

Missoula City Council Climate, Conservation and Parks Committee Minutes

**June 29, 2022
11:45 AM
ZOOM Webinar**

Members present: Stacie Anderson, Mirtha Becerra, Daniel Carlino, John P. Contos, Jordan Hess, Gwen Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Others present: Staff present: Jim Nugent, Corena Maurer, Morgan Valliant, Jeff Gicklhorn, Susan Aaberg
Others present: Dwight Schulte

1. ADMINISTRATIVE BUSINESS

1.1 Roll Call

1.2 Approval of the Minutes from June 15, 2022

The minutes were approved as submitted.

2. PUBLIC COMMENT

None

3. COMMITTEE BUSINESS

3.1 2415 South Hills Encroachment Permit Application – Encroachment into Peery Park

Mr. Gicklhorn introduced himself and gave a brief background on the request.

Heidi West joined the meeting.

Mr. Gicklhorn discussed the aspects of the encroachment.

Mr. Gicklhorn presented an overview map of the encroachment.

Any fees collected will be placed towards improvements in Peery Park.

Kristen Jordan asked if someone built on park property and now we are considering selling them that property.

Mr. Gicklhorn gave some clarification on the request and some additional background on this specific encroachment.

Ms. Jordan is shocked that we are considering this and has serious concerns about setting a precedent.

Morgan Valliant discussed similar situations of Park encroachments.

Mr. Valliant confirmed there is still adequate space for public access to the park.

Mike Nugent asked if anyone from Planning had looked at the plans for the addition.

Mike Nugent asked if the homeowners were aware of the encroachment when the house was purchased.

Mr. Gicklhorn discussed the zero tolerance policy regarding encroachments.

Stacie Anderson asked for more clarification on what the permit entails.

Mr. Gicklhorn states that the permit is for the existing encroachment for the life of the property.

Ms. Anderson asked about the possibility of a fine for the homeowner.

Mr. Gicklhorn discussed fees that the homeowner is responsible for.

Ms. Anderson asked what would happen if the request was not granted.

Mr. Gicklhorn discussed all possible outcomes.

Dwight Schulte, attorney for homeowner, gave more background on the encroachment and the current homeowners situation.

Mike Nugent asked Mr. Schulte asked about a plat map that may have been shared with the homeowners.

This item will be held in committee.

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Mr. Gicklhorn gave an update/overview of the request.

Ms. Sherrill asked if this encroachment was known when the property transferred ownership.

Mr. Gicklhorn confirms it was not.

Heidi West joined the meeting.

Mr. Schulte discussed home owner common areas in and around Peery Park.

Mike Nugent asked if the HOA was active.

Jim Nugent discussed the county being the office of record for property transfers. Land surveys do not normally accompany real estate transactions.

Ms. Sherrill states this is an important access point for the park.

Ms. Jones asked if there are any future changes what the process would be.

Mr. Gicklhorn discussed the possible options.

Jim Nugent talked about existing encroachments across the city and how the Parks Department responds to them.

Ms. Sherrill asked for confirmation that there would be enough room for a trail with the existing encroachment.

Ms. Vasecka asked if the City were the owners of the property in question due to some conflicting information.

Susan Aaberg confirmed that the property is the City owned.

Ms. Vasecka made the recommended motion.

Ms. Anderson discussed the existing easement that includes the deck and gravel parking pad with a wall. She asked for more information on the cost removal of the gravel pad and why it will be handled by the Parks Department.

Mr. Valliant discussed the reasons why the Parks Department agreed to incur the cost of the removal.

This item will be placed on the consent agenda with the approval of Kristen Jordan.

Moved by: Sandra Vasecka

Issue a variance to Resolution #8024 and subsequent Parks encroachment permit to Brian Weston for the approximately 1,300 sq ft encroachment from 2415 South Hills Drive into Peery Park, in exchange for a permit fee of \$3,140.63 with fund to be used explicitly for the improvement of Peery Park.

AYES: (11): Stacie Anderson, Mirtha Becerra, Daniel Carlino, John P. Contos, Jordan Hess, Gwen Jones, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, and Heidi West

NAYS: (1): Kristen Jordan

Vote results: Approved (11 to 1)

4. ADJOURNMENT

The meeting was adjourned at 12:17pm.

Submitted by: Corena Maurer

City of Missoula Parks & Recreation