

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 25TH day of June, 2018

ATTEST:

/s/ Martha L. Rehbein

Martha L. Rehbein, CMC
City Clerk

APPROVED:

/s/ John Engen

John Engen
Mayor

(SEAL)

**Exhibit A –Projects for the 2018 Proposed County Wide General Obligation Bond
and Proposed City Wide Conservation and Responsible Stewardship Mill Levy**

The following list of potential projects is not exhaustive, definitive, or final, and actual projects and their costs will be determined through public proceedings at a later date.

\$15M (\$7.5 each County/City)

All amounts are rough, gross, and approximate figures and intended as proposed guidelines for spending, and amounts are subject to change.. Opportunity for partnerships and matching would likely impact final figures. Projects are illustrative. Nothing herein means or shall be construed to mean that the City shall dedicate any particular dollar amount from the proceeds of the bonds or otherwise to any of the projects below.

Clark Fork Restoration/Access \$1.5M

(Possible expansion to include immediate tributaries urban area. Should have excellent leverage with multiple government and non-government partners)

Acquisition \$3.0M

Open Space Preserves, Habitat, Trail/Greenway/Wildlife Corridors, Social Equity in underserved areas, 10-minute walk to park/trailhead, Ag lands, Conservation Easements. (Good leverage potential Open Space, Agriculture, Recreation, Trail, and Housing partners. Include cost to acquire and related, as well as being eligible for immediate costs to develop/prepare for opening if fee simple open space with public access.)

Reforest Parks/Open Spaces \$250K

(Restore tree canopy lost to aging/dying forest in designated open-space lands (public parks, greenways, open spaces) to maximize canopy benefit of clean air/water, conservation/climate. Good leverage potential with DNRC, Trees for Missoula, Conservation/Climate groups, and possibly Utilities, with Utilities matching with trees in ROW as allowed.)

Conservation Lands Trails, TH's \$500K

(Restore trails, trailheads, close trails, rebuild trails, maps, kiosks, signage, to maximize potential at TH's and on trails, while limiting impacts to important habitat areas. Good leverage potential with recreation partners, RTP grants, Impact Fees. Provide \$250K match for North Hills Waterworks Trailhead improvements as well as major restoration project on existing open space conservation lands.)

Trails \$2.25M

(Addresses the stewardship of existing urban pathways providing the essential links to open space conservation lands. Projects provide benefits of energy conservation, reduction of congestion, air/water quality, and are likely to leverage URD/ TIF support as well as transportation grants. Also, eligible for expansion efforts.)

2018 Proposed Levy for Conservation and Responsible Stewardship \$500K

Funds to support stewardship (daily/routine cyclical maintenance) of conservation lands and future acquisitions as appropriate and needed.