

CONSERVATION COMMITTEE REPORT

December 8, 2010

10:05–11:00 am

140 West Pine Street

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

Members Absent:

Others Present: Jackie Corday, Genevieve Jessop Marsh, Donna Gaukler, John Hendrickson

I. ADMINISTRATIVE BUSINESS

A. Approve minutes.

Minutes of December 1, 2010 were approved as submitted.

II. FINAL CONSIDERATION AGENDA ITEMS

III. CONSENT AGENDA ITEMS

IV. REGULAR AGENDA

1. 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)([Revised GCH Agreement](#)) ([Revised Blank Agreement](#))(ITEM TABLED IN COMMITTEE)

Jackie Corday – I would like to focus on Garden City Harvest agreement and have a decision reached to move forward or not with the agreement. Staff from Garden City Harvest staff has attended the last two meetings without any decisions being made.

I reviewed comments I received this week regarding the revised agreement and would emphasize these are agreements, not a lease, there is no obligation by the City. You need to decide if you do or don't want to make unused weed lots into usable garden space to feed citizens. I will be working with Mr. Nugent to draft a termination clause for the lease, not for this agreement that will be fair to all parties. The draft lease will come back for council approval.

Ed – what makes this agreement necessary?

Jackie – if Council agrees this is a good idea the agreement sets up a process and this specific agreement with Garden City Harvest starts with a committee to convene and decide if specific site(s) meets criteria for garden site(s).

Ed – that sounds reasonable but could the same things be accomplished without an agreement and have we done this prior?

Jackie – it has been done in the past but the process is tedious and the agreement would streamline the process.

Lyn – I would still argue that the first sentence in Paragraph #3 obligates us to lease.

Pam – Lowell School had a difficult time when trying to get a garden on city land and this agreement would have been helpful. It seems reasonable that the lease would include the termination language.

Donna – the Parks Department regularly has requests from citizens and neighborhood councils for gardens. We wanted a well thought out plan which include fencing, storage, pesticides, and working with GCH, a proven entity would be a more effective and efficient management of staff resources. The idea of using weed lots for gardens is one of the goals in the Master Park Plan and moves weed lots out of mowing into production and meeting group needs. This agreement is similar to other management agreements.

Bob – I would suggest a minor language change in section 2 to say the City Council will approve the site and any lease requires approval of City Council. I think it is good to have a policy established and I would move to accept the agreements with the language change.

Jon – I think it is good to have an agreement but I still have an issue with not having a termination clause and why do we need two agreements, why not just write in GCH in the blank agreement?

Jackie – this agreement is specific for GCH who is ready to move forward on this issue. I created the blank agreement for anyone who wants to do this and I hear your concern about a termination clause which will be drafted in lease.

Donna – the reason to have the agreement is to enable all the groups to get assistance from GCH in all aspects for starting a garden. This is a tool for all users groups to get support and to help guide them through a successful process. It is a benefit for the city for having someone to manage gardens and provide education.

Marilyn – I would agree and it would help with success of citizens to have GCH as a partner. I am not sure we need this agreement but sounds like it is important to staff and GCH to have this agreement.

Donna – since it appears that everyone supports the garden idea, but are still struggling with the need for this agreement, then I would like to recommend that you allow the department to retract the agreements and continue to work with Garden City Harvest as we have done in the past. When we have a lease we will bring that to Council. You have given us some pointers as to what you would expect in a lease.

After discussion on whether or not to move forward with the agreements, it was moved to table the agenda item. The motion to table passed and the item is now tabled.

2. Discussion on the Knife River Gravel pit property. ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 11/08/10)([Fort Agreement](#))(**INFORMATIONAL ITEM, REMOVE FROM AGENDA**)

Lyn Hellegaard referred this item to discuss the implications, status and the City's relationship with Knife River on the donation of their pond site to the City. The Independent had written an article on the project in November, 2010.

Donna provided some background information on the project. ([Presentation](#))

In November 2002, JTL signed a partnership agreement with the City for the purpose of development of the Fort Missoula Regional Park for site preparation of passive recreation areas and athletic fields including the creation of berms, field excavation and removal of excess materials and in consideration transfer of lands for park dedication. JTL activities were to include rough grading, earth moving, landscape contouring as specified in the Fort Missoula Regional Park Master plan.

As a good faith gift towards the Partnership, JTL would donate its currently-owned nearby lands to the City for future park lands on or before December 31, 2012.

JTL was purchased Knife River and staff has been working with Dave Zinke throughout the process. The excess gravel was removed and City received credit of about \$360,000.

In 2008, staff worked with Knife River and DHM Design group on the master and rough grading plan for turning the pond into parkland. Knife River is required by the state to complete reclamation of the area including the 82 acre Fort Missoula Regional Park site per Design and development plans and grading the shoreline to DEQ specifications.

In 2009 it was determined that approximately another 135 cubic yards of gravel needed to be removed and the City sent out an RFP for the project. The idea was to allow a construction

company to get the gravel while the City would get grading done in exchange for the gravel. However the bids were not close to the engineer's estimates and it was recommended to Council to reject the bids. A few weeks later there was a request by Knife River to do the project but as an amendment to the 2002 agreement at the same rates. Staff then wanted clarification from Knife River on what they were required to do by DEQ for reclamation. This turned into a yearlong discussion. Staff did not want to use credits to pay for the development of the park if that same work was a requirement of DEQ as part of the reclamation process. One of the results of the process was DEQ visited the site and determined there were permit compliance and concerns. This is an issue between Knife River and DEQ.

Staff took a field trip in November of this year to review the site. Knife River has done a great job of reclaiming the west shoreline. The Parks Department goal is to continue to work with Knife River on the project and to ensure the City receives the land in the best possible condition for park users.

Public Comment:

John Hendrickson – I read the article and was the work at the site what you expected and what you required?

Donna – there is a difference of opinion and as Knife River was involved in the planning I had anticipated a different result for the shore line. Under a new permit Knife River would be removing a much larger portion of the shore line. This is a change from the plan.

Renee – We want to make sure the area is restored, and does that fall outside of the agreement of the City.

Donna – the City has worked hard to determine the shoreline per park planning. What is difficult for Knife River is they have to make decision during this difficult economic time. Additionally DEQ has its requirements and that is not part of the City's discussion.

REMOVE FROM AGENDA:

1. Consider amending an ordinance to allow bow hunting on certain lands. ([memo](#))—Regular Agenda (Jackie Corday) (Referred to committee: 10/25/10)(REMOVE FROM AGENDA)

HELD/REFERRED OR ONGOING AGENDA ITEMS –

2. Information on Trail Projects ([memo](#)).—Regular Agenda (Marilyn Marler) (Referred to committee: 08/23/2010)
3. Budget update on aquatics. ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 11/08/10)
4. Reorganization of conservation lands advisory committees. ([memo](#))—Regular Agenda (Marilyn Marler) (Referred to committee: 11/08/10)
5. 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)
6. Update from the Greenhouse Gas Conservation Energy Team. ([memo](#))—Regular Agenda (Marilyn Marler) (Referred to committee: 09/13/10)
7. An [ordinance](#) amending Title 12 to establish Chapter 12.43 Missoula Municipal Code entitled "Naming of Public Parks and Recreation Facilities" to provide a process and criteria for naming public parks, trails, open space and recreation facilities. ([memo](#)) ([Cons](#)) (Returned from Council floor: 12/06/10)

V. NON-AGENDA ITEMS

ADJOURNMENT - The meeting adjourned at 11:10 am.