:05] Hey Nick, and I should add, I mistakenly said that we had three family transfers today. It looks like the Bourdon family transfer is going to be taken off the agenda today and postponed or delayed in some fashion. So we will not be taking that one up. All right, Nick,

[00:25:30] Thank you very much. So the next time they transfer is the Ramos family transfer. This is a proposal by Mike Ramos to use the family transfer exemption to the Montana Subdivision of Plotting Act. Starting with the background, the location of the proposed transfer is approximately five miles south of Arly in northern Missoula County parcel six, approximately zero point five miles to the east of Highway 93 north and is fully within the Flathead Reservation boundaries. The property is currently unsold. The growth plan that covers this area is also the two to 2002 regional and just guide. It designates this area as open and resource with a recommended density of one dwelling per 40 acres. I'm sorry about that. I had that. There you go. Yeah. Ok, we're back getting into existing conditions here. The property is ten point zero six acres in size and currently undeveloped. Current residential density, if developed with one structure, would be one dwelling for a ten point zero six acres. The claimant, Mike Romney's, also owns an adjacent lot to the Post family transfer. This lot has one permit issued for a barn with dwelling space and has another permit for a shop woodland space that is currently being reviewed. Getting into the family transfer proposal, the claimant's adult son Tyler would receive the five point zero two acre track proposed one B that's the one to the North, and then the claimant's micro-business would retain ownership of the remaining five point zero four acres proposed track one. We did receive a letter from Mike Romano's Post Staff report indicating that Track 1A could be transferred in the future to another son.

[00:27:21] So I wanted to point that out since it was a Post staff report. The proposed transfer would exceed the recommended density of the two to two thousand to guide, with the proposed density of one dwelling per five point zero three acres. And then all the application states that all tracks are intended to remain intended to remain residential. The application was sent out to Missoula County agencies, as well as the see asked for comment. The health department provided a standard comment about the project needing sanitation review. Public comment wanted sorry. Public Works wanted it to be relayed that these properties would be required to gain access off of Toole Valley Road. And then we did receive comment from these CCTV wildlife biologist that did indicate that the project would not affect any wildlife habitat, whether that be endangered species, federally listed, endangered, threatened or candidate species. And as with any family proposal, we checked for rebuttal presumptions and general evasion criteria points, and I will go over any points that were triggered during staff analysis. Rebuttable presumption, number four, this is found to be applicable. Mike and Wendy Ramos own the adjacent parcel parcel three, of course, six one three two to the proposed family transfer parcel, which is part of one, of course, six one three two. Like I said before, permanent records indicate that there is a barn with living quarters and parcel three and additionally, a shop with living quarters also being permitted in Parcel three.

[00:29:02] The balance transfer recipient could receive parcel one via warranty deed or quit claim deed, as such, essentially achieving the goal of the family transfer without the division of Parcel one. Rebuttable presumption, number eight, this is applicable. This track was created using the family transfer exemption, although it should be noted that this is not done by a member of the Ramos family. That exemption can be seen in two six one three two. General Vision Criteria number one is found to be applicable. While it's not believed that the applicant is solely in the business of land development, Miss Ramos did perform a two minor subdivision in 2007, referred to as the Ramos addition general vision criteria. Point number two was the original track transfer to the claimant within the past two years. This is also applicable. My Michael Wendy Ramos purchased the property via warranty deed in November 30th of 2020. General evasion point number 14 is also applicable. The the proposed transfer would exceed the recommended density at one dwelling per five point zero three acres. The last general vision criteria point number 19 The information and exhibits provided by the claimant showed that the proposal for a family transfer exemption does not comply with the requirements established in the subdivision regs for the use of this exemption. So now I will go over the family to answer questions. The claimant we have Mike Ramos on the line here.

[00:30:47] Yes, we're here. Thank you.

[00:30:50] Can I please ask you to set your name for a record?

[00:30:53] Michael Anthony Ramos.

[00:30:55] Thank you. Question number one, did you buy the property with the intent of dividing it?

[00:31:00] Yes, we did, actually.

[00:31:03] Thank you. Question number two, did you or your transferees intent to transfer the property within the next year?

[00:31:09] No.

[00:31:10] Thank you. Number three, have you talked to anyone at the county about going through such subdivision review before?

[00:31:17] We have not

[00:31:19] Thank you then, because the recipient is not a minor, we would script questions four and five. In conclusion, caps and recommending denial of the pros family transfer based off of a staff analysis, and I will turn it back to you, commissioners.

[00:31:36] Thank you, Nick. Mr. Ramos, is there anything else that you'd like to add at this time?

[00:31:40] Well, I think you've got to read my letter and that's that's kind of my story. I'm trying to bring my one son back and possibly two sons back to Montana to try, and they left because they didn't seek employment. They're both college educated, and my oldest son wants to come back to Montana, and I thought, this is a great way to get him back here. He also wants to take over the family business, and we have a eight year plan to implement that involves pancake parlor. And I really want to keep it in the family and it's it's imperative that I have him back here in order to do that or I'll end up selling it, I imagine, and I don't really want to do that. I want to I want to try and keep that in the family. I mean, it's been in the family for so long. So that's kind of the general idea. We tried to do this back in two thousand seven and then the bubble kind of hit in two thousand eight with the with the piece of property that we subdivided that was referenced earlier. Subsequently, we had to sell that piece of property. So I have an opportunity again. You know, some quite a few years later to do this. And so this is my plan.

[00:33:02] Thank you, Mr. Ramos. Is there any public comment on this proposed family transfer?

[00:33:07] I think that Mr. Ramos get cut off.

[00:33:11] I'm here.

[00:33:13] Oh, OK. I thought I thought you were sorry. Ok, thanks.

[00:33:18] Any public comment on the proposed family transfer

[00:33:22] Commissioner Strohmaier, this is Dan Folsom I am, but I help put this application together as their surveyor and consultant for the sanitation stuff. I just want to thank Nick for even though I don't agree with their recommendation. He did a good job helping us out through the process and kind of get this a pretty expedited review for it. Unfortunately, I think you guys will speak about it, but it just doesn't match the growth policy. But I think if you look at the small neighborhood in this area, you'll see quite a bit of density. And one thing Mike didn't touch on that Nick did was about the development of the lot next door, and Mike and his wife have kind of been looking for their dream property and forever home, and that's what they're building across the road.

[00:34:13] And we're actually done with the barn with living quarters, and the shop with living quarters is maybe a little bit of a dream given the cost of building right now. So we do have a we actually just moved into that property, so we are there and so.

[00:34:35] Thank you. Thank you, Mr. Amos. Thanks, Dan. Any other comment, public comment? Ok, we'll close the public hearing questions from the commission.

[00:34:48] Oh, go ahead Juan, I'll go after you.

[00:34:51] All right, go ahead. I bet my question is probably the same as yours.

[00:34:54] Oh, I don't know. So why is a question for Nick? Nick, you said that the same outcome could be achieved for the Ramos family via warranty deed or quit claim deed. Could you describe what those two mechanisms are?

[00:35:09] Yeah, it would just be a transfer of land without the needed division, so it could be a sale for one dollar or whatever amount would be agreed upon just to transfer the title of ownership to his adult son.

[00:35:22] And if he were to do that, what would the process be in terms of local government?

[00:35:27] There would be. He'd have to go through the clearing recorder's office to get a recorded officially, but there would be no review for it.

[00:35:35] Ok, so no review.

[00:35:37] Correct.

[00:35:38] So what, why not do that?

[00:35:40] Mr Ramos, would you like to address that? Why not just transfer parcel one and its entirety to your son?

[00:35:52] You know, we have we haven't actually talked about that.

[00:35:54] Ok.

[00:35:55] Well, you know, this is Dan Folsom again. I don't know if you're if you're understand your question, but what what Nick is saying is instead of doing a Division two, because it would just be to transfer the entire thing to. Right? Yeah.

[00:36:10] Well, yeah, I guess the other part of that would be that down the road, we would possibly like to bring back Ryan, which is my my younger son. And then we would actually have two parcels to do that.

[00:36:26] Well, here's here's a question just to push this a little bit farther in terms of family transfers. And I guess this would be a little bit speculative based on how good your kids get along with one another. But would it be possible for one of their siblings at a later date to do a family transfer to his brother?

[00:36:55] That's a possibility.

[00:36:58] I'm kind of feeling like we should pause this or let you guys have a chance to talk about this and think about this and not, I'm not sure I want to make a decision today if you guys want to,

[00:37:09] Because if I'm understanding this right, you could you could do the warranty data or quit claim deed without any review and then you wouldn't be bumping up against this. That you're density is not in alignment with the growth documents.

[00:37:28] Oh, dear now John Hart is there

[00:37:31] Deputy County Attorney John Hart

[00:37:34] Yeah. Yes. This is John Hart from the County Attorney's Office, the bearer of bad news. So a family transfer requires a transfer to an immediate family member. And the definition the statutory definition of an immediate family member does not include one's siblings. Your children, your spouse or your parents. So that that particular scenario wouldn't pan out.

[00:38:06] Good to know.

[00:38:07] And they can't do a transfer to both their sons.

[00:38:15] Not on that particular piece, because, you know, tract one is in undivided ownership by Mr. Ramos. He needs to retain a portion of it. The only way they could do that is to split it into three parcels. And I don't know if that 10 acre tract lends itself to splitting into three tracts. And that way, Mr. Ramos could keep one and then deed the other two to his adult sons, one of which is apparently coming back shortly and the other will come back, hopefully in the future.

[00:38:54] So just to throw out another option, could he? Could Mr. Ramos quit claim deed the entire land to both boys? Both of them have are kind of tenants in common on this 10 acre piece, and then between the two of them, they can figure out how they want to split it up.

[00:39:12] That that is a possibility. He could he could deed the property to his sons as code tenants. Mm hmm. And but then they would each have an undivided ownership interest in the land, which, you know, is something that they would have to, you know, have to deal with in the future. Hopefully their hopefully their blood brothers and would never have an issue with that.

[00:39:41] Absolutely. And in the spirit, in the relative short term, the goal of having property to get elder son back would be achieved and it wouldn't be subject to review, which could end up in denial, as Nick was recommending.

[00:39:57] I think you're right, Commissioner Slotnick, unless you know, there could be something that I'm not thinking about. But but I think that's a correct analysis.

[00:40:04] That may get you where you want to go. Mr. Ramos,

[00:40:08] This is Dan with I may get. Can I just interject something here real quick? The idea of co-ownership from United States when we're assisting people with building and things can be really hard to get financing because of that. So if Tyler wants to build his home in the next couple of years and his other son is not ready to build a home or financially because both people are on the title of the land, I mean, there's all kinds of implications on that tax implication. I mean, that's pretty hard to achieve, I think. I mean, in order to have to build a lots for his sons, you would have to the only option than to get two parcels would be to do a whole subdivision review.

[00:40:57] Just got to say, I get it, it's complicated to have co tenants and financing, but I've been involved with one of these things recently and. We are able to get it done, it didn't seem like moving mountains.

[00:41:13] So the other option and and well, there's a few options before us, I guess today, one I would love to hear if you have more thoughts, Mr. Ramos on the thought of just quick claim deed conveyance to your son Tyler for the entire tract. Procedurally, we could not take action today and allow you some more time to think about that. We could take action today knowing that the staff recommendation is denial and and you would get a thumbs up or thumbs down today. But the outcome may be somewhat in question at this point.

[00:41:56] I think, well, I would rather Mr. Ramos talk this over with his sons, and it sounds like there needs to be more conversations. I don't know the relationship there, and so I don't want to force force a situation that the family doesn't want.

[00:42:19] And and I think maybe what part of what you're sensing from us, Mr. Ramos, is that we have seen this comes out of a history of family transfers where there is there might be every intent that both of your sons will eventually reside on on the property. But we've seen too many instances where good intentions have ended up with a parcel or multiple parcels not ending up with the intended recipient and simply being sold or develop in other ways. So I think that's the impetus behind how to achieve your goals to get your son up here. Your son Tyler up here and avoid the cloud of uncertainty with whether your second son will actually end up residing on the other piece of land.

[00:43:19] You know, I understand the proposal that's in front of me as far as it's just not the way that I wanted to do it, I didn't want it to be complicated between those two, for sure. So, I, you know, I don't want to I don't want to put their names. I just don't.

[00:43:41] And then there's the option, though, of putting it in the elder son's name and they figure it out.

[00:43:46] At a later date, if and if and when your other second son wants to.

[00:43:52] As Juanita is saying, we've kind of hit, pause and give you guys a chance to talk through it.

[00:44:01] Yeah, and we could do that.

[00:44:03] So would that be a potential, I guess maybe just a question for Nick to get on next month's kind of commission hearing, like schedule wise, I'm just asking but about the next month?

[00:44:20] Yeah, we could definitely look at the calendar, I know it is filling up ish, but I know I think there's maybe one date in early June that we can probably slide it on

[00:44:32] And I think June, June 10 still has room. Nick, I think that would be one of the only ones in June that would work. And just about a month ago, if you

[00:44:42] Guys decide you want to go a different route than to attempt to do family transfer, you don't have to any review. You don't have to get scheduled on a meeting. I think it's good to schedule it just in case, but you may not need that.

[00:44:56] Would that work for you, Mr. Ramos, we'll we'll schedule a schedule you for a follow up continuance of the public here until June 10th and and between now and then. Talk amongst yourselves or confer with staff and we'll figure out whether we'll need to get you on the agenda that or actually have you that day for the meeting.

[00:45:17] Yeah, we can do that.

[00:45:20] Ok.

[00:45:21] And then, yeah, if you end up giving it to Tyler, we don't have to be involved in this at all. So you have, you have options.

[00:45:31] And no review. No decisions.

[00:45:33] No commissioners.

[00:45:35] No commissioners.

[00:45:40] All right, well, thanks for your flexibility, I think this will give everyone some time to consider options further, so we appreciate you joining us. Mr. Ramos and Mr. Fultz.

[00:45:55] Yeah, thanks, commissioner. Thank you.

[00:45:58] Thanks.

[00:45:59] Thank you.

[00:46:01] Ok. Well, shockingly, without that final family transfer, we are out of agenda items today, so there will be no torch to pass, apparently. Is there any other business to come before the commission?

[00:46:15] It was great. Thank you.

[00:46:17] Ok, see you. Then we'll be adjourned.