

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, OCTOBER 7, 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
Bradley Seaman, Election Administrator, Elections
Nick Zanetos, Planner, Community and Planning Services
Tim Worley, Senior Planner, Community and Planning Services
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Bailey Minnich, Planner, Community and Planning Services
Mel Fisher, Strategic Initiatives Manager, Communications and Projects
Emmie Bristow, Community Engagement Coordinator, Communications
Sarah Bell, Communications Coordinator, Communications
John Hart, Deputy Civil Attorney, Attorney's Office

1. **CALL TO ORDER** *[Time stamp – 00:04]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:11]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:36]*
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 01:01]*
[None]
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 02:10]*
[None]

6. **CURRENT CLAIMS LIST** [Time stamp – 02:19]

Claims received as of September 15, 2021 to September 28, 2021 by the Commissioners' Office total \$2,235,578.72.

7. **HEARINGS**

a. **Miner's Addition Subdivision – Plat and Variation Revocation** [Time stamp – 02:55]
Bailey Minnich, Planner, Community and Planning Services

Commissioner Slotnick made the motion to accept the applicant's request to revoke the approved preliminary plat and planned variation for the Miner's Addition Subdivision.

Commissioner Vero seconded.

[Motion passed 3-0.]

[Letter 2021-222. Mailed to Jamie Erbacher.]

b. **Saunders Aggregation and Family Transfer** [Time stamp – 10:37]
Nick Zanetos, Planner, Community and Planning Services

Commissioner Vero made the motion that the board approve Caul Saunders' request to utilize the Aggregation and Family Transfer exemptions, as presented in the exemption application and affidavit.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Letter 2021-216. Mailed to Carl Saunders.]

c. **Polling Place Tabulation Equipment** [Time stamp – 30:12]
Bradley Seaman, Election Administrator, Elections

[Continued to October 14, 2021 Public Meeting]

8. **OTHER BUSINESS** [Time stamp – 58:12]

9. **ADJOURN**

Chair Strohmaier – Called the meeting to adjourn at 2:58 p.m.

BCC Public Meeting October 7, 2021 – Transcription

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[00:00:03] And welcome everyone, I would like to call today's meeting of the Missoula Board of County Commissioners to order on this Thursday, October 7th. We begin with our traditional land acknowledgement and that is Missoula County acknowledges that this event takes place in the Aboriginal territories of the Salish and Kalispell people, which is apropos in that on Monday it will be Indigenous Peoples Day. So we want to recognize the original inhabitants of this place who still call this place home today. So will you please join me in the Pledge of Allegiance? I pledge allegiance to the flag of the United States of America and to the Republic for which it stands. One Nation under God, indivisible with liberty and justice for all. Ok, thank you all for that. Any public announcements that anyone would like to make, particularly staff announcements? All right. And since we're going back to this virtual world, there are no members of the public in the room with us here in the administrative building, so everyone who is joining us is either virtually joining via Microsoft Teams that were on the phone, just a few housekeeping notices. So if you want to offer public comment at the appropriate place, either during non agenda item, public comment or during one of our public hearings, please use the raise hand function and Microsoft Teams and we will call on you and the order in which you raise your hand.

[00:01:46] Please be succinct to limit your comments to three minutes or less if possible, and try not to repeat others if you're on the phone. Hit Star six and start talking, I will kill you up. I will ask for public comment from our phone callers at the appropriate time, so we don't have a bunch of folks talking over each other simultaneously. And with that, is there any public comment on items not on today's agenda? Ok, see, none. Our current claims list, and this is claims received by the commissioner's office as of September 15th through September twenty eight total two million two hundred and thirty five thousand five hundred and seventy eight dollars and seventy two cents. We have three public hearings today. Each public hearing will open with a staff report followed by either the applicant or applicants representative presenting. If that is even applicable for the item in question, we'll open it up for public comment. A lot of questions from the commission and then have discussion and vote on the item. And we begin with a proposed plat and variation revocation on the Miners Edition subdivision. Bailey is going to introduce this tip for us.

[00:03:06] Good afternoon, commissioners. Can you guys hear me OK? Yeah. Ok, let me share my screen here and. Hopefully, you guys can see that is it popped up. It is. Ok, perfect. Ok, so this is a request to revoke the Miners Edition subdivision and plan variation. The property is at twenty eight oh one 40th Avenue and I'll get into that here in just a second. So this is the the subject property. It's down here off the end of South Avenue West Pasture Reserve. That's kind of behind if you can kind of see it in the picture. The target range school is right here and so it would be just south of that area. The subdivision was approved in April of two thousand six. It was subject to twenty nine conditions of approval. It was nineteen point four acres subdivided into one hundred and twenty eight lots. There's actually more to the property that was actually in a conservation easement that is still in effect on on the property. So only in nineteen point four acres on the eastern side. And I have the little kind of picture of what that subdivision, what it was the preliminary plat looked like on the screen. It was six over six phases over thirteen years. The Phasing Plan Amendment was done in October of 2011 and that actually extended phase one to April of 2022 and then also extended phases two to six to extended phases, two through six to April of twenty twenty nine.

[00:04:55] The subdivision had a planned variation that was approved with it that modified the Base C RR one zoning. Normally, planned variations don't include modifications to uses, or at least now we wouldn't see those. But in this case back then, it did include reducing some permitted and conditional uses that would have been allowed under the C RR one zoning. And there was a condition of subdivision approval that the plan variation had to be approved prior to the final plat approval of phase one. Now, phase one has not been filed, but the planned variation

has been applied to the property. So our zoning regulations state that a planned variation applies to a specific property until it expires or is effectively revoked. So therefore, to remove the planned variation, the applicant has two options. They can either wait for the subdivision to expire in April of twenty twenty two. So basically just sit on it and do nothing at this time until April 2022. Or they can request to revoke the subdivision approval voluntarily. And that's what their request is at this time. And so we are recommending that the commissioners accept the applicants request to revoke their approved preliminary plat and the planned variation. And I have a motion to that effect. Jamie is on the the the call here from wbhm. I'm sure she has more information, but that's pretty much the short and sweet of it.

[00:06:29] It's Bailey, Jamie, would you like to say a few words?

[00:06:35] Sure, thank you, Dave. So the reason that we are requesting this revocation of the subdivision approval as well as the planned variation is that the client is working with Learning With Meaning, who is a non-profit school, outdoor based education, and they are actually looking to locate the school on this property. And the planned variation prohibits that. Whereas this base TR one zoning would allow that as a special exception. So the intention here is to move forward, hopefully within the next month on a special exemption application to the Board of Adjustment to allow for learning to learning with meaning to operate on this property. The reason that our client has decided not to move forward with the miners addition subdivision is the expense to extend sewer to this property is just not financially feasible for them, and this is a new owner instead of who actually took the minors, in addition subdivision through the process. So just a small note there. But so, yes, while we could wait until April, learning with meeting would like to move to this site sooner if possible, or at least start getting established there. I know that right now I believe they are in the new library building temporarily, so that is all I have to add right now.

[00:08:08] All right. Thanks, Jamie, is there any public comment on the proposed revocation? Anyone on Microsoft Teams who would like to comment. Ok. See, none, we will close the public hearing it does not look like there is anyone calling in on the phone. So questions from the commission. So did you say this is a new owner than the owner who brought? Because looking at that map and somebody really put a lot of time and effort in dollars towards creating this potential subdivision. So this is a new owner. That's correct. Yes.

[00:08:48] Yes. Correct. When did they buy it? Within the last year, I believe they closed on it.

[00:08:55] I know. Was this was this a Stuart Goldberg production way back when?

[00:09:01] Think Northern Lights development, if I remember correctly,

[00:09:05] Greg and his partner, I can't remember his name. He's still out there. Guess what? There's a conservation easement. Yeah. Yeah, yeah, that's trivial, I guess. So I'm

[00:09:17] I'm happy to

[00:09:18] Make this motion. Yeah, go ahead. I would move to accept the applicant's request to revoke the approved preliminary plot and plan variation for the Miners Edition subdivision.

[00:09:28] Second, any further

[00:09:30] Discussion on the motion see none all in favor. Hi, thank you. Thank you. Thanks, Bailey. And let me just add that that as we've taken some heat in recent

[00:09:46] Months

[00:09:46] And years about allegedly how long it takes us to approve various projects. Here's an example of a project that may not have come to fruition as originally proposed, but it's due to a property owners desire or changing wishes of what that land should be used for. That resulted in the ultimate revocation of of this subdivision, not not the red tape of local government. This is going

[00:10:17] To turn into a drinking game.

[00:10:18] How long it is. We bring this up. You guys out there drink coffee or something. All right. Thank you. Thanks. And obtaining the drinking has begun. So let her go and let the record know, thank you. So our next public hearing, which I will open, is going to be provided an overview by Nick Santos and this is the Solyndra's aggregation and family transfer.

[00:10:51] Thank you, Dave. Let me get my presentation down here and we'll get started.

[00:10:58] It could say a thing before we even die. Absolutely. So, Nick, I have a family friend up in O'Brien Creek who apparently has been asking me lots of questions about potential subdivision stuff, but she just raved about you as a source of information and friendly and easy to work with.

[00:11:14] And so you got you.

[00:11:17] Yeah. Is that Valerie?

[00:11:18] Yes, it is, Valerie.

[00:11:19] Yeah, yeah. She actually taught my sister at school at U-M, too, so multiple connections.

[00:11:26] She's a great professor.

[00:11:28] Yeah, totally awesome here. Can everyone see my screen here?

[00:11:34] Yes.

[00:11:35] Perfect. So welcome everyone. This is the Saunders aggregation family transfer. Sorry, I lost my where I was. There we go. So the location of the proposed immigration apparently transfer is off of Mullin Road. We're in the western portion of Missoula Valley, approximately zero seven five miles to the east of Harpers Bridge Road. The property is zoned to see a three. The 2019, each element designates this track as agriculture with a recommended density of one dwelling per 40 acres. There is many areas of FEMA designated 100 year flood plain and flood weigh on the property, as you can see the map outlined here with the various different designations. Getting into the existing on site conditions, the property is thirty seven point five three acres in size. There is currently one mobile home on the property, which is address five nine six three Primrose Drive. The family transfer recipient, Cottrell Sanders does live on live in the existing mobile home Mr Saunders. The claimant does own some surrounding land in the area that's used primarily for agricultural purposes. Getting into the proposal. So at the request of caps, Carl is first proposing to aggregate tracks record that came up during HD comment and then after the aggregation that would result. And what you see here. Sorry, what you see on our existing conditions. And then the proposed family transfer would result in the claimant's claimant's adult daughter Cottrell receiving a one point zero three acre track, which is track to be. This does include her place of residence track to a would remain in Carl's ownership, and that would be thirty six point forty seven acres.

[00:13:40] The proposed density would be one dwelling per eighteen point seventy five acres. The application states that the claimant chose this particular piece of land to gift his daughter because as a single mother, the parcel provides her ease of access with a short driveway on short driveway access to Mullen Road, and it is close proximity to neighbors. They added that developing one of Carl's other properties would would result in increased road maintenance and snow plowing costs for Cottrell. Hopefully, I'm saying that name right on there. There's an application was sent out for comment, we received two comments. The first is from the clerk recorder's office, which commented about the presence of remnant tracks of record and at the suggestion of calves. Karl and his agents have added aggregation language to the application to address this issue. Then our county flood plain administrator commented that the existing mobile home is permitted and compliant with existing floodplain regulations. And now I will get into staff analysis and I will go over the general aviation criteria points that were triggered during staff analysis. Starting with General Aviation Criteria Point Number five, which asks has the claimant engaged and prior exempt transactions involving the original track? And this is applicable a barren line relocation was recorded February 14th of 2019, as shown in iOS six six eight seven. General evasion criteria number 10 is could the.

[00:15:26] Division be accomplished by a different exemption that could be more appropriate. This is applicable because Karl does own starting land. He could do a BLR. I do want to note that there could be some complications with this due to the floodplain issues. So this is an option. I'm not fully aware of the ramifications of such a change. General Vision Criteria Number 12, does the proposed division violate ethical floodplain regs or create access within a flood hazard area? This is applicable. Well, it does not violate Philippine regulations. It does create access building sites within the flood hazard area. General Aviation 14 is as applicable has to do with the growth policy compatibility and with a recommended. Recommendation of one dwelling for 40 acres, the proposed aggregation family transfer would exceed this recommendation at one dwelling per eighteen point seventy five acres. Finally, General Evasion Number 18 has to do with would this exemption have caused any significant impacts relative to subdivision review? And while it is believed that if the transfer had had been brought forth as a minor subdivision, conditions may be imposed based off of the subdivisions, location and FEMA designated floodplain and flood way. And there's just includes documenting compliance with the flood hazard area standards that we find in Chapter three point one point three six of the Missoula County regs. Next, I'm going to ask the applicant who I believe is online with Eli Associates will go over the family transfer questions.

[00:17:24] Is there anyone on the line joining Eli and Associates the applicant?

[00:17:31] That I saw Steve on there, it's Steve, you're you're muted if if you're trying to talk.

[00:17:40] Very. Yep. No, I didn't buy it with intent to divide it. I've had it for quite some year, a number of years. My daughter got a divorce and needed a place to live, so we put it up there.

[00:17:54] And worse, I think that sounds like Carl speaking, maybe it's going to start from the beginning here, just kind of punch through this in order here. Have you used that your name for the record, Carl?

[00:18:03] Carl Saunders,

[00:18:04] Thank you then. Question number one, which I think you started to answer. Did you buy the property with the intent of dividing it?

[00:18:11] No.

[00:18:13] You question two. Did you do you or your transferase intend to transfer the property within the next year? No, thank you. Question three. Have you talked to anyone at the county about going through subdivision review?

[00:18:25] No.

[00:18:27] Thanks, and the recipient is not a minor, so we'll go through the last two questions. A question for will the property be developed?

[00:18:35] Not in my life?

[00:18:38] Question number five, will the recipient of the property be residing on the property? Yes, thank you. And in conclusion, my presentation staff is recommending approval of the proposed aggregation and family transfer.

[00:18:53] Thanks, Nick. Mr. Saunders, is there anything else that you'd like to add right now? I don't think so.

[00:19:01] Ok, thank you.

[00:19:04] Hang on with us there, we might have some questions for you first, though, is there any public comment on this proposed family transfer? Ok. Seen was a public hearing. Questions from the commission. Bunch of them. Yeah, go for that. Thank you, Nick. You're saying there was a boundary line relocation with it in 20, 19 or 17? I can't remember. I get my odd numbers in up stuff.

[00:19:29] Yes. 20 19. Here I can reshare so I can have that data for possible.

[00:19:35] Is it possible to show what? What was what? They're all right. What happened in twenty nineteen is I don't know if that's available on a map. I'm just wondering, maybe Mr. Saunders can describe what was done and why it was done. It feels we're so close to 20 19 like they would be related. This decision in that decision would be connected in some way. Yeah, Mr. Saunders, would you like to explain that? Certainly, the people that have the primrose substation, the old Milwaukee substation is there needed a chunk of ground to add to theirs to make it available for historical site. And so they bought that little corner. That's not a marked tract one on the map in the bottom right? Yes. And so that's what that that's what that piece of property was done for was to give them five acres to go with that substation. Ok, got it. Got it. Thank you. It. Nick, I'm not totally familiar with the technical definition of flood hazard area, flood plain floodway I got, but flood hazard area was new to me.

[00:20:46] Yeah. Flood hazard area is actually just a term that we use in our sub regs. Pretty much each potential hazard like earthquake hazard, landslide hazard. We just call those hazard areas through our sub regulations. So it actually has to do with our sub regs. Pretty much they would just have to meet our requirements for building within the floodplain.

[00:21:16] Can you show us the slide again?

[00:21:21] Yep.

[00:21:22] And this won't have the flood hazard designation since this is just so showing FEMA mapped flood plain correspond to.

[00:21:31] So this is zone. This is one hundred a year

[00:21:35] And then red is a

[00:21:37] This is one hundred year floodway and then the pink

[00:21:41] Is

[00:21:42] One hundred year

[00:21:43] Flood plain with elevation and folks on the line here that. Know that that's the commissioner, this is Tim Worley just commenting on the special flood hazard area designation. Anything that's colored that you see on the slide is special flood hazard area. Ok. Which is like everything, anywhere near a river. So to follow up on

[00:22:10] That, if at some

[00:22:12] Point in time

[00:22:14] A structure

[00:22:15] Or building is proposed, there would still be a process by which through gaining a building permit, that recognition of of how that would need to be constructed or sited based on the floodplain. Yeah, I was headed in the same direction. Are we? Are we unintentionally setting up someone for a situation where they think they're going to go get a building permit and build on their new tract of land? And then they find out, Oh, we can't build anything here?

[00:22:47] No. So the the building permit process would definitely catch this prior. Karl has gone through the process, the floodplain permitting process to permit the existing mobile home that is on there. I'm not sure if this property potentially could host any more residences because Karl probably knows a lot more about this than I do. But I know he his drain field actually has to be pumped up to a non-designated floodplain parcel, so there would be a safeguard that someone would know that this is fully within floodplain. Obviously, when a parcel changes hands,

that information could potentially get lost. But if someone would come in for permitting, this would definitely be got.

[00:23:37] Oh, and and I guess we're going into hypotheticals here a bit, but what would there, what would that? So what would Mr. Saunders daughter's options be if she was to choose to choose to build a house on her new property? What does she have the option? Well, she lived in the existing she lives in the just existing trailer. It's only like an acre. She it's being transferred to. Ok, so how about the other piece of property? No one can live there. That's where that's what Carl is saying. Not in his lifetime. Well, unless unless said it through the building permit process was complied with. Whatever our standards are for building the floodplain, are we creating an unbelievable lot? It's my question. What are the elevations? I don't know. Tim, or the question is, are we created an buildable lot and and even if we were, maybe that's not

[00:24:38] Germane

[00:24:39] Since the owner recognizes that that's that's what's being created.

[00:24:46] Um, I don't believe the law would be completely unbelievable for say, I think there are just be many hurdles to jump through to to to get a mobile there, I think would have to be a mobile or a very elevated home, and I could be mistaken in that. I know Steve worked with the flood plain elevations on the mobile, so he might be able to speak to a little bit more specifics.

[00:25:13] It seems like the concern is, is that there's a creating a partial that's unbelievable and really we started out with. A thirty seven acre parcel and created a new parcel out of that that is buildable and there is a manufactured home on that parcel right now. And we've gone through the flood plain permitting process, and so it's fully it's fully permitted. There's it's possible that other parts of the property could be developed with a similar elevated home like Carl has already established for Cottrell. The septic system could not be anywhere on this thirty eight acres. It would need to be pumped offsite. Oh, OK, so that's an important point. The purpose of the family transfer is to sever off the buildable lot for transferring and and nothing really changes with the remainder, so it doesn't live on the remainder. There is no structure there. That's my understanding. Is that correct? Steve or Mr Saunders? Yes. Yes, we've already the whole piece of property. Prior to us going to the family transfer was in exactly the same state that the remainder is going to be in. And we went through the permitting process in order to put this manufactured home in there for my daughter. But building permits cut the floodplain permits already had an existing sewer up on top of the hill. And what I think is Mark tracked me and I already was approved for an additional sewer on that chunk of ground to put the sewage off site and above the plain. So I don't think we've changed anything, the new lot is going to be in exactly the same condition it was when I bought the entire show.

[00:27:23] So we left thank you for that. Would we be left in a situation now where your daughter is living on her own land in her house, which is great? And then if you wanted to, you could sell that other Hummer, how many acres we got now? Thirty six. Thirty six. To somebody else. And then they could build something, but it would be pretty difficult. But they could do it right. But it's a possibility that they could do it, they have to have a site that they could put the sewer system on that is not on that tract of land. So I just have to say we're not for that obstacle. I would personally would see this as subdivision. And he just made two lots daughters living in one. You could sell the other. He's not. It would. I would feel different if he was living in one and his daughter was living in one. But we're creating a situation where he could, and I'm not saying this is what Mr. Saunders wants to do. I totally believe him. But if he wanted to later, he could just sell this other thirty seven acres off. Somebody else could live there, although isn't that the case with all? Well, typically. Typically you got the parent tract and a parent living in that and then the new tract in a kid living in that, not not a new empty check that nobody's living in that they could sell off.

[00:28:44] Ms. Yeah, I mean, in this case, these obstacles are so large, it's not eminently sellable. It's not. But, but otherwise I would personally see that as well. It looks like you're creating a new track that no one in your family is living on. Nobody's living in it. It would be primed for sale, which is, in a sense, subdivision creating a new lot. But I don't have no problem approving this because the obstacles are so large that can seem like buildable, though I guess technically so, but not in an easy way to build on another piece of ground. I have like six other locks that are one hundred and twenty seven and an 80 and a 70, and they're all out of the plane. I wouldn't go through the hassle of going through that one to build a house on it. All right. Great. Thank you. No other questions, no. Are you guys comfortable with the version of the movie that the board approved? Carl Saunders request to utilize the aggregation

and family transfer exemptions as presented in the exemption application and affidavit. I'll second that further discussion on pushing to approve the family transfer and aggregation see none all in favor. I. Thank you, Steve. Thank you, Mr. Sanders, thank you, commissioners. Thank you. Thank you, get your third and final public hearing is to open a public comment period on upgrading polling place tabulation equipment

[00:30:22] Or

[00:30:23] Transitioning to a central count of all ballots. Bradley, please describe to us what it is that's before us today or before the public for comment, I guess.

[00:30:35] Hello, commissioners, members of the public. Can you hear me OK?

[00:30:38] Yeah.

[00:30:39] Great. I'm trying to share my screen right now. Are you able to see it?

[00:30:44] Yes.

[00:30:45] Fantastic. So when you get started here and what we're doing is exactly what you just said, we are opening a public comment period and a discussion around our the way we tabulate ballots. And Missoula County has been a precinct level tabulation county. We recently upgraded our reporting system in twenty twenty. We had purchased new ADA voting devices and those run off of a different operating system, the same one that we just purchased. And what that means is that our precinct level tabulators these M1 hundreds would need to be replaced. And well, there's been a lot of changes between two thousand and five when we originally purchased that equipment and the way that voters vote in this current election, we wanted to have a public discussion around whether we should continue forward with a precinct level count and have ballot counting machines these days two hundred at our polling place, or if we should upgrade our process to a central count process and a little background information is that we're the largest county in Montana, which still utilizes precinct level tabulators. When they were originally purchased in two thousand five, the majority of voters voted at the polling place and absentee levels were in the teens. Currently, we have flipped that and we have eighty five percent of voters who vote absentee with 15 percent of our active voters who vote at the polling place.

[00:32:13] He really? Yes.

[00:32:15] I'm sorry. I think your slides aren't advancing. If you're moving them forward, I think you can do it within the teams app. The little arrow down at the bottom. Under your slide, I just want to make sure that everybody can see. What you're talking about.

[00:32:34] To me, load this back up, thank you very much, there are some great screenshots on there. See if I can get that loaded back up for you guys as well.

[00:32:42] That was their chief operating officer from Missoula County. Here we go. There you go. Now, are you guys able to see them all? I just thought you were very thorough. Yes. Yeah. Ok. Let me back

[00:33:02] This up just a little bit, so our upgrade to our new reporting software for everybody here means that with this new upgrade, what we will be doing is our one hundred tabulators, the ones on the left there would no longer be used. And in order to function with the new Adur devices and the new reporting software, we would need to upgrade to the DS two hundred precinct level tabulators. With this being the largest county in Montana, which still uses precinct level tabulators, a lot of that is because we are one of the largest counties yet to upgrade to the new reporting software during the 2020 general election. There were voters who came in. We had an all mail ballot, federal general election, and they wanted to see that their ballot got run through the machine to count. As you can see on the bottom of the screen, vote count literally goes up by one starts at number one, goes up to number two so you can see your ballot has been deposited.

[00:34:08] Used to be stuck, we got stuck there. Did it get stuck for you guys?

[00:34:13] Yeah, I worry. We added that video to show you what it showed was that the vote count goes up from 17 to 18.

[00:34:22] Well, there was this big discussion. Yeah, just on the bottom of

[00:34:28] That vote count going up. We take that from our election judge training when we look at this. The question is do we remove all tabulators and go to central count if we were to do so? There are some positives and drawbacks with any decision.

[00:34:42] There is a

[00:34:42] Substantial cost savings on eliminating our polling place level tabulators

[00:34:47] And these

[00:34:48] Costs are really the purchase and maintenance costs. In addition, we have testing costs before each election to go through and prepare those and then storage delivery on Election Day and then keeping them in our warehouse and maintaining them as they go through. Another positive is that on Election Day, even our best trained election judges can have issues and especially with new equipment.

[00:35:13] We always want

[00:35:13] Voters to feel as confident in this process as possible and ensuring that our equipment is up and operating correctly is critical towards that. Voter confidence in the ballot area that's really critical is it provides uniformity in elections. We like everything to be as uniform as possible between different counties and the way that we treat each voter. And so this would add uniformity because all ballots would be tabulated in the same capacity. With this, there's also a few drawbacks as we see the machine count goes up on that machine, but it'll also notify a voter if they put in a blank ballot or a ballot where they voted for more than the number of candidates they were eligible an overvote.

[00:35:55] Is that a drawback? Yeah, it's a good question.

[00:35:58] Well, so

[00:35:59] We'll talk a little

[00:36:00] Bit about that on the next one. The reason that it's a drawback is that we would no longer have that ability, but it would uniformly apply the same areas to voters who vote by mail, who don't get that notification as voters who vote in the polling place. Another drawback is on the I don't I'm sorry.

[00:36:20] So it's a drawback that the machine would notify you if you put a blank ballot in or over a vote.

[00:36:25] If we remove those to a central count, we would no longer have voters who vote at the polling place be provided. That guidance

[00:36:34] Would

[00:36:35] Be able to tell if either voted or put in a blank ballot. Exactly, yep.

[00:36:42] In addition to that, for every election, we balance the number of ballots that we issued to the number of ballots that were counted, and it would make that harder to balance those poll books on election night. However, we have regularly gone through and updated that. Another area is that loss of confidence from not being able to see that vote total go from 17 to 18. And a potential increased concern about transporting uncounted ballots. Now to directly discuss some of those. Go ahead.

[00:37:16] I'm the hard to balance pull books on election night. Is that just a matter of time? You're not saying it's hard to balance the poll books. It's just hard to do it right then. Is that correct?

[00:37:26] Exactly. And so after each election, as you can see here on this slide, we're going to duplicate the reconciliation and confirm the math of every polling place. The big difference is is that they don't know how many ballots are counted without that tape from that machine. However, we had an opportunity to test this method and utilize central count in the twenty seventeen special federal election,

[00:37:48] And all of the pull

[00:37:48] Books were able to balance mirroring the same as a polling place election where that equipment would have been set up in twenty seventeen. We had an unplanned special federal election for a house rep. And what that did is we did not establish all of the coding for this equipment, limited that cost savings and went to a central count because it was an unplanned election and we wanted to limit the cost to the county budget as much as possible.

[00:38:17] So we had the

[00:38:18] Opportunity to test that. And after every election, we go through and will confirm that poll book math and present that at that canvass. We haven't done that recently because we haven't had polling place elections, but that's the other part of the canvass is confirming each of those machine totals. Now also to touch base a little bit about the drawback of removing those machines and not having it notify those voters of a blank ballot or an overvote. One area that it does is it makes it uniform between those who vote by mail, as well as those who vote at the polling place. So when you vote by mail, you're not notified if you voted for more than the number of candidates in that race, and that would equalize each of those different voting populations, those who choose to vote by mail and those who choose to vote at that polling place. In addition to that, to cover our potential loss of confidence in the process due to not being able to see your ballot counted, sorry guys. I like this because as you wave, the camera moves to you and I can see you, Josh, please.

[00:39:20] Okay. The first bullet there. So notifying you if you put in a blank ballot. So. So how does this play out if I'm going to the polling place and voting? Presumably, I'm handing the person whose feet I'm feeding in to the machine, the ballot that I voted. That presumably is not blank.

[00:39:43] Yes, exactly. And so if you did accidentally place in the ballot that was blank before accepting that ballot, the machine at the polling place would notify with a series of

[00:39:53] Beeps

[00:39:55] To the election worker to state that there is an error with that ballot, and it'll notify you specifically if you've deposited a blank ballot or if you voted for too many candidates in one race. And so what we do is we when it's beeping, that election worker would notify that voter and say, it appears that you've deposited a blank ballot. We're going to return that and have you confirm that that's the vote you wish to cast? And so it is an additional safeguard at that polling place in a primary elections where we see that most regularly

[00:40:26] Accidentally

[00:40:27] Depositing a ballot for a party that you did not vote on.

[00:40:31] And that explains it.

[00:40:32] Yep. And so then the other area is in certain elections where we have a vote for two, if they vote for three, it would notify them so that they could correct that and get a replacement ballot at that point in time. With this, it would actually equalize both the polling place and the absentee voters, because when you mail your ballot in after we have opened it for processing, we're not able to link that ballot back to that voter and have them correct it. So while that is a drawback for those voters that vote in the polling place, it's also an equalizing factor. Did that make

[00:41:05] Sense? Thank you.

[00:41:07] Can you go? Well, one's got one. Can you talk a little bit more about

[00:41:12] The final potential increased concern about transporting uncounted

[00:41:15] Ballots? Yes. Explain that process.

[00:41:19] So this is a process that we currently undertake under every election. If we did not have counted ballots at the polling place by feeding them through those tabulators, we would be transporting uncounted ballots in every mail ballot election. We transport uncounted ballots between the post office and our office every day. There is a clear process outlined in law, which includes transport by two sworn election judges, sealed containers and corresponding seal logs. We have utilized this in previous polling place elections to do pickup of absentee ballots that are dropped off and in the upcoming elections, any drop off locations follow the same process. So while there could be a potential concern that now you're transporting these ballots from a polling place on Election Day to a central count, it's the same process defined by law that we've utilized in every election. What we're doing is we're just trying to help inform voters about how these laws are already in place to protect the integrity.

[00:42:18] I just want to be clear here, so central count doesn't mean the precincts go away, it just means we're carrying the ballots to a central location where they get counted by different machines, like going from the post office to like going to the post office. And if anybody is listening and they're like saying, I just love voting at Hawthorne School, you're going to make that go away. We're not making that go away.

[00:42:41] No, the

[00:42:42] Difference would be that instead of putting it into a machine that tabulates it there and gets added to the totals later, it's placed into a ballot drop box and transported here. Just like for every mail ballot election and like we did in the twenty seventeen special federal

[00:42:56] Over the voter experience that they went to Hawthorne School would look just like and feel just like it always did. Except we don't get to see the exact you don't see that.

[00:43:05] And arguably would improve because we would be able to focus a lot more on other customer service areas by taking out that setup and training around the machines, as well as the seal log setup and closing. So there are some steps and processes that take place on Election Day. And if we established our ballot drop boxes, we can focus on those other steps instead of focusing on the equipment set up and training

[00:43:30] To reiterate on the reasoning for this. We've seen over the last what is it, 10 to 20 years or so a big flip in numbers of people who go to their precincts and vote in person and those who vote absentee from at once was the majority voting in person at their precincts and the minority in absentee. It's swamped now.

[00:43:49] Almost exactly eighty five percent voters were at the polling place in the early two thousand five, and now eighty five percent of our voters vote by mail.

[00:43:59] So we're basically using a technology and a system that's designed for a sort of demographic split or behavioral split that we no longer enjoy.

[00:44:08] Exactly. And we'll touch base on that and a little bit because that really impacts the cost of utilizing this equipment.

[00:44:15] Thanks to the Bradley, one last question. So at least one last question on this.

[00:44:20] So are there although rare?

[00:44:24] Are there opportunities for human error utilizing the tabulation equipment at the precinct? That would no longer

[00:44:34] Be a

[00:44:34] Possibility if that equipment was not there

[00:44:37] Onsite?

[00:44:38] Absolutely. Even our best polling place managers and I think even our chief operating officer and Hughes had made the mistake of not having our equipment set up correctly on election morning. And with that, we would want to go through an additional catalog. We're always able to correct any mistakes that may happen, but it's about this perception. So Ann, would you kind of explain a little bit about what had happened to you out at Hellgate there?

[00:45:04] Yeah, there's a there's something this is back in the days when Vicki's IRA was our elections administrator and she created what's called the Dunce Award. Well, I will say that I won the Dunce Award as a polling place manager. I was at Target Range School and you just kind of get in the zone and you're getting stuff done. And I just missed one little step in putting the equipment together and on these one hundred machines. So it does happen. And I'm I'm a I'm a winner of

[00:45:37] The dunce award. I need to reinstate the dunce award. I'd be wearing that thing around my neck every day and

[00:45:46] There are a lot of pressures on our polling place managers. They arrive at five, 30 or six o'clock in the morning. They have to set up each of our precinct registers, confirmed ballots as well as set up this equipment. What this does is it eliminates this equipment setup as we were able to fix this error that an it made able to get that to accept those ballots and through. But it's about the public perception. We want this to be as smooth as possible and eliminating these additional seal log steps and setup and potential errors could make it easier for judges on election morning

[00:46:18] Potential errors like the one that Amazon took. So I'm glad to hear about that. The elections office has let go of that. They're not holding on to this as a memory in any way. A mistake, by a mistake, by end users. Yeah, we

[00:46:32] Never put anybody on the spot. More information and really boiling it down there are you heard me reference earlier, a few extra costs that we had discussed and they were cost. Oh, they were cost with our purchase and maintenance cost

[00:46:55] Testing

[00:46:56] Costs, as well as storage and delivery. The testing cost and the storage and delivery costs are very variable depending on the scope and size of the election. So they were very hard to include in this discussion. For this discussion, I focused very strictly on the cost of purchase and maintenance to help get an idea of. What these costs would be, because that is one of the biggest potential drawbacks of upgrading the purchase cost is one hundred and sixty four thousand dollars to purchase this equipment and implement it into the polling place. It does have to have annual maintenance and licensing,

[00:47:37] So the

[00:47:38] Maintenance on these is conducted every other year. Polling place elections happen only on the even numbered years for the federal elections, for our primary and our general. But the charges are made yearly, so every year we pay six thousand two hundred, sorry, six thousand eight hundred and twenty five dollars. We would have the ability to split these costs between two fiscal years, so we could include the cost from yes and yes on the first year and then again on the next fiscal year, should we decide to go forward as we break this out, one of the areas that we really look at is voter confidence and cost per voter. And so as we look at this over the first year, our very first year charge would include all of the maintenance. So it would be that one hundred and sixty four thousand. The number of polling place voters changes on a daily basis, so to help get this number together, I took the actual number of voters that voted in two thousand sixteen and twenty eighteen and I averaged those together. So we have

one hundred and sixty four thousand and let's assume that every voter comes divided by fourteen thousand five hundred for the first year. If all of those voters arrive at the polling place, that cost for a voting ballot would be eleven dollars and thirty three cents per voters. That doesn't include the set up testing, storage and delivery just on the purchase and maintenance costs. We're currently including those in our budget, so we can include those same costs at this rate. Now, as we go through 10 years, the cost goes up. And the reason for that is is that every year we're paying for that service.

[00:49:23] However, they're only utilized every other year, so the cost on those is an additional six thousand eight hundred and twenty five each year to maintain that. So at the 10 year mark, if all fourteen thousand five hundred voters are voting, the cost per ballot would go up to fifteen dollars and fifty seven cents. And the head you guys off on a question, let's discuss what the cost per ballot is for a mail ballot. So we're looking at historic turnout. We did not decrease this number, as has been the trend. We tried to keep this at a current snapshot in time that fourteen thousand five hundred voters, so that would be the lowest potential cost. And in the twenty twenty all mail election, our cost was six dollars and eighty seven cents, which included all of the Center for Tech and Civic Life funding. We spent almost two hundred thousand dollars on outreach alone. If we just include our normal funding and expenditures, it was three dollars and eighty eight cents a ballot. So there is a substantial cost difference between the polling place back cost per vote and the mail ballot cost per vote. Because remember, eighty five percent of our voters vote by mail. So in every election we're going to have vote by mail ballots and in a polling place election, we would have vote by mail ballots and polling place tabulated ballots. If we decided to proceed forward. So with these numbers, we're seeing this change and we're seeing a big cost difference, Josh.. Sorry, Josh, I like that it goes to both.

[00:51:01] So just to be clear here, if we were really in in, if we were really interested in just saving money, we would get do away with all this in-person voting.

[00:51:12] Arguably, to save money, mail ballots, increase turnout and cost much less. We don't want to eliminate that polling place method of voting. We can still have the same cost per voter but drop down the cost per ballot to tabulate them because we would still have additional staff in other areas included. But we want to meet voters where they're at and voters like voting in the polling place. We have 18 percent forgive me. My math changed after doing some list maintenance. We have 18 percent of the voters that love voting at polling places. That's how I started working here is by serving in a polling place, so we wouldn't want to eliminate that entirely, but we can drop costs substantially.

[00:51:55] Yeah, I'm not not saying bad things about history here. Is there given that when you started, everybody voted in person, and that was a great thing, but now we're down to 18 percent. Is there a line you could foresee crossing when we get like below 10 percent or 14? I don't know what the arbitrary number is. When we get below a certain point, we just say no more. We're just doing it all by mail because the cost savings and the turnout is so much better, which is really the two things that we're really concerned about. We want everybody to vote and we don't want to spend more money than we have to. But do we have the authority? Do we have the authority to do that? And I guess add on another question. Are there other communities out there in America of our size decided to ease the cost savings are so worthwhile we're just going all to going to all mail.

[00:52:47] So we've seen this in other states. And Dave, you hit it on the head. State law prohibits all mail ballots in federal primary and general elections.

[00:52:56] In 2020,

[00:52:57] The governor utilized emergency powers to override that state law. The Legislature in twenty twenty one removed the governor's ability to do that. We will always have polling place elections until a state law changes for the federal primary and general elections. What we see in other communities, and it is one leads to the other. Cascade County and Yellowstone County have both centralized their polling places for the municipalities. They still have outlying polling places in all or in Laurel. But all of the voters would go to the Metrocentre or the Expo Park, the fairgrounds in Cascade County. And what you see is that as they're consolidated, absentee goes up and also vice versa as absentee goes up, the need to consolidate is also greater. Our voters have stated that they enjoy polling place elections through the surveys we conduct with the University of Montana, so we want to find what worked well for Missoula. We would need to have polling places open, but a talk about potential consolidation in the future

would be another discussion we could have, which would help make sure that voters got adequate service and in a way that they wanted that was appropriate for Missoula County. Did I get your question, Josh. So we could do.

[00:54:14] We can go to all Mail-In ballots for elections where it's not a federal general or a federal primary absolute

[00:54:21] Or a special federal. To be fair, the if we have another special election for U.S. Rep. that would be a polling place election. And then in Missoula County, the city had opted for all mail ballot election since 2011, and the school districts have been all mail ballot for quite a number of years. I don't have that exact date.

[00:54:44] Thanks, Bradley.

[00:54:45] So that's kind of a rough breakdown as what we're looking at for these areas now, we're trying to balance out efficient, accurate elections service for voters to make sure that they receive the best service that they can, as well as being wise stewards of taxpayer dollars. So being elections, we want to have a good public discussion around this public discourse and public comment. So as Dave, you stated earlier, this is the origin of a discussion to engage public comment, and they can be sent to BC at Missoula County, US or to call that main office at two five eight four eight seventy seven. In addition to this, we have our Election Advisory Committee on next Tuesday and they will be making a recommendation to the commission as well as myself on this issue.

[00:55:30] Bradley, how long is our comment period open until

[00:55:34] Public comment period right now slated to be open until next Thursday, where we could reconvene with all of the gained public comment and have a vote on this decision now. The reason for that is that we are already preparing for our twenty twenty two elections. I need to train our judges on what they're going to do, so I need to know how we're going to operate for twenty twenty two. Will we be a central count county or will we be a precinct level count county so that we can prepare our training materials accurately for those judges, order any required materials and make sure that they're in and trained on time.

[00:56:10] So it is kind

[00:56:11] Of a tight timeline, but the reason for that type timeline is so that we can be well prepared for the next federal cycle.

[00:56:19] So it's on the agenda already for October 14. Is that correct?

[00:56:23] Yes, sir.

[00:56:25] Very good. Thank you. Bradley, is there any public comment on this proposed change? Well, and Hughes,

[00:56:38] Right, I just wanted to talk about my dunce awards some more. If I could. No, I just wanted to. I just wanted to add that if we get a significant amount of public comment on this over the next week, we can certainly continue that and make sure that folks are getting enough time to to share their thoughts on it. But if we if it's a relatively uncontroversial decision,

[00:57:03] Then we can ask that you take action next week.

[00:57:08] Thank you.

[00:57:10] Anyone out there on the line on Microsoft Teams who would like to comment on this? If so, please raise your hand. Ok, and I'm not even seeing any members of the media here to ask any probing questions. Anything anyone wants to say. Any other questions from the commission today? Thank you so much, Bradley, for asking all our questions. And after you left and comes out.

[00:57:50] If you guys have any other questions that come up, you can reach out to me as well.

[00:57:54] Ok, thanks, Brooke. Thank you. Thanks. Yeah. He is the final recipient of the Duncie Award. Ok, thanks everyone. This will remain open until next Thursday or perhaps longer, depending on the volume of public comment. Any other business to come before the commission today? See none. We will be adjourned.

[00:58:20] Thank you,

[00:58:20] Everyone. Thanks. Ok.