

Missoula Board of County Commissioners

# PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MARCH 24, 2022 – 2 PM

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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.

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**ATTENDANCE:**

**Commissioners Present:**

Chair Vero

Commissioner Slotnick

**Staff Present:**

Violet Plummer, Administrative Assistant, Commissioners' Office

Terry Kendrick, Strategic Alliance for Improved Behavioral Health Program Manager,  
Partnership Health Center

Chelsea Wittman, Safety & Justice Challenge Coordinator, Community Justice Department

John Hart, Deputy Civil Attorney, Attorney's Office

Nick Zanetos, Planner, Community and Planning Service

Sarah Bell, Communications Coordinator, Communications

Tim Worley, Senior Planner, Community and Planning Service

Suzy Boylan, Attorney IV, Attorney's Office

1. **CALL TO ORDER** *[Time stamp – 00:18]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:20]*  
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:32]*
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 00:51]*  
[None]
5. **CURRENT CLAIMS LIST** *[Time stamp – 00:57]*  
Claims received as of March 4, 2022 to March 14, 2022 by the Commissioners' Office total \$3,492,571.77.

**6. HEARINGS**

**a. Resolution - Missoula County Behavioral Health System: Charting a Path Forward**

*[Time stamp – 01:20]*

Terry Kendrick, Strategic Alliance for Improved Behavioral Health Program Manager,  
Partnership Health Center

Commissioner Slotnick made the motion that the board approve a resolution to adopt the report Missoula County Behavioral Health System: Charting a Path Forward as a guiding document.

Commissioner Vero seconded.

[Motion passed 2-0.]

**[Resolution 2022-007. Book: 1073 Page: 631]**

**b. Bornstein Family Transfer** *[Time stamp – 15:05]*

Nick Zanetos, Planner, Community and Planning Services

Commissioner Slotnick made the motion that the request by Phillip and Marcey Bornstein to utilize the Family Transfer and Aggregation exemptions, as presented in the exemption application and affidavit, be approved.

Commissioner Vero seconded.

[Motion passed 2-0.]

**[Letter 2022-109. Mailed to: Phillip and Marcy Bornstein]**

**c. Bauer Family Transfer** *[Time stamp – 24:20]*

Nick Zanetos, Planner, Community and Planning Services

Commissioner Slotnick made the motion that the request by Tom Bauer to utilize the Aggregation and Family Transfer exemption, as presented in the exemption application and affidavit, be approved.

Commissioner Vero seconded.

[Motion passed 2-0.]

**[Letter 2022-111. Mailed to: Thomas Bauer]**

**7. OTHER BUSINESS** *[Time stamp – 31:46]*

[None]

**8. ADJOURN**

Chair Vero – Called the meeting to adjourn at 2:32 p.m.

## BCC Public Meeting March 24, 2022 – Transcription

*This transcription was produced by transcription software. There may be discrepancies between this transcription and meeting dialogue. You can view the recording of the meeting on the county's YouTube channel: <https://www.youtube.com/c/missoulacounty> or contact the commissioners' office to obtain a copy.*

[00:00:06] Good afternoon, everyone. Let's see here, Will. Get started. With. We'll call it order. And we'll begin with a land acknowledgement that Missoula County acknowledges that this event takes place on the Aboriginal territories of the Salish and Kalispell people. And we'll have the Pledge of Allegiance now. Please join me. I pledge allegiance to the flag of the United States of America. To the republic for which it stands. One nation, indivisible.

[00:00:46] With liberty and justice for all.

[00:00:51] There are any public announcements? Oc. Our current claims list received March 4th to March 14th as \$3,000,492 and 50 excuse me \$3,492,571.77. We have three hearings today, and we'll begin with a resolution with Missoula County Behavioral Health Systems charting a path forward. I believe we have Terry Kendrick and perhaps. Mayor Nagin. I'd like to begin.

[00:01:36] Sorry, Commissioner Vero. Mayor Egan was having a little trouble getting on the call. I just sent him the link, so hopefully he'll be on shortly. Three to.

[00:01:44] Proclamation. We will wait. Unless. Terry. Do you have. Do you want to? Again.

[00:01:54] It's up to you. I can just say my introductory remarks if you want me to.

[00:02:00] Great. Go ahead.

[00:02:02] All right. So I'm Terry Kendrick, and I'm the project facilitator for the Strategic Alliance for Improved Behavioral Health. And the Strategic Alliance is a collaborative working to close the gaps in the behavioral health care system. Members include Providence, Saint Patrick Hospital, Partnership, Health Center, Western Montana Mental Health Center, All Nations Health Center. Community Medical Center. Missoula City County Health Department. Missoula Crisis Intervention Team, the Substance Use Disorder Connect Coalition. The Mayor's Office and representatives from other city and county organizations. So as part of the Alliance's work to understand the greatest needs in the community, to learn what progress has been made toward meeting those needs, and to identify what work remains to be done. The Alliance requested a summary and analysis of the behavioral health needs assessments that have been done in the past five years. So Gretchen Neal of Missoula County's former mental health coordinator, compiled the information and summarized findings from nine reports. She identified common themes and proposed recommendations for the strategic alliance and for the community at large to prioritize in the coming years. Those findings are in the report. Missoula's Behavioral Health System Charting a path forward. So we ask the Missoula County Commission to adopt the proposed resolution to use this report as a guiding document when appropriating resources toward improving the behavioral health care system in Missoula County. I didn't take a breath.

[00:03:50] I was on the edge of my toes here.

[00:03:53] Thanks. That was exciting stuff.

[00:03:57] We got some claps here. Well, and I see Mayor Reagan. So, Mayor, I understand you have a reading for us.

[00:04:06] I do. And provided that I'm not muted, which I often am when I start talking.

[00:04:13] Thank you.

[00:04:15] Thank you. For the record, I'm John Ingham, mayor of the city of Missoula. And thank you, Terry, and thank you, commissioners, and all for the work that you've been doing all along the way to improve the lives of the residents we serve, particularly those who are challenged with behavioral health. Conditions. We on the city side chose to pursue a proclamation in support of the resolution that allows us to adopt to adopt without some of the some of the challenging and time consuming formality. And so I have a proclamation here that with your permission, I will read.

[00:04:58] Please do.

[00:04:59] Thank you. Whereas, if left untreated, behavioral health, which includes mental illness, other mental health disorders and substance use increases the risk of diseases such as diabetes, heart disease, stroke, and can lead to increased increased risk of incarceration, homelessness, social isolation, isolation, victimization and trauma. Suicide, overdose and unemployment. And. Whereas, the COVID 19 pandemic has exacerbated behavioral health conditions in the United States, with three in ten adults reporting symptoms of anxiety or depression compared with one in ten adults prior to the pandemic. And. Whereas, the Missoula County Mental Health Coordinator compiled the recommendations from nine reports at the request of the Strategic Alliance for Improved Behavioral Health and has identified specific action steps to improve the system of care, including prevention, early intervention and crisis care. And. Whereas, the report titled Missoula County Behavioral Health System Charting a Path Forward encompasses encompasses these recommendations and action steps. And. Whereas, the Missoula Board of County Commissioners signed Resolution 2020 207 on March 24, 2020 to adopting the Missoula County Behavioral Health System, charting a path forward as a guiding document when appropriating Missoula County resources toward addressing needs in the behavioral health care system. And the city of Missoula and the State of Montana hereby adopts. Missoula County Behavioral Health System Charting a Path Forward and supports. Missoula County Resolution 2020 207 and the objectives outlined in that resolution. And once again, I appreciate our partners all around this call and our collaboration here again to meet community needs as they develop and engage in some experimentation along the way to make lives better.

[00:07:01] Thank you, Mayor.

[00:07:03] Thanks. One can. Can I toss something in here?

[00:07:07] Of course.

[00:07:09] Thank you so much. So, Terry, at the outset of your comments and you listed off all the folks that were involved in this, and you said in other various city and county offices, and I wanted to make sure it was known out there that the commissioner's office was part of that and that I was part of those meetings. And this isn't just my insatiable desire to cling to the coattails of the successes of others. It's because I'm saying this because I got to see you in action and see the Strategic Alliance for Behavioral Health in Action. And it's so fantastic to witness that and to get to be party to some of those discussions, to see all these groups of people who work in different parts of a disparate and decentralized system come together quite recently to develop through Gretchen. What looks like a roadmap forward is super heartening and I can speak for three of us saying we are really excited to take further action to bring these these this vision into reality. And I'm so proud to be a part of it. And thanks for all your good work. But one. I can't move to approve it though. I'm sorry.

[00:08:16] Gretchen. Don't. Don't listen to a word he says.

[00:08:19] No.

[00:08:21] And I appreciate, I guess the the last element developed a nuanced understanding of the factors that contribute to the identified needs and gaps. So Commissioner Slotnick and I were on KGO yesterday morning, and we're supposed to be talking about zoning and our zoning update plan. But the comments that we got really showed something different. And and I liked this commitment here. Rather than conduct another systems assessment, the

community would benefit from a deeper and nuanced understanding of the factors contributing to the current gaps, as well as the best options available to meet those needs. I just think that that is incredibly important. So thank you for that, Terry. Gretchen, the team. And looking forward to. Getting some good work done. Upset terrier.

[00:09:27] It's a good thing I was muted for that last word. There are some people here who may want to speak in support of the resolution. And if they want, I don't know when the appropriate time is.

[00:09:44] If you are done and don't have anything else, then yes, now is the appropriate time. But anyone like to. Speak to this resolution. I thought I saw Gretchen on here.

[00:10:07] I'm here. But I wrote the documents, so I think everything I have to say about it is in there. I'm just really excited to see this. To see this making a difference. And hopefully. Yeah, charting a path forward.

[00:10:28] Thank you, Mary.

[00:10:33] Yeah. Good afternoon. I didn't prepare anything, but I will just excuse me. Share that. I am very excited to be a part of this process and it's just excellent that Gretchen has laid out this wonderful foundation and roadmap and guide for us to anchor into. And I'm really I guess I'm particularly jazzed because I absolutely feel with the backing of the board of county commissioners and the mayor that this work will move forward. And so I'm just really, really grateful for your ongoing support as we move forward with this with this guideline. So thank you very much.

[00:11:17] Thank you. Sherry Rigg. Oh, and you're muted.

[00:11:27] Sorry. I didn't know you were going to call on me.

[00:11:30] I didn't know. I'm sorry. I just.

[00:11:33] That's okay. Well, this is exciting because we're a smaller provider in the community, but we still see about 200, and we have 235, I believe, on our caseload right now. So that's a substantial number in the community. And to be able to partner and have a collaborative effort in the community I think is just awesome. I think Missoula is so. Moving forward with innovative ideas to make substance use disorder treatment and mental health treatment really viable in our community. And I'm so proud to be a part of Missoula and addressing this need.

[00:12:23] Thank you. There are any other comments? Okay. I see a hand up, but I can't tell who it is.

[00:12:38] It's me. It's Sharon. This is Sharon's parole with Missoula. Substance use disorder connect. And I also just want to express some great support for this document and for the work that Teri and the Alliance and Gretchen have all done to come up with this report. I would echo Commissioner Slotnick comments that it's been a pleasure to be sort of a part of that and to witness all the conversations that have been had. And I and I just know Gretchen put a ton of work into writing it and really looking at it, a number of different reports. And so big shout out to Gretchen herself. But but also just being a part of the alliance, strategic alliance for the last year and a half and being able to see our progress and see where we're going is really exciting personally and for substance use disorder connect. Thank you very much.

[00:13:38] Thank you. Any further comments? Okay.

[00:13:50] Just ready for emotion.

[00:13:53] Och.

[00:13:54] All right. So so I'm going to say with this with this road map in hand, I think we are poised over the next year to make the biggest leap forward ever in the history of Missoula County in terms of public mental health. Really excited. We can all be part of that. So with that, I would request the board to approve a resolution to adopt the report. Missoula County Behavioral Health System Charting a path forward as a guiding document.

[00:14:21] Enthusiastic second. Any further public comment. All in favor. I. Thank you.

[00:14:31] Thanks, Terry. Thanks, Gretchen.

[00:14:35] Thank you all. Thank you.

[00:14:39] Next, we have a couple family transfers, both with Nick. Let us like let us will start out with a staff report followed by an applicant or developer representative speaking, then public comment. Then we'll close public comment. And then Commissioner Slotnick and I will discuss and we'll begin with the Bornstein family transfer.

[00:15:09] Great. Thank you, Juanita. Let me get my PowerPoint going here and put my notes up. All right. So this is the Bornstein family transfer and aggregation. I'm going to first start with a little background on the project. So we are located a Patty Canyon just outside the city of Missoula, off of Larch Camp Road. Both properties involved in the proposal are Zone 32 and designated as rural, residential and agriculture by the 2019 land use element. Getting into existing onsite conditions. So 33007 Large Camp Road is a 38.71 acre parcel that is owned by the Bernstein's, which are the claimants. That parcel is vacant with no structures. 3005 large Camp Road is a five acre parcel that is also owned by the Bernstein's, and this property contains one single family home that the claimants reside in. Get into the application proposal. So the applicants are first proposing a family transfer on 3007 March Camp Road, which is the larger parcel.

[00:16:23] That.

[00:16:23] Family transfer would result in the claimant's. Three adult children receiving a 4.42 acre tract, sorry, each, each receiving a 4.42 acre tract. Those are proposals lots one through three. The next proposal is to aggregate the 25.49 acre remainder from the family transfer with the claimant's existing home and property at 3005 large camp road that would result in a new tract which would be proposed as Tract A one which is 30.49 acres in size. The application was sent out to relevant Missoula County agencies for comment and no comment was received. Now I'll go over staff analysis and any evasion criteria points that were triggered during step analysis. So a vision criteria point number two was triggered. The Bernstein's did purchase the larger parcel at 3007 large camp road within the two year window that the vision criteria point asked for. Also triggered as a vision criteria point number 18 given the property's high. Wildfire hazard level. It would be deemed during such subdivision review if this impact needed to be mitigated or was on. Mitigate evil. Next, I will ask family transfer questions to the claimant. I think I saw them on the line here today. See? Sorry, I've been. There we go. Mr. Royston, will you please state your name for the record?

[00:18:03] Yes. I'm Phil Bornstein and I reside at 3005 Larch Camp Road in Missoula.

[00:18:10] Great. Thank you. And sorry, is it anybody getting any feedback? There's a lot of construction going on. I want to make sure it's not affecting anything on your end. Okay, cool. So question number one, did you buy the property with the intent of dividing it?

[00:18:24] No, we did not.

[00:18:27] Question number two, did you or your transferees intend to transfer the property within the next year?

[00:18:32] No, absolutely do not.

[00:18:35] Thank you. Question number three, have you talked to anyone at the county about going through the division review?

[00:18:40] No, we have not.

[00:18:43] Question before, will the property be developed?

[00:18:46] Absolutely not. We have no interest in developing the property.

[00:18:50] And question five Will the recipient of the property be residing on the property?

[00:18:55] Well, one of my three daughters will definitely be residing on the property. The other two remaining lots are yet to be determined at this point in time as to whether they will construct the home there. But they would we would love the opportunity for them to relocate back to Montana.

[00:19:15] Thank you, Mr. Orenstein. And in conclusion, staff is recommending approval of the proposed transfer and aggregation. I will turn it back over to you, Commissioners.

[00:19:26] Thanks, Nick. Well, Phil, do you want to share anything else or do you have another representative here?

[00:19:38] Yeah. Both myself and Marcy, my wife, are present. Yeah, I think we'd like to share that. We have resided on the large camp property for over 40 years, and we have always, I guess the best word is coveted the land that surrounded our house. And we had made numerous attempts over the course of the 40 year period to try to purchase the land, and we were finally able to do so. So the remaining 38 acres that we recently purchased basically did indeed surround our house. And it was our intent when we purchased the land that we would allocate specific parcels to our three daughters and their families with the hope that they might be able to build upon that land. One of them has actually relocated from Bozeman to Missoula, and we'll start construction as soon as possible on her five acre, 4.42 acre piece. The other two yet remain to be determined.

[00:20:44] But Marcy, did you have anything to add?

[00:20:47] Yes. That the majority.

[00:20:49] Of the rest of the land. It is our intention to keep it protected. And we very well may put it in a conservation easement. We have no interest in any kind of development on that land. We we feel like it's sacred and we want to keep it that way.

[00:21:08] Thank you. Does any public have comments on this? I don't see any more hands. You went online on the phone. Okay. Well, we'll close the public hearing. Slotnick.

[00:21:32] You know, I feel good about this. Adult children, the acreage is right. I think the aggregation had simultaneously was really smart so that the density remains what it should be in that area. And the fact the folks have been here for 40 years and their obvious desire to keep it protected all resonates really well with me. So I'm fully okay going forward with emotion. If if you are.

[00:21:57] And I just had a question about the fire concern, I guess. Well, Philip morris, you've been there for 40 years. What? What? Um. Yeah. What are your thoughts about?

[00:22:07] Yeah.

[00:22:09] Prepared for a wildfire?

[00:22:10] Yeah, I would love to answer that question. We we were actually able we purchased the land from the Nakamura family, and we were actually able to negotiate prior to the purchase with Mary Nakamura's daughter so that we could mitigate the fire danger. And we acquired a grant from the state of Montana to do so last year, and the mitigation has actually been completed and the project is now finished. So we have already protected the land to some extent, but we'll continue to do so over the course of time as is warranted.

[00:22:50] Och I must, I think I'm looking at an old aerial on, on the property information system because it looks very dense and then it looks like it's been treated around your property. But I think it's an old aerial.

[00:23:02] Yeah, yeah. No sense. In fact, I actually think it looks kind of parked like at this point. It's quite beautiful.

[00:23:09] It's been less than a year.

[00:23:11] Than it was less than a year ago. So it's new.

[00:23:17] Okay, thanks. I don't I don't have any further questions.

[00:23:21] Great. Thanks. So I will move that. The request by the Philip and Marcy Bornstein. I'm sorry, I will move that. The request by Philip and Marcy Bornstein to utilize the family transfer and aggregation exemptions as presented in the exemption application and affidavit be approved.

[00:23:40] Second. A further comment. Jordy Breton. Hailey. Hailey. Hailey Bautista. I think I went to high school with Haley Bornstein. Oh, my goodness.

[00:23:56] I love it.

[00:23:58] Wonderful. Okay. Well, lovely. All in favor. All right.

[00:24:09] Thank you very much. Appreciate it. Yes, thank.

[00:24:13] You.

[00:24:14] Bye bye, Nick. Thank you.

[00:24:20] And OC Bauer Family Transfer.

[00:24:23] Oc Let me just pull up my notes for this one and we will grow in. See, this is the Bauer family. Family transfer and aggregation request. Once again, I'll start with a short background on the project. So we are. This project is located two miles north of the Y, on the west side of Highway 93, north off of Barons Court. The property is un zoned and also designated as rural, residential and agriculture by the 2019 land use element. Again the existing onsite conditions. Parcel is 4.41 acres in size and undeveloped with no structures. The applicants are proposing to first aggregate a remnant boundary line that was flagged by the clerk and recorder's office during comment. Next, the claimants are proposing a family transfer that would result in the claimants adult daughter receiving a two acre tract, which is proposed as tract two and then track one would remain in the ownership of the claimant. And the application states that all tracts are supposed to be single family residential. Now. I'll go over it. Any comment that was received? Like I mentioned, the recorder's office commented on a remnant baton line that the applicants proposed to add aggregation language to the application at the request of caps. So that addresses the first comment. Comment two is from the Health Department, and they cited that the project must go through sanitation review or applicable exemption.

[00:26:03] The Zuccotti Floodplain administrator commented that the cat's ditch borders, the east side of the property and may contribute to seasonally high groundwater basements are not recommended. Then the Water Quality District commented about concerns regarding high ground water based on flooding and frequent overland flooding in the area. They emphasize that their comments do not happen annually but have been noted to happen during specific scenarios. For those reasons that the water quality. District is advising slab on grade buildings, advance consultations with Ontarians and careful consideration of stormwater management across all parcels. Now I would go over staff analysis and any evasion evasion criteria points that were triggered. Evasion criteria point number two was triggered as Mr. Bauer purchased the property within the two year window that the criteria point asked for. An evasion point. Number 18 was also triggered due to the concerns from our planning administrator and Water Quality District. We would determine if those concerns require mitigation at the time of subdivision review, if the process, if the project were to come through as a minor subdivision. So now I will go over the family transfer questions with the claimant. I think I see them on the line there at PCI. Can I please have you state your name for the record?

[00:27:34] So this is John Kellogg. With your indulgence, Toms adjusting his hearing aid volume with the volume of our speakers here. And so it may take a little bit to clearly hear what you're saying.

[00:27:51] No worries.

[00:27:52] Take your time.

[00:27:53] Let me know when I am. Good start.

[00:27:56] Just wants to tell you your name. I want you to stay who you are. Your name? Speak your name. Oh. My name is. I am Tom Bower. I reside in living at 90, 96, 55, Highway 93 North in Missoula. I have sold that property and purchased this one. I like the area and I do want to go far. I just want to downsize.

[00:28:25] All right. Thank you, Mr. Bauer. I'm going to ask you our our family transfer questions that we ask each claimant. It's a question number one. Did you buy the property with the intent of dividing it?

[00:28:37] No, I did not.

[00:28:40] Thank you. Question two Did you or your transferees intend to transfer the property within the next year?

[00:28:46] No, no.

[00:28:47] Thank you. Question three Have you talked to anyone at the county about going through subdivision review?

[00:28:53] No. No.

[00:28:55] Customer four Will the property be developed?

[00:29:00] I am in the process of building a house on it at the present time as a residence.

[00:29:07] All right. Thank you. And last question, will the recipient of the property be residing on the property?

[00:29:15] I'll be living on the property, yes. Your daughter. Your daughter or your daughter? Oh, yes. When she gets to the place here, we can get it transferred. Then she's going to start building on it. I would assume as soon as she can.

[00:29:32] Great. Thank you. That's all the questions I have. Staff has recommended approval of the proposed aggregation and family transfer. And I'll turn it back to you, Commissioners.

[00:29:43] Thanks, Nick. Tom or John. And I can't tell who's behind Tom.

[00:29:54] Oh.

[00:29:55] That's his daughter.

[00:29:56] Oh, Beverly. Och. Yeah. Do you have.

[00:30:00] Anything?

[00:30:00] I'm sorry. I misspoke. This is my gal here that I brought with me. If I can understand you. She could translate for me.

[00:30:11] We'll try to be clear. I didn't. Do you have anything to add?

[00:30:15] No, not really. And I am perfectly satisfied with what we're doing.

[00:30:24] Does anyone else have public comment on this proposal? I don't see anything. We'll close public comment.

[00:30:36] Slotnick makes one, so I don't have anything either. This is pretty clear and straightforward and simple. So I'm ready for a motion when you are.

[00:30:47] Okay. And Nick, I know you explained this to me before, but Barron's caught road is a private road. So folks who will be living on it will be responsible for building it and maintaining it. Is that correct?

[00:31:03] Correct. Well aware of that, yes.

[00:31:05] Okay. Great. That's my only. Question have comment. So go ahead, Josh. Sorry.

[00:31:13] All right. Thanks. So I would request that the request by Tom Bauer to utilize the aggregation and family transfer exemption as presented in the exemption application and affidavit, be approved.

[00:31:28] Second, any further comment on favor I. Thank you. Thank you, Tom. Thank you, John. Thank you, Nick.

[00:31:39] Thank you.

[00:31:40] Thank you.

[00:31:41] Thanks.

[00:31:43] Thank you for your time.

[00:31:45] And any other business. My goodness. 230. Well done. We. We got through this. Hope everyone has a great rest of your Thursday. Have a good one.

[00:32:01] Bye.