

# OPEN SPACE ADVISORY COMMITTEE AGENDA

**Date:** October 10, 2019, 4:00 PM

**Location:** Currents  
600 Cregg Lane

Missoula, MT 59802

**Members:** Eric Anderson, Kristine Akland, Charles Besancon, DeAnna Bublitz, David Cole, Rob Erickson, Alexis Gibson, Daniel Gundlach, Catherine Ipsen, Edward Monnig, John Smith, Regan Whitworth

To request auxiliary aids or service to participate in this meeting, please contact Corena Maurer at 406-552-6253. Please provide at least 48 hours advanced notice or more, so we can make needed arrangements.

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## Pages

### 1. Administrative Business

#### 1.1 Roll Call

#### 1.2 Approval of the Minutes - September 12, 2019 Meeting

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#### 1.3 Announcements

##### 1.3.1 MMC 12.56 Open Space Ordinance Updates

City Council Public Hearing is October 21

##### 1.3.2 2019 Open Space Plan/Growth Policies

Joint BCC and City Council Public Hearing is October 21

#### 1.4 Public/Guest Comments

### 2. Discussion Item

#### 2.1 Review Open Space Bond Language & 2018 City/County Resolution Pertaining Capital Improvement Undertakings Project Eligibility

Morgan Valliant

4

### 3. Action Items

#### 3.1 Initial undertakings, or capital improvements, using 2018 Open Space Bonds

Morgan Valliant

##### Recommended motion: 2018 Allocation of Open Space Bond Funds

The Open Space Advisory Committee recommends City Council approval (or other) of allocation of 2018 Open Space Bond funds in the amount of \$775,000 pending City Council holding of a Public Hearing on the expenditures, for the initial capital improvements as shown in exhibits at the Oct 10 OSAC meeting, including Clark Fork River Access and Riparian Restoration, Reforestation of certain Open Space Lands, and certain improvements to Trailheads and Trails on Conservation Lands, all to Open Space Lands and per applicable legal requirements.

### 4. Presentations/Discussions/Updates

#### 4.1 Mount Dean Stone Site Visit

### 5. Future or Held Items

### 6. Adjournment

## **COPEN SPACE ADVISORY COMMITTEE MINUTES**

**September 12, 2019**

**4:00 PM**

**Currents**

**600 Cregg Lane**

**Missoula, MT 59802**

**Members present:** Eric Anderson, Kristine Akland, DeAnna Bublitz, Rob Erickson, Alexis Gibson, Catherine Ipsen, John Smith, Regan Whitworth

**Members absent:** Charles Besancon, David Cole, Daniel Gundlach, Edward Monnig

### **1. Administrative Business**

#### **1.1 Roll Call**

Staff Present: Morgan Valliant, Donna Gaukler, Marie Anderson, Grant Carlson, Cassy Gladwin, Jolanda Cummings.

Guest Present: included Dwight Easton, Gwen Jones, Pelah Hoyt, Greg Tollefson

#### **1.2 Approval of Minutes**

Approval of August 29, 2019 Minutes

Kristine Akland motioned to approve minutes.

John Smith seconded the motion. The minutes were approved.

#### **1.3 Announcements**

Introduction of Open Space Program Manager

Donna introduced the new Open Space Manager Grant Carlton and Gwen Jones from City Council.

#### **1.4 Public/Guest Comments**

Dwight Easton Public Affairs Director with Missoula Organization of Realtors introduced himself to the committee.

### **2. Action Items**

None

### **3. Presentations/Discussions/Updates**

#### **3.1 Review Updates to Open Space Ordinance**

Donna Gaukler presented the updated draft MMC 12.56.010 The Missoula Open Space Ordinances that highlighted the edits that were made since the August 29, 2019 meeting. The following areas were reviewed;

1. 12.56.015 displayed changes to definitions of Open Space, Open Space Plans and Conservation Bond Fund.
2. 12.56.070 Citizen Advisory Committee on Open Space changed wording to propose that the City Council will appoint seven members and the Mayor will appoint the remaining three. Donna Gaukler explained why City Council likes the Mayor to have a role in appointing members to committees.
3. 12.56.080 Committee's review of Open Space Proposals. Discussion was had to update title and include the language "improvements and enhancements" and to eliminate section D.
4. 12.56.110 Donna Gaukler explained the content change for conversion or diversion of open space land and clarified to the committee the reason for a contract change. Donna provided an example of how a item would be applied to the ordinance.
5. 12.56.020 Kristine Akland purposed to include the MCA Citation to section A.
6. 12.56.050 Rob Erickson purposed to change disbursements to acquisitions and improvements.

### **3.2 Open Space Plan to Planning Board**

Donna Gaukler informed committee that Open Space Plan will go to Planning Board September 17, 2019.

### **3.3 Open Space Capital Projects (Undertakings)**

Review Process Continued

Morgan Valliant presented the 2018 Open Space Bond City-County Interlocal Agreement and Undertakings. The Initial undertakings were reviewed and reiterated that the department is proposing to move forward with the initial undertakings. These undertakings will come to OSAC in October for final advisory approval.

Morgan discussed the purpose of the Bond and how it ties in with the Parks, Recreation, Open Space and Trails report (PROST). The PROST survey reported the top five desired improvements and will be used to develop plans

Figures from the City "Undertakings" were reviewed. Resolution 8276 adopted by City Council June 25, 2018 detail each category. Categories for projected expenses included Acquisitions and Capital Projects;. Clark River Restoration Access, Trails, Reforestation of Open Space Lands and Conservation Lands Trails and Trailheads.

Rob Erickson- Are these categories are nonbinding?

Donna Gaukler- Agree that these nonbinding

Morgan Valliant provided information on Clark Fork River Sustainable Access and Restoration project. Discussion followed not eh budget for the Clark Fork River project. Further discussion took place regarding the process to approve initial projects, initial

spending of projects and the course for further development. Committee members asked the department to consider presenting projects in presented in alternative ways so that the public can better understand the budget, costs associated with engineering, the prospects of matches ,and the overall cost benefits.

Gwen Jones - City council often authorizes initial expenses for projects. It's common practice to gather more information and to be able to give information to OSAC to make a full recommendation to city council.

Rob Erickson- Communicated with the committee that in general OSAC must decide if they find value in a project or not.

Eric Anderson noted the importance of discussing how planning of a project fits into Open Space Bond money.

Gwen Jones- This is a well-positioned project to get leverage and the committee needs to consider the leveraging of the money when deciding this project.

Morgan Valliant presented Reforestation of Open Space Capital project and the potential areas that the trees would be planted. Marie Anderson communicated the importance of the Urban Forest and the areas in Missoula that are declining. Costs associated would depend on the bids and type of trees.

Morgan Valliant presented projects for the Missoula Conservation Lands Trailhead improvement Improvements include upgrades to primary and secondary access points. Costs associated with these upgrades were discussed. Enhancements to the trails, parking lots and signs provide history about land and the donors.

### **3.3.1 Special Meetings**

Discuss preferred times for site visit/ work sessions.

Donna Gaukler stated that additional meetings may need to be scheduled for project review. No meetings are scheduled at this time.

### **3.4 Open Space Criteria**

Time pending- did not discuss item.

## **4. Future or Held Items**

Five Valleys Land Trust has a potential project that could be eligible for bond funding. A field trip will be scheduled for a site visit.

## **5. Adjournment**

Meeting adjourned at 6:08.

**EXHIBIT: \_\_\_\_\_**

**2018 Open Space Bond Capital Improvement INITIAL Undertaking:**  
*Missoula Conservation Lands Trailhead Improvement Projects*

The 2018 Missoula County Open Space Bond was approved by Missoula County residents during the November 2018 General Election. The bond measure included up to \$.5 million for improving Trails and Trailheads across Missoula's Open Space and Conservation Lands System. Missoulians have been passing Open Space Bonds and acquiring Open Space Lands since the mid-1980's. As the City of Missoula's Conservation Lands System has grown maintenance of these lands has lagged behind. In 2007 the Conservation Land's Management program was funded and for the past decade this program has focused on developing and implementing maintenance standards across the system. Currently, the City of Missoula manages over 4300ac. of conservation lands with over 63 trailheads and almost 54 mi. of trail. The majority of these trailheads and trails were established by the public and upgrading this infrastructure to meet current City Standards has been challenging.

This proposal describes two distinct projects to upgrade existing trailheads on City Conservation Lands.

- 1) **Waterworks Hill Trailhead and Interpretative trail:** construct appropriate parking area, upgrade trailhead signs and infrastructure to meet standards, build ADA loop trail and connections to existing N. hills trail system, provide site-specific interpretative education and education on responsible recreation. (Attachment A & B)
- 2) **Upgrade existing primary, secondary and local access points:** standardize all rules and regulations signage, provide bear-resistant trash cans where needed, upgrade all trail maps, and provide informational kiosks (as per adopted 2010 Trailhead standards) at all Primary Access points. (Attachment C)

**PROJECT DEVELOPMENT AND PRIOR PUBLIC PROCESS:**

*2008 Trail Inventory*

In 2008, the Conservation Lands Manager conducted a trail inventory using data from public and private entities with GPS tracks, existing City trail maps, site-specific knowledge, and input from citizen advisory committees. This was the first inventory of trails on the City's Conservation Lands since the creation of the Conservation Lands Management program in 2006 and represented the first comprehensive effort to map all Conservation Land Trails. Results from the 2008 inventory were presented to the Mt. Jumbo Advisory Committee, Greenough Park Advisory Committee, Conservation Lands Technical Working Group, Conservation Lands Management Plan Working Group, and the Missoula Park Board and the general public through multiple public meetings and open houses during the development of the Conservation Lands Management Plan with the intent to describe and adopt an official trail map for Missoula's Conservation Lands.

*2010 Conservation Lands Management Plan*

The Conservation Lands Management Plan (CLMP) was adopted in 2010 by Missoula's City Council following an extensive 2 year public process. The CLMP memorializes the designated trail system on City Conservation Lands, recognizing a total of 45.6 miles of designated system trails. The CLMP also defines the standards and specifications for trail construction throughout the system according to their designated use. In regards to trailheads, the CLMP identifies upgrading existing trailheads as a major

need and outlines the desired specifications for primary, secondary, and local access trailheads as follows:

- Primary trailhead (6 total....as per 2010)  
Located in areas that have a number of trails or are primary origination points of trail systems and have adequate space to accommodate vehicles. Should have an informational kiosk with rules and regulations, educational information, trail maps, parking for 8-10 vehicles, bike rack, access gate, trashcan, mutt-mitts and, possibly, sanitary and picnic facilities.
- Secondary trailhead (27 total....as per 2010)  
Located in areas that provide access to trail systems where less developed character is desired and have adequate space for several vehicles. Include information sign and map, parking for 2-8 vehicles, bike rack, access gate, trashcan and mutt-mitts.
- Local access point (30 total..... as per 2010)  
Located where primarily local residents access a trail. No parking is provided in these areas. Include information sign, access gate, and depending on the site, a bike rack, and mutt-mitts.

Trailhead upgrades identified in this proposal directly relate to the standards described in Chapter 5 and the implementation strategies described in chapter 6 of the CLMP.

#### *2015 Trail Inventory and Condition Assessment*

In 2015, Conservation Lands Management staff conducted a comprehensive inventory and completed the first ever condition assessment of all trails located on Missoula Conservation Lands. Based on the standards outlined in the CLMP, both trails and trailheads were assessed for problems or insufficiencies. Key results from this inventory and assessment include:

- 53.63 miles of designated system trails (18% increase from 2008)
- 19.89 miles of non-system or user-made trails (100% increase from 2008)
- 351 documented problem points where trail width, grade, cross-slope, vegetation clearing, or surface obstacles did not meet the CLMP standards
- 8 primary, 25 secondary, and 30 local access trailheads documented
- Only 1 primary, no secondary, and half of local access trailhead met the CLMP standards

Management priorities outlined in the 2015 inventory and conditions assessment were developed during several Conservation Lands Advisory Committee meetings, were ultimately adopted by the Missoula Parks and Recreation Board, and then presented to Missoula's City Council. All of these meetings were open to the public and public input on these priorities were received as priorities were developed.

#### *2019 Trailhead Inventory and Condition Assessment*

The majority of the trailheads in the Conservation Lands System were developed over a 30 year period and many contain inconsistent signage, inaccurate trail maps and in many cases do not comply with current trailhead standards and/or City ordinances. In an effort to provide consistency between these

City trailheads Conservation Lands Management staff started an inventory of all Conservation Land trailheads and access points in the spring of 2019. Staff will visit all 63 access points to document the condition of all infrastructure, GPS the site and take a picture of all signs. It is anticipated that this inventory will be completed in fall of 2019. Data from this inventory will provide all the information needed to complete a comprehensive upgrade of all Primary, Secondary and Local access points.

#### PROJECT BUDGET:

A multitude of funding opportunities exist for improving public recreation al resources. Project coordinators intend to leverage Open Space Bond Funds with, park district, state/local/neighborhood grants, partnerships, donations, the Conservation and Stewardship mil levy and existing maintenance budgets to implement both of the projects described in this undertaking.

***Waterworks Hill Trailhead and ADA trail, Estimated Project Budget:*** this budget is based on estimate from similar projects implemented across Missoula over the past 5 years. A preliminary grading plan and master site plan (Attachment A & B) have been developed for this project. Final design and engineering is needed to refine accurate project costs. A \$50,000 State Recreational Trails Project Grant was awarded to this project in spring 2019 to offset construction costs of the ADA trail and overlook

Activity	Average Costs	Funding Source
Engineering/Surveying /permitting of trailhead & amenities, design of onsite interpretation, construction oversight	\$135,000.00	Open Space Bond
Access road improvements	\$170,200.00	Msla. Street Dist. Plus private donation
Construction of Parking lot	\$130,500.00	Msla. Water Utility Enterprise fund
Trailhead construction	\$83,000	Conservation Mil Levy, Msla. Water Utility Enterprise fund
ADA loop trail & Overlook	86,500	Conservation Mil Levy, Grants and Donations
<b><i>Estimated Total Project Cost</i></b>	<b><i>\$605,200</i></b>	

The Waterworks trailhead project would begin in winter 2019 with anticipated completion date of spring 2021. Upgrading all other trailheads on City Conservation Lands would take up to three seasons to complete. Work on upgrading these trailheads would begin in 2020 and will focus on standardizing and posting accurate signage and updating amenities at secondary and local access points. More complex upgrades ie. trail map design and install, kiosk construction and trail reroutes will take longer to implement. Anticipated completion of all trailhead upgrades would be summer 2022.



**Upgrade existing primary, secondary and local access points, Estimated Project Budget:** this budget is based on real costs from similar projects implemented at Missoula trailheads over the past 10 years. Completion of the Conservation Lands Trail head inventory and condition assessment in Winter 2019 will provide exact quantities for additions and upgrades of infrastructure (ie: signs, kiosks, trail maps, trash cans, mutt-mitts, fences, parking).

Activity	Average Costs	Funding Source
Upgrade of existing Primary and Secondary Trailheads to meet City standards and ordinances	\$165,000.00	Open Space Bond Grants & Donations
Supplies and Materials for upgrade of local access points	\$12,000	Conservation Mil Levy & Msla Park District
Labor & equipment costs for coordination and install limited trailhead infrastructure at primary & secondary Trailheads and all local access points.	\$86,000	Conservation Mil Levy & Msla Park District
<b>Estimated Total Project Cost</b>	<b>\$263,000</b>	

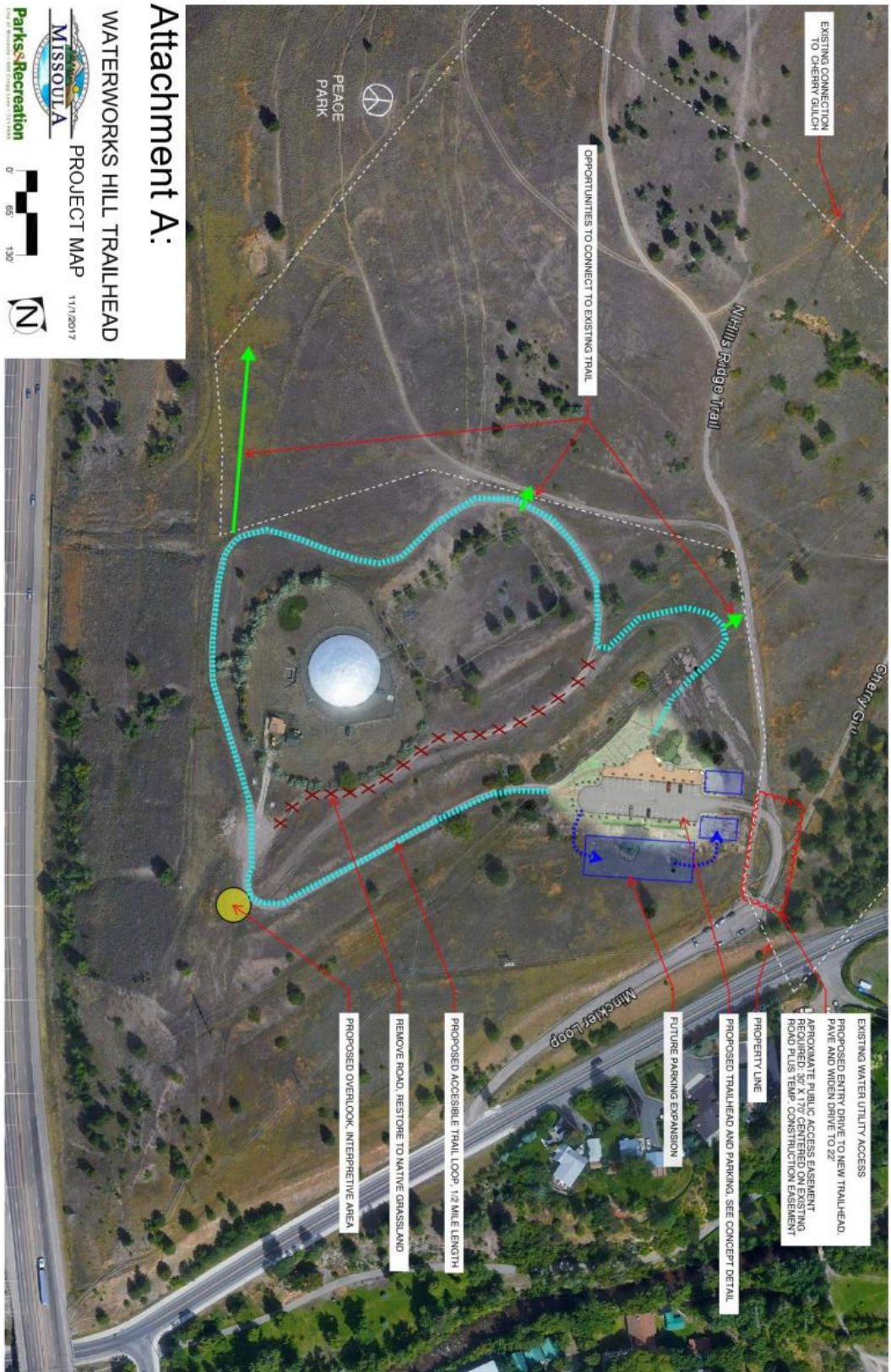
#### SUPPORTING DOCUMENTS:

This project is either directly or indirectly supported by the following community plans:

- 2004 Missoula's Master Park Plan  
<https://www.ci.missoula.mt.us/DocumentCenter/View/776/May-2004-Final-Master-Parks-and-Recreation-Plan-?bidId=>
- 2010 Missoula's Conservation Lands Management Plan, adopted in 2010  
<https://www.ci.missoula.mt.us/DocumentCenter/View/4499/Conservation-Lands-Management-Plan?bidId=>
- 2014 Missoula Parks/Open Space/Trails Asset Management Plan  
<https://www.ci.missoula.mt.us/DocumentCenter/View/24843/2014-02-24-Park-Asset-Management-Plan-as-adopted?bidId=>

**ATTACHMENT A**

Working DRAFT 100119





ATTACHMENT B

WATERWORKS HILL  
TRAILHEAD

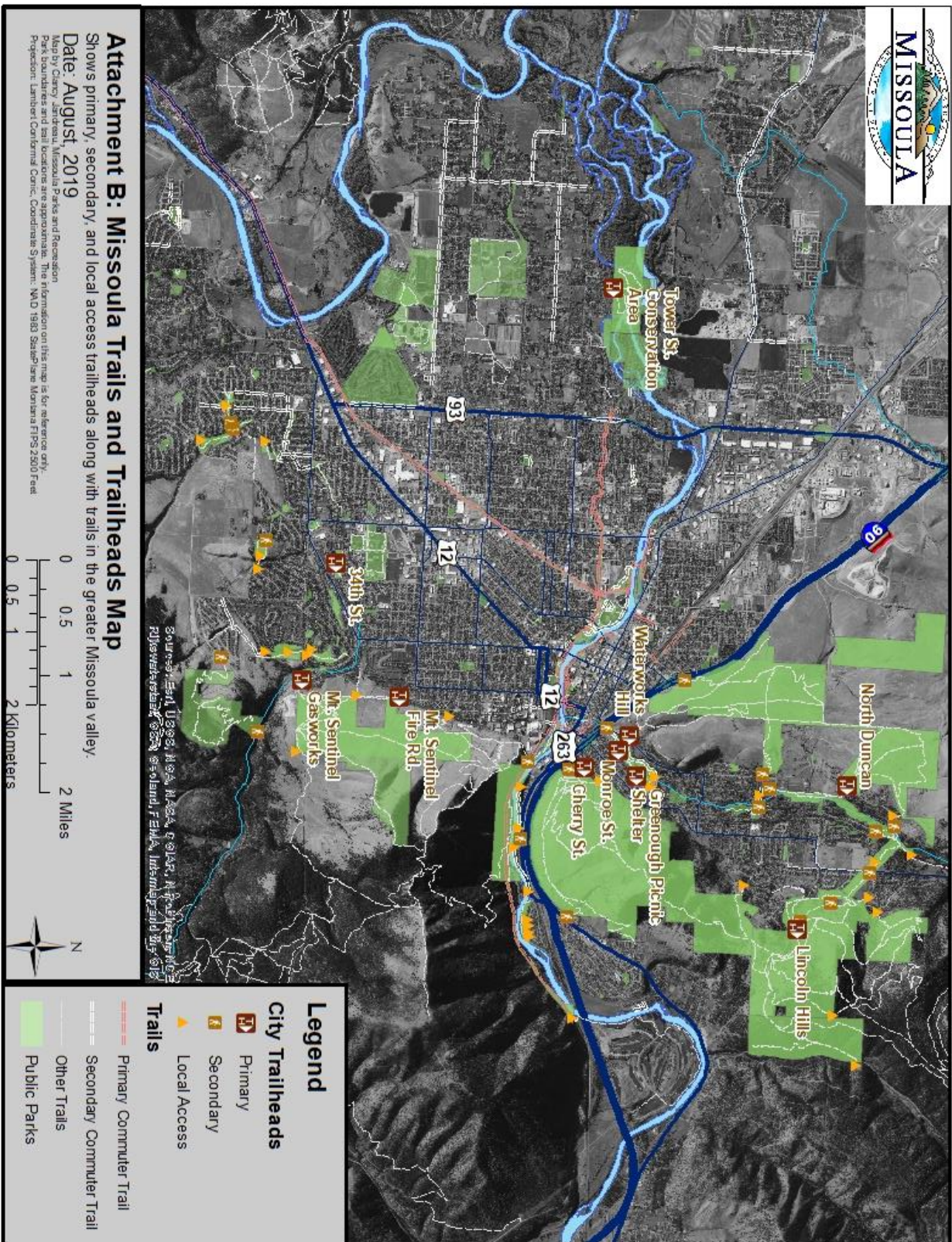
MISSOULA, MONTANA

11/07/2017



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**EXHIBIT: \_\_\_\_\_**

**2018 Open Space Bond Capital Improvement INTIAL Undertaking:**  
*Clark Fork River Sustainable Access and Restoration Project*

The 2018 Missoula County Open Space Bond was approved by Missoula County residents during the November 2018 General Election. The bond measure included up to \$1.5million for development of sustainable river access within the Open Space planning boundaries. Population growth within these planning boundaries has greatly impacted our local rivers. This is especially evident through downtown Missoula where bank erosion and destabilization from river access is harming local riparian areas and threatening public infrastructure.

The Clark Fork River Sustainable Access and Restoration Project (CFR Project) involves developing and/or improving multiple hardened river access sites and closing and restoring dozens of unsustainable river access sites on both the North and South banks of the Clark Fork River from Ben Hughes Park to Riverside Park (Attachment A). Significant public scoping has occurred along the majority of this CFR Project area. A preliminary engineering report (Attachment B) was completed within a section of the project area, along the South bank of the Clark Fork River from the Madison St. and Orange St. Bridges.

**PROJECT DEVELOPMENT AND PRIOR PUBLIC PROCESS:**

Following the 2010 removal of the Milltown Dam recreational use of the Clark Fork River through Missoula exploded. Exponential increases in the quantity and erosion severity of user created river access points along this stretch of river was observed. A 2014 inventory of these access points along 2/3<sup>rd</sup> mi. of the south bank of the Clark Fork River recorded:

- 34 separate user-made access sites
- 275 feet of eroded bank
- 7 user-made access points classified as severely eroded and threatening public infrastructure (Milwaukee Commuter trail)

In 2014, a partnership was formed between the Missoula Parks and Recreation Department, the Clark Fork Coalition, and the Missoula Water Quality District to find solutions for this problem. In an effort to understand how river recreationists use the Clark Fork River in downtown Missoula partners mobilized an army of volunteers to collect detailed information on the amount and type of recreational use and issued 4-page surveys to both river and trail users. These data, provided necessary information to begin developing plans to prevent further erosion and maintain recreational use capacity. Key findings from this statistically valid survey include:

- An average of 34 river users/hour (high of 76.6/hr.) floating past the Madison Street bridge during the survey period
- 70% of river use comprised by single-person tubers
- An estimated 14,200 tubers using the river between 2pm and 7pm from June 1-August 31
- High level of support for addressing erosion problems while maintaining river access by both trail and river users
- Documented multiple types of public use necessitating a variety of river access designs

Between 2015 and 2018, partners worked to develop a project to restore damaged riverbanks while providing appropriate hardened river access points. Multiple stakeholder meetings including representatives from every governmental land management agency in Missoula, City and County



engineers, recreational and environmental and educational non-profits, The University of Montana and local business leaders were held to gain support and feedback on the project. A \$50,000 Renewable Resource Grant from the State of Montana was received to develop a preliminary engineering report to build sustainable access points and restore over 400 linear feet of eroding bank (Attachment B) along the South bank of the Clark Fork River between the Madison St. and Orange St. bridges (a.k.a The South Bank River access and Restoration Project).

In 2017, momentum from this project fueled the development of the Three Rivers Collaborative, a partnership between local and regional non-profits, State & Federal & Local governmental agencies, local businesses and community members. This group aims to collaboratively address issues and pursue opportunities for the benefit of Missoula-area Rivers and the people who value them. One of their first actions was to conduct a follow-up river use survey to the 2015 River Survey. Leveraging volunteer networks from across the groups, river use counts were conducted at four different sites including repeated counts at Madison Street Bridge. Key results at Madison Street Bridge from 2018 include:

- An average of 58.5 river users/hour (high of 174.7/hr.) floating under the Madison St. bridge during the survey period
- 66% of river use comprised by single-person tubers
- 73% users starting their float upstream of Madison Street and ending their float somewhere downstream, versus starting or ending at the Madison Street bridge

On February 21<sup>st</sup>, 2019 over 120 people attended a public open house held by the Three Rivers Collaborative to voice opinions about river management priorities. Results from that open house recognized the “South Bank River Access and Restoration Project” as a critical need to protect the Clark Fork River and strongly supported inclusion of the North bank of the river in the project. Based on the results of that public open house project partners (Missoula Parks & Recreation, The Clark Fork Coalition and The Missoula Water Quality District) decided to expand the South Bank River Access and Restoration Project to include the entire stretch of the Clark Fork River, creating the Clark Fork River Sustainable Access and Restoration Project (Attachment A) described in this document. Relocating approximately ¼ mi. of the Milwaukee trail on the South bank of the Clark Fork River, to increase riparian buffers and to prevent undermining of the trail by bank destabilization, is also a component of this project.

#### **PROJECT BUDGET:**

A multitude of funding opportunities exist for riparian restoration projects and river access. An allocation of up to \$1.5 million in 2018 Open Space Bond funding was identified as eligible for use to improve local river access and riparian restoration. The goal of City project managers is to leverage 2018 Open Space bond money through partnerships, grants, donations and other funding mechanisms to do over \$3 million in river access and riparian restoration. The CFR project is a large undertaking, which will involve several phases and additional public process during project development. This initial request will fund project development, engineering, permitting and public process.

**FIGURE 1, Initial 2018 Open Space Bond request for the Clark Fork River Access and Restoration Project:** these figures are based on engineering and permitting estimates for similar work within the project area. Actual costs for engineering and permitting may vary depending on results of public process and final project designs.

<b>Fig 1: CLARK FORK RIVER ACCESS PHASE 1 2019 OPEN SPACE BOND REQUEST AND ITINERARY</b>		
<b>Activities</b>	<b>Average Costs</b>	<b>Funding Source</b>
<b>Survey of user-made access points within project area, partnership building, fundraising, public process</b>	\$25,000.00	Project Coordinator's In-kind labor
<b>Project Design and formal public process</b>	\$45,000.00	2018 Open Space Bond
<b>Engineering and permitting</b>	\$180,000.00	2018 Open Space Bond
<b><i>Estimated Initial Project Cost</i></b>	<b><i>\$250, 000</i></b>	

As described earlier in this document, local support for the CFR Project has been steadily growing for years and strong partnerships with local government agencies, non-profits and businesses already exist. Project coordinators intend to seek grants, partnerships, donations for implementation/construction as the CFR Project progresses through design/engineering/permitting. The following table represents potential phases for implementation of this project with an estimate of approximate costs. Actual costs for construction phases will not be known until Phase 1 engineering is complete. A separate Open Space Undertaking project proposal for project implementation (phases 2 &3) will be submitted at a later date.

**FIGURES 2 & 3, Approximate scope and estimated costs for potential phases of the Clark Fork River Access and Restoration Project:** these figures are based on construction estimates for similar work within the project area. Accurate costs for construction, permitting and project oversight; as well as specific locations for access points and timeframe for implementation of Phase 2 & 3 will not be known until completion of Phase 1. Accurate cost estimates for engineering, permitting and implementing this project may vary depending on results of public process and final project designs.

<b>Fig. 2: CLARK FORK RIVER ACCESS POTENTIAL PHASE 2 (years 2020-2022)</b>		
<b><u>Activity/Item</u></b>	<b><u>Approximate Cost</u></b>	<b><u>Potential Funding Sources</u></b>
<b>Project coordination</b>	\$45,000	Open Space Bond and City In-kind Labor
<b>Up to 4 Major River Access Points</b>	\$1,000,000	Open Space Bond, Donations, Grants, C&S Mil Levy, Urban Renewable Dist.
<b>Up to 10 Minor Access Points</b>	\$250,000	Open Space Bond, Donations, Grants, C&S Mil Levy, Urban Renewable Dist.



Contingency and incidentals (30% of above)	\$388,500	Open Space Bond, Donations, Grants, C&S Mil Levy, Urban Renewable Dist.
Relocation of 1/2 mi. of the Milwaukee trail	\$180,000	City leverage
<b>TOTAL:</b>	<b>\$1,863,500</b>	

<b>Fig 3: CLARK FORK RIVER ACCESS RESTORATION POTENTIAL PHASE 3 (years 2021-2024)</b>		
<b><u>Activity/Item</u></b>	<b><u>Approximate Cost</u></b>	<b><u>Potential Funding Sources</u></b>
Project coordination	\$22,000	Open Space Bond and City In-kind Labor
Restore, Replant and Maintain closure on up to 70 user access points	\$210,000	Donations, Grants, C&S Mil Levy
Volunteer coordination and onsite education	\$30,000	Open Space Bond, Donations, Grants, C&S Mil Levy, Urban Renewable Dist.
Contingency and Incidentals (30% of the above)	\$78,600	Open Space Bond, Donations, Grants, C&S Mil Levy, Urban Renewable Dist.
<b>TOTAL:</b>	<b>\$340,600</b>	

#### **SUPPORTING DOCUMENTS:**

This project is either directly or indirectly supported by the following community plans:

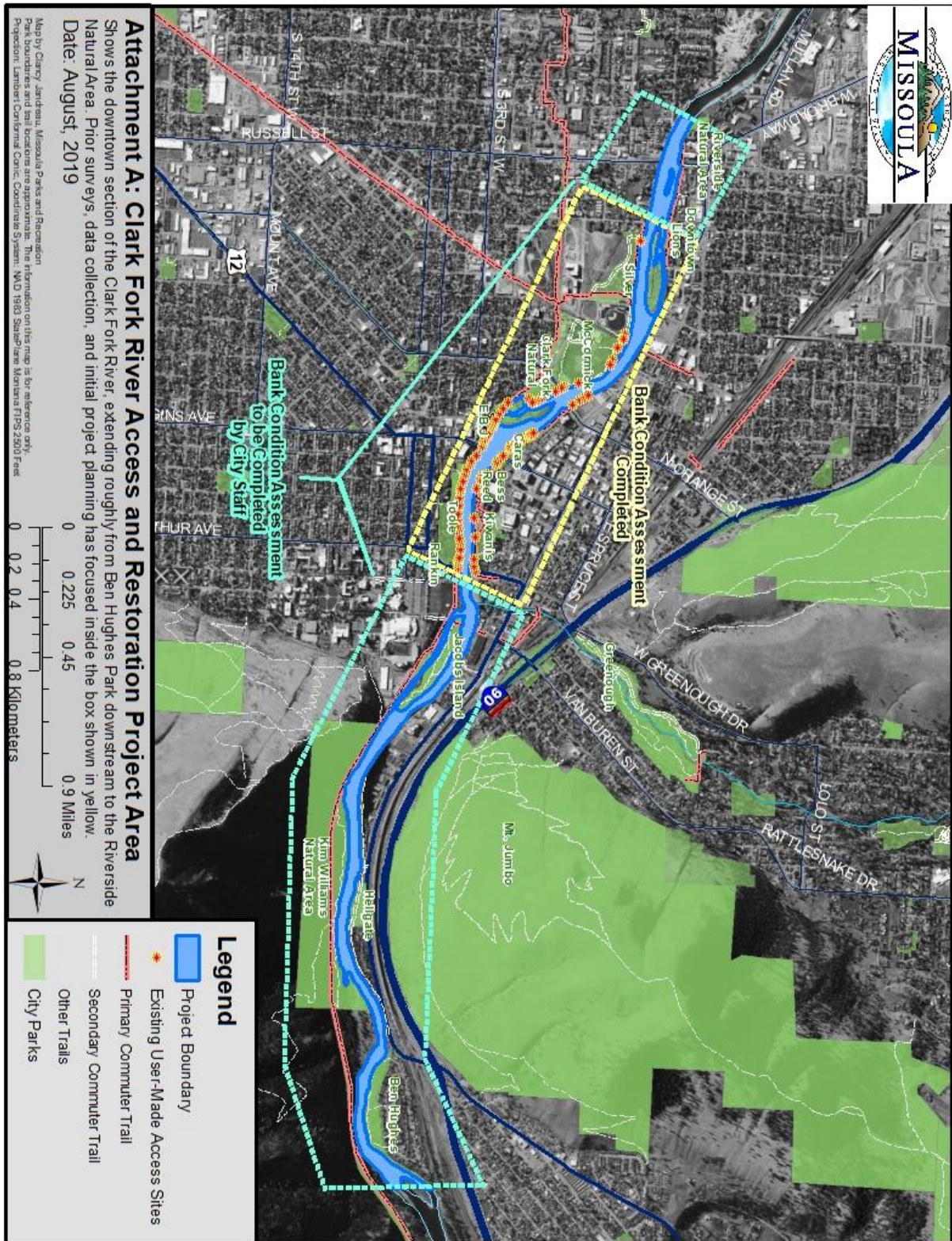
- 2004 Missoula's Master Park Plan  
<https://www.ci.missoula.mt.us/DocumentCenter/View/776/May-2004-Final-Master-Parks-and-Recreation-Plan?bidId=>
- 2006 Missoula's Open Space Plan, adopted in 2006  
<https://www.ci.missoula.mt.us/DocumentCenter/View/652/2006-Updated-Open-Space-Plan?bidId=>
- 2010 Missoula's Conservation Lands Management Plan, adopted in 2010  
<https://www.ci.missoula.mt.us/DocumentCenter/View/4499/Conservation-Lands-Management-Plan?bidId=>
- 2014 Missoula Parks/Open Space/Trails Asset Management Plan  
<https://www.ci.missoula.mt.us/DocumentCenter/View/24843/2014-02-24-Park-Asset-Management-Plan-as-adopted?bidId=>
- 2018 Missoula's Downtown Business Improvement Plan, *currently under development*  
<https://missouladowntownmasterplan.com/resources-1>

Additionally, a recent statistically valid survey across Missoula County (2018 Missoula City/County Park, Trails and Open Space survey.... <https://www.ci.missoula.mt.us/DocumentCenter/View/44212/2018->

[PROST-Survey-Results-PDF?bidId=](#)) showed strong public support for habitat protection and increased recreation opportunities including increased river access.

Working DRAFT 10 01 2019

# ATTACHMENT A



## **EXHIBIT:**

### **2018 Open Space Bond Capital Improvement Initial Undertaking** *Open Space Reforestation Project*

The 2018 Missoula County Open Space Bond was approved by Missoula County residents during the November 2018 General Election. The bond measure included \$250,000 for tree planting within city parks and open space areas.

Open Space bond funds are allocated to plant trees in parks and open space areas where none existed and to renew tree plantings in parks where existing trees have reached the end of their useful lifespan. Approximately 456 new trees will be planted and 65 aging trees will be removed. Irrigation systems along the Bitterroot Trail and in Bellevue Park are included in this undertaking.

Trees will be planted in 15 parks and along 2 greenways (see Map in Attachment A).

#### **PROJECT DEVELOPMENT AND PRIOR PUBLIC PROCESS:**

##### **UF Master Plan**

The urban forest master planning process started in December 2013, with authorization from City Council to expend \$9,000 in funds originally allocated for contractual tree care work. Work on the plan started in January of 2014. Over the next 15 months, a cadre of six core members developed the master plan. The six members included:

- Christopher Boza, City Forester City of Missoula
- Margie Ewing, Regional Urban & Community Forestry Program Manager US Forest Service
- Christopher Gray, Arborist Technician, City of Missoula
- Jamie Kirby, Urban Forester Montana Department of Natural Resources and Conservation
- Karen Sippy, Executive Director Trees for Missoula
- Susan Ridgeway, Board Member Missoula Park and Recreation Board

During the 15 months, the members conducted several activities to obtain foundational information for the management plan. These activities included:

- Historical research
- Peer city reviews
- Statistically valid public interest survey conducted by UM Institute for Tourism and Recreation Research
- Neighborhood Council meetings
- Listening sessions with over 90 stakeholder groups
- Follow-up SWOT sessions with the stakeholder groups
- Public workshops
- I-Tree analysis
- Internal staff reviews
- Park Board reviews
- Park and Conservation review
- Public hearings

Work on the management plan culminated with Missoula City Council adoption on April 20, 2015.

##### **Neighborhood Planting Plans**



Consistent with the implementation strategies of the Urban Forest Management Plan, staff began working with neighborhood councils to develop planting plans for specific neighborhoods. Between December 2015 and April 2017, planting plans were developed for the following neighborhoods:

- Riverfront
- University
- Rose Park
- Franklin to the Fort
- Southgate Triangle
- South 39<sup>th</sup> Street
- Moose Can Gully
- Fairviews/Pattee Canyon

Key implementation strategies identified in the management plan supporting this undertaking are shown below.

#### Risk Management Strategies

- Establish, adopt and implement specific criteria for tree removal. The criteria for tree removal typically include the following criteria:
- The tree is dead. The threshold for removal is typically 50 percent or greater of the canopy dead. The location of deadwood removal cuts, and the impact to the overall tree structure, must be considered in the decision to remove a tree.
- The tree is dying.
- The tree is diseased.
- The tree is structurally unsound. Structurally unsound trees that cannot be corrected by traditional pruning techniques are removed. Advanced tree preservation techniques such as cabling and bracing are reserved for high value trees.
- The tree inhibits all economically viable uses of private property.

#### Planting Strategies

- Develop and adopt tree planting standards to ensure tree installation is consistent, whether the installation is done through the Parks and Recreation Department, other city agencies or the private sector. The planting standards will be based upon the most current ANSI standards and ISA BMPs. Planting standards not only include the tree stock, but also include the site preparation. Industry BMPs call out specific soil volumes for Class I (Small) through Class III (Large) trees. Trees provided for installation by other city agencies or the private sector must meet the current ANSI Z60.1 standards and the ISA BMPs for tree stock.
- Select trees for specific sites based upon the site conditions and constraints. A tree that is not suitable for a specific site will not provide maximum, long-term benefits to the community. The approved tree list should provide all of the pertinent information needed to select a tree appropriate to specific site. Class II and Class III trees shall not be planted directly under electrical distribution lines, or where root growing medium is restricted.

#### Resource Strategies

- Incorporate volunteer efforts into tree care operations. Typical activities include the following:
  - Arbor Day activities
  - Educational outreach
  - K-12 educational programs
  - Tree planting
  - Young tree pruning
- Leverage city funds with grant and foundation funding opportunities. Where feasible, connect grant funded programs with volunteer programs.
- Use local technical, professional and scholastic expertise for urban forest problem solving.
- Encourage Neighborhood Council participation in urban forestry programs affecting the various neighborhoods.

## ESTIMATED BUDGET AND Project Implimentation

A multitude of funding opportunities exist for reforestation and hazard tree mitigation projects. An allocation of up to \$250,000 in 2018 Open Space Bond funding was identified as eligible for use to improve Missoula's Urban Forest canopy and reduce the risk that potentially hazardous trees pose especially in Missoula's public spaces. The goal of City project managers is to leverage 2018 Open Space bond money through partnerships, grants, donations and other funding mechanisms to do over a half of a million dollars in reforestation and hazard mitigation. The reforestation of Missoula's Urban Forest is a large undertaking, which will involve several phases and additional public process during the project development. This initial request will fund up to 650 new trees within public spaces and reduce the level of risk, by the removal of high risk trees.

Trees for Missoula, Urban Forestry's active partner and volunteer group will be integral for volunteer planting hours and labor, grants and potential funding sources. Volunteer and staff in-kind labor will be a key aspect of reforesting Missoula's Urban Forest and increasing the aging tree canopy with new tree sites. Volunteers will be planting bare root trees, installing deer protection and helping to educate citizens on the importance of reforestation during planting projects.

Urban Forestry staff will be responsible for installing and maintaining water bladders including weekly visits to each tree to fill water bladders. Urban forestry staff will also be responsible for volunteer tracking, training and supervision during projects and site inspections after project completion. Project design, management and tracking will also be conducted by Urban Forestry staff.

### Funding Strategies

- Use the existing park district as a revenue source. The park district has additional assessment capacity that can be used for urban forest maintenance activities. While not enough to fund the entire operation, it can be used as seed and/or match money for alternative funding sources.
- Use grants and partnerships that are available for tree planting.

**Initial 2018 Open Space Bond request for Reforestation and High Risk Tree Removal Project:** these figures are based on engineering and permitting estimates for similar work within the project area. Actual costs for nursery stock trees, contract costs, staff and volunteer hours, deer protection fencing, water bladders and water truck costs may vary depending on results of final project designs. Additional sites and parks have been identified based on irrigation systems, nursery stock and planting cost estimates, and Master Park Planning documents.

Activity	Estimated Quantities	Estimated Costs	Funding Source
Total Trees Planted	457-650	\$250,000.00	Open Space Bond
Total Trees Removed	65	\$69,800.00	Grants, Partnerships and Park District
Irrigation Installation	2	\$49,900.00	Grants, Partnerships and Park District
Project Design, management, coordination and replanting hours	2,500	\$40,000.00	In-kind labor both staff and volunteer hours
Total Cost w/ Irrigation		\$409,700.00	

# INDIVIDUAL SITE COST ESTIMATES

Park Site	Neighborhood	Estimated Tree Units	Unit Price	Estimated Cost	Removals	Unit Price	Cost	Irrigation	
								MWC	Well
Pleasantview	Cpt. John Mullan	50	\$515.00	\$25,750.00	0	\$ -	\$ -		
Northside	Northside	7	\$515.00	\$3605.00	4	\$1,000.00	\$4,000.00		
Little McCormick	Westside	10	\$515.00	\$5,150.00	3	\$900.00	\$2,700.00		
McCormick	Riverfront	30	\$515.00	\$15,450.00	15	\$1,100.00	\$16,500.00		
Sacajawea	Rose Park	15	\$515.00	\$7,725.00	11	\$1,200.00	\$13,200.00		
Bonner	University	15	\$515.00	\$7,725.00	12	\$1,000.00	\$12,000.00		
Franklin	Franklin to the Fort	15	\$515.00	\$7,725.00	9	\$1,200.00	\$10,800.00		
Bitterroot Trail - S	Franklin to the Fort	175	\$515.00	\$90,125.00	0	\$ -	\$ -	\$25,000.00	\$34,000.00
Milwaukee Trail - W	Riverfront	30	\$515.00	\$15,450.00	0	\$ -	\$ -		
Kiwanis	Heart of Missoula	35	\$515.00	\$18,025.00	7	\$900.00	\$6,300.00		
Anderson	Rose Park	5	\$515.00	\$2,575.00	3	\$1,100.00	\$3,300.00		
Pheasant Run	Moose Can Gully	4	\$515.00	\$2,060.00	0	\$ -	\$ -		
Rose Park	Rose Park	4	\$515.00	\$2,060.00	0	\$ -	\$ -		
Honeysuckle East and West/ South Hills Trail	S 39th St	70	\$515.00	\$36,050.00	0	\$ -	\$ -		
Bellevue	Southgate Triangle	20	\$515.00	\$10,300.00	1	\$1,000.00	\$1,000.00	\$15,900.00	\$15,900.00
		485		\$249,775.00	65		\$69,800.00	\$40,900.00	\$49,900.00

## ALTERNATE/ADDITIONAL LOCATIONS

Park Site	Neighborhood	Tree Units	Unit Price	Cost
Elms	Louis and Clark	8	\$515.00	\$4,120.00
Garland	Moose Can Gully	8	\$515.00	\$4,120.00
Gregory	Lower Rattlesnake	10	\$515.00	\$5,150.00
Lafray	River Road	5	\$515.00	\$2,575.00
Lester	Louis and Clark	10	\$515.00	\$5,150.00
Marilyn	Miller Creek	5	\$515.00	\$2,575.00
McLeod	Rose Park	5	\$515.00	\$2,575.00
Penland	Farviews/Pattee Canyon	10	\$515.00	\$5,150.00
Pineview	Upper Rattlesnake	6	\$515.00	\$3,090.00
Rainbow	Miller Creek	20	\$515.00	\$10,300.00
River Pines	Moose Can Gully	5	\$515.00	\$2,575.00
Russell Park West	Southgate Triangle	5	\$515.00	\$2,575.00
Skyview	Moose Can Gully	15	\$515.00	\$7,725.00
Southside Lions	Rose Park	5	\$515.00	\$2,575.00
Wapakiya	S. 39th St	15	\$515.00	\$7,725.00
Whitaker	Farviews/Pattee Canyon	15	\$515.00	\$7,725.00
Willow Wood	S. 39th St	5	\$515.00	\$2,575.00
		152		\$78,280.00

As described earlier in this document, local support for the reforestation of Missoula's Urban Forest and tree risk reduction projects have been steadily growing for years and strong partnerships with local government agencies, non-profits and businesses already exist. Project coordinators intend to seek grants, partnerships, donations for implementation/construction as the project progresses.

This project will be implemented over a period of three to four years. The first year will be the smallest planting plan consisting of a minimum of one hundred bare root trees. The remainder of the plantings, tree removals and irrigation installations will occur in three phases.

The first phase of plantings is projected to occur in the Fall of 2020. These bare root trees will be grown in the existing gravel bed at Missoula's wastewater treatment facility. The trees will be planted by volunteers in irrigated park land.

The scope of work for the remaining trees will be contingent on nursery stock, contract costs for irrigation installation and potentially tree removal. In kind funding will be a function of the urban forestry budget, staffing and volunteer hours.

#### **SUPPORTING DOCUMENTS:**

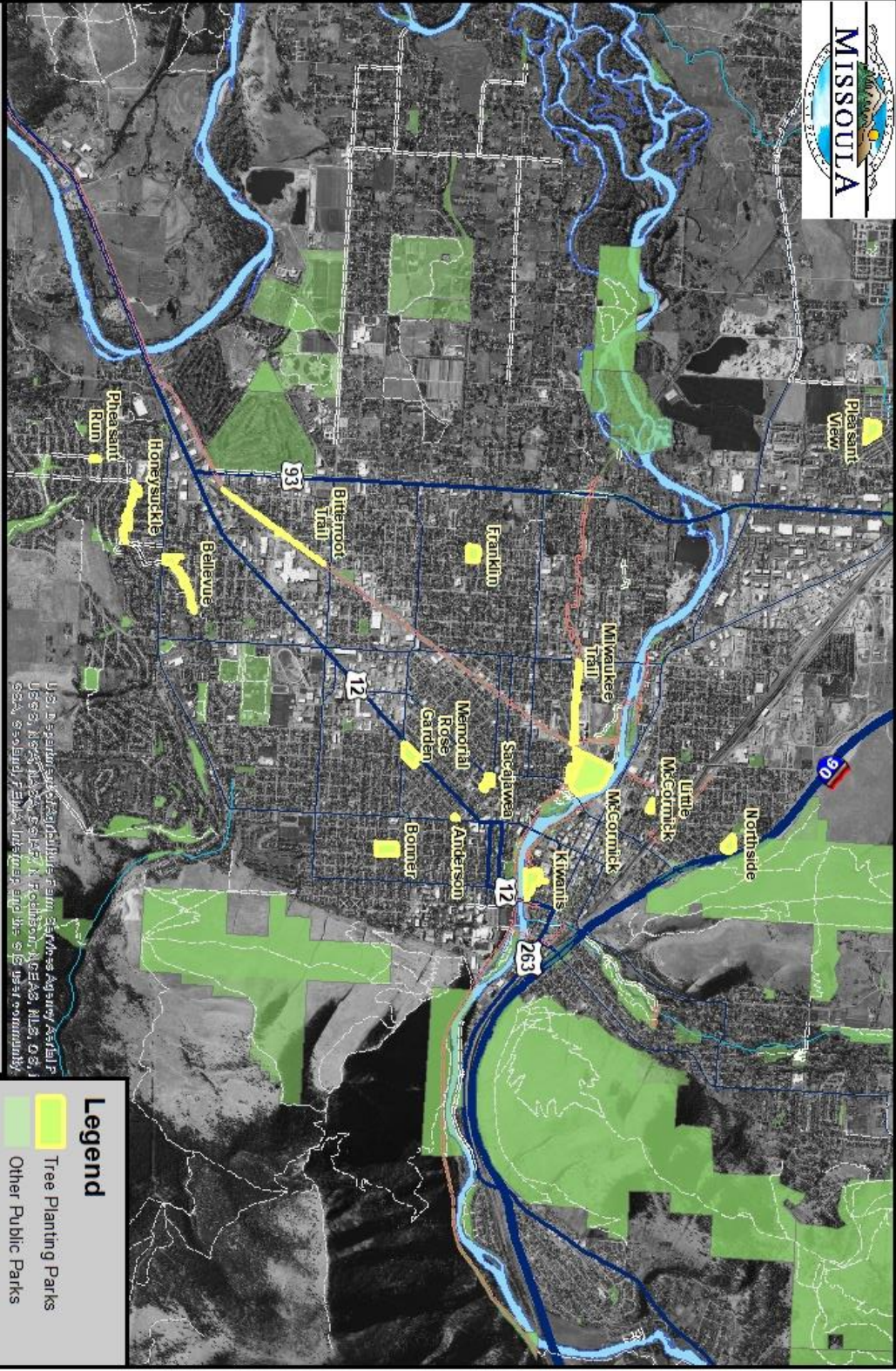
This project is either directly or indirectly supported by the following community plans:

- 2004 Missoula's Master Park Plan ([Add Link](#))
- 2006 Missoula's Open Space Plan, adopted in 2006 ([Add Link](#))
- 2010 Missoula's Conservation Lands Management Plan, adopted in 2010 ([Add link](#))
- 2014 Missoula Parks/Open Space/Trails Asset Management Plan ([ADD LINK?](#))
- 2015 Missoula's Urban Forest Management Plan ([Add Link](#))
- 2018 Missoula's Downtown Business Improvement Plan, *currently under development* ([Add link](#))
- Missoula's Parks and Recreation Master Park Plan ([Add Link](#))



**ATTACHMENT A**

Working DRAFT 10 03 19



# Attachment A: Open Space Reforestation Project Map

Shows recommended parks and trails for tree plantings.

Date: August, 2019

Map by Casey Jandrew, Missoula Parks and Recreation  
Park boundaries and trail locations are approximate. The information on this map is for reference only.  
Projection: Lambert Conformal Conic, Coordinate System: NAD 1983 StatePlane Montana FIPS 2500 Feet



**Legend**

Tree Planting Parks

Other Public Parks

**Trails**

Primary Commuter Trail

Secondary Commuter Trail

Other Trails

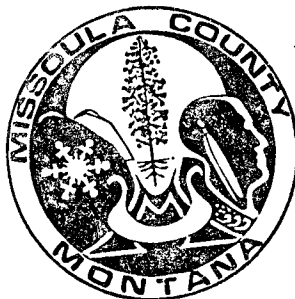
CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Missoula County, Montana (the "County"), hereby certify that the attached resolution is a true copy of a Resolution 2018-111 entitled: "A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF MISSOULA COUNTY, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS OF THE COUNTY IN THE TOTAL PRINCIPAL AMOUNT OF UP TO FIFTEEN MILLION AND NO/100 DOLLARS (\$15,000,000.00) FOR THE PURPOSE OF CONSERVING, ENJOYING, AND ENHANCING OPEN-SPACE LANDS IN MISSOULA COUNTY SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on July 9, 2018, and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof:

DAVID STROMHAUER, CHAIR, JEAN CURTISS, NICOLE ROWLEY  
\_\_\_\_\_; voted against the  
same: N/A; abstained from voting  
thereon: N/A; or were  
absent: N/A.

WITNESS my hand officially this 9th day of July, 2018.



Tyler R. Gernant  
by [Signature] Chief Deputy  
County Clerk and Recorder/Treasurer

## RESOLUTION NO. 2018-111

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF MISSOULA COUNTY, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS OF THE COUNTY IN THE TOTAL PRINCIPAL AMOUNT OF UP TO FIFTEEN MILLION AND NO/100 DOLLARS (\$15,000,000.00) FOR THE PURPOSE OF CONSERVING, ENJOYING, AND ENHANCING OPEN-SPACE LANDS IN MISSOULA COUNTY SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN.

### RECITALS

WHEREAS, a county as a public body is authorized pursuant to Section 76-6-109, M.C.A., to, among other things, issue and sell general obligation bonds in the manner and within the limitations prescribed by applicable laws of Montana for the purpose of acquiring open-space land consistent with the provisions of Title 76, Chapter 6, Part 1, M.C.A. (the "Act"); and

WHEREAS, Section 76-6-104, M.C.A., defines open-space land as any land which is provided or preserved for: park and recreational purposes; conservation of land or other natural resources; historic or scenic purposes; or assisting in the shaping of the character, direction, and timing of community development; and

WHEREAS, a county is authorized pursuant to Title 7, Chapter 7, Part 22, M.C.A., to issue general obligation bonds pledging the general credit of the county for that purpose upon approval of the electorate of the county, provided that such indebtedness and all other indebtedness of the county does not exceed 2.5% of the total assessed value of taxable property within the county as ascertained by the last assessment for state and county taxes; and

WHEREAS, a board of county commissioners is authorized pursuant to Section 7-7-2223, M.C.A., to call a bond election by adopting a resolution to that effect; and

WHEREAS, open-space land provides significant benefits to Missoula County citizens including ecosystem services and values such as clean air and water, health and wellness, education, recreation, relief from congestion and overcrowding, etc., and these benefits are available to all; and

WHEREAS, the Growth Policy adopted by the Board of County Commissioners (the "Board") of Missoula County, Montana (the "County") in 2016 is guided by the principle that the right to a clean and healthful environment is fundamentally important and the County's natural and cultural resources make this place unique and they should be conserved, enhanced, and enjoyed; and

WHEREAS, a goal of the Growth Policy is to conserve vital natural resources including surface and ground water, air quality, agricultural resources, iconic landscapes, fish and wildlife species and their habitats, and native plant communities, and another goal is to promote healthy, active communities; and

WHEREAS, the Missoula Urban Area Open Space Plan and 2006 Update of the 1995 Open Space Plan adopted by the City of Missoula (the "City") and Board prioritizes preservation of



open-space lands to protect important agriculture and soils, scenic open space, river corridors, working lands, trail corridors, wildlife habitat, and natural resources, including trees, clean water, and air quality; and

WHEREAS, the City and County have recently conducted significant public outreach through open houses, focus groups, and a statistically valid public opinion survey on Parks, Recreation, Open Space, and Trails, and the results indicate strong support among residents for protecting natural resources such as water and air quality, habitat, and providing river access, natural areas in which to recreate, and dirt and paved trails; and

WHEREAS, it is desirable that the Board submit to the electors of the County the question of whether the County should be authorized to issue general obligation bonds in the amount of up to \$15,000,000 for the purpose of conserving, enjoying, preserving, and enhancing open-space lands; and

WHEREAS, it is agreed that the City and the County will enter into an Interlocal Agreement which would set forth the limitations and procedures for the expenditure of the bond proceeds; and

WHEREAS, it is the judgement of the Board that the principal sum of up to Fifteen Million and No/100 Dollars (\$15,000,000.00) is necessary to carry out the purpose set forth above; and

WHEREAS, the Board has determined that the issuance of general obligation bonds in the total principal amount of up to \$15,000,000 will not cause the County to exceed its indebtedness limitation, which as calculated using the fiscal year 2017 audited financial statements of the County is \$327,098,727.00; and

WHEREAS, the Board has determined there should be submitted to the qualified electors of the County on November 6, 2018, the question of whether the Board shall be authorized to issue and sell general obligation bonds of the County in one or more series in the aggregate principal amount not to exceed Fifteen Million and No/100 Dollars (\$15,000,000.00) for the purpose of providing funds to pay costs of conserving, enjoying, and enhancing open-space land, to include providing public access to water and land; conserving agricultural lands, fish and wildlife habitat, and rivers, lakes, and streams; protecting scenic views; and making improvements to lands acquired or designated as open space that are accessible to the public, by purchasing land, easements, or other interests in land from willing landowners and paying for improvements and costs related to or serving lands acquired or designated as open space, including transaction and project costs and fees, all with citizen input, and costs associated with the sale and issuance of the bonds, which bonds shall bear interest at a rate or rates to be determined at the time of sale, be payable semiannually during a term not to exceed twenty (20) years for each series of bonds, and be subject to the County annual independent audit; and

WHEREAS, it is the judgement and determination of the Board that each series of such bonds will be payable during a term not to exceed twenty (20) years and shall be redeemable on the interest payment date after one-half of the term for which they are issued.

NOW, THEREFORE, BE IT RESOLVED by the Board of the County as follows:

1. Calling of the Election. The Board hereby calls and directs a special County election to be held on November 6, 2018, in conjunction with the general election, for the purpose of voting on the following question:

For the purpose of conserving, enjoying, and enhancing open-space land, to include providing public access to water and land; conserving agricultural lands, fish and wildlife habitat, and rivers, lakes, and streams; protecting scenic views; and making improvements to lands acquired or designated as open space that are accessible to the public, shall the Board of County Commissioners of Missoula County (the "County") be authorized to sell and issue general obligation bonds of the County in one or more series in the aggregate principal amount not to exceed Fifteen Million and No/100 Dollars (\$15,000,000.00) to pay the costs of purchasing land, easements, or other interests in land from willing landowners and of improvements and costs related to or serving lands acquired or designated as open space, including transaction and project costs and fees, all with citizen input, and costs associated with the sale and issuance of the bonds, which bonds shall bear interest at a rate or rates to be determined at the time of sale, be payable semiannually during a term not to exceed twenty (20) years for each series of bonds, and be subject to the County annual independent audit?

2. Conduct of Election. All qualified electors of the County shall be entitled to vote at the bond election. The Missoula County Election Administrator is hereby requested and authorized to give proper notice of the close of registration and thereafter prepare printed lists of the electors in the County entitled to vote in the election in the County and to conduct the election in the form and manner prescribed by law. The Election Administrator shall prepare the ballot and arrange for the printing of the ballot.
3. Notice of Election. The Election Administrator is hereby authorized and requested to cause notice of the call and holding of the election to be given by publishing notice at least three times, no earlier than 40 days and no later than 10 days before the date of the election in the *Missoulian*, a newspaper of general circulation in the County. The notice of election as published shall read substantially as follows:

NOTICE OF MISSOULA COUNTY OPEN SPACE GENERAL OBLIGATION BOND  
ELECTION

Missoula County, Montana  
November 6, 2018

NOTICE IS HEREBY GIVEN by the Board of County Commissioners (the "Board") of Missoula County, Montana (the "County"), that pursuant to a certain resolution duly adopted at a regular meeting of the Board on July 9, 2018, a special election of the registered voters of the County will be held on November 6, 2018, in conjunction with the general election, for the purpose of voting on the following question:

For the purpose of conserving, enjoying, and enhancing open-space land, to include providing public access to water and land; conserving agricultural lands, fish and wildlife habitat, and rivers, lakes, and streams; protecting scenic views; and making improvements to lands acquired or designated as open space that are accessible to the public, shall the Board of County Commissioners of Missoula County (the "County") be authorized to sell and issue general obligation bonds of the County in one or more series in the aggregate principal amount not to exceed Fifteen Million and No/100 Dollars (\$15,000,000.00) to pay the costs of purchasing land, easements, or other interests in land from willing landowners and of improvements and costs related to or serving lands acquired or designated as open space, including transaction and project costs and fees, all with citizen input, and costs associated with the sale and issuance of the bonds, which bonds shall bear interest at a rate or rates to be determined at the time of sale, be payable semiannually during a term not to exceed twenty (20) years for each series of bonds, and be subject to the County annual independent audit?

The polling places for the election shall be the normal polling places for County residents during the general election and polls shall be open between the hours of 7:00 a.m. and 8:00 p.m.

Absentee ballots may be obtained at the office of the Missoula County Fairgrounds Election Center, 1101 South Ave. W., Bldg 15, Missoula, Montana 59801, from October 9, 2018, until 12:00 pm noon, November 5, 2018. Electors who miss the close of registration deadline may register late at the Missoula County Fairgrounds Election Center, 1101 South Ave. W., Bldg 15, Missoula, Montana 59801, from October 10, 2018, through 12:00 pm (noon) on November 5, 2018, and November 6, 2018, from 7:00 am through 8:00 pm.

Tyler R. Gernant  
by  Chief Deputy  
County Clerk and Recorder/Treasurer

Publish: September 16, 2018  
September 23, 2018  
September 30, 2018



4. Ballots. The Election Administrator is hereby requested to prepare suitable ballots for use at the election at the polling places, together with the precinct lists.

5. Form of Ballot. The ballot shall be printed in substantially the following form:

OFFICIAL BALLOT MISSOULA COUNTY,  
MONTANA MISSOULA COUNTY OPEN  
SPACE GENERAL OBLIGATION BOND  
ELECTION NOVEMBER 6, 2018

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS—YES" if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X or similar mark in the square before the words "BONDS—NO".

For the purpose of conserving, enjoying, and enhancing open-space land, to include providing public access to water and land; conserving agricultural lands, fish and wildlife habitat, and rivers, lakes, and streams; protecting scenic views; and making improvements to lands acquired or designated as open space that are accessible to the public, shall the Board of County Commissioners of Missoula County (the "County") be authorized to sell and issue general obligation bonds of the County in one or more series in the aggregate principal amount not to exceed Fifteen Million and No/100 Dollars (\$15,000,000.00) to pay the costs of purchasing land, easements, or other interests in land from willing landowners and of improvements and costs related to or serving lands acquired or designated as open space, including transaction and project costs and fees, all with citizen input, and costs associated with the sale and issuance of the bonds, which bonds shall bear interest at a rate or rates to be determined at the time of sale, be payable semiannually during a term not to exceed twenty (20) years for each series of bonds, and be subject to the County annual independent audit?

☐ OPEN SPACE BONDS — YES  
☐ OPEN SPACE BONDS — NO

6. Election Administrator. A copy of this resolution will be provided to the Election Administrator as soon as possible after its adoption and approval in order to inform him/her of the details of the election and the pertinent requests and authorizations as to the conduct of the election.



7. Open Space Bond Account. If authorized to issue and sell bonds for the purpose set forth in this resolution, the County will deposit the proceeds of such bonds, exclusive of accrued interest, in the Open Space Bond Acquisition Account, which shall be maintained and disbursed by the County and used for the authorized purposes, consistent with the requirements in Section 8 hereof, as may be further augmented by an Interlocal Agreement to be entered into between the City and County, and such additional resolutions or ordinances of the Board as it deems necessary.

8. Allocation of Proceeds. An interlocal agreement will be developed by the staff and approved by the governing bodies of the County and the City.

9. Reimbursement Expenditures.

(a) The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the County for project expenditures paid by the County prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the County adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

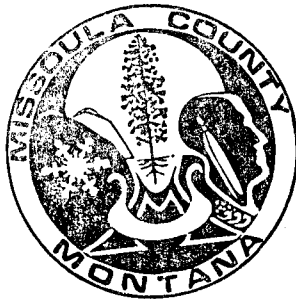
(b) Other than (i) expenditures to be paid or reimbursed from sources other than the bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the projects identified in the above ballot have been paid by the County before the date 60 days before the date of adoption of this resolution.

(c) The County reasonably expects to reimburse the expenditures made for costs of the projects identified in the above ballot out of the proceeds of bonds in an estimated maximum aggregate principal amount of up to \$15,000,000 after the date of payment of all or a portion of the costs of such projects. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

(d) As of the date hereof, there are no County funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such projects, other than pursuant to the issuance of the bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the County's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

(e) The County's Chief Financial Officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the bonds to reimburse the source of temporary financing used by the County to make prior payment of the costs of such projects. Each allocation shall be evidenced by an entry on the official books and records of the County maintained for the bonds or the project and shall specifically identify the actual original expenditure being reimbursed.

PASSED AND ADOPTED by the Board of County Commissioners of Missoula County, Montana, this 9<sup>th</sup> day of July, 2018.



  
Chair of the  
Board of County Commissioners

Attest:

Tyler R Gerrant  
 Chief Deputy  
County Clerk and Recorder/Treasurer

The Following document contains excerpts from Montana Code Annotated 2019 Title 76 Land Resources and Use Chapter 6 aka. "Open-Space Land and voluntary Conservation Easement Act."

The intent of this document is to help provide criteria for vetting expenditures of 2018 Missoula Open Space Bond funds on capital improvement projects. Only sections from MCA76.6 relating to use of Bond funds for implementing capital improvement projects are cited and/or highlighted in this document.

**76-6-104. Definitions.** The following terms whenever used or referred to in this chapter shall have the following meanings unless a different meaning is clearly indicated by the context:

- (1) "Comprehensive planning" means planning for development and shall include:
  - (a) preparation of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development as a guide for long-range development;
  - (B) Programming and financing plans for capital improvements;
  - (c) Coordination of all related plans and planned activities at both the intragovernmental and intergovernmental levels; and
  - (D) Preparation of regulatory and administrative measures in support of the foregoing.
- (3) "Open-space land" means any land which is provided or preserved for:
  - (a) park or recreational purposes;
  - (b) Conservation of land or other natural resources;
  - (c) Historic or scenic purposes; or
  - (D) Assisting in the shaping of the character, direction, and timing of community development.
- (4) "Public body" means the state, counties, cities, towns, and other municipalities.
- (5) "Qualified private organization" means a private organization:
  - (a) Competent to own interests in real property;
  - (b) Which qualifies and holds a general tax exemption under the federal Internal Revenue Code, section 501(c); and
  - (c) Whose organizational purposes are designed to further the purposes of this chapter?
- (6) "Urban area" means any area which is urban in character, including surrounding areas which form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

**76-6-106. Acquisition and designation of real property by public body.** To carry out the purposes of this chapter, any public body may:

(1) acquire by purchase, gift, devise, bequest, or grant title to or any interests or rights in real property, including land and water, that will provide a means for the preservation or provision of significant open-space land or the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest, or both;

(2) designate any real property, including land and water, in which it has an interest to be retained and used for the preservation and provision of significant open-space land or the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interests, or both.

**76-6-109. Powers of public bodies -- county real property acquisition procedure maintained.**

(1) A public body has the power to carry out the purposes and provisions of this chapter, including the following powers in addition to others granted by this chapter:

(a) To borrow funds and make expenditures necessary to carry out the purposes of this chapter;

(b) To advance or accept advances of public funds;

(c) to apply for and accept and use grants and any other assistance from the federal government and any other public or private sources, to give security as may be required, to enter into and carry out contracts or agreements in connection with the assistance, and to include in any contract for assistance from the federal government conditions imposed pursuant to federal laws as the public body may consider reasonable and appropriate and that are not inconsistent with the purposes of this chapter;

(d) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter;

(e) in connection with the real property acquired or designated for the purposes of this chapter, to provide or to arrange or contract for the provision, construction, maintenance, operation, or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities or structures that may be necessary to the provision, preservation, maintenance, and management of the property as open-space land;

(f) to insure or provide for the insurance of any real or personal property or operations of the public body against any risks or hazards, including the power to pay premiums on the insurance;.....

**76-6-110. Authorization and funding for planning commission.**

(1) The state, counties, cities, towns, or other municipalities in an urban area, acting jointly or in cooperation, are authorized to perform comprehensive planning for the urban area and to establish and maintain a planning commission for this purpose and related planning activities.

(2) Funds may be appropriated and made available for the comprehensive planning. Financial or other assistance from the federal government and any other public or private sources may be accepted and utilized for the planning.

## **RESOLUTION 8276**

### **A RESOLUTION OF THE MISSOULA CITY COUNCIL IN SUPPORT OF THE MISSOULA COUNTY COMMISSIONERS HOLDING A PUBLIC HEARING AND PENDING THE HEARING, PLACING THE QUESTION OF A COUNTY-WIDE OPEN SPACE GENERAL OBLIGATION BOND BEFORE THE VOTERS IN THE 2018 GENERAL ELECTION; AND FURTHER THE COUNCIL REQUESTS THE MAYOR AND HIS STAFF WORK WITH COUNSEL AND OTHERS REGARDING THE NECESSARY STEPS TO PLACE THE QUESTION OF A MILL LEVY FOR THE PURPOSE OF CONSERVATION AND RESPONSIBLE STEWARDSHIP OF OPEN SPACE AND CONSERVATION LANDS, BEFORE THE VOTERS IN THE 2018 GENERAL ELECTION.**

WHEREAS, in 1969 the Montana Legislature first passed the Open-Space Land and Voluntary Conservation Easement Act, § 76-6. Parts 1 & 2 M.C.A. (“Open Space Act”), and at the time of enactment, the legislature found the rapid growth and spread of urban development are creating critical problems of service and finance for the state and local governments; population spread and development are disrupting and altering the remaining natural areas, biotic communities, and geological and geographical formations and thereby providing the potential for the destruction of scientific, educational, aesthetic, and ecological values; the present and future rapid population spread throughout the state of Montana into its open spaces is creating serious problems of lack of open space and overcrowding of the land; to lessen congestion and to preserve natural, ecological, geographical, and geological elements, the provision and preservation of open-space lands are necessary to secure park, recreational, historic, and scenic areas and to conserve the land, its biotic communities, its natural resources, and its geological and geographical elements; and

WHEREAS, in 1969 the Montana legislature also found that preserving open-space land is essential to addressing these problems, the accomplishment of these purposes, and the health and welfare of the citizens of the state; and the expenditure of public funds for these purposes constitutes a public benefit; and

WHEREAS, § 76-6-104, M.C.A., defines open-space land as any land which is provided or preserved for: park and recreational purposes; conservation of land or other natural resources; historic or scenic purposes; or assisting in the shaping of the character, direction, and timing of community development; and

WHEREAS, § 76-6-109, M.C.A. authorizes, among other things, a public body to issue and sell general obligation bonds in the manner and within the limitations prescribed by applicable laws of Montana for the purpose of acquiring open space land consistent with the provisions of Title 76, Chapter 6, Part 1, M.C.A.; borrow funds or make expenditures to carry out the purposes of the Act; advance or accept advances of public funds; apply for and accept and use grants or other assistance; give security; make and execute contracts and other instruments; in connection with the real property acquired or designated for the purposes the Act, provide or to arrange or contract for the provision, construction, maintenance, operation, or

repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities or structures that may be necessary to the provision, preservation, maintenance, and management of the property as open-space land; insure or provide for the insurance of any real or personal property or operations of the public body against any risks or hazards; demolish or dispose of any structures or facilities that may be detrimental to or inconsistent with the use of real property as open-space land; and exercise any of its functions and powers under this chapter jointly or cooperatively with public bodies; and

WHEREAS, the City of Missoula (the “City”) first engaged in open space planning in the late 1960s and land use policies related to open space preservation and maintenance dating back to Missoula’s first comprehensive plan, which was adopted in 1968 by the City and Missoula County (the “County”) and called upon the community to “expand and equitably distribute areas for open spaces, parks, recreational and cultural facilities within the urban area and preserve mountainous areas and water courses in the Planning Area for future generations;” and

WHEREAS, the City of Missoula in 1981 passed “The City of Missoula Open Space Conservation Ordinance, to preserve significant open space land, including conservation land, parkland, trails, views and vistas, agricultural land, and urban forest, which, because of its aesthetic, scenic, recreational, historic or ecological value, it is in the public interest to preserve”; and

WHEREAS, the Missoula Urban Area Open Space Plan and 2006 Update of the 1995 Open Space Plan prioritizes preservation of open space lands to protect important agriculture and soils, scenic open space, river corridors, working lands, trail corridors, wildlife habitat, and natural resources including trees, clean water, and air quality; and

WHEREAS, the City of Missoula citizens voted to approve a \$5,000,000 bond in 1995 and all of the proceeds have been used to accomplish multiple open space goals; and

WHEREAS, Missoula County citizens voted to approve a \$10,000,000 Open Space Bond in 2006, which helped protect over 30,000 acres of open space and provide 4.1 miles of paved and many miles of dirt trails in the Missoula Valley, and the current proceeds of those bonds have almost entirely been spent; and

WHEREAS, the population of the City and the County continues to grow and open space conservation and the provision of lands for recreation, natural resource protection, wildlife habitat, corridors, parklands, and working lands remains as essential today as when the Open Space Act was enacted; and

WHEREAS, open space land provides significant benefits to Missoula including ecosystem services such as clean air and water, health and wellness, education, recreation, relief from congestion and overcrowding, etc. and these benefits are available to all; and

WHEREAS, public open spaces, trails and parks are community assets that promote social equity and are available to all citizens regardless of race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, gender identity or gender expression; and

WHEREAS, the City and County have recently conducted significant public outreach through open houses, focus groups, and a statistically valid public opinion survey on Parks, Recreation, Open Space, and Trails, and the results indicate strong support among residents for protecting natural resources such as water and air quality, habitat, and providing river access, natural areas to recreate in, and dirt and paved trails; and

WHEREAS, the City's Open Space Advisory Committee strongly supports City Council pursuing additional funding for open space restoration, stewardship, maintenance and acquisition and improvements to open-space lands of all types; and

WHEREAS, our City and County open-space lands and conservation partners continue to advocate support efforts to preserve open space and responsible stewardship of these lands, thereby providing the many benefits open-space lands provide; and

WHEREAS, trees on lands designated as open-space provide significant environmental and natural resources benefits, climate resiliency, improved air and water quality and other ecosystem benefits, thereby enhancing our quality of open space and community life; and

WHEREAS, trails and paths on lands designated as open-space provide significant benefits of health and welfare, reduction of congestion, improved air quality, and access for all; and

WHEREAS, it is recognized that the provision and preservation of these important open space lands require repairs, replacement, renovation, and stewardship to maximize the potential and value to the community and to assure goals of the Open Space Act are met; and

WHEREAS, the *Our Missoula*, City Growth Policy 2035 states in implementation objective 4.2 that pursuing a new open space bond to continue the open space program is a high priority within 3-5 years from adoption of the growth policy, which was adopted in November 2015; and

WHEREAS, the City, following extensive public process, has adopted numerous plans which support the benefits of a variety of open-space land types, including the 2004 Master Parks and Recreation Plan for the Greater Missoula Area, the 2016 Long Range and Active Transportation Plans, the 2015 Urban Forest Management Plan, the 2010 Conservation Lands Management Plan, the 2014 Parks/Open Space/Trails Asset Management Plan; and

WHEREAS, following extensive public process and technical review by experts, the Conservation Lands Management Plan, adopted by City Council in 2010, provides guidance in stewardship and management of over 4200 acres of open space lands, important habitat for numerous species, over 60 miles of trails, plus multiple special use areas for outdoor recreation and urban interface wildfire and storm water management, in the Missoula Valley through acquisitions and easements; and

WHEREAS, the purpose of a conservation and responsible stewardship mill levy is to provide adequate resources for responsible stewardship, maintenance, and restoration of open space and conservation lands, owned and managed by the City of Missoula for native vegetation,

wildlife habitat, outdoor recreation, access to and protection of water bodies, scenic views, and protection of natural resources; and

WHEREAS, a perpetual conservation and responsible stewardship mill levy allows for future acquisition of important open space parcels as well as certainty for long range planning for necessary improvements, stewardship, and management of open space conservation lands; and

WHEREAS, conservation lands are generally managed as natural areas, including riparian corridors along creeks and rivers, wetlands, grasslands, open or wooded hillsides, but both large and small scale conservation lands provide for relief from the urban environment, nature connectedness, active outdoor recreation, as well as opportunity for contemplation; and

WHEREAS, conservation lands, natural areas and parklands require restoration, stewardship and improvements to ensure they remain a valuable asset to be enjoyed by all citizens; and

WHEREAS, the City has identified through the aforementioned adopted plans, the need to address not only protection of open-space lands, but also the daily maintenance and long term stewardship of these open space lands; and

WHEREAS, set forth on Exhibit A is a non-binding, illustrative list of City projects and stewardship actions and preliminary estimated costs, which list is not intended to be exhaustive, definitive, or final, but is intended to provide examples of the types of projects the City has identified interest in pursuing, to the extent eligible for payment with proceeds of bonds, it being emphasized that such list is meant only to provide some information on the range of potential City undertakings and all costs are preliminary and are rough estimates that are subject to change; and

WHEREAS, it is proposed that the City and the County will enter into an Interlocal Agreement which would set forth the limitations and procedures for the expenditure of the proceeds, to be split equally, of the Open Space Bonds; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor and the City Council of the City of Missoula adopt this resolution in support of the Missoula County Commissioners holding a public hearing and, pending the hearing, placing the question of a Fifteen Million dollar county-wide open space general obligation bond for the purpose of enjoying, preserving and enhancing conservation lands before the voters in the 2018 general election, which, if the proposition passes, will provide funds to pay the costs of purchasing interests in and improving open-space lands, and associated costs, all as more particularly set forth in the final bond ballot question of the County to be presented to eligible voters.

BE IT FURTHER RESOLVED, that the City Council requests the Mayor work with his staff, counsel, and others regarding preparation of language allowing the City to conduct a special election, pursuant to § 15-10-425, M.C.A. to request that the Council be authorized to levy up to 4.0 mills, to raise approximately \$500,000 annually, for the purpose of providing the funds to pay the costs of stewardship and conservation of open-space conservation lands, including care of, improvements to, and acquisition of open-space lands, and related costs, all as more



particularly set forth in the final mill-levy election question of the City to be presented to eligible voters.

PASSED AND ADOPTED this 25<sup>TH</sup> day of June, 2018

ATTEST:

/s/ Martha L. Rehbein  
Martha L. Rehbein, CMC  
City Clerk

APPROVED:

/s/ John Engen  
John Engen  
Mayor

(SEAL)

