

**CITY OF HAMILTON
COMMITTEE MINUTES**

DATE: November 10, 2020

NAME OF COMMITTEE: Committee of the Whole

MEMBERS PRESENT: Council President Kemp, Councilors West, Bielski, Pruitt, and Pogachar

MEMBERS ABSENT: Councilor Mitchell

NOTE TAKER: Cynthia Fleming, Deputy Clerk

STAFF MEMBERS PRESENT: Donny Ramer, Public Works Director, Dominic Farrenkopf, Mayor

Public Comment

Kent Barbian, 115 Cottonwood Court – He feels the public comment provided in previous meetings in regards to Skalkaho Bend Park sounds scientific and sound and that his thoughts at this time would be to leave it alone. Chris Clancy said in his letter of support that original they had big plans for outreach. Rob Harris is not in support of restoration and sided an independent hydrology report and that there is no need for short term erosion control. He feels the report should be released to the public, when tax payer money is involved. Bitter Root Humane Association, (BRHA), tried to sight lots of scientific information but it was all BS. There was no public outreach. In all of his dealings with City Council, the ZBA and the BRHA, they ramrod their agenda through. The City Council has not done anything to help me out. You pay them \$10,000 and can't tell me how many dogs they serve. As representatives of the City I hope that you are watching what is going on with these meetings. He feels that they are making progress in defining things. The City of Missoula has really upped their game in looking at all these different criteria. I hope the ZBA will start looking at certain things before they start approving things that come across their desk.

Approval of Minutes from October 27, 2020

Councilor Pruitt moved to approve the minutes. Councilor Pogachar seconded. The minutes were approved unanimously.

- **Bitterroot Public Library Proposal for Old Court Room/Offices and Future Consideration of Expanding the Library's Current Building Lease to Include the Fire Hall**

Mark Wetherington the Bitterroot Public Library (BPL) Director asked members to refer to the information provided in their Committee packet. In the next two to three years the Fire Hall might become vacant. We want to know if the library could be considered at some point in the future to

expand our lease to include this building. If that is something the City would consider then we could take the necessary steps to see if it would be feasible for us. He suggested that the library could be given the right of first refusal. He explained that the Tech Lab he approached them about at the last meeting is more of a short term solution. This would be more of a long term solution. At this point the library's only choice for expansion is to expand our building over the ditch and eat up some of our green space.

Councilor West asked if they have considered bridging the gap between the library and the old fire hall. Mr. Wetherington responded that could be something to consider. It would make the library one block long. We would need to look at what serves our patrons best and is cost effective. Councilor Pogachar asked if he had done a walk-through of the building. At this time he hasn't, Mr. Wetherington responded. It is something he has been trying to schedule. Councilor West approves of the idea saying it is a neat idea and if it works out it would be a really good fit for the library. Councilor Kemp stated she likes the idea of keeping the building in public hands. Councilor Pruitt also feels that she would like the building to remain in the public realm. Councilor Bielski feels it is important for the director to first do a walk through. The library director said that he also feels that he needs to do an initial walk through and that he would want an architect to look at it before committing tax payer resources towards the project.

Mayor Farrenkopf stated that he would arrange for the walk through with himself and Fire Chief Brad Mohn.

Recommendation:

Schedule a walk through of the Fire Hall for the Library Director and get input for the City Attorney regarding any possible agreements. Bring back to the Committee for a more formal agreement if the library wants to pursue an architect's professional assessment.

• **Discuss Public Outreach for Skalkaho Bend Park Revegetation Plan**

Mr. Ramer started the discussion by explaining that this is park management project and the Bitter Root Water Forum (BRWF) started working on this project a long time ago. Scientists were hired and we have a geomorphologist. Implementation of the plan has been funded through a complete grant from Montana Department of Environmental Quality, (DEQ). He feels that some of the public comment has miss-stated some of the studies that have been done.

Mr. Ramer said that from his viewpoint as the Park's Director with a degree in Civil Engineering with an emphasis on water resources and environmental engineering, he believes that over time if the river is allowed to erode and move to the east it may mean relocating the C and C ditch and eventually the park could be split and only accessible from the south end. He outlined three options. The first option is to do nothing. A second option would be to do a rock treatment or rip rap to prevent the river from moving farther east. A rock treatment would cost 10 times more and have far more impact than the vegetative barrier that is being proposed. The revegetation plan was chosen because at this point we have more time and it's a gentler approach. At River Park we have rip rap right up to the edge of the asphalt path. He doesn't want the same thing for this park. If we are losing 5 feet of bank a year in 5 years we may be at a point where we have to do a rock treatment. This project was selected because we have more time and it will have less impact. He reiterated that the plan was analyzed and put together by experts in their fields. He understands that people have feelings about things being changed but he believes that we will have considerable

loss of acreage and in order to maintain access between the north and south end of the park, he believes this project needs to happen.

Council President Kemp asked Heather Barber, Executive Director of the BWRP if she would like to comment regarding time constraints and added that we don't know when this pandemic is going to end. We can't stop our work in the City and it makes our conversations more difficult. Ms. Barber responded that there is a permitting process. The more we delay the more problems we have. She said that the BRWF needs to start the permitting process with the Army Corps of Engineers in order to have this project begin in March of 2021. We need to start the permitting process by December 2020 to make sure we have permits in place for a March start.

Councilor West commented that she went on a tour of the project. We had a measuring tape and measured how far the river has migrated and also looked at the size of the willow plot. She feels in the end the revegetation plan is a good way to go. She doesn't like the idea of angular rock dumped in the river and believes the proposed plan is a better way to protect the land and river. The morphology report shows how far the river is moving and where is projected to move by 2040. She has observed that it is coming into the bridge spot pretty hard and feels that waiting is going to make it worse. Councilor Pruitt voiced her agreement with Councilor West and values her expertise as a river guide with a lifetime of experience and expertise on this river. She added that she also understand the concerns of the adjacent neighbors and recognizes their scientific knowledge. She said that we need to consider all of the neighbors, which now includes me and the City which has been entrusted to take care of this park.

Councilor Pogachar thanked Mr. Ramer for his expertise and for explaining the level of his expertise in hydrology which helps him to be able to get behind the proposal. He would like to see everyone come together and worked together to iron out any flaws in the plan and there could be flaws in the plan. He thinks it is really hard to try and control a river and feels we need to work together.

Director Ramer commented that there are things on the project that we are taking a closer look at. He also believes that we have limited options to provide the most protection in this space where we don't have space to give up while also working to fix riparian habitat. There is the do nothing option, the vegetative option, the on the water option or rip rap.

Councilor Bielski commented that it is my understanding this was being looked at prior to the City taken ownership. We are acting on what has already been looked at. Ms. Barber responded that the BRWF has been talking with Mr. Ramer for the last two year and have worked together developing a plan.

Councilor West stated that since the Oct. 27 meeting we have had more public comment and asked if we want or need to do additional public outreach. Ms. Barber feels that there is some confusion that BRWF was trying to rush the process. We do want your approval and want you to be excited. We have offered a zoom presentation. We put it out on our Facebook. The hydrology report is on both ours and the City's websites.

Council President Kemp commented that though we have been requested to read certain letters during the meeting Councilors have received multiple letters of support in our email. She added that she went on the tour and also read the migration analysis. Although she is not a scientist she

felt the report absolutely supported the vegetation plan and feels that things can be interpreted differently.

Public Comment:

Melissa Hughes 719 Loma Lane appreciates the hard work on this and said that you are considering some of our concerns. She has studied the map and there is a measure on there of about 50 feet. This gives anywhere from 10 to 50 years if you are planting the willows that far away. She feels the project could wait a year and doesn't understand the rush. She also would have liked more public outreach and education. She has not seen a wetland plan released to the public, which would involve the Army Corps of Engineers and she wondered when that would happen.

Ms. Barber responded that may have been an old map and the river has moved closer to the vegetation. Mr. Ramer added we are trying to move forward on permitting with Army Corps of Engineers.

Public Comment:

Kent Barbian – 110 Cottonwood Court, thanked Ms. Barber and Mr. Ramer and said it sounds like the City knew about this when the City took it over from the Land Trust. He asked if the cost of the project is covered entirely by the DEQ grant. Donny Ramer replied that the project is but maintenance of the project is the City's.

Mr. Barbian also wanted to know when adjacent property owners were informed and were they ever advised as to what would be the intent of the use of the park.

Ms. Barber responded that we sat down with Rob and Missy and did a walk through. We sat down with Delores Meuchels. We tried to connect with Kathy Wehrly and additional people but we did not try to connect with all of the neighbors.

Council President Kemp asked what the Committee wants to do next. Does this need to be moved to Council? Donny Ramer said at this point I think the BRWF is looking for an agreement with the City that outlines the responsibilities. He feels that an agreement would be a good thing to move on. The design is not finalized. Ms. Barber told the members that we need a formal agreement by December 1 to have the 80 days needed to finalize permits with the Army Corp of Engineers. Mr. Ramer said that he can't guarantee that the agreement will be ready, there is a lot going on and it comes down to staff being able to get it done.

Public Comment: Kathy Wehrly, Melissa Hughes, and Cheryl Waterworth

Proposal for Delay of Action on Roots against Erosion Project: We propose that the Bitter Root Water Forum's proposal, Roots Against Erosion, not be considered for a final vote by the City Council. The unique circumstances of this pandemic would mean that a vote not happen until sometime next year. We do not see that as a negative since the statement that Robert Harris read at the Committee of the Whole (COW) meeting, October 27, quoted a portion of a Technical Memorandum which states that, "This site does not show any clear need for short-term erosion control."

The Water Forum has obviously put a lot of money, time and energy into their proposal, and that does not preclude that they didn't consider other treatments. However, they made their initial and final case to the public in the Ravalli Republic article of October 16 which presents a final plan description, without however, a key component- the map- and with suggestions that people start collecting woody debris and willow 'starts' for its implementation! This doesn't read like a request for public input. So far, the only public input has been at two COW meetings (one interrupted by a major power outage).

Since Roots Against Erosion takes advantage of a taxpayer-funded DEQ grant for \$121, 350, an efficient and wide-spread call for public input should have begun at the stage at which the need for erosion control was first publicly considered by the Bitterroot Land Trust, the Water Forum and the city. The first step should not have been a tidy, done-deal presentation to the Council and an article in the paper.

During a moratorium of this plan, alternate proposals could be considered which do not so directly impact the ways in which the public can use this park, with its unprecedented access to the river and unimpeded views of the mountains. A 1500 foot long, 8-foot-high continuous fence with no paths through it for 1200 of those feet (4 football fields), is not a satisfactory solution to a potential river erosion problem, when it so disrupts the very use that the park was created for. A 10-12 foot high barrier of willows interspersed with aspen, serviceberry, and cottonwood which grow much taller, will block the viewshed of the mountains and the river from not only the mowed paths to its east but also from the ADA trail. Was the Council privy to any of the other considerations and their cost that were side-lined? How many alternatives were considered during this process? Why is this plan so much more extensive than the Bitterroot Land Trust's map that shows 500 feet of vegetative plantings that appear to better address the River's closest approach to the Canal? What was the process that created this final plan?

The proposal for a new fire hall, a well-established and accepted need, was presented to the council with three alternatives for its design, from which a final design was selected. and no doubt the fire chief and fire men (i.e. the users) were consulted before the plans were finalized. Though this project is quite different from a fire hall, alternative vegetative and bank armoring treatments, and their effectiveness and cost, could have and should have been presented. This proposed radical development of Skalkaho Bend Park deserves more consideration of need and alternatives.

There is no going back in time to include the public at an earlier stage, but we can still be given the opportunity to question whether ONLY vegetative measures on an accelerated timeline are the best solution. The most meaningful opportunity for public input, and the best chance that there would be for public buy-in and commentary and then for modifications that incorporate this input, is to wait for such time as there could be walk-arounds for the public, and question and answer sessions with the Water Forum. Poorly advertised Zoom meetings which really do not offer many/most people the visuals which are part of such meetings and which are an integral part of understanding this complex proposal, are not an acceptable substitute.

We hope that Council members do take the opportunity to walk the site, observe the VERY FEW opportunities for river access when there will be an 8-foot-high continuous fence for 1500 feet, and also evaluate and critique the choice of plantings as all of them will inevitably affect

the viewshed. A walk-through and visualization of the true extent of this proposal would maybe begin to address the questions and concerns that were raised in the Opinion pieces and read into the minutes of the October 27 meeting of the COW.

Please, do not rush! Give the people a forum and more time. PLEASE put this proposal on hold!

Recommendation

Consider an MOU agreement between the City and BRWF and continue to do public outreach.

• Covid 19 Issues

The Covid 19 Sub- committee met yesterday with Councilors Bielski, Pruitt and West. Councilor Pruitt reported that they will have a standing meeting date. They discussed different members of our community that we would like to talk with. City Planner, Matthew Rohrbach submitted a grant to enable the City to have a communication plan. They also discussed the letter in the paper from the Marcus Daly Emergency Room doctors, saying that it is a clear request that they need help from our leaders.

The Mayor reported that he and three councilors attended the Ravalli County Board of Health meeting. He felt it was fruitless and the meeting got bogged down with public comment. Commissioner Burrow is still willing to sit down with the Councilors and discuss it. Right now there are a lot of people who are feeling a source of frustration. What he did learn is that he wants to focus on things I can control. He still believes that the Covid 19 subcommittee is a good idea, but we are not going to be able to direct the Board of Health. For me I need to keep working and work on things I can control. We do not have control or jurisdiction in this matter and he feels we didn't achieve anything.

Councilor Pruitt stated that her reason for going was to ask what their plan is. When are they going to start using the Annex building? Councilor Bielski feels that we are just putting fires out and that we are not in a good spot. Councilor West said that the meeting was basically public comment. She thinks we need to take care of our own. If we get the grant use it to get some communication out.

Public Comment: Terri, no address given, said the Committee should listened to all of the things you just said. You didn't get anywhere. You are a little disgusted with public comments. That you don't want any public comments. I am appalled at listening to you. She said that this little City government is a bunch of Nazi who don't like what you are hearing from the public. She asked them why are afraid of getting sick. She said that she is not afraid. It is just the flu and she doesn't need anyone to tell her what to do. She feels that contact tracing is an invasion of privacy. She said she was appalled at the comments made tonight about the meeting.

Mayor responded saying that we don't normally have a lot of public comment. When you have a lot of public comment it can make it hard to get business accomplished. There is nothing wrong with people having private meetings as long as there is not a quorum of the Council. This City Council is very transparent.

Council President Kemp said we all value public comment. We have no jurisdiction in regards to Covid 19 and can't issue mandates. We just don't want our citizens getting sick and we want our businesses to be strong and strive.

Public Comment:

Jake L, no address given, asked what was meant by a plan as mentioned earlier.

Council President Kemp clarified that the Board of Health is the only party that can act on the governor's plan.

Recommendations:

None at this time.

Non-Agenda Items

Councilor West reported that the new bridge at Skalkaho Bend Park has some metal that is really slippery and asked if there is anything that can be put on it. Mayor Farrenkopf said he would follow-up with the Public Works Director.

Adjourn

Councilor West moved to adjourn. Councilor Pogachar seconded. The meeting was adjourned at 8:49pm.