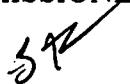
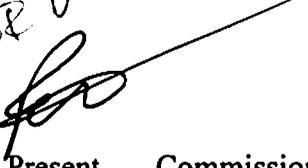


COMMISSIONERS APPROVAL

FOSS 

CHILCOTT 

IMAN 

STOLTZ 

Members Present.....Commissioner Suzy Foss, Commissioner Greg Chilcott, Commissioner J.R. Iman and Commissioner Ron Stoltz

Date.....July 9, 2012

► Minutes: Glenda Wiles

► The Board met at 8:00 a.m. to interview William Menager for the Commission District 4 position due to Commissioner Kanenwisher's resignation.

► The Board met at 9:00 a.m. to award the Contract for Services for the Junk Vehicle Hauling. Present was Environmental Health Director Lea Guthrie who indicated after review of the bids, Frontier Auto is the recommended vendor due to their price per vehicle and mileage rate. **Commissioner Chilcott made a motion to award the yearly Services Contract to Frontier Auto Plus Inc., of 112 Pennsylvania Avenue, Hamilton. Commissioner Iman seconded the motion and all voted "aye". (4-0)**

► The Board met at 9:30 a.m. for a Open Lands Board Presentation on the potential acquisition of the Bitterroot River Front Park. Present was Members of the Open Lands Board, Gavin Ricklefs of the Bitterroot Land Trust, Planning Administrator Terry Nelson, Planner Kevin Waller and Deputy County Attorney Dan Browder. Kevin presented a power point presentation for the acquisition and the Conservation Easement Request. (See attached). Gavin presented pictures with more detail on the property and project. Issues of discussion was the protection of the Corvallis Canal Head Gate, which included the easement, possible construction of a foot bridge over the canal and liability indemnification for the Corvallis Canal.

Public Comment was then taken.

Bill Clark stated he is a long time resident of the valley. He does not feel the county should put their open lands money into this project as it is for a special interest group. He feels public use can be obtained without purchasing the property. The loss of tax dollars (occurring if the land is placed in open lands) will negatively affect many of the necessary health and safety services. He does not believe in public ownership of properties.

Skip Kowalski is Chair of the Open Lands Board and addressed the ranking of the subcommittee for this project. While wildlife and agricultural attributes received marginal rating, it was noted this is a good project and the use of funding has been identified through the Open Lands Bond.

Jim Lindquist stated his wife owns the property just across the river and she wants to know if the purchase of this land will increase her property taxes.

Lorena Erickson stated there is a concern over the beavers in the Corvallis Canal. She asked if there are any suggestions.

John Farley owns land on the south corner of Westwood Court. He has concern over the traffic that might occur when this property becomes park like. He asked if anyone has addressed parking, noting numerous 'no trespassing signs' are continually torn down.

City of Hamilton Special Projects Coordinator Dennis Stranger stated this will be a passive recreational facility, not an active facility. The City will prepare a management plan for this property and they recognize the wildlife values within the property. The City has worked on beaver dams within the Hieryonomous Park in conjunction with the Corvallis Canal District. The City will work on the legal access from the north and the south. In regard to parking, many people park at the Sewage Treatment Plant, but any discussion of the parking issue will be addressed in their management plan.

Carol Farley addressed the parking and 60' easement on the south side noting currently there is not enough parking. She addressed people who bring their dogs without a leash and they chase deer and their young offspring. She has seen many years of trespass and wants to know how those things will be enforced. If the City takes ownership, how much will her taxes go up?

Public Comment was now closed.

Gavin stated this parcel currently generates \$500.00 per year in taxes. Future taxes will be paid by the Open Lands Bond Program. This property is within the flood plain so there is not a strong likelihood to generate a greater tax base. There are a number of steps to make this into a recreational area, i.e., management plan for protection of wildlife, parking etc. They would like the opportunity to address these concerns, noting these issues currently exist and with a management plan the concerns could be handled.

Bob Popham, Vice Chair of Corvallis Canal Board stated they have discussed the liability issues in regard to the easement for their canal and head gate with the city. While the details have not been worked out, the general concept has been worked out and the Corvallis Canal District feels comfortable in moving forward.

Al Babel, member of Open Lands Board stated while the land does not have agricultural use, it affects agriculture by the use of the Corvallis Canal.

Gavin addressed the east side property ownership which includes a boundary line modification to exclude the Taber's real property (house etc.). He feels the management plan will create better parking.

Board discussion included the various issues that have yet to be addressed through the necessary details if the application is approved. Gavin stated the Open Lands money only transfers after the issues are addressed and the City accepts the property with a management plan which will address the issues as best it can. Gavin stated this is an opportunity to invest in something positive for the community. He also noted the \$35,000 does not need to be placed in an escrow account, just earmarked for this project if the details are worked out, bringing all of the information (conditions/management plan) back to the Commissioners before the project goes through. Commissioner Chilcott suggested the Board identify the conditions they would place on this potential purchase. Civil Counsel Dan Browder stated the difference with this project is the easement issues/public access. He suggested they meet the minimum issues with the bond program and allow the management plan (the City) to address certain issues brought forth today. The Board felt it was their responsibility to address the issues up front and not default the issues to the next owner, i.e., the City of Hamilton or another entity.

Terry Nelson stated they have to trust that the City will vet these issues out through a public process as they develop the management plan. Also there is no guarantee the City will take over this property. A time frame should be placed on this project by the County as well.

Chairman of Bitterroot Land Trust, John Ormiston stated they are trying to honor the owners' wishes to turn this private property into public land, noting managed use is better than unmanaged use. Currently the property is in the county and there is no ordinance to keep dogs from running at large, if it was in the city, there would be ordinances and enforcement to keep the dogs from running at large.

The Board discussed/defined their issues of concern as follows:

- access (easements); parking (through the City of Hamilton's Management Plan); time line (deadline) to meet necessary conditions; ultimate ownership by the City of Hamilton, and if declined, the application comes back to the County; Corvallis Canal Co. indemnification, ownership and use being critical to this project; (Dan Browder stated the ditch company should not have say over this governmental issue); conservation easement/protecting wildlife habitat will be fundamental part of the land ownership

Commissioner Iman made a motion to approve allocating \$35,000 of Open Lands Bond Funds (not to escrow) for the Bitterroot Riverfront park acquisition and conservation easement subject to the following conditions: 1) The City of Hamilton will be the owner of the property subject to a conservation easement perpetually maintaining the property as wildlife habitat, open space, and public recreation property; 2) The Corvallis Canal District shall provide a letter indicating whether liability, access, and easements for future use have been adequately addressed; and 3) That a time frame of 3 years be placed on the completion of the conditions and if those conditions are not met, the \$35,000 of Open Lands Bond Funds will not transfer to the Bitter Root Land Trust and the application comes back to the County. Commissioner Chilcott seconded the motion. Discussion: The management plan created by the City of Hamilton would need to be consistent with the terms of the conservation easement. The Board thanked the Taber Family for their donation of this land. All voted "aye". (4-0) (See Resolution No. 2897)

► The Board met at 11:50 a.m. to interview Jeff Burrows for the Commission District 4 position due to Commissioner Kanenwisher's resignation. Public Comment was a question from Kelsey Milner asking Mr. Burrows about the natural resources and coordination of those resources with governmental entities.

► The Board met at 1:30 p.m. for a continued discussion of the development of a Natural Resource Policy with public input.

► The Board met at 2:30 p.m. to interview Clayton Dethlefsen for the Commission District 4 position due to Commissioner Kanenwisher's resignation.

► The Board met at 3:45 p.m. with Road Administrator Eric Anderson for an update and a decision on an intercap loan for purchase of equipment (dozer). Eric indicated the noise level (decibel) on this dozer exceeds the noise level limits and the dozer can only be utilized 2 hours at a time. They estimate the used dozer value to be \$25,000 and the dozer they wish to purchase could cost up to \$150,000. It was agreed if the current dozer is sold or traded in, those monies will be used to assist in the purchase of another dozer. **Commissioner Chilcott made a motion to have the Chief Financial Officer obtain an intercap loan up to \$150,000 to acquire a different dozer in the D-7 Cat size range. Commissioner Stoltz seconded the motion and all voted "aye". (4-0)**

Eric also gave an update on the latest copper wire theft from the crusher parked at N. Kooteni Creek.

A black and white photograph of a riverbank. The foreground is dominated by tall, dense grasses. A small stream flows through the middle ground, reflecting light. The background shows a continuation of the grassy bank and some trees in the distance.

Bitterroot Riverfront Park Acquisition

Conservation Easement Application

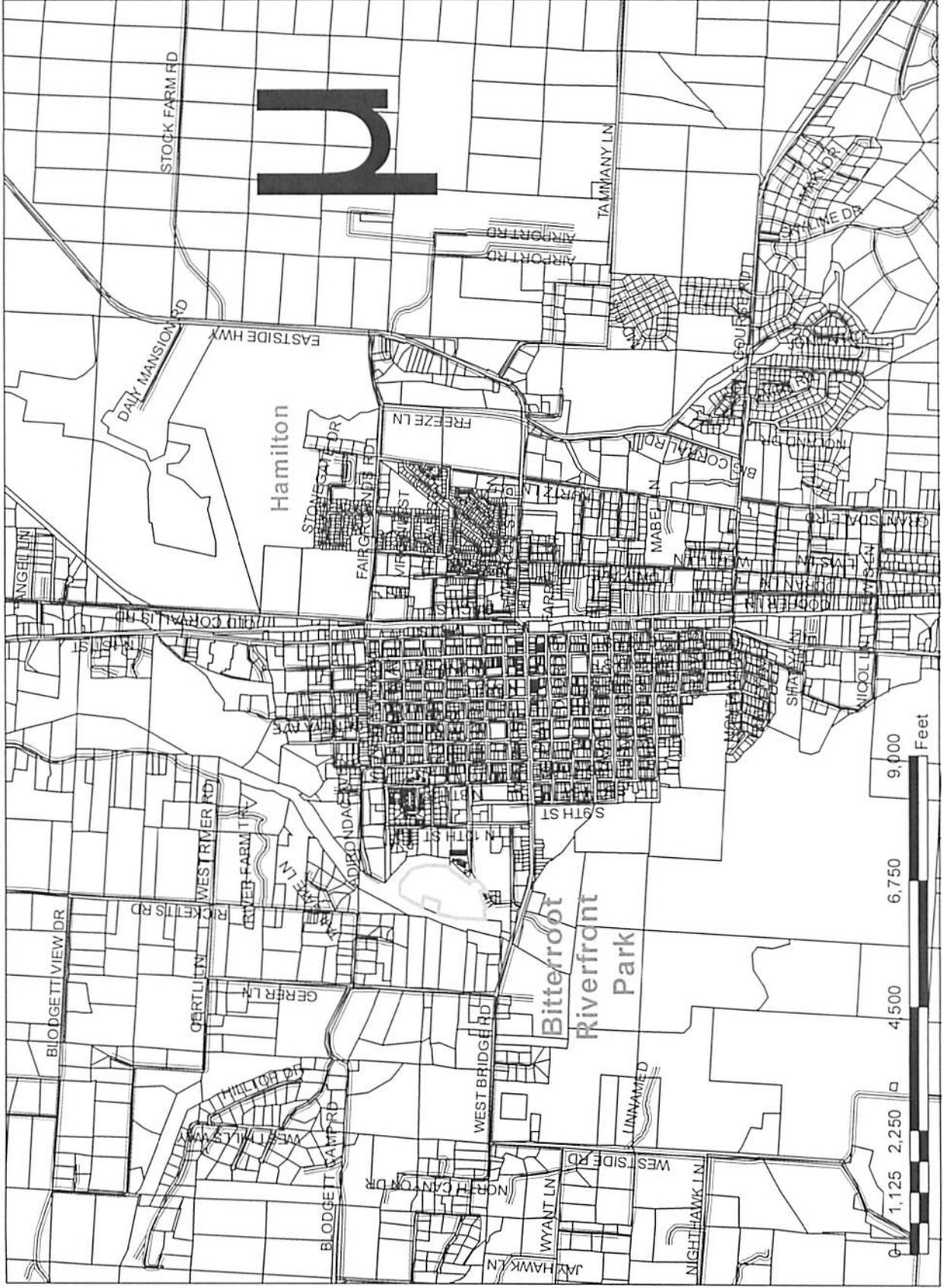
Open Lands Bond Program

BCC Public Hearing
9:30 am, Monday, July 9th, 2012

Applicant and Sponsoring Agency

Bitter Root Land Trust

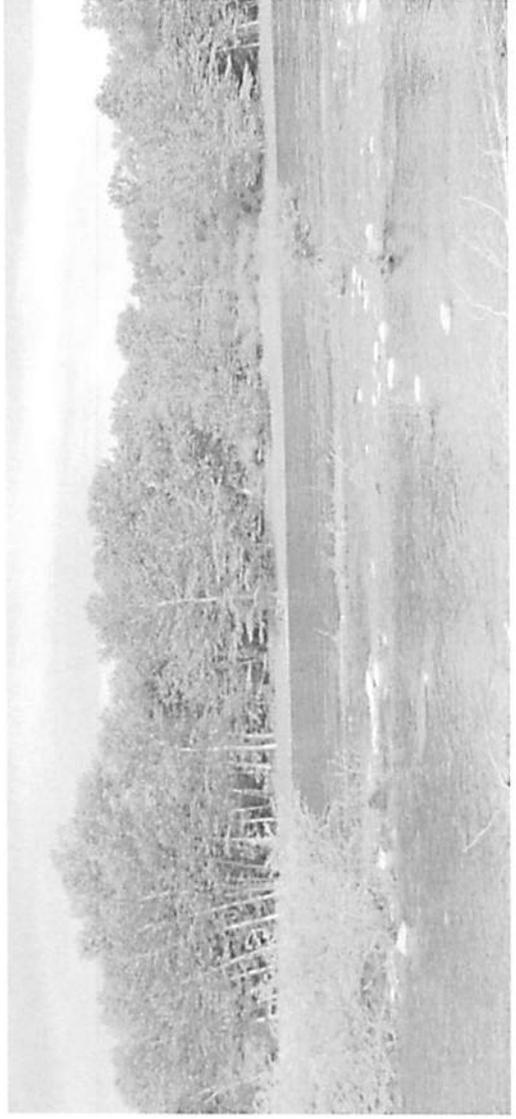
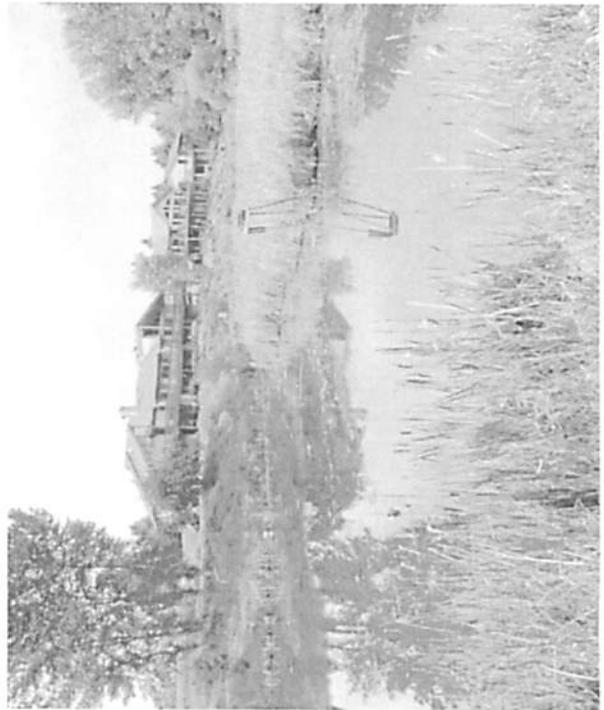
Kyle Barber, Gavin Ricklefs





General Project Attributes

- 22 acres, just west of downtown Hamilton
- First public access project in the Ravalli County Open Lands Bond Program
- Multi-generational history of preservation and appreciation
- Highly visible from Bitterroot River and a variety of residential facilities
- Requesting \$1,583/acre from Ravalli County (12% of total project value, excluding donated land value)



II. Proposed Funding

Appraised Value of Property.....	\$220,000.00
Total Project Budget:*	
Purchase Price.....	\$165,000.00
Legal Review.....	\$2,000.00
Appraisal.....	\$2,800.00
Baseline Study.....	\$1,750.00
Title Commitment/Closing Costs.....	\$1,500.00
Application.....	\$510.00
Printing	\$250.00
Project Facilitation (350 hours @ \$45.00/hour).....	\$15,750.00
Management Plan	\$10,000.00
Mineral Rights Report.....	\$500.00
Environmental Due Diligence.....	\$2,500.00
Carrying Costs (Taxes/Interest).....	\$4,125.00
Insurance.....	\$3,800.00
Long-term Stewardship (not requested from OLBP).....	\$20,000.00
Total Anticipated Project Budget:.....	\$230,485.00*
Donated Property Value (per independent appraisal).....	\$55,000.00
Total Project Value(Total Project Budget + Donated Land Value):.....	\$285,485.00
Total Requested from Ravalli County Open Lands Program.....	\$35,000.00
Total Cash Requested from Other Sources.....	\$195,485.00
Total Project Budget.....	\$230,485.00

Matching Contributions:

	Amount	Status
Donated Land Value (donated by landowners).....	\$55,000.00	Committed
Anonymous Family Foundation.....	\$40,000.00	Received
CConnell Foundation.....	\$50,000.00	Received
Travelers for Open Land.....	\$7,500.00	Received
Sapphire Lutheran Homes.....	\$7,500.00	Committed
Montana Fish & Wildlife Conservation Trust.....	\$50,000.00	Recommended/Ongoing
Private Community Donations.....	\$13,700.00	Received and Committed
City of Hamilton.....	\$10,000.00	Committed (Mgt. Plan)
Total Matching Contributions (as of 5/15/12).....	\$ 233,700.00	(Includes both cash and donated land value)
Total Cash Match (as of 5/15/12).....	\$178,700.00	

Total Project Value.....	\$285,485.00
(less Total Matching Contributions).....	<u>-\$233,700.00</u>
Total Remaining Funds to Raise (as of 5/15/12):.....	\$51,785.00

Note: BRLT has secured a loan to ensure successful closing on 7/1/12 in the event a shortfall

Open Lands Program Funding:

	Amount	% of Total Project Value	% of Total Purchase Price
Total Requested Compensation for Land Purchase	\$35,000.00	12.3%	15.2%

* A note on Project Costs: Anticipated Project Costs reflect the best estimates of the applicants at the time the application is submitted. These Anticipated Project Costs are provided solely to explain how the applicants' total requested Open Lands payment was developed. Actual project costs will differ somewhat from those estimated on this Proposed Funding worksheet. In the event this project is funded by the Open Lands program, all actual costs (except recording, title insurance, and closing costs) will be paid in advance of closing by the applicants, not by Open Lands Program Funds. The applicants are requesting \$35,000.00 in Open Lands Bond Funds to be put towards the total project budget for this purchase.

- Pre-submission meeting was held April 19, 2012
- Full application was submitted on May 21, 2012, and determined complete on June 1, 2012
- Full OLB conducted a site visit May 25, 2012, and OLB Conservation Subcommittee met May 31, 2012 to consider the application
- OLB met June 6, 2012 to consider the application, and recommended **approval** of project

Conservation Subcommittee Findings

- Good location for Hamilton and area residents, relatively close to City of Hamilton parks and/or property.
- Protects Bitterroot River, adjoining riparian and wetland areas, and wildlife values.
- Multiple funding sources.

Concerns

- Guarantee needed that easement is in place at the time property is transferred to the City of Hamilton and OLBP funds released.
- Consequences of project if City of Hamilton decides not to take possession of the property.
- Public access should be established, prior to BRLT's acquisition.
- Third party should hold conservation easement during BRLT's ownership.

Subcommittee Recommendation

- After their May 31st meeting, the OLB Conservation Subcommittee was evenly split on a recommendation, due to previously stated concerns.
- As of the June 6th meeting with the full OLB, the OLB-CS unanimously advises that the Open Lands Board forward a recommendation to the Board of County Commissioners to approve the Bitterroot Riverfront Park proposal at the funding level requested.

Open Lands Board Findings

- Project Scores: Low of 37 to a high of 68
 - Average score, including OLB-CS adjustment, was **50.03**
- The current funding level proposed was deemed appropriate
- The OLB concurred with the findings of the Conservation Subcommittee

Open Lands Board Recommendation

After consideration of the Bitterroot Riverfront Park Conservation Easement/Land Acquisition application within the adopted criteria and procedure for the OLBP, **the OLB voted 12-0 to recommend that the Board of County Commissioners approve the Bitterroot Riverfront Park proposal at the funding level requested.**

Planning Staff Recommended Motion

That the Bitterroot Riverfront Park proposal be *Approved*, based on the findings of the Open Lands Board, and as outlined in the staff report.