

MISSOULA COUNTY COMMISSIONERS' JOURNAL: JULY, 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 July, 2016:

Date Signed	Claims List Dated	Who Signed	Amount
July 1, 2016	July 1, 2016	JC, SR	\$1,000.00
July 1, 2016	July 1, 2016	JC, SR	\$1,617.00
July 6, 2016	July 6, 2016	JC, SR	\$541.48
			\$645.83
			\$174.00
			\$1,583.43
			\$82,138.86
Total Report for July 8, 2016			\$1,247,211.33
July 7, 2016	July 6, 2016	JC, SR	\$369,153.81
			\$5,937.50
			\$21,531.77
			\$1,135.07
			\$1,735.84
			\$510.00
			\$2,450.00
			\$175,087.58
July 11, 2016	July 11, 2016	JC, NR	\$54,397.23
July 12, 2016	July 6, 2016	NR, JC	\$37,218.13
			\$8,911.51
			\$23,317.16
			\$196.02
			\$7,413.51
			\$4,476.72
			\$8,233.00
			\$77,366.49
			\$1,250.00
			\$19,177.10
			\$1,264.59
			\$19,442.76
			\$7,404.64
			\$390.00
			\$180.00
July 12, 2016	July 7, 2016	NR, JC	\$191,912.85
July 12, 2016	July 11, 2016	BCC	\$133,995.91
			\$2,750.49
			\$490.79
			\$565.00
			\$230,584.98
			\$4,234.26
			\$365.00
			\$6,377.15
			\$4,793.41
			\$1,814.42
			\$2,140,185.17
			\$24.00
			\$2,955.35
			\$2,500.00

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Tyler R. Gemant, Missoula County Clerk & Recorder
eRecording

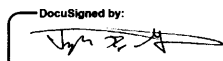
Date Signed	Claims List Dated	Who Signed	Amount
July 13, 2016	July 13, 2016	NR, JC	\$144,427.60
			\$42,833.14
			\$18,331.66
			\$500.00
			\$19.63
			\$11,913.95
July 13, 2016	July 8, 2016	NR, JC	\$121,732.37
July 13, 2016	July 8, 2016	NR, JC	\$1,000.00
July 1, 2016	PHC Smartfill ACH		\$60,570.78
July 7, 2016	PHC Amerisource ACH		\$90,600.49
July 15, 2016	July 14, 2016	NR, JC	\$1,537.58
			\$28,866.80
			\$392,645.94
			\$4,169.96
			\$755.13
			\$24,928.71
			\$1,392.89
			\$542.74
			\$2,415.69
			\$421.78
			\$1,202,729.68
			\$169,932.89
July 15, 2016	July 15, 2016	NR, JC	\$26,746.78
			\$576.28
			\$49,621.93
			\$1,123.61
			\$3,383.17
			\$7,561.66
			\$14,331.00
			\$21.81
July 19, 2016	July 18, 2016	BCC	\$93,144.39
			\$11,521.20
			\$254.00
			\$2,145.50
			\$6,041.96
			\$6,410.09
			\$88.32
July 19, 2016	July 19, 2016	JC, SR	\$19,817.21
			\$14,848.16
			\$3,403.48
			\$18,224.91
			\$11,126.06
			\$16,224.84
			\$271.45
			\$9,692.44
			\$2,262.20
			\$170.00
			\$7.00
			\$735.20
			\$95,658.23

Date Signed	Claims List Dated	Who Signed	Amount
July 20, 2016	July 20, 2016	BCC	\$9,333.49
			\$2,220.63
			\$250.00
			\$23,066.42
			\$1,164.00
			\$560.00
			\$29,256.32
			\$1,231.58
			\$631.41
\$15,294.84			
July 21, 2016	July 20, 2016	BCC	\$1,972.34
July 21, 2016	July 21, 2016	BCC	\$2,039.59
			\$8,608.18
			\$142.30
			\$27,286.27
			\$44,677.15
			\$352.85
			\$2,478.32
			\$27,935.13
July 20, 2016	PHC Smartfill ACH		\$116,838.33
July 15, 2016	PHC Amerisource ACH		\$49,513.39
Total Report for July 22, 2016			\$6,674,264.04
July 25, 2016	July 22, 2016	NR, JC	\$1,282.02
			\$7,355.48
			\$149.37
			\$36,537.04
			\$4,635.53
			\$108.00
July 25, 2016	July 25, 2016	NR, JC	\$15,922.35
			\$2,703.30
			\$36,439.63
			\$59,069.17
			\$54,698.19
July 22, 2016	PHC Amerisource ACH		\$40,873.21
July 26, 2016	July 25, 2016	NR, JC	\$3,338.04
			\$228,346.89
			\$700.59
			\$9,722.88
			\$1,489.45
			\$56,481.41
			\$9,819.75
			\$5,881.53
			\$115.00
			\$4,980.00
			\$18,697.89
Total Report for July 28, 2016			\$599,346.72

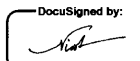
All claims lists were returned to the Financial Services Department.

FRIDAY, JULY 1, 2016

BCC met in regular session; all three present. Afternoon: JC attended Tupper's Lake Road viewing.

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Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC

MONDAY, JULY 4, 2016

COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR INDEPENDENCE DAY HOLIDAY

TUESDAY, JULY 5, 2016

BCC met in regular session; all three present. NR out of the office through Friday, July 8.

ADMINISTRATIVE MEETING - CANCELED

WEDNESDAY, JULY 6, 2016

BCC met in regular session; quorum present. NR out of the office through Friday, July 8. Morning: JC participated in conference call for Crown of the Continent.

ADMINISTRATIVE MEETING

Professional Services Agreement – BCC signed Professional Services Agreement between Missoula City-County Health Department (MCCHD) and Missoula Child and Family Services Division of the Montana Department of Public Health and Human Services (DPHHS). Clarifies roles and responsibilities for provision of services in MCCHD's Missoula Foster Child Health Program. Amount/\$90.00 per child served per month. Term/July 1, 2016-June 30, 2016. To Vicki Dundas/MCCHD.

Task Order Amendment – BCC approved, SR signed. Amendment Number One to Task Order Number 16-07-5-01-105-0 between DPHHS and MCCHD for Maternal, Infant, and Early Childhood Home Visiting SafeCare Augmented (Voluntary) program. Program serves children ages 0 to 5 at risk for abuse and neglect by assisting parents with basic parenting skills. Amendment extends contract period and increases funding. Amount/Funding increased from \$158,271.30 to \$189,211.30. Term/July 1, 2015-September 30, 2016. To Vicki Dundas/MCCHD.

Task Order Amendment – BCC approved, SR signed. Amendment Number One to Task Order Number 16-07-5-01-076-0 between DPHHS and MCCHD for Healthy Montana Families Project. Provides Nurse-Family Partnership of Montana Home Visiting Services in Missoula County. Amendment extends contract period and increases funding. Amount/Funding increased from \$85,000.00 to \$111,309.50. Term/July 1, 2015-September 30, 2016. To Vicki Dundas/MCCHD.

Task Order – BCC approved, SR signed. Task Order 17-07-3-01-087-0 between DPHHS and MCCHD for Montana Asthma Control Program (MAP). Continues nurse home visiting program in Missoula and Granite Counties to provide asthma education to children and their families. Amount/Up to \$32,000.00. Term/July 1, 2016-June 30, 2017. To Vicki Dundas/MCCHD.

Affiliation Agreement – BCC signed Affiliation Agreement between University of Montana Department of Psychology/Family Medicine Residency of Western Montana and Partnership Health Center (PHC). Term/One year from date of execution. To Bernadette Roy/PHC.

Policy Adoption – BCC adopted Missoula County Safety Policy applicable to all County Departments and employees. Establishes Safety Committee to promote workplace safety. To Shelly Block/Risks & Benefits.

Professional Services Agreement – BCC signed Professional Services Agreement with Clark Fork Maintenance, LLC to provide seasonal maintenance at two County parks, Cottage Park and Canyon View Park. Amount/Not to exceed \$2,580.00 Term/April 1, 2016-November 1, 2016. To Garrick Swanson/Parks, Trails, and Open Lands.

Appointment – BCC appointed Heidi Fritchen as Interim Director for Health Benefits and Worker Compensation Divisions of Risks & Benefits Department, reporting to Chief Administrative Officer (CAO). The CAO, Chief Operating Officer, and County Attorney's Office will assist Shelly Block with Risk Management Division until a Risk & Benefits Director is under contract. To Vickie Zeier/CAO.

Contract Amendments – BCC signed amendments to elevator maintenance contracts with Otis Elevator Company. Amount/Contract price 10% less than previous terms. Term/Extends existing contracts for additional 5 years. To Larry Farnes/Facilities Maintenance.

Appointments – BCC appointed Nancy Harte, Shantelle Gaynor, and Melissa Gordon as Interim Directors of Grants and Community Programs through August 31, 2016. Due to retirement of Cindy Wulfekuhle and change in City Housing program. To Vickie Zeier/CAO.

Additional discussion item(s): 1) Upcoming board meetings and review of meetings; 2) Consider a consultant for Risk Management until a Risk & Benefits Director can be hired.

THURSDAY, JULY 7, 2016

BCC met in regular session; quorum present. NR out of the office through Friday, July 8.

ADMINISTRATIVE MEETING

Quitclaim Deed – BCC signed quitclaim deed with reserved public road easement in favor of Brian and Erika Bidlake. Corrects a previously recorded document by converting a fee ownership interest to a 30' wide

public road easement. Missoula County took title to 30' strip of land by warranty deed in 1905. To John Hart/County Attorney's Office.

Subdivision Improvement Guarantee – BCC signed Subdivision Improvement Agreement and Guarantee for Linda Vista Fifteenth Supplement Subdivision. Linda Vista Subdivision has been developing through several phases. Agreement guarantees completion of public improvements that will not be completed by the time of plat filing. Amount/Agreement secured by letter of credit for \$526,152.19. Term/Improvements to be completed by December 31, 2017. To John Hart/County Attorney's Office.

Price List Approval – BCC approved new price lists for lots for sale at the Missoula Development Park. To Dori Brownlow/Development Districts.

Purchase Offer – BCC approved purchase offer from 836 Technologies to purchase Lot 7, Phase 5C of the Missoula Development Park. Lot is 1.41 acres located on Technology Court. Amount/\$2.85 per square foot for a total of \$175,000.00. To Dori Brownlow/Development Districts.

Grant Manager Change – BCC approved changing Project Manager for the Montana Board of Crime Control Multi-Jurisdictional Task Force Grant. Designated Captain David Conway as new project manager. To David Conway/Sheriff's Office.

Memorandum of Understanding – BCC authorized, SR signed. Memorandum of Understanding (MOU) with Childwise Institute for continuation of Adverse Childhood Experiences (ACE) Interface Master Trainer certification. Anna Semple, Health Start Missoula Coordinator for the Forum for Children and Youth, is a certified ACE Interface Master Trainer. MOU outlines service delivery expectations. Term/September 26, 2016-October 24, 2017. To Anna Semple/Grants and Community Programs (GCP).

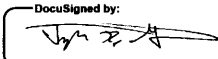
Loan – BCC approved loan from County Revolving Loan Fund to Missoula Institute of Sustainable Transportation (MIST)/Free Cycles. Economic development funds to be used to purchase property currently rented in order to expand opportunities and create jobs. Amount/\$105,000.00. To Nancy Harte/GCP.

Resolution No. 2016-096 – BCC signed, dated July 7, 2016. Authorizing, approving, and consenting to Missoula Public Library Land Exchange Agreement. Trades current Missoula Public Library Land (Block 5 of McWhirk Addition) for platted block immediately to the east owned by Terry Payne and Patricia Payne, if voters approve library bond. Land transferred from Paynes intended to be the site of new Missoula Public Library and Discovery Center. To Honore Bray/Missoula Public Library.

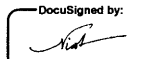
Additional discussion item(s): None.

FRIDAY, JULY 8, 2016

BCC met in regular session; quorum present. NR out of the office through Friday, July 8.

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Tyler Gernant
Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC

MONDAY, JULY 11, 2016

BCC met in regular session; all three present. Morning: NR attended Partnership Health Center Board meeting. NR attended Science and Kids training. Afternoon: BCC attended Seeley Lake site visit.

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

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

Indemnity Bond – NR signed. Janet Haavig, Missoula, Principal for Missoula County Public Schools Warrant #28242740, issued June 10, 2016 on Payroll fund. Amount/\$7,429.25 (for wages). Warrant lost.

Replacement Warrant - NR signed. Redstone Leasing, Missoula, Principal for Target Range School Warrant #15056402, issued November 30, 2015 on County Claims Fund. Amount/\$745.00 (for copier lease). Warrant not received in mail.

Letter – BCC signed, dated July 11, 2016. To Nick Kaufman, WGM Group. Confirming approval of Circle H Subdivision Phasing Plan Amendment and Extension at June 22, 2016 administrative meeting.

Letter – BCC signed, dated July 11, 2016. To Nick Kaufman, WGM Group. Confirming approval of West Pointe Phasing Plan Amendment and Extension at June 22, 2016 administrative meeting.

Community and Planning Services (CAPS) Update – BCC/CAPS Staff. Agenda: 1) Public comment; 2) Communications; 3) Missoula Organization of Realtors Housing Study; 4) Grant Creek Trail; 5) Caitlin's Estates Plat Amendments; 6) FY17 Community Council Budget Request update; 7) Montana Open Lands Month Proclamation; 8) Subdivision Regulations Rewrite: Chapters 1 & 2; 9) Director's update.

TUESDAY, JULY 12, 2016

BCC met in regular session; all three present. Afternoon: NR attended Local Emergency Planning Committee meeting. NR attended meeting with Mayor and City Chief Administrative Officer.

Indemnity Bond – NR signed. Brian Doyle, Missoula, Principal for Missoula County Payroll Warrant #31325323, issued October 30, 2014 on Payroll fund. Amount/\$659.54 (for wages). Warrant lost.

ADMINISTRATIVE MEETING

Subdivision Improvement Guarantee – BCC signed Subdivision and Improvements Agreement and Guarantee for West Pointe, Phase I. Agreement guarantees completion of public improvements that will not be completed by the time of plat filing. Amount/\$937,916.00. Agreement secured by Montana Trust Indenture encumbering Lots 34a through 43c of West Pointe, Phase I. Term/Improvements to be completed by December June 20, 2018. To John Hart/County Attorney's Office.

Grant Agreement – BCC approved, NR signed. Montana Renewable Resource Watershed Management Grant Agreement (WVG-16-0013), administered by Montana Department of Natural Resources and Conservation. For Lolo Watershed Group, sponsored by Missoula Valley Water Quality District (WQD), to develop plans to strengthen watershed protection. Grant will allow hiring of watershed coordinator to develop strategic plan and funding plan. Amount/Grant amount \$10,000.00, project total with match \$15,250.00 Term/July 1, 2016-December 31, 2017. To Travis Ross/Missoula City-County Health Department (MCCHD).

Collection Agreement – BCC approved, NR signed. Collection Agreement between WQD and Lolo Watershed Group for Watershed Management Grant. Includes tasks, timelines, and reporting requirements. To Travis Ross/MCCHD.

Task Order – BCC approved, NR signed. Task Order 17-07-3-31-011-0 for Montana Tobacco Use Prevention Program with Montana Department of Public Health and Human Services. For building community-level capacity for tobacco prevention work, preventing local youth from tobacco initiation, eliminating exposure to secondhand smoke, supporting the Montana Clean Indoor Air Act of 2005, and reducing the use of tobacco in Missoula County. Amount/Up to \$100,000.00. Term/July 1, 2016- June 30, 2017. To Kaila Warren/MCCHD.

Memorandum of Understanding – BCC approved, NR signed. Memorandum of Understanding with Vision Internet outlining technical parameters for website product. To Jason Emery/Technology Department.

Contract Agreement – BCC approved, NR signed. Agreement with Neustar. Allows Jason Emery to assume control over the co.missoula.mt.us Internet domain name for Missoula County that is currently registered to Jim Dolezal and is under control of the State of Montana. To Jason Emery/Technology Department.

Letter – BCC signed, dated July 12, 2016. To Senators John Barrasso and Jon Tester, Senate Committee on Indian Affairs. Expressing support of S.3013, which would implement the water rights compact as negotiated by the State of Montana, the United States, and the Confederated Salish and Kootenai Tribes.

Additional discussion item(s): None.

WEDNESDAY, JULY 13, 2016

BCC met in regular session; all three present. Morning: BCC attended joint meeting to discuss Fairgrounds Master Plan. Afternoon: JC attended Let's Move! Missoula Steering Committee meeting. NR attended Human Resource Council meeting.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 14/CY2016 - Pay Date/July 8, 2016. Total Payroll/\$1,724,478.36. To County Auditor.

Records Disposal/Transfer Authorization – NR signed. From Justice Court: Search Warrants (1991-2006). 10 year rule.

ADMINISTRATIVE MEETING

Task Order – BCC approved, NR signed. Task Order 17-07-3-01-083-0 between Montana Department of Public Health and Human Services (DPHHS) and Missoula City-County Health Department (MCCHD). For continued implementation of Montana Cardiovascular Disease and Diabetes Prevention Program lifestyle intervention curriculum. Amount/\$28,000.00 Term/July 1, 2016-June 30, 2017. To Kate Devino/MCCHD.

Memorandum of Agreement – BCC approved, NR signed. Memorandum of Agreement between St. Patrick's Hospital and MCCHD to provide 0.5 FTE for the Coordinated Approach to Child Health (CATCH) program. Designed to promote physical activity and healthy food choices and to prevent tobacco use in children from pre-school through grade 8. Amount/ \$34,800.00 Term/July 1, 2016- June 30, 2017. To Kate Devino/MCCHD.

Task Order Amendment – BCC approved, NR signed. Amendment Number One to Task Order Number 16-07-5021-014-0 between DPHHS and MCCHD for the Montana Special Supplemental Program for Women, Infants, and Children (WIC) program. Reallocates Regional WIC funds and allocates funds to provide Loving Support Training. Amount/Increased from \$506,016.00 to \$525,526.00. Term/October 1, 2015-September 30, 2016. To Kate Devino/MCCHD.

Resolution No. 2016-099 – BCC signed, dated July 13, 2016. Amending Resolution 2010-129 and authorizing the use of Community Development Block Grant (CDBG) Program Income Revolving Loan funds to assist low- and moderate-income owner occupied households. Authorizes use of \$15,000 CDBG program income to assist with water and wastewater repairs. Resolution 2010-129 funded pilot program in RSID 8901 Lolo Water-Wastewater District. Amendment extends program to eligible property owners in County managed and operated districts, including RSID 8916 El Mar, RSID 8918 Lewis and Clark, and RSID 8925 Sunset West. To Jean Harte/Grants and Community Programs.

Resolution No. 2016-098 – BCC signed, dated July 13, 2016. Repealing existing Growth Policy and adopting 2016 Missoula County Growth Policy, as amended by the Planning Board and BCC, with any necessary editorial and formatting corrections. BCC adopted Resolution of Intent, Resolution No. 2016-084, at June 1, 2016 public hearing. To Karen Hughes/Community and Planning Services (CAPS).

Memorandum of Agreement – BCC signed Memorandum of Agreement between Missoula County and Missoula Correctional Services, Inc. to provide alternative jail beds for one year. Term/July 13, 2016-July 13, 2017. To Vickie Zeier/Chief Administrative Officer.

Community Council Budgets and Agreements – BCC signed agreements with five Community Councils. By accepting funding from the County, Community Councils agree to perform assigned tasks, provide annual information to the County Auditor and CAPS, and maintain sufficient records to document performance. Agreements signed with:

- Bonner Milltown Community Council
- East Missoula Community Council
- Evaro-Finley-O'Keefe Community Council
- Seeley Lake Community Council
- Swan Valley Community Council

Amount/\$1,000.00 per Council, per year. Term/July 1, 2016-June 30, 2017. To Laurie Hire/CAPS.

Memorandum of Understanding – BCC signed Memorandum of Understanding with City for Edward Byrne Memorial Justice Assistance Grant to allocate 2016 funding. Amount/\$17,249.00 to County for part-time property clerk. To Jason Johnson/Sheriff's Office.

Grant Documents – BCC signed documents for Montana Department of Commerce Big Sky Economic Development Trust Fund Category I Job Creation Grant Contract #MT-BSTF-1-16-18, which was awarded to Missoula County for Advanced Technology Group. Management Plan between Missoula County, BitterRoot Economic Development District (BREDD) and Advanced Technology Group, Inc. (ATG); Subrecipient Agreement between Missoula County and BREDD; and Business Assistance Agreement between Missoula County and ATG. Amount/Up to \$112,500.00. Term/March 22, 2016-March 22, 2017. To Kelly Yarns/BREDD.

Letter – BCC signed, dated July 13, 2016. To Steven Ganalon, DIRECTV. Acknowledging receipt of letter exercising option to renew Ground and Facility Lease with Missoula County for five years beginning December 22, 2015.

Additional discussion item(s): None.

PUBLIC MEETING – JULY 13, 2016



Wednesday July 13, 2016 - 1:30 p.m.

1. CALL TO ORDER

Commissioners Present:

Chair Nicole "Cola" Rowley

Commissioner Jean Curtiss

Commissioner Stacy Rye

Staff Present:

Steve Niday, Land Survey Manager, County Surveyors' Office

Christine Dascenzo, Planner, Community and Planning Services

Tim Worley, Senior Planner, Community and Planning Services

John Hart, Deputy County Attorney, County Attorney's Office

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Proclamation for July 2016 as Montana Open Land Month

Commissioner Curtiss – Whereas July 2016 marks the fortieth anniversary of Montana's first conservation easement; and whereas 2016 marks the tenth anniversary of the Missoula County Open Space Bond; and whereas both private and public open land is essential to our way of life and represents our agricultural heritage, scenic landscapes and economic benefits; and whereas Missoula County wishes to recognize the tremendous efforts of Montanans to protect open land and clean water, diverse wildlife and livelihoods that depend on them; and whereas Missoula County supports Governor Bullock's recognition of July, 2016 as Montana Open Land Month; now therefore, we the Board of County Commissioners of Missoula County do hereby proclaim July, 2016 as Montana Open Land Month and encourage all residents of Missoula County to celebrate the value of open to land to our economy and our way of life. Dated July 13, 2016.

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

5. CURRENT CLAIMS LIST

Total claims from June 27, 2016 – July 8, 2016 = \$1,247,211.33.

6. HEARINGS

a. Donovan Creek Road – Petition to establish a public road.

John Hart, Deputy County Attorney – I was not here for the meeting a month ago, when this issue was discussed; I watched the video tape and I heard my name several times and I got the clue. I did follow up with some of the things that were promised that I would do between then and this meeting. I have had several discussions with Kevin Jones, local attorney representing Mr. Howard Edwards who is the petitioner here. I have explained to Mr. Jones and he agrees that the most prudent course of action here that solves these land owners problems in the most efficient way is for each one of the property owners to sign a reciprocal access easement granting each other the right to travel up and down the road to get to their property. Mr. Jones agrees that would be the solution of choice. He has prepared an easement. When I talked to him for the last time yesterday he anticipated getting that mailed out to each property owner. Annie was able to get me a copy of the landowners who were here at the last meeting and their addresses and phone numbers. I have also told Mr. Jones several times that I am happy to help and talk to any landowner who might have some concerns or misgivings about this particular course of action. I would be happy to do that with anybody. I personally feel that would be the best solution also. What I would recommend the commission do today is to continue action on the Donovan Creek Road petition for 60 days. I'd say 30 days but I think it is more likely that 60 days would be necessary to get everybody to sign this or at least find out who isn't willing to sign it under any circumstances and then we can take up an action on petition. Do you have any questions for me?

Commissioner Curtiss – So that would be to our September 14, 2016 meeting. If we are successful in having folks all sign the reciprocal agreements then we would deny the petition because the problem had been solved in a different way. Is that what we would do?

John Hart – That and there would be some other justifications that I would petition also.

Commissioner Rowley – Is there further discussion on that? Any public comment on the Donovan Creek Road petition?

Howard Edwards, Petitioner – I spoke to Kevin Jones on Monday (inaudible). I gave him authorization to prepare a reciprocal easement for everybody that is involved on Donovan Creek Road. Anyway he said he would start preparing that and he would get it out this week to each of the landowners. Hopefully, this will be the path of least resistance for everybody, not just me, but it is to everybody's advantage. As you heard the last meetings testimony from Shyra and the gentlemen from the title company stating that no one is going to give financing. To me it is just common sense that everybody works together here so that everybody will have legal access so they can sell the property somewhere in the future. That is my whole goal. I am a little disappointed my sale fell through because there is no legal access. That is what prompted all of this, I just want to have legal access, and how it is done I don't care. That is all I have to say.

Commissioner Rowley – Any other public comment on Donovan Creek? We will continue that hearing until our September 14, 2016 meeting.

b. Tupper's Lake Road – Petition to alter a public road.

Steve Niday, County Surveyors' Office – Road viewers report for Tupper's Lake Road in Section 8, Township 16 North, Range 15 West, principle meridian Montana. The date of the viewing was July 1, 2016. In attendance: Commissioner Jean Curtiss, Steve Niday-Missoula County Land Survey Manager and Chris Bryant-lead petitioner for Clearwater Blackfoot LLC. At approximately 1:30 p.m. the attendees gathered at the Tupper's Lake area to discuss the affected roads. Both routes were driven by the viewers and it was determined the altered to route was at least as good as the altered from route. No public access to public lands will be adversely affected by this alteration. The viewers recommend approving this alteration and recording a resolution to that effect. The viewers also recommend the resolution provide a more definite location of both ends of the altered from location defined by the position of the barricades to be placed by Clearwater Blackfoot LLC. The reason that last sentence was added was the petition fairly loosely defined those end points. I just wanted to get a little bit more clarity on those for the record. That is the end of the report, any questions?

Commissioner Curtiss – I would just add to the report that while usually when we move a road right-of-way the public doesn't continue to have access. The nice thing about this project is that they plan to put a trail there so the public, except when it is under water in the spring, would still be able to get close to the lake and hike around it and all of that and then they are going to continue a trail around. I think it will be beneficial to the public but it will also add a different venue of getting there.

Steve Niday – I guess I would like to add one other comment. I would like to commend Chris and Clearwater Blackfoot LLC for taking this approach. The right-of-way that is being altered is not a petitioned right-of-way or a deeded right-of-way. There is some un-clarity about that so they could have decided to go it alone, I think they did the right thing and it is beneficial to the public.

Commissioner Rowley - Thank you. Is there any public comment on the Tupper's Lake Road alteration?

Chris Bryant, The Nature Conservancy – I just wanted to thank you for coming up on Friday and Steve for your help with this. We will update that map. Thank you.

Dick Ainsworth, President of the Placid Lake Cabin Owners Association – I am here in support of this request. We have had our cabin up at Placid since my folks built it, in I think 1952, it is up in the north bay. We have historically used that road to go to Seeley Lake except it has been getting worse and worse. The route along the lake that they would like to move just the last few years has been under water a lot of times. I think it makes sense to move that. They have been doing some work up there to make that road more passable which is great and know the people of Placid Lake think that is great. Not only for convenience because it is so much shorter to get to Seeley, but from an emergency point of view because without that there is only one way in and one way out of Placid. If you had a bad fire up there that would be pretty scary. We are supportive of it, thank you.

Commissioner Rowley – Any other public comment on Tupper's Lake Road? With that we will close the hearing.

Commissioner Curtiss made a motion that the Board of County Commissioners grant the petition that was received to the Clerk and Recorder's Office with the additional language that has those define d ends of the altered location. Commissioner Rye seconds the motion.

Passed 3-0.

Commissioner Rowley – On July 24, 2016 there is a Revive and Thrive event, do you want to talk about it?

Chris Bryant – We are having on July 24, 2016 and we are really hoping to get this passed so we can have a work party in the morning if people want to join us for that. We asked people to RSVP to that part of it so we can make sure that we have enough tools. At one o'clock at Tupper's Lake area we will be having celebrations free and open to the public. There are some events for kids. Thank you.

Commissioner Curtiss – The work that they did to counteract the work that the beavers have done at the end of the lake is really a fascinating piece of equipment that they put in there. It still allows the beavers to build a dam if they want, it just won't impact the outlet. It is pretty creative.

c. Adoption of Missoula County Subdivision Regulations Chapters 1 and 2 as amended.

Christine Dascenzo, Planner, Community and Planning Services – Today we will be reviewing the proposed amendments to chapter one, general provisions and chapter two, definitions. Timeline up to today: Legal Notice was published in the Missoulian on May 22, 2016 and May 29, 2016, requesting public comment and advertising the June 7, 2016 planning board hearing and today's commissioner hearing. Looking at the general provisions in chapter one, we've got updates to the resolution references, terminology has been made more consistent with county, state, federal and private codes and there are some general copy edits as well. In section 1.4 on jurisdiction the review roles of rural school districts, City

of Missoula and Missoula County are clarified. Of the public comment that we received this section was the main focus. We received a public comment request wanting clarification on why school districts are notified about subdivision applications and asked for comment. You will find the changed language in section 1.4.1. It formalizes that rural school district review of subdivision applications. The reason for this is just that it has been sort of the practice within Community and Planning Services (CAPS) for some time and formalizes the practice in accordance with state law and that requirement to review for impact on local services.

Commissioner Curtiss – Even though the law says that we cannot deny a subdivision based on impact to a school, which is interesting, too.

Christine Dascenzo – We also received public comment from the City of Missoula Department of Parks and Recreation. They commented on section 1.4.3, which was noted to be inconsistent with the requirement that both governing bodies review a subdivision that is proposing only partial annexation. We are changing a may to a must; requiring both jurisdictions to review partial annexations proposed in a subdivision. That makes it internal consistent with section 5.6.3, which requires both jurisdictions to review it.

Back to changes in changes in chapter one, general provisions, section 1.7.1, construction timing, includes agriculture and riparian as areas to remain unaltered until plat approval. Section 1.12, illustrations and flow diagrams is now titled organizational features. It newly describes purpose and intent statements, appendices and supplemental administrative materials (SAMs). These materials can further assist with the subdivision process but are not regulatory.

Moving onto chapter two, definitions, we see a number of clarifying definitions throughout the chapter and specifically focused on the subdivision review criteria which have been updated for consistency with the growth policy. The Montana Code Annotated requires local jurisdictions to adopt subdivision regulations to enforce and manage orderly development infrastructure, open spaces and environmental management and protection. The review criteria are required to guide subdivision design and governmental review. These criteria are: agricultural water user facilities, agriculture, local services, natural environment, public health and safety, wildlife and wildlife habitat.

To summarize the action to date, we went to planning board on June 7, 2016 and what follows will be the summary of that discussion. This included a discussion on whether to take action on chapter two based on the fact that there will be changes to subsequent chapters that affect this chapter two but they were comfortable proceeding with the knowledge that staff anticipates chapter two coming back at the last round of action to catch any affected terminology that needs to change. They were comfortable taking action on June 7, 2016. They also approved an amendment, recommended by staff, that addresses the comment from City Parks changing the “may” to “must” for both city and county review of applications during a partial annexation. They acted on a motion to strike the phrase “to produce food, feed and fiber commodities” from the definition of agriculture in section 2.2.5. The intent from their discussion was to clarify the impacts to forest land are reviewed under the natural environment criterion and avoid including that review in the agricultural impact. Staff is recommending that we reinsert that phrase into the definition of agriculture to maintain case specific flexibility when reviewing subdivision applications and to become more consistent with the agriculture definitions used in the growth policy as well as state law, which includes that phrase in two different citations. They did unanimously approve chapters one and two as amended.

Section 2.2.5 will read: Agriculture is defined as the use of the land for growing, raising, or marketing of plants or animals to produce food, feed, and fiber commodities. Examples of agricultural activities include, but are not limited to, cultivation and tillage of the soil; dairying; growing and harvesting of agricultural or horticultural commodities; and the raising of livestock, bees, fur-bearing animals, or poultry. Agriculture does not include gardening for personal use, keeping of house pets, kenneling, or landscaping for aesthetic purposes.

After the planning board we heard from the Health Department, Water Quality District, on Section 2.2.85 on the riparian resource definition. The recommendation from the health department was to include irrigation ditches that are located outside of the floodplain and larger than three feet wide in the definition of riparian resource. The previous text that you will see in the strikeout excluded all irrigation ditches and this change would make it consistent with the City of Missoula's subdivision regulations and is supported by staff.

Section 2.2.85 will read: A river, lake, stream, wet meadow, woody draw, wetland or other body of water, the banks of these water bodies, adjoining riparian vegetation, and any designated buffer. Riparian resources do not include irrigation ditch or irrigation induced wetlands. An irrigation ditch that does not lie within a floodplain, and measures less than three feet in width at its widest point on the subject property, as measured from the high watermark of the ditch, is not considered a riparian resource for the purpose of these subdivision regulations.

That summarizes the changes we have seen and the communications that we have had to date. Staff recommended approval that demonstrates approval and reinserts the phrasing in the agriculture definition and maintains the change to the riparian resource.

Commissioner Rye – I couldn't tell when you were reading the report about why the planning board struck that and why we would put it back in.

Christine Dascenzo – So their conversation centered around trying to avoid including forest land in the review of the impact on agriculture and there is an understanding at the meeting too that the phrase was not include in state law and so we are recommending reinsertion of that phrase because it is state law and we are looking to maintain the flexibility around agricultural review of impacts to be able to adjust if there are agricultural forest lands in a particular application.

Commissioner Rye – Are we talking about two different things? You are talking about forested lands and then in the phrase it says, “to produce food, feed and fiber commodities”?

Christine Dascenzo – So I think it was understood to be forest land could be included in fiber.

Commissioner Rye – I don't really understand.

Commissioner Curtiss – I think the other piece is that a lot of times the forest land is also used for grazing, so that might be where the food part comes.

Commissioner Rye – Are we talking about subdivisions on forested land only?

Commissioner Curtiss – We are talking if you had, Potomac area would be a good example, where you have a big hay field but then you also have forest land around it, so if you are going to do a subdivision what is the impact on all of that? If you look at the Right to Farm, Ranch and Practice Forestry Policy draft that we asked staff to do, they kind of go hand in hand in a lot of operations. It seems to me like it should be considered at the same time. I think the planning board thought the impact to natural resource would address the forestry part but sometimes they are connected.

Tim Worley, Community and Planning Services – I don't have a lot to add except if you take a look at the first paragraph on page eight of the planning board minutes that summarizes Neva's piece that she said at planning board. I think our big emphasis is we just want to have this definition be consistent with state law. If you remove food, feed and fiber you are not consistent with the state law definition anymore.

Commissioner Curtiss – On page 1-2, section 1.4.1, it says that we send it to the school district for review but I just wondered if it should say “comment” like every other agency. That was just a technicality that should be there. Although we can't deny based on it we could still read it. I had also asked staff on page 1-7, section 1.11, that permission to enter, it is an assumption that it is in everything, but I just wondered whether we have or should have if we don't, something that people actually sign. You know kind of like when you go to the doctor you sign, saying that this can go to my insurance company. Because there are some people who don't like when we then walk on their property to look at the subdivision or staff does as part of the review, which it is stated many times but at least we have people sign it, it gives us a little security I think.

Christine Dascenzo – We could include an additional supplemental administrative material to address that.

Commissioner Curtiss – Okay.

Commissioner Rowley – Any other comment from the Water Quality District?

Michelle Hutchins, Missoula Water Quality District – We support the change in definition of riparian area to include irrigation ditches that are over three feet in width. The irrigation ditches take a significant portion of the river in many cases and they support some significant riparian buffers on either side and since you are taking water from the river and then returning it, all of the water quality benefits of having (inaudible) apply to the irrigation ditches. Those waters are going back into the river and also there is some significant wildlife habitat there that provides some connectivity to the river. We feel that is a good compromise to just make it apply to irrigation ditches greater than three feet.

Commissioner Curtiss – My concern is, there are several places in town where we have ditches that are over three feet wide, the irrigation companies or whatever they are called have ditch riders that go through and they don't want things growing on their banks and so they may sterilize, they may cut them down and so they aren't really riparian but I understand the use.

Michelle Hutchins – They have jurisdiction over the actual channel and bank but the area adjacent to that is more of our concern and sometimes they do go burn and cut and they may not always like having the adjacent vegetation but they have the ability to clear out things that fall in and block flow, so I think that is still appropriate.

Commissioner Rowley – If these are designated as riparian resource then would the 50 foot riparian buffer zone apply to these ditches?

Michelle Hutchins – It is not necessarily a set distance with a buffer but there are requirements for having a riparian management plan, protecting the vegetative buffer, restricting some of the infrastructure and activities that can happen there.

Commissioner Rowley – This is an expansion of the definition that we have previously had so it may have more area encompassing those types of restrictions than have in the past. Is that correct?

Michelle Hutchins – Yes.

Christine Dascenzo – In addition there are also preexisting regulations in chapter three around 10 foot wide easements around irrigation ditches. So this is complimentary to that.

Commissioner Rowley – Okay, so the ditches already have somewhat of a buffer associated and this won't significantly add buffer?

Commissioner Curtiss – But this suggestion came after planning board right?

Christine Dascenzo – That's right.

Commissioner Curtiss – So has it been out where the public has seen it?

Christine Dascenzo – We have posted it on our website, for I think a few weeks and we received a letter.

Commissioner Rowley – Is that adequate process wise?

Tim Worley – We think it is probably adequate because now actually even small riparian ditches can be included in areas of riparian resource so this is actually more restrictive language than we currently have in our regulations. So we think this is a sufficient kind of middle ground to deal with those bigger ditches. There is actually not a lot that exceed that three foot width right now. The ones that are burned typically, at least in my experience, are lesser than that three foot rule.

Commissioner Rowley – Incorporating comments after planning board that's okay with the public piece of it? I just didn't know and we haven't received any comment on it?

Christine Dascenzo – We haven't received any comment on the comment.

Commissioner Rowley – Okay. This version has been released though, so people not only saw the comment but this actual version?

Christine Dascenzo – Right.

Commissioner Rowley – Was there any public comment on the subdivision regulations? Seeing none, we will close that hearing.

Commissioner Curtiss – I just have a question to CAPS staff, do we need the review and comment for schools or is it not necessary because it would be taken anyway?

Christine Dascenzo – It would be fine if we added it in. It is somewhat more consistent with the language also included in that section.

Commissioner Curtiss made a motion to amend under jurisdiction 1.4.1 to add to the very last sentence of the amendment that is there and comment. Commissioner Rowley seconds the motion.

Passed 3-0.

Commissioner Rye made motion to include staff's recommendation to include the definition to include to produce food, feed and fiber commodities in 2.2.5. Commissioner Curtiss seconds.

Passed 3-0.

Commissioner Curtiss – Do we need to add in the water quality district's definition because it is this but it is still something from planning board so we probably should?

Christine Dascenzo – Inaudible.

Commissioner Rowley – It is on page 2-11, section 2.2.85.

Commissioner Curtiss made a motion to incorporate the language suggested by the water quality district in the riparian resource, to reflect an irrigation ditch that does not lie within a floodplain and measures less than three feet in width at its widest point on the subject property as measured from the high-water mark of the ditch is not considered a riparian resource for the purpose of these subdivision regulations and to strike the other language that was there. Commissioner Rye seconds

Passed 3-0.

Commissioner Rye made a motion to approve the amendments as amended today to Missoula County Subdivision Regulations chapters one and two. Commissioner Curtiss seconds.

Passed 3-0.

7. OTHER BUSINESS

None

8. RECESS

Commissioner Rowley – Called the meeting to recess at 2:09 p.m.

Resolution No. 2016-113 – BCC signed, dated July 13, 2016. Amending Missoula County Subdivision Regulations pertaining to Chapter 1 General Provisions and Chapter 2 Definitions. Approved at public meeting on July 13, 2016.

THURSDAY, JULY 14, 2016

BCC met in regular session; quorum present. SR out of the office. Morning: NR attended Justice Alliance for Behavioral Health meeting. NR attended Human Resource Council Board meeting.

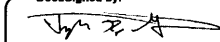
Resolution No. 2016-095 – BCC signed, dated July 14, 2016. Abandoning portion of County right-of-way known as Deadman Gulch Road. Approved at public meeting on June 1, 2016.

Resolution No. 2016-097 – BCC signed, dated July 14, 2016. Altering portion of County rights-of-way known as Morrison Lane and East Ashby Road. Approved at public meeting on June 1, 2016.


ADMINISTRATIVE MEETING – CANCELED

FRIDAY, JULY 15, 2016

BCC met in regular session; quorum present. SR out of the office.

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Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC

MONDAY, JULY 18, 2016

BCC met in regular session; all three present. Morning: JC attended HB33 meeting. BCC met with Bureau of Land Management.

TUESDAY, JULY 19, 2016

BCC met in regular session; all three present.

Larchmont Claims – BCC signed Signature Page for A/P Invoice Register dated July 19, 2016. Amount/\$40,882.43. To County Auditor.

Tax Abatement Requests – At meeting with Clerk & Recorder on July 19, 2016, BCC reviewed tax abatement requests. Letters sent from Clerk and Recorder's Office on August 3, 2016.

- Denying request from Laurel Daniels for waiver of taxes, penalty, and interest due and owing regarding Taxpayer ID No. 5965605. Request conditionally approved, but condition not met. Montana Department of Revenue did not concur that there was an error in the description or location of property.
- Denying request from Missoula Food Bank for a refund of taxes, penalty, and interest paid regarding Taxpayer ID No. 1764807. Property is assessed as it existed on January 1 of the year for which taxes are assessed. Commissioners are only permitted to issue refunds when there is an error in the description or location of the property.
- Approving request from Marilyn Abbott for waiver of taxes, penalty, and interest otherwise due and owing regarding Taxpayer ID No. 90000550. Mobile home was deactivated in 2015 and is not currently being billed. Delinquent 2014 bill abated to reflect \$0.00 owing.
- Approving request from James Fleischauer for waiver of taxes, penalty, and interest otherwise due and owing regarding Taxpayer ID No. 90349140. Mobile home has already been deactivated and is not currently being billed. Delinquent 2015 bill abated to reflect \$0.00 owing.

ADMINISTRATIVE MEETING

Plat Amendment – BCC did not act on Plat Amendment request for Caitlin's Estate Subdivision. Request to eliminate 60' wide conditional public access and utility easement centered on the property boundary between Lots 6 and 7. Request considered at August 3 public meeting. To Jamie Erbacher/Community and Planning Services.

Grant Closeout – BCC approved final documents for Treasure State Endowment Program Planning Grant for RSID 8925 Sunset West Water System Disinfection Improvements. NR signed Request for Funds form; Designation of Depository form to direct deposit reimbursement funds; and Certification of Completion and Status of Funds Report. BCC signed Signature Certification form. Project completed under budget and on time. To Amy Rose/Public Works.

Resolution No. 2016-100 – BCC signed dated, July 19, 2016. Approving Preliminary Official Statement to sell and issue open space general obligation bonds. On June 29, 2016 BCC authorized (Resolution 2016-093) selling and issuing up to \$3,350,000 in open space general obligation bonds, which is the final third of the 2007 Open Space Bond. Preliminary Official Statement to be distributed by underwriter of Series 2016 A Bonds to potential purchasers. To Andrew Czorny/Chief Financial Officer.

Employment Agreement Modification – BCC signed Employment Agreement Modification for Adriane Beck. Changes "compensation of employee" section. Updated template changes language regarding annual increase from "shall" to "may", allowing Board to decide the raise that will be paid to contract employees. To Chris Lounsbury/Chief Operating Officer.

Personnel Matter – BCC approved motion to close the meeting to discuss an employment matter.

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

WEDNESDAY, JULY 20, 2016

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Employment Agreement Modification – BCC signed Employment Agreement Modification for Rebecca Connors. Changes "compensation of employee" section. To Vickie Zeier/Chief Administrative Officer.

Employment Agreement Modification – BCC signed Employment Agreement Modification for Pat O'Herren. Changes "compensation of employee" section. To Vickie Zeier/Chief Administrative Officer.

Additional discussion item(s): None.

THURSDAY, JULY 21, 2016

BCC met in regular session; all three present. Afternoon: JC attended Health Board meeting.

ADMINISTRATIVE MEETING

Task Order – BCC approved, NR signed. Task Order 17-07-5-01-032-0 between Montana Department of Health and Human Services (DPHHS) and Missoula City-County Health Department for Maternal and Child Health Block Grant Program. Delivers maternal and child health home visiting services. Amount/\$119,986.00. Term/July 1, 2016- June 30, 2017. To Vicki Dundas/MCCHD.

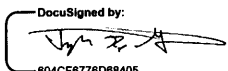
Grant Award – BCC approved, NR signed. Grant Award and Special Conditions from State of Montana Board of Crime Control for Western Region Juvenile Detention. Amount/Grant award \$275,609.00; project total \$547,543.22. Term/July 1, 2016-June 30, 2017. To Gary Elliott/Sheriff's Office.


Services Agreement – BCC signed Annual Services Agreement between Partnership Health Center (PHC) and the University of Montana-Family Medicine Residency of Western Montana. Amount/\$797,720.00 for 4.07 FTE physicians. Term/June 27, 2016-June 26, 2017. To Bernadette Roy/PHC.

Additional discussion item(s): None.

FRIDAY, JULY 22, 2016

BCC met in regular session; all three present. Morning through mid-afternoon: JC attended Mental Health and Child Development Center Board meetings. NR attended Science and Kids training.

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Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC

MONDAY, JULY 25, 2016

BCC met in regular session; quorum present. SR out through Monday, August 1. Afternoon: BCC attended Open Space Bond Project site visit.

Community and Planning Services (CAPS) Update – BCC/CAPS Staff. Agenda: 1) Public comment; 2) Communications; 3) Hanenburg Family Transfer; 4) Emerald Estates Phasing Plan; 5) Deschamps Open Space Bond Project; 6) 2016 Land Stewardship Award; 7) Subdivision Regulation Rewrite Project-Chapter 3 Amendments; 8) Subdivision Regulations Rewrite Project-Chapter 4 Amendments; 9) Director's update.

TUESDAY, JULY 26, 2016

BCC met in regular session; quorum present. SR out through Monday, August 1.

ADMINISTRATIVE MEETING

Interlocal Agreement – BCC signed Interlocal Agreement for Be Your Best Diabetes Prevention Program between City of Missoula and Missoula City-County Health Department (MCCHD). MCCHD provides qualified staff to deliver Diabetes Prevention Program to eligible employees of the City. Amount/\$500.00 per participant. Term/July 1, 2016-June 30, 2016. To Kate Devino/MCCHD.

Employment Agreement – BCC signed Employment Agreement between Jazmin Nelson, DMD and Missoula County-Partnership Health Center (PHC). Term/July 1, 2016-June 30, 2017. To Bernadette Roy/PHC.

Employment Agreement – BCC signed Employment Agreement between Mark Messer, DMD and PHC. Term/July 1, 2016-June 30, 2017. To Bernadette Roy/PHC.

Employment Agreement – BCC signed Employment Agreement between Brent Dehring, Pharm D and PHC. Term/July 1, 2016-June 30, 2017. To Bernadette Roy/PHC.

Project Closeout Document – BCC approved, NR signed. Closeout for Federal Highway Administration Agreement DTFH70-13-E-00033 for Petty Creek Road Right of Way Project. Modification Number 0004 to close agreement and de-obligate remaining funds. County reimbursed for settlement costs associated with Hayden litigation. To Greg Robertson/Public Works.

Phasing Plan Amendment – BCC approved Phasing Plan Amendment for Emerald Estates Subdivision to shift Lots 17, 18, and 19 from Phase 3 to Phase 2, subject to amended conditions. Subdivision approved in 2008 with three phases. Condition amendment requires paving entire trail within each phase prior to plat filing. To Christine Dascenzo/Community and Planning Services.

Grant Agreement – BCC approved signing Grant Agreement for Montana Healthcare Foundation Grant to bring facilitators from National Council for Behavioral Health to host a two-day summit to develop an integrated Collaborative Care Plan for Missoula County. Amount/\$20,000.00 Term/September 15, 2016-August 31, 2017. To Erin Kautz/Grants and Community Programs.

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

WEDNESDAY, JULY 27, 2016

BCC met in regular session; quorum present. SR out through Monday, August 1.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 15/CY2016 - Pay Date/July 22, 2016. Total Payroll/\$1,644,357.57. To County Auditor.

ADMINISTRATIVE MEETING

Policy Adoption – BCC adopted Missoula County Records Retention Policy. Designates Missoula County Records Center for long-term storage of records. Requires Records Manager to develop Records Plan in compliance with Montana Code Annotated, Montana Administrative Rules, and Montana Records Retention Schedule. To Chris Lounsbury/Chief Operating Officer.

Professional Services Agreement – BCC signed Professional Services Agreement with Skoglund Painting and Restoration Inc., to repair and paint deck, stairs, fascia, and soffit of the brick house at LaLonde Ranch. Amount/\$6,245.00. Term/July 27, 2016-August 31, 2016. To Dori Brownlow/Development Districts.

Grant Agreement – BCC approved, NR signed. Montana Department of Commerce Big Sky Economic Development Trust Fund Program Contract #MT-BSTF-1-17-01. Category I Job Creation Grant for Consumer Direct. Amount/Not to exceed \$134,000.00 Term/May 19, 2016-May 19, 2017. To Kelly Yarns/BitterRoot Economic Development District.

Additional discussion item(s): None.

PUBLIC MEETING – JULY 27, 2016

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES

Administration Building

If anyone attending the public meeting is in need of special assistance,
please provide advance notice by calling (406) 258-4877.
Missoula County is happy to provide auxiliary aids and services.

Wednesday, July 27, 2016 - 1:30 p.m.

1. CALL TO ORDER

Commissioners Present:

Chair Nicole "Cola" Rowley


Commissioner Jean Curtiss

Staff Present:

Christine Dascenzo, Planner, Community and Planning Services
Shyra Scott, Chief Deputy Clerk and Recorder
Chris Lounsbury, Chief Operating Officer, Commissioners' Office
Mitch Doherty, Planner, Community and Planning Services
Deborah Evison, Building and Development Manager, Missoula County Public Works
Jamie Erbacher, Planner, Community and Planning Services
Andrew Czorny, Chief Financial Officer, Financial Services
Vicki Dundas, Nursing Manager, Health Department
Amy Rose, Administration, Public Works

2. PLEDGE OF ALLEGIANCE


3. PUBLIC ANNOUNCEMENTS

 **Commissioner Curtiss** - County Fair will be coming up, time to put your entries in.

4. PUBLIC COMMENT

None

5. CURRENT CLAIMS LIST

 Total Claims from July 8, 2016 - July 22, 2016 = \$6,674,264.04

6. HEARINGS

a. Hanenburg Family Transfer

 **Christine Dascenzo – Planner, Community and Planning Services**

This is a consideration of a family transfer avadavat, submitted by Jason and Lacinda Hanenburg and represented by Ken Jenkins and Lynn Stanley of Montana NW Company. They own tract three of COS 5914 it is 14.13 acres in size and located in Huson. Hanenburg's propose to use the family transfer subdivision exemption to create and transfer a 2.03 acre parcel to Jason's father Richard Hanenburg for residential use. The remainder tract would be 12.1 acres. The property is located in zoning district 42 residential with a density of one dwelling per acre and the proposal is compliant with zoning. The parcel history of tract three of COS 5914 was created in 2007 when John and Delores Lehman recorded a survey for a boundary line relocation and utility lot on tracts one through four at COS 5914.

The parcel is accessed by Mullan Road. If approved the new parcel would also be accessed off Mullan Road. Tract three of 5914 has one single family home and a garage on the property; both built in 2014. A portion of it is located in AE 100 year elevation floodplain. The floodplain administrator recommends that the FEMA designated floodplain per panel 885 be identified on the recorded COS. The request was reviewed for evasion criteria, three triggered. One, to divide a tract that was created through use of an exemption; the third, to divide a tract which will become one of three or more parcels that will have been divided from the original tract through use of exemptions and exemption four, to divide a tract that fits a previously established pattern of land divisions. There does not appear to be an attempt to evade subdivision review. Staff recommends approval of the family transfer request.

Christine Dascenzo - Asked standard family transfer questions

1. Please state your name for the record.

 Lacinda Hanenburg

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?

We purchased it in 2013, so almost three years.

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, we are not.

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 this exemption is approved, it does not mean the property is approved for zoning compliance, building permit, floodplain or septic systems, or any other permits?

Yes.

10. Will the property be developed?

No.

11. Will the recipient of the property be residing on the property?

Yes.

12. Is there already a structure on the property?

There is not. Developing yes, he will be building on the property.

13. Where does the recipient live now?

In the state of Washington.

The questions for the landowner are completed.



Commissioner Rowley – I had a question for you Christine, could you explain the criteria number four, the pattern of land divisions and whether that was by this landowner?

Christine Dascenzo – That was a previous landowner who went through the boundary line relocation and the utility lot creation. You can barely see it on the slide but there are two parcels (refers to map), mirroring the parceling off of the eastern portion of the parcel.



Commissioner Curtiss – But this proposal meets all the criteria and law which allows you to give a piece to your parent or your children hopefully for them to reside there?

Christine Dascenzo – Yes.

Commissioner Rowley – Is there any public comment on the Hanenburg Family Transfer. Seeing none, we will close that hearing.



Commissioner Curtiss made motion that the Board of County Commissioners approve the request by Jason and Lucinda Hanenberg to create one additional parcel by use of the family transfer exemption based on the fact that there does not appear to be any attempt to evade subdivision review. Commissioner Rowley seconds the motion.

Passed 2-0.

b. New or Expanding Industry Classification Application



Shyra Scott, Chief Deputy Clerk and Recorder – Deer Creek Road Solar One, LLC has submitted a new or expanding industry classification application to be considered by the Missoula County Commissioners, for property described as Section 19, Township 13N, Range 18W, COS 5850, parcel one, located in Missoula County. The application covers the expansion and new construction of the solar energy product producing more than one megawatt of electrical energy. This is the first time we have gone through this process. We have an expert from Crowley Fleck, Mr. Green, to answer any questions regarding the process of this specific application. The qualifying property is solar panels amounting to \$2,520,000; inverters and transformers amounting to \$420,000, braking amounting to \$630,000, wiring/other amounting to \$630,000, civil engineering \$210,000 and labor installation amounting to \$1,050,000.





Commissioner Curtiss – I am looking at the code under 15-24-1402, where it talks about the governing body approving. I am trying to remember whether the other jurisdictions that are in this taxing district, so it would be either Missoula rural or East Missoula fire, I am not sure which this is in and I believe the Bonner School District. Are we holding this hearing on their behalf also and have they been notified?



Shyra Scott – Yes, they have been noticed by certified mail and anybody who is listed on their tax rolls, as receiving revenue.

Commissioner Curtiss – Okay, I just wanted to make clear that we are doing this on behalf of all of them.

 **Mike Green, Lawyer with Crowley Fleck** – To be honest I do a lot of state and local tax litigation and so generally I tend to be averse to counties and fighting about values. This is one of the pleasurable moments when I get to come forward and talk about an economic development and some of the options that the Montana Tax Code provides for commissioners to incentivize development. I represent a company, Deer Creek Solar, they are the subsidiary that would operate this property but they are part of a larger national solar company, Cypress Creek Renewables, which has offices up and down the west coast and is doing a lot of solar development of this size in Montana. This parcel is a triangular shaped parcel that butts right up against the southern boundary of the interstate, right across from the Canyon River Golf Course past East Missoula. Right now it is a horse pasture with a fairly significant spotted knapweed problem. We see this as a great opportunity to develop. On the tax roll right now there is a non-qualifying ag parcel, it is about \$300 worth of tax a year, even with the five year 50 percent abatement, would be a pretty significant enhancement to the tax base for the jurisdictions that are impacted. This hearing does apply. The abatement would abate the value of this property by 50 percent of the new and enhanced value, so all the value after the equipment is installed. That abatement is 50 percent for five years and then the abatement phases down 10 percent a year and then in the tenth year it is back up to 100 percent. This is just north of four million dollars of equipment investment and photovoltaic cells and so they will generate electricity that connect to the NorthWestern Energy distribution system and a substation very near this property and will have an on-going, long-term power supply agreement with NorthWestern Energy. Commissioners we have an expert who is available by phone. I am happy to answer any questions you have. I have been through several of these abatement hearings, so if you have questions about procedure or that kind of thing I am happy to answer that. We have also done quite a little solar work over the last few months and so I know a little bit about that. But if you have detailed questions that you want to have answered, that are not answered in the packet, I do have an expert available by phone on standby.

 **Commissioner Curtiss** – Mr. Green, I know that this project had to go before the Board of Adjustment because it was an exception in the zoning or something, the Board of Adjustment took off the company's proposal to put a trail easement along Deer Creek Road, do you know whether their plans include that trail easement now?

Mike Green – That detail, I don't have. I apologize, I am actually here for one of my colleagues who handled that part of the process and I have not been involved in that piece.

Commissioner Curtiss – Okay, I think they were still planning to offer that up even though it wasn't required.

Commissioner Rowley – What is the timeline for the completion of this project?

Mike Green – This is one of many things that they are working on. I think we are anticipating a 2017 completion.

Commissioner Curtiss – If we approve today, whatever they get done in 2017 can apply to be abated and then if they don't quite finish it goes into the next year, I think we have done that with Roseburg.

Mike Green – That is correct. These are discrete enough projects that generally it doesn't flop over but their plan would be to just come in once for this.


Commissioner Rowley – Do you know the percentage that is out of state?

Mike Green – It is the power generation one megawatt or greater power generation. It is not the out of state sales.

Commissioner Rowley – Okay. Thanks. Since I have been here I don't think we have done a solar one or an energy one.

Mike Green – The only energy ones you will probably see would be solar because everything else that we call clean and green in Montana actually has a separate abatement process. For some reason solar got left out of what is now class 14 property and so this is the same process that a manufacturing facility or something like that would go through. It is a little different than your clean and green energy projects. Very briefly, I just wanted to thank Shyra for all of her help, she has been invaluable as we have gone through the process; she has worked with our office to get this done. It is a fairly onerous notice requirement. They have done a great job of accommodating this. We really do appreciate that. Thank you for your time.

Commissioner Rowley – Is there any public comment? Seeing none, I will close that hearing.


 **Commissioner Curtiss** – I think this is one section of law that is helpful to have companies either move here and build or expand their existing building. We have used it a few times. A couple times for Roseburg forest products and once for Cenex because it allows them to make a large

investment of equipment and create some jobs and in this case create some green energy and then a little bit slower get onto the tax rolls.


Commissioner Curtiss made a motion that the Board of County Commissioners approves the request for the new and expanding industry classification as proposed. Commissioner Rowley seconds.

Passed 2-0.

c. Close Public Comment on the Fair Plan

 **Chris Lounsbury, Chief Operating Officer, Commissioners' Office** – Just an update before you close the public comment period. You opened public comment on May 25, 2016 (Inaudible) and to various groups including the Kiwanis, community councils, Midtown Association, Chamber of Commerce Ag Committee, the City Council, the Historic Preservation Commission, the YMCA, Missoula County Public Schools and a host of others to round out that 21. Overall, the comments have been very positive; you have in your packets today about 30 double sided pages of public comments that have come in, either to the commissioners' office or to the special address for the fairgrounds comment period. There have been some requested changes that you heard from the City Council related in particular to the ability for non-motorized traffic to be able to route around and through the fairgrounds throughout the year. At this point what we asking for is for the public comment period to be closed. We will compile the rest of any comments that came in today into one document that will be published on the county's website as well as the fairgrounds website, so everyone can see all of the public comments. What I presented you today is already available on the fairgrounds website. After that, what we are asking for is the commissioners to meet A&E Architects, that meeting is tentatively scheduled for August 8, 2016 at 3:00 p.m., at that time you will request any changes that you would like to the plan and A&E will go back and work up a final plan at which point we will have another public meeting for the potential adoption for the fairgrounds concept plan.

d. Adoption of Missoula County Subdivisions Regulations Chapter 3, as amended

 **Mitch Doherty, Planner, Community and Planning Services** – Chapter three, Design Standards for all Subdivisions. Our process thus far has included: May 12, 2016, we began our preliminary outreach; June 5 & 12, 2016, we released a public draft; June 21, 2016, planning board held a public hearing and that brings us to today July 27, 2016 for the Board of County Commissioners hearing and our plan overall for our updates throughout the summer is to have an effective date for all of them of November 4, 2016.

Chapter three includes some general cleanup to ensure consistent language throughout the regulations, renumbering and moving in multiple sections, text amendments to Section 3.1 (Natural and Cultural Environment), text amendments to Section 3.2 (Riparian Resource Area, proposed to be moved from 3.11) and ancillary amendments to chapter seven (Submittal Requirements).

Amendments in section 3.1.2 are considered grammatical clean up with a few exceptions. One exception to this is language speaking to the discovery of cultural features discovered during the development process. These changes are the result of conversations during updates to the County Growth Policy between staff and the Confederated Salish and Kootenai tribes. The other exception is the new language that may allow a developer to include all or a portion of the flood hazard area to be included in the park land dedication requirement. In the beginning of Section 3.1.2 you will start to see amendments relating to supplemental or conditions of approval sheets. This continues throughout chapter three and this amendment is the result of conversations between staff and the County Surveyor's Office regarding new language and state law that limits the information that can be contained on the final plat. This language will require specific elements of the subdivision approval to be included with the filing of the final plat but the bulk of that information will be contained on supplemental or condition of approval sheets, which are attachments to the final plat.

Section 3.1.5 for the most part is taken directly from state law. Some minor grammatical amendments are proposed. One proposed amendment in this section, the requirement for an irrigation improvements plan will assist in the overall understanding of the intent for irrigation water during the development process. This proposed amendment has resulted in the need to make an additional amendment to the submittal requirements in chapter seven. Information contained within the irrigation improvements plan has always been part of the review process; this amendment will relocate and formalize that request in a more appropriate location, chapter seven.

The riparian resource area standards have been moved from Section 3.11 to 3.2. It is staff's intent to retain the overall structure and functionality of this section of the regulations at this time. The majority of the amendments are aimed at clarifying or improving existing language. There are a couple exceptions to this. The first is a proposed amendment requiring common ownership of riparian areas within major subdivisions. Current standards require protection of the riparian resource area and mitigation for all proposed uses that may impact a riparian resource area. With more recent development proposals staff has noticed a trend towards developers electing to

designate the riparian resource area as common area. In the past often times riparian resource area mitigation has included either no build zones or building envelopes designated on the plat. This approach allows for a portion of the riparian area to be located in a privately owned lot. Often times because the riparian resource area is located on a privately owned lot this approach has led to development encroachment into the riparian resource area unknowingly and sometimes knowingly. Violations of these no build zones or building envelopes include encroachment of manicured lawns and through riparian resource areas, outbuildings and no build zones and in some instances houses being built outside the building envelope or in the no build zone which has been designated on the plat.

The pictures on the slide include several classic violations where riparian resource areas are included in privately owned lots and mitigation included the use of no build zones or building envelopes. You can see how easily it is to encroach into some of those no build zones, very sensitive areas with lawns and homes and things like that. Studies conducted by Missoula County Water District conclude that common ownership of riparian area can greatly reduce or eliminate encroachment into and degradation of riparian areas. It is also important to point out that regulations provide the ability to use riparian resource area placed into common ownership to count toward the parkland dedication requirements. These proposed amendments align with the subdivision regulations amended last year that require common ownership of the flood hazard area within major subdivisions.

Included in staff's memo, sent to planning board June 21, 2016, were proposed amendments that addressed comments from the water quality district. The amendments recommend that mitigation plans address low impact grazing to the riparian resource area. Working with the water quality district staff created the language seen here to address their concern. This language is located in chapter seven where the submittal requirements for the riparian mitigation plan are housed. The intent here is to not require a lengthy detailed plan but rather have the applicant address how grazing will be managed in a low impact manner that is if grazing is allowed by the developer. Typical elements of a low impact grazing plan may include limitations on livestock, time in pastures with riparian areas, development of off-stream water location where adequate forage is available, rest of riparian pastures during critical growth periods of plants and establishment of grazing periods that allow for growth and regrowth of riparian vegetation. Here are several pictures where you can see the impacts of grazing on riparian areas. In the past and currently in the regulations grazing is not addressed at all. The impacts of grazing in riparian areas affects everyone especially water users adjacent and downstream. Impacts from grazing in riparian areas can affect both water quality and quantity on site and off site. These standards are aimed at newly created lots that are often smaller in size and provide an opportunity for rural residents to have hobby farms or ranchettes. These regulations are not aimed at the traditional farmers and ranchers that have been managing lands for generations and understand the importance of good grazing practices. The Missoula Conservation District also offers conservation planning grants and assistance to help landowners with grazing plans and restoration.

At the hearing on June 21, 2016, planning board discussed the merits of culverts, perpendicular crossings and low impact grazing in the riparian resource area. The board approved a motion to request that staff add language that would address the use of culverts in the riparian resource area section of the regulations. After consultation with the water quality district, staff is recommending the following amendment: "Crossings of streams, lakes, wetlands or other water bodies must occur at perpendicular angles to minimize disturbance of the riparian resources. Adequately sized bridges should be used whenever feasible to minimize impacts to aquatic resources. If culverts are necessary, adequately sized, open-bottom culverts should be used." Staff has not experienced any significant issues with riparian area crossings in the past and believes this language best addresses planning board's concerns and recommendation. In staff's opinion this language isn't really prescriptive but rather guidance for best practices approach.

Section 3.3 was amended to clarify permitted design elements aimed at minimizing the impacts of through lots and provide flexibility with alternative design options. Section 3.4 includes a proposed amendment to provide flexibility for both road and non-motorized facility standards for projects that are anticipated for annexation into the city of Missoula. You will find in your memo issued today that staff is proposing to delete this amendment. That is based on some very recent conversations today actually with Public Works, where we determined that this language is better suited for chapter seven, submittal requirements piece. The plan of action for the remaining updates to the subdivision regulations include looking at chapter seven later this summer. What we are proposing today is to strike this from chapter three and we will address this topic down the road when we pick up chapter seven.



Commissioner Rowley – Is that because they would have to go through Public Works and then submit that with their application? What does that submittal requirement look like and why does it fit there better? What was that conversation?

Mitch Doherty – The purpose of a lot of the updates we are having with the regulations now are to kind of organize things a little bit better. If this is a submittal requirement we want that in chapter

seven, not scattered in chapter three, we felt it best to pull that out and put it into chapter seven. There will probably be some tweaks to the language as well. I was not part of that conversation, I got this last minute today.



Commissioner Curtiss – So it is because this would be part of submittal?

Mitch Doherty – Yes that is the intent. Sections 3.5-3.10 include fire suppression, water and waste water, storm water management, grading and erosion control, utilities, solid waste disposal and parks and open space. These sections have limited grammatical amendments and for the most part include language that I mentioned earlier related to supplemental or conditions of approval sheets. One exception is a proposed information box that would be included in the parks and open space section. CAPS (Community and Planning Services) received comments from city parks and recreation regarding review of projects in the Missoula portion of the urban area. For the parks plan the City of Missoula has the ability to review and comment on projects within three miles of Missoula urban area. To address the review of parkland within the Missoula portion of the urban area staff is proposing this information box.

In addition to the planning board amendments I mentioned earlier regarding the use of culverts in the riparian resource area, planning board has recommended the following amendment to the agricultural mitigation standard section of the subdivision regulations. Under minimize adverse impacts, "The subdivider shall design the subdivision to reasonably mitigate potentially significant adverse impacts to the future of agriculture onsite and agricultural water facilities resulting from the subdivision." The board's intent is to clarify and ensure that the future of agriculture is protected on site. This section of the regulations was recently amended in January of 2016 after several years of extensive public involvement. The current language requires review of development impacts to agriculture both onsite and offsite. It is unclear if planning board's recommendation could possibly limit consideration of development impacts to agriculture to only onsite and if mitigation would be precluded for offsite impacts to agriculture. Because of this and the extensive public involvement during the review and amendments to the section over the last several years, staff does not recommend any further amendments to this section at this time.

Since the request for commission action was issued on July 21, 2016 staff has received now three comments, proposed amendments to chapter three. Those comments can be found in the staff memo issued today, July 27, 2016. My understanding is that you have an additional comment from the Clark Fork Coalition. Briefly, the water quality district forwarded additional comments on July 26, 2016 in support of common ownership of riparian areas within major subdivisions. Missoula Organization of Realtors forwarded comments on July 26, 2016 stating concerns regarding planning boards' proposed amendments to the agricultural mitigation standards, language regarding the use of culverts and the proposed common ownership requirement for riparian resource area standards. I had a chance to look over Clark Fork Coalition letter as well and it sounds like they are in support of the common ownership requirements for riparian resource standards as well.

That concludes my overview of proposed amendments to chapter three included in the staff report which is found in attachment two are the findings that support these amendments which include the goals, objectives and action plan found in the Growth Policy, several citations in state law, the planning board recommendation of approval (as amended) and the public comment that we have received.

In closing, staff recommends that the Board of County Commissioners consider the following motion for adoption: "That the resolution to amend chapter three and chapter seven of the Missoula County subdivision regulations be adopted as amended by the Missoula Board of County Commissioners."




Commissioner Curtiss – In regard to the 3.2.5.4, the open-bottomed culverts, what if that isn't what makes sense? Is there a variance, or should it say when possible? So that it gives more flexibility. Because sometimes people are driving through their riparian area to go get bales of hay, once a year and it doesn't make sense to make somebody to make a big investment of a bridge or a special culvert.


Mitch Doherty – Staff's intent when we crafted this language is, like I mentioned in my presentation, is not to be prescriptive but just offer guidance for best practices.

Commissioner Curtiss – That is why I wondered if we should use the word "shall."

Mitch Doherty – It says, "Adequately sized bridges should be used whenever feasible to minimize impacts to resources; if culverts are necessary adequately sized opened-bottom culverts should be used."

Commissioner Rowley – That is the general way we write regulations, I think. As far as the low-impact grazing plan are we going to supply the examples you gave or something to help people out with that? That can be a confusing submittal.

 **Mitch Doherty** – I did some research on that, and there is a lot of information available on the web. I spoke with the conservation district as well, here in Missoula County, they didn't have any information immediately available on their website but the NRCS (Natural Resources Conservation Service), who they share an office with, did and I found their information on the web. So it is readily available for folks to just kind of pull from. It is not the intent to have a very detailed lengthy plan, we just want to make some points that certain types of grazing should be addressed and certain techniques should be appropriate.

 **Commissioner Rowley** – I know we referenced the water quality district's study, is that publically available on their website or can we connect it to this public record as well so people can look at that study?

Mitch Doherty – Indirectly, it is connected to this public record now because of the comments that we received from the water quality district yesterday included an attached report that is included in the memo that I delivered today.

Commissioner Curtiss – This isn't under fire suppression, so 3.5, if you read the purpose and intent it is talking about structure fires but I think sometimes we get kind of running off on rabbit trails about living in the WUI (Wildland Urban Interface) and having threat from forest fires. So I just wonder whether 3.5.2 should say, "Fire suppression plan for structures." I am looking up in the one ahead of it where it says the real dangers of structure fires and this is to address fires that start within structures and their suppression it is not really to protect people from a forest fire coming through which a sprinkler system isn't going to do. I just wondered if the title should reflect that.


Mitch Doherty – So you are saying the title should reflect more clearly that this only addresses structure fires, not land fires?


Commissioner Curtiss – Yes. Maybe it is just the 3.5 fire suppression, something with structure, because people do fuel mitigation and stuff around their property but this is to protect their house from a fire that starts in their house not a fire that starts because there is a big forest fire coming at them.

Mitch Doherty – So something along the lines of, structure fire suppression plan, something that simple?


Commissioner Curtiss – Yes but then I am thinking we are often putting our folks in danger trying to protect from the forest fire, I will think about it some more. Fires that start within structures are what our focus is, maybe we just highlight it, I don't know.


Commissioner Rowley – Is there any public comment?


 **Sam Sill, Missoula Organization of Realtors** – I just wanted to briefly follow up on the comments that we provided to you yesterday. With regard to the planning board amendment to agricultural mitigation standards, we do concur with staff that it would be better if these were not adopted, I think it is worth noting that when we had the debate subdivision standards for agricultural review last winter, a whole multitude of diverse interests came forward and weighed in on that, whereas this planning board hearing no one from the public commented and at this point the voluntary agriculture working groups that the county brought together are going to, I believe later this fall, come forward with their recommendations for ways of supporting and protecting agriculture in Missoula County. I think a better approach would be for the county to see what these groups have to say and consider those policy recommendations they bring forward, rather than adopting what came out of a planning board hearing. With respect to 3.2.4.2 of the riparian standards which for major subdivisions that require common ownership in riparian resource area, you know with some parcels that wouldn't be too big of a deal, for instance if only let's say 20 percent of the parcel is riparian resource area, if that has to be commonly owned the property value won't take nearly as big of a hit as in the reverse of that situation where 80 percent of the property is riparian resource area because property that can be privately owned and privately enjoyed is more valuable than property that must be held in common, there is a significant chance that people could take a hit on their property values there, if they decide to do a major subdivision. Our thought would be that it would make sense to have the county investigate; setting a standard where a requirement of common ownership would only come into play if a certain percentage of the parcel is riparian resource area. You could set a fairly small, 10-20 percent threshold for that, and that would exempt folks from taking a big hit for being unduly harmed. The last piece that we had questions about was 3.2.5.4 the perpendicular crossings. We do appreciate and understand that the language is not meant to be prescriptive, it is a best practice thing, but when you read the words like adequate and feasible are pretty vague. One thing that I have heard time and again from developers is that a lot of times it is not so much the content of the regulation, in terms of what is required, but it is the predictability that at the end of the day is what matters and what adds costs to projects. Thank you for listening to our comments and I would encourage you to take them into further consideration.

 **Commissioner Curtiss** – In the material that staff provided today, in showing us some of the properties that have common areas that are attached to different subdivisions, one is Riverwalk Estates, so this is off Mullan Road where the houses are clustered of course close to Mullan Road and then they have a really large common area that gets them clear down to the river. Another one is Water's Edge Subdivision that is the one that Dick Ainsworth did off Deer Creek Road that has those higher end condos with a lot of common area that gets to the river. Included in the packet is some information that the broker selling Riverwalk Estates has included and he uses this common area as a promotional thing. As I get older, these smaller lots with somebody else taking care of the big lot make a lot of sense to me. So, could you respond, it is kind of counter to what you are saying.

Sam Sill – Sure. Well, I think they are based on what the end user wants, based on a lot of different scenarios where some folks may value that more highly and be willing to pay for it. I don't think that is going to be true in all cases.


 **Commissioner Rowley** – This is going into the future thing and so there won't be a parcel that is 80 percent riparian area because the parcels would be designed differently to not include riparian area. So if you applied it to current subdivisions that could be the case but if it is only going forward then it would force developers to lay out the lots in such a way that there is not a percentage of riparian area in them. I think that it makes sense and I like it better than no build zones because people are building in their no build zones and it is really hard to change it after the fact and if it is in the common area then it is also not on their property which limits the building in riparian areas. But maybe you can clarify how I am thinking that subdividers would place the lots differently based on this as opposed to, I don't think there would be a percentage of riparian area in any parcel, right? There wouldn't be a parcel with 80 percent riparian area because it would have to be in the common area if the new regulations were adopted.

 **Commissioner Curtiss** – So Prospect is another one that has a great common area going down towards the creek that butts up against the Wildlife Federation. I mean there are several in here that the more you look at the things that we have improved in the past you can see why it makes sense because we are the ones that get the "Oh crap, these people did something they shouldn't have in the no build area that they shouldn't have." And then we have to work for years to help them get back into compliance. Sometimes they have invested a lot of time of money and they are beautiful and we would all want to sit there but they shouldn't be there. So, I guess that is what we are trying to prevent and I think that if they are designed right that they are going to be an asset and not a liability, they are not a reduction in value.

 **Commissioner Rowley** – I guess I am just confused by the sentence, in your memo, that says, "Some parcels contain a large area of riparian resource area." But since this won't be retroactive there won't be parcels that have riparian area in them, correct?

Mitch Doherty – No it would not be retroactive, only if you applied for new subdivisions.

Commissioner Rowley – So in that case, these parcels wouldn't be less valuable because the subdivision would be designed differently. Does that make sense? You don't look like we are on the same page.

 **Sam Sill** – Well, actually no. A lot of our concern was how this would impact the person owning the land today in terms of when they go to sell it to someone else to do the subdivision, given however much riparian area was available. I will have to give what you are saying some thought. That is something that we had discussed in terms in how designs down the road would be addressed by this. Our concerns were strictly land owners in the present day.

Commissioner Rowley – So, what you are saying is they have a big parcel and it is 80 percent riparian.

Sam Sill – Yes.

Commissioner Rowley – And so, when you subdivide that you will have less lots available. So it is the large pre-divided parcel that you are talking about?

Sam Sill – Yes, that is the property value that we are concerned with.

Commissioner Curtiss – I think that in your conversations with the constituents in your organization that if you look at some of these you will see what we are talking about. I don't think that it is limiting. Like for example, Riverwalk, you wouldn't want to have a bunch of long skinny lots that they all could get to the river. It doesn't make sense to protect. We are all trying to get to the same thing.

Sam Sill – Right, we certainly understand the importance of protecting these areas and the resource that they provide to the public and owners of these lands. I think it is a conversation worth

continuing to have if there is any interest in the part of the county in holding off on this and taking it up on a later date after we can discuss further.



Commissioner Curtiss – This is the final for this chapter, but it could be tweaked again. I think one of the bigger things that we are trying to protect is that stream migration zone, wetlands and all those kinds of things and the less impact on them that you can have the better it is. We have probably already developed a lot of property that we shouldn't have.

Commissioner Rowley – That is the question too, if it is 80 percent riparian area how much housing can you really safely put there and should it be developed to a high density, if it is 80 percent riparian area it is not going to be able to support a lot of lots and houses anyways.

Mitch Doherty – I was just going to add that with our current set of regulations it is not going to be developed anyways, it is going to end up in a no build zone or with building envelopes. So it is just a matter of which mitigation approach is preferred. One being the no build zone, building envelope approach or one being with major subdivisions, the common ownership approach. As I see it, either way that riparian resource is not going to be developed, it is just a matter of what mitigation approach you want to consider.



Commissioner Curtiss – And who is responsible for keeping it that way.



Commissioner Rowley – As far as the bridge/culvert being super vague, what was the comment that led to it being included, just the fact that we wanted to put something in there or is it best just not to have it in there if it is so vague that it just creates uncertainty?

Mitch Doherty – The history behind the culvert language is a result of a planning board amendment, essentially staff was tasked with developing some language to address culverts because they didn't see the culverts mentioned anywhere in the regulations. In doing so I worked with the water quality district on drafting some language and learned during that process that you wouldn't want to close your options into only a culvert when maybe a bridge is a more preferred alternative, especially for water quality reasons and things like that. So that is how we landed on some language that speaks to both bridges and culverts. Speaking from experience, staff hasn't had any real significant issues dealing with culverts and bridges in the past, so that may be part of the reason we did not address that with our original proposed amendments.

Commissioner Rowley – Do you agree that this amendment makes the document better or is unnecessary?



Mitch Doherty – It is a matter of opinion. If you like clear, concise and tight regulations and you don't prefer language that just offers guidance then I would probably say no. If you like regulations that do offer some guidance to developers but do not make any such requirements on them then you might like something like this, I don't know. I am more of a clear and concise type regulation. That has been our approach with the majority of these updates. Often times we end up with, like Sam had mentioned earlier, interpretations down the road, different opinions from different planning staff and things like that and so it makes things difficult in the long run to work through things like that.



Commissioner Rowley – I think it is kind of cleaner without it and by saying perpendicular crossing but crossing must occur, that does provide the same level really of guidance that the longer version does. Then it mentions bridges and culverts, to me it just muddies the water more than providing any clarity and maybe regulations should be regulatory and we could have a different guidance document if ever necessary, but I don't know. We don't generally put best practices in our regulations.

Mitch Doherty – Yes, I would offer, in working with the water quality district I did learn that the Missoula Conservation District has a stream crossings guide that they published in 2005 and speaking with them recently my understanding is that they will be updating that probably this year or next. That information is out there, it is probably a 15 page document that speaks to how to build a bridge, why you need a bridge, what types of culverts you should have and general river crossing best practices as well without culverts and bridges.



Commissioner Curtiss – Is that something we could add in the reference section or something? That stream crossing guide.

Mitch Doherty – I would say yes but knowing that they are going to be updating it this year I would probably say not. It is something though that we as staff can keep as a resource for developers or land owners as they come in with these types of resources to provide to them to help.


Commissioner Curtiss – But we do refer to the Conservation District as a source of resources somewhere, right?


Mitch Doherty – That is specifically in our regulations in the office. We work pretty closely with them.


Commissioner Rowley – Was there any other public comment on chapter three?

Commissioner Curtiss – So are our suggested recommendations in this packet that you handed us today or in the staff report?

Mitch Doherty – The recommended motion is on the second page of the request for commission action.


 **Peter Nielsen, Water Quality District** – Thank you for reviewing the comments I submitted yesterday. With regard to the inclusion of livestock management in the riparian management plans, our suggestion is just to have that addressed because it is identified as a primary impact to riparian resource areas in Missoula County. I think it is important to have it addressed, the regulation is silent on this point. How it is addressed, there is great flexibility with that, our intent is not to prohibit or restrict sensible grazing practices but to have it addressed. With regard to the common area provisions, you've referenced the comments that we submitted yesterday, I appreciate that, I just wanted to mention that back in 2010 we went through this in some detail when we did the city regulations. I was part of a working group that was established that worked on this for a couple of months, to hash out some issues, common area provision was one that was accepted as a consensus. I work with Missoula Building Industry Association and Missoula Organization of Realtors and they were strongly supportive of that at the time. I think it had something to do with the fact that (inaudible). So, it is a common practice and I appreciate your going through and referencing some of the examples that I included. I did want to mention that we did do a comprehensive study of all the riparian resource areas that have been adopted in Missoula County since the regulations were first adopted in 1995. We inventoried them all and mapped them and went out and visited I think all but just a handful on the ground. As part of our conclusions of that study one of the main things that we found is that common area, riparian resource areas were much better taken care of. It was very clear, not that it was perfect, perfection is not the standard, but there was a great difference and that is the intent of the regulations to try and protect these areas. I included a copy of that report for you to see. I just want to stress that these areas are very, very important for water quality. People understand that they provide filtration and sediments and those sorts of things but they don't understand it's what you can't see underneath the surface of the ground and the bacterial activity that creates a geochemical process that removes nitrogen and converts it to nitrogen gas. It is really the same thing that we have mimicked in our advanced waste water treatment plants, like in Missoula. It is the same kind of process but in nature it occurs out there and does a great job. We really do encourage you to adopt these regulations.

 **Commissioner Rowley** – I just want to point out that in the report about half as many land use problems, per lot, existed when it was commonly owned as opposed to building envelopes or no build zones. I think that is a good point that people are not going to be building here regardless and it is just what tool you are going to use and this one appears to be more effective. Thanks for studying it; it is so nice to have data.

 **Deborah Evison, Building and Development Manager, Missoula County Public Works** - I wanted to thank Tim and Mitch personally for retracting those sections of the proposed amendments and moving them to section seven. If you have any questions why we made that request I would be more than happy to answer those.

Commissioner Rowley – I addressed that question before and Mitch covered it. Your main thing was just that since it is included in the submittal it should all be housed in that section.


Deborah Evison – Correct, and the reasoning for that language, Tim, Marnie and I had worked on a proposal with the city when we had quasi city-county subdivisions that had come into play, meaning like Linda Vista where the intent to be annexed and have it serve city infrastructure. So city water, city sewer things like that, but it went through the county review process and so the standards between the city and county's are sidewalks, streets, curbs things like that is different. That language was originally intended for those final plats that had been previously approved when they come into being to catch that. It was not meant for new subdivisions that would be reviewed to county standards but then require city infrastructure. So that is why we requested that be moved from new subdivisions coming in to final plats on subdivisions that have already actually been preliminary plat approval.

 **Commissioner Curtiss** – We have another section where (inaudible) developing or new ones.

Deborah Evison – Correct.


Commissioner Rowley – Any other public comment on chapter three? Seeing none, I will close the hearing.

Commissioner Curtiss – I think that while it sounds like they had some interesting conversation there that what it does is it limits the mitigation to only what is going to happen on that particular lot and as we have learned through all of our discussion on ag mitigation how it fits in the big picture is important to consider. So I think that is limiting and as both Mitch and Mr. Sills said today we are continuing that conversation to look at ag mitigation so I just don't think that it belongs in here.

 **Commissioner Rowley** – I would agree, I think that the conversations that we have and what we voted on in January, I think that the intent was to make sure that there was on site mitigation, but putting it in there in that way, you are right, it limits it to not looking at the larger impact. I am just not ready to adopt anything into the subdivision regulations that we already went over in depth until the full process is complete. I would agree to stick with staff language on that.

Commissioner Curtiss made a motion that the Board of County Commissioners delete the planning board's amendment to the ag mitigation 3.1.4.2. Commissioner Rowley seconds.

Passed 2-0.

 **Commissioner Curtiss** – The one about culverts 3.2.5.4, I think that since there are best practices out there and they are documents that tell people how to do that, that every wetland I am fine with the perpendicular crossing because of course the goal of that would be if you do something perpendicular you are going to impact the area around it at a lesser degree, that is just math. I think that we can accomplish that without saying adequate bridges and open bottom culverts should be used.

Commissioner Rowley – So, strike the added language?

Commissioner Curtiss – Yes.


Commissioner Curtiss made a motion to strike the added language. Commissioner Rowley seconds.

Passed 2-0.

Commissioner Curtiss made a motion to delete 3.4.7.4 and 3.4.9.1c as we will deal with those in chapter seven. Commissioner Rowley seconds.

Passed 2-0.

Commissioner Curtiss – Did we get them all Mitch, to go for the bigger motion?

 **Mitch Doherty** – Yes, I had on my list was if you had anything you wanted to do with fire structures. I wanted to offer was some notes from my colleagues, the purpose and intent section, 3.5.1, the last sentence, "as this section addresses fires that start within structures and their suppression other relevant sections should be consulted to address the risk from fires that start outside of the structures." So I wonder if that gets at what you were getting at.

Commissioner Curtiss – That is exactly what I was getting at, I just wondered if the title was misleading, but I guess if people read the whole thing then they will get it and the other kind of fire is addressed somewhere else, so I am alright with it.


Mitch Doherty – Okay.

Commissioner Curtiss made a motion to adopt the resolution to amend chapter three and chapter seven in the Missoula County Subdivision Regulations as amended by the Board of County Commissioners today. Commissioner Rowley seconds.

Passed 2-0.

Commissioner Curtiss – Sam, as we go forward we have more chapters to adopt. We are happy to have continued conversation with realtors about what it really means on the ground.

e. Adoption of Missoula County subdivision regulations chapter 4, as amended

 **Jamie Erbacher, Planner, Community and Planning Services** – Chapter four includes the specific standards for certain subdivisions such as planned unit developments and mobile home parks. Generally what we are proposing is to relocate several sections of the regulations to improve the order and comprehension of the document overall. We are proposing to remove the Cluster Subdivision standards as they are duplicated in zoning and have limited usefulness in unzoned areas of the county. We would like to clarify the planned unit development (PUD) specific standards. And combine and clarify the mobile home and RV park general standards, while retaining specific standards for each type of subdivision. Previously when I had done an update with the BCC/CAPS on Monday it was noted that under the title section for townhouse and

condominiums that townhouse was missing from that reference so at the end of this presentation I have a motion included to adopt a townhouse for that section.

Changes to section 4.1, simply clarify that these standards are provided to allow for site flexibility, however noting that the general regulations of other chapters still apply, unless otherwise noted. Section 4.2 was the cluster subdivision standards; however we are proposing to delete the section, as I mentioned they are duplicated in zoning and they are not found to be useful in unzoned areas. The cluster standards establish that the actual minimum lot size is in width all of which are not required in the traditional subdivision. We found that developers can and sometime do develop in a development without using this section of the subdivision regulations which is one more reason that we are proposing to delete these. Section 4.3 was renumbered to 4.2 when we deleted cluster standards. So PUD standards we have tried to simplify the intense section and clarify the standards. An example of the PUD in the county is Canyon Creek Village. By using the PUD standards they were able to reduce the transportation standards. Keeping in mind as we move forward all PUD subdivisions will be required to be reviewed from other agencies such public works and fire. That is just to ensure that the minimum road standards are still met but there may be some flexibility with regards to subdivision standards. Within the PUD standards we are also recommending to remove the option to waive parks and open space since state law (76-3-621) does not appear to allow for reduced or modified park dedication.

When we met on Monday we also went over the criteria for a PUD. You had expressed concern and thought the last sentence in this section, 4.2.2.2, needed amended to only be required or to satisfy two or three of the following criteria that were listed. A proposed amendment could be, "The flexibility accomplishes a superior design when it satisfies at least (insert two or three) of the following criteria:" I would recommend that you decide today whether to go with the two or three.

Section 4.4 is regarding condo and townhouse developments; this has been renumbered as well. Generally this section has been updated to comply with state law and clearly state that townhouse subdivisions can be done. It also clarifies that all townhouse and condo subdivisions must comply with chapters three, five and six. The sections that were previously numbered, section 4.5 and section 4.6 those have merged and renumbered into section 4.5 and are now referred to as the mobile home and RV park standards. Mobile home and RV park subdivisions are fairly rare. I'm not really sure why that is the case in the past but moving forward it seems like the relaxation of the subdivision for lease or rent regulations as well as the exemptions that we now have for lease or rent make other developments more feasible with less review. So we are not sure how often these standards will be used however, we are proposing that the merge will simplify the standards, it will remove the density restrictions, it will clarify the setbacks and the separation requirements for both mobile homes and RV parks. We still are proposing to retain some of the specific standards for each type of development. Some examples of this include space designation standards, guest parking and park signage for directional purposes in the mobile home parks. Within the RV parks we have retained the surface coverage requirements for individual spaces and the ability to retain pull through spaces and not have them considered like a through lot.

We do have one small change that we are recommending in chapter three. We kept this change separate from what Mitch just presented only because we didn't want my request to hold up his request or vice versa. This change is dealing with the waiver section in chapter three. When we were talking about PUDs state law does not appear to allow for reduction or modification of parkland and in reviewing chapter three, section 3.10.5.4 currently allows for reduction. By deleting subsection A and C it will be consistent with the amendments that we are proposing in section 4.3 PUDs.

We sent this out for public comment; chapter four only received public comment from City Parks and Recreation. That was dealing with city park design stands within three miles of the City of Missoula and their ability to review those. We are not proposing any amendments to chapter four mostly because all of the subdivisions that I just referenced will also be reviewed under chapter three and Mitch had proposed the information box and so we feel that was addressed adequately in chapter three and there is no need to do it again in chapter four.

Support for these amendments comes from the 2016 Growth Policy, state law and the planning board recommendation. This was presented at planning board, some discussion regarding townhouse developments, mobile home park standards was all discussed, but ultimately they did recommend approval based on staff's recommendation.




Commissioner Curtiss – I do have one thing that I just noticed, and it could be other places, on page 4-3 of the marked up copy, we refer to the Public Health and Human Services Department (DPHHS) but we don't say Montana in front of that, where we do in front of DEQ. I am just thinking that that is cleaner if we make a note that that is a state department. I can make a motion that we say that wherever you happen to find that in the document because not everybody knows that that is a department that belongs to Montana. So DPHHS gets involved in mobile home parks it sounds like? It is just odd.


Jamie Erbacher – Yes.

Commissioner Rowley – They have to license?

Jamie Erbacher – Yes.

Commissioner Rowley – Was there any public comment on chapter four? Seeing none, we will close that hearing. In 4-7 of the marked up copy, so there are now five criteria, so it kind of split out dedication of common areas and development of them? Was there previously four?

 **Jamie Erbacher** – There were previously five of them. We reworded it and moved sections of it.

 **Commissioner Rowley** – Okay. So, there were five and there still are five, you just split out the common area piece into two separate?

Jamie Erbacher – Correct, and so as it is written in the draft, you have to accomplish four of those top criteria, however when we met on Monday there was interest in decreasing that to be either two or three.

Commissioner Rowley – And I think I would be interested in three mostly because since two of them are one is dedication of common areas and two is development of common areas and so we had those as one thing before. They are two separate things now but if that is all that you meet, I would like to maybe one other criteria included in criteria for PUD.

Commissioner Curtiss – I agree, I think going down to three is a good idea.

Commissioner Curtiss made a motion to include Montana in that description (DPHHS) anywhere in the document. Commissioner Rowley seconds.

Passed 2-0.

Commissioner Curtiss made a motion to add the word townhouse to the heading of sections 4.3 on page 4.1 of the draft. Commissioner Rowley seconds.

Passed 2-0.

Commissioner Curtiss made a motion to amend the last section in section 4.2.2.2 criteria for a PUD to read the flexibility accomplishes a superior design when it satisfies three of the following criteria. Commissioner Rowley seconds.

Passed 2-0.


Commissioner Curtiss made a motion to adopt the resolution to amend chapter three as four as amended today of the Missoula County Subdivision Regulations to be adopted by the Board of County Commissioners. Commissioner Rowley seconds.

Passed 2-0.

Commissioner Curtiss – Thank you to all of the staff for your great work on this to make our job look easy.

Commissioner Rowley – Yes, thank you.

f. Preliminary Budget Hearing

 **Andrew Czorny, Chief Financial Officer, Financial Services** - This is the preliminary budget hearing, the final hearing will be August 24, 2016 so there will be plenty of time for comment and discussion between now and then. The county staff and commissioners will be taking input between the two hearings. There undoubtedly will be changes, especially when we receive the certified taxable values from the Department of Revenue. If you have questions or concerns please do not hesitate to contact me directly. The fiscal year begins July first and ends June 30 each year. The budget team prepares the upcoming fiscal year budget by beginning with mid-year budget review. Compares each department's actual verses projected expenditures for the current fiscal year to ensure sound financial management of each department and fund. The mid-year budget review also gives the county commissioners and the budget team the opportunity to provide a forecast of the projected year-end fund.

The budget team is comprised of: Auditor-Barbara Berens, Chief Administrative Officer-Vickie Zeier, Chief Financial Officer-Andrew Czorny, Chief Operating Officer-Chris Lounsbury, Finance Director-Christi Page, Clerk & Recorder-Tyler Gernant, Communications and Projects Director-Anne Hughes, Undersheriff-Jason Johnson and Parks, Trials and Open Lands Manager-Lisa Moisey. The team uses the mid-year budget review process to protect revenues and expenditures for the upcoming fiscal year. These projections contribute to the base and the upcoming budget parameters are constructed.

The county commissioners consider the budget in its entirety after the budget team develops and refines department-specific budgets and outlines mandatory expenditures. The CFO develops parameters from which each department must build their budget. Revenue parameters can include: the one time revenues for one-time expenses; estimated changes to any taxes; legislative and departmental revenue changes. We also put some expenditure parameters on there: the salary adjustments-generally determined through labor agreement negotiations and the County Compensation Committee. Changes to fringe rates-retirement and any commissioner related changes, such as reducing the amount of operational expenditures or holding them steady, whatever that might be. As a rule, parameters maintain that operational expenditures remain at the prior year's level. Proposed operational increases must be submitted as an enhancement request. All capital requests must be submitted as an enhancement request. Capital requests in excess of \$25,000 are considered part of the County's Capital Improvement Program (CIP). Each county fund must maintain a cash reserve at a level established by county policy. General budget is at 12 percent; sheriff's department is eight percent; special funds at five percent and then community programs at three percent.

The one-time money (grants, operational savings, etc.) will only be for one-time costs (capital equipment, software acquisition and licensing, contract-based assistance, etc.). Ongoing revenues (tax revenue, entitlement share, etc.) are used for ongoing expenditures (personnel costs, annual software maintenance costs, etc.). Requiring cash reserves for each fund and sound financial management has provided the county with a recent affirmation of its strong AA GO bond rating from Standard and Poor's, saving the taxpayer millions of dollars in interest costs. Each department head presents their proposed budget to the commission and the budget team in individual meetings conducted over several weeks, typically in June. The department head presents their budget in the context of Missoula County's mission, vision and values. The CFO provides the county commissioners a structural analysis of each department's budget. The commissioners make decisions on individual department enhancement requests at the conclusion of budget meetings and are examined in the context of the entire budget. Budget hearings are generally conducted in July and August of each year. The final budget is adopted by the first Thursday after the first Tuesday in September or within 30 calendar days after receiving the certified taxable values from the State of Montana - and after the final public hearing (MCA 7-6-4036). The final budget hearing for the fiscal year 2017 budget is August 24, 2016.

I wanted to take a look at the financial outlook of the state and Missoula right now. The good news is employment is at a near record low. Employment growth is jumping up exponentially. This line here (referring to graph) shows the state of Montana unemployment rate, this is Missoula County's which is underneath that. This is employment growth, you can see over the years employment growth is overshadowing the unemployment, which means we have more demand for workers than we have skilled workers out there. The population of Missoula is growing approximately one percent a year; it has for the last ten years. So we are getting some influx but we are going to need some more workers. Unemployment is down in Missoula County. Employment growth is starting to outpace available workers. Personal income is growing because of the shortage of workers. In 2015, 1,390 homes were sold at a record \$238,000 median price; part of the reason for the increase in prices is low inventory. The demand for new construction is there, which is what moves the mill values, not increase in housing prices. In 2015, 574 building permits were issued. However it takes approximately two years for the new construction to show up in the tax revenues. New construction around Missoula County has picked up significantly; 574 building permits were issued in 2015. Much of the new commercial growth is contained within the city's urban renewal districts and we will not realize any of those revenues for 20 years. The Department of Revenue's estimate of the certified property values on July 14, 2016 did not include the "centrally assessed" properties; without the centrally assessed properties the estimate was \$181,389,878. If you take that down to a mill value just drop off the last three digits, so \$181,389. The mill values over the last ten years; we have average one percent a year. In 2014 and 2015 they both show \$198k, 2015 was a slight decrease. It doesn't really reflect what we thought was going on. 2008 was a bad year; we thought we would start to recover around 2012 or 2014, certainly 2016. Centrally assessed mills have averaged an increase of 3.9 percent over that same period of time.

The DOR provided a projection of \$181,389,878 without centrally assessed properties included. If we add last year's centrally assessed value to the projection we have county-wide taxable value of \$209,689,654 or a .6 percent increase. If we use the 10-year average increase of 3.9 percent to the centrally assessed properties, we end up with a county-wide taxable value of \$210,793,345 or a 1.2 percent increase. Both estimates are under the two percent used for our budget projections. These are only preliminary estimates. This year, the commission placed a strong focus on funding programs and initiatives that further our commitment to providing transparent and accessible services to residents. This includes adding an additional programmer position to our Technology department to develop applications in-house; provide public with the convenience of completing business on line. Digitization of Clerk and Recorder files to ensure records are accurate and easily available to the public; saves both the public and staff time by eliminating the need to go to multiple physical locations. Other focus is infrastructure. Construction and Capital Improvement Projects (CIP) to improve county efficiencies and avoid continued deferred maintenance was another commission priority in this budget cycle. The Health Department has been operating with the same

HVAC units placed in its building 44 years ago and the building now cannot maintain a constant temperature. The five-year renovation of the County Courthouse is coming to a close. The county purchased the former GLR building to accommodate growing operational space needs, allowing the county to renovate the Courthouse and Annex. The county has been leasing the GLR building with a portion of the lease payments to reduce the purchase price. Buying the building will reduce debt service by nearly \$80,000. We have also furthered our dedication to the fairgrounds by allocating funding to begin some of the initial changes in the conceptual plan. The design will be finalized and voted upon this summer. Public safety is another focus area. Last year the commissioners approved additional deputy positions within the Sheriff's Office. This year, one-time funding will be authorized for the recruitment of detention facility positions to provide full staffing, reduce overtime in the effort to reduce turnover from job fatigue. The Missoula County Attorney's Office has requested an additional attorney to handle sex crime and domestic violence cases. There has been an explosive growth in these types of cases and caseloads in recent years. This has been attributed to high methamphetamine use.



The budget requests and costs. We have a structural imbalance in the General Fund resulting primarily from increased funding requests to enhance public safety, transparency efforts and operations; two county mills are required to fund them. The sheriff and detention costs increases; one county-wide mill approved contingent upon satisfactory review between preliminary and final budget. Also a one-time allowance to hire above detention full time employee to reach full staffing beginning June 1, 2017; 0.54 county-wide mill required. Sheriff ¾ full time employee property clerk to a full time employee; 0.06 county-wide mill required. We have a CIP request to purchase former GLR building and complete needed work on courthouse to decrease lease payments; one county-wide mill required. CIP/operations request for the fairgrounds; 0.53 county-wide mills required. CIP requests for repairs to the 44 year old Health Department building; one county-only mill required that is about \$90,000. Replacement of rolling stock for Public Works, they have trucks that are 30 years old plus and they are all high maintenance cost. They asked for five, the commissioners are discussing two preliminary; two county-only mills required.

The preliminary Missoula County budget proposal of 8.23 mills would be broken down as follows:

- 5.23 county-wide mills = \$17.65 on a home with a \$250,000 market value in Missoula County annually.
- Three county-only mills = \$10.13 on a home with a \$250,000 market value in Missoula County annually.
- The combined annual tax on a home with a \$250,000 market value in Missoula County would be \$27.78 annually.

In 2014, the majority of Missoula taxpayers approved and authorized the issuance of \$42 million in GO Bonds to build Fort Missoula Regional Park. A similar ballot was placed before the voters in 2006 to issue \$10 million of Open Space Bonds. The Fort Missoula Regional Park equals 13.68 mills or \$46.17 on a home with a market value of \$250,000 annually. Combined they will equal \$48.70 annually on a home with a \$250,000 market value.



Commissioner Rowley – Is there any public comment on the preliminary budget?



Jim Morton, Human Resource Council – I think a lot of us come here annually, but we do commend you for the support of community based organizations. I am sure that many of us let you know how much we appreciate that support more than once a year. This seems to be the time that we gather to talk about our programs. I think everyone in this community realizes that because of the leadership of this commission over the years we have well-funded integrated human service programs that is because the county does fund them. You do fund the Human Resource Council for the Interim Assistance Program that serves individuals who are basically destitute and are applying for social security disability. We provide shelter, some transportation, not as much as we used to since the bus is free, which is a godsend. So far this year because we signed repayment agreements with the individuals we help, the county has been reimbursed by the Social Security Administration about \$100,000. So we hope that you will continue to support that. If I could, I would just like to speak as a private citizen, not as the Human Resource Director. I would like to speak as someone of Native American descent who is perplexed that why so many natives are being charged, why our jail has a population of Native Americans that is four times what our incidents in the population is. I am not here to suggest that this is because of bad faith I think the police, the commission, the city are working hard on a whole lot of issues that we face. I was pleased to be appointed to the committee reviewing the jail and the actions of both the county attorney and the sheriff's office and certainly that report I hope will guide you and would encourage you in your budget to think about how we as a community can start to speak to an imbalance. You know, what is happening institutionally that we have this particular situation. I know you all have been participating in this as well. I just wanted to bring it up in a public hearing that I appreciate your efforts and also the efforts to talk about why so many people who can't make bail are poor and they stay in jail. I wanted to encourage you through maybe your budget process to again, gather us

together and talk about these issues. I know it takes staff to look at data and to report back to the public and to be as transparent as you can. Thank you.



Jeri Delys, Executive Director of CASA (Court Appointed Special Advocates of Missoula)

– I would also thank to the commissioners for your past support of our program. I know that last year when I was here I talked to you about the growth of our cases and sadly I am here to report that our cases have grown even more this year. As Andrew pointed out we do see a resurgence of meth in our community and it definitely hurts the family system. We have never seen caseloads like this before. We are setting records, 35 cases in May; June looks as bad as does July. We will probably be over 200 new cases this year. I am here to request that we be funded fully by our grant proposal and also to throw it out there that our organization would be extremely willing to sit down with commissioners and others in the community to find out what we can do collectively to help with the resurgence of meth because I think it affects all of the non-profits that are here today to seek your support of funding for our organization. Thank you.





Vicki Dundas, Nursing Supervisor, Missoula City County Health Department – Thank you for your support of the Missoula Foster Child Health program. We are requesting a continuation of our CAF funding for this vital program. Since 2011, the Missoula Foster Child Health program has served 503 foster children and their foster families, helping to ensure that the children's medical, dental and behavioral health needs are met. In fiscal year 2016 our two foster child health RN's, public health nurses, averaged a monthly case load of 66 children with a range of 64-77 children on service each month. We provided 554 encounters. This is a result of the 17-49 new referrals we received each quarter from Child and Family Services Division (CFSD). The Missoula Foster Child Health program serves all children ages 0-18 years old in foster care but we focus primarily on those most vulnerable; being children entering foster care for the first time, children transitioning to new placements, children zero to five years old and teens ages 16-18 who are aging out of care. Our goal is to continue to ensure that the health care needs of these children are met. We ensure that the child has a primary provider and dentist and assist the foster parents with obtaining the healthcare that the child may need; including referring to any needed specialty care and other resources in Missoula. We work with the various medical providers past and present of the child to gather their medical and dental and behavioral health records and summarize the child's needs for the foster families and CFSD division staff in order to better care for the child. In collaboration with CFSD, the children's medical providers and the foster parents we develop individualized plans of care for each child and provide the education and support needed to help the foster parents provide for the child's needs. I am happy to report that since 2011 we have met these goals 100 percent of the time for all of the children that have been enrolled in the Foster Child Health Program. This important work and the critical funding that we have received from you has enabled us to also leverage additional sources of funding to provide sustainability; including monthly stipends from CFSD on a per child basis as well as Medicaid targeted case management billing, this points to the various levels of commitment to the program on both local and state levels. The Health Department in general is also committed to this program, including it in our current three year strategic plan in the community health improvement plan. Additionally, the program was mentioned in Governor Bullock's recent Protect Montana Kid's initiative as being an integral part of their immediate systems improvement phase. Subsequently he has called for like programs to be developed around the state. We are currently working with Yellowstone County and Cascade County to help them initiate similar programs at their health departments. We have also entered into a formal evaluation process with the University of Montana School of Social Work, in hopes of showing positive outcomes for children that have been participating in this program and potentially develop a best practice model that could be replicated in other states. To this end we have begun to gain national and international attention and recognition as we present at various public health and child abuse and neglect prevention conferences around the country and in Canada. Truly none of this would have been possible if not for the initial and ongoing support that we have received from you and the CAF fund. In light of the alarming increases of children entering foster care that was mentioned related to both meth and opiate abuse and other substance abuse, combined with staffing challenges at CFSD that I am sure you have heard and read about, this program is literally a safety net for our most vulnerable citizens. Thank you for being part of the village that helps support and raise these children. We appreciate it very much.




Mary Kay Nealon, Director of Innovation, Partnership Health Center – Commissioner Curtiss was involved in saving the health center 15 years ago, so while we are doing well right now in terms of the numbers of people we are able to serve, I think it is a fragile culture out there in terms of one year to the next, how health care evolves. Of course we support your funding HRDC and the health department and CASA and all of our partners because we work so closely I think to serve the same population in this community. Specifically our requests this year have focused on our growing service of the homeless. We have a full-time 40 hour clinic at the Poverello. We do have staff that supports over 1,700 people identified in the last 12 months at partnership as homeless in some stage of homelessness or at risk and they are not the visible chronically ill homeless on the street. They are the invisible families and yet in one to one they have disclosed that vulnerability to us. Our biggest achievements I would say in the last couple of years and things that we want to make sure continue to happen is integrated behavioral health. I was moved by what


Mr. Morton said because we certainly see a lot of the people winding up in jail or people dealing with addictions. We have two licensed addiction counselors; we have 1.5 FTE advanced practice psychiatric nurses that consult on managing people. We get about 40-50 discharges from psychiatric hospitalizations each month and are able to serve those patients as part of our integrated model. Thank you. I don't know how you fund everybody everything they need, but we are asking on our behalf and not at the expense of our colleagues in the community.

 **Julia Neaves, Supported Employment Manager, Mountain Home Montana** – I am also here to thank you for the county support of basic needs for the young moms and the children that we have in our care at Mountain Home Montana. In 2015, we served a total 49 young moms and 70 children and 28 of those moms are in our 24 hour residential care program and 21 additional moms were served through our out-patient services. I am here today because I lead the supported employment program and we are a service offered through our licensed mental health center at Mountain Home Montana that helps young moms find work or return to school. We provide individual career exploration, job search and follow along services to each of our clients individually. We also develop relationships with community employers in an effort to provide clients with new opportunities for employment and to provide comprehensive on the job support as they work. It is really to us as we work that our young moms of course cannot be employed unless they first have a safe place to live and for that Mountain Home Montana depends on support from the county. I will tell a brief story about one of our residential clients, to protect her privacy I am going to call her Jennifer. Prior to her arrival at Mountain Home Montana she had lived in her car on and off since her daughter was born in 2012 and had struggled with drug and alcohol addictions. However, within a week of her arrival at Mountain Home Montana and with the help of the supported employment program, Jennifer secured a job at a local Missoula business. She is on track to meeting a lot of her goals at Mountain Home Montana and in her words she said her goals are, "building structure into my life, having an active job and getting a place to live that belongs to my family." For Jennifer knowing that she has a safe place to come home to every night has really allowed her to blossom in many other areas of her life. Again, we just want to thank you for your support of the 24/7 basic care that we offer at Mountain Home Montana and it is really foundational to the other work that we do.

 **Commissioner Rowley** – Were there any further questions or comments for us or for Andrew or public comment? Seeing none, we will go ahead and continue that into the final hearing on August 24, 2016.

g. Setting Assessments – Seeley Lake Refuse District

 **Amy Rose, Administration, Public Works** – Public Works has had management over administration operations for the Seeley Lake Refuse District for a number of years now. But because they are a separate district we do have a tax roll for them that coincides with the boundary for School District 34. This year we went through the same budget process we do with all of our other funds within the department, evaluated expenditures and what current assessments are set at. We did not see a need to seek any raises, expenditures are holding steady. We have made several changes to operations over the last few years that have actually improved our revenue stream as far as additional collections on top of those assessments. That assessment is for each parcel, it covers up to 10 cubic yards per year of them being at the refuse district. So we are just asking to set the assessments, for the next fiscal year, based on the tax rolls provided. We did the public notification for the hearing today and provided all of the documents to the public for inspection and I have received no comments until today.

 **Commissioner Curtiss** – Amy, can you tell us what the assessment is per; it is only if you have a dwelling unit right, not if you have an empty lot?


Amy Rose – Yes, and it is a \$150 per parcel per year.

Commissioner Rowley – How long has that been \$150?

Amy Rose – Since 2011.

Commissioner Rowley – Nice. Good job.

Commissioner Curtiss – It is a pretty good rate for having your garbage.

 **Commissioner Rowley** – Was there any public comment? Seeing none, we will close the hearing.

Commissioner Curtiss made a motion to adopt the resolution setting the assessments for the Seeley Lake Refuse District at \$150 to each lot, tract or parcel of record with a house or building on it as proposed in this resolution. Commissioner Rowley seconds.

Passed 2-0.

JULY 2016

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FISCAL YEAR: 2017

7. OTHER BUSINESS

None

8. RECESS**Commissioner Rowley** – Called the meeting to recess at 3:31 p.m.

Resolution No. 2016-102 – BCC signed, dated July 27, 2016. Setting assessments for the Seeley Lake Refuse District at \$150.00 per lot, tract, or parcel of record. Approved at July 27, 2016 public meeting.

Resolution No. 2016-114 – BCC signed, dated July 27, 2016. Amending Missoula County Subdivision Regulations, Chapter 3 General Design Standards and ancillary amendments to Chapter 7 Submittal Requirements. Approved at July 27, 2016 public meeting.

Resolution No. 2016-112 – BCC signed, dated July 27, 2016. Amending Missoula County Subdivision Regulations, Chapter 4 Specific Standards for Certain Subdivisions and ancillary amendments to Chapter 3 General Design Standards. Approved at July 27, 2016 public meeting.

THURSDAY, JULY 28, 2016

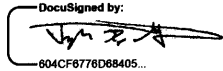
BCC did not meet in regular session. NR out through Wednesday, August 3. SR out through Monday, August 1.

ADMINISTRATIVE MEETING – CANCELED

FRIDAY, JULY 29, 2016

BCC did not meet in regular session. NR out through Wednesday, August 3. SR out through Monday, August 1.

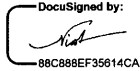
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Clerk & Recorder

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Nicole "Cola" Rowley, Chair
BCC