

MISSOULA COUNTY COMMISSIONERS

PUBLIC MEETING MINUTES-COVER SHEET

THURSDAY, JUNE 9, 2022 – 2 PM

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

[Click here to view the meeting recording.](#)

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 Vero
Commissioner Slotnick
Commissioner Strohmaier

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Dave Larkin, Building Official, Public Works
Jennie Dixon, Planner, Community and Planning Services
Jason Hauser, Facilities and Grounds Director, Facilities
Ethan Redfern, Construction Manager, Facilities
Andrew Hagemeyer, Senior Planner, Community and Planning Services
Steve Niday, Survey Party Chief, Surveyor's Office
Karen Baldrige, Property Records Specialist, Clerk and Recorder's Office
Chris Lounsbury, Missoula County Chief Administrative Officer
D'Shane Barnett, Director, Health Department
Karen Hughes, Assistant Director, Community and Planning Services
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Andrew Stickney, Senior GIS Specialist, Community and Planning Services
Garrick Harmel, Housing Specialist, Community and Planning Services
John Hart, Civil Deputy Attorney, Attorney's Office
Jamar Galbreath, Equity Coordinator, Commissioners' Office
Anna Conley, Chief Deputy Civil Attorney, Attorney's Office
Laurie Hire, Office Manager, Community and Planning Services
Tim Worley, Senior Planner, Community and Planning Services
Mel Fisher, Strategic Initiatives Manager, Communications and Projects
Rozlyn Haley, Justice Equity Diversity and Inclusion Fellow, Commissioners' Office
Anne Hughes, Missoula County Chief Operating Officer

1. **CALL TO ORDER** [Time stamp – 0:00]

2. PLEDGE OF ALLEGIANCE *[Time stamp – 0:07]*

3. LAND ACKNOWLEDGEMENT *[Time stamp – 0:23]*

Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.

4. PUBLIC ANNOUNCEMENTS *[Time stamp – 0:32]*

- a. Proclamation: Juneteenth
- b. Proclamation: World Elder Abuse Day

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA *[Time stamp – 9:11]*

6. CURRENT CLAIMS LIST *[Time stamp – 10:47]*

Claims received as of May 25, 2022 to June 1, 2022 by the Commissioners' Office total \$2,978,165.27.

7. HEARINGS

a. Missoula County Growth Policy Amendment, Zoning Code Update and Zoning Map Revision *[Time stamp – 11:10]*

Andrew Hagemeyer, Senior Planner, Community and Planning Services

Commissioner Strohmaier made the motion that the Board of County Commissioners of Missoula County hereby adopt Resolution 2022-062 to amend the 2019 Missoula Area Land Use Element, an element of the Missoula County Growth Policy, with any necessary editorial and formatting corrections.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Resolution 2022-062 Book: 1076 Page:1209]

Commissioner Slotnick made the motion that the Board of County Commissioners of Missoula County hereby adopt Resolution 2022-063 to adopt the Missoula County Zoning Regulations and Zoning Map effective July 1, 2022, with any necessary formatting and editorial corrections.

Commissioner Strohmaier seconded.

[Motion Passed 3-0.]

[Resolution 2022-063 Book: 1077 Page: 286]

b. Alternative Project Delivery Contract – Missoula Health Department HVAC

[Time stamp – 29:22]

Jason Hauser, Director, Facilities

Commissioner Strohmaier made the motion that [the Missoula Board of County Commissioners] approve the resolution relating to the use of an alternative project delivery contract for the Missoula City-County Health Department building HVAC replacement.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Resolution 2022-069. Book: 1076 Page: 1208]

- c. **Road abandonment petition – Portion of Cottonwood Lane** [Time stamp – 34:42]
Karen Baldrige, Property Records Specialist, Clerk and Recorder's Office

[Continued to July 21, 2022 Public Meeting]

- d. **Health Department Interlocal Agreement** [Time stamp – 50:38]
D'Shane Barnett, Director, Health Department

Commissioner Slotnick made the motion that [the Missoula Board of County Commissioners] adopt the Missoula County and Missoula City Health Department interlocal agreement.

Commissioner Strohmaier seconded.

[Motion Passed 3-0.]

[Interlocal agreement filed with Clerk and Recorder's Office. Book: 1076 Page: 1365]

- e. **Proposed Fee Increases in Building Permitting** [Time stamp – 1:02:47]
Dave Larkin, Building Official, Public Works

Commissioner Slotnick made the motion that the board approve increases to building fees, establishment of commercial fees, method of valuation, labor rate, plan review percentage of building fee, plan re-review fees, definitions of : Finished vs Unfinished Basements, Simple vs Complex Construction, abandoning: Footing and Foundation Disclaimer, Agricultural Exemption.

Commissioner Strohmaier seconded.

[Motion Passed 3-0.]

[Resolution 2022-070. Book: 1076 Page: 1353]

8. OTHER BUSINESS

[None]

9. ADJOURN

Chair Vero – Called the meeting to adjourn at 3:32 p.m.

BCC Public Meeting June 09, 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.

Dialogue in the transcription attributed to "Sophie Moiese Room" is for all speakers that attended the meeting in person. Attendees that participated virtually are labeled individually.

Commissioner Vero: [00:00:23] We have a couple of public announcements, a couple of proclamations rather. So, Commissioner Slotnick, would you like to read one and then Strummer will read the second?

Commissioner Slotnick: [00:00:42] Thank you. So this proclamation I'm about to read is around Juneteenth. Whereas Missoula County acknowledges the lasting impacts of racism in the United States, fueled largely by the horrific institution of slavery. And. Whereas, news of the end of slavery did not reach frontier areas of the United States and in particular the Southwestern states for more than two years after President Lincoln's Emancipation Proclamation, January one, 1863, and months after the conclusion of the Civil War. And. Whereas, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with the news that the Civil War had ended and that the enslaved were free. And. Whereas, African Americans who had been enslaved in the Southwest celebrated June 19th, commonly known as Juneteenth, Independence Day, as the anniversary of their emancipation. And. Whereas, African Americans from the Southwest and across the country continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations. And. Whereas, For more than 150 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self development, respect and dignity for all people. And. Whereas, the strength of character, faith and resilience demonstrated by former enslaved Africans remains an example for all people of the United States, regardless of background, religion or race. And. Whereas, the character demonstrated by former enslaved Africans should inspire us in this country to give thanks for the freedom won by so many in all nations, and to strive for the goals of bringing freedom and democracy to people of other countries, no matter what their race or religion. And. Whereas, although Juneteenth Independence Day is beginning to be recognized as a national and even global event, the history behind the celebration should not be forgotten. And. Whereas, Montana proudly joins 47 states and the District of Columbia in observing Juneteenth as a state or ceremonial holiday. And. Whereas, this Juneteenth, Missoula is honored to host the quasi quinentennial celebrating the 112/125 anniversary of the US Army's 25th Infantry. Buffalo Soldiers, a 1900 mile cross-country bike ride from Fort Missoula to Saint Louis,

Missouri, to test the combat effectiveness of military bicycles. Therefore, be it resolved WI Missoula County and the city of Missoula do hereby proclaim the 19th of June as Juneteenth Independence Day to commemorate African American emancipation from slavery, to celebrate the freedom won by people in many countries, and to rededicate, dedicate ourselves to the cause of liberty.

Commissioner Vero: [00:03:30] Thank you.

Commissioner Slotnick: [00:03:40] I even add a little thing?

Commissioner Vero: [00:03:41] Add a.

Commissioner Slotnick: [00:03:42] Little. A little bit. I just want to say, one of the things I think we forget to note or often should note on holidays like Juneteenth or other events where we recognized people who had we recognize an expansion of civil liberties in the name of people who had been oppressed and continue to live through some oppression, that without their pushback, the perfection of those ideals outlined in our founding documents would not be as where they are now. It is it's it is the folks who were oppressed that did the work that brought us to this point that I feel like is so remarkable.

Commissioner Vero: [00:04:24] I said, thank you.

Commissioner Slotnick: [00:04:31] There's somebody in there.

Commissioner Vero: [00:04:37] Okay. We'll do that now or. Okay. Would anyone like to speak to the events of June 18th at fairgrounds or the proclamation? Or the proclamation? Yes. Okay.

Commissioner Slotnick: [00:04:51] Great.

Commissioner Vero: [00:04:51] Thank you. Thank you. Couldn't see.

Commissioner Slotnick: [00:04:53] Him. Yeah. Jomar, can you. Can you remind folks of the events, the upcoming events?

Jamar Galbreath: [00:05:01] [00:05:01]Jamar Galbreath, Equity Coordinator, Commissioners' Office: Absolutely. Good afternoon. Good afternoon, everyone. Can you hear me okay?

Commissioner Vero: [00:05:06] Yes.

Jamar Galbreath: [00:05:07] Great. Thank you so much for having me. Thank you for reading off the Juneteenth proclamation. I appreciate I appreciate you all doing it. My name is Mark Galbraith, and you see him pronounced, I'm an equity coordinator with Missoula County. And as we have heard through The Juneteenth Proclamation this year, Missoula is honored to host the Quasi centennial 125th Anniversary of the Buffalo Soldiers Historic ride from Fort Missoula to to Saint Louis, Missouri. There are a host of events going On the week of June 14th through through the 19th, including an opening ceremony That kicks off at 10 a.m. on June 14th That's Tuesday, June 14th At 10:00 and 10:00 In the morning. All of these events can be found on Ion Writer's 2022 dot org, in which Missoula again is as one of the host of one of the host of the communities to Put on this national event. In addition, on June 19th, on June 19th, starting at 10 a.m. There are a number of events going on on Juneteenth at the Historical Museum. Thank you all so much. I hope to see you. I hope to see you At some of the activities and events. Thank you. Thank you, everyone, for recognizing this incredible, just incredible proclamation.

Commissioner Vero: [00:06:52] Great. Thanks so much. And our second proclamation, commissioner.

Commissioner Strohmaier: [00:06:57] And I'm sure that when we get to fee increases, we'll also have applause following that also.

Commissioner Slotnick: [00:07:03] So wait till we get to the road a bit. Roadway a bend. Oh, man, it's going to be nuts.

Commissioner Strohmaier: [00:07:08] All right. Our second proclamation today relates to World Elder Abuse Awareness Day. So whereas older adults deserve to be treated with respect and dignity to enable them to serve as leaders, mentors, volunteers and vital participating members of our communities. And. Whereas, 2022 marks the 16th annual World Elder Abuse Awareness Day recognition of which will promote a better understanding of abuse and neglect of older adults. And. Whereas, the National Center on Elder Abuse Adult Protective Services of Montana, Missoula County and Missoula Aging Services and the Western Montana chapter for the Prevention of Elder Abuse recognize the importance of taking action to raise awareness, prevent and address elder abuse. And. Whereas, it is up to all of us to ensure proper social structures exist so people can retain community and societal connections, reducing the likelihood of abuse. And. Whereas, preventing abuse of older adults through maintaining and improving social supports like senior centers, human services and transportation will allow everyone to continue to live as independently as possible and contribute to. Now. Therefore, we, the Missoula Board of County Commissioners, do hereby proclaim June 15th, 2022, as World Elder Abuse Awareness Day and encourage all of our communities to recognize and celebrate older adults and their ongoing contributions to

the success and vitality of our communities. I don't know. Do we have anyone with agent services here with us today?

Commissioner Vero: [00:08:59] Their online.

Commissioner Slotnick: [00:08:59] We note their recent victory in the mill levy was a resounding yes.

Commissioner Strohmaier: [00:09:05] Resounding a landslide. So very good. Thank you.

Commissioner Vero: [00:09:11] Thank you. Is there any public comments on items? Not on the agenda. You want to say anything about Tony?

Commissioner Strohmaier: [00:09:20] Yes. So for folks who did not know, this is a sad week for those of us in Missoula County. Tribal elder Salish, tribal elder Tony Yinka Shola passed away on Tuesday. He was the director of the Kalispell Culture Committee and as I mentioned, tribal elder for the Salish tribe. There will be a service for him tomorrow at the longhouse in St Ignatius at 10 a.m. that the public is invited to participate in. But Tony was a bright spirit, a positive spirit that he brought to every event, every encounter with folks and neighbors and friends that that I've ever been involved with here in Tony with Tony in western Montana. He had a close connection not only with the people of this place, but the land, and had a deep history of the importance of place names and how places connect us to our history, our deep history in this place. Tony will be missed, but his spirit will certainly carry on. Unfortunately, he will not be able to join us in person for the dedication of Bear Trax Bridge later this year. But he will certainly be there in spirit.

Commissioner Vero: [00:10:39] Thank you. Any further public comment. Our current claims list received as of May 25th, 2022 to June 1st, 2022. By our office totals 2,978,000 \$102,909,078 165 and \$0.27. And we have one, two, two, three, four, five public hearings and we'll we're going to switch e the last one to a the first one. So, Andrew Hagmaier.

Andrew Hagebauer: [00:11:21] [00:11:21] Senior Planner, Community and Planning Services: Greetings. I'm Andrew Hagmaier. I'm a senior planner with Missouri Community.

Commissioner Strohmaier: [00:11:25] One last thing. No one should feel uncomfortable if you want to leave and not stick around for these scintillating public hearings. Once you get in the door, doesn't mean you have to stay here for the next 3 hours.

Commissioner Slotnick: [00:11:38] Thanks for coming.

Commissioner Vero: [00:11:39] Please. Thank you for being here.

Commissioner Strohmaier: [00:11:40] Not to drive you off or anything. You bet.

Commissioner Slotnick: [00:11:50] Call it as usual.

Commissioner Vero: [00:11:53] But this is a big deal. They would have appreciated this.

Andrew Hagemeyer: [00:11:59] So it's fine. Thank you. So I'm Andrew Haig. Am I Army senior planner with Missoula County Community and Planning Services.

Jennie Dixon: [00:12:05] [00:12:05]Planner, Community and Planning Services: And joining Andrew. Dixon Community and Planning Services.

Andrew Hagemeyer: [00:12:09] And with us online, we have Andrew Stickney. Andrew Stickney is our senior GIS specialist. If you can introduce yourself, Andrew, go ahead. I don't know what you're working from home today and. He's there. He's on the top. He's he's got a nice circle on there. So he's got his picture. We know he's here and not able to join us today. Is Lindsey Ramalho, a planner, too, with Missoula County as she is on vacation in wonderful, warm place. So lucky for Lindsey. So today we've got two items on our on our hearing. It's resolution of intent to a final resolution. Sorry, I copied the wrong thing here. Oh, I haven't been sharing my screen. Thanks, Jenny. Um. Great. So we've got we've got two items. First is the final resolution on a growth policy. These are related to the county zoning update project. The first item is a resolution for the amendment to the growth policy. And the second item is that the adoption of the final resolution for the zoning code and zoning map. Okay. I am logging into teams because I'm not using my computer. Pausing for suspense. And then I'm going to have to find the meeting. Yeah. Okay. It should be in. All right. Thanks for bearing with me there, I. All right. So we have two items. The first item is the resolution. A final resolution. It says a resolution of intent, but it should say a final resolution to amend the missal area land use element and the final resolution to adopt the Missoula County zoning regulations and the zoning map. So I am going to talk very briefly about the outcomes, the really the really important outcomes of this project and the things that we are going to see change in our community by adopting this resolution today. In terms of the built environment, so zoning often affects both the built environment and the natural environment in our community. In terms of the built environment by adopting.

Commissioner Strohmaier: [00:16:38] Sorry to keep interrupting. Can you change it to presentation view perhaps?

Andrew Hagemeyer: [00:16:42] Christine, I thank you for keeping an eye out for me. I don't. I don't I'm not. Even sure how to do that. It's like I've never done this before. So in

terms of our outcomes and the built in built environment, by adopting this resolution today, we will see more missing metal housing being built in our community. We will see more permanently affordable deed, restricted housing being built in our community. We will see more energy efficient buildings being constructed in our community. We will see a better, walkable urban form in our in our community. And we will see reduce pressure on urban sprawl in our community by adopting this code in terms of our natural environment. We'll have more acres dedicated in terms of zoning to agriculture. We have more farms and farmland with permanent protections. We'll have greater protections for our water quality. We'll have greater protections for wildlife and wildlife movement corridors, and we'll have more tools to leverage private funding for open space. So that's what will happen if we adopt this resolution today over time. First off, the growth policy amendment, very simply, this is in response to a change in the legislature. We had to make this change in order to be able to adopt the zoning code. It's a largely procedural change. What we had to do is include some specific language about density and population projections in the growth policy. It did not change anything contextually about our policy statements within that Missoula area land use element, and that is simply going to be the inclusion of a paragraph and a table into the Missoula area land use element. In terms of the zoning regulations, a much more hefty document we're replacing. The regulations are really originally adopted in 1976 with this new modern zoning code that's much more in line with our current values and much more in line with addressing the issues in our community and much more aligned with best practices within the planning profession. It has 13 chapters within it, and it has all sorts of great administrative information, design standards and environmental standards. We also, by changing our zoning and adopting a new zoning regulation, we are adopting a new zoning map and we are expanding the area to be zoned to align with the Missoula area land use element. The number one thing we're doing here is we're implementing our policy statements and our Missoula area land use element with our regulatory practices. We're aligning our regulations with our values. So with that, if adopted today, we have proposed to the commissioners that the code become effective not today, but on July 1st, 2022. And that's to give us a little bit more time to put forms and applications together and a little bit more time for the people with projects in the works to make be prepared for the changes. So there was a little bit of process that occurred from the public hearing on May 5th to Did I spell it process? Okay. Okay, a little bit a little bit more process. Yeah. I mean, we had a ridiculous amount of process prior to May 5th. But since May 5th, when the commissioners adopted the resolution of intent, we published notification of that resolution of intent on May 9th and May six in the Missoulian which started a 30 day public comment period as required by state statute that concluded yesterday. On June 8th, we did receive some public comment. We did forward that I forwarded an email to you earlier today that had that comment. It was just a handful of comment. Most of the comments that we received were actually questions just about administration of the code. So but there were a couple of content comments about content, but those comments had been addressed at some previous point in this process during the public hearing process. So substantially, there was no new comment

that has not already been considered. So with that, we do recommend a couple of motions and I have them on the board. The first motion is for the growth policy and I could in the second motion will be for the zoning code and zoning map. So with that, I will leave these motions on the board and you'll direct me to move them around as appropriate. Jenny, do you have anything to add? Okay.

Commissioner Vero: [00:21:51] Or anyone online like to speak to this. Monumental occasion. Commissioner Slotnick.

Commissioner Slotnick: [00:22:01] So just for for all those listening out there, how long ago did we start in on the land use element?

Andrew Hagemeyer: [00:22:10] I started working on the Latin news element my first day working for Missoula County, which was December 12th, 2016.

Commissioner Slotnick: [00:22:18] And the land use element became the zoning and which brought us to where we are now. So I'm wondering if nobody has anything to say, because since 2016 we've had, I could say uncountable, but someone could count them numbers of hours of public engagement and. I think everybody who has something to say has said it. And we have incorporated you guys have incorporated those comments and refined and refined and refine this thing to bring us to where we are right now. Great work.

Commissioner Strohmaier: [00:22:47] Yeah, I would put an exclamation point on that. Great work. And it is somewhat ironic that. It's oftentimes the the biggest items that we tackle have at least at the tail end here, the least public engagement. There has been plenty of public engagement over the past number of years, but I think about our \$180 million annual budget, sometimes sparsely populated. And today we do have a few folks in the audience here. But I would I would say, given the momentous nature of this, it's deserving to have a packed crowd and applause to follow because this this is a big deal. Folks oftentimes ask us, what's Missoula County doing about housing and affordable housing? Well, this is part of the package right here. And this this is not insignificant. What oftentimes ends up happening and I've seen this in other communities or jurisdictions, text amendments will get adopted related to zoning, but not the map amendments. So you end up getting new regulations, but the zoning does not get applied on the ground. And then those jurisdictions rightfully get criticized for creating shelf art, if you will, that that really doesn't fully get implemented. Well, that is not us today. We are adopting not only changes to the antiquated text that's lingered since the 1970s, but also adopting a new zoning map. And I am super pleased to be at this point.

Commissioner Vero: [00:24:28] And so proud of sorry, just so proud of staff and citizens. And yes, it's taken seven years, but this is a great example of how slick slick is

not we don't have anyone here. No one's freaking out because of the time that you put into this and the time the community has been able to spend with us. And that's what it takes, is start from the ground. And it does take seven years, but this is monumental and just. Thank you. Thank you. Thank you.

Commissioner Slotnick: [00:25:01] Anything else to add to this? I remember. Bonnie when was it? When that. Ag Land preservation stuff and subdivision regs were fought about somewhere in the aughts. I don't know. Way, way back. Yeah. I had Harris Black as one then. And I remember.

Commissioner Strohmaier: [00:25:17] Here.

Commissioner Slotnick: [00:25:20] I remember talking to a guy who's now on our board in the hallway saying, Yeah, you're going to lose this fight, and this isn't the way to do ag land protection anyway. The real way to do it is in zoning. But too bad that can never happen. It will never happen. It's too big a lift. And here we are. We did the unthinkable. You guys did. We better pass this. Yes. Yeah, that's to bring her out.

Commissioner Strohmaier: [00:25:50] Okay. Let's let's start with the growth policy. I have to see if it's passive or act. Yeah. Yeah. I would move that. The Board of County Commissioners of Missoula County hereby adopt Resolution 2022, Dash 062 to amend the 2019 Missoula area land use element and element of the Missoula County Growth Policy with any necessary editorial and formatting corrections.

Commissioner Slotnick: [00:26:21] I'll second that.

Commissioner Vero: [00:26:22] Any further discussion. All in favor, I.

Commissioner Slotnick: [00:26:30] All right. I would move that the board of County Commissioners of Missoula County hereby adopt Resolution 2020 2063 to adopt the Missoula County Zoning Regulations and Zoning Map effective July one, 2022, with any necessary editorial and formatting corrections.

Commissioner Strohmaier: [00:26:50] I second that.

Commissioner Vero: [00:26:51] Any further discussions on favor I.

Commissioner Strohmaier: [00:26:56] What do you think, Paul? Yeah, why not?

Commissioner Slotnick: [00:27:00] New zoning.

Commissioner Vero: [00:27:01] So we're going a little freeform here. We want to have Karen that come up to the podium or come.

Commissioner Slotnick: [00:27:08] Up come up.

Commissioner Vero: [00:27:09] Here to the whatever this is.

Commissioner Strohmaier: [00:27:11] Approach the dais.

Commissioner Vero: [00:27:13] Like all of the dais. Yeah.

Commissioner Slotnick: [00:27:15] Yes, you can. Except now we're going to ask you legal questions. And you're supposed to and you're supposed to say it depends.

Commissioner Strohmaier: [00:27:24] Should we just do it? Do it, do it. Let's just do.

Commissioner Vero: [00:27:27] It. We have a surprise here.

Commissioner Strohmaier: [00:27:39] So.

Commissioner Slotnick: [00:27:41] Yeah, yeah. Go, go, go. You're on it. I thought you were going to go to the OC here.

Commissioner Vero: [00:27:46] Like we need to read one because they are so fun.

Karen Hughes: [00:27:51] [00:27:51] Assiatnt Director, Community and Planning Services: It feels weird to be reading it since they kind of come from you, but that's okay.

Commissioner Strohmaier: [00:27:54] Well, we can read it too.

Commissioner Slotnick: [00:27:56] No. It's okay.

Commissioner Vero: [00:27:57] We can. We can read it.

Commissioner Slotnick: [00:27:58] She's there.

Karen Hughes: [00:27:59] We clearly have orchestrated this really well. All right. This is from the commissioners and community planning services presented to Andrew Hagmaier and Jennie Dixon and Lindsay Romanelli and Andrew Stickney for your commitment, fortitude, creativity, perseverance and endurance and completing the Missoula County Zoning Code update as part of the zoning team, your work on this was once in a career magnitude project required equal parts, vision and attention to detail. It's transformed Missoula County's land use regulations, bringing us from the 1970s to the modern era. Your efforts to engage all interests through a wide range of tools,

events and outreach techniques were essential to the success of this project. You're a valued employee of Missoula County, exemplifying public service and embodying what it means to be at the tip of the spear.

Commissioner Strohmaier: [00:28:49] Yeah. Yeah.

Commissioner Vero: [00:28:52] Perseverance, endurance.

Commissioner Strohmaier: [00:28:54] Creativity.

Commissioner Vero: [00:28:55] Creativity.

Commissioner Slotnick: [00:28:56] Oh, and on top it says you're great because you are.

Commissioner Vero: [00:29:02] Oh. Thank you, Andrew and Andrew. Jennie.

Andrew Hagemeyer: [00:29:07] We think thank you from the zoning team. We thank the commissioners for all the support through this project. You've worked on this tirelessly as well, so you've been a big part of its success. Thanks.

Commissioner Slotnick: [00:29:18] Thanks.

Commissioner Vero: [00:29:18] Thank you.

Commissioner Strohmaier: [00:29:19] You're very welcome. Thank you.

Commissioner Vero: [00:29:22] Okay. Jason Hauser with an alternative project delivery contract. Can you follow that?

Jason Hauser: [00:29:34] [00:29:34] Facilities and Grounds Director, Facilities: Definitely not. I'm going to apologize now because I hate the people. So I guess I'll start. I boned up by watching one of Chris's. This exact thing Chris did. And he killed it. And I won't. This is. Okay. I guess we're. Asking you to adopt the alternative project delivery for the Missoula City County Health Department. The new HVAC System. In it. We're proposing to be up here. We're asking to. Service. Go ahead.

Chris Lounsbury: [00:30:16] [00:30:16] Missoula County Chief Administrative Officer: Yes. Sorry, Commissioners. So Chris Lounsbury, Chief Administrative Officer for the County. So Jason and Ethan and their team have been working on the replacement of the HVAC system at the City County Health Department. And what you have before you is a request to use an alternative procurement method. So as you'll recall, we've used this method in the past for delivery or for Missoula Regional Park, for the Fairgrounds Development Project, and several others as well, including the courthouse remodel that

we are actually sitting in today. So this process allows us to engage on the front end expertise to help drive down the cost when we actually go out to procure and then install fixtures or in this case, a heating, ventilation and air conditioning system, which I did not know we could use an alternative procurement process for. But luckily, Jason and Ethan know these things.

Commissioner Slotnick: [00:31:05] Nice job.

Chris Lounsbury: [00:31:05] Yeah, I was going to say. And so they have put together that that alternative procurement process resolution for you requesting to use that modification to help again drive down the cost of a project that is complex. And they have assembled a great team and maybe Jason and Ethan would like to talk about who they have on that team.

Jason Hauser: [00:31:23] He'll do way better.

Ethan Redfern: [00:31:26] [00:31:26] Construction Manager, Facilities: Good afternoon, commissioners. Yeah, just as Chris said into the team that we would have involved in, that would be Jason Hauser, myself, Missoula County Construction Manager. And we would put this project. If this resolution is adopted out for an RFQ following an RFQ, we would go forward with an RFP. Those abbreviations would be request for qualification and then a request for proposal. The reason we desire to seek a design build is we find that design build method will fit this project very uniquely, as there are components within this project that would require both a general contractor mindset, an engineer mindset and an architect mindset. But to design, build, will fully package rather than having to contract to a general contractor, construction manager separately, contract and architect separately. We could have it all in-house and this will drive this project in a more efficient manner. And we will also not have to phase the project, which would continue to cause disturbances to the health department, which is something we would look to avoid. So through that duality, we find this to be a very good fit to move forward with this method with your approval.

Commissioner Slotnick: [00:32:34] Great. Thanks. What do you guys think the timeline is?

Ethan Redfern: [00:32:38] For a timeline. Some of that will be determined by the RFQ and RFP process, as you can imagine. Mr. SLOTNICK Our anticipation would be moving forward if this resolution is adopted with an RFQ immediately. That can typically be about a one month process. From there, we would go into an RFP about another one month process. We would hope to have a design build contractor on board by sometime this fall. Work through the design over the winter and look to move forward with construction of spring of 2023.

Commissioner Slotnick: [00:33:10] Great.

Commissioner Vero: [00:33:11] Why didn't we consider this before? Or what allowed us to? To do this now.

Chris Lounsbury: [00:33:18] So Commissioners, this project is being funded because it specifically relates to public health through the American Rescue Plan Act. So we are using ARPA funds to help fund this project. This particular methodology is used elsewhere. We have only used it previously as Missoula County on larger scale projects and not in this unique circumstance around HVAC. And then for all the reasons that Ethan and Jason have pointed out, this really this unique methodology really fits for that, especially when we consider the complexity of having to have the health department open and serving the public as well as the continuing pandemic while this process goes on.

Commissioner Vero: [00:33:57] Thank you.

Commissioner Slotnick: [00:34:01] I'm.

Commissioner Strohmaier: [00:34:03] Okay. I would move that we approved the resolution relating to the use of an alternative project delivery contract for the Missoula City County Health Department building h HVAC replacement.

Commissioner Slotnick: [00:34:13] Second, that.

Commissioner Vero: [00:34:14] Any further discussion. All in favor. I thank you so much.

Commissioner Slotnick: [00:34:19] Thank you. When you said your expertise on the front end, I think that's Houser. Oh, we really appreciate that. You guys are where you are, who you are in the in the jobs you have. Thank you.

Jason Hauser: [00:34:29] Really enjoy this public speaking. So I appreciate how.

Commissioner Strohmaier: [00:34:32] We can make it a weekly occurrence if you haven't.

Jason Hauser: [00:34:35] Blinker than that. Gone. Thanks, guys.

Commissioner Slotnick: [00:34:40] Thanks, Ton. Appreciate it. Thanks, Ethan.

Violet Plummer: [00:34:42] Commissioners, I think we did actually skip an item, the road abandonment petition.

Commissioner Slotnick: [00:34:48] Well, we'll do that next.

Commissioner Vero: [00:34:49] My goodness. I'm so sorry.

Commissioner Slotnick: [00:34:51] We'll do it.

Commissioner Vero: [00:34:51] Next. Okay.

Commissioner Slotnick: [00:34:54] Yes. This is my favorite road investigation, if it's the one we did.

Steve Niday: [00:35:00] [00:35:00] Survey Party Chief, Surveyor's Office:
Commissioners, Steve Niday from the Missoula County Surveyor's Office. We are somewhat breaking ground here in that for 150 years, the road petition process required road viewers to go on site and view the road. The reason for that was 150 years ago, we didn't have computers and the ability to investigate road issues remotely. Today we have those abilities and in some instances, not all. The investigation, which is the words used in the statutory language, not viewing investigation can be done actually better than on site. Josh and I were the appointed investigators on this issue, and we met in my office. And Josh's first question to me was, do we have anyone that has expressed an interest to attend the viewing? I had not received any information in that regard, and we decided it was unnecessary to drive to see, Leigh, that we could do a proper investigation using the technology at our disposal. So we did. So we reviewed the petition. We viewed the land from aerial photography. I had consulted the Seeley Lake Regional Plan prior, and I had also brought up a petition to abandon a slightly different portion of this same road, Cottonwood Lane. And that petition to abandon had been denied for essentially the same reasons that we are going to put forth today. So if you would like should I read the report into the record? Okay. So this is the road investigation report for a portion of Cottonwood Lane and Seeley Lake Montana in the east, one half of Section three Township 16 North Range 15 West Principal Meridian, Montana. The date of investigation was June one, 2022. Present was Josh Slotnick and myself Steve Nutty. At approximately 3 p.m., the investigators listed above review the petition and made an investigation of the area using the aerial imagery and cadastral information available within the Missoula County Property Information System. We recognize the right of way is currently of little or no use as a road due to wood waste and fill material placed within by pyramid lumber. We also recognize the right of way may be necessary in the future for road or public utility use, and at that time, the right of way would have to be cleared. In 2011, a petition to abandon a portion of Cottonwood Lane to the west of what is being heard today was denied, allowing the right of way to remain open for future public transportation and utility use. The Seeley Lake Regional Plan envisions Pine Drive becoming a main street of Highway 83. Cottonwood Lane would be an important cross street connection. The undersigned road investigators

recommend against abandoning that portion of the road right of way described in the petition. That's the end of the report. Any questions?

Commissioner Vero: [00:38:43] Yeah. Go ahead, Dave.

Commissioner Strohmaier: [00:38:44] Yeah. Can you describe the the rationale for the petitioners to want it abandoned?

Steve Niday: [00:38:52] The petitioners for my memory did not have a representative here when the petition was presented to you. I have not had any interaction with them whatsoever, which is pretty unusual usually. I'm consulted at somewhere along the process. I will say that the petition was done very well professionally. No qualms about that. But no, I'm only assuming that based on its current condition, which is unusable as a road, the adjacent landowners would like to make use of that.

Commissioner Vero: [00:39:36] And can you describe or explain like this the sinkhole aspect of it?

Steve Niday: [00:39:43] It's described in the petition as a sinkhole and also as a Class three mine. Repository. I looked that up to what constitutes a class three. Landfill. And it's basically just means a facility licensed by the state of Montana to accept Group three waste only, while Group three wastes are wood waste, so non-hazardous type of stuff. So at some point in the past, either someone either dug a hole or there was a naturally occurring depression. Pyramid bought the adjacent land to this road right of way and started bringing in fill and wood waste. Currently, it's it's pretty level. I did go to the site a few weeks earlier and look at it and it's overgrown with vegetation and more or less flat with the rest of the terrain.

Commissioner Slotnick: [00:40:51] I think sinkhole isn't the right description.

Commissioner Vero: [00:40:54] So that was the word that was used.

Steve Niday: [00:40:56] Yeah. So your question that to.

Commissioner Slotnick: [00:40:58] Yeah so sinkhole the ground is not firm it's given away right. Cars, houses, trees on the surface of the soil would fall into the earth. This is not so much a sinkhole as a either naturally occurring depression or somebody dug it out with tools and then filled it up with wood waste and is not actively thinking there's vegetation growing there. It is not a sinkhole, geological sinkhole. No, it's a depression that got filled with stuff.

Commissioner Vero: [00:41:25] And I see we have we have Carrie and Carrie. We don't know your last name online with a hand raised.

Carrie Sokoloski: [00:41:32] [00:41:32]Petitioner: Yes. Hi. Thank you. I'm Carrie Sokoloski. I'm actually the petitioner. And I was at the last meeting at the last county commissioners meeting when the petition was read for the first time after that, I actually walked out and I spoke with the clerk who read the petition, and we did request to be notified when they were going to do the site visit. I actually did send this petition in or the information in approximately two years ago to the planner's office when we initially began looking at the project. And I was told that it would likely be denied because the aerial photography shows tracks driving through what's actually a landfill. It is a licensed class three landfill that is maintained by Pyramid Mountain Lumber here in Seeley Lake. It goes through Cottonwood Lane. It also goes through Juniper Drive and it is not stable. I was told, and I was it was described to me by Pyramid Mountain Lumber Representative, or he is one of the managers, Todd Johnson, who's one of the signers of the petition that there was a sinkhole, I believe what you call it, is a pothole that forms for when glaciers recede. It was a deep enough hole that kids could actually sled down into the hole. So a lot of people here describe it as a sinkhole. It would probably be better called a pothole, but a very deep hole. And so the lots were essentially not really usable because of that. And so Pyramid got a permit through the state of Montana to begin putting a mixture of aggregate and sawdust into that hole so it's not stable ground it cannot be built on. At one time there was discussion about a county park or community park. I am aware of the fact that someone did file a previous petition. It was a block to the west and part of the concern was that it actually is a a continuation of pine drive. Pine Drive does not line up. It actually is offset where it meets with Cottonwood Lane. And so there was a concern about closing because closing Cottonwood would also close pine, which was at one point on a plan for trying to relocate Main Street and Seeley Lake, and he's correct about that. There is also a large quantity of water system equipment in that junction of cottonwood and pine that would actually they had to access. And that was one of the concerns is the water system is actually has a large quantity of equipment in the ground there. And so there wasn't they didn't want development at that point in time. They did have to go in and clear trees recently to do some maintenance. But other than that, there is no other equipment. I understand the possibility of an easement. There's also issues of encroachment into what is the roadway. And I guess one of our questions is if because it is full of aggregate and it's not stable material, if it's settled in two feet in the last, I think he said ten years they've had the permit for 20 and so it would have been nice to be able to be on site and then some of those those items. Such as the water system would have been able to be located in person. It was difficult. I did submit pictures last last month when I was at or at the meeting. I submitted some pictures that I actually took on site showing the encroachment of the golden property. And and I felt that it would be very useful to actually have a site visit. And that's why I specifically asked the clerk what the process was when we left the room. I do not know her name, but I'm sure she'll remember having the conversation with me because you really can't tell what the composition is. I did some at those pictures last month. I'm assuming the commissioners have those, but

I don't know if those were provided at the meeting that the commissioner had, but it would have been nice to be able to present that and actually show the condition and show some of those issues and where the actual water system is located. And that the lots that that that water system would actually serve are not buildable lots. The water system is already on spruce and it's on pipeline, so there's no need to connect it through Cottonwood. That road doesn't serve us any property and there's no need to actually put a line connecting anything. The water system is already in. There's there's no future building because you can't build on those lots. Even the Department of Revenue has deemed that they're unusable lots.

Commissioner Vero: [00:46:32] Thank you. Carrie. Go ahead.

Commissioner Slotnick: [00:46:35] Carrie Did you know about our planned visit?

Carrie Sokoloski: [00:46:39] Know I heard about it. No, I was not informed. I heard on at the main meeting I was there, the owner of the property was there and another individual was there for the meeting because we weren't sure how the hearing was handled. And I told the clerk I would like that read the petition, that I would like to be notified. And she said that I would be I got no notification. So no, I was not invited. I was not aware that when the visit was going to take place or that they had changed the methodology or given any opportunity to submit anything.

Commissioner Vero: [00:47:14] Okay. Thank you, Steve.

Steve Niday: [00:47:16] Well, I. I apologize. Like I opened my comments. Josh's first comment to me was, have we received any notification of a desire to to be present at the viewing or the investigation? And I hadn't so and neither had he. So we assumed wrongly, apparently, that no one had expressed an interest to attend. Josh also mentioned at that time that he and I met that should someone come forward and express an interest, that we would simply reschedule and a site visit and certainly can do so.

Commissioner Vero: [00:48:05] Oh. Crest you.

Commissioner Slotnick: [00:48:11] So, Carrie, would you like to do that?

Carrie Sokoloski: [00:48:14] I would very much appreciate that opportunity, and so would the owner.

Commissioner Slotnick: [00:48:19] Yeah. So let's make a plan and maybe we'll just have you in on the coordinating of that plan. So we're all in agreement on what that day in time would be.

Carrie Sokoloski: [00:48:29] Okay. I appreciate that. Thank you very much.

Commissioner Vero: [00:48:31] And Violet, you have Carrie's information.

Violet Plummer: [00:48:36] Carrie called earlier today. So Carrie, if you want to just call the commissioner's phone, I can help you get get connected.

Commissioner Slotnick: [00:48:43] And then we just have this to Kyra to do her scheduling magic. I think. Thanks, Carrie. And we're sorry about this, but we will meet you on site at the right time.

Carrie Sokoloski: [00:48:55] Thank you.

Commissioner Slotnick: [00:48:56] Thank you.

Commissioner Vero: [00:48:57] Thank you.

Commissioner Vero: [00:49:00] Thanks, Steve.

Commissioner Slotnick: [00:49:00] Thanks a lot, Steve.

Karen Baldrige: [00:49:13] [00:49:13]Property Records Specialist, Clerk and Recorder's Office: And I guess I should apologize, too, to Carrie, because I do remember that conversation. She took Steve's name and she took Josh's name. And I think I was in an impression that it was always handled in person. I was unaware it was even an option to. So I'm sorry about that. It was my first. Do we need to set another hearing for.

Violet Plummer: [00:49:35] We certainly can. Let me just take a quick look. We can do the scheduling if we want to set up a public meeting for the subsequent hearing and then put the put it in between those. Just 1/2. Sorry. I'm going to give you guys some time to. We do have a meeting that we added on July 21st. That's for some caps items. But if this one will be relatively quick, I would say the 21st is a good option.

Commissioner Vero: [00:50:19] Great.

Commissioner Slotnick: [00:50:20] Okay.

Commissioner Vero: [00:50:21] This government being adaptive and responsive. Well done, you guys. Yeah.

Commissioner Slotnick: [00:50:25] Yeah, we're. We'll work it out. Thank you.

Violet Plummer: [00:50:28] Oh, that was July 21st, if I did not say that. So July 21st, 2022.

Commissioner Slotnick: [00:50:33] No worries. We'll make it work. Thank you.

Commissioner Vero: [00:50:38] Oc Health Department Interlocal Agreement. D'Shane Barnett.

Chris Lounsbury: [00:50:43] So. Good afternoon. Commissioners know this is going to be a tag team. This is a group effort. So I'm going to do a quick introduction and then to Shane will answer any questions. We also have Deputy Chief Deputy County Attorney Anna Connelly on the line who is instrumental in this process, as well as Dale Bickell, who's the Chief Administrative Officer from the city. Should you have any questions on the city side of this? So just as a quick primer before we have to Shane start here, you'll recall in the 2021 legislative session, there were significant changes made to the rules around city-county health departments and health departments in general through House Bill 121. And so Missoula County has worked in partnership with the county attorney's office, city's attorney's office, the Board of Health, and the chief administrative officers, as well as elected officials to come up with a new draft in our local, which we're asking you to approve today, to become the final. It's primarily encompasses the changes related to House Bill 121, which requires that for emergency orders passed by either the Health Board or the Health Officer and Health Board policy, that a governing body made up of elected officials adopt that code or have the authority to rescind emergency orders, not specific place orders. So, for example, if there were a restaurant out of compliance, that would not be something that would be subject to review by the governing boards. But if it is a county wide or citywide order, it potentially would be. So with that, I will let Deshaun speak a little bit about some of the changes. And then Anna Dale and myself are here to answer any questions that you might have.

D'Shane Barnett: [00:52:16] Director, Health Department: Yeah. Then I think I'll just pick up briefly and there's nobody standing right in front of me. So just by saying that the way we structure this county is across the state had to do this. Every county had to figure out how the governing body was going to look for for that area. And so counties took different approaches. And so the approach that we took that's outlined in our INTERLOCAL is that the commissioners and the city council will be the governing bodies. And the idea is that the Board of Health will still put forward health code recommendations and then those will hopefully likely be adopted by both the city and the county through their regular processes. If then we come into this issue of if there's something that either the county is not on board with or the city is not on board with, then what we try to do is first do a joint meeting, come to an agreement and understanding. And if that can't happen and there's just real adamant disagreement, then the two governing bodies then make whatever rule or don't make the rule for the jurisdiction that's under their authority. So if the city says no, then the rule would not

apply in the city. And if the county commissioner said yes, it would apply in the county, outside the city, and then vice versa. If the city said yes, it would apply in the city and the county commissioner said no that it would not apply outside the city, in the county. So that's the process that's laid out obviously from the Health Department side. We want to see that happen as little as possible. We don't want to have two sets of rules and then we have to train our staff. We have to educate the public on why is the rule different here versus here? We want to avoid that. But we believe that this process is. We were put in the situation where we had to come up with a process and we believe that this is a good process. So I'll leave it at that.

Chris Lounsbury: [00:54:15] Thanks to D'Shane. So a few things to add to what D'Shane said. I think we are really fortunate in Missoula County. We have an incredibly good working relationship with your counterparts at the city as well as my counterpart at the city. So we're really fortunate this process built on that collaborative model. And I, I see that continuing to go forward. As you know, we worked closely, both governments worked very closely during the COVID pandemic to make sure that we were addressing needs as quickly as we could, not only on the health department front, which obviously had the heaviest lift around the pandemic, but on the support that went behind that, as well as the funding and other items to go into effect. And so that's outlaid in this. The INTERLOCAL also addresses the funding of the health department. As you know, the county levies that county only mill on county residents for the health department where the city levies at General Mill and that this continues that process. So the health department continues to be funded 60% by the city, 40% by the county. And then it has a process in that for us to be able to true that percentage up as the city and county continue to grow so that we can always make sure that we have that balance. And then the last piece that I would add is that we're really fortunate as well in the fact that that close working relationship has allowed us to come up with what we believe is a process that was not only successful in recruiting Deshaun to the position that he's in, which we're very grateful for him following up on Ellen when Ellen retired, but allows us to have a good process going forward where both the county commission, the Board of Health and the City Council can be part of the recruitment process for that, even though the by statute now the health officer is a missoula County employee, a county employee, which is now a requirement in the statute.

Commissioner Vero: [00:55:53] Dave.

Commissioner Strohmaier: [00:55:55] So, D'Shane, you mentioned other counties in Montana taking a somewhat perhaps a different approach than what we are contemplating here. Any for either you or, Chris, any insight in terms of what others have done across the state?

D'Shane Barnett: [00:56:10] Some counties did choose to actually create a brand new body and make that the governing body. And they did that by coming up with an

agreement for how many of the county commissioners would be on the body, how many of the city council members from this city would be on the body? How many from this city would be on the body? And I have to say that the counties that I know of that have done that. It's been very challenging, and I don't know that any of them have successfully gone through and completed that process yet, because what then they're doing is they're arguing over, well, I want this many seats on the body, I want this many seats on the body. And that that was an approach that we just decided to steer away from so that the commissioners get to retain their authority and the city council gets to retain its authority.

Commissioner Strohmaier: [00:56:58] Thanks. And as a follow up. What was there an effective date or the the statute that required this? Clearly, we're we're a ways from the adjournment of the last legislative session and just now finally taking action on this. Are are all the counties in Montana out of compliance or was there some grace period to get this figured out? So there's an attorney.

Chris Lounsbury: [00:57:29] So if it's all right, commissioners, I'd love to defer that question to Anna, who will help you with that?

Commissioner Slotnick: [00:57:35] I was and I was just literally sending thoughts your way. So I'm going to guess that you caught my telepathy there. Please tell me that's true.

Anna Conley: [00:57:43] [00:57:43]Chief Deputy Civil Attorney, Attorney's Office: I've got my Josh telepathy going. Well, I don't know if other counties are out of compliance, but we were not. Because you guys are the governing body right now and you adopted the health code and you adopted amendments to the health code. And so this interlocal will be moving forward. But you remember that we did that emergency county ordinance where we adopted the code by reference because we didn't want to be out of compliance if that was a thing. So I don't know if other counties are, but we are not.

Commissioner Strohmaier: [00:58:17] Okay. Thank you.

Commissioner Vero: [00:58:18] Yeah.

Commissioner Slotnick: [00:58:19] Josh So first, thanks a ton to Shane and thanks Anna. This is an elegant solution making use of tools we already have, not spending a bunch of money and retaining autonomy with groups who appreciate that. So you guys said, great, I did what we have. Is Dale still out there? I see a circle as usual. He's probably doing four things at the same time. Hey, Dale. Just. Just because you were in on it and you guys are partners. I just wanted to hear what your thoughts are and make sure you're good with where we're at before we go forward.

Dale Bickell: [00:58:51] [00:58:51]City of Missoula Chief Administrative Officer: Yes, the council saw this in their public safety and Health Committee yesterday, and it was approved unanimously. It will go to full council on Monday night. So I think there is a high likelihood that it would be approved. They didn't make any changes, but we had a thoughtful discussion on it. And I think just one other point related to just keeping the governing body as autonomous is that, you know, the way I see this being structured is that the this this one new body would only meet kind of as needed. And you don't have this ability to create a it's just kind of awkward all the time. So at least the at least the retaining the same governing bodies is at least it's kind of familiar and, you know, similar to our other the ways we do our conduct, our other business.

Commissioner Slotnick: [00:59:39] Great. Thank you.

D'Shane Barnett: [00:59:41] Yeah. And that's a great update. Thank you. I forgot to mention that. Yes. So this went to city council yesterday. And I just also want to point out that Anna, Jim, Dale and Chris did all of the heavy lifting on this. I just sat there and said, okay.

Commissioner Strohmaier: [00:59:59] Yeah. Other than I think maybe an 8020 split between the city and the county might be more appropriate. Thanks for all your hard work on this.

Commissioner Vero: [01:00:08] And did you have something?

Anna Conley: [01:00:10] Yeah, I tried for that. 80, 20, and I just wouldn't take it.

Commissioner Vero: [01:00:14] Come on, Dale.

Anna Conley: [01:00:16] You know, council for the Health Board. I just want to emphasize that in my opinion, this doesn't change a ton as far as process goes. You know, the health board is they are all appointed because they're subject matter experts and they will hear stuff. Recommendation, recommendations and staff are experts and it will come to the elected bodies really as a recommendation. And so it adds something, but it doesn't supplant the role of the health board. In my mind with electeds, it simply adds a step in it. And I also just wanted to emphasize what Chris said, that with emergency ordinances, one of the questions from the committee last night was or yesterday was, what if we need something in place in an emergency like COVID emergency health board rules or emergency health officer orders that are county wide actually are in place as soon as the health board or the health officer does that. And they are only overridden if the governing body wants to change it. So there's this presumption with emergency health rules that they are in place unless you guys change it, whereas non-emergency changes to the health code do require your blessing before they are changed. So I wanted to emphasize that and then also emphasize that the

health board and the health officer, they have a robust process in place when there is an individual violation of the health code that will continue unchanged as well as when people want variances from the health code. That will be a health board decision and that will be unchanged. So really the big change is just that when there is an amendment to the health code, electeds have to be part of it and they have the ability to change. Emergency Health Officer and Health Board rules.

Commissioner Vero: [01:02:11] Thank you.

Commissioner Slotnick: [01:02:13] Thanks a lot.

Commissioner Vero: [01:02:16] Do either of you. Have a motion?

Commissioner Slotnick: [01:02:17] I'm happy to move that we adopt the Missoula County and Missoula City Health Department Interlocal Agreement.

Commissioner Strohmaier: [01:02:24] Second.

Commissioner Vero: [01:02:25] Any further discussion? All in favor. I thank you.

Commissioner Slotnick: [01:02:30] Thanks for everybody's good work.

Commissioner Strohmaier: [01:02:32] And thanks, Anna. This is one of your last big accomplishments here with Missoula County. So.

Anna Conley: [01:02:37] I know. Better. Better result than another result I received this week.

Commissioner Slotnick: [01:02:42] Oh. Okay. Oh.

Commissioner Strohmaier: [01:02:44] Well, hold that thought.

Commissioner Vero: [01:02:45] What a tease. Okay. Dave Larkin proposed fee increases in building permitting.

John Hart: [01:03:11] Hey, Dave, turn on the mic.

Dave Larkin: [01:03:15] [01:03:15] Building Official, Public Works: Okay. Good. Good afternoon. My name is Dave Larkin, and I'm the building official for Missoula County. This is my first go around on this, so please be gentle. And if you have any questions about building, I'm your guy. Building inspections. Write on public policy and procedure. Not so much. So at any rate, I'm here today to talk about introducing a resolution to amend fees and also some other changes to the building department. And what I'll do is

I'll just read off the narrative that I've already provided. I requested the board approve increases to the building fee, establishment of commercial fees, method of valuation, labor rates, plan, review, percentage of building fee plan, rereview fees and definitions of finished versus unfinished basements. Simple versus complex construction. We'd also like to abandon the footing and foundation disclaimer and the agricultural exemption. The building division needs to raise fees in order to remain solvent and to begin to build prudent reserves of one year's expenses as permitted by state statute. In addition, the increases will provide funds for training, certifying, adjusting the pay rates for inspection staff due to adoption of new codes such as energy accessibility, urban and wild interface, urban and wildfire interface, green construction and solar and additional permit intake staff person will be hired today as well as the full time combination inspector. The method of determining the value of a given project is subject to subject data generated in 2009. This dated method needs to be revised. The International Code Council has monthly published costs of construction. This department recommends the adoption of this free information from the Code Council, paid for by inspector certifications and using the data to update fees for a variety of different construction types such as residential assembly, mercantile storage, etc. Further, we propose simple versus complex valuation to better apply real value to complex projects versus simple shelter and hold the line for the residents seeking a simple basic home trade. Minimum fees for commercial work will be established as this work typically is rated higher due to the complexity and risk. The current plan review fee is based on 25% of the building fee. The new fee of 35% will bring our percentage into line with the state plan. Reviews that require review due to inaccurate or inadequate submittal will be subject to a \$35 administration fee and a \$75 per hour fee for the plan. Reviewer Any special inspections or consultation? Labor will be charged at \$75. Currently we're at 50 due to abuse. Abandonment of the agricultural exemption and the footing and foundation disclaimer is recommended. Agricultural exemptions original intent of reducing permit cost to farmers has become problematic. The exemption is abused by changing. The exempted use to commercial use is not intended by the original ordinance and also a sidestepping the code required engineering for such structures. The footing and foundation to claim or is unnecessary implies consent by the county and has become standard operating procedure for builders. Its original intent was to assist builders to get a foundation into the ground before the cold hit a footing. And foundation permit can still be issued at the building officials discretion as per the building code. On an individual basis. The footing and foundation disclaimer is that the owner's risk, however, implied consent on the part of the county is considered unwise by me, the building official, and that is my introduction.

Commissioner Vero: [01:06:59] Can I have a quick question on the footing and foundation permit? Explain. Again, like when when someone is using it or how it was a necessary or dangerous or normally a.

Dave Larkin: [01:07:15] Normally a building is permitted, the entire building is permitted. The foundation right up to the right up to the roof. But in the interest of the long winters we have here and how things can change radically, rapidly, the footing of foundation, whatever was designed by the by the county and the and the county attorney at the time to allow a homeowner. And it is the homeowner who takes the responsibility for this. It allows the homeowner to sign a document that says that they're going to build the foundation. We're going to come in and give it one, actually, two inspections free of charge. But where that foundation goes and how it's designed and whether or not there's a problem with it is completely on the back of the homeowner. We're just going out and taking a quick look at it and see if it falls within the parameters of the code, typically a minimum investigation as far as the inspections go. And it's just it's just unnecessary. You know, if if as the building official, there's a there's a there's a way for me in in the building code to issue a footing and foundation permit. And that permit then would be the the documents would be examined up to the point of whether or not we're satisfied with the the design of the foundation. And at that point, I can issue a real footing and foundation permit for fee for a typical fee, probably about 20% of the building fee. And that would then give them the opportunity to put the foundation into the ground. What's happened now is, you know, it's it's June. I did three footing and foundation disclaimers so far this week and it's not what the original intent was. It places a lot of burden on the part of the homeowner because, you know, the builders are just grabbing a set of plans and so forth and contract documents and putting the footing and foundation claimer in front of them and saying, sign this and we'll get you started. Well, it's it puts all the onus on the homeowner who typically has no idea what a what a foundation is supposed to be all about. Not a good idea.

Commissioner Vero: [01:09:30] Okay. Thank you for that clarification. Sorry, John.

Commissioner Slotnick: [01:09:34] I was going to do a question, but we'll go, John.

John Hart: [01:09:36] [01:09:36] Civil Deputy County Attorney, Attorney's Office: Yeah. Let me just add to what Dave said. This is John Hart from the county attorney's office. The from my standpoint, the the chief problem with the footing and foundation disclaimer is that it you know, it allows a substantial aspect of construction to occur before there's any other review for floodplain for land use or zoning compliance, for subdivision conditions and other. It just it doesn't have an opportunity to undergo that thorough review such that when Dave is saying it, really the homeowner is taking on a lot of risks there. Yes. It's this is all spelled out in the disclaimer that you're that you're going to have to get these permits later. And if it's found that you don't have you're out of compliance for what you've been allowed to do, you're going to have to rip out this footing and foundation. And it's it's just not a good in my in my mind. It's not good public policy. It's it's potentially misleading the public. And it has created some very real problems in in the not too distant past. I'll tell you one more, one story, and then I'll stop. There was a. Building for lease a rent proposal that came before this commission. And

before that was approved at a Thursday afternoon public meeting, just like we're in right now, the footings and foundations for the storage units had already been poured, and more than a few of us in the county were sweating bullets, knowing that that that had occurred, and yet the approval for that land use had not even been granted by the governing body. And so these are the problems that arise by having this disclaimer, and I think the building division is being very prudent by eliminating it. So I support it.

Commissioner Vero: [01:11:55] Great thing.

Commissioner Strohmaier: [01:11:56] We approve that one. John.

John Hart: [01:11:59] Thank goodness you did.

Commissioner Slotnick: [01:12:02] I would have been sued immediately.

John Hart: [01:12:03] Yeah, we you know, we all had a good sense that you would approve it. But, you know, there was a building for lease and rent proposal just within the last month that you didn't approve. And and, you know, so it's not a foregone conclusion. We can't always predict what you're going to do and what public comment is going to come and things like that. So, anyways.

Commissioner Vero: [01:12:29] Thank you.

John Hart: [01:12:30] You bet.

Commissioner Slotnick: [01:12:31] So, Dave, would you mind providing a similar explanation like you just did on the footings for the ag exemption, kind of the intent and how it's gone and why you feel like it should go away.

Dave Larkin: [01:12:39] Okay. The agricultural exemption was adopted with the the the beginning of the building code in Missoula County. This is my understanding from Steve Hutchins, the man who was previously stood here. At any rate, there was some farmers and ranchers that were up in arms about the fact that they would now have to submit a building permit to put up a barn or anything like that. And and so they came around, they they worked it out so that an agricultural exemption could be filed. And again, it puts the onus completely on the on the the farmer to build the building safely. Any sort of other items like plumbing or electrical or mechanical work that might go on still has to happen. Go through our office, but it eliminates the the review process. It also eliminates the fee, of course, for a building permit. And then we end up with we end up with two problems. We end up with a problem where we have buildings that are being built right now that are being built particularly old barn buildings that aren't being built according to the building code. And they're suffering damage due to the snow loads that we have here in Missoula County. I mean, there's four times the snow load 60 miles

north, and there is right here in Missoula. And yet we've got people coming in from out of state who are selling barns that are that are simply not strong enough to handle the snow. The other problem is, which is kind of come about through my working with the cannabis renewals is I'm finding barns that were originally proposed to be strictly used for agricultural use and now they're being used for processing and packaging or factory uses for cannabis in particular. Or the farmer has decided that he no longer needs to be a full time farmer, and he's got this barn and he's decided to fill it full of RV's. And that's a commercial use. There are different categories of, of, of construction and that changes the dynamic in terms of taxes because a farmer pays a lot less money to to have a farm versus a storage facility which would be taxed at a different rate. And it's not fair to the farmers who who are legitimately using their buildings as agricultural uses. And so I'd like to stop doing that and let them go through the process of building a building, going to building permit. And then they're still going to pay a reduced a legitimate farmer is still going to be paying a reduced tax burden versus somebody who's storing RVs and or operating a shop or doing some sort of a factory use.

Commissioner Vero: [01:15:31] Dave. S.m..

Commissioner Strohmaier: [01:15:34] Thanks to Dave. So to the point of simple versus complex, I ran into someone the other day and this individual was, in so many words, alleging that this is just a money grab on the part of Missoula County, because the amount of time that it takes to do the inspection and review for a simple versus complex structure are identical. From your perspective, could you explain what the difference is in terms of level of effort? I guess, first, what what's the difference between simple versus complex construction and what's the difference in the level of effort for you and your staff to review one versus the other?

Dave Larkin: [01:16:14] The. Our department has been using good versus average since 2006, and so we've been placing that value on properties already. But it was very subjective. You know, there was a there is a feeling or, you know, a sense that, you know, a very elaborate home with a lot of engineering involved and a lot of glass and a lot of fancy mechanical systems would automatically go into a category of of of of good versus average. When I originally proposed this, I was it was suggested that I consider making it simple versus complex, which I which I adopted. Now. Simple shelter is a is a gable roof for walls. Minimum number of windows, minimum number of doors. And it's built to a maximum energy level to to to keep it affordable for somebody once they build it. That house is simple to build. You know, I was a carpenter for for 30 years. I understand what goes on with them. We've got a lot of houses that are coming in with great, big, wide open rooms and enormous beams. And those beams are holding up thousands and thousands of pounds of snow and wind and seismic issues and so forth. It's not simple. It takes more time to to in to look at the process, look at the engineering that's involved as it comes into our office. And instead of plans, it also takes a lot more time and effort and and and knowledge when you go out to actually do an inspection,

you know, just because somebody drew a beam to hold up an enormous amount of load doesn't mean that you just glance at it and say, okay, that looks like a big beam and it's okay. We need people that that can understand the difference between a solid timber beam and laminated beam and laminated veneer lumber. There's all these different items and there's all these different alternatives. We need people that can, can, can, can, can determine that when they go out and they do an inspection. So I need good people and I need the time that it takes to go out and do an inspection like that. It's not the same as doing a quick four walls and a roof. That's why, you know, I'm trying to adopt a simple versus complex officially instead of good versus average, which was unofficial, so that we can have some clarity on that. And I'm trying to hold the line for the guy who's looking for basic shelter.

Commissioner Vero: [01:18:52] Can you also. Oh.

Commissioner Slotnick: [01:18:54] Yeah, although they all did it at once.

Commissioner Vero: [01:18:57] Comment on on the the money grab comment that you hear often at the bar and whatnot. So how do you best answer that?

Dave Larkin: [01:19:07] I know that there's a there's a there are people out there that think that just because there's a greater volume of dollars or greater volume of buildings coming into the county, that we are somehow making more money because of that. And it simply doesn't play out that way. I would have thought it would play out that way. When I took my my micro microeconomics classes in college, I thought for sure this that's more means more. Now, it doesn't necessarily more mean that, you know, it costs it costs fuel. It costs time to go out and do all these things. And so we have a fixed amount of labor. We have a fixed amount of in the budget for fuel and vehicles and so forth. And it still takes a lot of time to go and do these jobs. And most up to now, an awful lot of these jobs has gone from being, you know, relatively simple to some pretty extraordinary stuff. I mean, the building that's going on here is phenomenal. I mean, it's just tremendous and I love it. It's just exciting to me to see all this this great stuff. But it takes more time. And and it also takes people who, you know, we've adopted the energy code and there's only two of us that are certified in it. There's four inspectors in the department. And and that that that's a little bit of a problem. And then we also have adopted or we're going to be soon adopting the urban and and wildfire interface. I understand, you know, there's all these things that that play into it that slow the inspections down. And if they slow the inspections down, that means that I've got to have more people to do those inspections and they have to have more qualifications than other agencies. Does that make any sense?

Commissioner Vero: [01:20:48] Yeah, thank you.

Commissioner Slotnick: [01:20:49] Generally speaking, Dave, are you seeing the simpler houses be smaller than the complex houses?

Dave Larkin: [01:20:54] Yeah, absolutely.

Commissioner Slotnick: [01:20:55] Yeah. So then then I hear that this is a small but meaningful incentive for people to build small and not complex houses. And those are the kinds of houses I'm going to guess. That people earning Missoula wages are going to be more likely to be able to afford than the really complex, beautiful pieces of artisanal.

Commissioner Vero: [01:21:18] Beautiful piece that the small.

Commissioner Slotnick: [01:21:20] And my my my son lives in a 600 square foot shed roof style house that's actually really well designed and super energy tight. And it's a nice place to live. So I'm glad that we can do do some small thing to encourage the construction of smaller, well-designed houses that could tilt a bit more towards affordability than the bigger and more complex.

Dave Larkin: [01:21:43] Absolutely. In 2018, the International Residential Code adopted the small house, the tiny house, which is actually a 400 square foot house. You can do an awful lot in 400 square feet. And that's one of the ways we're going to help people get around this, the high cost of construction.

Commissioner Slotnick: [01:22:04] Thanks.

Commissioner Strohmaier: [01:22:06] Yeah. I guess just just a little bit of commentary. My my hunch is that looking at the proposed fee increases, these are not the reason why we are in the housing and housing affordability crisis that we are in. And and I guess I'll just leave it at that.

Dave Larkin: [01:22:26] The the average cost nationwide of a building permit to build a house is 1.7%. You know, that's that doesn't really make much of a difference when it comes to buying a house. That's \$1,000,000, you know, the price of land. I want to when I first started looking for for a place to buy here in Missoula a couple of years ago, it was affordable. It's not so it's not so much anymore. And that's there's nothing that this that this department can do to affect that. That's the cost of the land. And, of course, the cost of lumber skyrocketed because of the pandemic. But it's starting to come down now. It's down about 8% right now. Over the beginning of the year.

Commissioner Slotnick: [01:23:09] It has it has gone down.

Dave Larkin: [01:23:10] Yeah.

Commissioner Slotnick: [01:23:11] That's great.

Commissioner Vero: [01:23:12] 8%?

Dave Larkin: [01:23:13] 8%. Lumber.

Commissioner Slotnick: [01:23:15] Lumber, 8%. Yeah.

Commissioner Vero: [01:23:17] Okay.

Dave Larkin: [01:23:17] That's so I think it's I think it's important to also mention that, you know, one of the reasons that one of the fundamental reasons that I'm here is because, you know, we have a statute that says that we can keep a a year's worth of expenses in the bank. And as a builder, I lived through 2008. I'm going to tell you one day I was flush and the next day I was flushed. Okay, that was it. It was over. And it was a very tough time. And we've been tapping into that that fund for the last several years. And it's it's time to get it back up to speed. I'm not talking about, you know, turning the turning us into a profit making operation or anything like that. But I do want to get it back to the point where we have a reasonable fund and we're no longer heading it in order to pay our bills. Yeah.

Commissioner Slotnick: [01:24:06] I've wanted to add before we move this along, I can't remember if you said this or not, but it's so important. I feel like we need to say it if even if we're repeating it, that the billing division doesn't exist on tax revenue. These guys pay for their the services they provide with the fees they collect. There's no tax revenue involved and the cost of everything is gone up. These houses are more complex to look at. Their costs have gone up. And if we are to keep up with the demand and do a good job, we need to raise our fees.

Dave Larkin: [01:24:36] Yeah. Yeah.

Commissioner Vero: [01:24:37] Okay.

Commissioner Strohmaier: [01:24:38] Dave, could you just highlight for us public engagement that's gone on to get us to this point in terms of prepping folks for what is coming and being proposed? And then also secondarily, when would the effective date be for these fees to kick in?

Dave Larkin: [01:24:54] Okay. Well, I was on Wake Up Montana this morning.

Commissioner Strohmaier: [01:24:58] Excellent.

Dave Larkin: [01:24:59] Okay. In addition to that, I've been out to six public meetings in different councils. Explained I gave the same dog and pony show to every single every single council. Most of the feedback was about the speed with which permits get processed. And after after. I heard that several times, Karen Hughes, who was here earlier and I and all the other department heads, have formed a team. And that team is is tackling the issue of speediness. And we've come up with some great ideas. We meet on a weekly basis. I can see some progress already. One of the concrete things I've done is even though there's even though we have Missoula County build, which is a great website, I've also initiated a extremely thorough, exhaustive checklists for people who are applying for a building permit. And I'm hoping that the other departments are going to fall into line on that as well. And essentially they are. It's kind of redundant because you're the information is already in Missoula County build, but it's something tangible. The other thing that I'm going to be doing is I'm going to do a video on how to apply for a building permit. Literally, you know, having the screen in front of you with the program, we use Odyssey so that you can get through the stumbling blocks and more importantly, you know, the things that we need. You know, I was I just was as I said, I was on on Wake Up Montana this morning. And I mentioned that, you know, if, for example, you did not provide your survey or your survey was illegible or something like that, we'd know about it. You'd know about it immediately. And you can then turn around and take care of that problem immediately. An awful lot of stuff that we get, a lot of a lot of projects that we get are, you know, 80, 90% complete. And it's a lack of knowledge on the part of the applicant that that they don't know that there's something missing. And then they've got to sit and wait for us to say, oh, by the way, you're missing something important. We can't move you any further. And so the checklist, the video, public outreach of all sorts, that's what that's what we're trying to do, is to educate people about what what is necessary for us. And that's not just the homeowner. And we've got builders that keep making the same mistake again and again and again. And, you know, hopefully we'll get through to them as well. Most of them are wonderful, but some are a little slow to.

Commissioner Strohmaier: [01:27:36] Get in the the effective date of the new fees.

Dave Larkin: [01:27:39] Well, the new fees I would like to see September 1st. Yeah, I believe I believe I have to introduce the resolution today. And then there's a comment period. I'm not familiar with the process.

Commissioner Strohmaier: [01:27:54] So we're not taking action today.

Dave Larkin: [01:27:56] Oh, I don't know.

Commissioner Vero: [01:27:56] One or two proofs.

Commissioner Strohmaier: [01:27:59] Although there is a John.

Commissioner Vero: [01:27:59] There's John.

Commissioner Slotnick: [01:28:02] John. John.

Dave Larkin: [01:28:05] Wake up, John.

John Hart: [01:28:07] Yeah. No, no, I'm wide awake. I. It wasn't clear to me what the commission was going to be asked to do. You know, I'm going to leave it up to Dave if he feels like there's been enough there's been enough public notice and enough public outreach that if you want to take action today, I think that's appropriate. I mean, this is a noticed meeting. I know that the resolution that you would ultimately sign is not in a final form, at least in terms of what was on the on the Civic Clark agenda packet that was available to the public. But it's the substance of what what may or may not be adopted is in that resolution. But we would have to we would have to finalize the resolution in terms of the final language. And but we wouldn't be able to change the substance of of what action you might take today. So that's not a really great answer. I was under the understanding you were going to take it up another public hearing later this summer, but that is not absolutely legally necessary.

Commissioner Slotnick: [01:29:27] So, John, could we approve this action, this request for commission action, and then make sure it gets edited properly?

John Hart: [01:29:37] Yeah. Yeah. And I mean, we could we could get the resolution or final form edited and, and you could even then take it up at Tuesday or Thursday morning admin meeting just to formally sign the resolution. Okay. Great. So with that, commissioners, I am unfortunately supposed to be at a no access strip meeting that started a half an hour ago.

Commissioner Slotnick: [01:30:08] Good on you for going.

John Hart: [01:30:10] With your permission, I'm going to bail and go to that meeting. If if there are legal issues that come up today and you don't want to take action, then, then don't. And because you want to talk to me or you want to have further discussion or you want to give the public a more opportunity to to weigh in on certain factors, that's fine. But I'm sorry. I have to leave this meeting now.

Commissioner Slotnick: [01:30:36] Thanks, John. This is our last thing for today, so I think we're good.

Commissioner Vero: [01:30:39] Yeah.

Commissioner Slotnick: [01:30:40] Thank you very much. Good luck in that no access meeting.

John Hart: [01:30:43] Thanks a lot. Thank you. Goodbye.

Dave Larkin: [01:30:45] Bye. Thanks, John.

Commissioner Slotnick: [01:30:46] So I'm ready for if.

Commissioner Strohmaier: [01:30:48] You or should we take public comment?

Commissioner Slotnick: [01:30:50] Oh.

Commissioner Vero: [01:30:51] And thank you, Hatton. Okay. Okay. Is there anyone online who would like to comment on this? Or on the phone. You don't hear any or see any.

Commissioner Slotnick: [01:31:09] All right. I would request the board approve increases to building fees, establishment of commercial fees, method of valuation, labor rate plan, review percentage of building fee plan review fees. Definitions of finished versus unfinished basements simple versus complex construction. Abandoning footing and foundation Disclaimer and the agricultural exemption.

Commissioner Strohmaier: [01:31:31] Second.

Commissioner Vero: [01:31:32] Any further discussion. All in favor.

Commissioner Slotnick: [01:31:36] All right, I thanks for all of your work on this, Dave, and all that six meetings and traveling to every corner of the county, you really did what needed to be done.

Dave Larkin: [01:31:44] Thank you so much.

Commissioner Vero: [01:31:45] No. And I appreciate the continued education outreach. I think.

Commissioner Slotnick: [01:31:50] It's. Yeah, the checklist and the video that is fantastic. And the team to figure out how to go faster. Way to go. This will be a.

Commissioner Strohmaier: [01:31:56] Youtube crowd pleaser when the video is released.

Commissioner Slotnick: [01:31:59] Yeah, yeah, I know. This is this is the kind of thing other counties are going to want to emulate.

Dave Larkin: [01:32:03] Very good. Thank you so much. Thank you.

Commissioner Vero: [01:32:04] Thank you. Oh. We're adjourned. Have a great. Let's just double check other business. Nope. Have a great afternoon, everyone.