

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JUNE 24, 2021 – 2 PM

**Hybrid meeting – Missoula County Courthouse Annex Sophie Moiese
Room/Microsoft Teams**

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ATTENDANCE:

Commissioners Present:

Chair Strohmaier
Commissioner Slotnick
Commissioner Vero

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Jason Hauser, Director, Facilities
Anne Hughes, Chief Operating Officer
Sarah Bell, Communications Coordinator, Communications
Jason Emery, Chief Information Officer
Juniper Davis, Parks, Trails & Open Lands Program Manager, Community and Planning Services
Allison Franz, Communications Manager, Communications
Shane Stack, Director, Public Works
Chet Crowser, Director, Community and Planning Services
Matt Heimel, Planner, Community and Planning Services
Bailey Minnich, Planner, Community and Planning Services
John Hart, Civil Deputy Attorney, Attorney's Office
Chris Lounsbury, Chief Administrative Officer
Mel Fisher, Strategic Initiatives Manager, Communications and Projects

1. **CALL TO ORDER** *[Time stamp – 00:04]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:38]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:51]*

4. PUBLIC ANNOUNCEMENTS [Time stamp – 01:10]

a. Proclamation: Pride Month

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA [Time stamp – 04:00]

[None]

6. CURRENT CLAIMS LIST [Time stamp – 04:42]

Claims received as of June 2, 2021 to June 16, 2021 by the Commissioners' Office total \$6,784,883.22.

7. HEARINGS

a. Cartage Flex Warehouse Rezoning [Time stamp – 05:42]

Matt Heimel, Planner, Community and Planning Services

Commissioner Vero made the motion that the board adopt the resolution of intent to rezone property zoned C-C2 General Commercial to C-11 Light Industry based on the findings of fact and conclusions of law contained in the staff report.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Resolution 2021-082. B: 1058 P: 420]

b. LW Commons Rezoning [Time stamp – 11:00]

Matt Heimel, Planner, Community and Planning Services

Commissioner Slotnick made the motion that the request for rezoning the lot zoned C-R2 Residential to the C-C2 General Commercial Zoning District be approved, based on the findings of fact contained in the staff report, public testimony, and written comment subject to the recommended condition of approval. The property subject to this approval is legally described as Lot 1 of Manley Subdivision in Section 21, Township 14 North, Range 20 West, P.M.M., Missoula County, Montana.

Commissioner Vero seconded.

[Motion passed 3-0.]

[Resolution 2021-083. B: 1058 P: 421]

c. Missoula Federal Building MOU With City of Missoula [Time stamp – 22:02]

Chris Lounsbury, Missoula County Chief Administrative Officer

[Continued to July 1, 2021 Administrative Public Meeting]

a. OTHER BUSINESS

Parking regulations on Marshall Canyon Road – Discussion [Time stamp – 39:54]

John Hart, Civil Deputy Attorney, Attorney's Office

8. OTHER BUSINESS [Time stamp – 1:19:15]

[None]

9. ADJOURN

Chair Strohmaier – Called the meeting to adjourn at 3:19 p.m.

BCC Public Meeting June 24, 2021 – Transcription

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[00:02:08] All right. Good afternoon, everyone. I'd like to call to order today's Thursday, June 24th meeting of the Missoula Board of County Commissioners, who are joined today by I am Dave Strohmaier. We also have commissioners Josh Slotnick and Commissioner Juanita Vero with us. We apologize for any of the technical difficulties that we're having as we're still working our way through the process of having these hybrid meetings, both in person in the courthouse and then also folks joining us remotely. So we will get those details worked out in the days to come. We begin with a land acknowledgement. Missoula County acknowledges that this event takes place in the Aboriginal territories of the Salish in Kalispell, people. Please join me in the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America, the Republic for which it stands one nation Under God, indivisible With liberty and justice for all. Right, thank you, everyone. We have one public announcement on the agenda today, it's a proclamation for Pride month. Would either of my colleagues be interested in reading this? Mr. Slotnick.

[00:03:27] All right. Whereas Missoula County acknowledges the lasting impacts of the homophobia and transphobia highlighted by acts of physical, mental, emotional and institutional violence against lesbian, gay, bisexual, transgender, queer, intersex, asexual and to spirit LGBTQIA Plus and to people and communities both within the United States and internationally. And whereas Missoula County and the city of Missoula have diverse LGBTQ AA Plus and two U.S. communities and are committed to supporting the safety, visibility, dignity and equality of all of our community members. And whereas on June 20, 4th and 28th, 1969, the New York Police Department conducted a pair of raids on St. on the Stonewall Inn, a popular gay bar in Greenwich Village, citing anti-gay LGBTQIA Plus, and to legislation such as masquerade laws to arrest patrons and workers. And whereas these raids sparked neighborhood resistance known as the Stonewall uprising, led by transgender and lesbian activists such as Marsha Patino, Martin Johnson, Sylvia Rivera, Storm de la Beret, Miss Major and many other transgender women of color, which served as a catalyst for the movement towards LGBTQ Plus and to s rights, equality and equity. And whereas the courage and bravery of these activists in the face of violence served as a catalyst in the United States for greater movement towards LGBTQIA Plus and to. S rights, equality and equity. And whereas, well, advancements have been made in regard to policy change and equitable treatment of LGBTQIA Plus and to persons throughout the nation, these there continues to be discrimination and violence against people in these communities, making it essential for local governments to collectively show support where community members who are impacted. And whereas June is celebrated as LGBTQIA Plus and two as Pride Month nationwide, and whereas everyone should be able to live without fear of prejudice, discrimination, violence and hatred based on gender identity, expression or sexual orientation. Now, therefore, Missoula County and the city of Missoula, do, hereby declare the month of June 2021 as LGBTQIA Plus and 2x Pride Month.

[00:05:57] Thank you, Josh, much appreciate it. All right. Any other public announcements today from staff or otherwise? How about public comment on items not on today's agenda? And for those of you joining via teams or on the phone, if you're on teams, please use the raise hand function and we will call on you in the order in which you raise your hand. If you're on the phone, please unmute yourself. Star six is that ah OK, star six to unmute yourself. And since we have no way of knowing who you are and when you want to speak, just unmute yourself and pipe it. Hype up. Anything else, any other public comment or non agenda items? Seeing none. Our current claims list for the period June 2nd through June 16th is six million seven hundred and eighty four thousand eight hundred and eighty three dollars and twenty two cents. As we say often here, if you want to dial into what that twenty two cent item and what is the \$6 million add up to? You can go to the electronic agenda and in the packet that you have or on the website and click on the current claims list and you can see what all of that adds up to. We have three public hearings today and another item of business for which we will be taking public comment in. Each of these public

hearings will begin with a staff report that would be followed by the applicant if there is an applicant for the item to be able to speak to the issue at hand. We'll follow that up with an opportunity for the public to comment, followed by questions from the commission, followed by debate if there is debate to be had and motion from the commission. So our first public hearing today is brought to us by Matt Heimel. He will provide the staff report as the Cartage Flex Warehouse rezoning.

[00:07:58] All right. Good afternoon, commissioners, everyone. I met Hymel with community planning services and I being picked up on the mic. Ok, OK. I have a quick PowerPoint and I'll share my screen here. All right, so this item is a resolution of intent

[00:08:18] Matt, we are not seeing the screen.

[00:08:21] I don't know. It might be delayed.

[00:08:33] Is it showing up on teams?

[00:09:00] All right, so this is a proposed rezoning for property at nine one two one Cartage Road. This is the northeast section of the Y, just northeast of the Interstate 90 and Highway 93 interchange. So oh my point away. Ok, here is a map showing the existing zoning. So the property and the immediately adjacent properties are currently zoned to general commercial property to the North East has a residential zone for the running W subdivision, and the proposed zoning is to see one light industry. And this is a zoning district within a tent to accommodate light manufacturing, processing, fabrication, repair and assembly of products. This proposed zoning is directly in line with the existing land use designation, sorry, my labels disappeared, but the current land use is industrial center and the goal of that land is to contribute to the county's economic base by providing places where people work, create, build, store and distribute goods and services. So this proposed rezoning, like I said, is in line with the. The land use designation. Here's a slide showing the criteria for review of a rezoning request in staff's analysis. We did not identify any issues or problems or concerns with these criteria. So staff is recommending approval of the adoption to adoption of a resolution of intent to raise on the property. This request did go to the planning board on June 1st, and the Planning Board unanimously unanimously, excuse me, voted to approve the request. There's a summary of planning more discussion in the packet, and I'm happy to go for any details of that or take any other questions. And I do believe the applicants representative is on the team's call.

[00:11:02] Very good with the applicants representative like to speak to this.

[00:11:10] Sure, this is Don Millat. Speaking and I am the representative for the development team on this project. Thank you for considering this application for Rezone for the site. As Matt has indicated, we believe that this is very much in line with what the county has envisioned for this site and with the industrial center land use designation. We think it fits with the character of the area there and I think that's about all I have. Unless you have questions for me.

[00:11:53] Ok, we might just hang on a second, Mr. Millat. Thanks for that. Is there any public comment either in the room here in the courthouse or on the line or via teams on this item? Ok, see, now don't close the public hearing any questions from the commission.

[00:12:13] No, just a comment, and again, how much we appreciate alignment with zoning.

[00:12:20] Yes. Yes. Much, much appreciated when the zoning request actually does align with the land use element or the growth policy.

[00:12:29] I'm only going to echo to that saying it makes it a lot easier. So thank you, Don.

[00:12:34] So I'm going to motion that the board adopt the resolution of intent to rezone property zoned CC to General Commercial to see i one light industry based on the findings of fact and conclusions of a law contained in the staff report.

[00:12:49] I'll second that

[00:12:51] Any further discussion. See, none all in favor.

[00:12:55] I thanks, Don. Thank you.

[00:12:57] Thank you, Don.

[00:12:58] Thank you Commissioners. Appreciate it.

[00:13:00] Yep. Good luck with your project. Next. Matt Heimel once again will open a public hearing on the LW Commons proposed rezoning.

[00:13:13] Our commissioners, Matt Heimel, again with caps and a brief PowerPoint to show on this project. Ok. Well, this time. So not too far from the last property. This is a proposed rezoning for property at the southwest corner of Waldo Road and Highway 93 north, just north of the Wye Interchange on Highway 93. It's unaddressed or just southwest corner of Waldo Road and Highway 93. This is lot one of many subdivision. It's about three point one six acres and it's currently zoned S.R. to Residential. And there it is, the zoning map showing crew residential to the south and west is on zone into the north property. There's a parcel zone, too. There's a rural zoning district just west of that and then across Highway 93 to the east is a general commercial zoning district with a RV park and the current property. The subject property is currently vacant. So the proposal is to rezone to CC, to general commercial, and that district intent is to provide for the conduct of retail trades and services that are inherently automotive and highway oriented and for commercial uses of low intensity, which may require large areas of land.

[00:14:40] And this this proposed zoning designation is in alignment with the land use designation, which is general commercial in this area. Here is a slide showing an excerpt of the general of the Commercial Center, excuse me, commercial center land use designation. And this one has two goals one provide opportunities for retail service and employment, the second to provide for a mix of primarily commercial and higher intensity residential choices in a well connected, walkable pattern. So in our review of the Red Zone request, we did not identify any major conflicts or problem with the criteria for a rezoning. We did know one potential conflict with a sub with a condition of subdivision approval for mainly subdivision. That subdivision was approved for single family residential use with a condition of approval for residential fire sprinklers. So that is why, in our recommendation of approval, staff is recommending a condition that there be a fire suppression system installed for future development because the condition didn't specifically mention commercial use. So now we want to. Pulled us up in the spirit of that subdivision approval.

[00:15:54] If you look back.

[00:15:55] Sure.

[00:16:00] Ok, so in commercial center, those are also light industry as well. On those red.

[00:16:10] What was the question again when you're

[00:16:12] So on the the red parts of the map? That's also it, says Commercial Center and is it also light industry? Are they?

[00:16:28] I may have misspoken if I mentioned light industry, so these red areas shown on the map are all

[00:16:33] Just a general commercial center. It has no there's no zoning significance of that, right?

[00:16:39] These are the land use designations for commercial center. And then this zoning we would be proposing for general commercial.

[00:16:48] Thanks.

[00:16:50] Thanks, Matt. With the applicant or applicants representative like to speak to this.

[00:17:01] Hi, I'm Ryan Frey. I'm one of the developers on this project or potential developers on this project. I think the the the reason for the reason is is our intent to to do a live work units here, and it's currently zoned for 50000 units residential, but we couldn't have the the work component in it. So that's that's the basis for asking for this reason is we were hoping to put some live work units there and add something like the rattlesnake gardens or the trough, maybe a cafe, more of a local business so that the neighborhoods and the new subdivisions going in don't have to rely on the Y specifically. So that's our intent. Something that came up in previous hearings was the safety issue. I think I've mentioned it here, but there is a turn lane coming into Highway 93 to access Waldo and our easement access goes on to Waldo. There's no plans to have access, often any tree directly onto this property. So hopefully with that turn lane, it'll it'll it'll help help a lot. Sure, just have some technical difficulties on my end. He was going to cut out. Ok. Ok, so the the access easement that will that's already part of the property is actually on the property to the West. They're just kind of cuts that corner and hits Waldo. So it's it's pretty far away from that intersection. And I know that we'll have to go through an MDC-T review for so they will they will address those safety concerns with that intersection there. But I think from what I gather from the public comment, it was it was mainly the intersection of Ninety Three and Waldo that when we looked at it had nine crashes since 2013. But that whole corridor is, you know, I mean, it's it is some, but hopefully with the term lanes, that whole corridor will be a safer spot. I think that's probably it unless you have questions for me.

[00:19:46] We might just a second here. We'll see first, if there's anyone in the room or online who has comment they'd like to offer, we'll open it up. Okay seeing none, I'll kick things off, Ryan, I do have a question for you, if you'd like come back up. Can you just describe a little bit more as far as how you visualize the live work development playing out on the ground there?

[00:20:20] Yeah. So we, you know, live work is essentially a kind of a living unit, generally above an oversized garage area that's separate from the living area. So you would walk in to maybe an office or a foyer or something, have a stairs up to your live unit and then and then have a garage space with taller, taller than your normal thinking 14 feet to to have. I mean, for example, after we were in the current somebody, a photographer from the Bitterroot called and said, Can I reserve one? Because you think of that photography studio don't have to have it in your second bedroom, you have it there where you're living. And I think these would be we'd be connected and then we'll try to have like the café unit, be be taller. So it's not just one row of of of buildings, I guess at the same height. Yeah.

[00:21:21] Ok, thanks other questions. Josh,

[00:21:23] Did the planning board talk about this one?

[00:21:28] Yes, yes. Oh, sorry. Yes, commissioners. So the planning board heard this one as well on June 1st, voted nine to zero to recommend approval of this request, but again, they heard comments about traffic concerns.

[00:21:45] That's an important number to hear. Thank you. I'm going to ask a question. Yeah, let's do. Ryan, how many of these live work units are you contemplating?

[00:21:53] Well, it's only like I said, zoning will allow up to 50. We it's a risk. So we are planning to do at least 12 live work and then more of a hybrid style where there is the same design. But maybe the the garage part is more a part of the so column live or a hybrid unit. Live units But right now, along Highway 93, we have nine live works. I just want to see how the market, if they want it, I don't want to go all in on one design and this will probably be fair. So we could change depending on if that's a model that people like. And it seems to be because Bozeman has quite a few of them that people are getting into now.

[00:22:37] Great. Thank you.

[00:22:39] Thank you. Any other questions we need you? How about a motion?

[00:22:43] Matt, can you put motion language up

[00:22:52] And bring it up on my phone?

[00:22:54] And just so folks who are utilizing Microsoft Teams, no, you do not necessarily need to have your camera on unless you want to be entered into the record in perpetuity with your image on the screen. So just a heads up.

[00:23:11] You don't need to. Read the recommended condition that's on there for reference or the legal description

[00:23:22] You get to read the longer of the two paragraphs.

[00:23:25] You can shorten it.

[00:23:26] I would move that the request for rezoning the lot zone C.R. to residential to the C C to General Commercial Zoning District be approved based on the findings of fact contained in the staff report, public testimony and written comment. Subject to the recommended condition of approval, the property subject to this approval is legally described as lot. One of Manley Subdivision in Section Twenty One Township, 14 North Range, 20 West PMA, Missoula County, Montana, 2nd.

[00:23:55] Any further discussion on the motion see none all in favor. All right. All right. Thank you, Matt. Thank you, Ryan. Thanks for your creativity. Our third public hearing today is on an MOU between the city of Missoula and Missoula County regarding the Missoula Federal Building. Missoula County Chief Administrative Officer Chris Lounsbury will offer a staff report to get us kicked off.

[00:24:25] Thank you, commissioners. I mean, you can move that closer. Sorry about that. Thank you, commissioners. So today, what I'm bringing before you is an MMO. You are a memorandum of understanding to partner with the city and the acquisition of the federal building. Folks have heard a lot about this, but I wanted to run through some of the details about this project. So as you know, the city and the county have been looking to acquire space for combining services at offices to help address the needs of both staff and the public. And the federal building seems like a good location to be able to do this in, as well as it helps us to preserve a historic downtown federal building. So today I'm asking you to open a public comment period on this. You'll actually take this action in an administrative meeting next week as far as signing the MOU, but would like to open that public comment period and then sign the MOU, potentially next week. So the federal building offers the opportunity to look at approximately one hundred and twenty thousand square feet of space located on three storeys above the ground, as well as a daylight basement. The federal building has served the public in a variety of purposes, from a federal courthouse to federal government offices, as well as the Downtown Post Office. However, currently there are very few federal employees left in the building. So the way we got here is the federal government has determined that the federal building has become surplus property and they will be looking to either sell or auction the building.

[00:25:55] But as part of their process of due diligence, they go through and determine if there is a potential use by local governments before putting the building out to auction. And that is the step that we are at today is looking at that as a local government and as part of that due diligence, Missoula County and the city of Missoula contracted with A. Architects to go through and determine the feasibility of putting county and city office space into that. The benefit of putting city and county offices into there is that there is a no cost acquisition of the building. In essence, the federal government will need the building to Missoula County and the city of Missoula for its public use, and the requirement for us would then be to maintain that building in perpetuity. Sorry, there's a little delay in the advancing of slides here for folks on Zoom, so as you can see, this is a review of county departments. We conducted a space needs analysis, as did the city looking at our government functions and how they've grown over time. And also working with each individual department to determine what their space needs will be over the next several years. So this chart takes us out to approximately twenty thirty eight. The green color indicates space that's currently working well. Yellow is changes in the space will be needed in the next five years, and red is an indication that they need more space.

[00:27:12] What I think is most telling about this chart is, as you look at it, you can see that there are quite a few departments as we look at 2019, which is when this study began that are already in the yellow and moving into the red as we enter 2020 three, which is just around the corner. And this is a similar situation for the city, although the city's needs might be a little more dire given the Legislature and the addition of three municipal court judges, as well as other changes that are occurring in the city. Missoula County, however, has and does continue to space face a space needs challenge in particular when we look at departments like community and planning services, which in

the last seven years has located itself in four different locations. So being able to bring them into one consolidated space that they can call home for the future is certainly a benefit. But the other thing that we have on the horizon is we have several downtown buildings that will come into the area of needing significant repair, which will be a cost that the county faces, and that includes the administrative building where your offices are housed. But in addition to that is the Youth Court building, which is directly to the East, or I'm sorry to the west of the courthouse, which is where all of the juvenile services provided by District Court are housed, and that building largely is untouched.

[00:28:24] It is inadequate both in its size, but also in its ability to be accessed by the public and by court staff for it's needed and intended purpose. So as I mentioned, any architects was the lead firm during our due diligence. They looked at a number of alternatives. Some of those are listed here on the slide in front of you. So looking at whether or not leasing space might be an option, renovating or expanding the county administrative building and then looking at the construction of a new administrative building that would house those disparate functions. Just as a reminder, there are seven office buildings in downtown Missoula that are owned or leased by Missoula County in order to be able to hold our offices. Those include the Youth Court and relationship. Violence is now criminal justice services building the administrative building. The Risk and benefits building, which share some space with the health department. So this is an opportunity when we look at some of those to consolidate and bring those services under one roof for the public. So as you can see, when we look at the possibility of either acquiring or remodeling space remodeling space is actually the less expensive option for us. So this is a list of some of the possible departments that would be co-located with the city. That would include the Commissioner's Office and City Council hearing chambers, so the ability to share the public meeting space, which would allow both agencies to more adequately use that space and have it sit vacant less often would allow us to consolidate both the executive and legislative functions of both the city and the county into one building.

[00:30:00] So when folks are looking for either the county commissioners or City Council, they'd be able to come to one location and find them. But I think the one that's most important and or pressing on here is our ability to locate vital functions such as the clerk and Recorder Treasurer's office, along with the city's functions that involve those same kinds of tasks of coming in for bill payment or motor vehicle registration, pay property taxes, bills. It allows the city again to come to that one or residents to come to that one location, as opposed to having to determine which building they're going to be in. As you know, for anybody who's wandered through the courthouse building, it's not unusual for our staff to be directing people across the way to the city when they're looking for a court or when they're looking for a city office or vice versa on City Hall. When folks come into City Hall thinking that are at the county courthouse. So this gives us the opportunity to align those services, put them in one location and have them more accessible to the public in an easier format. So I wanted to just go over the building just briefly. The next couple of slides just show the interior of the building and show some of the usable square footage versus the circulation patterns when you see the two different colors on that.

[00:31:05] So this is an overview of the basement. As you can see, there is actually a lot of exterior daylight basement space, as well as interior space. It is planned that that interior space might be able to use more for storage, but again, those daylight basement spaces may be able to house staff that will be determined as we go through the programmatic phase if the Commission and City Council determine that, we should move forward with the project. This is the first floor ground floor of the federal building. The area at large area that you can see that's highlighted in the orange color, which is our circulation pattern, is the existing post office. There have been a lot of questions around that. The Post Office is completing its own process of determining where the best location is for a continued downtown post office that may be for the short term, continuing to be in the federal building. Or it may not. That's a process they need to complete, and that process is ongoing at this time. The next two slides are just similar for the second and third floors of the building. They showed the interior circulation as well as the usable space. But the one thing I would highlight is we look at those three floors is that there is a great deal.

[00:32:12] About a hundred and twenty thousand square feet is a lot of usable space, and that breaks out to about a little over fifty five thousand square feet of usable space for both the city and the county, each to be able to occupy. And that would meet our space needs for a number of years through our twenty thirty eight planning horizon, which is what that space needs, survey that was on the fourth slide indicated. So we'll continue to work with the city to determine what's the most appropriate funding mechanism, but there are several options that will all come to play here. As I mentioned, we may be able to consolidate several downtown properties, which would open up the possibility of redevelopment of additional spaces in the downtown, which would help to generate not only new tax revenue, but would also help to fund the project as those buildings were sold. We do have quite a bit of leased space

that's currently used by various departments, so we would be able to re-appropriate that money that's currently going to lease to help to fund the renovations that would need to occur to it. If the Post Office does determine that that's the best location and the parties reach agreement on the lease, there's the potential for that lease payment to go towards that. The Post Office does currently pay the General Services Administration or GSA, the federal government, to lease that space, so it's not. Currently, it would not be a change in the model that is existing for the Post Office to continue.

[00:33:31] That will, of course, continue to look towards federal grants and other potential federal funding opportunities, some of which may be available to us. And then we'll explore whatever other, whatever other options might be necessary when we bring the actual financing package before the commission. Again, should you determine that we should proceed? So the last slide I promised, I would try to keep it under 10, so and Mel did a great job of helping to put this together. So today what we're asking you to do is open that public comment period on the MOU with the city of Missoula to develop a single entity to jointly own the building. The City of Missoula would become the lead applicant on the application to the GSA. And that's because, by federal law, only one agency can apply. But this MOU would then go into effect, and we would create an entity that would eventually jointly own that building. And then based on your public comment today, I would ask in the future at an admin meeting that you consider signing the MOU with the city. And that would occur next week just as an update. The City Council Administrative and Finance Committee heard this same proposal earlier this week and voted unanimously to move that forward to City Council, which will take that action on Monday. And with that, I'm happy to answer any questions.

[00:34:46] Thanks. And before we dive into questions or public comment, Paul, are you just here to answer questions or you have nothing formal for us today? Ok, and Mel, same, OK, before we take questions or yeah, before we dive into questions, is there any public comment on the MOU that is before us? Recognizing we are not taking action today, we will take action next week in the administrative public meeting any public comment today.

[00:35:18] Chris wants a public comment period close,

[00:35:21] So you would close that public comment period next Thursday at your administrative Meeting.

[00:35:25] Ok, thanks. So one week from today. Ok. Seen no public comment questions. Josh.

[00:35:36] First, thanks a lot, Chris, for really complete description of what we're getting into, and I appreciate the especially the options for covering the cost. Do we know do we have any estimate on what type of economic impact the potentially vacated spaces could yield? Post our move?

[00:35:58] [00:35:58] So we don't [00:35:58] at this point, Josh. I think that would be an important step for us to take as we look at the remodeling of that space and as we move again, assuming you, you opt to proceed as we move towards that that process. I will say, of course, we have the administrative building block, which is located to the Garling, directly adjacent to the new Darlington Lawn and Robinson building, which granted is a few years old now. So maybe new, but not the most appropriate term. But I still think of it as the new Arlington Lane and Robinson building, which obviously has been an economic driver in downtown and we have a half block to the west of us here again, that's located in prime downtown location as well as several other banks. I think there's I think there's great opportunity there.

[00:36:38] Yeah, thanks. I bring this up just to note what would be added. So all the folks who are currently working at the city and county buildings would still be working in downtown just a few blocks away. So we don't lose that, that still exists. And then what we get that's new is the people who will be working at the buildings not yet constructed that are right in the heart of a super vibrant downtown on top of what is right now City Hall or possibly the building across the street from where we are or in what is our criminal justice division. And looking at what new development has occurred recently in downtown as old building buildings have gone away. I would be anticipating something with multiple stories. Commercial retail, potentially housing as well. And a whole lot of new economic activity.

[00:37:23] Yeah, I think it's important to note that just as we were appreciating earlier how zoning is aligning with our land use element, this is a project that would align with the Missoula Downtown masterplan.

[00:37:37] So the question for Dave now, because who was involved in those things? Do you know what these areas are like? What City Hall that block would be zoned for, or what admin building or what Criminal Justice Division?

[00:37:49] I am guessing the central business district downtown, which is pretty much it's pretty homogenous,

[00:37:56] So they can core story levels

[00:37:58] A hundred feet or come on up. Yes. He may go the answer. That launch come up to the mic here. So the question for our representative from A&E architects is what's what's the height limit on the the sort of zoning that we'd envision in the downtown core and those areas that would be that we'd be vacating?

[00:38:22] I believe it's seven stories, seven stories.

[00:38:26] So that's anticipating a lot more economic activity. I think we added those into what currently exists because we're not losing what's here. It's just moving a few blocks away.

[00:38:36] And I think you have an opportunity in the future to look at that as a pocket zoning. So you could zone that and direct development of your properties.

[00:38:44] So you could stipulate 30 percent, it would have to be low income housing or some type of housing.

[00:38:50] We could as the county, even though it's in the city.

[00:38:54] So in this case, you would be the applicant asking for the zoning change, and so you would have some some leverage.

[00:39:00] One would hope

[00:39:00] Some ability to make that ask.

[00:39:02] Great. That's really good to know. I didn't know that I'd be wonderful to be able to leverage this into housing and specifically some housing that's a bit more attainable and more commercial retail, et cetera. Thank you. Yeah, thank you.

[00:39:14] Thanks. And as has been reported elsewhere, I think even in the Missoulian this morning, it's been a good number of years that the federal building has been a virtual mausoleum and literally hundreds of folks who used to work there. Yours truly included at one point in time are no longer there and are either out at Fort Missoula or elsewhere. And so this would be additive to the workforce in downtown Missoula and all of that all the the benefits that that accrue. Josh

[00:39:45] Another question and this is more esoteric. Paul, do you know when was that building built? And given that there's two different brick styles when you're walking by, is that an addition or is that all the same building? They just did one exterior different than the other?

[00:39:59] Mr Filicetti.

[00:40:00] So the building is a combination of three different building, three different editions, I believe it began in 1911. And I had some paperwork on that here. Perhaps I did. Expanded over a period of time.

[00:40:21] It luckily predated the architectural error of nineteen seventy three. So yes,

[00:40:30] But it is three different additions to the Original building, which is the the Federal courthouse. There was an addition of that to the North that include the courtroom. It was originally the post office and the courtroom was added. And in addition to the East.

[00:40:45] Ok. And then that's one in nineteen fifty eight. Oh, interesting. Right? They did a great job with the stonework that I'm sure out on the exterior of buildings. It's not called trim, but it kind of looks like trim, but it matches. I walk by it last night just in preparation for this, and that was done really well. It is. It's a beautiful building. Yeah, thank you.

[00:41:06] Other questions today, anyone on the line, any members of the public who would like to offer comment today, recognizing that the comment period will remain open until 10 a.m. one week from today. Ok. Seeing none, thank you, Chris. Thanks, Paul. Thanks, Mel, for all of your work on this.

[00:41:30] Have we received any comments since?

[00:41:33] No comments on this one. Yeah, OK.

[00:41:36] I think I did get one note suggesting we could put a tall pole under a piece of canvas outside of town and hold our meetings there. Just for the record,

[00:41:49] Always an option, always an option. Ok. All right, thank you, everyone. Don't feel like you need to stick around for the rest of it, but you can. Anyone in our audience here in Sophie movies, our final item today. It's not an action item. It is to discuss a proposal, a petition that was brought before us to adopt special parking regulations on Marshall Canyon Road. And our deputy civil attorney, John Hart, will introduce this for us.

[00:42:20] Hey, good afternoon, commissioners. I first want to let everybody know that a request for parking regulations isn't anything that necessarily requires the deputy county attorney be the point person for it. I just drew the short straw, and so I am the point person for this project for Missoula County. And again, we we I think Violet has a map of Marshall Canyon Road just so that we can all get a mind's eye of what we're talking about and we don't have to look at me. But as she brings that up, I'll point out that Marshall Canyon Road, from its intersection with Highway two hundred all the way past the old ski hill and to its intersection with the Forest Service brought property, is a 60 foot public right of way that Missoula County has jurisdiction over. And because of that, this you commissioners have the ability to regulate parking of motor vehicles on that road. And there's a statutory authorization for you to to regulate parking. But one thing I want to make clear is that this is, you know, this is, like I said, a 60 foot wide right of way. And it doesn't necessarily that 60 foot width doesn't necessarily align with the paved road that people drive on. So in other words, up and down the length of Marshall Canyon Road, you're going to find places where the center of the road to the West is maybe only 20 feet and then to the east is 40 feet.

[00:44:11] Or, you know, some other variation of that. So I just want to make it clear to people that our right of way and our jurisdiction over parking on that right away may not be exactly aligned with where the road is. And the other point I want to make in regard to that is that towards the upper end of Marshall Canyon Road, where it gets very close to the old ski lodge and and the ski runs there is, there is a sort of a wide turnout in the road there where people park. I think people park in the summertime and access public and private land. And then there's also a lot of winter recreational that that park in that area. It may be I can't sit here today and tell you, it may be that some of that wide expanse where people park is outside of Missoula counties, the public's right of way there. So that's just something to bear in mind. Our jurisdiction again is just limited to the to the 60 foot right of way. And again, the public's right to maybe leave the right of way and go on to public or private land and camp overnight. That's that's again, that's not something that we would have jurisdiction over once. Once someone's outside the right away, you've got a question, Josh.

[00:45:37] Thanks, Dave. Thank. Thank you, John. Ok, so what are the potential regulations that we could enact and why is this before us now? What is the problem that is hoped we're it is hoped to be addressed?

[00:45:51] I'm believe it or not, I'm getting to that in a long-winded fashion. That's OK, though, that the next thing I wanted to do was sort of summarize the written request that we received from Eileen Flanagan Lewis on May 11th. It came to the commission and her specific request is for the county to enact no camping or no parking overnight regulations along the entire length of Marshall Canyon Road from its intersection with Highway two hundred all the way to where the road are right of way, ends above the ski resort and at Forest Service property. She her request is quite detailed. It was. It was a nice request. She she she went to great lengths to put together her position as she points out that usage on Marshall Canyon Road has grown, as she puts it exponentially over the years, sometimes

hundreds of people a day or recreating in the area. And there are. Documented environmental and public health impacts that are coming from the growing number of people not only using recreational lands, but also some people who are parking overnight along the road and maybe camping in their vehicles. Their sprinter vans their RVs overnight for some period of time and maybe also camping off of the right of way on public or private land. He she she states in her request that she spoke with each of the landowners from the mid to upper portions of Marshall Canyon Road and that there was they all voiced support for no camping, no overnight parking on the road.

[00:47:56] She contacted the U.S. Forest Service, Missoula District Ranger and the Forest Service has expressed some interest and support for closures and restrictions for overnight camping on their property near the near the the road and then also some other closures that are similar that they have in place near their lands and Patty Canyon, Blue Mountain and the rattlesnake. She also miss Flanagan. Lewis also contacted the Department of Fish Wildlife and Parks Region two here in Missoula, and they expressed some support for the idea, but also wanted to be part of any additional discussions that might take place with with regard not only to the road, but recreational use in Marshall Canyon. She was in contact with the city of Missoula, specifically the Conservation Lands manager for the Missoula Parks and Open Space Department, which also is not opposed generally to no overnight parking. She contacted the Five Valley's Land Trust. Now, the Five Valley's Land Trust owns a significant amount of land above and to the east of the old private ski hill property. And so the five five Valley's Land Trust definitely has an interest in conservation lands, management, public access and use of Marshall Canyon Road and the Five Valleys Land Trust. It doesn't have any. They're not necessarily opposed to the idea of her parking restriction request, and she's also had discussions with the East Missoula Community Council, which which, according to her, are aware of public health and safety concerns with overnight camping sporadically along Marshall Canyon Road.

[00:49:55] So, so that's the request from Miss Flanagan Lewis, and she may be on the line today and she can. She can expound on what I've already said just for purposes of the record, and I am nearing the end of my presentation. We, the county, has received some written comment prior to this meeting. We we received one comment from Donovan Power, who is the director of the Missoula Freestyle Ski Team, which has which has an interest in in Marshall Mountain and then spends a lot of time up there. Mr. Power says that he's witnessed a trash issue at the few pullouts along Marshall Canyon Road and near some of the trail heads that are accessed from the roads and also in general terms has seen some illegal behavior there. He characterizes Marshall Canyon Road, and he wants the commission to be aware that he spends a lot of time up there, that it is a high traffic area, and he does not think that people should be camping in their vehicles overnight or parking overnight, necessarily in the right of way. And we also today received a comment from Randy and Nancy Moye, who live on Marshall Canyon Road, and they're aware of the request from Eileen Flanagan. And they ask you to consider it it favorably.

[00:51:28] They they walk along the road and they do have concerns for their safety because of the the camping and overnight use on the road now. So those are two two of the three public comments that we've received prior to this meeting. But since the time that we set this discussion and hearing there, there has been a significant development that is at least related, somewhat tangentially, somewhat not to the parking request. And that is that the property that has been owned for a number of years by Mr. and Mrs. Doreen has recently been sold. I mean, Monday, that property changed hands. It was purchased. The one hundred and sixty five acres was purchased on June 21st by Izi Dog LLC, which, as I understand it, is an LLC comprised of Rick and Reka, Wish Camper and Pamela and. Sandy Volkmann, and they submitted written comment to to Missoula County, and I'm just going to read it to his dear commissioners and their comment is dated Monday, June 21st. Dear Commissioners, Is He Dog LLC acquired the one hundred and sixty five acre property at 50 to 50 Marshall Canyon Road on June 21st. This property is also known as Marshall Mountain, the former ski area. We are working with the city of Missoula, Five Valleys, Land Trust, the U.S. Forest Service and other stakeholders to design and embark on a public planning process for future use and recreational development of the mountain.

[00:53:20] The city expects this process to begin in September and take six to 10 months to complete. It will be a comprehensive process, including multiple community stakeholders, and will result in a long term plan for Marshall Mountain that will ultimately result in public ownership and greater use of the mountain as a whole by the public. With such a process about to begin, we request the commissioners wait to take action regarding the issues of parking and overnight camping on Marshall Canyon Road until after the public comment is complete. And and I also understand that tomorrow there will be a press conference where there I think that the members of Izi Dog LLC, perhaps the city of Missoula and others will. We'll talk in more detail about the recent sale of the property, some of the details of that transaction and and give greater detail to this public process that that is alluded to in the

comment that I just read. So that's what I have to say. That's that's I set the stage there for this discussion. And again, this is a discussion item. I haven't prepared a staff report. I'm not making any recommendations. But because we receive the request in early May, we felt like this was something that we did need to have a public hearing on, even though there's a lot of things going on right now with with Marshall.

[00:54:59] Thanks. John, before we get into questions from the commission, is Miss Flanagan Lewis on the line or anyone else? Oh, great. Would you like to speak to your request?

[00:55:15] I would I'd like to make a quick statement on it if I could.

[00:55:18] Yes, please.

[00:55:20] Okay. Well, to begin, I want to thank the board of county commissioners for their time and holding this discussion today, as well as thank everyone who's been involved in the community for their support and putting forth this request. My family has lived on Marshall Canyon Road since 1999, so I'm speaking firsthand regarding all the issues. As Marshall Canyon has grown in popularity and become a recreational hotspot, so too has it seen a massive increase of use from those that have a negative impact on the area? The primary negative impacts that I hope to mitigate with these regulations include extended state camping near in recreational and private land areas, going to the bathroom in public with toilet paper left on the ground. Alcohol and drug use and abuse, including needles, excuse me, including needles in the Marshall Mountain overflow parking lot in along side of the road dumping, including hazardous waste, chemicals and construction materials. It always seems to happen at night. Shooting guns at night poaching, including a moose calf, aggressive, unleashed and untrained dogs, would chase people and recreational activities and wildlife, as well as attack other dogs vandalism, littering and trash, including broken glass and food garbage that attracts and endangers wildlife. The this continues, while obviously not all of these issues occur only at night. I believe enacting these regulations will help considerably. I feel, especially as the movement for making Marshal Mountain Public Access moves forward, that it's really important to enact these regulations in the name of improving public safety, mitigating environmental and public health impacts, as well as conserving the Nature and Marshall Canyon for future and present generations to enjoy.

[00:56:54] Thank you, Eileen. Is there anyone else from the public who'd like to comment on this? Ok. How about questions? Josh

[00:57:05] Thanks. More just some comments, but. What what Miss Flannigan described to some degree, I was surprised, no forgery on that list, I was waiting for that on the list of crimes, but what Miss Flanagan described? There has been forgery. I was just joking. The list of crimes was so complete, I thought, God, she's getting it all. There was no bigamy, no forgery. Anyway, what you're talking about is occurring and so many of our river access sites and land access sites as our population increases and increases with people who moved here in part so they could take advantage of these sites. And it behooves us to come up with ways to say yes to access and no to bad behavior. And it's super heartening to hear about what is a dog has done and that there will be, it sounds like, and it would be premature here, but it sounds like there will be a way to both say no and yes in the future because people want to access this area. It doesn't mean they should behave in the way that it is planning is talking about. But I imagine for as many people who park up at Marshall Canyon, go out and spend the night and come back and and behave perfectly well and don't throw garbage on the ground, there are people who do. We can say no to camping there, if we can also to parking there, if we can say yes to parking somewhere else where that parking is adequate and appropriate and not going to be messing with anybody. And hopefully what is he dog is talking about will come to pass and there will be a proper parking lot we can direct people to so we can say no to parking on the road where it's causing these issues. And I'm just saying I'm hoping or something like that. It's tough with these recreational issues to say no unless you can also say yes at the same time.

[00:58:52] So I do have a question. Miss Flanagan, Lewis, what's your sense of of the folks who might currently be parking overnight? Are there folks who are parking and then going out hiking and camping in the backcountry, if you will? And is there a way to avoid unintended consequences by a parking regulation that would take into account folks who are not just parking next to or camping next to the road, but are actually legitimate recreational camping somewhere back up a trail?

[00:59:32] Um, so my sense is just based on my utilization of the road is that the majority of the people who are actually camping on the road and or camping in the open space area are not nature enthusiasts. They are not doing things that are a positive impact. They leave gasoline cans and, like I said, obvious areas where they've chosen to make it their bathroom by water sources. The needles speak for themselves. I do not think that that is going to hinder those people who want to be out there enjoying nature. With regard to Mr. which camper Mr. and Mrs., which campers request, I feel and this is just my own two cents on it, that if Marshall Canyon Road in the county right of way enact these regulations, it doesn't prevent him from being able to allow camping that has some kind of regulation to it on his property. It's a big, vast property. There's lots of parking spaces on the Marshall Mountain property in and of itself. And so if he wants to allow that and have somebody regulate it and make sure that there isn't the negative impact, I think that's fantastic as long as there's somebody actually regulating it. Part of the problem is that it hasn't been regulated, and so the problems are the issues have just grown worse over the past few years.

[01:00:49] Thank you, Juanita.

[01:00:51] I just had a question for John Hart, is he dogs concerns about or wanting to hold off on making a decision? No parking was because of what?

[01:01:02] Well, as I understand the written comment, because because there is an intended, you know, there's an intent to have a public process to come up with some sort of a master plan, a strategy for for managing Marshall Mountain in the future and ultimately having it be in public ownership is a dog's suggestion. Was perhaps parking even on the county right of way should be part of that discussion and resolved in in more of a holistic way with that process rather than, you know, being being taken up by itself. I know I was reading into too much into their comment, but that is my sense.

[01:02:03] Ok, and then Eileen's concern is that we have 10 more months of this unwanted behavior. Is that is that right, Eileen?

[01:02:11] That is correct. Yeah, I mean, I had actually written to Mr. Rich Temper a week ago and never heard back. So I mentioned that there were issues on this road that that should be discussed and was hoping to be a part of the conversation. But again, he never reached out back to me, so I don't know his stance on it. But I do feel that it's a problem right now. I mean, it's we're cleaning up oil spills yesterday. Know, I mean, there's a lot of a lot of issues that are happening right now that should be addressed and maybe perhaps it could be implemented or enacted. And then if he has a strong reason for changing it after everything has come into play with the public access. I'd love to be a part of that conversation, but I think that, you know, I don't know how much time he spends on the road. I don't know if he's ever on the road at night, but there are public health issues that are right now. If you go and you want to go hiking by the bike access area, there are people in their vehicles who are present. We'll just lock you and they'll know if you're by yourself. So it's not really safe for recreation to be by themselves. I think that it's a concern right now that should be addressed. And then, like I said, if it wants to be an additional conversation, then there's some, some reason to change it. I'd be completely in favor of having. Of being part of that conversation.

[01:03:28] So one question then I know Josh has as one also. John, I'm assuming we'll know more after this press conference, but. Do we do we know that the scope of whatever public process and planning that will go on will actually cover the entire length of martial grade? Or what's your sense of that yet to be determined?

[01:03:59] I think, yeah, I think it's yet to be determined. I because I just don't know. I mean, I know as much about this, this intended process as I've read in in the comment from Izzy Dog and and yet, you know, Marshall. The Marshall area, the hundred and sixty five acre parcel that is a dog has purchased is, I think, just one piece of the larger land up, like I mentioned earlier, you know, five valleys, land trust has land up there. There's Forest Service land, it's it. And so on the one hand, yes, maybe it will be limited to the Upper Canyon and won't won't. The process won't concern itself with management decisions farther down the canyon towards its intersection with Highway two hundred, but we really don't know that.

[01:04:58] Thanks, Josh..

[01:05:00] Yeah, say it. I think it's thoroughly one could imagine a future where the public was allowed to park at what is now Marshall Mountain. But the former ski area in the parking lot and then go hiking, hunting, whatever and come back two days later to your vehicle. And if such a thing exists and I don't know for sure it will, but I think it's it's a future that isn't unreasonable to imagine. At that point, it would make a ton of sense to say no camping, parking, camping along the road. But I had a question for you, John, is there is there a way to distinguish between camping and overnight parking? I myself am guilty of parking in the wee hours in the dark along Marshall Canyon Road and then hiking with rifles up, looking unsuccessfully for wild grazing ungulates and then coming back after dark. And we were not camping, throwing garbage on the road anything, it was just a really long day in the dark and I know that I'm not alone in this pursuit. Is that functionally different than someone who's literally sleeping in their car and then throwing garbage out the door?

[01:06:10] John.

[01:06:13] Well, it is functionally different, but can you enact a regulation that distinguishes between them? That's where it becomes difficult because we're where the county has enacted no overnight parking regulations on other rights away around the county. You know, we've come up with numbers like between 10 p.m. and six a.m. no parking that that isn't very accommodating for, you know, the Hunter who's going to get set up at first light and wants to park there four a.m. And then it doesn't accommodate the person who's, you know, coming out in the wee hours after dark either, who then has no intention of sleeping in their car? Sort of, you know, living, if you will, for a transient period in their vehicle or near their vehicle within the right of way.

[01:07:10] There's no legal distinction. We can't say you can park here overnight if you're recreating in the woods, but you can't sleep in your car.

[01:07:20] We could try to craft some regulations, but they would be I I can see how they would be problematic for law enforcement to to enforce and interpret and sort of parse, so to speak. And then also they would be hard to prosecute if somebody you know, wanted to fight the the ticket they got or the or the fact that their vehicle was towed, you know, they could come back and and make make that argument that, no, I wasn't, you know, I wasn't actually camping in my vehicle or living in in violation of the regulations you passed. I was doing something else and we may or may not then be able to prove that that that they're not being truthful in that defense.

[01:08:09] So I guess that's that's the nub of it. Is there a way in which we could, from a regulatory standpoint, address some of the adverse impacts that have been described to us today and in correspondence without, I guess, getting ourselves into these unintended consequences of of either having to finding yourself, taking an enforcement action against someone who is out hunting somewhere and not back to the trail, head by by dark or find yourself simply turning a blind eye to some subset of the population that might be technically into the letter of the law and violation of that regulation. And I don't I don't know that I have a great answer now today.

[01:09:08] I mean, there's no camping.

[01:09:11] I guess the the challenge would be if you have a vehicle. And I think we're talking about no parking slash, no camping. We don't. If I'm not mistaken, we don't have the ability to regulate camping in, oh, Missoula County, but we do that by proxy by regulating parking, overnight parking. So the challenge would be and my son is one of the folks who hunts up there that that he gets back to his vehicle at 1:00 a.m. If you're on patrol is Missoula County sheriff and there's a vehicle parked there at midnight. Is that

[01:09:56] So we have no, we can't have a no camping,

[01:10:00] I guess, you know,

[01:10:03] On a certain on within our runaway on Marshall Mountain

[01:10:07] Pose that to our deputy county attorney.

[01:10:09] The statute that allows us to regulate parking in the right of way, says the park. We can we can enact regulations regulating parking of motor vehicles. So I, I would hesitate to enact try to enact an ordinance that you trying to regulate camping as opposed to park

[01:10:35] Because we don't have. Ok. Thanks.

[01:10:37] Probably. I mean, we may have that authority, but there isn't any written words in Montana law giving us

[01:10:47] That the city has a no camping authority.

[01:10:50] They do have a no camping ordinance. I have a

[01:10:52] No camping, not just no parking, but no camping.

[01:10:55] Yeah, that's why I have the authority to

[01:10:57] Folks out on expressway rides to be in the city right across the county.

[01:11:03] And of course, you guys have heard me say this many times because of the state of homelessness around the country, you know, especially in some of the larger cities, the the courts, especially here in the Ninth Circuit Federal Court. That we're in have been fairly clear about.

[01:11:31] We need a place for folks to camp if if we're going to say, no, you can't camp here. We need to say yes, you can have safe camping.

[01:11:40] A decision in Boise that said exactly what Juan is saying unless providing unless we provide an alternative, we can't say no, we can't prosecute for saying no, but we're working on an alternative. Go ahead.

[01:11:50] Exactly. And the specific decision in Boise was that you cannot criminalize the act of camping on public property. That's violation of an individual's constitutional rights. So if we were to enact no camping in the right of way and there was a penalty attached to that, we'd be in violation of the those federal court decisions.

[01:12:24] What did the Forest Service have to say about any of this?

[01:12:30] You know, I mean, here's what. And Miss Flanigan, Lewis may have more information than I do. I mean the the forest services. I understand it is aware of the parking issues on, you know, part or all of Marshall Canyon Road. They they have there's a place farther down the canyon from the lodge. They call it the green gate. So and I believe as you're driving up the canyon, the green gate is, I don't know, halfway three quarters of the way up the road. And it's a it's a pull off. It's a gated forest service road or people park. I mean, it's a really easy place to park. A lot of people walk, run, re-create up there. But there's also a problem at that pullout, with overnight parking in the Forest Service recognizes that. I think although don't quote me, I think there are places where Marshall Canyon Road touches Forest Service land. Not many, but those places. There may be some parking within the right of way and then people are walking out onto that public land and camping. That's as much as I know about the forest, but the Forest Service knows that it's an issue and wants to be part of the discussion.

[01:13:55] Ok. Can I ask you?

[01:13:57] Yeah, go ahead.

[01:13:59] Okay. This is Eileen Flanagan Lewis speaking. So I recently spoke to Jennifer from the Forest Service, and she said that they are actually putting forward regulations and restrictions similar to what's in Patty Canyon, Blue Mountain and Rattlesnake for this area, too, because of the high, high traffic and recreational use. So that is something that they are actually already discussing putting forward. And she just said it was a process, but she supports it 100 percent and thinks it's going to be something that's really important for people to be here safely recreating.

[01:14:33] Thank you. So I guess where we're at, we're not making a decision today, but I'd be interested to have a little more conversation with the Forest Service. I don't think parking regulations would necessarily be at odds with this longer range planning process that's going on. Although I think the the challenge here is to avoid those unintended consequences. If there is a way to have a parking regulation, even a no overnight parking regulation, that would be, I guess, granular enough that that we're not just using blunt force here and making a bunch of folks who are otherwise legitimate campers or recreational guests who happen to be there predawn or post dark criminals. I would be open to that. John, it looks like you had something incisive to add.

[01:15:34] Well, that would be rare, But

[01:15:38] No, I really don't have anything to add. The Forest Service did, did we? We reached out to the Forest Service and many other, you know, recreational groups, nonprofits and others gave them actual notice for this hearing. And and I was hopeful that we would have more public comment than we received. But I I suspect that part of what's going on is just, you know, the larger Marshall Canyon issues of sort of swallowed up this one small issue.

[01:16:11] Is it possible it's possible to have no parking? 10:00 pm to 5:00 AM Can we do that?

[01:16:18] Yes.

[01:16:19] And does that? In fact, are you not able to get your elk out by 10 p.m.

[01:16:24] May or may not?

[01:16:25] Right? And how many how many people does that impact?

[01:16:29] It's good. These are great Questions.

[01:16:31] Yeah, I mean, it's

[01:16:32] Versus how many people are negative impact by trash?

[01:16:37] Yeah, I'd love to hear from like needles and backcountry hunters and anglers or some. Maybe there's an organized group who could answer that. I'm just imagining. I did have one really long night. In partial canyon and dragging pieces of an elk and to get back to a truck at 1:00 in the morning and find the truck gone would really have something special. It was like zero degrees. You know, it just be a big bummer.

[01:16:58] Well, so here's here's another question, and I think we're going to have to maybe loop law enforcement into this. Is that that? Well, first off question for you, Elaine. So the folks who are attending to camp overnight or park overnight right now, are they there for days on end? Months. I'm sorry, what was that? Oh, it's not just like one night it's multiple.

[01:17:26] Oh, yeah. Um, we had a vehicle that was parked for, well, I mean by the by the bike access area and the open space area. There are people who've been living there for months, literally months.

[01:17:38] Ok. Fire is a way to get to it. Yeah, so

[01:17:41] So I think there. Yeah, so I think there could be a solution here in that that either you're not going to get towed the first instance because likely if you're a hunter, for instance, you're not going to be there multiple days or weeks on end. And unless you're a very poor hunter like Josh and you're out every single day after after dark, so maybe there is a way that we could craft something that would work here,

[01:18:13] Even even what could we do at twenty four? I mean, I ask this to John, could we do a twenty four hour only or something where they mark the time or something like that? So really, to distinguish a hunter or someone biking bike camping for 24 hours as opposed to someone who's literally living out of their car at Marshall Canyon?

[01:18:32] I mean, it seems conceivable that we can do that. I agree, though it, you know, we really should get the sheriff involved and we, you know, we do. We need to hear from some other groups, too. And I was hopeful today that some of those groups would come and and offer some comment. And and, you know, they may be on the line and just, you know, wait and see what happened. But but yeah, I mean, law, I would want to defer to law enforcement as to what their their capacity is. And you know, I mean, you get you get officers changing shifts. And you know, is this really how would they how would they envision being able to solve the problem that is people living in their vehicles for multiple days on the road versus, you know, the the the El Conner or the backcountry skier or the, you know, the person who's climbing Bluepoint or Sheet Mountain? And it's just it's a long day for them.

[01:19:35] Yeah, it'd be great to hear from them. I agree, and

[01:19:40] I think she does. But first, we should probably loop in the county attorney's office. Oh, you are part of the county attorney's office. Oh, sorry about that John. Eileen, go ahead.

[01:19:51] Oh, I just wanted to add that I think that restrictions from 10 to five from 10 p.m. to five a.m. would do a phenomenal job of assisting with these issues.

[01:20:02] Ok.

[01:20:04] And and could potentially and we're only speaking in potentials here could potentially also have the unintended consequences of of towing the car for the Hunter. So maybe, maybe there's a way. Yeah. Yeah. So it'd be love to hear from

[01:20:19] Somebody if it's your vehicle that was towed.

[01:20:21] Yeah, exactly.

[01:20:23] Maybe there's a way to maybe there's

[01:20:25] A way to thread the needle. Exactly. And I mean, I don't mean to sound it all non sympathetic to your concerns. I totally hear you and don't want to condone that behavior at all and don't also want to have a hunter's car towed when he or she has a 16 hour day.

[01:20:39] So, Eileen, I think what we're going to do is circle up with the Missoula County Sheriff's Office and and perhaps loop back to the U.S. Forest Service just to touch bases with them again and have some internal discussions here and see if we can't come up with something that addresses the problems you've clearly identified.

[01:21:01] Thank you for your time, I appreciate it.

[01:21:03] Yeah, thank thank you so much for reaching out and doing the legwork with your neighbors. Thank you. Ok, I guess we've exhausted all of our topics today. Anything else from anyone? Ok. Seeing none. We will be adjourned.