

CONSERVATION COMMITTEE REPORT

February 9, 2011

10:05–11:30 am

140 West Pine Street

Members Present: Marilyn Marler (chair), Pam Walzer, Bob Jaffe, Renee Mitchell, Dave Strohmaier, Stacy Rye, Dick Haines, Cynthia Wolken, Ed Childers, and Lyn Hellegaard

Members Absent: Jon Wilkins

Others Present: Morgan Valliant, Jackie Corday, Donna Gaukler, Rob Roberts, William Burnett, Matthew Koehler, Cyndy Braun

I. ADMINISTRATIVE BUSINESS

A. Approve minutes.

Minutes of January 19 and January 26 2011 were approved as submitted.

II. FINAL CONSIDERATION AGENDA ITEMS

III. CONSENT AGENDA ITEMS

1. Appoint one member to the Conservation District for the term beginning January 1, 2011 and ending on December 31, 2013. ([memo](#))—Regular Agenda (Kelly Elam) (Referred to committee: 12/13/10)(**REMOVE FROM AGENDA**)

Motion: The committee recommends Council appoint Rob Roberts to the Conservation District for the term beginning January 1, 2011 and ending on December 31, 2013.

There was one vacant position on the Conservation District as Rob Roberts term expired on December 31, 201. He reapplied for the position.

Rob Roberts – feels the Conservation District plays important role in county and city and working with land owners, as a regulator, it is a bridge between land owners and agencies that are involved in decision making activities on streams and rivers. The members on the board are well respected and have a long history with property owners and other agencies. Mr. Roberts works for Trout Unlimited involved in stream restoration for the last six years, and his expertise helps with the District's permit process. He is able to use his technical skills and social skills to help land owners make the best decision while protecting fish, wildlife and streams. The Conservation District authority is the 310 permit which allows the Board to engage in permitting for the city and county. The board reviews activities that take place on the banks, in the stream and permits are at the discretion of the conservation district.

The Conservation District's role and responsibilities are to help land owners live and work alongside streams and rivers. Mr. Roberts will use his expertise working to bring the technical side to the equation. There is a possibility of flooding problems in Missoula but that all depends upon snow pack and how river responds to spring runoff. There is water pollution in Missoula due to erosion and the Conservation District tries to proactively deal with erosion by offering grants for planting in riparian zones or other control methods. Even though the board members may think preservation of farm land is important they do not have any authority by law to deal with the issue, nor could they use levy funds.

After a brief discussion it was moved to recommend Council appoint Mr. Robert to the Conservation District. The vote was unanimous.

2. Proposal to amend the development agreement between the City of Missoula and Missoula County High School District for Riverfront parcels of land. ([memo](#))—Regular Agenda (Donna Gaukler) (Referred to committee: 02/07/11)(**HELD IN COMMITTEE**)

MOTION: The committee recommends Council set a public hearing on February 28, 2011 to consider a change to Article III of the Agreement between the City of Missoula and Missoula County High School District for Riverfront parcels of land to permit certain improvements for high school athletics.

The City and the School District entered into an agreement in 1983 regarding the use and development of Toole park's Riverbowl which is currently used by MCPS as a track and

football practice field area. MCPS desires to improve the property to benefit the students of MCPS, and will submit an amendment to the agreement to memorialize its requested improvement schedule.

Staff will bring details and recommendation regarding the amendment to the February 23 conservation meeting along with staff from Hellgate High School.

After a limited discussion it was moved to set a public hearing on February 28 to consider the change to Article III of the MCPS agreement. The vote was unanimous.

IV. **REGULAR AGENDA**

A. Reorganization of conservation lands advisory committees. ([memo](#))—Regular Agenda (Marilyn Marler) (Referred to committee: 11/08/10)(**HELD IN COMMITTEE**)

This is a referral from Marilyn Marler to consider streamlining the formal process by which the City receives input from citizen Advisory boards related to Conservation Lands. Currently Mount Jumbo and Greenough Park have their own committees while the South Hills, Mount Sentinel, Tower Street and the North Hills have no advisory committees. This referral is to discuss dissolving those advisory boards along with the Conservation Lands Working Group and replace with one advisory committee to advise Park Board and Parks staff on management issues across the City.

Jackie Corday and Morgan Valliant presented an overview of the process to date.

Morgan – Prior to the Conservation Lands Management Plan the City has owned open space properties for at least 15 years, with three advisory committees to provide input into management. One of the goals during the development of the Conservation Lands Plan was to increase efficient use of resources. It was recommended to consolidate citizen and technical advice into one group. Staff has been working on the process to move from three to one advisory committee since the CLM was adopted by Council last year. A subcommittee of the park board was given the task of drafting bylaws, and meeting with committee members of the three advisory boards to discuss how to proceed.

Jackie – MJAC and CLTWG are advisory committees that were created and appointed by the Missoula Parks Board and the motion from the Park Board during their last meeting was to dissolve both of those committees and move to create the Conservation Lands Advisory Committee (CLAC).

The Greenough Park Advisory Committee (GPAC) was a result of a law suit in 1955 in which 13 management points were outlined that needed to be adhered to for management of Greenough Park. GPAC was formed by Council resolution in 1993, and the composition and appointment is by Council through the Mayor

The drafted bylaws are modeled from the by-laws of OSAC and MJAC. The Park Board subcommittee along with Marilyn Marler met with the advisory groups to present the draft of the bylaws, and ask for suggestions. The by-laws are only in draft form and staff will bring them forward to Council at a later date.

OSAC will remain intact as its role is acquisition of open space lands. CLAC will be an advisory board for management of those lands. The current draft of the bylaws includes twelve members in CLAC, 3 appointed by Mayor and approved by Council, and nine by the Park Board. This is a hybrid of the composition of OSAC, GPAC and MJAC. The Mayor/Council appointments are needed to meet the GPAC decree.

There was discussion regarding the number committee members as well as appointment of CLAC with several Council in favor of having direct Council appointments.

Jackie explained how the 1955 decree for Greenough Park was to establish 13 management points in order for the City to retain the park. There was not an official advisory committee until the 1993 Council resolution. Council can amend the resolution, but cannot amend the 13 points in the decree. The resolution provided details for the Greenough committee in which the committee members are appointed by the Mayor and

approved by Council. The decree also calls for at least one meeting of the committee per year. The drafted CLAC bylaws will follow the 1955 decree and describes membership with one meeting a year specific to Greenough Park.

Susan Ridgeway, Missoula Parks and Recreation Park Board member, read the motions from the Park Board meeting held on February 8. The Parks Board unanimously passed the motion to dissolve the Parks Board appointed committees, MJAC and CLTWG and thanked those on the committee for their devoted service and standards of excellence. The Parks Board also recommended appointing Janet Sproull to the CLAC.

Susan explained the Parks Board separated out the two recommendations as there were concerns by the Board with regard to dissolution of GPAC at this time. Park Board members were in favor of delaying and continuing to review and revise the bylaws and work with GPAC members and the Greenough heirs in the interest of reaching agreement on steps necessary to provide appropriate oversight for the preservation of Greenough Park.

Stacy – I have concerns for creating a new board without input from Council and sticking to a process. I would like the Council to directly appoint some CLAC members in addition to the Mayor and Park Board appointments. I also question the need for twelve members, maybe nine would be better.

Donna – The Parks Board is an advisory to Council and the CLM plan directs the formation of the new committee.

Marilyn – there is a process, the CLM board is appointed by Park Board which was part of the plan adopted by Council. – you would have to amend that decision. MJAC functioned as a subcommittee of the Parks Board and all members were appointed by Park Board.

Pam – I support the proposal to have CLAC members be appointed by the Park Board. I don't feel its necessary for Council to appoint some members. If GPAC is not merged into CLAC, then you should start with nine CLAC members instead of twelve. You can then add three more in the future if the merger happens.

Donna – Park Board by law was created to manage parks and while Park Board could fulfill the advisory role for conservation lands, it was at the request of citizens and Council to pay special attention to conservation lands which is why CLAC is being established.

Public comment:

Cindy Brawn – GPAC member – there was consensus for not approving the current draft of the CLAC bylaws, but that appears to be a premature decision at this time. The fear is Greenough Park management and the 13 points of the 1955 decree will not be adequately addressed by CLAC.

Mathew Koehler – personally not opposed to CLAC, it does sound like a good idea. It might look like GPAC wants special treatment, but Greenough Park is special due to the law suit, and resolution of 1993. I agree GPAC did not feel the proposed by laws for CLAC were adequate or adhered to 13 points. Also possibility that in three years time there would not be members of CLAC with any experience with Greenough Park and all that institutional knowledge would be lost. We can support CLAC going forward, but not support GPAC being dissolved. As a side note, the first of the 13 points discusses the park survey which has not happened and I would ask Council to seriously move forward on this item.

Dave – I have a referral for that discussion on the survey.

William Burnett – I am new to GPAC and agree with the other 2 members who spoke. I am amazed at the complexity of problem. There is a list of specific tasks and duties for GPAC, which may conflict with tasks and duties of the parks department. GPAC oversight is to protect the park. Maybe there needs to be a classification added to City parks to address areas like Greenough Park. A classification created might go toward satisfying the Greenough heirs.

Susan Ridgeway – I have no objection to council selecting the members for CLAC, but the purpose is not to make policy but to help the Parks Board do their job. We don't want to pick people who have political agendas, but are looking for a wide breathe of experience, background with a goal to manage the system as a whole.

This item will be held in committee.

HELD/REFERRED OR ONGOING AGENDA ITEMS –

1. Information on Trail Projects ([memo](#)).—Regular Agenda (Marilyn Marler) (Referred to committee: 08/23/2010)
2. Consider a new ordinance that will create a process and criteria for the naming of public parks, trails, open space, and recreation facilities. ([memo](#))—Regular Agenda (Jackie Corday) (Referred to committee: 10/25/10)
3. Approve an agreement between the City and Garden City Harvest (GCH) to allow for community gardens on City owned properties that will be identified in the future. ([memo](#))—Regular Agenda (Jackie Corday) (Referred to committee: 10/25/10) (Item tabled in committee 12/08/2010)
4. Annual tree planting program update. ([memo](#))—Regular Agenda (Renee Mitchell) (Referred to committee: 01/24/11)

V. NON-AGENDA ITEMS

ADJOURNMENT - The meeting adjourned at 11:30 am.