

MISSOULA COUNTY COMMISSIONERS' JOURNAL: OCTOBER, 2016

BCC = BOARD OF COUNTY COMMISSIONERS**NR = Commissioner Nicole ("Cola") Rowley, Chair****JC = Commissioner Jean Curtiss****SR = Commissioner Stacy Rye**

The following claims lists were signed during the month of October, 2016:

Date Signed	Claims List Dated	Who Signed	Amount
October 3, 2016	October 3, 2016	BCC	\$9,969.09
			\$26,840.89
			\$6,249.53
			\$71,957.27
			\$2,343.81
			\$1,733.87
			\$1,500.00
			\$605.00
			\$1,446.33
			\$26,445.00
			\$180.00
October 4, 2016	October 4, 2016	BCC	\$323,969.53
Total Report for October 7, 2016			\$3,596,945.59
October 11, 2016	October 7, 2016	NR, JC	\$256,416.68
October 5, 2016	PHC Smartfill ACH		\$89,857.78
September 30, 2016	PHC Amerisource ACH		\$53,967.54
October 11, 2016	October 11, 2016	NR, JC	\$157,747.57
October 13, 2106	October 12, 2016	NR, SR	\$348,414.45
October 14, 2016	October 13, 2016	NR, SR	\$1,388,323.55
October 17, 2016	October 14, 2016	BCC	\$258,812.22
October 17, 2016	October 17, 2016	NR, JC	\$127,307.01
			\$476.00
October 17, 2016	October 17, 2016	NR, JC	\$18,111.90
October 7, 2016	PHC Amerisource ACH		\$43,524.58
October 12, 2016	PHC Smartfill ACH		\$93,052.30
October 20, 2016	October 18, 2016	BCC	\$111,176.55
October 21, 2016	October 19, 2016	NR, JC	\$48,977.75
Total Report for October 21, 2016			\$2,996,165.88
October 24, 2016	October 20, 2016	NR, JC	\$1,139,786.70
October 24, 2016	October 21, 2016	NR, JC	\$156,808.10
October 24, 2016	October 24, 2016	NR, JC	\$611,701.72
			\$34,037.99
October 25, 2016	October 25, 2016	NR, JC	\$96,545.00
October 27, 2016	October 26, 2016	NR, JC	\$50,021.69
October 27, 2016	October 27, 2016	NR, JC	\$42,841.14
October 14, 2016	PHC Amerisource ACH		\$89,466.03
October 19, 2016	PHC Smartfill ACH		\$96,859.66
October 21, 2016	PHC Amerisource ACH		\$41,908.68
October 26, 2016	PHC Smartfill ACH		\$175,869.10
October 31, 2016	October 31, 2016	NR, JC	\$554.88
			\$404,169.29
October 28, 2016	PHC Amerisource ACH		\$28,442.38

All claims lists were returned to the Financial Services Department.

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 05/17/2017 09:27:54 AM G2G Submission
 Tyler R. Gemant, Missoula County Clerk & Recorder
 eRecording

MONDAY, OCTOBER 3, 2016

BCC met in regular session; all three present. Morning: BCC attended housing study meeting with Missoula Economic Partnership and Missoula Organization of Realtors. NR attended Governor Bullock announcement. Afternoon: BCC met with Montana Department of Transportation. Evening: BCC attended joint hearing with City Council for South Hills Spur Open Space Bond Project.

TUESDAY, OCTOBER 4, 2016

BCC met in regular session; all three present. Morning: NR met with Sam Sill/Missoula Chamber of Commerce. Afternoon: BCC attended site visit for Teague-Woodworth Meadows Open Space Bond Project.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 20/CY2016 - Pay Date/September 30, 2016. Total Payroll/\$1,664,706.97. To County Auditor.

ADMINISTRATIVE MEETING

Resolution No. 2016-132 – BCC signed, dated October 4, 2016. Budget amendment for \$148,936.00 to purchase two tandem axle trucks. Formally adopted as part of FY17 budget. To Greg Robertson/Public Works.

Professional Services Agreement – BCC signed Professional Services Agreement between Department of Health and Human Services Missoula Child and Family Services Division (CFSD) and Missoula City-County Health Department (MCCHD) for non-voluntary SafeCare Augmented Program. Curriculum for parents at risk of abuse or neglect of their children, completed over course of home visits with MCCHD home visitor. CFSD pays MCCHD for each enrolled family that completes curriculum. Amount/\$3,000.00 per enrolled family. Term/July 1, 2016-June 30, 2017. To Vicki Dundas/MCCHD.

Professional Services Agreement – BCC signed Professional Services Agreement between Granite County and MCCHD for public health nursing services for 20 hours per week in Granite County. Amount/\$49,194.79. Term/July 1, 2016-June 30, 2017. To Vicki Dundas/MCCHD.

Engagement Letter – BCC approved, NR signed. Engagement letter for Nicole Noonan, CPA for audits for Missoula County Workers' Compensation Insurance Authority. Term/To be completed by December 31, 2016. To Pattijo Sherwood/Risk and Benefits.

Engagement Letter – BCC approved, NR signed. Engagement letter for Nicole Noonan, CPA for audits for Missoula County Employee Benefits Plan. Term/To be completed by December 31, 2016. To Heidi Fritchen/Risk and Benefits.

Budget Transfer – BCC signed Budget Transfer to correct budget overages in certain categories by moving budget surplus from other categories within the various funds. To Christi Page/Financial Services.

Resolution No. 2016-131 – BCC signed, dated October 4, 2016. Budget Amendment to correct overages in certain funds with additional revenues received or from existing cash reserves. Adopted as part of FY16 budget. To Christi Page/Financial Services.

Engagement Letter – BCC approved, NR signed. Engagement letter for Nicole Noonan, CPA for FY16 audit for Missoula County. Amount/Not to exceed \$90,400.00 plus expenses for all County audits. Term/To be completed by December 31, 2016. To Christi Page/Financial Services.

Grant Contracts – BCC signed Community Assistance Fund grant award contracts for:

- Child Development Center-\$7,000.00
- Lolo Senior Lunch Program-\$1,200.00
- MCCHD Foster Child Health Program-\$37,000.00
- Open Aid Alliance-\$5,000.00
- Poverello Center-Emergency Shelter Program-\$30,000.00
- Poverello Center-Homeless Outreach Team-\$24,000.00
- United Way-Imagination Library-\$15,000.00
- Watson Children's Shelter-\$11,700.00
- Missoula Youth Home-Shirley Miller Attention Home-\$32,800.00

To Nancy Harte/Grants and Community Programs.

Additional discussion item(s): 1) Letter to DIRECTV for lease renewal; 2) Public meeting dates for November and December, 2016.

WEDNESDAY, OCTOBER 5, 2016

BCC met in regular session; quorum present. JC attended Public Health System Improvement Task Force Conference in Helena. Afternoon: NR attended Human Resource Council Program Council meeting. BCC attended Missoula Economic Partnership and BitterRoot Economic Development District meeting.

Employee Benefits Claims – BCC signed Employee Benefits Claims Signature Page for Manual Check Listing dated October 3, 2016. Amount/\$66,401.09. To County Auditor.

ADMINISTRATIVE MEETING – CANCELED

THURSDAY, OCTOBER 6, 2016

BCC met in regular session; quorum present. JC out. Morning: BCC met with Mayor and City and County Chief Administrative Officers.

Larchmont Claims – BCC signed Signature Page for A/P Invoice Register dated October 4, 2016. Amount/\$43,441.19. To County Auditor.

Monthly Report – NR examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending September, 2016.

ADMINISTRATIVE MEETING

Agreement Renewal – BCC approved, NR signed. Addendum No. 3 to Smart911 Services Agreement with Rave Mobile Safety extending agreement for 5 years. Smart911 provides additional information from 9-1-1 callers and includes outbound notification of emergency alerts. Amount/\$21,000.00 per year. Term/December 12, 2016-December 11, 2021. To Chris Lounsbury/Chief Operating Officer.

Employment Agreement – BCC signed Employment Agreement between Missoula County-Partnership Health Center (PHC) and Emma Wright, MD for services in capacity as Physician. Term/October 10, 2017-June 30, 2018. To Bernadette Roy/PHC.

Employment Agreement – BCC signed Employment Agreement between PHC and Elizabeth Rolle for services in capacity as Dental Hygienist. Term/July 1, 2016-June 30, 2017. To Bernadette Roy/PHC.

Employment Agreement – BCC signed Employment Agreement between PHC and Dessye Dee Clark, APRN for services in capacity as Advanced Practice Registered Nurse. Term/July 1, 2016-June 30, 2017. To Bernadette Roy/PHC.

Statement of Work – BCC approved, NR signed. Statement of Work with GWAVA for the migration of County email from GroupWise to Office 365. Amount/\$15,000.00. Term/October 6, 2016-December 30, 2016.

Contract Extension – BCC approved, NR signed. Noxious Weed Trust Fund Supplemental Agreement, Grant Agreement Number MDA 2015-041, Evaro Weed Management Area. Extending grant contract allowing an additional season for landowners to complete treatments for noxious weeds. Amount/\$7,984.00 remaining of original \$11,000.00. Term/April 23, 2015-October 31, 2017. To Bryce Christiaens/Weed District.

Independent Contractor Agreement – BCC signed Independent Contractor Agreement with Mountain Valley Plant Management for treatment of Montana Department of Transportation (MDT) rights-of-way within Missoula County. Funding provided by MDT. Amount/\$12,240.00. Term/October 6, 2016-December 31, 2016. To Bryce Christiaens/Weed District.

Professional Services Agreement – BCC signed Professional Services Agreement with Monture Creek Land Management, Inc. for the treatment of U.S. Forest Service right-of-way along Petty Creek Road, the Missoula Aerial Fire Depot, and County right-of-way within the Woodworth Weed Management Area along Woodworth Road. Amount/\$5,325.00. Term/October 6, 2016-December 1, 2016. To Bryce Christiaens/Weed District.

Grant Agreement – BCC approved, NR signed. Standard Agreement-State Highway Safety Section between Montana Department of Transportation and Missoula City-County Health Department (MCCHD). for Missoula City-County Buckle Up Montana Project. Supports coordinator and outreach activities to increase seat belt use. Amount/\$35,000.00. Term/October 1, 2016-September 30, 2017. To Lonie Hutchison/MCCHD.

Resolution No. 2016-127 – BCC signed, dated October 6, 2016. Repealing Resolution No. 2014-120 and Resolution No. 2015-012 Establishing the Missoula County Fairgrounds Advisory Committee under the Authority of Title 7, Chapter 1, Part 2, Montana Code Annotated. Dissolving Missoula County Fairgrounds Advisory Committee. Committee completed Fairgrounds Concept Plan and fulfilled purpose for which it was created. Requested that BCC dissolve the committee. To Chris Lounsbury/Chief Operating Officer.

Agreement Letter – BCC approved, NR signed. Letter of Agreement with First Step to render forensic interview and forensic examination services predominantly for child victims of sexual assault and witnesses of violence. Amount/\$13,000.00 (estimated). Term/October 1, 2016-September 30, 2018. To David Conway/Sheriff's Office.

Contract Amendment – BCC approved, NR signed via DocuSign. Contract Amendment #MT-BSTF-1-16-03A between Montana Department of Commerce and Missoula County for Big Sky Economic Development Trust Fund BSTF Category 1 Job Creation Grant for Columbia Pacific Finance. Amends the location of the project site from 283 W. Front Street, Suite 203 to 113 W. Front Street, Suite 203. To Nicole Rush/BitterRoot Economic Development District.

Grant Agreement – BCC signed Agreement between Missoula County and Western Montana Mental Health Center (WMMHC) for Emergency Mental Health Services. WMMHC was awarded a grant from the Mental Health Mill during the FY17 budget process for Emergency Mental Health Services (Dakota House and Emergency Response Team). Amount/\$195,000.00. Term/July 1, 2016-June 30, 2017. To Nancy Harte/Grants and Community Programs.

OCTOBER 2016

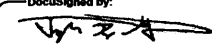
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FISCAL YEAR: 2017

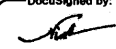
Additional discussion item(s): None.

FRIDAY, OCTOBER 7, 2016

BCC met in regular session; all three present. Morning: BCC attended site visit for Isbell-Blue Heron Open Space Bond Project.

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Tyler Gernant
 Clerk & Recorder

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Nicole "Cola" Rowley, Chair
 BCC

MONDAY, OCTOBER 10, 2016

COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR COLUMBUS DAY HOLIDAY

TUESDAY, OCTOBER 11, 2016

BCC met in regular session; all three present. Afternoon: BCC met with Fish, Wildlife, and Parks regarding access opportunities.

Replacement Warrant - NR signed. Thomas J. Bourguignon, Missoula, Principal for District Court Warrant #30246654, issued December 12, 2013 on County 2180 fund. Amount/\$15.39 (for jury duty). Warrant not received in mail.

Letter - BCC signed, dated October 11, 2016. To Joe Vranka, Environmental Protection Agency (EPA) and Tom Livers, Montana Department of Environmental Quality (DEQ) regarding Smurfit-Stone site. Requesting that EPA and DEQ hold quarterly meetings with County and other interested parties; release all available site data immediately for review; work to re-delineate the floodplain; facilitate the creation of a technical advisory group; require potentially responsible parties to submit work plans for various site investigations, landfill removal, and monitoring well installation; and provide the County and public opportunity for review and comment.

ADMINISTRATIVE MEETING

Grant Agreements - BCC approved, NR signed. Grant Agreements for U.S. Department of Housing and Urban Development Continuum of Care Program for YWCA Ada's Place Rapid Re-housing 1 and 2 Programs. Amount/\$327,589.00 grant. Term/September 20, 2016-October 31, 2017. To Sindie Kennedy/Grants and Community Programs (GCP).

Agreement - BCC signed Agreement between Missoula County and Missoula Urban Transportation District (MUTD). MUTD will provide rides to current or increased number of passengers for curb-to-curb paratransit service. Amount/\$20,000.00. Term/July 1, 2016-June 30, 2017. To Nancy Harte/GCP.

Agreement - BCC signed Agreement between Missoula County and Missoula Art Museum to engage artists to exhibit, speak or teach; produce exhibitions; incorporate program partners; actively lend objects to City and County; organize touring exhibitions; sponsor summer camps for low-income youth; conduct Fifth Grade Art Experience; and develop an Art Park. Amount/\$200,000.00. Term/July 1, 2016-June 30, 2017. To Nancy Harte/GCP.

Agreement - BCC signed Agreement between Missoula County and Child Care Resources to provide training and consultation to Missoula County child care providers. Amount/\$75,380.00. Term/July 1, 2016-June 30, 2017. To Nancy Harte/GCP.

Creditors Agreement - BCC signed Standby Creditors Agreement for loan to Western Cider. Loan approved from Community Development Block Grant Revolving Loan Fund. Agreement indicates to primary lender that the County is awarding the financing and is subordinating its loan to the primary lender. To Nancy Harte/GCP.

Agreement - BCC signed Agreement between Missoula County and CASA of Missoula to provide training, volunteer support, and outreach events. CASA (Court Appointed Special Advocate) volunteers ensure that children who have experienced abuse and neglect have an advocate to represent their interests during court proceedings. Amount/\$12,250.00. Term/July 1, 2016-June 30, 2017. To Leslie McClintock/GCP.

Agreement - BCC signed Agreement between Missoula County and the Salvation Army for the Winter Shelter Program. Provides shelter assistance to prevent homelessness during the coldest winter months. Amount/\$46,000.00. Term/July 1, 2016-June 30, 2017. To Leslie McClintock/GCP.

Additional discussion item(s): 1) Request to excuse Animal Control Board Member Autumn Everland; 2) Upcoming board meetings and review of meetings.

WEDNESDAY, OCTOBER 12, 2016

BCC met in regular session; quorum present. JC out at Crown of the Continent Conference through Friday, October 14.

ADMINISTRATIVE MEETING

Subdivision Improvements Agreement – BCC signed Subdivision Improvements Agreement and Guarantee for Lucier Subdivision. For completion of drainage features associated with mitigation of Frenchtown Irrigation Canal's potential failure in the subdivision. Estimated cost \$5,055.00. Secured by irrevocable letter of credit. To John Hart/County Attorney's Office.

Subdivision Improvements Agreement – BCC signed Subdivision Improvements Agreement and Guarantee for Lucier Subdivision. For completion of road improvements in the subdivision. Estimated cost \$46,836.00. Secured by irrevocable letter of credit. To John Hart/County Attorney's Office.

Additional discussion item(s): None.

PUBLIC MEETING – OCTOBER 12, 2016**MISSOULA BOARD OF COUNTY COMMISSIONERS****PUBLIC MEETING MINUTES****Conference Room 151-Courthouse Annex**

If anyone attending the public meeting is in need of special assistance, please provide advance notice by calling 258-4877. Missoula County is happy to provide auxiliary aids and services.

WEDNESDAY, OCTOBER 12, 2016 – 1:30 PM

1. CALL TO ORDER**Commissioners Present:**

Chair Nicole "Cola" Rowley

Commissioner Stacy Rye

Staff Present:

Erik Dickson, Assistant Director/County Engineer – Public Works

2. PLEDGE OF ALLEGIANCE**3. PUBLIC ANNOUNCEMENTS****4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA****Jack Greenwood, resident north Placid Lake Road and member of Seeley Lake Council**

– I am here because I am a resident of the north Placid Lake Road. It has come to our attention that the County is going to quit maintaining a part of that road. We live up there so it directly affects us. I have been in contact with the County Surveyor's Office and I would like to know why they are going to stop maintaining the road. First of all I heard this because I am working along the Placid Lake Road on a timber sale. (Inaudible) The guy who plows the road is a good friend of mine. Last Thursday he said, 'I have a tidbit for you, we are not plowing past the 7 ¼ mile marker where the two roads come together.' North Placid Lake Company which is Champion (inaudible) the Forest Service built a road to haul logs and the County road runs right along the lake and the company road runs up on the hill. (Inaudible) I called the Forest Service as well, it turns into a Forest Service Road right there (inaudible). I am just curious, I mean I kind of understand and I am familiar with the Dog-Town issue being on the community council we have had those meetings and hosted those, but we haven't received any notification at all. All of a sudden, the guy who plows the road stops and tells us they are not going to maintain the road. We had snow yesterday morning, to be honest, it seems like it is pretty late in the season to say, 'Hey we are not going to maintain the road anymore; you are on your own.' Talking to Steve at the Surveyor and Erik yesterday they seemed to indicate that they would plow, the Cahoon property is on both sides of the County road, they would plow to our western boundary, the Cahoons are my in-laws, so it doesn't affect us but it does affect the Grey Wolf Ranch, several houses up on the Shining Shirt Road and the residents just opposite of Shining Shirt Road, so there are several families that are affected and it is going to add like a mile and a half to a mile and 7/10 more road maintenance, more snow plowing. I am just trying to bring it to your attention and to try and get some why this is happening. I was talking to one of my neighbors yesterday who owns property on Shining Shirt and he gave me a letter that was addressed to his realtor, Aug. 17, 2000, they said before they bought property up there they wanted to get an assurance that said it was County road. This is addressed to BJ Martin of Martin Realty who is his realty agent. It says,

"Dear BJ,

We maintain the County road (Placid Lake Road) all year round including sanding and plowing. This road intersects with Shining Shirt Road.

If you have any questions please contact me 721-5700 ext. 3275.

Sincerely,

Horas Brown, County Surveyor"

I can leave you a copy of this letter if you would like, he has the original. He said that was a very strong determination of whether or not to even purchase property and now all of sudden they are saying, 'Hey we are not going to maintain it, we are not going to plow it.' So I would just like to bring that to your attention and do you have any comments on that?



Commissioner Rowley – My understanding is that is a Forest Service Road that we have maintained with the Schedule A agreement and those are updated annually. So even though maybe in 2000 or however long we have had the agreement, if the Schedule A agreement changes, which is basically a switch of service, we will maintain some of their roads and they will maintain some of ours based on what makes sense. So this has been removed from our Schedule A and so we are no longer maintaining the Forest Service Road. However, I do agree that the short notice, or no notice, apparently given to landowners is an issue and we really do need to be notifying people of these changes well in advance so that they can make plans to do something else for the winter. We will be working with Works maybe to see what we can do for this winter so that we can hopefully provide maintenance up there for one more winter and give notice so that you can plan for next.



Jack Greenwood – So this letter is of no value?

Commissioner Rowley – I think it was of value in 2000 when it was written, but the Schedule A is changed annually.

Commissioner Rye – Well, it is not changed annually is it? It hasn't changed for years with the Forest Service.

Jack Greenwood – Would you like a copy of this?

Commissioner Rowley – We don't necessarily make changes to it every year, but I was told that it is an annual agreement that could be updated annually.

Commissioner Rye – It was my understanding that the Forest Service and entities like the County are supposed to update it, but the Forest Service never actually does update it and that it is up to the Forest Service to update it. So the decision to stop maintaining this road is a County decision not a reciprocal decision with the Forest Service, is that correct?

Erik Dickson – I would believe so, yes.

Commissioner Rye – So, it is just our decision to stop maintaining a road that we have been maintaining?

Erik Dickson – Well, it goes to the state law that says County road funds are only supposed to be used on County roads. Without a dedicated easement we receive no tax revenue from these 1.7 miles.

Commissioner Rowley – And without it being on Schedule A they don't do another service to us in kind so there is no reciprocation and so we have to find separate money other than tax money somehow...

Commissioner Rye – I think a strict reading of the letter of this particular law that all of a sudden we are going to stop maintaining roads that we have been maintaining may be technically correct but it is a public relations nightmare. And the County should probably find a way to keep maintaining the roads that it has been maintaining rather than suddenly stopping.



Commissioner Rowley – We can raise taxes.

Commissioner Rye – But we have been maintaining it so I am not sure why it would suddenly not be maintained. It is not a reciprocal agreement with the Forest Service it is just that the County decided to stop maintaining it under a technical definition that we are not supposed to be because we don't have an easement which seems like we are falling over ourselves to actually not provide maintenance for something that we have been previously. So it seems like we would find a way to get the easement or fix the Schedule A with the Forest Service so that we could either continue providing good public service or at least make sure that we do it well in advance. I mean it just doesn't seem like that is a very good way to do business.

Commissioner Rowley – I agree, but we also have to keep in mind we do keep bringing on new roads and we lost I think \$400,000 dollars in revenue from SRS this year so we cannot continue the same level of service.

Commissioner Rye – But we didn't lose \$400,000 in SRS we actually got that, finally. And then we believe added to the Public Works budget some significant amount of money.

Commissioner Rowley – Mills for equipment we added.

Erik Dickson – Yes. The equipment purchase, the only fund that has been set up that I am aware of is around \$15,000 for non-county road issues that Public Works takes care of. So that is \$15,000 that has been set aside for the commission for...

Commissioner Rye – People pay taxes to have their roads maintained and we are increasing the number of roads that we are providing service to, then correspondingly they are also paying taxes for those roads, so I am not sure where the disconnect is.

Commissioner Rowley – I think we need to work with our attorneys on what the interpretation of spending County road money is. Because that is where that came from is being told that we could not spend tax dollars on non-County roads or roads that we didn't have a Schedule A agreement with. But it is something that we can look into and see if we can provide a different level of service.



Commissioner Rye – Certainly I think that sometimes we have technical reading that makes it take years to untangle rather than just quietly still providing maintenance.

Jack Greenwood – Any help we can get we would appreciate. At Shining Shirt where they have consistently plowed and maybe I should talk to the Forest Service and the Snowmobile Club, but that is a major snowmobile trail area and there will be six to eight vehicles and trailers on any given weekend and where you are going to quit plowing now there is now room for that. There is no room. There is going to be some congestion there all winter. I can tell you what is going to happen they are going to park in driveway and I'll use my cat and push them out of the way because we have to have a way out of there. I mean it is not just the people that live there it is going to affect a lot of different people. I will also tell you, and this is not a threat this is just what they told me, the people already contacted an attorney so you will probably hear from an attorney as well, with this letter in regard, that's just what they told me.



Commissioner Rye – We did provide some road funds this year for these types of emergencies so hopefully we will be able to maintain services here.

Jack Greenwood – Will that be something on a future agenda, you will make a decision, or how do I stay abreast with this? Somehow I am the point man on this.

Commissioner Rowley – Will it be on our Public Works meeting or can you (Erik) stay in contact with him and let him know?

Erik Dickson – Yes.

Commissioner Rowley – I think we have tasked the director of Public Works to come up with, because we gave them \$15,000, how it will be spent. So working with Public Works to get that on the list and continue to talk to Erick and Greg Robertson.

Jack Greenwood – Okay. Thank you.

Commissioner Rowley – Is there any other public comment?

None.

5. CURRENT CLAIMS LIST



Total claims form September 23, 2016 - October 7, 2016 = \$3,596,945.59

6. HEARINGS

a. Seeley-Swan High School - school zone speed limit.



Erick Dickson – So this is really an old issue for years the speed limit signs in this area have kind of been confusing. I believe that in one direction past the school it is posted at 35 mph and at the other direction at the top of the hill it is 25 mph and it is another one of those situations it has been like that as long as anyone has been here and never thought to do anything about it. So last year, Superintendent Mark Thane contacted our department about a site distance issue that they had at the eastern approach to the school which would be this one right here next to the basketball court and that is the site distance that they have where their buses enter and exit the school property. He brought that concern to our attention and it was about a year ago and in the meantime, with that in mind, there was a request from the school to kind of clean up the school zone there. Following existing state laws it says that if we want to establish a school zone where fines can be enforced with double the penalty then we have to establish a school zone by resolution, work with

the school district in order to establish the limits and then go through a resolution to establish a school zone so that is what we have brought forward working with the school district. Since it is a high school and given the age of most of the drivers and the population up there we thought that a 25 mph speed limit would be appropriate and would be appropriate to be only at certain times of the day, the mornings and afternoons, when the school is seeing the most traffic. By the manual on uniform traffic control devices, which is the standard for signing on public roads, historically that would allow for a school zone to be extended usually about 300 feet passed the school's property line. In this case that would be way up here on top of the hill (referring to map) and if that was the case then it would be 25 mph speed limit for about 6/10 of a mile. It is just not practical in that area. Again, working with the school, we concentrated the school zone in the area where the traffic is with their approaches to the public road. We have established the school zone in this area that is marked by red on this map and if it is determined to be an appropriate school zone then we will establish the signing necessary and then that will give law enforcement the best opportunity to enforce that school zone and try to keep things under control.



Commissioner Rowley – Do you have any questions for him? Was there any public comment on the speed limit zone? Seeing none, I will close that hearing.

Commissioner Rye – We did get a public comment that we should probably enter into the record from Sharon Pohlman, I just want to make sure that it is in the minutes.

Sharon Pohlman, public comment received via email – Thursday, Oct. 06, 2016 - *I would like to comment on the proposed speed limit. We live on North Canyon Drive and use the Locust/High School/Airport Road which connects to Frontier, then Canyon and finally North Canyon daily. We have lived there since 1978. My FIRST question is who is going to enforce the new speed limit? In the time we lived here we have seen speed limits on the entire length of the road change several times. We try to be extremely careful to obey the current limits and be considerate of our neighbors that live on these roads. 2 days ago AGAIN my husband and I were passed and flipped of as we drove the 25 mph speed limit. It's become more and more common to be tail gaited, passed and in general make the person behind you mad because you are obeying the law. Our law enforcement is stretched now and isn't able to enforce the currents limits. My second concern is the current speed limit "up" the High School Hill. Last year the speed limit was posted 35 at the bottom of the hill going up and 25 at the top of the hill going down. That worked well for hauling loaded trailers (horse, hay, wood) as well as bad weather roads like ice and snow. It gave you a chance to get a "run" at the hill. Even with that you still stood the chance of spinning out at the top. In the last year the limit was changed to 25 to the top of the hill both going up and coming down. If you obey that it makes it really hard to safely make it up the hill with dry roads pulling any kind of load. Would it be possible for someone from your office to do an "onsite drive" before an opinion is made? THANK YOU so MUCH for your Consideration! Sharon Pohlman*

Erik Dickson – And I did include the contact with the school district as well.

Commissioner Rye – Okay. And the contact with the school district and did you want to respond to her email at all Erik that says, she had several questions, who is going to enforce the speed limit? They have seen the speed limit change many times. They try to be careful to obey the speed limits. It says that the hill at 25 mph is problematic because of the speed necessary to make it up the hill. So maybe you want to address that.

Erik Dickson – Right now or in an email to her?

Commissioner Rye – Both.

Erik Dickson – Okay. Well, obviously the enforcement is going to be the Sheriff's department. I don't think Highway Patrol would necessarily take this area but you know we can notify the Sheriff's department that when the school is established that it will be there so they can routinely make their enforcement passes. The enforcement is one question, obviously beyond our means. The hill is an issue. Hopefully, it is one of those things we try to balance with where that approach is. With the speeds that will be coming down the hill the site distance, you know with potential winter conditions, that is the reason we started that school zone 300 feet from the approach. Coming down the hill we will have the advance warning signs, several hundred feet in advance, and as you are coming down the hill you should have plenty of time to see the signs. Especially for regulars in the area, they will know when it starts; they should have plenty of time to adjust their speed coming down. Going back up there may be the need to get a run at the hill as you leave the school zone. I think that law enforcement may be sympathetic to that need, but it would have to be a driver decision and law enforcement decision if it is going to be enforced. As they are leaving the school zone I think we are less concerned about increasing speed to get the momentum they need to get up the hill. I think those two issues will be managed.

Commissioner Rye – I think one question that came up this morning was, would it be possible to post speed limit school zone in a timely manner, so 7:30-8:30 in the morning and 3:00 – 4:30 in the afternoon, similar to the way urban speed zones work in front of schools?

Erik Dickson – Yes and that is the way it is listed in the resolution from 7:00 – 9:00 a.m. and 3:00-5:00 p.m.

Commissioner Rowley – And how is that, I know Lolo has the sign that flips but they don't do that anymore, how is the time designated on the signage?

Erik Dickson – It is just a supplemental plaque underneath the school speed limit.

Commissioner Rowley – Okay, so it is just hours. So if they get very enforcey with it she can avoid those times and go up the hill at a different time of the day.

Erik Dickson – Yes, if at all possible.

Commissioner Rye – I don't know that I have the actual resolution.

Commissioner Rowley – I don't either.

Erik Dickson – I do.



Commissioner Rye – Oh great. One of the things I was thinking of is if there is a vehicle pulling trailer and they needed to pick up speed in order to make it up the hill in the winter time. If they had someone in front of them that was insistent on following the speed and they didn't have the opportunity to take a run at the hill that that would be problematic, but now they can just avoid time Monday through Friday.

Erik Dickson – I don't know if it is any help or not, but this is on the way to our shop for the Seeley Lake District so we have three plows and sanders that leave the shop every morning. So this is on the regular route to and from so I think the guys up there try to do a pretty good job especially on that hill because they know it is a problem. It is on a fairly regular maintenance route so hopefully we are keeping on top of the winter conditions.

Commissioner Rowley – What is the slope of that?

Erik Dickson – I am not sure I don't think I have ever measured it, but it is probably eight or nine percent. Maybe more.

Commissioner Rowley – Alright, any other comments or questions?

Commissioner Rye – No.

Commissioner Rye made a motion that the Board of County Commissioners approve resolution number 2016-133, to establish a school zone and school zone speed limit at Seeley Swan High School. Commissioner Rowley seconds.

Passed 2-0.

Jack Greenwood – Does that take effect immediately?

Erik Dickson – I assume as soon as it gets routed through for signature and recorded. It will be a couple of weeks. We will start with getting the locations for the signs and so as soon as it is ready we will be ready to install the signs.

7. OTHER BUSINESS

None

8. RECESS

Commissioner Rowley – Called the meeting to recess at 1:56 p.m.

Resolution No. 2016-133 – BCC signed, dated October 12, 2016. Establishing school zone and school zone speed limit on Airport Road at the Seeley Swan High School. Approved at October 12, 2016 public meeting.

THURSDAY, OCTOBER 13, 2016

BCC met in regular session; quorum present. JC out at Crown of the Continent Conference through Friday, October 14. Morning: NR attended Human Resource Council Board meeting. Afternoon: NR attended meeting regarding Risk Assessment for Smurfit-Stone site.

Records Disposal/Transfer Authorization – NR signed.

OCTOBER 2016

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FISCAL YEAR: 2017

- A) From Treasurer: Delinquent real estate tax receipts (2/1986-6/1986). 10 year rule.
- B) From Treasurer: 1) A101 30609-32893 (1/2008-8/2008), confidential; 2) Balance sheets (1/2014-8/2014).
- C) From Justice Court 1 & 2: End of month reports (1/2008-6/2008). 7 year rule.
- D) Risks & Benefits: 1) Claim batch medical, dental, and vision (7/2007-6/2008); 2) Trust account records (7/2013-6/2014). All confidential. To be destroyed.
- E) Clerk & Recorder: 1) Birth request and application (1/2013-5/2013), confidential; 2) Birth request and application (1/2013-5/2013), confidential; 3) Birth request and application (1/2013-5/2013), confidential; 4) Correspondence (9/2007-8/2013); 5) Financial reports (9/2013-6/2014).
- F) Judge Henson: Court notes (5/2004-4/2006). 10 year rule.

Replacement Warrant - NR signed. Kittrell Mickelson, Missoula, Principal for Frenchtown School District #40 Warrant #26070019, issued January 8, 2010 on County Payroll fund. Amount/\$45.25 (for salary). Warrant not received in mail.

Replacement Warrant - NR signed. Kittrell Mickelson, Missoula, Principal for Frenchtown School District #40 Warrant #26060771, issued January 10, 2005 on County Payroll fund. Amount/\$33.25 (for salary). Warrant not received in mail.

Replacement Warrant - NR signed. Kittrell Mickelson, Missoula, Principal for Frenchtown School District #40 Warrant #26071412, issued November 10, 2010 on County Payroll fund. Amount/\$16.97 (for salary). Warrant not received in mail.

Replacement Warrant - NR signed. Julie North (now Vacura), Missoula, Principal for Frenchtown School District #40 Warrant #26063468, issued June 9, 2006 on County Payroll fund. Amount/\$84.93 (for salary). Warrant not received in mail.

Replacement Warrant - NR signed. Billie Warner, Frenchtown, Principal for Frenchtown School District #40 Warrant #26080051, issued January 8, 2010 on County Payroll fund. Amount/\$401.48 (for salary). Warrant not received in mail.

Replacement Warrant - NR signed. Billie Warner, Frenchtown, Principal for Frenchtown School District #40 Warrant #26080152, issued June 30, 2015 on County Payroll fund. Amount/\$41.84 (for salary). Warrant not received in mail.

ADMINISTRATIVE MEETING

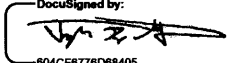
Loan Agreement – BCC approved, NR signed. Loan Agreement for loan from Community Development Block Grant Revolving Loan Fund to Western Cider for assistance in purchasing equipment to start a new cider-making business. Amount/\$170,000.00 loan at 5% interest for 10 years. To Nancy Harte/Grants and Community Programs.

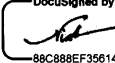
Additional discussion item(s): None.

FRIDAY, OCTOBER 14, 2016

BCC met in regular session; all three present. Morning: NR attended Midtown Mojo meeting. Afternoon: NR attended Partnership Health Center Board meeting.

Monthly Report – NR examined/approved/ordered filed the Monthly Reconciliation Report for Justice Courts 1 & 2 (Marie A. Andersen and Landee Holloway) for month ending September, 2016.

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 Tyler Gernant
 Clerk & Recorder

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 Nicole "Cola" Rowley, Chair
 BCC

MONDAY, OCTOBER 17, 2016

BCC met in regular session; quorum present. SR in office on limited basis through Friday, October 21. Morning: JC attended Forum Advisory meeting. Afternoon: JC attended Missoula Economic Partnership meeting. BCC met with Department of Natural Resources and Conservation.

TUESDAY, OCTOBER 18, 2016

BCC did not meet in regular session. JC attended Mental Health Summit through Wednesday, October 19. NR attended Collaborative Care Planning Summit through Wednesday, October 19. SR in office on limited basis through Friday, October 21. Afternoon: NR attended Transportation Policy Coordinating Committee meeting.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 21/CY2016 - Pay Date/October 14, 2016. Total Payroll/\$1,643,701.33. To County Auditor.

Replacement Warrant - NR signed. Kathleen M. Martin, Missoula, Principal for District Court Warrant #30246634, issued December 12, 2013 on County 2180 Fund. Amount/\$14.26 (for jury duty). Warrant not received in mail.

Replacement Warrant - NR signed. Montana Ace Hardware, Missoula, Principal for Partnership Health Center Warrant #30278782, issued March 13, 2016 on County 2274 fund. Amount/\$144.18 (for supplies). Warrant not received in mail.

Indemnity Bond - NR signed. Rachel Mindell, Missoula, Principal for Friends of the Library Warrant #30286781, issued September 29, 2016 on County 7190 fund. Amount/\$534.75 (for lodging expenses). Warrant lost.

ADMINISTRATIVE MEETING – CANCELED

WEDNESDAY, OCTOBER 19, 2016

BCC did not meet in regular session. JC attended Mental Health Summit through Wednesday, October 19. NR attended Collaborative Care Planning Summit through Wednesday, October 19. SR in office on limited basis through Friday, October 21.

Replacement Warrant - NR signed. Leah Patterson, Missoula, Principal for Missoula County Public Schools Warrant #2824437, issued September 23, 2016 on County Payroll fund. Amount/\$129.06 (for wages). Warrant not received in mail.

ADMINISTRATIVE MEETING – CANCELED

THURSDAY, OCTOBER 20, 2016

BCC met in regular session; quorum present. SR in office on limited basis through Friday, October 21, present for administrative meeting. Afternoon: NR met with Collin Bangs. NR attended Fairgrounds discussion.

Larchmont Claims - BCC signed Signature Page for A/P Invoice Register dated October 18, 2016. Amount/\$25,336.05. To County Auditor.

Employee Benefits Claims - BCC signed Employee Benefits Claims Signature Page for Manual Check Listing dated October 18, 2016. Amount/\$114,054.91. To County Auditor.

ADMINISTRATIVE MEETING

Employment Agreement - BCC signed Employment Agreement between Missoula County-Partnership Health Center (PHC) and Doua Vang for services in capacity as Clinical Pharmacist. Term/September 12, 2016-June 30, 2017. To Bernadette Roy/PHC.

Agreement - BCC signed Agreement between Missoula County-Partnership Health Center (PHC) and MacArthur, Means, and Wells, Architects, PC for the renovation of PHC's Creamery basement. Amount/Up to \$475,000.00. Term/September 16, 2016-June 16, 2017. To Bernadette Roy/PHC.

Independent Contractor Agreement - BCC signed Independent Contractor Agreement with Cynthia Wolken for drafting Missoula County Detention Center Policies and Procedures Manual. Amount/\$10,000.00. Term/October 11, 2016-June 30, 2016. To Jason Johnson/Sheriff's Office.

Resolution 2016-138 - BCC signed, dated October 20, 2016. Budget amendment for \$75,000.00 Homeland Security Grant for bomb squad equipment. Formally adopted as part of FY17 budget. To Gary Elliott/Sheriff's Office.

Resolution 2016-139 - BCC signed, dated October 20, 2016. Budget amendment for \$19,700.00 for purchase of firearms. Formally adopted as part of FY17 budget. To Gary Elliott/Sheriff's Office.

Resolution 2016-140 - BCC signed, dated October 20, 2016. Budget amendment for \$254,000.00 for purchase of vehicles. Formally adopted as part of FY17 budget. To Gary Elliott/Sheriff's Office.

Resolution No. 2016-141 - BCC signed, dated October 20, 2016. Budget amendment for \$58,665.00 for LED light conversion at Detention Center, paving to increase parking, and sidewalk repair. Formally adopted as part of FY17 budget. Amount. To Gary Elliott/Sheriff's Office.

Contract Amendment Request - BCC approved, NR signed. Letter to Big Sky Trust Fund Selection (BSTF) Committee, Montana Department of Commerce (DOC). Requesting that contract #MT-BSTF-1-17-01 be amended to reflect that the employment level of Consumer Direct Management Solutions was 154 one day prior to grant award. Requesting contract be extended to cover two years and that contract be amended to include total of 40 jobs to be created. To Nicole Rush/BitterRoot Economic Development District (BREDD).

Resolution No. 2016-142 - BCC signed, dated October 20, 2016. Authorizing submitting an application to DOC for a BSTF Category I Job Creation Grant on behalf of onXmaps. To Nicole Rush/BREDD.

Contract Amendment Request – BCC approved, NR signed. Requesting that contract #MT-BSTF-1-16-18 for Advanced Technology Group be extended to cover two years and be amended to include a total of 30 jobs to be created. To Nicole Rush/BREDD.

Tax Certification – BCC approved not requesting revised certification of taxable values. Northwestern Energy's settlement with Department of Revenue lowered Northwestern Energy's taxable valuation. DOR distributed forms notifying taxing jurisdictions amount of taxable value lost and providing option to recertify their values. If Missoula County does not recertify, the FY17 budget will have an estimated reduction in revenue of \$276,384.00 for county-wide funds, \$44,126.00 for county-only funds, and \$66,648.00 for Open Space debt service funds. To Andrew Czorny/Chief Financial Officer.

Recertification Authorization – BCC authorized chair to sign requests for revised certification of taxable value forms for taxing jurisdictions seeking recertification. BCC approved, NR signed. Taxing Jurisdiction Change in Valuation-Request for Revised Certification Forms for taxing jurisdictions: JD#8 K-12 Arlee Elementary, JD#8 K-12 Arlee High School, SD#1 Missoula Elementary, Missoula County High School, SD#7 Lolo Elementary, SD#14 Bonner Elementary, SD#32 Clinton Elementary, JD#6 K-12 Florence, SD#23 Target Range Elementary, Countywide Elementary/High School District, State Level Education Funds, and State Vo-Tech. To Andrew Czorny/Chief Financial Officer.

Additional discussion item(s): None.

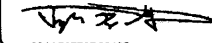
FRIDAY, OCTOBER 21, 2016

BCC did not meet in regular session. JC out. SR in office on limited basis through Friday, October 21. Morning: SR attended Fort Missoula Regional Park Iron Mike dedication. Morning through early afternoon: NR attended Partnership Health Center Board retreat.


Request: Records Disposal/Transfer Authorization – NR signed. From Financial Services: 1) Bank reconciliations and statements (7/2007-6/2008); 2) Claims (7/2007-6/2008); 3) Journal voucher (7/2007-6/2008); 4) Month end reports (7/2007-6/2008); 5) School journal voucher/joint (8/2007-6/2008).

Replacement Warrant - NR signed. Mylinda Pritzkau, Frenchtown, Principal for Frenchtown School District #40 Warrant #26075807, issued August 8, 2014 on County Payroll fund. Amount/\$43.44 (for salary). Warrant not received in mail.

Replacement Warrant - NR signed. Mindy Pritzkau, Frenchtown, Principal for Frenchtown School District #40 Warrant #25059555, issued April 25, 2014 on County Claims fund. Amount/\$35.00 (for meals). Warrant not received in mail.

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Tyler Gernant
Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC

MONDAY, OCTOBER 24, 2016

BCC met in regular session; quorum present. SR out of office through Monday, October 31. Afternoon: BCC attended Fairgrounds Director discussion.

Letter – BCC signed, dated October 24, 2016. To Jeffrey and Larry Mallo. Confirming approval of floodplain variance request at September 24, 2016 public meeting.

Community and Planning Services (CAPS) Update – BCC/CAPS Staff. Agenda: 1) Public comment; 2) Communications; 3) General updates: a) Introductions of new CAPS staff; b) Linda Vista Park Maintenance District 913; c) Johnstin Family Transfer; d) Habets Family Transfer; e) Discussion of County Zoning Amendments; f) Friends of Two Rivers funding request for Highway 200 trail; g) Isbell-Blue Heron Open Space Bond Project-Qualifying Resolution; h) Teague Open Space Bond Project-Qualifying Resolution; i) Deschamps Open Space Bond Project-Approval Resolution and Hearing; j) Professional Services Agreement for FY17 Parks Vegetation Management; 4) Director's update: Drew Creek update.

TUESDAY, OCTOBER 25, 2016

BCC met in regular session; quorum present. SR out of office through Monday, October 31. Morning: JC attended Missoula Economic Partnership meeting. Afternoon: BCC attended Global Leadership Initiative meeting.

ADMINISTRATIVE MEETING

Professional Services Agreement – BCC signed Professional Services Agreement with Strata Inc. for the Gasoline Station Document Review and Sampling Oxygenated Fuel Program. To help the Missoula City-County Health Department (MCCHD) ensure compliance with Chapter 10 of the Missoula City-County Air Pollution Control Program Regulations by collecting gasoline samples and verifying registered facilities' record keeping and public notifications. Amount/\$4,999.00. Term/November 1, 2016-March 31, 2017. To Sarah Coefield/MCCHD.

Grant Award – BCC approved, NR signed. Grant Award 16-W04-91959 documents for Violence Against Women Act funding from the Montana Board of Crime Control for Implementing and Investigating Two

Proven Models for Increasing Victim Safety. Funding to implement Lethality Assessment Program and to assess feasibility of Family Justice Center. Amount/\$40,230.00, with \$13,540.00 local match. Term/July 1, 2016-June 30, 2017. To Jenny Daniel/Grants and Community Programs (GCP).

Mill Levy Funding Agreements – BCC signed Agreements with recipients of Substance Abuse Prevention Mill Levy Funding. Voters approved mill levy in 2008 to support underage substance abuse prevention efforts.

- Boys and Girls Club of Missoula County-\$8,000.00
- Big Brothers Big Sisters of Missoula-\$15,000.00
- City Life Community Center-\$27,852.00
- Western Montana Addiction Recovery Services/Flagship Program-\$50,000.00
- EmpowerMT-\$8,000.00
- Mountain Home Montana-\$10,000.00
- Missoula Urban Indian Health Center-\$15,934.00
- Western Montana Addiction Recovery Services/Project Success-\$120,000.00

Term/July 1, 2016-June 30, 2017. To Melissa Gordon/GCP.

Funding Agreement – BCC signed Agreement with Missoula Urban Indian Health Center for chemical dependency outpatient services. Funding from earmarked alcohol tax dollars. Amount/Up to \$8,000.00 in alcohol tax dollars. Term/July 1, 2016-June 30, 2017. To Melissa Gordon/GCP.

Funding Agreement – BCC signed Agreement with Western Montana Addiction Recovery Services for prevention programming through Flagship Program, 0.5 FTE Licensed Addiction Counselor at Missoula County Detention Facility, and community psychiatric supportive treatment to adolescents and caregivers. Funding from earmarked alcohol tax dollars. Amount/Up to \$129,918.00 in alcohol tax dollars. Term/July 1, 2016-June 30, 2017. To Melissa Gordon/GCP.

Resolution No. 2016-148 – BCC signed, dated October 25, 2016. Budget amendment for Partnership for Success Grant to reflect \$8,500.00 in additional funding. Formally adopted as part of FY17 budget. To Melissa Gordon/GCP.

Resolution No. 2016-149 – BCC signed, dated October 25, 2016. Budget amendment to create \$10,000.00 expense line for Grove Street Open Space Bond Project. Formally adopted as part of FY17 budget. To Kali Becher/Parks, Trails, and Open Lands.

Grant Agreement – BCC approved, NR signed. National Council for Behavioral Health Agreement to Provide Consulting Services. To bring in facilitator to host two-day summit to engage community leaders to develop integrated Collaborative Care Plan for Missoula County. Funding through grant from Montana Healthcare Foundation. Amount/\$16,650.00 plus expenses. Term/September 15, 2016-August 31, 2017. To Erin Kautz/GCP.

Resolution No. 2016-147 – BCC signed, dated October 25, 2016. Temporarily reassigning polling places for Rattlesnake School. Messiah Lutheran Church to be temporary polling place for precincts Rattlesnake 91E and Rattlesnake 91W due to construction at Rattlesnake School for November 8, 2016 Federal General Election. To Rebecca Connors/Elections.

Professional Services Agreement – BCC signed Professional Services Agreement with Mountain Valley Plant Management for fall vegetation management at six County parks and one trail. Amount/\$7,000.00. Term/October 25, 2016-June 15, 2017. To Kali Becher/Parks, Trails, and Open Lands.

Additional discussion item(s): Upcoming board meetings and review of meetings.

WEDNESDAY, OCTOBER 26, 2016

BCC met in regular session; quorum present. SR out of office through Monday, October 31.

ADMINISTRATIVE MEETING

Professional Services Agreement Amendment – BCC signed Professional Services Agreement Amendment with Hall-Widdoss & Company, P.C. Extending term from August 1, 2016 to January 1, 2017. For appraisal of Drew Creek County Park and private road easement within the park. To John Stegmaier/Parks, Trails, and Open Lands.

Budget Transfer – BCC signed Budget Transfer in Missoula City-County Health Department (MCCHD) Outpatient Clinic operations budget to create correct expense line item. To Ellen Leahy/MCCHD.

Professional Services Agreement – BCC signed Professional Services Agreement with Information Technology Core for managed print services at MCCHD. Amount/\$15,000.00. Term/October 1, 2016-September 30, 2017. To Jason Emery/Technology Department.

Grant Application Letter – BCC approved, NR signed. Letter to Big Sky Trust Fund Selection Committee, Montana Department of Commerce. Requesting that Nicole Rush, Grant Manager at Missoula Economic Partnership (MEP), be authorized to submit applications on behalf of Missoula County for the Big Sky Economic Development Trust Fund. To Nicole Rush/MEP and BitterRoot Economic Development District.

Counter Offer – BCC approved, NR signed. Counter offer to October 11, 2016 offer from Thomas and Christine McCall to purchase Lot 2A, Block 11, Phase 2, Missoula Development Park. Lot is 2.69 acres in

size, located east of the Wingate. Amount/Counter offer of \$5.00 per square foot for a total purchase price of \$583,705.00. To Dori Brownlow/Development Districts.

Resolution No. 2016-146 – BCC signed, dated October 26, 2017. Budget Amendment to transfer \$4,000.00 for Big Read program. Formally adopted as part of FY17 budget. To Honore Bray/Missoula Public Library.

Letter – BCC signed, dated October 26, 2016. To Big Sky Trust Fund (BSTF) Selection Committee, Montana Department of Commerce. Supporting MEP's application for BSTF Category II planning grant to conduct a State of the Workforce Report for Missoula County.
Additional discussion item(s): Change in plans for upgrading connectivity at Missoula County Fairgrounds.

PUBLIC MEETING – OCTOBER 26, 2016

MISSOULA BOARD OF COUNTY COMMISSIONERS

PUBLIC MEETING MINUTES

Conference Room 151-Courthouse Annex

If anyone attending the public meeting is in need of special assistance, please provide advance notice by calling 258-4877. Missoula County is happy to provide auxiliary aids and services.

WEDNESDAY, OCTOBER 26, 2016 – 1:30 PM

1. CALL TO ORDER



Commissioners Present:

Chair Nicole "Cola" Rowley
Commissioner Jean Curtiss

Staff Present:

Kali Becher - Rural Landscape Scientist, Missoula County Community and Planning Services
Chris Lounsbury, Chief Operating Officer, Commissioners' Office
Erik Dickson, Assistant Director/County Engineer, Public Works Department
Christine Dascenzo, Planner, Community and Planning Services

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

None



Missoula City Council roll call

Bentley – present
Cares – absent
Hedahl – absent
Wells – present
Hess – absent
Marler – present
Armstrong – present
Jones – present
DiBari – present
West – present
Wilkins – present
von Lossberg – present

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA



Jon Wilkins, Ward 4, Missoula City Council – November 11 is Veterans Day. I have been getting socks for the Valor House. You can either turn them into the Office of Neighborhoods up on the second floor or you can give them to me. The reason I do socks is because back in WWI when people were in the trenches and getting their feet all wet a good pair of socks was very important. Even my time in Vietnam a good pair of socks was important to me so that is the reason I do it and also to bring attention to Valor House which is for our homeless veterans.

5. CURRENT CLAIMS LIST

Total claims from October 8, 2016 - October 21, 2016 = \$2,996,165.88

6. HEARINGS

a. Request board approves expenditure of Open Space Bond funds for the joint City-County Deschamps project, up to \$262,250.



Kali Becher, Rural Landscape Scientist, Missoula County Community and Planning

Services – The item before you today is a request for Open Space Bond funding from the Montana Land Reliance for the Deschamps project. The requests are both to the City portion of the Open Space Bond funds and the County portion of the 2006 Open Space Bond which would go towards the purchase of a conservation easement on 545 acres in the Grass Valley area. This project has been reviewed by staff and evaluated by advisory boards and has been established as a qualified project for funding through the Open Space Bond program by the Board of County Commissioners. Mark from the Montana Land Reliance is the project sponsor and he will give a brief presentation on the project after which Elisabeth and I will give staff reports.



Mark Schiltz, Western Manager, Montana Land Reliance – I am here on behalf on Charlie and

Nancy Deschamps, Missoula residents, with an Open Space Bond request. Charlie and Nancy Deschamps own 545 acres just west of the airport outside of Missoula. I am here today to request bond funds from both the City and the County for the non-federal match for project funding on the federal portion of this project. The Montana Land Reliance in February, 2016 submitted an application of a natural resource conservation service. It is a Federal program to fund conservation easements on farms and ranches in Montana. That project was accepted. That program requires a non-federal match and that is why I am here today. The Montana Land Reliance is a land trust, we operate in Montana, and we have over 800 easements in Montana around the state. We are the largest accredited land trust in the United States. We are approaching a million acres of land under conservation easement. Our forte, our bread and butter are farms and ranches in Montana and Charlie and Nancy's property fits that category and we are really happy to be working with them. This is where the property is located (referring to map), you can see the City of Missoula, the property is the little shape located just outside of Missoula. This is a topo map of the property to give you an idea of the way the property is situated. You can see that half of the property is on a floodplain or the upper bench of the Clark Fork. The rest of the property is in the foothills. That is the old Lake Missoula lacustrine deposits they have been dissected by two major little drainages, the Butler Creek and LaValle Creek. Basically 50 percent of the property is irrigated farmland and 40 percent is upland pasture land which is grazed. Charlie and Nancy also have a lease on airport authority ground for about another 470 acres of pasture land so that combines with his land. This project is an active farm and ranch. Charlie produces about 1,000 tons of hay per day on the irrigated bottom lands and he grazes the uplands. Here is the uplands (referring to photo) it is native soils and native plants. Charlie and his family in the past seeded it with crested wheat grass which is high quality forage. It is not native but it is good forage. From a wildlife standpoint the deer and occasional elk frequent the property. On the bottom lands, this is the irrigated alfalfa, from the standpoint of the wildlife there is a lot of rodents that take advantage of these pastures particularly in the winter time so from a wildlife standpoint it provides a lot of raptor and other birds of prey food. There are two creeks, Butler Creek and LaValle Creek that cut down through the property; they are filled with a hawthorn, cottonwood and aspen gallery; it is super thick. It is covered and gives real good coverage for game and other animals that use that area, particularly with birds. This is a bird house that I took a picture of, there is actually two bird houses in this picture; obviously the box and on the other side there is a little hole in the tree where wood peckers were in.

I just wanted to go over the water values of the property. LaValle Creek is on the upper portion of the property. Butler Creek is in more of the central part of the property. The French ditch bisects the property. Finally there is an artesian fen in the middle of the upper portion of the property. The foothills here are where the water comes out of LaValle Creek and Butler Creek. This portion of the pasture there is an upwelling there where water comes from subterranean year round. The water stays about 50 degrees year round. It is very unusual. In the summertime it stays cool and in the winter time it rarely freezes over. From a waterfowl standpoint it is an important habitat. This is the French ditch. This is LaValle Creek taken this spring. This is a picture of a pond on the property; the fen feeds into this pond. Charlie and his family dredged this out for more open water. Waterfowl take advantage of that as well as the cattle.

Earlier there were questions about the floodplain and how it impacts the property. I downloaded this map off of the County website. The only portion of the property that is not buildable is the red, that is the 100 year flood way. The teal color which covers a larger percentage of the flat bottom lands that is the 100 year sheet flow. The 100 year sheet flow restricts any septic approval, however buildings can be approved on that site. From the standpoint of development if City water was ever brought out to the property, technically it could be built on. That was a question that came up earlier in the process. This is the basic scenic open space values. This is Deschamps Lane; the property is clearly visible from Deschamps Lane. It is clearly visible from the airport when you fly into Missoula International Airport.

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As far as other values, this is the old Latimer House that is on the property, folks that were on the field trip got a chance to look at this. This was built back in the 1860s and it is an old, old structure, the easement will protect this structure. As far as the terms of the easement, the parcel will stay in one piece, it will never be subdivided. There is currently one residence, not including Latimer House-the historical structure will not be a residence, currently there is one residence on the property and the easement will allow one additional residence. Both contained in this building envelope right here which is actually out of the sheet flow area that we saw earlier on the floodplain map. There will be a second building envelope right down here for agricultural structures only. It will be a non-residential building envelope. This shows two other hay sheds, these two red stars, which will continue to be used for ag purposes. Other than those structures and the structures inside the building envelope the property will remain open perpetually for agriculture and wildlife. Up here is the riparian fen it will be protected by the terms the easement has a riparian protection zone that will restrict open grazing of livestock so if livestock are on the property they will have to be fenced out unless it is appropriate time during the fall when it makes sense to have livestock in there. The perimeter will have to be fenced with wildlife friendly fencing to allow wildlife to move in and out of the property.

This just shows other conservation easements that are in the area around the Deschamps property. The Deschamps property is red and the green property is under easement already with the Five Valley Land Trust. Five Valley's is also working with the landowners that are in between the easement and the Deschamps property.

The property from a wildlife standpoint, right in the middle is the property, this property is located in two focal areas for the 2015 State Wildlife Action Plan. It is a tier one focal area for those purposes. This red dashed area is an important bird area that the Audubon Society has identified and again the Deschamps property falls right in the middle of that as an area that is considered an important conservation value for birds. From a federal/state standpoint this property scored one of the highest scores on the ALE application for the NRCS federal program. It is a statewide, even nationwide, competitively ranked program and that was basically because this program is looking to protect agricultural properties at risk. There are factors that play into that. One is location to a large urban area; this ranked high because it is nearly on the City limits, so there is the threat of subdivision. The size of the property was 1.4 times the average county farm size for Missoula County, as another high score and then 59 percent of the soils on the property are statewide prime soils of local importance. The property is also located in the cornerstone designation area, it is a geographic area of high importance that the City identified in 2006 for open space bond purposes and farms and ranches are a stated purpose of a County portion of bond funding as well.

As far as exceptional qualities of the property, it is really the location and the size is exceptional 545 acres in this area is an incredible size for a conservation easement. Where it is located, you can see on the lower portion, this is Missoula City limits, when you drive into the property you literally drive through a subdivision so it is just obvious of the threat of what could happen to the property. It is located next Missoula County Airport Authority property so that is an area that is currently in ag, it is being grazed, so it is an important connector piece for that. To the west of the property is other agricultural lands in the Grass Valley which there are landowners currently interested in conservation easements and protecting it as well and then of course there is the Five Valley's Land Trust conservation easement already in place. The exceptional quality of this property is its location; it is where it is situated that makes it so unique.



I thought I would explain the project itself and the appraisal and the other project costs. Clark of Norman Clark Wheeler and Associates did a preliminary estimate of value. It was not technically an appraisal but he has got a lot of experience with easements and evaluating easements in this region. He estimated value currently right now of the easement itself at \$1,025,000. That is the conservation easement cost estimate. Transaction costs take into effect due diligence cost to complete the easement, land protection fund donation and so forth; those total costs are \$47,000. The entire estimated cost of the projects is \$1,072,750. The anticipated funding sources, this number here, \$512,500 is the federal portion of this application the NRCS is obligated to pay. Here is what we are asking both the County and the City portions which were split in half at \$262,250 for each the County and the City share. The Deschamps family will help pay other project costs associated with the project \$27,250 and the Montana Land Reliance will contribute \$6,000 and the Missoula Audubon has contributed \$2,500 that is a huge portion of their budget and it speaks a lot to how important they think this project is. That is the total anticipated funding sources all combined is the project cost.

To explain the appraisal process, the ALE application for the NRCS requires a full yellow book appraisal and at the time that happens Clark Wheeler will do the full appraisal and check all the boxes and do everything that he needs to do to establish a value. At that point if the value that Clark arrives at is higher than this estimated \$1,025,000 the amount asked from the City and the County will remain the same, we won't ask anymore. If that appraised value is lower than the amount the City and the County would be asked to pay would be proportionally lower based on the percentage drop in value. At the time that appraisal is performed that appraisal will be made available to both the City and the County.

This is just a breakdown of the property and the funding: 545 acres; project cost at the easement value \$1,968 per acre; \$262,250 are the two prospective City and County requests; that ends up being about \$481 per acre of the County and City requests individually or about 24.5 percent of the total request of the project itself; other funding sources will pay for 75.5 percent. The City will be asked to pay for 24.5 percent and the County will be requested to pay 24.5 percent.



I like this slide because it shows the features of the property you can see the bottom ground with center pivots going down the bottom and you can see the uplands. This was taken this spring just when the grasses were starting to green. In the middle you can see some of the wooded area from Butler Creek. That shows the different types of habitat and the different types of conservation values and ag values on the property. I threw this land slide in because when I was taking pictures I ran across this skull. I asked Charlie if I should have a picture of a skull on the property at this hearing and Charlie said, 'Why not, cows die and this is a ranch.' I thought that made a lot of sense.

When you look at this slide here it could be taken anywhere in Montana, anywhere where farmers and ranchers are working. The fact that this is taken a mile from a subdivision located outside of Missoula I think it speaks volumes to how important this project is and as a representative from Montana Land Reliance I respectfully ask you considered funding this project. It is an important piece of conservation for both Missoula and the County and it will protect an important piece of land. I am open for any questions.



Harlan Wells, Ward 2, City of Missoula Council – I am familiar with the open space purchases we have done, but this is going to be a working ranch, does the family then continue to work the ranch and profit from it? Does it go into perpetuity through their family line? Is it something that at some point it reverts to the trust and then they lease it out? What is the long term...?

Mark Schiltz – I am sorry; I thought that would be understood. So a conservation easement on this particular property is basically extinguishing development rights on the property. Charlie and Nancy will continue to own the property with the development rights for future subdivision removed. They can farm and ranch it in whatever manner they see fit. When they sell the property or pass the property onto their children the same restrictions will be there for the next landowner. This project with respect to commercial development on the property does allow some commercial development but only for ag purposes. It will allow community gardens, agro tourism, it will allow for processing of agricultural products to be sold on the property in small farm stands and that sort of thing. The intent of this project and the NRCS program is to make agriculture commercially viable.




Jon Wilkins – So there is no public access to any of this right?

Mark Schiltz – There is no public access with the terms of the easement, no. Charlie and Nancy and future land owners will have the right to allow the public on their property or allow access in the future. That will be a reserved right. For the past 15 years the family has allowed the Audubon Society to come and do bird counts on the property. The Owl Institute with Denver Holt has been doing owl studies on the property for a number of years. Charlie and Nancy welcome people to come on and enter the property for a number of different uses but public access is not a part of this particular easement.





Elizabeth Erickson, City Open Space program – This is a very exciting opportunity to protect a large tract of land within close proximity to Missoula's urban area. It is intact with very high conservation values and clearly agricultural values. The Deschamps property is located within the City's open space planning region but very close to that boundary with the County's adjacent planning regions and that is what makes this a great candidate for a joint project such as this where there is actually a request from both the City and the County. More importantly I think this project really exhibits a lot of the goals and objectives of both the City and the County's open space programs which includes conserving and protecting agricultural land. The project would accomplish a number of the goals that are shared by both of those programs but it would also carry out purposes of the bonds which specifically state, "As a purpose conserving working ranches, farms and forests, protecting wildlife habitat, managing for growth, providing open space and scenic landscapes and protecting water quality of rivers, lakes and streams and also paying non-personnel related transaction costs." That is language from the actual bond. The City's open space advisory committee unanimously recommends that the City council and County commissioners support funding of this project. I just want to point out some of the goals of agricultural conservation that we as staff look to when we are beginning these projects and working on these projects. One is the City's open space plan, from 2006 the open space plan specifically states that agricultural land is an important resource and worthy of protection as a principle of the open space working group that helped craft that plan. The open space bond itself specifically states agricultural conservation is a priority, specifically working ranches, farms and forests. Finally, our state open space land and voluntary conservation easement act focuses on this type of land as an important type of property to conserve.

 **Kali Becher** – Just to follow up on Elizabeth's staff report from the City I do want to specify that because this project has requests from both the City and the County those are two separate motions for the County. In terms of the City-County agreement related to the open space bond it states that the Board of County Commissioners shall approve a qualified open space project that is recommended to them by City Council unless the project has substantially changed in scope and is no longer in line with the purposes of the bond fund and also if evidence has been presented that raises questions as to the lawfulness of the project and the board would determine that the project is unlawful. That is from the Interlocal.

In terms of the project to date and what has happened:


September 29, 2016 – The Board of County Commissioners determined that the project was a qualified open space project and adopted reimbursement resolution 2016-129. The Missoula County Open Lands Citizen Advisory Committee reviewed this project and recommended it to the Board of County Commissioners for approval on Aug. 18, 2016; they ranked it highest in terms of working landscapes, wildlife habitat and unique values. In addition as Elisabeth mentioned this project meets five purposes of the open space bond. The request to the County program is for \$262,250 that is roughly 25 percent of the total project cost which is \$1,072,750. Additional funding, as Mark explained, is coming from a variety of sources including the Natural Resource Conservation Service, Montana Land Reliance, Five Valley's Audubon, the landowners and the request from the City portion of the bond. Staff recommends approval of this project and there are no special conditions, a draft approval resolution is in the packet that the commissioners have, that is attachment C.


 **Harlan Wells** – So just for people out there who are new to this can you explain briefly the bond and the relationship it would have to current taxes and the history of the bond so people understand it better?

 **Kali Becher** – The bond was passed in 2006. It was passed for the purpose of basically the seven purposes that were established from that ballot language which included the five that Elizabeth mentioned as well as purposes that relate to establishing commuter trails, access to rivers, water quality, public access and I think that is it. That was the bond as it was in 2006 and the specific use of the bond was that it could be used to purchase land or interest in land from willing landowners for those purposes. Hence, this project fits in line with that in that it is a conservation easement which is an interest in land being purchased from a willing landowner.

Harlan Wells – So if we vote yes on this it doesn't necessarily raise people's taxes next year. It was something that was previously approved.

Kali Becher – Yes, that is correct and that is a great question. The initial \$10 million dollars that was approved in 2006 has already been let to the tax payers; so this is existing and accessible funding that is available.

 **Commissioner Curtiss** – Just to add to that, when you have bonds for open space we sell them in pieces because you need to expend the money within the certain time of selling. The last three million were sold this year so there will be a small incremental addition on their tax bill that they will get this week or next but the majority have already been sold.

 **Commissioner Rowley** – Are there any other questions for the presenters? Seeing none we will open up public comment for the County portion of the bond.

Marilyn Marler – And public hearing for the City Council meeting, too.

Jim Brown representing Five Valley's Audubon – Five Valley's Audubon has known of this area for a long time. We believe that these agricultural values and excellent wildlife habitat go very well together here. We definitely recommend that you approve the funding for this conservation easement. Let me give you a little background as to why we feel so strongly about this. Birders have known for a long time that this was a very important area for bird life, but it is an interesting bit of history going back to 1925. This area in Grass Valley, including the Deschamps Ranch, was put into a shooting preserve by a legislative action by the State of Montana because there were so many duck hunters coming onto the area that it got crowded and people were bothered by that so they made a shooting preserve which meant you can't hunt. Time went on and about 1954, I believe it was, they rescinded that so it was no longer a shooting preserve per say but the important point was that even in 1925 this area was recognized as a very important waterfowl area. I talked to one old-timer that said huge flocks, I think he used the word clouds, of waterfowl would come in the Grass Valley and then fly back to the river. Well, we don't see that today but this habitat was recognized back then as extremely important. In 2002, about 15 years ago, we began doing bird surveyors in Grass Valley including the Deschamps property and elsewhere in the valley and we have done Christmas bird counts on the Deschamps property ever since then. These survey results ended up in the formal recognition of this important bird area (IBA). Just to say briefly what an important bird area is, it is an international

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program managed by national Audubon in the United States and this particular one is called the Clark Fork River Grass Valley Important Bird Area and is shown on Mark's map. It runs from roughly Reserve Street to Huson. It is about 25 miles along this river corridor, 25,000 acres and it includes the cottonwood bottom lands, the wetlands and the grasslands that are so thrifty in our valley. There are three kinds of IBAs. There is a regional type of importance; there is one of continental importance and one of global importance. This particular IBA rates as continental importance because of the great bird diversity and several species of conservation concern. These are species that aren't doing so well through their whole range or their habitat is disappearing so it is a really important bird area. The purpose of the whole important bird area program is to recognize vital habitat for birds and the diversity of birds and then to help prioritize where conservation actions would make the most difference for birds. Let me answer a few things about the Deschamps property specifically. The neat thing about the Deschamps property is the variety of niches there. These grasslands, the agricultural lands, these super wetlands and then the brushy draws are a real treasure here in this valley. The fen is quite a unique geologic thing here in Montana and especially in this valley there is just very few of these kinds of water sources where the water comes out of the ground over broad area. So this fen rekindles LaValle creek which flows clear on down to the Clark Fork River runs year round so it has significance well beyond the Deschamps property. That is this source of water that comes out of the ground. I just want to mention three important things about birds. The long-eared owl was mentioned. Denver Holt has done 30 years of research on this owl. The longest running study ever on the long-eared owl and one of the hotspots for it is in these woody draws that are on the Deschamps property and next to it. I talked to Denver last week he said that the recent report indicates this owl's population is down some 90 percent. His findings show that there is a lot of variation year to year but there is a worrisome decline over all, of this species, it thrives on the voles that use this area. The other major bird value are the wintering raptors like the rough legged hawk, the red-tail hawk, bald eagle, even golden eagle and northern harrier are abundant here on this ranch in the winter. These are birds mostly that migrate in and spend the winter here. The third thing is the songbird diversity which is great and made possible by these woody draws. Things like flight catchers and wobblers and similar kinds of songbirds. That is the background of why we wholeheartedly think this is a very important wildlife asset for the whole valley. Thank you.



Liz Bradley, Wildlife Biologist, Montana Fish, Wildlife and Parks – I am here today to voice Fish, Wildlife and Parks support for the purchase of this conservation easement on the Deschamps property. As you have been hearing this area has long been recognized as important grassland riparian and wetland habitat for a variety of wildlife species. We identified the area that encompasses the Deschamps Ranch as a tier one priority landscape for conservation in Montana 2015 State Wildlife Action Plan otherwise known as SWAP. That has been a really important tool for us to really identify and focus efforts on these important conservation areas. This particular area is what is called part of the Bitterroot Clark Fork riparian corridor which is recognized as having high biodiversity and providing an important north south migration corridor for songbirds and owls. This area is composed of mostly private lands and is at such high risk of development. This is one of 14 areas that we have recognized in the state as being our top priority for conservation efforts. A part of the Deschamps property also falls within the Evaro north hills terrestrial focal area which is also part of our top priorities for conservation. It just speaks further into how important this area is to conserve. We really appreciate your consideration in the purchase of this easement and helping conserve this property over the long term.





Pelah Hoyt, Lands Director, Five Valley's Land Trust – We are here to offer our enthusiastic support for this project. I really just couldn't be happier to be here speaking in favor of it. We are excited about this because it protects such a big chunk of productive agricultural land and there are a lot of people in our county who really value agricultural land, especially if it is productive land in the Missoula valley so close to the city of Missoula. Both Jim and Liz talked about the properties wildlife habitat values and that also is of great interest to us and this area has been a priority for Five Valley's Land Trust for many years and many partners have worked really hard to conserve these exceptional values that we have right here and the Missoula valley in this Grass Valley and important bird area. There is some really positive momentum in the conservation in this area and so this project has great value in and of itself but it is also just part of this growing momentum that will allow us to have a really significant chunk of agricultural land and wildlife habitat right in Missoula, right at the edge of town. That is just going to be a really good thing for Missoula citizens for generations to come. I would really encourage you to support this project.





Jim Sadler, resident of the County - I live out on Clements Road. I moved out there in 1985 and my friends who lived in Missoula all thought they had to pack a lunch to come and see because we lived so far out of town. Well, it's not true anymore we are practically in the center of town. I want to give my appreciation and gratitude to the Deschamps family for willing to give up substantial development rights to preserve a part of the historic Missoula valley through their ranch with the historic Mullan Road. I would imagine in the future they could be sites for preservation and different ways to help preserve our valley. I am here speaking as an advocate and as a citizen that this is something good to happen to our city and county. It is not very often that you find a large parcel of

pristine farmland still available this close in and a family willing to forgo the development rights to help preserve our valley.


 **Ron Schlader, member of the Missoula County Land Citizen Advisory Committee** – As you know we had a site visit out there on the Deschamps property on July 25 and it was a general consensus of our group that it looked as good on paper as it did on the ground. We met as a group on Aug. 18 and discussed the proposal in detail and the vote was unanimous that our advisory group supports this proposal. Therefore, the Missoula County Open Lands Citizens Advisory Committee recommends that the County authorize the expenditure of up to \$262,250 in open space bond funds towards the purchase of the conservation easement on the 545 acres of land owned by Nancy and Charlie Deschamps.

 **Commissioner Rowley** – Thank you. Is there any other public comment on the Deschamps Open Space Bond project? Seeing none, I will close the hearing for the County commissioners.

 **Marylin Marler** – I will close the hearing for the City Council portion of the meeting. Are there any lingering questions from City Council members? Seeing none; Mr. von Lossberg.


 **Bryan von Lossberg, Ward 1, Missoula City council** – *I move council adopt a resolution to expend up to \$262,250 of 2006 open space bond proceeds toward the purchase of a conservation easement on the Deschamps property, 545 acres of working farm and ranch land and the Grass Valley area of Missoula and pay a portion of transaction costs associated with the purchase of the conservation easement.*

May I speak briefly to it? Thanks, I just want to quickly say thank you to the Deschamps family, to the partner organizations involved with this. We are very fortunate to have organizations like Land Reliance and Five Valleys in and around this community. Conservation easements are a market recognized and market tested tool that helps us protect resources that the community values and also help people like the Deschamps family with their agricultural operations and I am really pleased to support this and urge the rest of the council to support it as well.

 **Marilyn Marler** – Your motion is in order, is there any other discussion?

Jon Wilkins - This bond that was passed back then is probably the most money we got that we spent right and open space is very important with the South Hills I am sure thankful for the Deschamps family and we actually got a good bang for our buck on this one.

Jon DiBari, Ward 4, Missoula City council – I too want to thank the Deschamps family for moving forward with this conservation easement and all of the partner organizations. There are incredible values that exist on this land as we have seen from the presentation and I really support the continued efforts to work on conserving portions of Grass Valley and areas west of Missoula to help support not only wildlife habitat but also agricultural working farms and ranches here in Missoula County.

 **Gwen Jones** – I will just briefly say that I am in support of this and so often I think in our jobs we are working on a monthly or a yearly basis, budgets and what we have right now. This is something that we are actually doing for our grandchildren and their grandchildren and their grandchildren so every once in a while we get to do something like this and I am very supportive of it. I think it is a great thing to be doing.

Marilyn Marler – We had a public hearing and we have had a motion and discussion and now we are ready to vote. Ms. Rehbein.

 **Ms. Rehbein, City Clerk, Missoula City Council** – The City rules we have to have roll vote on all of our resolutions. This is a resolution to authorize the expenditure of city open space bond funds. The City's share of it.

On the motion:

Wells – yes

Hess – absent

Marler – yes

Armstrong – yes

Jones – yes

DiBari – yes

West – yes

Wilkins – yes

Von Lossburg – yes

Bentley – yes

Cares – absent

Hedahl – absent

That is nine ayes and three absent.



Marilyn Marler – That is it. I think I can adjourn the City Council meeting; I'd like to stay to the end of this item but not to be rude we have another meeting, most of us at 2:30 p.m.



Commissioner Curtiss – I do not have any questions. I'd just like to first thank Charlie and Nancy and your family for being such great stewards of this land. It proves that immigrants are good. The French families moved into this area and that's why they call it the French Valley and took care of the land. I suppose as you have gone through this you have learned your place was more special than you even knew when it comes to all these birds and things. I am solely in support of this historic use of the valley.

Commissioner Curtiss made a motion that the Missoula Board of County Commissioners approve the expenditure of up to \$262,250 of the City's portion of the Open Space Bond funds via the attached resolution, toward the purchase of a conservation easement on approximately 545 acres for the Deschamps project, based on findings that the project qualifies for funding per County Resolution #2016-129, that the City has referred a recommendation of approval for the project, that the project meets the purposes of the open space bond, and that the project has not been determined unlawful. This is contingent on receipt of the signed City approval resolution. Commissioner Rowley seconds.

Passed 2-0.

Commissioner Curtiss made a motion that the Missoula Board of County Commissioners approve the expenditure of up to \$262,250 in Open Space bond funds via the attached resolution, toward the purchase of a conservation easement on approximately 545 acres for the Deschamps project, based on findings that the project qualifies for funding, on recommendations of the Open Lands Citizen Advisory Committee, public hearing comments, and on staff's analysis. Commissioner Rowley seconds.

Passed 2-0.

Commissioner Curtiss – I'd just agree with Mr. Wilkins this is how we spend money right.

Commissioner Rowley – And we echo all of the comments that have been made. Thank you for joining us.

b. Request board to adopt the Missoula County Fairgrounds Concept Plan.



Chris Lounsbury, Chief Operating Officer, Commissioners' Office – This is a continuation. You closed the public comment period after its 60 day period for the fairgrounds. There were some minor adjustments to the plan that were recommended by the Board of County Commissioners and so A&E Architects Paul Filicetti is here today to present those changes and in your packet you should have a draft resolution for the adoption should the commission so choose.

Paul Filicetti, A&E Architects – We will go through a presentation here and talk about some of the changes that we have made based on your comments. This is where we were at; in the last presentation that we gave we talked about the orientation of the exhibit building re-looking at the proximity of ice to the street. We kind of reviewed that question, the connection between Fairview and Fairway and looking at that in terms of the access onto the ground. Linking pedestrian non-motorized pathways was another issue and I am looking at shared City-County parks, City Parks and Recreation versus a County maintenance facility and a location of that facility on the grounds. Those were kind of the bullet points of our last discussion and I will follow up from there.

Again, to kind of reorient everyone on the orientation of the whole presentation; north is going to be always to your right, South Avenue is to the right as well and then Russell is to the top of the screen there. Playfair Park is to the left of the screen and then the Missoula College and high school football field is to the bottom of the screen. The dark dashed line there shows the perimeter of the grounds. This slide is to talk about scale because we are talking about 46 acres in these large buildings I wanted to point out the scale. If you look below that red square that says livestock center, there are these little rectangles there those are 60 foot long semis, pickup trucks and various vehicles, farm tractor vehicles whatever. The idea is these are large scale vehicles so when you compare that to those grey lines that are above the livestock center to the top of the page you can see that there are these pathways that go through the fairgrounds are rather large. So just keep that in mind as we go through and talk about each of the buildings.

We will begin with the learning center. As you know the proposal here is for about four acres for the learning center. It includes a 22,000 square foot building. It would be a two story building for the Weed District and Extension offices. It would be a lead certified project or better. Lead has several ranges

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there to choose from but a minimum of lead certified meeting the County's green building policy. It would include green houses, meeting rooms that are both indoor and outdoor, classrooms, 4-H and FFA exhibit areas during the fair and then a concessions kitchen. Those are all within the building itself. On the outside of the grounds we are talking about three plus acres of garden space which include two structures one is a high tunnel, 50 by 100 foot high tunnel, that is for the Weed District and Extension Office's heated demonstration areas within there. The rest of the demonstration gardens that include various types of gardens that they have programed in from fruits and vegetables, plants, orchards and grasses and then a storage building there on the far left, a very small storage building. Overall about three and a half to four acres, three and a half plus for the grass areas and garden areas and then building at 22,000 square feet. For that building we also need 40 parking spaces that is the grey area to the right. That is within that developed parking lot right now.

Next is the livestock center. Livestock center existing facility requirements we estimated at, based on today's last fairgrounds use, about 84,000 square feet is what they would need. We are proposing a facility that is a 144,000 square feet. That is including livestock pins for poultry, rabbits, llamas, sheep, hogs, goats, beef cattle and indoor horse stalls. So it accounts for not only the current livestock use on the fairgrounds but livestock that they cannot accommodate at all given times during the fair they bring in certain animals at different times. In this facility they would be able to bring everything in at one time and have it all during the fair rather than different parts of the fair. With that in mind, the inside of the building includes the 4-H café, restrooms, an indoor riding arena, we are showing in this slide it is divided into two pieces that would be for 4-H. The idea that the riding arena could be split up into two different types of arena spaces with seating around each of those as needed. 4-H has a different need than a riding arena so with the movable pins those arenas could be set up differently. There is the plan with the 100 foot by 200 foot riding arena that could be used during the winter events for various horse shows that take place. There are dividing curtain walls proposed for this building and that was really just so that in winter months when it is necessary to heat the building or the temperature needs to be different for different events that certain areas could be left without heating so they could be separated out. The outdoor of this facility we have 190 outdoor covered horse stalls that is specifically geared towards rodeo. Just keep in mind that is associated with the roof structure of this building. They are shaving and trash collection areas on the bottom of the page. There is a soil storage area that is for changing out the soils for a rodeo or a riding style event verses 4-H so they would be able to change soils as needed. There are various outdoor wash bays that are on the lower part of the building, the east side of that building. That whole area to the east or bottom of the building is for large vehicle access within an enclosed or fenced area that surrounds the entire facility. Again, we talked about that in the event that animal loading and unloading to this building during 4-H events and shows there would be a place that would contain the animals if they unfortunately escaped during that process.



The rodeo grounds and grand stand, existing is about 15 acres so using a lot of the area that is now part of the tract so they have a lot of room to spread out. That includes PRCA rodeo, bullorama, ranch rodeo and the college and high school rodeos. We propose here to scale it back down to about four acres plus or minus for specific to the rodeo and the grandstand. Rodeo area is about 150 by 280 feet with an additional surrounding space for all the various pins and staging areas that are associated with the rodeo during the events. Grandstand seating could contain about 3,000 people. Temporary seating to the east and west for an additional 780 +/- so we are pushing that 3,000-4,000 seating around the rodeo grounds. Underneath the grandstand we are considering a concession area, beer gardens and restrooms, those would all be functions underneath there. The site itself, the shaded area to the south and east, is for large vehicle access loading and unloading large vehicles such as semi-trailers and livestock when the rodeo comes in the large vehicles for bringing those animals in and staging them in different ways. That whole area is included within the use area of the rodeo and grandstand. It also includes 190 covered horse stalls there on the south end of the livestock center and that is specific to rodeo, college and high school rodeo and the PRCA. A lot of those riders bring in their own horses and need a place to stage them during the event so that would be a place for that to occur.

The next facility is the maintenance building. Here we relocated and combined the maintenance facility with a Parks and Recreation facility. The proposed facility is about a one acre, it includes 8,800 square foot building which is specific to the fairgrounds maintenance and a Missoula County Weed District garage which would be shared within that. Parks and Recreation building is a smaller building that kind of splits the property line between the fairgrounds and what Parks and Recreation currently own south of there. That is about a 3,000 square foot building for whatever purpose that Parks and Recreation would have. The one acre also includes trash and recycling areas and fair maintenance, equipment and storage and repair areas. It is kind of a boneyard that is during the fair that place where all the trash and recycling accumulates they bring it all back there. It is connected to the road system, the south road system and the road system from Stephens Avenue to the east so the access to that space can take place without going on to the fairgrounds itself.

I want to go back and talk about scale and orientation one more time. This is looking at the exhibit building, again that parking lot that we are showing various cars and what not but the street or the

greyed out area that kind of cuts through as a pedestrian pathway for people walking up to the exhibit building. The area to the east there is a bus drop off area there. You can see that bus that is shown there is pretty large scale vehicle, and again these walkways and pathways are rather large in scale so it can easily accommodate emergency vehicles as needed onto the grounds. As well as fair carnival type vehicles that would be coming onto the grounds. On the back of the exhibit building there in that darker grey square you see again kind of a semi loading area to that building. While that parking lot is geared to automobile parking once the building is loaded in the interim there would be times when the large semis would need access to that building for various shows to take place so that is accommodated in the outdoor space that surrounds that building.



We will start with the next slide which is the Exhibit Building. If we estimated the existing exhibit space that is needed on the fairgrounds we are about 32,000 square feet. We are proposing a facility here of 30,000 square feet and that is simply because as we go through there are other buildings that will remain part of the function as they are today they will in the future be part of the fairgrounds exhibit buildings. So we don't need to accommodate all of it but we need to make up for the space that is lost. Once we put that building all together the ancillary spaces that is from the market analysis it turns out to be about 52,000 square foot for that building. It includes concession areas, restrooms, indoor and outdoor loading and staging areas, the outdoor plaza-that is an area that reaches out to Russell Street. The orientation of that building is, in thought, the orientation would be to Russell so that main front of the building would front Russell and really be a focal point on that street but as well connect back to the fairgrounds on the east side of it. So the main entrance may be to the west, there are other entrances into that building so that when it is used for the fair purposes it still has a distinct link back into the fairgrounds. We talked about that orientation we did look at turning it so the length of the building was on Russell but the separation from the fairgrounds became problematic. That is for the building when it is used for the fair. Keeping that in mind, again large vehicle access into the building, it would have a sports floor which is again from the market analysis. Shared parking that would surround it which we will show in a different slide there are approximately 336 parking spaces.

The next facility is ice sports. Their existing use is about five acres on the site which includes two sheets of ice. One is enclosed and open sheet. We are proposing in this scheme to increase that to about seven acres. It is a 137,000 square foot building footprint. It includes essentially three sheets of ice, based on what ice presented to you the other day in a follow up meeting for an indoor ice rink, curling rink and incorporating an open wall outdoor facility into that as well. In part, again this hasn't been thoroughly vetted and designed; the idea is that there would be three sheets of ice there, locker rooms and all of the accessories that go along with that. In terms with that as well there would be team pick up and drop off areas that are separated from the public drop off and pick up areas or public access areas. There is a surrounding outdoor plaza that fronts to Malfunction Junction. Just so you know in this sketch the setback off the street for both the exhibit building and livestock and ice sports is 50 feet so there is a considerable buffer zone between the traffic and the front of the building so that was another comment that we really needed to look at how those buildings face the street. The shared use parking on this space for this facility would be 460 +/- spaces based on kind of arena type seating within one of those sheets of ice in there that could accommodate about 2,200 seats so they would have a large seating venue within the building. There would also be concessions and bathroom facilities in here.



Now we will just look at some other buildings on the site. Some of the existing buildings, certainly the commercial building 15,000 plus square foot building built in 1915 it is within part of the historic district and I think in the future it could complete its own nomination and be individually listed on the national register. In the future, proposed use for this building would be the fair security office, fire safety and first aid clinic and then the remainder of the building would be used for special events. As it is now, some of those graduation parties that take place in there that would continue to take place in there. Shared parking for those special use types of events for that, it needs about 110 spaces for parking for those types of events. Next is the culinary building, again national register listed, it is within the district right now, I think it can be individually listed in the future, 8,800 square foot facility built in 1937. The proposal here is to reuse this building as Western Montana Fair history exhibits, the concession booths, public restrooms and potentially include showers and restrooms specific to carnival use on the grounds as well that is the program for that. Building 15 is currently fine arts exhibit space. Again, that goes back to the idea that potentially this building could remain as an exhibit building when the fair is in use. It includes restrooms and the concession area which is Sweet Adaline's and right now it is used for elections so it would continue those uses. Building 12 which is now been redeveloped into the fair offices. Again this building and building 15 are non-contributing to the district so there is no impact there. They would continue as fair offices, possibly community meeting rooms and events space that has been developed within that building and then restrooms as well. We have the American Legion Bingo kiosk which is another non-contributing building and then Sir Optimist kiosk which is bingo kiosk which is also a non-contributing building and those would just remain in their same locations. The final one there is building 35, home arts, this is a non-contributing building to the district, its future use would continue as it is as a community meeting room and event space and elections, restrooms and exhibit space during the fair.

Parking, developed and undeveloped parking including lease parking that area the parking lot was just developed there to the north of the learning center is lease parking with the exception that some of that parking would be developed or go specifically to the learning center for their use. The rest of it is just developed and undeveloped parking. Developed parking it would be lighted, landscaped, parking and traffic controls and access to and from the busier streets, Russell and South Avenue. The undeveloped parking is the event parking for various events. The idea here was not to circumvent nonprofit organizations that currently use or make a lot of their money from people who park off site during the fair; we didn't want them to be impacted by this but at the same time we need to allow for parking for the various facilities when they are used for non-fair related events.



Next we will talk about the carnival grounds. The historical carnival grounds which were mentioned in the national register are approximately five acres and because of the bump outs and an increase of distance between a street and the ice building we encroach upon that historical carnival grounds a bit so we are more aligned to Oxford Street there to the north. The proposal here is to develop a larger carnival area that is split between two areas both that side of Carnival Way and then to the south of Carnival Way would be perhaps, talking to the previous fair manager; it would be carnival grounds for youth or children versus high school kids and adults to the south. So a different separation of perhaps rides that comes onto the grounds. It incorporates about 13 acres, includes pathways and again the historic streets that were mentioned in the national register Fairway, Carnival Way and Race Way all remain as surrounding the space. It would include landscape areas, shaded areas and pathways. The community demonstration gardens occur in the center there, a concert venues and picnic areas and then celebrating and interpreting the loss of the horse track as a finish line, that is the green dot there, being a pedestrian focal point on the ground for orienting and perhaps a place for celebrating the track and interpreting it as well.

Next is concessions, we will just look at all the various concessions that are scattered throughout the grounds. Existing is 12 mobile units and ten booths on Concession Row and with this new plan we are talking about potentially 20 permanent concession booths at various places and those are in a single location there. We looked at a 12 by 20 foot type of a shell unit that would include water, sewer, electrical, fire and light safety systems. Again, the others are kind of scattered throughout the grounds including ice would have the concession area, exhibit building would have a concession area, the beer gardens and concession area underneath the rodeo grandstands and then the 4-H café that is incorporated within the livestock center and then the Sweet Adeline's which are in the current building 15.



Next we will look at restrooms. Restroom facilities on the grounds again, scattered throughout nine buildings, shower facilities would occur within the culinary building right now it is really for carnival use so that they have a comfort station for their use during the fair and the restrooms you can see there scattered throughout the grounds.

Next we will look at trails. One of the questions that came back was really looking at how pedestrians move through the grounds and connections both east and west and north south. From the south side you can see the purple lines are dashed lines showing how those trails cut through the grounds and people have access to various points to travel through either walking, running or biking. Along with that Mountain Line bus stops considering how people get to the grounds during both the fair and other events that take place out there and the connection back to the trails so those relationships are shown there in the pink oval are the bus drop off stations. There are no bus drop off stations within or on the site so they are just on the perimeter of the busy streets. Next are bike racks because of thinking a lot of people would be using bikes. The idea being that there would be several bike racks scattered throughout the grounds at various locations so that is the darker blue circle there; primarily focusing on those entry points into the grounds thinking that during the fair people are riding their bike and need a place to park it without having all of these bikes on the grounds and taking up additional space.

Next slide is looking at camping areas. Rodeo, Five Valleys Kennel Club and ice sports all needs for various times of the year for camping facilities on the grounds. Rodeo has a PRCA Bullorama Ranch Rodeo college and high school rodeos. Five Valleys has a dog show and then ice has certain events that they would like to bring in particularly with their new facility that would require or potentially offer their participants camping space. That's what the golden circles are attempting to indicate. The idea being that there would be infrastructure within the grounds to provide however it is deemed necessary by the least prepped power and water to these facilities. Thinking that the dump station, which is the purple octagon space, would be incorporated as well and again, it is on a traffic route to and from both rodeo and onto the larger spaces on the ground so and connected with the south street to the south of the grounds. That could be a place for coming and going for a dump station access to the grounds. Finally a culminating plan showing all the conditions of the site I will give a 24 by 36 print plan of this to Chris Lounsbury. Thank you.



Commissioner Curtiss – It was great to have you show all of those individual things that way. I like that.

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Commissioner Rowley – Any further staff presentations or comments before public?

Chris Lounsbury – The question about trails and connectivity came up quite a bit. I think most of those concerns have been addressed and show that there are paths for folks to be able to get through the grounds. One of the things we have heard continuously is that the grounds don't feel welcoming and that is obviously not what we want for the future of the fairgrounds. We want folks to feel welcome onto the grounds, even if they are just passing through and trying to make a connection to an adjoining or an adjoining piece of property that they might be recreating on. Also, there was quite a bit of work that went into determining where buildings should go, what the orientation should be, I think we tried to accommodate as many of the changes as we could. I was personally disappointed to see that we couldn't really move the exhibit building. Paul and I talked about that one quite a bit and whether we could accommodate the orientation but I do think by presenting that double front one out to Russell Street and then still one tied back into the fairgrounds it hopefully helps to address some of the concerns that were brought forward, I know the City Council had concerns during that.

Commissioner Rowley – Is there any public comment on the Fairgrounds concept?



Jilayne Dunn, President, Missoula Figure Skating Club - I am also here with my fellow ice enthusiast Barry Bollenbacher and he is president of the Missoula Curling Club. First of all I want to say thank you so much commissioners and County staff and also to the Missoula County Fairgrounds Advisory Committee that worked so hard. Thank you so much this is beautiful and wonderful and we are in support. Barry and I are here to present a letter into public comment on behalf of our boards, the Missoula Figure Skating Club and the Missoula Curling Club. Both of our boards are 501(c)(3) non-profits. We would like to enter this comment:

Dear Commissioners, Mr. Lounsbury and Ms. Zeier,

Thank you for your continued efforts to establish a new ice sports facility on the Missoula County Fairgrounds.

As confirmed by the recently completed Missoula Area Ice Users and City and County Feasibility Study, the existing facilities cannot support the continued growth of current ice sports and the expansion of potential additional public uses. The feasibility study, initiated and supported by all major ice users as well as the City and County, clearly concluded that there is need and capacity for growth in ice sports. In particular, it found public and recreational skating, figure skating, and curling communities are underserved.

As representatives of the two largest organized non-hockey purchasers and users of ice time at the Glacier Ice Rink, we support the goals of the feasibility study to add additional sheets of ice, including dedicated curling ice, and to make ice available year-round. Our Clubs are prepared to publicly and financially support, within our means, a facility that meets those priorities.

However, our Clubs have a major concern that has not been addressed to our satisfaction.

The governing entity over the new facilities must represent the broad community of ice users, while being small enough to be an efficient working board. If a major public investment is being considered, our Clubs insist that all major users of a new facility be prominently represented - not by a single seat on an otherwise large board of hockey representatives.

Clearly, youth and adult hockey are popular, successful, and contribute to the athletic culture of Missoula County in ways not seen in many communities around the country. But if the governing entity of a new facility does not include representation by all major users, we are concerned that this major public investment will not deliver broad benefits including accessibility and affordability to the greater community.

To this point, our Clubs' communications with Missoula Area Youth Hockey (MAYHA), Glacier Ice Rink staff, public office holders and City and County staff, has established priorities that, if met, will deliver our support for the major public investment necessary to build a new facility. Those priorities are:

- *Additional, indoor, sheets of ice designed for multiple uses, including dedicated curling ice.*
- *Access to and use of ice year-round.*
- *A new governing entity that includes representatives from hockey, figure skating, curling, City and County. This governance structure cannot be weighted by hours of ice rented. It should be a structure that ensures equal access by all major user groups (including hockey, figure skating, curling, public and recreational uses) to plan and commit the available ice and to set reasonable and equitable ice fees.*

As we all continue to plan and participate in the growth of ice sports in Missoula County, the ultimate success of a new facility - including its ability to meet its financial obligations - will be contingent upon its accessibility and affordability to the greater community and the success of

the programs developed by its major ice users. This can be assured through a governance model that allows greater input and oversight of the new facility by all major user groups.

With the County's leadership in establishing a new larger ice community, we look forward to working together to create a successful cornerstone of the new Missoula County Fairgrounds.

Thank you for your work on this community asset.



Barry Bollenbacher, President, Missoula Curling Club – I am here representing the Missoula Curling Club in support of the same notions that Jill has just outlined to the Board of County Commissioners. I learned to skate about 60 years ago and I have skated, played hockey and curled all those 60 years and have become pretty much a iceaholic and what I have seen over those years is how important governance is. My day job for the last 45 years has been with the Forest Service and I have seen a lot of governance. One of the things in common with organizations if your constituencies, your stakeholders, your user groups feel they are not being dealt fairly with it is pretty hard for the organization to achieve their goals and objectives. I think this goes right to hockey facilities or ice facilities in general. If they are not well represented the user groups unfair positions could be taken by the governing entity may be biased on one use or another. The nature of non-profit boards they change over time, maybe every three years, so even though a current board may be fairly broad in a perspective of all the different uses that can change. A couple good examples here in the last year with the curling clubs in the Northern Rockies two of them were governed by entities that their perspective was pretty narrow. One of them was in Whitefish in fact that Whitefish rink was sold to a private entity that was very much pro hockey that is what they wanted to do and the curling club had to fold. Another one down in Salt Lake City, the Oval Curling Club, similar situation where the governing entity changed their perspectives and their objectives and the curling club had to fold. So these non-profit situations or dominated entities for governance can have a very big bearing of the success of the greater communities in terms of the various uses of ice. I fully support what Jill has said, we do need significant increases in ice use here in Missoula. We have a lot of demand and not enough ice so it is very easy to see that there is more demand than there is supply. But how we do this is absolutely critical. I am here to support Jill's comments that as we move ahead we should do so in a more interdisciplinary group of users rather than dominant use of particular users. We should reengage the memorandum of agreement that many of us were parties to and use that as an entity to help guide the future of design for the facilities and then as we build we should engage in an entity that is more balanced in their perspective of different ice users. I want to thank you for letting me comment today and wish you well.



Commissioner Rowley – Chris, for the record, could you explain very briefly what the current governing structure is? I think a lot of people think it is the County that is the governing body of the ice and how we do interact with that governance.

Chris Lounsbury – Currently the County has a lease with Missoula Area Youth Hockey. Back when the rinks were first being formed the County commissioners were approached by the hockey community to build the existing facilities under a lease agreement so the County is in essence the holder of the land and then the Youth Hockey Association is the holder of the equipment that generates the ice plant that generates the ice for the hockey community and the other users to be able to use. It is currently a lease structure.

Commissioner Rowley – Thank you and MAYHA is the governing board of the entire ice rink?

Chris Lounsbury – That is correct.

Commissioner Rowley – Is there any other public comment on the Fairgrounds concept plan? Seeing none, I will close that hearing.

Commissioner Curtiss made a motion that the Board of County Commissioners adopt the resolution for the Missoula County Fairgrounds concept plan that is attached and is represented by the drawings we saw today. Commissioner Rowley seconds.

Passed 2-0.

Commissioner Rowley - I would like to thank MFAC very much for their input getting us here. It seems kind of like an anti-climactic moment because it has been years and years to get here and now it is just a short little public hearing but it has been a lot of work and I thank everyone who has put their time into this and I think it has come out really well. I am very proud of it and I am proud of everyone who has been involved. Thank you very much.

c. Request MacArthur Drive on-street parking be limited to one side of the street.



Erik Dickson, Assistant Director/County Engineer, Public Works Department – The resolution that is being presented for your consideration today is to restrict parking on MacArthur drive in the Westpoint Subdivision. The Westpoint Subdivision was approved in 2003, MacArthur drive was constructed and subsequently accepted for maintenance by Public Works and in the past couple of years we have noticed that particularly for our snowplow operations the on-street parking is becoming a problem. The road was built to 28 feet wide and when you have cars parking on both sides of the road you are essentially creating a one lane road through there and during the winter months that is especially tough with the snow ice buildup. One of our snow plow drivers pointed that out to me this past January we looked at it, it did look like a problem. Not long after that the homeowners

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association contacted me and said they were having problems with the on street parking. The covenants of the subdivision were intended to manage the on street parking but it didn't work despite requests to the residents to avoid parking on the street. It still was a problem for them. Without a good way to enforce that they came to us asking us what we could do since those two events occurred so close together we decided to bring this to the commissioners for consideration. Just a quick couple of photos, this was the road condition in January of last year after it was brought to my attention. You can see there are cars parked on both sides of the street. We have plowed the road but in the next picture if you look you can see where some of the vehicles sit unmoved for the entire winter. If they are in the exact wrong spot on opposite sides of the road it gets tough to move a large snow plow through there and you can see from the tracking that it essentially creates that one lane road that we have a problem. That was a good reason for us to consider the request and then the homeowners association did provide a written request in August of this year to the commissioners explaining their same concerns and same problems so we are bringing this to your attention for your consideration. This was the road width as it was approved and constructed in 2003 obviously with different standards you will see there that we have a 28 foot surface width. Currently we would not allow on street parking unless the actual surface width was 32 feet so how it was approved or why it was approved at that time I am not entirely sure but again, 13 years later we have different standards, different expectations so if this was to be a subdivision that was approved today we would not allow parking on street unless they met that 32 foot width. Even if we allow this on one street we are going to be four feet narrower than we would prefer but given the conditions it is we think a manageable solution to the problem that exists. I should point out that in the resolution I spend so much time talking to people trying to figure out which side of the street we wanted to allow parking that I reversed the language in the resolution and on the exhibit. This is the exhibit attachment to the resolution, so the red line there is where we would actually prefer the parking to be not where we would like it restricted. Especially for our snow plow operations it is easier to have the outside of the curve available to move snow, push snow and have that outside available. So we will have to revise either the exhibit or the language to reflect which side of the road we would actually prefer parking which is the inside. The language in the resolution says that parking is hereby prohibited on the north side of MacArthur drive that should be opposite; it should be restricted on the south side.



Commissioner Rowley – Okay, so we will have to make that amendment in the motion.

Erik Dickson – Yes.

Commissioner Rowley – Okay. There is currently no parking on that side, right?

Erik Dickson – No, there are no restrictions. The only parking restrictions in place are the covenants which don't have a lot of enforcement.

Commissioner Rowley – Right, but the covenants have it only on one side don't they? And we are switching that side now?



Brad Farnsworth, Circle H Investments, LLC. - Circle H Investments, LLC is the company that owns 55 of the 240 lots in the subdivision. The current homeowners association covenants allow parking at periodic times on both sides of the street that parking is not supposed to be permanent but as Mr. Dickson suggested that is being largely ignored by several of the renters and homeowners that live in the subdivision currently.

Commissioner Rowley – Okay and you agree that the south side is the side that should be parked on?

Brad Farnsworth – Yes, the company strongly recommends that the commissioners adopt the proposal and that parking be restricted to the north side of MacArthur so that the south side is open and that will allow snowplowing and snow to be pushed off the lower side of the hillside.

Commissioner Rowley – So he just briefed us on the MacArthur parking if you had any questions about it but they are changing the side. It says prohibited on the north side in the resolution and they actually want to prohibit on the south side so we will have to make that amendment.

Commissioner Curtiss – So on the drawing, the red line is on the other side, I am mixed up as to...

Commissioner Rowley – So the red line was where there was no parking but now the red line is where they want parking.

Erik Dickson – Yes.

Commissioner Curtiss – And you agree with that?

Erik Dickson – Yes, that was my error. I would like to add one more thing. I don't know if it is necessary or appropriate at this time but this is specific to phase one of Westpoint right now. You will see on that cul-de-sac to the north, granted there are only two houses there now, it is going to be the

same problem I think with the same width of road and when those are fully developed. I can foresee that being a problem. I am wondering if we should or could extend that at this time, whether or not we actually sign it and enforce it is one thing but I would like to extend that to include all the parking restrictions for phase one and so I am impartial as to which side of the street up there since it is a short straight section there is really no advantage one way or the other for us as far as snow removal. I would recommend considering that extension as well.

Commissioner Rowley – Okay, would we be able to put in language in the resolution that states the side or just take it out of the current resolution for the current MacArthur Drive, just so we are consistent with what is included?



Commissioner Curtiss – The problem is that hasn't been noticed maybe we should just wait because there is also going to be an extension of this road as they do the next phase and we can do it all at that time. You know as they sell lots they can let people know this will be proposed. Don't you think John, it wasn't noticed?

Commissioner Rowley – Because that's not MacArthur Drive?

Erik Dickson – No, I think that is Patton Court and I think that is completely separate road.

Commissioner Rowley – Is there any public comment on the no parking zone on MacArthur Drive in the Westpoint Subdivision? Seeing none, I close that hearing.

Commissioner Curtiss made a motion that the Board of County Commissioners establish the no parking zone on MacArthur Drive in Westpoint Subdivision parking restrictions on a County maintained road as stated in the resolution with the amendment that it is now in the south side not the north side. Commissioner Rowley seconds.

Passed 2-0.

d. Consideration of Habets Family Transfer



Christine Dascenzo, Planner, Community and Planning Services – This is a request from Rachel Habets represented by Greg Martinsen with Martinsen Surveys to use the family transfer exemption to the Montana Subdivision and Platting Act in accordance with MCA 76-3-207-1b a division made outside of a platted subdivision for the purpose of a single gift or sale in each County to each member of the landowners immediate family. The proposal by Rachel is to create and transfer one new ten acre parcel to her husband Steven Habets. The property is located in West Missoula and legally described as tract 1A of COS 5784. The original tract is 30 acres and accessed by State Highway 474 also known as Pulp Mill Road. The property is unzoned and has a land use designation of heavy industrial from the 2002 regional land use guide based on the 1975 guide land uses. The guide states that, "heavy industrial use is recommended for general manufacturing and extractive industries." The property is located outside of the floodplain and the Habets have begun construction of their home on that western parcel. The proposed lot will also be accessed by that Pulp Mill Road and create a 20 acre remaining tract. The applicants stated that the transferred tract is intended for residential and agriculture use by both the claimant and the recipient on the proposed ten acre parcel. The 20 acre remaining tract will be used for agriculture and the site of their construction company Upcycled Technologies. As for parcel history, Upcycled Technologies which is the Habets construction company filed a quick claim on Aug. 3, 2016 which transferred tract A1 out of the business ownership and into Rachel Habets ownership. On that same day our office received the family transfer exemption application. Previously in 2006 Smurfit Stone filed a boundary line relocation on COS 5784 creating this current lot configuration. Prior to that in 1985 Alfred and Rosemary Deschamps filed a retracement on a preexisting parcel recorded as COS 3220. The intention of the family transfer exemption is to allow a land owner to divide land exempt from subdivision review to convey as a gift or sell one parcel to each immediate family member. We have evasion criteria in the subdivision regulations and reviewed this proposal against those and it triggered three evasion criteria. The first to divide a tract that was created through use of an exemption and this lot was created with that boundary line relocation in 2006; that seventh criteria to divide tracts that were recently transferred to the applicant and we have that Aug. 3 quick claim from Upcycled Technologies to Rachel Habets; the tenth criteria to divide land for transfer to a spouse and that is applicable in this case as the recipient would be Steven Habets, Rachel's husband, although that is also a valid relationship in State law. Based on the facts as presented in the exemption affidavit and contained in the staff analysis there does not appear to be an attempt to evade subdivision review and CAPS is recommending approval. We did reach out to Greg to get a letter from the lenders explaining how a mortgage exemption is not an applicable exemption in this case and you have that letter. I can proceed to the family transfer questions if there aren't any questions at this point.

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1. Please state your name for the record.


 Rachel Habets.

2. Are you using the subdivision exemption process in an attempt to evade the subdivision review?

No.

3. How long have you owned the property?

Since April 2015.

 **Steven Habets** – We bought it together with the intention of the business having it. Then obviously we had to take it out because the bank doesn't like how it is laid out so then you have to bring it out there. So when we do the family transfer a corporation can't do a family transfer and so that is why I deeded out of the business and it deeded into her name so then we can transfer it into my name. I hope that explains it.

4. Did you buy the property with the intent of dividing it?

No.

5. Do you or Steven intend to transfer the property within the next year?

No.

6. Have you talked to anyone at the County about going through subdivision review?

No.


7. Are you in the business of building or developing property?

No.

8. Can you further explain what Upcycled Technologies does?


Steven Habets – Upcycled Technologies is basically created to own the property and lease it to our other construction company because we don't want a conflict there or lose our property if one gets in trouble or the other one doesn't get trouble. Everything we have done has been instructed to us to a certain way. In starting Upcycled Technologies we also started taking our own recycled products from our City projects, County projects, government projects that we do with our other business and we bring out there to in one day, hopefully, recycle that product and use it back again on these projects. There is a portion of the property that is used for that which would be the east side of the property. We took some acreage for that and then they lease the ground to HM Concrete which does work around town. There is kind of multiple uses for Upcycled Technologies and it was just a better way to go about setting those two up separately versus trying to keep one business together so that is why it was started. And then that is actually what Upcycled Technologies will hopefully do in the future but it takes a really long time to establish a pit or anything related to that kind of product. That is basically why it was established.

9. So just to clarify, is HM Concrete your other company?

 **Steven Habets** – Yes that is another business that we own.

10. And that is the one that will lease?

It leases from Upcycled Technologies.

 **Commissioner Curtiss** – So while you do work in the construction industry you don't buy property, build and sell?

Steven Habets – No, we build roads, curbs, sidewalks, patios, and entry ways to people's house. From small things to big things to fairgrounds parking lots, hopefully and stuff like that.

11. Do you understand that this exemption request is not being reviewed for adequate physical and legal access in all weather for all vehicles, including emergency access vehicles?

Yes.

12. Do you understand that approval of this exemption does not mean the property is approved for zoning compliance, building permit, floodplain or septic systems, or any other permits?

Yes.

Steven, if you could answer the following questions:

13. Will the property be developed?


There is a house being built as of right now, other than that, no.

14. Will you be residing on the property?

Yes.

15. Where do you live now?


We live in the city limits.

 **Commissioner Curtiss** – I don't really have any questions it is just that this one was an odd one for us because of the financing issue but I looked back at our regulations that we recently upgraded and in the end it comes down to could this lot have been approved through subdivision review and I don't see anything that would stop it from doing that. You know if you were going to gift the lot to your parent or I'm sure you don't have kids old enough that you want them to have a business yet but you know for a business it is just that usually we see people to do this for housing so it kind of threw us off a little bit for us to go, this is for a business is that what the law is for? Well, I guess it is. If you had gifted it to your parents to put a building on that was going to be a shop that would be fine too. This is the other way around so I don't have any problems with it.

Commissioner Rowley – No, I agree it is my first where a commercial property was involved and it sent me back to state law, reading what does it actually say is the intent and everything and it does fit, it is just different so you brought some new excitement to our lives.


Steven Habets – Glad we could challenge you.

Commissioner Rowley – And the financing issue, at one point I was thinking well that is a financing problem not a land transfer for the County problem but if you take that piece out of it, it is completely legitimate utilization to transfer to a family member. I think we kind of got stuck in the details that weren't our details but we came out of it and I think we are okay with it. Was there public comment on the Habets Family transfer? Seeing none, I will close that hearing.

 *Commissioner Curtiss made a motion that the Board of County Commissioners approve the request by Rachel Habets to transfer one parcel to her husband Steven as it does not appear to be an evasion of subdivision. Commissioner Rowley seconds.*

Passed 2-0.

e. Consideration of Johnstin Family Transfer

 **Christine Dascenzo** – This is a request from Christopher and Linda Johnstin represented by Ken Jenkins and Lyn Stanley with Montana Northwest Company to use the family transfer exemption to the Montana Subdivision and Plating Act. Christopher and Linda Johnstin propose to create and transfer one new 34 acre parcel to their adult daughter Holly Moore. The property is located in Missoula and legally described as the southwest quarter of Section 7 T 13N, R 20W. The parcel is 158.82 acres accessed off Big Flat Road. The property is zoned CA1 with a density of one dwelling per 40 acres. It is located out of the floodplain and the proposed 34 acres will be accessed by Big Flat Road and create a 126 acre remaining lot. The applicant stated that the transfer is intended for residential and agriculture use. The parcel has not gone through a division after 1974. The request was reviewed for evasion criteria and triggered one which is to divide tracts that were recently transferred to the applicant and the Johnstins recorded the grant deed on Aug. 31, 2016. Based on the facts as presented in the exemption affidavit and contained in the staff analysis there does not appear to be an attempt to evade subdivision review and CAPS is recommending the request be approved.

1. Please state your name for the record.

 Linda Johnstin.

2. Are you using the subdivision exemption process in an attempt to evade the subdivision review process?

No.

3. How long have you owned the property?

Aug. 31, 2016

4. Did you buy the property with the intent of dividing it?

No.

5. Do you or your transferees intend to transfer the property within the next year?

No.

6. Have you talked to anyone at the County about going through subdivision review?

No.

7. Are you in the business of building or developing property?

No.

8. Do you understand that this exemption request is not being reviewed for adequate physical and legal access in all weather for all vehicles, including emergency access vehicles?

Yes.

9. Do you understand that if that approval of this exemption does not mean that the property is approved for zoning compliance, building permit, floodplain or septic systems, or any other permits?

Yes.

10. With the recipient in mind, will the transferred property be developed?

Yes.

11. Will the recipient, Holly, be residing on the property?

Yes.

12. Where does the recipient live now?

Clinton, she is married and has a two year old and a baby on the way and they are excited to relocate and be in that school district to raise my grandchildren. They are the reason, after everything that I have been through with all of this, I am in no hurry to do anything out there and after sitting through this whole meeting and stuff, it is overwhelming. But they are very anxious to build a house and get started so that was the reason why the urgency because they wanted to get going on their parcel.

Commissioner Rowley – Is there any public comment on the Johnstin family transfer? Seeing none, I close that hearing.

Commissioner Curtiss made a motion that the Board of County Commissioners approve the request by Christopher and Linda Johnstin to create and transfer one parcel to their daughter Holly Moore as it does not appear to be an evasion of subdivision. Commissioner Rowley seconds.

Passed 2-0.

Linda Johnstin – So that is it, she can go ahead with her plans?

Commissioner Curtiss – You will get a letter from our office but you can have the surveyor start and I would guess you could apply for building permits and all of that.

Linda Johnstin – Okay, thank you.

7. OTHER BUSINESS

None

8. RECESS

Commissioner Rowley – Called the meeting to recess at 3:38 p.m.

Resolution No. 2016-145 – BCC signed, dated October 26, 2016. To expend up to \$262,250 of the 2006 Open Space Bond proceeds toward the purchase of a conservation easement on approximately 545 acres for the Deschamps Open Space Project. Approved at October 26, 2016 public meeting.

Resolution No. 2016-144 – BCC signed, dated October 26, 2016. To adopt the Fairgrounds Concept Plan. Approved at October 26, 2016 public meeting.

Resolution No. 2016-155 – BCC signed, dated October 26, 2016. Regulating Parking on MacArthur Drive West Pointe Subdivision, Phase 1 SE1/4 Sec 26, T14N, R20W. Approved at October 26, 2017 public meeting.

THURSDAY, OCTOBER 27, 2016

BCC met in regular session; quorum present. SR out of office through Monday, October, 31. Morning: BCC attended Chamber of Commerce update. Afternoon: BCC attended Wildfire and Planning meeting.

ADMINISTRATIVE MEETING

Resolution No. 2016-150 – BCC signed, dated October 27, 2016. Approving expenditure of up to \$575,000.00 from the City's portion of the Open Space Bond fund for purchase of approximately 83 acres in the South Hills and for transaction and project related costs. Approved at October 3, 2016 joint City-County public hearing. To Kali Becher/Parks, Trails, and Open Lands.

Resolution No. 2016-153 – BCC signed, dated October 27, 2016. Budget Amendment for South Hills Open Space Bond project. Establishing expense line of \$575,000.00. To Kali Becher/Parks, Trails, and Open Lands.

Resolution No. 2016-151 – BCC signed, dated October 27, 2016. Resolution Relating to Financing of Certain Proposed Open Space Project; Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code. Qualifying Woodworth Meadows Open Space Bond Project for the use of funds for purchase of conservation easement on approximately 90 acres. Amount/\$75,000.00 if approved. To Kali Becher/Parks, Trails, and Open Lands.

Resolution No. 2016-152 – BCC signed, dated October 27, 2016. Resolution Relating to Financing of Certain Proposed Open Space Project; Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code. Qualifying Isbell-Blue Heron Open Space Bond Project for use of funds for purchase of conservation easement on 75 acres. Amount/\$150,000.00 total, \$75,000.00 from City's portion and \$75,000.00 from County's portion if approved. To Kali Becher/Parks, Trails, and Open Lands.

Bill of Sale – BCC approved, NR signed. Bill of sale for purchase of Charter Communications building located on Point Six above the Missoula Valley. Purchase will enhance reliability of emergency radio communication by providing space for expansion. Amount/\$35,001.00. To Chris Lounsbury/Chief Operating Officer.

Connectivity Agreement – BCC approved, NR signed. Service quote from Blackfoot Communications for connecting the Historical Museum at Fort Missoula with the County network and telephone services. Amount/\$586.00 per month. To Jason Emery/Technology Department.

Policy Revision – BCC signed Change to Missoula County Human Resource Policies-Holiday Benefit for Non-Union Employees. Allows regular full-time employees not covered by a collective bargaining agreement to receive a holiday benefit consistent with the regular number of hours they work. To Patty Baumgart/Human Resources.

Project Completion – BCC approved, NR signed. Treasure State Endowment Program (TSEP) Certification of Completion and Status of Funds for Preliminary Engineering Grants, Contract Number MT-TSEP-PL-17-924. Public Works (PW) was awarded TSEP planning grant in 2015 for completion of Preliminary Engineering Report (PER) and construction grant application for Main Street (Frenchtown) and Bible Lane (Alborton) bridge replacements. PER completed and grant application submitted. All invoices paid. To Erik Dickson/PW.

Grant Depository – BCC approved, NR signed. Designation of Depository for Direct Deposit of TSEP Funds for Main Street and Bible Lane Bridge Replacement Project. To Erik Dickson/PW.

Request for Funds – BCC approved, NR/JC signed. TSEP Planning Grant Request for Funds for Main Street and Bible Lane Bridge Replacement Project. To be submitted for County to receive reimbursement of \$10,606.60 (50% of project cost). To Erik Dickson/PW.

Signature Certification – BCC signed Signature Certification Form. Certifying commissioners are authorized to sign requests for payment of TSEP funds for Main Street and Bible Lane Bridge Replacement Project. To Erik Dickson/PW.

Grant Agreement – BCC signed Agreement with Human Resource Council District XI (for the Interim Assistance Program). To provide case management and assistance to individuals who have applied for Supplemental Security Income/Social Security Disability Insurance but have not received it. Amount/\$202,700.00. Term/July 1, 2016-June 30, 2017. To Nancy Harte/Grants and Community Programs.

Employment Agreement Amendment – BCC signed Employment Agreement Amendment between Missoula County-Partnership Health Center (PHC) and Mark Messer, DMD amending effective date to June 19, 2016. To Jan Thomas/PHC.

Employment Agreement – BCC signed Employment Agreement between PHC and Janice Thomas for services in capacity as Finance Director. Term/July 1, 2016-June 30, 2017. To Jan Thomas/PHC.

Employment Agreement – BCC signed Employment Agreement between PHC and Moses Lemeza, Pharm. D. for services in capacity as Pharmacist. Term/July 1, 2016-June 30, 2017. To Jan Thomas/PHC.

Additional discussion item(s): Appointment of Municipal Separate Storm Sewer System (MS4) Coordinator.

FRIDAY, OCTOBER 28, 2016

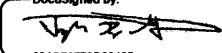
BCC met in regular session; quorum present. SR out of office through Monday, October 31. Morning: NR attended Climate Summit.

OCTOBER 2016

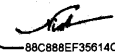
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FISCAL YEAR: 2017

Indemnity Bond – NR signed. Teamsters Union Local No. 2, Butte, Principal for Missoula Urban Transportation District Warrant #83081585, issued March 10, 2016 on County fund. Amount/\$2,305.00 (for February union dues). Warrant lost.

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Tyler Gernant
Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC

MONDAY, OCTOBER 31, 2016

BCC met in regular session; quorum present. SR out of office through Monday, October 31. Morning: BCC attended discussion on County zoning regulations. Afternoon: NR attended Climate Action Planning Energy Corps meeting.

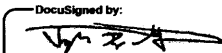
County Payroll Transmittal Sheet – BCC signed. Pay Period: 22/CY2016 - Pay Date/October 28, 2016. Total Payroll/\$1,675,319.47. To County Auditor.

Replacement Warrant - NR signed. Kathryn Byrne, Missoula, Principal for Missoula County Public Schools Warrant #28244588, issued October 20, 2016 on County Payroll fund. Amount/\$2,331.09 (for wages). Warrant not received in mail.

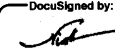
Indemnity Bond - NR signed. Dan Hirning, Missoula, Principal for Missoula County Public Schools Warrant #27-147785, issued September 14, 2016 on County General fund. Amount/\$36.00 (for referee). Warrant lost.

Tax Abatement Requests – At meeting with Clerk & Recorder on October 12, 2016, BCC approved following letters dated October 31, 2016:

- Approving request from Ed and Becky Ellis, Missoula, for a refund of taxes paid regarding Taxpayer ID No. 3706005. Law allows BCC to refund up to 5 years' worth of taxes paid as the result of an error.
- Denying request from Cheryl Lauridson/Guru Lawn Services for tax relief regarding Taxpayer ID No. 80510504. BCC does not have authority to adjust assessed value of equipment.
- Approving request from Shirley Jensen for a refund of taxes paid regarding Taxpayer ID No. 6000908. Law allows BCC to refund up to 5 years' worth of taxes paid as the result of an error.
- Approving request from Tim Hauck for a refund of penalty, interest, and costs paid regarding Taxpayer ID No. 3492601. Confusion about which half of taxes second check was to be applied.

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Tyler Gernant
Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC