

## OPEN SPACE ADVISORY COMMITTEE MINUTES

February 9, 2023

4:10 PM

Headwaters Conference Room (in person) or TEAMS (virtually)

600 Cregg Lane

Missoula, MT 59802

**Members present:** Eric Anderson, DeAnna Bublitz, Julie Gardner, Daniel Gundlach, Edward Monnig, Kit Fischer, Anne Iverson

**Members absent:** Charles Besancon, Rob Erickson, Alexis Gibson, Vanessa Sievers

**Others present:** Staff: Donna Gaulker, Zac Covington, Haley Erickson  
Others: Andy and Connie, Elizabeth Erickson

### 1. Administrative Business

#### 1.1 Roll Call

#### 1.2 Approval of Minutes

Approval of the minutes from January 12, 2023 and January 26, 2023.

Anne moved and Edward seconded to approve the minutes. The minutes were approved as followed.

### 2. Public/Guest Comments

### 3. Announcements

### 4. Action Items

#### 4.1 Election of Chair and Vice Chair

Alexis Gibson (Chair) introduced the vote of Chair and Vice Chair.

Eric Anderson nominated himself as chair.

Alexa Gibson motioned for Eric to be chair for Open Space Advisory Committee.

Anne Iverson seconded the motion.

The Open Space Advisory Committee voted unanimously for Eric Anderson to be Chair of the Open Space Advisory Committee.

Kit Fischer motioned for Alexis Gibson to be Vice Chair of Open Space Advisory Committee.

DeAnna Bublitz seconded the motion for the Open Space Advisory Committee.

The Open Space Advisory Committee voted unanimously for Alexis Gibson for Vice Chair.

**Moved By** Alexis Gibson

Recommended Motion: I nominate \_\_\_\_\_ to serve as Chair and \_\_\_\_\_ to serve as Vice Chair of the Open Space Advisory Committee with a term beginning February 10, 2023 and ending February 9, 2024.

AYES: (7): Eric Anderson, DeAnna Bublitz, Julie Gardner, Daniel Gundlach, Edward Monnig, Kit Fischer, and Anne Iverson

ABSENT: (4): Charles Besancon, Rob Erickson, Alexis Gibson, and Vanessa Sievers

**Vote results: Approved (7 to 0)**

#### **4.2 Ten Spoon Vineyard and Winery Conservation Easement**

The owners of Ten Spoon Vineyard and Winery, Connie Poten and Andy Sponseller, would like to donate a conservation easement of their property to the City of Missoula. Parks and Recreation is applying for 2018 Open Space Bond funding to reimburse costs associated due diligence and consultant costs.

##### **4.2.1 Presentation – Ten Spoon Vineyard and Winery by Owners Andy Sponseller and Connie Poten (10-15 Min)**

Eric Anderson introduced the Ten Spoon Winery Conservation Easement Project.

Zac Covington introduced the owners of Ten Spoon Winery, Andy Sponseller and Connie Poten.

Andy Sponseller talked about his the history of his life, the Ten Spoon Winery history, and physical attributes of the property.

Andy talked about the agricultural and wildlife values of the Ten Spoon Winery property.

Andy talked about the wildlife on the property.

Andy talked about how people have pushed him to make this property as open space.

Andy talked about Ten Spoon Winery being a community and open space.

Connie Poten talked about people's questions about the property.

Andy talked about all the values Ten Spoon Winery can provide the community and Missoula Parks and Recreation.

Andy talked about how Ten Spoon Winery checks the boxes for the conservation easement and the Open Space Advisory Committee's Level 1 and Level 2 applications.

Andy opened up to questions about Ten Spoon Winery.

Charles Beason asked about the allowable uses on the property.

Andy said 4.8 acres are going to be dedicated to a building envelope.

Anne Iverson asked if they do music events.

Andy responded yes.

Andy expanded on the intent of the conservation easement.

Charles asked if the rest of the area is opened to agricultural uses.

Alexis Gibson asked if there is any restriction on cultivated or grazing.

Zac responded said it allows agricultural use on the property, but does not allow for grazing.

Zac introduced Elizabeth Erickson, a retainer lawyer for Missoula Parks and Recreation drafting the Ten Spoon Winery Conservation Easement legal document.

Alexis asked if the easement is for the protection of grassland or if it could be converted into cultivated agriculture.

Elizabeth Erickson answered by saying the document contains sensitive areas and areas that are important for wildlife habitat.

Zac clarified that there is no vineyard envelope.

Elizabeth said there are no restrictions on specific parts of the property and there is no grassland/habitat area.

Charles voiced concerns when new land owners take over ownership it can be hard to clarify conservation easement restrictions.

Elizabeth explained the format and the outline of a conservation easement.

Charles wanted to voice there should be specificity to the document to help guide the city and future landowners.

Andy talked about how they want to look from guidance from Elizabeth to ensure the grassland on the northside of the property remains grassland.

Elizabeth said they could add a grassland envelope to the easement.

Charles asked if Andy would prohibit grazing of domestic animals on the property.

Andy and Elizabeth said there are some restrictions, but it does not totally prohibit grazing.

Elizabeth explained that grazing is allowed as long as it can co-exist with wildlife.

Alexis wanted to move forward to level 2 because we need to vote for level 1 and the questions being asked belongs with a level 2 application.

Andy talked about how wildlife priorities were a high value on the conservation easement.

Charles talked about how grazing co-existing with wildlife can be challenging.

Kit Fisher talked about how grazing can be used as a management tool for noxious weeds.

Andy talked about how the vineyard was certified organic and this language is included in the conservation easement.

Kit asked how specific is the language with fencing.

Alexis also clarified if wildlife friendly fencing is included in the conservation easement language.

Andy asked Elizabeth if the language in the document include wildlife friendly fencing.

Elizabeth clarified the fencing language in the conservation easement.

Alexis asked if future property owners could build a fence at the lowest acceptable height.

Andy talked about how wildlife is a core value of the conservation easement.

Zac explained the baseline assessment for the conservation easement and how it can dedicated the direction of the conservation easement.

Elizabeth clarified said no privacy fence could be built around the property.

Andy talked about different fencing on the property.

Andy asked Julie Gardner if any views were obstructed.

Julie said no and we are well protect by accepting this conservation easement.

Eric Anderson asked if we could move forward and if people would be willing to stay.

Eric and Andy talked about Andy and Connie staying.

#### **4.2.2 Motion: Approval of the Level 1 application for the Ten Spoon Vineyard and Winery Conservation Easement**

Each open space project applicant requesting the use of Open Space Bond funds is required to submit two applications to the Open Space Advisory Council (OSAC). Level 1 is a simple application which helps OSAC determine whether or not the project is generally eligible for funding based on Open Space Bond language. Level 2 is a more detailed application intended to help OSAC decide whether or not the project should be recommended to City Council. OSAC is an advisory body to the City Council, who makes decisions on which projects are eligible for the use of Open Space Bond funds.

Charles Besancon motioned to approve the Level 1 application.

Julie Gardner seconded the motion

The Open Space Advisory Committee vote passed unanimously.

**Moved By** Charles Besancon

Approve the Level 1 application for the Ten Spoon Vineyard and Winery conservation easement.

AYES: (7): Eric Anderson, DeAnna Bublitz, Julie Gardner, Daniel Gundlach, Edward Monnig, Kit Fischer, and Anne Iverson

ABSENT: (4): Charles Besancon, Rob Erickson, Alexis Gibson, and Vanessa Sievers

**Vote results: Approved (7 to 0)**

#### **4.3 Presentation - Level 2 Application for the Ten Spoon Vineyard and Winery conservation easement – Zac Covington (15 min)**

Alexis Gibson asked if there is any way that future owners allow access through the property.

Andy Sponseller talked about how they are donating development rights.

Andy clarified how there will be public access through the property.

Alexis asked if all three properties had restrictive covenants removed from the property for Ten Spoon Winery to move forward with the conservation easement.

Charles Beason asked why they removed the restrictive covenants.

Connie Poten explained how all the landowners wanted to get a conservation easement on all three private parcels, but other private landowners have reconsidered.

Andy talked about what happens when the city takes the easement and how the conservation easement has been well thought out.

Kit Fisher asked about the private landowners north and south of the property.

Connie talked about the buildings located on north and south of the property.

Andy talked about how he believes conservation easements will be put on all three parcels.

##### **4.3.1 Project Evaluations: OSAC members complete individual project evaluations for the Ten Spoon Vineyard and Winery conservation easement.**

Note: Following a Level 2 application, OSAC members are asked to individually fill out an evaluation to help them decide whether or not they support recommending the project to the City Council as an eligible open space project for the use of Open Space Bond funds based on bond language and the 2018 city/county interlocal agreement.

Zac Covington presented the Level 2 Application for Ten Spoon Winery.

Zac talked about the project summary of Ten Spoon Winery conservation easement.

Kit Fisher asked if the \$40,000 is Open Space Bond dollars.

Zac talked about how Ten Spoon Winery conservation easement fits within Open Space Bond dollars usage and Open Space Plan objectives.

Zac showed where Ten Spoon Winery is within Open Space lands.

Zac talked about project/site basics of Ten Spoon Winery.

Zac showed a quote from the conservation easement values summary.

Zac showed the building envelope in the conservation easement and other elements of the property.

Kit asked if this is a draft of the building envelope.

Zac said yes.

Donna Gaukler talked about how latitude and longitude will be included for the building envelope.

Zac talked about how Ten Spoon Winery fits within the 2018 Open Space Bond goals and objectives.

Kit Fisher commented on how organic agriculture is bad for water usage and quality.

Zac talked about how 50 homes could be put on the property and how that impacts water quality.

Connie Poten talked about the the water on their property meets the Clark Fork River in Frenchtown, Montana.

Charles Besancon asked about the Ten Spoon Winery irrigation system.

Andy said it was a drip system.

Connie said it does not have to be a drip system in the future.

Andy talked about water rights on the property.

The Open Space Advisory Committee discussed water rights on the property.

Eric Anderson clarified if it was the east and west public access points.

Andy explained the how the east/west corridors will connect neighborhoods.

Donna clarified what east and west corridors means.

The Open Space Advisory Committee talked about the walkthrough corridor and where it is located.

Zac talked about adjacent properties close to other open space and parks by Ten Spoon Winery as well as land uses and current zoning.

The Open Space Advisory Committee talked about the wildlife passing through the Ten Spoon Winery and other areas.

The Open Space Advisory Committee talked about what could happen surrounding Ten Spoon Winery.

Zac explained about current vegetation types on Ten Spoon Winery.

Zac explained predicted wildlife biodiversity, habitat types, and wildlife species observed on the property on Ten Spoon Winery.

Kit asked if bears like grapes.

Connie responded no.

The Open Space Advisory Committee talked about wildlife species on Ten Spoon Winery.

Zac talked about water quality and water resources on Ten Spoon Winery.

Connie talked the small creek that runs through the property.

Zac talked about farmland on Ten Spoon Winery.

Zac showed photos of the Ten Spoon Winery property.

Zac talked about the cultural and historic resources of Ten Spoon Winery.

Anne Iverson asked if the city will enforce the conservation easement if there is something they are breaking the legal document

Charles explained the city will be enforcing the document.

Alexis Gibson asked how the city plans on familiarizing new landowners with conservation easement restrictions.

Donna explained how conservation easement works in Missoula Parks and Recreation and what the protocols are.

Kit asked what we are voting on in the Level 2 application and asked if we need to see the language of the conservation easement before we vote.

Alexis said they could either way.

Zac clarified they are recommending if this conservation easement is appropriate of the Open Space Bond dollars.

Donna clarified the ask from Open Space Advisory Committee and thanked Andy and Connie for their generosity for donating the conservation easement.

The Open Space Advisory Committee discussed the Level 2 application, the use of the Level 2 document, and how they can vote on this, and their role.

Julie Gardner thanked the property owners for the project and staff working on the project.

Julie asked how much money is left in the 2018 Open Space Bond fund.

Donna explained the amount left and how much money has been diverted to other projects.

Kit asked for a status of the 2018 Open Space Bond fund in the next meeting.

Julie said this conservation easement is a great

Kit asked what the costs are for.

Donna said it is no staff time and its mostly for professional services and due diligence.

Donna explained how the ask for 2018 Open Space bond dollars is for reimbursement because the Missoula Parks and Recreation has already spent department money on this project.

Julie asked about future monitoring efforts and the cost.

Donna clarified the funds from the Conservation Levy and 2018 Open Space Bond

Julie asked for a levy for actual monitoring of the conservation easement.

Kit asked if Missoula Parks and Recreation will be monitoring the easements.

Donna said yes.

Alexis clarified where the \$40,000 is coming from in Missoula Parks and Recreation budget.

Donna explained how Missoula Parks and Recreation how the risk with using Missoula Parks and Recreation budget.

Eric Anderson motioned that city council accept a donated conservation easement of the Ten Spoon Vineyard and Winery property of approximately 21.5 acres and a public pedestrian walkway easement as an addition to the city's current open space network, and approve expending up to \$40,000 of 2018 Open Space Bond proceeds to pay for associate due diligence, legal, transaction, and other project-related costs.

Anne Iverson seconded the motion.

The Open Space Advisory Committee passed the vote unanimously.

Alexis requested that we go through the use and purpose of the level 2 application.

Zac said that we will do a training on the Level 1 and 2 applications usage.

Charles asked about other projects that could use this application.

**Moved By** Eric Anderson

Approve the level 2 application for the Ten Spoon Vineyard and Winery conservation easement and recommend to City Council the use of 2018 Open Space Bond funds to reimburse the city for related due diligence and consultation expenses not to exceed \$40,000.00.

AYES: (7): Eric Anderson, DeAnna Bublitz, Julie Gardner, Daniel Gundlach, Edward Monnig, Kit Fischer, and Anne Iverson



ABSENT: (4): Charles Besancon, Rob Erickson, Alexis Gibson, and Vanessa Sievers

**Vote results: Approved (7 to 0)**

**5. Discussion Items**

**6. Future or Held Items**

**6.1 Parks, Recreation, Open Space, and Trails (PROST) update and upcoming Request for Qualifications**

**6.2 Bundling project open space bond undertaking reimbursement requests for multiple projects (contractor work, i.e. title commitments, appraisals, easement and other document drafting, etc.)**

**7. Adjournment**