

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, DECEMBER 12, 2024 – 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 David Strohmaier
Commissioner Josh Slotnick
Commissioner Juanita Vero

Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office
John Hart, Lead Civil County Attorney, County Attorneys' Office
Katy Reeder, Planner, Planning, Development, and Sustainability
Jennie Dixon, Planner, Planning, Development, and Sustainability
Samuel Scott, Assistant Recording Director, Clerk and Records' Office
Shane Stack, Director, Public Works
Tim Worley, Senior Planner, Planning, Development, and Sustainability

1. **CALL TO ORDER** *[Time stamp – 0:02]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:12]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:34]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 0:42]*
 - a. Closed Captioning
 - b. Proclamation: Homeless Persons' Memorial Day
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 3:07]*
6. **CURRENT CLAIMS LIST** *[Time stamp – 3:30]*
Claims received as of November 26, 2024 to December 02, 2024 by the Commissioners' Office total \$511,975.79.

7. HEARINGS

a. Gilliam Family Transfer [Time stamp –04:09]

Katy Reeder, Planner, Planning, Development, and Sustainability

Commissioner Vero made the motion that the Board of County Commissioners of Missoula County hereby approve the Gilliam Family to utilize the Family Transfer and Aggregation Exemption as presented by staff and reports.

Commissioner Slotnick seconded.

[Motion Passed 3-0.]

[Letter 2024-107 was sent to Brent Gilliam]

b. Resolution- Final Zoning for Osprey Heights PUD

[Time stamp – 12:15]

Jennie Dixon, Planner, Planning, Development, and Sustainability

Commissioner Slotnick made the motion that the Missoula Board of County Commissioners approve and adopt the Final Zoning Resolution for the Osprey Heights Planned Unit Development as reflected in the Exhibit A attached to the resolution and presented by staff.

Commissioner Vero seconded.

[Motion Passed 3-0.]

[Resolution 2024-111 Book:1107 Page: 729]

c. Resolution- Creating a RSID on Lena Lane

[Time stamp – 37:20]

John Hart, Lead County Attorney, County Attorneys' Office

Commissioner Slotnick made the motion that the Missoula Board of County Commissioners approve the resolution to create a RSID 8506 on Lena Lane as presented by staff.

Commissioner Vero seconded.

[Motion Passed 3-0.]

[Resolution 2024-110 Book:1107 Page:717]

8. OTHER BUSINESS

[None]

9. ADJOURN

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

BCC Public Meeting December 12, 2024 – 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.

0:02

Of the Missoula County Commissioners, I'm Commissioner Dave Strohmeier.

0:06

I'm joined on my right, your left, by Commissioner Josh Slotnick and Commissioner Juanita Vero.

0:12

Please stand and join me in the Pledge of Allegiance.

0:16

I pledge allegiance to the flag of the United States of America, to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

0:34

Missoula County acknowledges that this event today takes place in the Aboriginal territories of the Salish and Kalispell people.

0:42

Cheryl, would you please share a few announcements with us?

0:47

Hello everyone.

0:48

If you're joining us for this meeting virtually today, instructions for turning on closed captioning are on your screen.

0:55

Little delay.

0:57

If you're joining us in person, we'll have closed captioning on all the screens here in the Sophie Louise room.

1:02

There would be an opportunity to speak during the meeting for public comment, virtually and in person.

1:07

We ask that all speakers today speak slowly and clearly.

1:10

This helps with the accuracy of the closed captioning if you're on Microsoft Teams.

1:15

If you'd like to speak when discussion has been open for public comment, we ask that you use the Raise Hand feature.

1:21

This is a small hand button at the top of your screen.

1:24

If you're calling in on the phone, you'll need to hit *5 to raise your hand.

1:27

Once called upon, you'll need to hit *6 to unmute.

1:30

If you have any questions, please find me during the meeting.

1:33

Thank you.

1:34

Back to you, Thank you, Cheryl.

1:36

We have a resolution this week commemorating Homeless Persons Memorial Day.

1:42

Commissioner Slotnick, whereas winter poses extreme hardship for unsheltered and inadequately housed individuals, families and children in Missoula.

1:52

And WHEREAS residents of Missoula will gather on the longest night of the year, December 21st, 2024, to honor and remember homeless individuals who have died in our community and environs.

2:03

And WHEREAS, since 1990, December 21st has been designated National Homeless Persons Memorial Day by the National Coalition for the Homeless and the National and Healthcare for the Homeless Council, and it is recognized by cities and states nationwide.

2:20

And WHEREAS in remembering those who have died without a home of their own, we keep urgent the cause of ending homelessness, the need for compassionate response, and the city and counties collective commitment to prevent such deaths in the future.

2:33

Now therefore, be it resolved that we, the Missoula Board of County Commissioners and Andrea Davis, Mayor of the City of Missoula, do hereby recognize the 21st day of December 2024 as Homeless persons.

2:45

Memorial Day dated this 12th day of December 2024 signed Andrea Davis, Dave Strohmeier, Juanita Vero and Josh Slotnick.

2:54

Thank you, Josh.

2:55

So today, as you might see on your agenda, we have three public hearings a little bit later and you'll have a an opportunity at that time to comment on any of those public hearing items.

3:06

But this is your chance.

3:07

If you have any public comment on any item that is not on the agenda, please raise your hand if you're online and we'll call on you in the order in which you raise your hand or come on up to the microphone and share with us what's on your mind.

3:24

OK, seen none on our claims list this week.

3:30

Claims received as of November 26th through December 2nd, 2024 by the Commissioner's Office total \$511,975.79.

3:43

As I mentioned, we have three public hearings today.

3:45

Each of these will begin with a staff report followed by an opportunity.

3:49

If there is a petitioner or an applicant or an applicant's representative, they can then share with us.

3:58

That will be followed by an opportunity for public comment.

4:01

We'll close the public hearing.

4:02

The commissioners will ask questions if they so desire, will deliberate and take action.

4:09

Our first public hearing is the proposed Gilliam family transfer, and Katie Reader will provide a staff report.

4:15

Katie, thank you.

4:18

Let me just queue up the presentation and you'll need to pull that mic really close when you talk.

4:26

Thanks.

4:49

Good afternoon.

4:50

For the record, my name is Katie, Reader planner for Planning, Development and Sustainability.

4:56

Today I'm here presenting the Gilliam family transfer and aggregation.

5:01

This request is brought forward by Brent and Kathleen Gilliam.

5:08

The proposed family transfer and aggregation is located on Fred Lane northwest of the Y Interchange.

5:19

This is the existing conditions of the track that 10800 Fred Lane.

5:23

The property had a single wide mobile home that has since been removed.

5:31

The Gilliam family is proposing to create and transfer one new 2.51 acre tract to gift to Brent's parents, Dale and Tony Gilliam.

5:40

They will retain the approximate 2 1/2 acre remaining track.

5:44

Both parties plan to build single family homes and intend to reside on the tracks.

5:53

They're additionally requesting an aggregation of an underlying historic boundary identified by the Clerk and Recorder's Office.

6:03

The subject property is designated as Rural Residential and Agricultural 1 Dwelling Unit per two acres per the 2019 Missoula Land Use Element.

6:16

The property is owned agricultural, rural residential too.

6:20

The Max density is 1 dwelling per one dwelling unit per two acres as well.

6:26

The proposal would create a density of two dwellings per 4.88 acres.

6:35

This is the proposed transfer with the gifted track Lot 1 on the north part of the track.

6:45

We sent this proposal out for agency comment and the Clerk and Recorder's Office identified an underlying historic boundary line between the southwest quarter and the southeast quarter within the tract and the applicants are requesting to aggregate.

7:05

The Health Department noted the family transfer will be subject to sanitation review or applicable exemptions.

7:16

In reviewing this request, there was one rebuttable presumption and one evasion criteria identified to possibly indicate evasion.

7:24

However, these are the most appropriate exemptions to use for what the family wants to accomplish.

7:30

Therefore, we did not identify this as evasion and recommend approval.

7:37

Is the applicant online or in the room?

7:42

Looks like they're online.

7:47

If that hand is the applicant, go go ahead.

7:50

And OK, you're on your good afternoon.

7:52

This is Brett.

7:53

Kathleen, thank you for stating your name.

7:58

Brent and Kathleen, I'm going to ask you some questions.

8:02

Are you ready?

8:04

Yep.

8:05

OK.

8:06

Did you buy the property with the intent of dividing it?

8:10

No, we bought it initially with the intent of building our home first.

8:15

It became as we bought it and dug further into it, we found there was the possibility of doing it and having a place to have my family, my parents near us.

8:29

So that's why we intend or move forward with the request.

8:35

Yeah, the application.

8:37

Thank you.

8:38

Do you or your transferee intend to transfer the property within the next year?

8:44

No, we do not.

8:46

Have you talked to anyone at the county about going through subdivision review?

8:54

No, we have not.

8:56

Will the property be developed?

9:00

No, No, not.

9:04

Not beyond the two single units that were discussed earlier.

9:11

Thank you.

9:13

Will the recipient of the property be residing on the property?

9:16

Yes, as soon as possible.

9:19

Thank you again, Commissioners, we recommend approval with the motion on the screen before you today.

9:31

All right.

9:32

Thank you so much, Katie.

9:34

So Branch or Kathleen, anything else that you'd like to add at this point?

9:41

No, I don't think so.

9:42

Katie summarize her really well.

9:45

Yeah, we really appreciate her help through the whole process.

9:47

And yeah, I don't, unless there's any questions, I don't think we have anything else to add.

9:53

OK, thanks.

9:54

So this is a public hearing.

9:56

Is there anyone online or in the room who'd like to comment on this proposed aggregation and family transfer?

10:06

OK, seeing none, we'll close the public hearing questions from the Commission.

10:13

It was a unique shape.

10:15

And I can't remember, Katie, you were, I can't remember why it was that way.

10:20

Yeah.

10:20

And, and I guess we'll just put the question right to you, Brent and Kathleen, Any any thoughts on a question that came up as as far as one of the lots is, is somewhat oddly shaped and just wondering why that is?

10:36

Oh, absolutely.

10:37

The reason we had the lots broken out that way was it allowed us to capture the existing well septic and build site or the where the mobile resided on one lot, lot 1 and then give us room for a drain field for when we apply for a second septic for lot 2 in the future and give us room, enough room to capture the existing drain field as well as put another drain field in next to it.

11:07

So that's why the lots are broken out the way they they were.

11:13

Got it.

11:13

Thanks so much, Brent.

11:14

Thank you.

11:15

Of course other questions.

11:17

OK, I'll entertain a motion or motions and we can do them both simultaneously if you want to, just if you're agreeable to them.

11:27

OK, let's do that.

11:28

I move the request by Brent and Kathleen Gilliam to or.

11:33

Sorry, I'm sorry, Gilliam or Gillian Gilliam, Sorry about that.

11:36

To utilize the family transfer as presented in the exemption application affidavit be approved.

11:42

We'll do them both.

11:42

OK, We'll do them together.

11:44

And that the and that the request by Brent and Kathleen Gilliam to utilize the family transfer exemption and aggregation exemption as presented in the exemption application and affidavit be approved.

11:54

I'll second both of those.

11:56

Any further discussion seeing none all in favor.

11:59

Aye.

12:00

OK.

12:00

Thank you Brent and Kathleen and thank you Katie.

12:04

Go for it.

12:05

Thank you all.

12:06

We're going to drop off the call if you guys are good with that.

12:08

Absolutely.

12:09

OK.

12:09

Absolutely.

12:10

Thank you.

12:10

Thank you all.

12:12

You bet.

12:15

Our second public hearing is on a resolution related to final zoning for Osprey Heights PUD.

12:22

Jenny Dixon.

12:29

Yes, thank you, Commissioner Strohmeier.

12:32

So this is a request from Nels Hefty, who is the son of the owner and authorized to act on behalf of the owner, to request that the Commission adopt A final zoning resolution for a rezoning that occurred in 1995.

12:51

And I'm going to give you a little bit of a of a story of a history history.

12:58

So the property is located along Big Flat Rd.

13:02

just north of the confluence of the Bitterroot and the Clark Fork rivers on the West side of the Clark Fork River.

13:09

And if you most people in Missoula have been out in this area, it's a big flat Rd.

13:16

There is kind of cut into the hill, steep drop off one side, steep hill on the other side, and then it drops down into the Big Flat.

13:27

Zooming in a little bit closer on the property, it this Brown is indicative of a special zoning district that was adopted through resolution of intent in 1995 called the Osprey Heights PUD.

13:44

The zoning around it and I have a historical map here up in the corner just just to show kind of this area was all one per one dwelling unit per five acres.

13:56

And, and in fact this area is still that zoning District 1 dwelling unit per five acres.

14:03

But down lower, both Osprey Heights PUD and the Hidden Heights PUD took that density of the CA-31 per five, mushed it together in these smaller one acre tracks, if you will, and then left larger areas open And so on Osprey Heights PUD you have 7 approximately 1 acre tracks and about 23 acres left in open space, common area and included a trail along the river and, and that type of thing.

14:35

So just note the way the plat was filed that N is to the side to the to the left or I, yeah, to the left of the screen.

14:49

So the road, Big Flat Rd.

14:51

as you can see, actually bisects lots in this subdivision.

14:57

The construction must all occur downhill from Big Flat Rd.

15:01

and I've added a few details here that might become important as we talk about what the final zoning resolution includes if you have questions about it.

15:10

In particular, these yellow areas that that fall on a shared boundary line between, you know, 2 lots of the six.

15:19

So each, each of those two sets of those sets of lots have what is a shared driveway lot access area and that's 100 feet wide, 50 feet on either side of the boundary line.

15:32

And and this is going to become important later.

15:35

I'll just give you a little hint right now what that's about is there was some conflicting information in the record about whether the driveways needed to be shared or could be individual, but regardless they they needed to be within those yellow areas.

15:51

OK.

15:54

Also a little bit of context as far as conservation easements in the area.

15:59

Here you can see Osprey Heights does not have a conservation easement, but it is open land in the sense that it's common area, private common area and also walk that that trail along the river.

16:12

Here's hidden heights that I was describing to you as well.

16:16

And they took density from nearby lands and transferred it to these tracks here.

16:21

So that was a very popular thing to be doing back in the 90s.

16:26

The timeline of this is, I just wanted to give you a little bit of background on that.

16:32

The application for subdivision and rezoning was submitted in May of 95.

16:38

Two months later, there was an approval for four lots and this CA 3 PUD zoning.

16:48

Within a few days, the applicant was like, this is not what I had in mind and asked the commissioners to reconsider.

16:55

And the commissioners about two weeks later said, sure, we're going to reconsider, come on back.

17:01

And they then approved A7 lot subdivision with the PUD and the CA-3 zoning, all of that, that was a little unusual to begin with.

17:13

And then, but what normally happens after a final approval like that and it did happen was the publication of a resolution of intent for that PUD zoning in two weeks, 2 Sundays in the newspaper back, back when that was a thing.

17:31

And what should have happened with that blank line there is a month later, a final zoning resolution should have been filed and it was not.

17:42

And one reason that I was talking with Nels this afternoon or this morning and it's like, why didn't this get caught?

17:50

And in part, I mean, there are, there are multitude of reasons, but one reason is they never came in for permit and never asked zoning questions.

17:59

And, and so no one ever had a reason to, to check on it.

18:05

So at that time, subdivisions had to be filed within one year.

18:09

They asked for a number of extensions and in fact, at one point forgot to ask for an extension.

18:15

The plat expired.

18:17

The commissioner said you're good.

18:19

We'll, we're gonna, we're gonna renew it.

18:21

And then they did actually, in fact file their plat in.

18:29

Well, first, let's see.

18:31

I cannot get rid of this little thingy.

18:36

In January of 99 they got approval to delete one through four of those 10 conditions and then added another one.

18:47

So 10 -.

18:49

4 is 6 + 1 is 7.

18:51

So here they are, January of 99, have 7 conditions of approval, they file their plat and then they come back eight months later and actually revise that last condition that was added on at the last minute, which is really unheard of, but it happened and plots filed lots are are, you know, all conditions have been met.

19:15

So then Fast forward 23 years, property was rezoned.

19:25

It was actually, it was not rezoned.

19:27

It was in the zoning initiative that the the commissioners participated and and conducted for zoning much of the Missoula Valley.

19:36

We this property was given a zoning name of a legacy district for Osprey Heights PUD, essentially saying you are what you are.

19:47

We're not going to touch you.

19:48

We're leaving you alone.

19:51

And so it was not subject to, it's not subject to any of our new zoning regulations.

19:55

It's still just whatever was approved back in the 90s.

20:00

Earlier this year, Nels started talking with me about maybe looking into starting to construct on these properties.

20:08

And he might, he did in his cover letter, and he may, in his discussion here this afternoon, explain why it's sat for so long.

20:16

But essentially attention was directed elsewhere and Eric and Nels both were just drawn to other projects.

20:22

But here we are.

20:25

So back in 95 when that resolution of intent was published twice in the newspaper.

20:31

This is this is a draft of it.

20:34

The PUD was approved with two conditions and essentially those conditions were they have to follow the plat, which they have to do anyway.

20:44

And everything that was in the record now becomes the zoning.

20:50

And the record, as I've mentioned to you earlier, is massive.

20:54

So over the last several months, we've been wading through to try to figure out what was intended in that packet.

21:06

I was there, but I was a baby, so I can't really remember.

21:12

But what I want to do is show you some of the schematic drawings that gave me guidance for then crafting the zoning for this property, the resolution for which is attached to your packet as I think the first attachment.

21:25

But the intent was to create these, these not joined homes, but homes that would perhaps share a driveway and and then also be built just off the road there.

21:43

And they're kind of shown in these pairs.

21:45

There are these six lots.

21:46

And then this 7th lot, which is actually lot 1 is, has been built already long ago.

21:55

So here were some of the schematics.

21:58

The idea now is with new technology, new building practices, that perhaps sharing these driveways is not the best idea.

22:09

And initially I what I said to Nels was I'm not in a position in doing this action to change that if that is what was approved.

22:18

But because it became unclear, we then worked with Brent O'Connor and Eric Dixon over at Public Works and asked them to look at sight distances to see if the record is unclear.

22:30

Is there any guidance that they could give us from an engineering standpoint?

22:33

And ultimately they did and the zoning is drafted with the option of using shared driveways as shown here or individual driveways within that 100 foot.

22:48

This is kind of a side section, if you will, of what the these homes vary avant-garde for the time.

22:57

And I'm not gonna, I'm not an architect, so I'm not gonna speak to how hard this will be.

23:04

If Nell's could, could maybe address that.

23:08

He's been working very hard with me to get the zoning to a place where he feels like it's feasible.

23:14

But the idea is coming off of Big Flat Rd.

23:18

A, an elevated driveway that then goes to a garage.

23:23

There are requirements for two cars in a garage and then two cars in the driveway and then the home down below.

23:33

I'm gonna just jump back real quick to the plat to also show you.

23:41

There's a green arrow pointing to a hashed area, which is the riparian no build zone.

23:47

And there's an irrigation ditch that runs through there as well as that pathway I was telling you about.

23:51

So all of the homes will be between the brown and the hashed area.

23:59

So then what we did, it was draft up zoning that in addition to the resolution in your packet, you have a draft of the zoning.

24:10

But I want to just hit the highlights for you.

24:12

Standard zoning has space and bulk setbacks, height restrictions.

24:17

In this case, the height of the buildings is 18 feet maximum above the big flat Rd.

24:25

elevation.

24:28

Standard uses in that were allowed at the time are allowed, but this is primarily gonna be this is gonna be single family residential.

24:40

At the time this this PUD was adopted, we did not have hillside standards and therefore general standards that would apply from the zoning.

24:53

We exempted those because they were not in existence at the time and this property would not comply with hillside standards that we then later drafted in part in response to this project actually.

25:10

And then there's the riparian zone protection and landscaping requirements that that, you know, they need to leave it in native vegetation.

25:18

The whole lot needs to just be left natural.

25:21

So it's a very different character than you know, we, we are used to seeing there's retaining walls may not be constructed within the big flat right of way, nor shall any slope exceed 3 to one within that right of way.

25:39

And so in order to build that those retaining walls have to be outside of the big flat right of way.

25:48

And they've also, Nell's has also clarified with Brent O'Connor that gabions are also a permitted method to do that, though in the 90s that was not contemplated.

26:03

It's something that we, I put in the zoning specifically.

26:06

So it was clear when they came in that that they could do that.

26:11

We have parking requirements and the driveway issues we've talked about already driveways not to exceed 10% grade and must meet Missoula rural fire and Public works requirements upon permitting and approaches and then building construction.

26:32

The Class A or Class B roofing materials approved by the, the fire jurisdiction and and that was I tried to pull out things that normally go in zoning, but condensing 731 pages down to 3 was Nell's.

26:48

I'm going to have to let you describe that anyway, that's, that's the gist of it.

26:54

We have a motion to adopt this final zoning resolution so that Nell's and his family can finally move forward with their project.

27:03

Before we go any further, I just want to note that anybody who's looking in, we are seeing the two far ends of the land use spectrum here from super straightforward, well presented, real slam dunk, easy to crazy, complicated and well presented.

27:18

Just say the bookends here.

27:19

There's a lot in the middle that we're not touching today.

27:21

Just just wanted to call that out.

27:23

Thank you.

27:25

Nels, are you out there and would you like to add anything?

27:29

Hello.

27:29

Yes, I'm here.

27:33

Thanks, Jenny.

27:34

I don't know if I have a lot to add.

27:36

Jenny did an excellent job of giving a very good thorough overview.

27:43

If there are specifics you'd like me to dive into, I'm happy to to do that in the question.

27:52

And maybe you guys can direct me to what you might be most curious about.

28:01

Yes, it is complicated on one level, but on on another level, I think with these guidelines, it's it's become much more straightforward.

28:10

And yeah, the process has been indirect and non linear and unconventional, but I think we've arrived at something that's that's very clear and straightforward.

28:30

And but I'm, I'm happy to talk about background or any aspects of this at all.

28:37

Just let me know.

28:38

OK, We might have a few questions for you in a moment.

28:42

But First off, I'm sticking with my story that the reason why this did not happen in 1995 was that everyone was distracted by the OJ Simpson trial and this dropped off the map.

28:55

But anyway, this is the opportunity for public comment.

28:58

Anyone in the room or online want to comment on the PUD final zoning resolution, come on up and feel free to hit the button at the base of the microphone and Miss Fisher State your name for the record.

29:31

Nails I'm going to punt that question to you, if you don't mind, if you know any information.

29:38

That trail is in as I would expect from the conditions of approval having been met.

29:44

Nails yes, well, there's actually 2.

29:50

There's one trail and one ditch maintenance road.

29:52

And I didn't hear the question on my end, but I'm assuming it's with regard to where that trail is and where it goes.

29:59

Is that right?

30:00

And is it a public, does the public use it?

30:04

Oh, OK, yes.

30:05

So the, the trail easement is it begins between right on the boundary between lots one and two and goes down and then zigs and zags a bit until it reaches the ditch.

30:23

And there's a, there's a bridge across the ditch and then it and then it's you can walk to the ditch maintenance road and go from there along the river.

30:32

So that zigzag line right at the South side of lot 2, it's straight along the lot boundary and then it, it goes north and then down.

30:42

Yeah, that's a 5.

30:44

That's A5 wide east.

30:46

Yeah.

30:47

And then it goes along the river.

30:48

That is a public trail and has been since 1995.

30:51

Thank you.

30:52

Well, thank you.

30:53

Actually, the public portion now.

30:55

So, so the easement from 95 is is just the one that goes from road to river.

31:02

The the ditch maintenance Rd.

31:06

is, is federal.

31:12

I think it's Bureau of Reclamation and they control the ditch itself as well.

31:18

However, the, they, they grant some authority to a, to the big flat irrigation district to manage the ditch itself.

31:26

I do not know about the ease or the the maintenance Rd.

31:33

I I know ultimately it it's, it's Bureau of Reclamations ultimately.

31:39

And on top of that, I understand that John Kusker, the landowner across Clark Fork River has an easement or has has granted an easement to Bureau of Reclamation for that ditch maintenance Rd.

31:55

So that might be more information than you need to know, but there we are.

32:03

Thank, thank you Nails additional public comment.

32:06

Anyone else want to comment on this proposal?

32:12

OK, we will close the public hearing and entertain questions from the Commission.

32:17

Josh, So a question for our esteemed council here.

32:23

So I see in the conditions there's mention of the grade.

32:30

This area is super steep and as you said is going to require some pretty intense engineering.

32:36

And I, I gathered that both Nels and his father are architects or we're architects and they, they know what they're doing, etcetera.

32:43

I just wanted to ask John, let's say these guys get into this.

32:46

We say, yes, this all happens.

32:48

And it turns out that because of the steepness and the soils and other other factors that we might not be able to identify here, environmental factors, it turns out that they can't build anything here.

33:00

Is there any recourse that would come back to us that Mister Hefty or somebody else would say, wait a minute, you guys said we got these seven lots and now these things are useless because of the topography, The soils or other things that I can't figure out right now are what's what's on us on that nothing.

33:17

OK, Try not to be so verbose next time.

33:21
John.

33:23
Thank you for that question and answer.

33:25
Juanita, do you have a question?

33:25
I didn't know if Chief Findlay or Shane Stack had anything to add from is Missoula Rural here for this item?

33:36
Commissioners Paul Finley, Missoula fire.

33:38
And no, I, I don't have any comment on this at all.

33:41
So.

33:42
OK.

33:43
Well, that is a good segue though.

33:45
Let's talk about landscaping and the native vegetation piece because does that preclude doing any vegetation treatment or fuel mitigation in the home ignition zone?

33:56
Because if it if it did, I can rest assured these homes might be a pile of ash at some point.

34:03
So no, it's really to prevent site disturbance and plantings of non natives that would weaken the slope of the site.

34:17
And so absolutely fire fuels management is not only permissible but encouraged.

34:24
OK, that's good to hear.

34:26
Thank you.

34:27
Additional public comment.

34:30

Oh, we have a staff comment, Mr.

34:32

Stack.

34:33

Not even a comment, just a question out of curiosity as I'm oh Shane stack with Missoula County public works well in septic.

34:41

I'm curious how the septic is going to work on these locations.

34:47

Nels, any any insight?

34:51

Yeah, so we just had and, and since the 90s all of the the the septic regulations changed and we had that recently redesigned about a year ago and submitted the DQ for approval.

35:05

That whole community system which will be so lot 1, the existing house is on its own septic system.

35:17

Lots 2 through 7 will share a community system, each having their own septic tank, and then that would get pumped up to to a main below the just below the road.

35:30

And then under the road at Lot 2, it will cross to the uphill side where the drain field and the replacement area are located.

35:39

Yeah, right about there where the arrow is.

35:41

Oops.

35:43

OK.

35:45

And that was.

35:45

Yeah, that's all.

35:46

That's all been approved by the DEQ as of last fall.

35:50
OK.

35:51
Thank you, Nels, for that additional information.

35:53
Other questions from the Commission or We're ready for motions to be displayed.

35:59
Josh, motion.

36:02
We're ready for the motions.

36:02
Oh, like why aren't you making your motion?

36:07
Let me get there.

36:12
Voila.

36:13
OK, still no motions, it's just slow.

36:18
OK, I'm multi generational motion.

36:20
Go ahead Josh.

36:22
All right.

36:22
I would move to approve the request to adopt A final zoning resolution for the Osprey Heights planned unit development as shown in the attached resolution and the standard shown in attachment A.

36:35
Do we have to use the word corrected in the motion?

36:37
No.

36:38
OK, second further discussion seeing none all in favor.

36:43
Aye.

36:45
OK, it is done.

36:47
Thank you, Nels.

36:48
Thank you very much.

36:49
Thanks for 731 pages of waiting.

36:54
Nicely done.

36:55
You know, Nels deserves an answer after all this time, so I was happy to do it.

37:00
Well, great.

37:01
And I should add that Jenny was tremendous.

37:05
Probably the most helpful building official I've ever worked with, quite honestly.

37:09
And yeah, I don't know if it could have been done without her.

37:11
So thanks, Jenny.

37:13
All right.

37:13
Thanks, Nels.

37:14
Thank you, Nels.

37:15
Good luck, Nels.

37:16

Thank you.

37:18

Moving on to our 3rd and final public hearing.

37:20

This is on a resolution creating an RSID that is a rural special Improvement District on Lena Lane.

37:27

And our staff report will be brought to us by Deputy County Attorney John Hart.

37:34

Thank you, commissioners.

37:35

I will.

37:36

I'll start the staff report.

37:38

Others will follow me.

37:40

So we were in this room on October 24th, we had a public hearing on a resolution of intention to create an RSID for Rd.

37:52

maintenance purposes.

37:54

And this is the proposed boundary includes 15 lots along Lena Lane and Missoula County.

38:02

You, after taking public comment, pass that resolution of intention.

38:08

Shortly thereafter a notice of that resolution was published in the Missoulian on November 2nd and November 9th, and then notice and a copy of the resolution and all exhibits were mailed by the Clerk and Recorder to all property owners in the proposed RSID.

38:34

The the information that was published and that property owners received indicated that if a property owner wanted to protest the creation of this RSID that they provide written notice of that to the Clerk and Recorder on or before December 6th.

38:56

And the Clerk and Recorder has received a 7 written protests by that deadline and today's meeting.

39:08

The purpose of today's meeting is by law you must hear and pass upon all protests that are made.

39:17

That's pursuant to Montana Code Annotated 7-12-2111.

39:26

And if there are, if you find that there are fewer than 50% of the property owners that have protested, you can take public comment and consider passing a resolution to actually create RSID 85 O 6.

39:49

And so with that, Sam Scott, the assistant recording director with the clerk and recorder is going to talk about the protests that his office received.

39:59

Thank you, John, Sam, Sam Scott with the clerk and the recorder.

40:03

And as John mentioned, per the resolution of intent, we mailed notices to the 15 property owners and they had until December 6th last Friday to submit protests in writing to our office.

40:13

As John also mentioned, we received 7 protests.

40:16

For the record, they the protests were received from Eric and Stacy Werner at 12:50.

40:22

Lena Lane, Luis and Melanie Cologne at.

40:25

1260 Lena Lane.

40:26

Sandra Michael at 1265 Lena Lane.

40:30

William and Barbara Conklin at 1275 Lena Lane.

40:35

That property is owned by the Conklin Family Trust and we got signatures from them as individuals, not as trustees.

40:41

William and Garnett Kinney at 1290 Lena Lane.

40:45

Greg and Sherry Munther at 1292, Lena Lane and Stanford and Marcia Zimmet at 1305 Lena Lane.

40:55

OK, thank you.

40:58

Is there additional staff comments at this point in time?

41:03

Josh, did you have a question?

41:04

Yeah, go ahead.

41:05

How many properties are affected and what percentage is 7?

41:12

So we're talking 7 out of 15, seven out of 15.

41:15

I just wanted to double check here.

41:16

So we are 15 properties and seven protested.

41:19

That's less than 50%.

41:20

OK, thank you.

41:21

50% or more the automatic the hearing would be over.

41:25

OK, thank you.

41:26

Thanks.

41:27

So the way we're going to do this, we're going to begin by hearing from any of the petitioners or proponents and then we'll take comment from the opponent.

41:36

So any of the petitioners want to come up and the mic is already green, so you don't need to do anything with it?

41:46
Yes.

41:46
Thank you for the gentleman that helped me.

41:48
I was looking at the red and green, red and yellow buttons here.

41:51
I should have brought my glasses the first time.

41:55
My name is Jerry Fisher, I live at 1285 Lena Lane, and I support the RSID because I think #1 it's a good business decision.

42:09
It's an improvement to our neighborhood and I appreciate that the county has reached out and tried to make this acceptable while understanding that we already pay for this service.

42:22
They have never tried to say, well, you should, you should be doing this.

42:26
They've been very sympathetic that they understand that we pay for it and we understand that too.

42:34
It appears that the reason, the main reason for being not in favor is taxes.

42:42
And I I agree with the position of those who are not in favor.

42:47
I'm not happy about my taxes, but I choose to put blame on those in Helena who were responsible for such a huge increase.

42:58
You know, this happened before where we had a large increase in property values, but we did not get a big tax increase because the Legislature at that time did its job and took care of it.

43:14
Every legislature in the past took care to address what kind of damage this does to families.

43:21
So my message to the governor, the legislature and its president is to stop preening, bowing, harassing vulnerable people, Highway Patrol officers and do your job.

43:36

So support for our Rd.

43:38

improvement was 11 in favor with four opposed, and we certainly respected those who have been opposed.

43:48

But after the tax bills arrived, folks were hit with the reality of the legislature's failure and now we are now 7 opposed and eight in favor.

43:59

And I respect and understand the decision of those opposed.

44:05

So, but at this point, we go forward as democracy dictates with the majority in favor.

44:12

Thank you.

44:13

Thank you, Jerry.

44:14

Additional comment from proponents or petitioners.

44:18

John, let me just add something that I forgot to mention.

44:21

So the resolution of intention contemplated A a payback period of 10 years, but we heard at that hearing on October 24th that the residents preferred A20 year payoff.

44:39

So that change is reflected in the draft resolution to create the RSID.

44:47

We've gone from a 10 year payoff to 20 year payoff, which means how much per property per year, I don't know.

44:54

I'm sorry, Shane, I think that was in the packet.

45:00

I want to say that that moved to 130 a year if I remember right.

45:06

Let me let me find it.

45:08

OK, while Shane is looking that up, I believe it's 200 and something like 238 if I'm not mistaken somewhere in that neighborhood, but you probably will.

45:22

I get that.

45:22

And oh, here we go.

45:24

Yeah.

45:25

So this was calculations that we had and I and I think the 20 year was 161 and the 10 year was 3/22.

45:34

And I don't know if those sound right, John, but this is based on the latest information I had.

45:39

And this was also 48,000 versus I think this one was 49,049.

45:46

Yeah, Yeah.

45:47

So it's it's in that ballpark.

45:48

Say that again the 20 years in the ballpark of \$160.00 a year, \$160.00 per year and that also includes somewhere in that midterm period of time some a chip seal or some maintenance or the chip seal was going to happen or occur upfront, OK.

46:09

And then, you know, I don't know what public works is going to look like in 10 years from now, but you know, I would imagine that we would be able to afford a chip seal on our dime at that point.

46:19

OK, Yeah, we'll come back.

46:24

And again, the \$160.00 that the the amount per year will be slightly higher because there will be a small interest portion added to that.

46:38

We don't know what the the rate on the loan would be at this time.

46:42

So we can't calculate that.

46:43
OK.

46:44
But it will be slightly higher than 160.

46:46
Thank you, Mr.

46:47
Bosworth.

46:48
Come on in.

46:55
Thank you.

46:56
I'm Dale Bosworth live at 1315 Lena Lane and I'm here to speak in support of the RSIDI Agree with everything that that Jerry said regarding the taxes.

47:08
I'm frustrated about that.

47:10
I we're all frustrated about I can't get the road fixed, you know with without some adjustment here.

47:18
On the other hand, when I think about the taxes, we're not getting a lot for our Rd.

47:24
you know, a lot, a lot for our taxes on the road.

47:26
We don't get a lot of maintenance done.

47:29
We do get a good job of of snow plowing.

47:33
If we don't do this, we're not going to get anything either.

47:36
If we do this for our small investment, we'll get about \$100,000 worth of work done or over \$100,000 worth of work done next year.

47:46

Now, that seems to me to be a good business decision and we would get a get the road fixed.

47:52

We were told by the county public works department that our Rd.

47:57

was at risk of catastrophic failure.

48:01

And when you look at it, it, it looks to me like it is.

48:04

But I'm not an expert and neither is anybody else on our street.

48:07

My knowledge.

48:10

There's also a lot of concern because folks are going to have to move some sprinklers and they're going to have to maybe have some changes in their in their landscaping For all of us that live right on Lena Lane, that could be a problem for some and not so much for others.

48:29

Not too much of a problem for me because I elected to just put rock just to have leave Rock and the county right away.

48:37

But some people have chosen to encroach on the county right away and and put a lot of landscaping and put sprinklers.

48:45

And so I would hope that we wouldn't set a precedent by saying we're not going to do that work because people have put things in the county right away.

48:55

That's why it's called a county right away.

48:57

So anyway, I support it.

48:59

I think it's good business.

49:01

And and I care a lot about the people who are concerned about it and are protesting it.

49:08

And I'd like to help any of them that have to move some things.

49:10

I'd be willing to try to help and get other people to try to help.

49:13

By the way, I'm the president of the, of the, the homeowners association that's on the South side of of the lane.

49:23

The people on the north side are not part of that homeowners association.

49:26

But anyway, I would, I think it would be good for all of us to, to work together to try to make this happen.

49:33

So I hope you'll see that too.

49:34

Thank you.

49:35

Thank you, Dale.

49:37

Additional comment from proponents or petitioners.

49:41

Come on up, Sir.

49:47

My name's Ted Lane.

49:49

I live at 1335 Lena Lane, and I don't have much to add to what Dale and Jerry said.

49:55

I am sympathetic to the people who are opposed to this in the sense that we normally expect our tax dollars to cover these types of things, but given the environment we find ourselves in, I feel like it's not getting done and it needs to be done.

50:09

And I think the county's done a good job of making this approachable for us.

50:13

So I do support the the Improvement District.

50:16

Thank you.

50:17

Thank you.

50:18

Anyone else in the room who is a proponent or petitioner who would like to comment?

50:23

Anyone online who's a petitioner or proponent?

50:29

OK, see none.

50:31

Let's go to anyone who's an opponent.

50:34

Come on up.

50:44

Good afternoon commissioners.

50:46

Thank you for giving me this opportunity to speak.

50:48

Also for the proponents of this, thank you so much for doing your diligence and everybody on Lena Lane truly is appreciative of all the efforts and all the work you guys put into this and research in this for us.

50:59

My name is Louise Cologne.

51:01

I'm a resident at 1260 Lena Lane and I'm speaking on behalf of six other Lena Lane residents that are in protest of the continuation of 85 O 6 Our objections fall into three categories of concern.

51:14

1 is a road failure assessment that was done the proposed scope of work and as well as the financial burden, which everybody spoke about not at length.

51:23

1 Misaligned road failure assessment.

51:26

The County Road engineer described Lena Lane and so did Dale, Bosworth and Jerry as a catastrophic failure.

51:31

Yet this doesn't align with the actual conditions.

51:33

By definition, a catastrophic failure means a road is completely unusable due to events like structural collapse.

51:40

Lena Lane, while in need of maintenance, does not exhibit any major potholes, heaving or rutting and it remains passable, which does not meet the threshold of catastrophic failure.

51:51

If our Rd.

51:51

was indeed a catastrophic failure and condition, that would mean that emergency vehicles would not be able to pass, making it impossible to respond to emergencies and any other county repair and maintenance matters.

52:03

And if that would be the case, and it would be create an urgent matter that needs the attention of the county immediately to respond to its repairs without the intervention of residents #2 is inconsistent.

52:14

Work descriptions The proposed work lacks clarity for us.

52:18

Initial discussions reference a complete replacement of the road, while other iterations of the scope of work suggest minimal fixes, such as adding a minimal Topper and chip sealing.

52:28

Opposers of the project requested a third party contractor for their opinion of the condition of the road and the scope of work presented to us.

52:35

Residents of Lena Lane and this contractor noted that the road space is too soft to provide a reliable surface without additional stabilization, and just placing a top layer over the existing base is not recommended for longevity.

52:47

These inconsistencies raise doubts about whether the plan offers a long term solution or just temporary patch risking future costs for residents and the county as well #3 which was discussed earlier as well by Mr.

52:59

Bosworth and Miss Fisher as well as Mr.

53:02

Lane.

53:02

The financial burden that it puts on US residents of Lena Lane.

53:05

The RSID places an unreasonable financial burden on Lena Lane's residents, 67% of whom which are retirees on a fixed income and others like myself with the young family that have rising childcare costs makes it unfeasible.

53:20

Historic rises and property taxes in which last year residents saw 40% increase in their valuation, which led to a 21% increase in your tax bill, which is slated for another increase next fall and they're slating.

53:34

Experts are forecasting a 21% increase in values which would mean an 11% increase in your tax bill.

53:40

Couple of soaring energy costs which we'll see an increase in Northwestern's energies costs go up in April of 2025 has already stretched and will continue to stretch budgets without the help of this of avoiding this RSID.

53:57

Additionally, as Mr.

53:59

Lane mentioned, widening of the road by two feet on either side, which is stated for required drainage could lead out of pocket expenses for residents to include, but are not limited to landscaping repairs, irrigation repairs, mailbox post movement and potentially costing individual residents thousands of dollars.

54:14

As an example for myself, I got an estimate from a local irrigation company and was quoted upwards of \$125 per sprinkler head replacement, which for me personally, I have 16 irrigation heads that border Lena Lane.

54:29

So that would cost me an additional \$2000 out of pocket for repairs as a result of that work.

54:35

And that holds true for many Lena Lane residents.

54:38

In conclusion, the underlying issue is a lack of consistency of for county maintenance which has led to the road's current state.

54:46

This is a county owned and maintained road and repairs should be funded fully through the taxes we already pay, not shifted onto residents through the RSID cost share program.

54:54

Although we are short the one needed vote, we're at 47% required, 50% threshold.

55:02

We urge the Commission to reassess the roads condition for consistent and accurate diagnosis.

55:07

Create a clear and transparent plan for long term repairs.

55:11

Create also fund repairs through the county budget reflecting the taxes that we already contribute to and ultimately reject the adoption of RSID 85 O 6.

55:19

Lena Lane deserves proper maintenance and this project should not add unnecessary financial strain on its residents.

55:26

I'd also like to add there was a couple of mistakes made as far as overall cost in the Missoula in the public notice didn't mention 1/2 percent interest rate on that RSID over the 20 year span.

55:39

And then the 20 year RSID cost would be 19175 if it was the 10 year was 38350.

55:46

And also Mr.

55:47

Sam, I'm sorry, I don't know your name.

55:49

The residents, Mr.

55:51

and Misses Munther are at 1295, not 1292.

55:54

Lena Lane.

55:54

I just wanted to make that public record.

55:56

I appreciate the time very much.

55:58

Thank you all for your time and attention.

56:00

Thank you.

56:01

Additional comment from opponents, Come on up.

56:11

Good afternoon, my message is very short.

56:17

My name is Barbara Conklin and I live at 1275 Lena Lane and I am opposed to RSID 85 O 6 for two main reasons.

56:29

First, Lena Lane is a county owned and maintained Rd.

56:33

It is not a private road.

56:36

Because of this, I believe the cost of maintenance of Lena Lane should be on the county's responsibility.

56:43

Second, this proposal has split our very, very nice neighborhood almost completely in half.

56:50

So I suggest the Commission scrap the proposal and let the county continue to maintain Lena Lane and do necessary repairs as needed.

57:01

Thank you.

57:04

Additional opponents who would like to comment, anyone online, anyone want to comment in any fashion whatsoever on this proposal?

57:20

Missoula Rural, you're still here.

57:22

Do you have something to comment on relative to this?

57:27

Commissioners?

57:28

Paul Findlay again from Missoula fire, we are not aware of any degradation of the road to the point that we can't get across it and so we don't have a further comment on it.

57:39

OK, thank you.

57:41

Last chance for public comment on this item.

57:47

Seeing none, I will close the public hearing.

57:49

And this is the time where commissioners will ask questions, deliberate and take action.

57:56

Let's go left first, Juanita.

57:59

So wanted to touch on Lewis's questions about the maintenance and the the disparity or with the proposed kind of short term, long term plans, if you could clarify, but Shane and answer his questions.

58:15

Shane Yeah, Shane stack with Missoula County Public Works.

58:19

I'll try to address as many of these as as his comments as that that I can remember, but you can see on the screen right now that's information related to the condition of the pavement.

58:31

The legend is to the lower right hand corner that Gray color is considered failed.

58:38

The corresponding Lena Lane color is also Gray.

58:42

So what we're seeing is a failed asphalt.

58:46

Missoula County didn't do that evaluation.

58:48

We actually had a consultant come in with equipment that measures the condition of asphalt and we did that for the entire 260 plus miles of roadway.

58:57

So you're welcome to dispute that, but that's the data and information that we are receiving.

59:04

But what's your definition of failed?

59:06

Because it sounds like maybe failed sounds like the fire department can't get in there.

59:10

But failed with from your perspective is means what?

59:15

Well, that's a good question too, Juan.

59:19

If you look at this and we can take a drive down Lena Lane, what that's going to look at is, you know, how much is this road cracking and, and coming apart?

59:28

And so as all these cracks continue to form, water gets in that asphalt.

59:34

And as water continues to invade this asphalt surface, you will get things that start to look more like this area where it's starting to just alligator crack everywhere.

59:47

And yeah, those, I think this is a kind of an example of a roadway that's failing.

59:54

So thank you, I guess too, I think we should probably address the the comments and concerns about paying taxes and not getting this road repaved or resurfaced because folks pay taxes.

1:00:14

I fully get that and understand that and and agree with your frustrations.

1:00:20

I, I have the same frustrations.

1:00:22

I'll paint the picture.

1:00:24

At the end of the day of what we have available in our budget for roads and bridges is probably around \$600,000 a year to take care of our infrastructure.

1:00:32

After we pay for the lights, after we pay for staff, pay for equipment, that's what we have left for just materials to do to go do improvements on our infrastructure.

1:00:42

The cost, just to put this in perspective, the cost for us to do an overlay is right around 170 to \$180,000 a mile.

1:00:52

We've got 200 and 64265 miles of asphalt Rd.

1:00:58

I can maybe overlay 3 every year.

1:01:02

So do the math like it if you want us, if you want to wait, we can.

1:01:07

Certainly we can wait, but it is probably not going to get any type of work in the near future or ever in the future frankly it the pictures not getting better.

1:01:16

The cost for asphalt five years ago was \$45.00 a ton.

1:01:19

It's \$71 a ton right now.

1:01:22

So the cost of everything is going up faster than we can keep up with it.

1:01:26

And so the IT just gets worse and worse for us as far as trying to maintain our infrastructure.

1:01:31

So the only way that we can do these types of things is through RSIDS.

1:01:36

And this is not the first roadway that's a County Road, that's more of a residential street that we are using RSIDS to make improvements on.

1:01:45

We have to rely on this type of process, otherwise we just don't have the resources to get to it.

1:01:50

I don't know if that answers all their questions.

1:01:52

What was the number accounting wide where we should be spending 1.2 million, two million, We're we should be at two points, 2.7, yeah, roughly and and we only have and that's based on that.

1:02:03

That's based on that doing an overlay and a chip seal twice in a 20 year.

1:02:10

And then expecting a 20 year lifespan out of your asphalt's with these lower volume residential streets, I think you can get maybe 30 years out of it, but that again, those numbers are based solely on a 20 year lifespan of your asphalt.

1:02:22

Thank, Thank you, Shane.

1:02:23

Josh, some more questions.

1:02:28

So what are the total cost of this project, not not the cost that the locals are going to pay, but the total cost of doing this project.

1:02:37

I'm going to defer to John, what's the number and what does project mean?

1:02:43

What's the scope of what are you saying is going to be done?

1:02:48

Well, it's roughly \$147,000.

1:02:51

That includes, you know, that includes materials, that includes design, that includes a small administrative costs, some contingencies built into that.

1:03:02

And it's also it, it includes some of the costs of issuing the debt to pay for this today and then have the residents pay it off over a 20 year.

1:03:17

And we used 5%, No scratch that.

1:03:23

I, I don't know what the interest rate will be on that, on that bond, but there is, there is a deposit that we have to make by law into the RSID revolving fund to keep that fund solvent.

1:03:39

And that, that fund is something that we use to God.

1:03:45

I wish Andrew Charney was here, but it, it helps make our that debt marketable to the public, safe your at your municipal rate and credit worthy.

1:04:01

So in those costs are, are our, our labor, is that in those costs?

1:04:06

Is that factored in there?

1:04:07

So yeah, the, the, the overall total cost includes our labor and things like that and, and, or equipment rentals, but they only pay for the materials.

1:04:16

This is where this is totally where I was heading.

1:04:18

So, so the, the RSID, the local, what the locals would pay is the materials, which is again, can you say the number there?

1:04:28

Well, with all the things, all the additional things added to were 49,000.

1:04:32

So, and you want to know what materials we're, we're what really what I'm trying to get at is what percentage of the total cost would be borne by the locals and what percentage of the total costs are actually borne by the taxpayers?

1:04:45

Rough number, it's 1/3 to 2/3 which way 2/3 taxpayers, 1/3 locals.

1:04:51

So 2/3 of the cost of this project would be paid for by all of the taxpayers in Missoula County and 1/3 would be paid for by the locals, correct.

1:05:00

I just wanted to, to get that out and, and without that one third, it's unlikely that anytime in the next 20 years, 20 years, we're going to see any improvements on this road.

1:05:11

Unless something changes with our tax system and we start to generate enough revenue to cover the cost of our infrastructure, it's not going to happen.

1:05:17

And I wanted to be clear and make sure I heard things correctly.

1:05:20

I didn't hear that this road was a catastrophic failure.

1:05:24

I heard that this road was at risk for catastrophic failure.

1:05:27

What I see and is just a classification of, of, of, of failure.

1:05:31

When you look at the pavement condition index, it's zero to 10.

1:05:34

It's basically stating that it's a failed pavement.

1:05:37

So I just say, so there's just a couple of realities here that are really unfortunate, but they are just real.

1:05:46

We don't, as Shane said, we don't have enough money to tend to all of the roads in the county.

1:05:50

That's just the reality.

1:05:52

Other pieces, no neighborhood generates enough tax revenue to cover maintaining the cost of the roads in that neighborhood.

1:05:59

So I live in the Target Range neighborhood.

1:06:01

If we were to draw a circle around my neighborhood and say we're going to take all the taxes that go to the road fund from my neighborhood and just apply those in my area, it wouldn't it wouldn't be enough to cover it.

1:06:11

The only reason we can do the maintenance we do is that is because I'm an economy of scale that all across the county people pay taxes and then we redirect that money.

1:06:20

Well, given that that's how we do it, the bulk of that money is going to go to the roads that most people use because everybody's paying for it.

1:06:27

If the roads that are used most most often by the most people are going to get the most attention because we have these really finite resources.

1:06:35

This RID system is not perfect by any stretch, but it also just the note doesn't put the entire onus on the locals one third 2/3.

1:06:44

So you're still getting the benefit of being part of a larger group.

1:06:48

You just don't get the same benefit that if you would enjoy, let's say if you were driving on 7th St.

1:06:54

out in the county.

1:06:56

And I get that it's it's not perfect.

1:06:58

I also want to say I appreciate Jerry identifying the problems with our tax system.

1:07:03

You were you were spot on.

1:07:05

Additional questions from the Commission.

1:07:09

Sorry, again, the scope of the \$147,000 proposal.

1:07:14

What what what's going to be done with that?

1:07:16

If, all right, pulverize the existing pavement.

1:07:18

If we just overlay the existing asphalt, all those cracks will overtime just reflect back up, right?

1:07:24

So we pulverize that existing asphalt compact.

1:07:28

They'll do some shouldering work too, as people were mentioning having to relocate their irrigation, you know, sprinkler heads.

1:07:38

What we like to do is get a couple feet of gravel on the side so that we get the water off the road.

1:07:43

The way it is now with people putting lawns up and sprinkling the roads deteriorates the the asphalt a lot quicker.

1:07:52

And then overlay and chip seal, chip seal, one application last 10.

1:08:00

Well, for us, I think you're probably you should get at least 10 years just because it's a low volume residential St.

1:08:06

we should easily get 10 years out of that.

1:08:08

OK, Yes, Josh, this may be a question for John.

1:08:13

Is it possible legally to build some money in here to help defray some of the costs the locals might incur on not doing things like moving irrigation?

1:08:28

Well, it wasn't contemplated in the in the in the budget that was included as an exhibit to the resolution of intention.

1:08:38

And I suspect it could trigger protests on the part of some of the proponents if they're having to shoulder the bill for people to relocate facilities that are encroaching upon our right of way.

1:08:52

Additional questions.

1:08:55

OK, we are ready for a motion.

1:09:00

Is there a formal motion to be considered or is it just what's written here?

1:09:07

Adopt A resolution creating RSID 85 O 6?

1:09:11

I never had my act together like the planning department, but any one of you could move to adopt the resolution creating RSID 85 O 6.

1:09:24

Eloquent that entertain a motion I'm nervous about getting the language wrong.

1:09:34

I think you can just I mean obviously you could make a motion to deny.

1:09:37

OK, Yes, that would be an option also to adopt or to deny resolution creating RSID 85 O six.

1:09:45

OK, I would move, we adopt RSID 85 O six.

1:09:50

Second, any further discussion And I would just say that this is a classic case of majority of folks in the neighborhood are supportive of this and I will go with the majority in this case and the work will not get done anytime soon unless this does happen.

1:10:06

So we go ahead.

1:10:11

Bosworth's comments of of folks using this as an opportunity to work together.

1:10:17

Yes, Josh.

1:10:17

Yeah.

1:10:17

And I'm super sympathetic.

1:10:19

And it's quite saddening to hear that this small kind of close knit neighborhood is now divided.

1:10:25

And please just blame us.

1:10:26

And I'm not joking.

1:10:28

Come back together.

1:10:29

You're going to be your lives are going to be better if you're not mad at each other.

1:10:32

Our job to some degree is to allow people to be angry at someone.

1:10:36

So please be kind to each other, help each other when your Rd.

1:10:42

is better, this will still be a bummer that you're paying for, but your life will be better that your Rd.

1:10:47

is better.

1:10:48

Thanks.

1:10:49

And the last thing I would say is absolutely in a perfect world, which we do not live in, there would not be any special improvement districts.

1:10:58

And what you pay on your tax bill would be the total extent of of what you are paying.

1:11:04

So we've exhausted discussion.

1:11:08

Any further discussion?

1:11:10

All in favor?

1:11:12

Aye, aye.

1:11:13

OK, the RSID is created.

1:11:17

Anything else to come before the Commission today?

1:11:22

Seeing none, we will be adjourned.

1:11:24

Thank you everyone for sticking with us and participating today.