

JULY 1, 1988

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Evans were out of the office all day.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

JULY 4, 1988

The Courthouse was closed for the Independence Day holiday.

* * * * *

JULY 5, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon. Commissioner Dussault was in Minneapolis, MN at the Northwest Area Foundation regarding grant proposals for the Missoula City-County Health Department, and Commissioner Evans was out of the office all afternoon.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Plat

The Board of County Commissioners signed the plat for Mountain Creek Estates, phase two, a subdivision located in the SE 1/4 of Section 28, and the NE 1/4 of Section 33, T. 13 N., R. 20 W., PMM, Missoula County, with a gross area of 28.38 acres and a net area of 5.0 acres, with the owner and subdivider being John Diddel.

Plat

The Board of County Commissioners signed the Plat for Brookside on the Rattlesnake Phase II, a subdivision of Missoula County located in the SW 1/4 of Section 11, T. 13 N., R. 19 W., PMM, a total of 4.19 acres, with the owner/developer being Brookside Estates, Inc.

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Dr. Pat Hennessy, an independent contractor, for the purpose of providing professional medical services and consultation to the Missoula City-County Health Department as needed, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a total payment not to exceed \$21,600. The Contract was returned to the Health Department for further signatures and handling.

Resolution No. 88-062

The Board of County Commissioners signed Resolution No. 88-062, resolving that, as per a lease agreement dated May 1, 1978, the County, upon completion of the lease on June 1, 1988, execute a quit claim deed conveying to Potomac-Greenough Community Center the County's interest in a parcel of property described as part of the SE 1/4 of the SE 1/4 of Section 14, T. 13 N., R. 16 W., as per the terms set forth in the Resolution.

JULY 5, 1988 (continued)

Quitclaim Deed

The Board of County Commissioners signed a Quitclaim Deed conveying the above mentioned property to the Potomac-Greenough Community Center, subject to the conditions set forth on the Deed.

Other items included:

The Commissioners approved a request from the County Surveyor to purchase a used mower for \$695 to replace the one that keeps breaking down and to make the purchase before the budget is finalized.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Site Inspection

In the forenoon, Commissioner Evans and County Surveyor, Horace Brown, conducted the site inspection on the request to vacate a portion of Laurel Street in Park Addition.

* * * * *

JULY 6, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon. Commissioner Evans was out of town attending a funeral, and Commissioner Stevens was out of the office all afternoon.

Monthly Reports

Chair Dussault examined, approved and ordered filed the monthly reconciliation reports of Justices of the Peace, Michael D. Morris and David K. Clark, for month ending June 30, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #13 (6/12/88 through 6/25/88) with a total Missoula County Payroll of \$313,783.88. The Transmittal Sheet was returned to the Auditor's Office.

Resolution No. 88-060

The Board of County Commissioners signed Resolution No. 88-060, a resolution accepting an easement conveyed to Missoula County by T & T Development for property located in the NW 1/4 of Section 29, T. 13 N., R. 19 W., Missoula County, and being a portion of Lots 37 and 38 of West Central Village, a recorded subdivision, for sight distance control purposes.

Resolution No. 88-061

The Board of County Commissioners signed Resolution No. 88-061, a Resolution Fixing Salaries of Certain County Elected Officials and superseding Resolution No. 88-058, as a typographical error was made in Resolution No. 88-058 relative to the effective date of referenced salary adjustments.

JULY 6, 1988 (continued)Road Agreement

The Board of County Commissioners signed a Road Agreement, dated July 5, 1988, between Missoula County and Clarence P. and Juanita M. Gross of O'Brien Creek Road, regarding the issues that have been raised over the construction proposed by the County to improve the right of way of O'Brien Creek Road, which crosses the real property owned by Gross, and to put in writing the Agreement reached by the parties which resolves these issues.

Service Contract

Chair Dussault signed a Service Contract whereby the Board of County Commissioners of Mineral County contracts with the Superintendent of Schools of Missoula County to perform the duties required of County Superintendents for the period from July 1, 1988, to June 30, 1989, as per the terms set forth, for a total payment to Missoula County of \$3,500. The Contract was returned to Rachel Vielleux, County Superintendent of Schools, for further handling.

Contract

The Board of County Commissioners signed a contract between the Missoula City-County Health Department and the Recovery Foundation, Inc. for the purpose of coordinating comprehensive alcohol services, including outpatient care, preventive public education services, emergency care and consultation to residents of Missoula County, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a total payment up to \$86,383.57, based on actual funds received, and the agreement will be reexamined at the end of March, 1989, to ensure that the amount of alcohol revenue received is not different than the estimate.

Other matters included:

- 1) the Commissioners approved a request from J. C. Raser for additional time to bring current the taxes on SUID Nos. 1852501 and 1852703, and the County will not proceed with ordering application for tax deed for these two parcels on the condition that the taxes are brought current by September 30, 1988;
- 2) the Commissioners reviewed and approved the list of CIP/ Capital Acquisitions for FY'89 as recommended and submitted by John DeVore, Administrative Officer; and
- 3) Commissioner Stevens moved and Commissioner Dussault seconded the motion that the petition to vacate a portion of Laurel Street, from Missoula Avenue to Wylie Street, in Park Addition be approved as per the reasons listed on the petition; the motion passed with a 2-0 vote.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled as two of the Commissioners were out of town.

* * * * *

JULY 7, 1988

The Board of County Commissioners met in regular session; all three members were present.

Audit List

The Board of County Commissioners signed the Audit List dated July 7, 1988, pages 2-24, with a grand total of \$769,833.22. The

Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were considered:

- 1) the Commissioners appointed Howard Schwartz to serve as Missoula County's representative on the BPA Energy Committee; and
- 2) the Board discussed and approved a request from Richard Williams for an extension of time to pay off his delinquent taxes--Mike Sehestedt will draw up a contract and payment schedule for him.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JULY 8, 1988

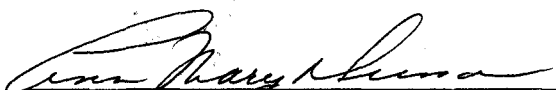
The Board of County Commissioners met in regular session; all three members were present.

* * * * *

JULY 9, 1988

On Saturday forenoon, Commissioner Dussault was a guest instructor at the Taft Seminar for Teachers being held at the University of Montana.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

* * * * *

JULY 11, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation the week of July 11th through the 15th.

Welfare Advisory Board

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Carole Graham, Welfare Director, for their regular monthly meeting.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated July 11, 1988, pages 2-11, with a grand total of \$15,215.43. The Audit List was returned to the Accounting Department.

JULY 11, 1988 (continued)

Monthly Report

Chair Dussault examined, approved and ordered filed the Monthly Report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending June 30, 1988.

Quarterly Report

Chair Dussault examined, approved and ordered filed the Quarterly Report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for the quarter ending June 30, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Agreement

Chair Dussault signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences (DHES) for the purpose of inspecting and testing small public water supplies to ensure their safety, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a total payment not to exceed \$4,815. The Agreement was forwarded to Helena.

Audit Letter

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the audit of the Missoula City-County Health Department for fiscal year 1988. The audit was forwarded to the Clerk & Recorder's office for filing.

Resolution No. 88-063

The Board of County Commissioners signed Resolution No. 88-063, a resolution approving a planned variation from setback and lot width requirements for property described as Mountain Creek Estates Subdivision, Phase 2, as per the terms set forth and subject to the eight (8) conditions listed in the Resolution.

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Seeley-Ovando-Swan Health Center, an independent contractor, for the purpose of public health nursing services, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a total payment not to exceed \$1,000.

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Cheryl McMillan, RN, MS, an independent contractor, for the purpose of working on the Access/Links Program, as per the terms set forth, for the period from August 1, 1988, until September 1, 1988, for a total payment not to exceed \$1,500. The Contract was returned to the Health Department for further signatures and handling.

JULY 11, 1988 (continued)

Other items included:

The Commissioners discussed insurance matters with Hal Luttschwager, Risk Manager, and agreed to stay with the current insurance program and not go with PENCO at this time.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JULY 12, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming North West Life Assurance of Canada as principal for warrant #23925, dated January 21, 1988, on the Missoula County School District #1 Claims Fund in the amount of \$950.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Resolution No. 88-064

Chair Dussault signed Resolution No. 88-064, a Resolution Authorizing the Issuance and Sale of Tax and Revenue Anticipation Note, Series 1988 to Board of Investments of the State of Montana, Fixing the Form and Terms thereof and Authorizing the Execution and Delivery of Documents Related thereto.

Other items included:

- 1) the Commissioners approved the motion passed by the Seeley Lake Refuse Disposal District Board of Directors at their June 28, 1988, regular meeting establishing their fiscal year 1989 budget;
- 2) the Commissioners voted to pay the MACo (Montana Association of Counties) dues for FY'89; and
- 3) the Commissioners voted unanimously to retract their directive of July 5, 1988, regarding requiring the captains in the Sheriff's Department to pay back their longevity, based on the opinion received from the County Attorney's office on July 6, 1988.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JULY 13, 1988

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena attending a JTPA Meeting and Commissioner Evans attended a Family-Based Services Workshop in Billings on July 13th and 14th.

JULY 13, 1988 (continued)

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled as the Commissioners were out of town.

* * * * *

JULY 14, 1988

The Board of County Commissioners did not meet in regular session as two of the Commissioners were out of town.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Margaret Harstad as principal for warrant #20009, dated June 30, 1988, on the Missoula County High School Payroll Fund in the amount of \$311.41 now unable to be found.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming A-L Welding as principal for warrant #171087, dated February 17, 1988, on the Missoula County R/B/S Fund in the amount of \$29.62 now unable to be found.

Agreement

Chair Dussault signed an Agreement between Missoula County and the Montana Department of Health & Environmental Sciences for the purpose of providing services under the Maternal and Child Health Services Block Grant (MCH), as per the mutual covenants and stipulations set forth, for the period from July 1, 1988, through June 30, 1989, for a total payment of \$61,684. The Agreement was forwarded to DHES in Helena.

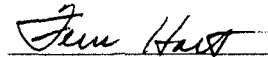
Notice of Sale of Bonds

Chair Dussault signed the Notice of Sale of Bonds for RSID No. 427 in a total amount not to exceed \$120,000.00 for the purpose of engineering and construction of street paving and drainage improvements to Stonehaven Avenue and Loraine Drive, setting the sale date for August 17, 1988, at 1:30 p.m.

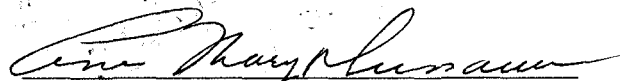
* * * * *

JULY 15, 1988

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena where she attended a Montana Children's Alliance Meeting, and Commissioner Evans took a day of vacation.



Fern Hart, Clerk & Recorder



Ann Mary Dussault, Chair

* * * * *

JULY 18, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

JULY 18, 1988 (continued)

Agreement

Chair Dussault signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences (DHES) for the purpose of providing the services of the USDA's Special Supplemental Food Program for Women, Infants, and Children (WIC) to the residents of Missoula, Mineral, and Ravalli Counties, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, with the total payments made by DHES not to exceed \$183,529.00. The Agreement was forwarded to DHES in Helena.

Plat

The Board of County Commissioners signed the Plat for Seeley Lake Homesites Addition No. 3, Block 11, Lot 6, Block 12, Lot 1, and Locust Lane, an amended plat located in the NE 1/4 of Section 3, T. 16 N., R. 15 E., PMM, Missoula County, with the owners of record being Jefferson E. and Sara T. Macon of Lot 1, and Roger D. Johnson and William L. Copenhaver of Lot 6

Resolution No. 88-065

The Board of County Commissioners signed Resolution No. 88-065, a resolution accepting an easement from Jefferson E. and Sara T. Macon for public road and all other public purposes, located in a portion of the NE 1/4 of Section 3, T. 16 N., R. 15 W., PMM, Missoula County.

Resolution No. 88-066

The Board of County Commissioners signed Resolution No. 88-066, a resolution vacating a portion of Locust Lane lying between Lot 6, Block 11, and Lot 1, Block 12 of Seeley Lake Homesites Addition No. 3.

Contract

The Board of County Commissioners signed a Professional Services Contract, dated July 14, 1988, between Missoula County and Vocational Resources, Inc. for the provision of services as described in the Employee Assistance Program Services Proposal dated February 3, 1988, which, except as changed in the Contract, is incorporated by reference into this Contract, as per the terms set forth for a period of two years from the date of the Contract, at a fee of \$1.25 per County employee per month for the first year and \$1.37 per employee per month for the second year. The Contract was returned to Kathy Crego, Personnel Director, for further handling.

Resolution No. 88-067

The Board of County Commissioners signed Resolution No. 88-067, a resolution vacating a portion of Laurel Street in Park Addition from Missoula Avenue to Wylie Avenue located in the SW 1/4 of Section 14, T. 13 N., R. 20 W., PMM, Missoula County, as shown on the exhibit attached to the Resolution.

Resolution No. 88-068

The Board of County Commissioners signed Resolution No. 88-068, a resolution accepting an easement from the United States of America, acting by and through the Forest Service, for public road and all other public purposes (Mill Creek Road), located in a portion of the SW 1/4, SE 1/4 of Section 25, T. 15 N., R. 21 W., PMM, Missoula County.

JULY 18, 1988 (continued)Resolution No. 88-069

The Board of County Commissioners signed Resolution No. 88-069, a resolution accepting an easement from the United States of America, acting by and through the Forest Service, Department of Agriculture, for public road and all other public purposes (Forest Hill Lane), located in a portion of the SE 1/4, NE 1/4, and E 1/2, SE 1/4 of Section 3, T. 12 N., R. 20 W., PMM, Missoula County.

Resolution No. 88-070

The Board of County Commissioners signed Resolution No. 88-070, a resolution accepting an easement from the United States of America, acting by and through the Forest Service, Department of Agriculture, for public road and all other public purposes, located in a portion of the Pattee Canyon Timber Reserve, T. 12 N., R. 19 W., PMM, Missoula County.

Proclamation

The Board of County Commissioners and Mayor Bob Lovegrove of the City of Missoula signed a joint proclamation proclaiming the week of July 25, 1988, as Welcome Wagon 60th Birthday Week and congratulated the members of the organization for the service they render toward building civic responsibility and spirit.

Contract

Chair Dussault signed a contract between the Montana State Department of Social and Rehabilitation Services and Missoula County for the Emergency Shelter Grants Program on behalf of the Poverello Center for the purpose of labor and materials to install a hot water heating system in the amount of \$4,278.00 for the period from July 1, 1988, through December 31, 1988.

Application for Advance Payments

Chair Dussault signed an Application for Issuance of Advance Payments for Treatment Works Planning and/or Design to the State of Montana for the Seeley Lake Step I Waste Water Facilities Plan Project with a total construction cost of \$2,800,000. The application was returned to John DeVore for further handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JULY 19, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Helena attending a Human Services Delivery Task Force Meeting.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated July 19, 1988, pages 2-32, with a grand total of \$172,601.45. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting, the following was signed:

JULY 19, 1988 (continued)9-1-1 Application

Chair Dussault signed off on the application for the Powell County 9-1-1 Plan to be submitted to the State and which has the Missoula County 9-1-1 Center listed as a "relay" station.

Other items included:

Board Appointments

1) the Commissioners appointed Norman Taylor as the alternate member of the Missoula Consolidated Planning Board through December 31, 1988, at which time he will be eligible for reappointment; and

2) the Commissioners appointed Edward D. Farnes to serve on the Frenchtown Rural Fire District Board of Trustees until the School Election in April of 1989, at which time the residents of the District will elect the trustees.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JULY 20, 1988

The Board of County Commissioners met in regular session; all three members were present.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Dan Magone showing items of fees and other collections on account of civil business in Missoula County for month ending June 30, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #14 (6/26/88 through 7/09/88) with a total Missoula County Payroll of \$331,709.52. The Transmittal Sheet was returned to the Auditor's Office.

Memorandum of Understanding

Chair Dussault signed, with Commissioner Evans opposing, a Memorandum of Understanding between Missoula County and the Animal Damage Control Program, whereby the County agrees to allocate \$100 for the protection of sheep from destructive animals, as per the terms set forth and in accordance with the terms of a special Cooperative Field Agreement between the Animal Damage Control Program and the Montana Wool Growers Association. The Agreement was forwarded to Billings.

Notice of Hearing

Chair Dussault signed the Notice of Final Hearings on the County Proposed Budget for FY'89, setting the dates and times for the hearings which will be held on August 3rd, 4th, and 5th, 1988.

JULY 20, 1988 (continued)

Other items included:

In response to a request from the Rock Creek Advisory Council, the Commissioners designated Horace Brown, County Surveyor, as Missoula County's representative on the Rock Creek Road Committee.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

Hearing: Intent to Create RSID No. 909 -Maintenance of Kona East Park

Information provided by Jim Dopp, Operations Officer, indicated that a petition was received with 100% freeholder signature in favor of creating an RSID for park maintenance including: installation and repair of an irrigation system; installation and repair of playground equipment, seeding and grading of the park; irrigation and mowing; maintenance of the walkway; winterizing the irrigation and playground equipment; fertilizing and weed control - all in Kona East Park, Kona East Subdivision in Missoula County, Montana.

The hearing was opened for public comment.

Nick Kaufman of Sorenson and Company said he was in favor of the RSID, and submitted a letter concerning his views. That letter reads as follows:

"We are writing this letter at the request of the developer of Kona East. We wish to make this letter part of our public testimony and request written confirmation that our understanding of the park maintenance RSID policy is correct.

We understand that the RSID is being created as a result of a 1986 petition from the developer of Kona East and that the delay in creating the RSID is merely a result of "housekeeping" on the part of Missoula County. As we understand County policy, the park maintenance agreement policy is as follows:

1. The RSID is crated and left in place with no assessments until such time as the developer or the homeowners association initiates action to improve the park area.
2. If the developer or homeowners association wishes to improve the park through an RSID, they must first get approval for their plans and expenditures from the Park Board.
3. If the Park Board approves the plans and expenditures, bids are let and improvements and assessments will begin.
4. Missoula County will not, on its own initiative, initiate action to improve a park using an RSID without initiation by the Developer or the homeowners association.

JULY 20, 1988 (continued)

Janet Stevens moved and Barbara Evans seconded the motion to create RSID #909 - Kona East Park Maintenance. The motion carried on a vote of 3-0.

No one else came forward to speak, and the hearing was closed.

Hearing: Resolution of Intent to Adopt Rattlesnake Valley Comprehensive Plan Amendment

Information provided by Pat O'Herren, Planner II in Rural Planning, indicated that public hearings on the document were conducted on October 21, 1987 and on June 29, 1988. Amendments to the document based on those hearings are included in the document and in the Resolution of Intention. The staff recommendations to adopt the Resolution of Intention with Amendments as notes; and to adopt the Rattlesnake Valley Comprehensive Plan Amendment as noted in the Resolution of Intentions.

The hearing was opened for public comment. No one came forward to speak either in favor or opposition to the matter, and the hearing was closed.

Barbara Evans moved and Janet Stevens seconded the motion to adopt the Resolution of Intent to Adopt the Rattlesnake Valley Comprehensive Plan. The motion carried on a vote of 3-0.

Resolution No. 88-071

The Board of County Commissioners signed Resolution No. 88-071, a Resolution of Intent to adopt the Rattlesnake Valley Comprehensive Plan.

Barbara Evans moved and Janet Stevens seconded the motion to adopt the Rattlesnake Valley Comprehensive Plan as amended. The motion carried on a vote of 3-0.

Resolution No. 88-072

The Board of County Commissioners signed Resolution No. 88-072 a Resolution adopting the Rattlesnake Valley Comprehensive Plan Amendment.

For the record, The Board of County Commissioners recognized the Rural Planning Staff for their hard work and dedication in developing the plan amendments.

There being no further business to come before the Board, the Commissioners were in recess at 1:40 p.m.

HEARING ON FY'89 PRELIMINARY BUDGET

Chair Ann Mary Dussault opened the hearing at 2:30 p.m. Also present were Commissioners Barbara Evans and Janet Stevens.

Ann Mary Dussault introduced County Administrative Officer John Devore and County Finance Officer Jane Ellis and asked them if they had introductory comments.

John DeVore explained the spread-sheets that had been prepared, stating that the first page was a spread sheet that delineated budget numbers for all funds; the second page was a break-down of the various general fund departments, with comparisons between what had been requested for FY '89 to what had been adopted for FY '88; and the individual spread-sheet was a delineation of all the requests made by various community based organizations, comparing FY '88 and FY '89.

JULY 20, 1988 (continued)

He stated that this year's budget represented an overall decrease of just a little over one percent, taking into account the drop in the value of the mill of \$823 between the '88 and '89 levels. He stated that we had also had to deal with an approximate 5% drop in the non-tax revenue between FY '88 and FY '89 levels.

Fiscal Officer Jane Ellis was then asked to make an introductory statement. She said that the County was able to finish FY '88 with a somewhat better tax position than had been anticipated during the budget process for FY '88. She said that particular credit was due to everyone who was frugal during the year and made every effort not to spend all of their budget. She said that even though the tax numbers were better than anticipated, that didn't mean that the County was suddenly rolling in money. She made an analogy to a personal budget, stating that we had not ended FY '88 with cash enough to go out and buy a brand new car; we had ended up with cash enough to do adequate repairs to the same car that we've been driving for years now.

At this point, Chair Dussault opened the hearing to public comment. The following people testified:

1. Tom Huff, speaking as a member of the Board of the Missoula Food Bank, stated that he was speaking on behalf of the proposed budget allocation to the Food Bank. He said that he had joined the Board a month or so ago, and that it was an amazing group. He said that for the roughly \$14,000 that the County proposed to spend on the Food Bank, the Food Bank will gather about three times that much money in private donations, United Way and fundraising and that small budget of roughly \$50,000 would make it possible for the Food Bank to glean approximately \$300,000 in food which would otherwise go to waste in the City of Missoula: food that's gathered from restaurants, bakeries and food stores. He said that that food is organized and made available to people who are in a crisis situation with respect to food; that is, they simply no longer have food in their cupboards and need some food to get by for a few days. He said that the Food Bank staff provides an important service to people in that kind of crisis by getting them in touch with the agencies that can provide them with longer-term kinds of help. He said that he thought that this was a small amount of community tax money to spend for an agency that provides us with an important and humane public service.

2. Richard Dunn, also speaking on behalf of the Food Bank, stated that he agreed with Tom's remarks and added that he had first become aware of the Food Bank the previous Christmas, spurred by a latent and growing urge to do a community service. He said that he had gone down to the Food Bank premises and had done work in the collecting and sorting and distributing of the great outpouring of generosity from Missoula's citizens. He said that the Food Bank represented to him the essence of a grassroots unit, and they certainly appreciated Commissioner support.

3. Cathy Dungan, President of the Missoula Child Care Association and director of Little Bo Peep Child Care, spoke on behalf of Child Care Resources. She said that throughout the years she had appreciated the opportunity to call on Child Care Resources numerous times for education and support of her staff and in regard to the child care community at large. She said that she couldn't begin to tell people how valuable and practical had been the information that Child Care Resources had provided. She said that as president of the Child Care Association, she had also had the opportunity to see how Missoula compares to the rest of the state in regard to child care. She said that she believed that Missoula has child care that is superior in quality and professionalism to much of what is provided in the rest of the state, and she believed that was a direct result of Child Care

JULY 20, 1988 (continued)

Resources training and support. She said that quality child care is a goal that we're all trying to attain and Child Care Resources is a very important part of obtaining and maintaining that level.

4. Penny Klaphake, a member of the League of Women Voters, read a statement prepared for each of the County Commissioners:

The League of Women Voters of Missoula believe that the Missoula community and the Missoula community governments have a responsibility to help maintain and improve the quality of child care for this community's children; that is the health and safety of children receiving care and the training of their caregivers.

A major determinant of high quality child care is the caregiver's knowledge of child development, which is then applied in developmentally appropriate activities. The quality of child care affects later

cost/benefits to our community. Assuring high quality care now will be more cost effective in correcting future problems caused by lack of such care. While high quality child care depends on a partnership relationship between parent and caregiver, employers and government must share some responsibility in the wake of this social revolution that has redefined work and family roles and has radically altered the every-day experiences of our community's youngest citizens. High quality child care will help children become well-adjusted, successful and effectively functioning, contributing members of society.

The League of Women Voters wishes to commend you, the County Commissioners, for your practical recognition and continued support in meeting these needs through funding of the Child Care Resources Training and Health Programs.

5. Deb Unruh, Family Resources Specialist with the Department of Family Services, spoke on behalf of Child Care Resources. She said that she is a person with many hats. She said that she also works in the field of adoption for the State and does the daycare services for a three-county area. She said that there are three categories of daycare: daycare centers, group homes, and homes. There are about 100 daycare homes; 30 group homes (two people caring for 7 to 12 children) and there are close to 40 daycare centers. She said that she is the only state worker that supervises, monitors and evaluates those daycare businesses. She said that she also runs the adoption program for a three-county area for the state department. Her point was that County government needs to continue its involvement with child care issues, as Missoula County has as long as she's been involved with these issues in the '80's. She requested that the Commissioners continue to advocate for child care issues and support Child Care Resources because that agency supports the people caring for our little ones. She thanked the Commissioners for past and continued support.

6. Pamela Shore, an attorney, said that she is fairly new to the practice and is practicing a lot of low-income law and seems to be specializing in family law and has had opportunity to refer people to the Western Montana Regional Community Mental Health Center for evaluations in custody disputes. She said that it was disappointing to do an intake on a client and realize that they do not have sufficient funds to work up a good case, but you can see that there's substantial either physical or emotional abuse

JULY 20, 1988 (continued)

to one of the spouses or to the children, and without adequate, independent third-party evaluations, it is difficult to make a case. She urged the Commissioners to continue to support the Mental Health Center.

7. Jim Parker, the local office director of the Community Mental Health Center, said that he was present to express his concern in regard to the Commissioners' proposed reduction in level of support to the Center. He said that he wanted to testify in favor of continued support of the Mental Health Center, stating that some 90% of the Center's caseload is comprised of the working or indigent poor. He said that he would not like to see reductions in service to that clientele.

8. Deb Tomas, from Women's Place, said that through her work with the Rape and Abuse Crisis Center at Women's Place, she was aware of the mental health needs. She said that she was worried about the proposed reduction in funding to the Mental Health Center because Women's Place relies on being able to refer low income people to the Center for counseling. She said that if those services were not available, those people would not be able to afford the short-term counseling that they need.

9. Sharon Johnson, Director of the Missoula YWCA, testified on behalf of continued support to the Battered Women's Shelter. She said that the previous week they had sheltered 18 women and children. She said that the County funding is an important component of the services that the YWCA is able to offer, and thanked the Commissioners for past support and for the fact that they weren't forgetting the essential human service component of the County budget.

10. Judge Jack Green had a comment on the budget. He said that in reviewing the proposed budget, he had not seen a line for long distance phone charges. John DeVore said that he would take care of that oversight.

No one else came forward to testify on the proposed budget, although the following people were present and noted their support for various components of the proposed budget:

11. Marilen Trotter, from the League of Women Voters, was present in support of continued funding for Child Care Resources.

12. Renee Giovarelli, was present in support of continued funding for the Missoula Food Bank.

This segment of the preliminary budget hearing was recessed at 3:15 p.m.

CONTINUATION OF HEARING ON FY'89 PRELIMINARY BUDGET

This portion of the preliminary budget hearing was held in the downstairs meeting room of the Missoula Public Library. Chair Ann Mary Dussault opened the hearing at 7:00 p.m. Also present were Commissioners Barbara Evans and Janet Stevens.

Ann Mary Dussault introduced County Administrative Officer John Devore and County Finance Officer Jane Ellis and asked them if they had introductory comments. Both repeated the introductory comments they had made at the afternoon session.

Ann Mary Dussault then opened the hearing to public comment. The following people testified on various aspects of the proposed FY '89 budget.

JULY 20, 1988 (continued)

1. Jim Parker, Office Director of the Western Montana Regional Community Mental Health Center, commented on a trend in regard to Commissioner funding of mental health. He said that the Center had been asked to make cuts in previous years, and they had done so, right along with other community based organizations, but this year, they were being asked to take a \$10,000.00 cut, and he felt that this had become an amount that's very difficult to adjust to administratively. He said that he was concerned, as he has had occasion to examine the CBO spreadsheet, that other CBO's had not been asked to take such a large cut. He said that he would like to see a more equitable reduction across the board for all CBO's. He encouraged the Commissioners to reexamine their decision in regard to the Mental Health Center.

2. Diane Booth, 330 Adams, was present to speak on behalf of Mental Health Center funding. She said that there were many people in Missoula County who had been victimized and need help and can't afford that help. She said that the Mental Health Center offered the needed help.

3. Richard Johnson, 2809 Duncan Drive, said that as a mental health clinician specializing in veteran readjustment, he wanted to testify for continued support for the Mental Health Center, stating that he felt secure that the Center was moving toward a very sound, very good program and he would be concerned at this point about any reductions in funding for the Center.

4. Claudia Brown testified on behalf of continued support for Child Care Resources. She said that as a preschool teacher, she values all that Child Care Resources brings to the community, stating that the agency improves the quality of child care that is offered here. She said that the agency exhibits a high level of professionalism and serves veterans in the field as well as those who are just entering it.

5. Laura Risdahl was present to testify on behalf of the Mental Health Center.

There was no one else who wished to make a verbal statement, although the following written testimony was noted for the record:

6. James Ayers stated his concerns about library funding. He stated that he had worked at the Library as a volunteer and that he had been under the impression that some of the State Lottery funds would go toward libraries in the state. His written testimony is on file in the Commissioners Office.

The following people were present at the hearing and did not wish to speak, although they noted support for the following components of the County budget:

7. Yvonne Bradford, noted her support for Child Care Resources.

8. Scot Anderson was also present to support continued funding for Child Care Resources.

9. Carl Anderson noted that he was present to support funding for the Road Department.

Since there was no further testimony, the hearing was recessed at 7:30 p.m.

* * * * *

JULY 21, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Bozeman attending a JTCC (Job Training Council of Commissioners) Meeting.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Richard Williams regarding the payment of delinquent taxes on Hansen's Bitterroot Tracts, Lots 8 and 11, as per the terms set forth in the Agreement.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JULY 22, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office all day.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Joanne Erickson as principal for warrant #2574, dated June 16, 1988, on the Bonner School District #14 General Fund in the amount of \$4,312.47 now unable to be found.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

JULY 25, 1988

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Dussault was in Helena attending a MACo Legislation/Constitution Committee Meeting, and Commissioner Evans was out of the office all afternoon.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 88-073

The Board of County Commissioners signed Resolution No. 88-073, a resolution creating RSID No. 909 for the purpose of maintaining Kona East Park, a park in Kona East belonging to Missoula County, as per the terms set forth.

Satellite Agreement

The Board of County Commissioners signed an Agreement between the Ravalli County Health Department in Hamilton, MT and the Missoula City-County Health Department, whereby the Department in Missoula will perform administrative and supervisory responsibilities for program operations and fiscal management of the WIC Program in Ravalli County, as per the mutual covenants and stipulations set

JULY 25, 1988 (continued)

forth in the Agreement, for the period from July 1, 1988, through June 30, 1989.

Other items included:

The Commissioners approved and signed concurrence on the CBO funding request letter from John DeVore, Administrative Officer, (BCC-88-409), relative to the funding of the CBO's, exclusive of Mental Health and Poor Fund.

Board Appointments

The Commissioners made the following appointments to the Lolo Mosquito Control Board:

- 1) Robert Kwapy's reappointment, retroactive to January 1, 1988, through December 31, 1990, was confirmed;
- 2) Russell Carman was appointed as a member of the Board through December 31, 1989; and
- 3) JoAnne Stewart was appointed as the "alternate member" through December 31, 1990.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JULY 26, 1988

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Dussault was in Helena attending a Council of County Officials Meeting, and Commissioner Stevens was out of the office all afternoon.

Legislative Weed Tour

In the morning, Commissioner Stevens addressed the Western Legislative Weed Tour Group which was meeting at the Village Red Lion.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated July 27, 1988, pages 3-27, with a grand total of \$188,515.66. The Audit List was returned to the Accounting Department.

* * * * *

JULY 27, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Notice of Hearing

Chair Dussault signed a Notice of Hearing on a petition for annexation to the Missoula Rural Fire District for parcels of land located in the Big Flat area, Sections 6, 7, & 8, T. 13 N., R. 20 W., setting the public hearing date for August 17, 1988, at 1:30 p.m.

JULY 27, 1988 (continued)

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Missoula Indian Alcohol and Drug Services, an independent contractor, for the purpose of providing appropriate outpatient alcohol treatment services, as per the terms set forth, for the period from July 1, 1988, through December 31, 1989, for a total payment not to exceed \$7,366.36.

Contract

The Board of County Commissioners signed a Contract between the Missoula City-County Health Department and the Missoula Indian Alcohol and Drug Program for the purpose of coordinating comprehensive alcohol services, including outpatient care, preventative education services, emergency care and consultation to residents of Missoula County, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a payment up to \$8,543.43, depending on the amount of alcohol revenue received, which will be reexamined at the end of March, 1989.

Contract Amendment

The Board of County Commissioners signed an Amendment to the Contract between the Missoula City-County Health Department and MIADS for the period from July 1, 1987, through June 30, 1988, amending the contract as follows:

MIADS will receive \$1,098.67/month for the months of April and May, 1988, upon submission of a request for payment. The total for this two-month period is not to exceed \$2,197.34.

Resolution No. 88-077

The Board of County Commissioners signed Resolution No. 88-077, a Resolution of Intent to Adopt the Rattlesnake Valley Comprehensive Plan Amendment with the Amendments as noted in the Resolution and superseding Resolution No. 88-071, dated July 20, 1988.

Replacement Bond

Chair Dussault signed Registered Bond #R-15 in the amount of \$2,500,000.00, a replacement bond for 500 bearer bonds @ \$5,000.00 on the County of Missoula Hospital Revenue Bonds, Series 1975 (Missoula Community Hospital Project). The Bond was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Equipment Rental Agreement

The Board of County Commissioners signed an Equipment Rental Agreement between the Missoula County Road Department and Skinner Enterprises for the rental of one Flatherty Chip Spreader, as per the terms set forth in the Agreement.

Other items included:

- 1) the Commissioners notified Gordon Morris, the Executive Director of MACo, that due to a lack of financial resources in FY'89 and the inability to make a commitment to subsidize a share of the services of an expert witness, Missoula County will not be able to participate in the beneficial use tax litigation with the other six "impact" counties as the case is appealed; and

JULY 27, 1988 (continued)

- 2) Commissioners Stevens and Evans voted, with Commissioner Dussault opposing, to approve the Mental Health/Poor Fund Budget Requests; Commissioner Dussault will write a minority report to be included in the budget file.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

Hearing: Request to Vacate a Portion of South 5th West Street (Cottage Grove and Walker Additions)

Information provided by Donna Cote, Recording Section Supervisor, indicated that the owners whose property abuts South 5th Street West in this particular area would like to have the street vacated for the following reasons: The property owners would be able to use this land for gardens, fruit trees and drain fields. Weeds would be kept down on the ditch bank easier. All property owners and persons affected by the petition had been notified, and notice of the hearing was published in the Missoulian on July 17, 1988, in accordance with State law.

The hearing was opened for public comment.

Bernadetta Powell said the residents in the area have experienced many problems with their septic systems and the vacation of this street would alleviate that problem by creating a drain system.

Richard Inman said 5th Street exists on paper only in this area; it is just a vacant lot.

No one else came forward to speak and the hearing was closed. Ann Mary Dussault noted for the record that by law, one Commissioner and the County Surveyor were required by law to inspect the site before rendering a decision. She said that would be done during the coming week, and a decision would be made at the next public hearing.

PUBLIC HEARING ON THE PROPOSAL OF COMMUNITY MEDICAL CENTER, INC. THAT MISSOULA COUNTY ISSUE NOT TO EXCEED \$26,000,000.00 AGGREGATE PRINCIPAL AMOUNT OF ITS REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1988: July 27, 1988

Chair Dussault said that the purpose of the hearing was to hear and act on Missoula Community Medical Center's (formerly Community Hospital) application for private activity bonds in an amount not to exceed \$26,000,000.00. Projects to be accomplished with bond proceeds include: 1) construction of an inpatient rehabilitation unit; 2) remodeling and refurbishing the existing hospital; 3) construction of a new support services area to house materials management, medical records, pharmacy, dietary and laundry service; and 4) remodeling of the vacated support services area to provide clinical space for special procedures.

She stated further that the application had been reviewed by Deputy County Attorney Mike Sehestedt and Office of Community Development Director Mike Kress, who found it to be in conformance with Missoula County's IDRB Policy. She added that the staff recommendation was to approve the application.

JULY 27, 1988 (continued)

Deputy County Attorney Mike Sehestedt then made a brief statement that the request was in part intended to defease (refinance) prior bond issues used for hospital improvements and expansion and to accomplish the projects listed above. He said that one of the reasons for refinancing prior bond issues was that the interest rate would be favorable, thus reducing the cost of financing to Community Medical Center.

Community Medical Center Executive Director Grant Winn then made a brief statement that approval of the bond request would net \$7.5 million to add a 32-bed inpatient rehabilitation unit and a cardiac procedures department as well as to refurbish and remodel various areas of the hospital. The whole project will upgrade and improve the medical facility.

At this point, Chair Dussault opened the hearing to public comment, asking that proponents speak first. The following proponents testified:

1. Candace Fetscher, of Garlington, Lohn & Robinson, representing Community Medical Center, said that Mike Sehestedt had addressed the primary legal concern of defeasing prior bond issues. She added that funds from the Series 1988B Bonds would be used to provide an inpatient unit for seriously injured patients. The remainder of the funds would be used to refurbish and remodel the facility and bring it up to code.

Ann Mary Dussault asked Ms. Fetscher to clarify for the record the approximate amount for new construction and the amount needed to retire current indebtedness.

Ms. Fetscher replied that Revenue Refunding Bonds, Series A, would be required in the amount of She said that if the issuance is approved, the County would issue \$7,315.00 in principal amount of Series 1988A Bonds to provide a portion of the funds for the payment of the prior bonds, fund a portion of the debt service reserve fund and pay a portion of the expenses in connection with the issuance of the Series 1988A Bonds and the payment of the Prior Bonds, including the bond insurance premium for the Series 1988 A Bonds. The County would also issue \$14,790,000.00 in principal amount of Series 1988B Bonds to provide financing for the project, fund a portion of the debt service reserve fund and pay a portion of the issuance expenses in connection with the Series 1988B Bonds, including the bond portion of the issuance expenses in connection with the Series 1988B Bonds.

2. Jan Watson, Director of Watson's Receiving Home, 1330 South Fourth West, and a former rehabilitation patient at Community Medical Center, testified as to the need for a new inpatient rehabilitation facility. She was a patient at the rehab center for ten months and said that the facility is old, crowded and inadequate, especially in terms of privacy. She said that if anyone spent even one day there, they would understand the need.

3. Carol Ashmore, who is a family member of a patient currently being treated in the rehab center, expressed her dissatisfaction with the current facility. She was especially concerned about lack of privacy. She said that a new facility is urgently needed.

4. Rocky Nethercot, from Polson, and a former patient at the rehab center, said that he had spent two and a half months at the center after a car accident in 1987. He said that Community Medical Center has one of the best facilities in the Northwest in terms of staff and program, but the physical facility is not what it could be. He expressed his support for the approval of the proposal.

JULY 27, 1988 (continued)

5. Don Halvorson, business manager of the plumbers union and an official of the Western Montana Building Trades Council, said that he was speaking in support of the proposal on behalf of his union. He said that the work on the facility would be done at the prevailing wages and thought we as a community should do everything possible to encourage the provision of good jobs in the community.

6. Dr. Dean Ross, a physician at the rehab center, agreed with perceptions that had been expressed by patients and former patients of the real deficiencies in the physical facility, but was glad to hear that the program still works. He said that his main concerns were the need to deal with issues of sensitivity and privacy. He said that those needs simply cannot be met currently and that the care could be better with a better facility.

7. Joyce Kalmes, from Missoula, a former patient of St. Pat's rehab unit, said that she had chosen not to do her rehab at Community because of privacy considerations. She said that she would have been in a room with four others at Community versus having a private room at St. Pat's. Privacy is a very big issue in terms of adjustment she said, and added that in terms of future recreation, access to a pool before you leave a rehab facility is very important. Currently, Community does not have a pool, but would with the new facility. She said that as a former rehab patient and current peer counselor, she is very excited about the proposal to improve the facility at Community.

There was no further testimony. There were no opponents.

Chair Ann Mary Dussault asked Mike Kress, Director of the Office of Community Development, to give the staff report in regard to compliance with criteria set forth in the County's enabling Resolution No. 82-15.

Mike Kress presented the following staff report:

Resolution No. 82-15 requires the Missoula Office of Community Development to review IDR bond applications for compliance with criteria listed in Section II, A and B of this Resolution. The criteria are underlined and followed by MOCD comments.

SUMMARY: The Community Hospital IDR bond request complies with the above-referenced requirements.

Eligibility and Evaluation of Community Hospital IDR Bond Proposal

A. Requirements (Mandatory)

1. Upon completion, the project will have complied with all applicable local, state and federal laws and regulations.

The Comprehensive Plan designates this area as public lands, and it is zoned P-II, Public Lands and Institutions District. Hospital facilities are permitted uses in this district.

Past projects have complied with all applicable land use regulations, and the application states the applicant will comply with all relevant local, state and federal laws and regulations.

2. The proceeds from the bond sale will be used only for
 - a. Purchase of real estate (land and buildings).
 - b. Construction of buildings.

JULY 27, 1988 (continued)

- c. Purchase and installation of machinery and equipment (including pollution control systems).
- d. Fees associated with the project, as described in Section 90-5-109 M.C.A.

The applicant states the bond sale will be used only to refinance the existing bond obligations, complete additional construction projects and provide fee payments associated with the project. These are eligible expenses.

- 3. The proceeds will be used for an industrial enterprise or project located within Missoula County.

Community Hospital is located entirely in Missoula County.

B. Supplemental Considerations (Beneficial and Adverse)

- 1. Impact of the project on the County's economic base.

- a. Impact will be evaluated in terms of the potential for diversification or expansion of the economic base, with the intention of focusing primarily on projects involving (1) export industries (which market goods and services predominantly outside the County); and, (2) industries which reduce the need for imports.

Export industries would include, but not be limited to, the following:

- (1) Manufacturing (for example, lumber and wood products manufacturing, food product manufacturing, primary metals refining, printing and publishing, minerals refining, etc.)
- (2) Mining and minerals exploration.
- (3) Agricultural production.
- (4) Hotel and motel lodging (for nonresidents).
- (5) Regional (multistate or multicounty) medical facilities.
- (6) National or regional (multistate or multicounty) headquarters office buildings and operations centers.
- (7) Interstate or intercounty transportation.
- (8) Tourist, recreation and convention facilities.

- b. Any use not meeting the above criteria would require demonstration that the project would result in a positive long-term impact on the local economy or tax base rather than a redistribution of the existing economic base. The project clearly meets criteria B.2.a.(5).

- 3. Impact of the project on new and existing public services.

Community water and sewer services are in place and are adequate to serve the site. The project will increase demand for water, sewer, transportation and other public services, but all public services are adequate.

JULY 27, 1988 (continued)

4. Potential for employment of area residents during construction and operation and for training or retraining for such employment if such training is necessary.

The applicant states that only local contractors have been invited to bid on their construction projects, and they intend to continue this practice on future projects.

5. Utilization of technology which conserves energy, uses area resources, or increases productivity.

The applicant states that all construction projects have been architecturally designed to incorporate energy efficient site design and heating and cooling systems.

6. Impact on the environment, including air and water quality.

The construction projects will increase demand for water and sewer services, but adequate supply exists. Paving will be required for all drives and parking lots, so air quality impacts should be minimal.

7. Whether the applicant will provide adequate assurances of compliance with M.C.A. 18-2-402 during the construction phase of the project and compliance with all other applicable labor, equal opportunity and affirmative action laws and regulations.

This assurance statement is included in the application.

At the conclusion of the OCD staff report, Chair Dussault asked Deputy County Attorney Mike Sehestedt for a comment on how to proceed. He replied that as a point of procedure, the Board would make a determination in regard to adopting the findings of the office of community development and finding the project to be in the public interest. He said that nothing that has come to light is inconsistent with finding the project to be in the public interest.

Commissioner Janet Stevens moved, and Commissioner Barbara Evans seconded the motion, that the Board of County Commissioners adopt the finding of the Office of Community Development that the proposed application by Missoula Community Hospital for private activity Revenue Refunding and Improvement Bonds in an amount not to exceed \$26,000,000.00 (Twenty Six Million and No/100 Dollars) meets the criteria set forth by Resolution No. 82-15 and finding the issuance to be in the public interest. The motion passed by a vote of 3-0.

Mike Sehestedt said that he would interpret the motion as incorporating the fact that the bonds will not be closed until the thirty day period for challenge has elapsed. The Commissioners acknowledged that this was the case.

Mike Sehestedt then presented the documents pursuant to the closing of the issuance and stated that he had reviewed them.

Included were the following:

1. Bond Trust Indenture: Missoula County, Montana to First Interstate Bank of Missoula, N.A., as Bond Trustee.
2. Master Trust Indenture among Community Medical Center, Inc., Certain Other Persons referred to Herein as "Obligated Issuers" and First Interstate Bank of Missoula, N.A., as Trustee.

JULY 27, 1988 (continued)

3. Supplemental Indenture No. 1 between Community Medical Center, Inc. and First Interstate Bank of Missoula, N.A., as Master Trustee
4. Preliminary Official Statement
5. Escrow Deposit Agreement

Barbara Evans moved, and Janet Stevens seconded the motion, to approve the resolution authorizing the issuance of \$7,315,000.00 aggregate principal amount of Revenue Refunding Bonds, Series 1988A (community Medical Center, Inc.) and \$14,790,000.00 aggregate principal amount of Revenue Improvement Bonds, series 1988B (Community Medical Center, Inc. Project), of Missoula County, Montana, in accordance with the terms and conditions contained in the resolution; and to approve the execution of the bond purchase agreement for the above-referenced issuance. The motion passed unanimously.

Barbara Evans moved, and Janet Stevens seconded the motion, to authorize the executive officer (Chair of the Board) and the recording officer (County Clerk and Recorder) to execute copies of bond documents that have been modified. This delegation covers modifications that don't change the nature of the project. The motion passed unanimously.

The following documents were then executed by the Chair Ann Mary Dussault and County Clerk and Recorder Fern Hart:

RESOLUTION NO. 88-074

Resolution No. 88-074, reporting the findings of a public hearing on a hospital project proposed to be undertaken by Missoula County under Title 90, Chapter 5, Part 1, "Industrial Developmental Projects," MCA, as amended, and prescribing other matters pertaining thereto.

RESOLUTION NO. 88-075

Resolution No. 88-075, authorizing the execution and delivery of a Loan Agreement between the County and Community Medical Center, Inc.; authorizing the execution and delivery of a Bond Trust Indenture securing the Series 1988 Bonds; authorizing the execution and delivery of an Escrow Deposit Agreement between the County and First Interstate Bank of Missoula, N.A., formerly known as First National Montana Bank of Missoula, Montana, securing payment of certain bonds herein provided to be advance refunded; approving the execution, delivery and distribution of a preliminary and final official statement describing the Series 1988 Bonds; and confirming the sale of the Series 1988 Bonds to the purchaser thereof pursuant to a Bond Purchase Agreement, and related matters.

BOND PURCHASE AGREEMENT

Chair Ann Mary Dussault and County Clerk and Recorder Fern Hart executed the bond purchase agreement between Missoula County and underwriter William G. Ceas & Company whereby the underwriter proposes to purchase all of the Series 1988 Bonds from the County and to make a public offering of the Series 1988 Bonds, in accordance with the terms and conditions contained therein.

Other Business

Orin Olsgaard, Disaster and Emergency Services Coordinator told the Board of County Commissioners that due to weather reports predicting severe thunderstorms and in lieu of the severe hot weather and dry conditions in Missoula County, it would be

JULY 27, 1988 (continued)

necessary to proclaim an emergency due to fire danger to control the dangers of fire hazards. He said he had discussed the measures with the Forest Service and submitted an emergency proclamation.

Barbara Evans moved and Janet Stevens seconded the motion to approve an emergency resolution proclaiming an emergency due to fire danger with the following wording:

The United States Forest Service has declared that burning conditions and unfavorable weather conditions for that portion of Montana including Missoula County has created an extreme fire hazard;

The Board of County Commissioners has been advised by other emergency service organizations that the fire danger is such that certain prohibitions on burning should be imposed and that emergency powers should be authorized for the use of Incident Commanders in the event of fire and that certain prohibitions on burning should be imposed and; Therefore, it is resolved that:

- A. The ignition by any person of any campfire, firework or other fire is prohibited on any forest, range, or cropland in Missoula County unless an official permit has been obtained from the fire protection agency having authority over the area. Violation shall be prosecuted as a misdemeanor and may also subject the person igniting the fire to civil penalties;
- B. All burning permits heretofore issued are superceded by this resolution until such time as the restrictions imposed by this resolution are lifted. The Department of Health is directed to contact any person who has an outstanding Health Department burning permit and advise them of this resolution.
- C. Incident Commanders are authorized to direct the appropriate authorities to take the following action as deemed necessary in connection with any wildland fire and/or fire threat:
 - 1. Order and compel evacuation of any area threatened by an active wildland fire.
 - 2. Close or restrict travel on any highway, road or street in or near an area threatened by an active wildland fire.
 - 3. Close or restrict access to any area which is threatened by an active wildland fire or, any specified area which the jurisdictional fire authority has determined to be extremely vulnerable to wildland fire and beyond current resources for adequate response and suppression.
 - 4. Prohibit off-road travel, wood cutting, or other activities in specified areas as required to reduce the danger of fire.
 - 5. Such other measures as may be necessary by the senior fire official or law enforcement officer on-site to act in the interest of public safety and protection of property.

The foregoing will be reviewed weekly by the Board of County Commissioners and as requested by the Interagency Fire Team.

The motion carried on a vote of 3-0.

JULY 27, 1988 (continued)Resolution No. 88-076

The Board of County Commissioners signed Resolution NO. 88-076, a resolution proclaiming an emergency due to fire danger.

There being no further business to come before the Board, the Commissioners were in recess at 2:40 p.m.

Annual BBQ

In the evening, Commissioners Dussault and Evans attended the Annual Superintendents' and Fair Crew BBQ which was held at the Fairgrounds.

* * * * *

JULY 28, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation July 28th and 29th.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Plat

The Board of County Commissioners signed the Plat for Orchard Homes Addition No. 6, a portion of Lot 116, an amended subdivision plat located in the NW 1/4 of Section 35, T. 13 N., R. 20 W., PMM, Missoula County, the owner of record being Ellis C. and Lorraine Williams.

Plat

The Board of County Commissioners signed the Plat for Lots 1, 2, 3, 83, and 84 to Big Sky Lake Estates, a subdivision of Missoula County located in the SW 1/4 of Section 28, T. 16 N., R. 14 W., PMM, Missoula County, the owner/developer of record being Big Sky Lake Company.

Resolution No. 88-078

The Board of County Commissioners signed Resolution No. 88-078, a budget amendment for FY'88 for the Tamarack Federation, including the following expenditures and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
Contracted Services - 2221-411-460191-328	\$5,359.66
Meals, Lodging & Incidentals - 2221-411-460191-357	200.00
<u>Description of Revenue</u>	<u>Revenue</u>
Coal Tax - 2221-411-334061	\$5,559.66

Budget Transfers

The Board of County Commissioners approved and signed the following Budget Transfers and adopted them as part of the FY'88 budget:

JULY 28, 1988 (continued)

- 1) no. 880045, a request from the Library to transfer \$452 from the Sanders Co. Bookmobile (\$16) and the School District #1 (\$436) Fringe Benefit accounts to the Sanders County Bookmobile (\$16) and the School District #1 (\$436) Capital accounts to close the FY'88 expenditures with positive balances in Personnel, Operations, and Capital accounts; and
- 2) no. 880046, a request from the Historical Museum to transfer \$784 from the Office Equipment Maintenance (\$475) and the Common Carrier (\$309) accounts to the Capital account to help pay for the PC and software.

Agreement

Chair Dussault signed an Agreement between the Missoula County Comprehensive Medical Benefits Plan and the Missoula City-County Health Department for the purpose of offering a heart disease risk reduction program for not more than 75 members of the Plan, which will be provided by the Health Department, as per the terms set forth. The Agreement was returned to Kathy Crego, Personnel Director, for further handling.

Other items included:

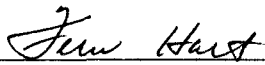
The Commissioners approved the "3rd draft" language for the Lolo Peak ballot issue.

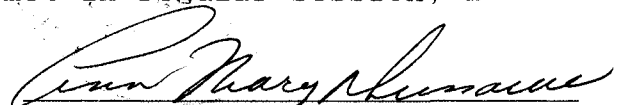
The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JULY 29, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

* * * * *

AUGUST 1, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans took a day of vacation.

Welfare Advisory Board

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Carole Graham, Welfare Director, for their regular monthly meeting.

Monthly Reports

Chair Dussault examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, Michael D. Morris and David K. Clark, for month ending July 31, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Plat

The Board of County Commissioners signed the Plat for O'Brien Valley Estates, a subdivision of Missoula County, located in the SW 1/4 of Section 27, the SE 1/4 of Section 28, and the NE 1/4 of Section 33, T. 13 N., R. 20 W., PMM, with the owners/developers being Christopher E. Orndorff and Daniel L. and Debra S. Tudahl.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

AUGUST 2, 1988

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated August 2, 1988, pages 2-24, with a grand total of \$216,418.33. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was considered:

The GO (General Obligation) Bond Issue was discussed, and the Commissioners agreed to hold a public hearing on the matter at the public meeting on Wednesday, August 3rd.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Planning Meeting

In the evening, the Commissioners and representatives of the City and the Chamber attended a Planning Meeting at the Chamber.

* * * * *

AUGUST 3, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Agreement

Chair Dussault signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of establishing a testing and counselling service center to assist in arresting the spread of acquired immune deficiency syndrome (AIDS), as per the terms set forth, for the period from July 1, 1988, through December 31, 1988, for a total amount of \$9,500.00. The Agreement was forwarded to DHES in Helena.

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Purity Cleaning Services, an independent contractor, for the purpose of cleaning of the Missoula Museum of the Arts, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a total payment not to exceed \$1,800.

Other items included:

The Commissioners appointed Dennis R. Elliott to serve as a member of the Frenchtown Rural Fire District Board of Trustees until the next School Election is held in April of 1989, at which time the residents living within the boundaries of the Fire District will elect the trustees.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

Bid Award: Medium Curing Liquid Asphalt Oil (Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that bids were opened August 1, 1988 as follows:

	<u>Base Price</u>	<u>Est. Frt.</u>	<u>Total</u>
Montana Refining	\$120.00	\$16.58	\$8,877.70
City Service Inc.	97.00	74.00	11,115.00
Idaho Asphalt Supply	160.00	19.40	11,661.00
Cenex	115.00	32.68	9,599.20

His recommendation was to award the bid to Montana Refining for 65 tons of MC-800 oil, for a total bid of \$8,877.70, including freight.

Janet Stevens moved and Barbara Evans seconded the motion to award the bid to Montana Refining for 65 tons of MC-800 oil, for a total bid of \$8,877.70, including freight. The motion carried on a vote of 3-0.

AUGUST 3, 1988 (continued)Bid Award: CRS-2 Oil (Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that bids were opened August 1, 1988 as follows:

	<u>Base Price</u>	<u>Est. Frt.</u>	<u>Total</u>
Idaho Asphalt Supply	\$110.00/ton	\$17.00/ton	\$27,470.00
Cenex	95.00	33.60	27,006.00
City Service Inc.	113.00	33.00	30,660.00
Koch Materials	105.00	34.52	29,299.20

His recommendation was to award the bid to Cenex for 210 tons of CRS-2 oil for a total price of \$27,006.00 including freight.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid to Cenex for 210 tons of CRS-2 oil for a total price of \$27,006.00 including freight. The motion carried on a vote of 3-0.

Decision On; Request to Vacate a Portion of South 5th Street West (Cottage Grove and Walker Additions-as described on the petition)

It was noted that pursuant to State Law, Commissioner Janet Stevens and County Surveyor Horace Brown inspected the site on August 2.

Janet Stevens moved and Barbara Evans seconded the motion to vacate the Vacation of South 5th St. West in Cottage Grove and Walker Addition. The motion carried on a vote of 3-0.

Setting Date of hearing for County Sewer and Water District

Information provided by Wendy Cromwell, Elections/Recording Manager indicated that the Commissioners were being asked to set a date for a public hearing, pursuant to Section 7-13-2205 and 7-13-2206 MCA, on a petition for creation of a County Sewer and Water District. On July 21, 1988, a petition for creation of a County Sewer and Water District was submitted to the Elections Office so that the signatures could be verified. As of August 1, 1988, a total of 964 signatures were found to be valid. Section 7-13-2204 MCA requires that such a petition be signed by at least 10% of the registered voters of the territory to be included in the proposed district. As of the date of submission of the petition, 9,522 voters were registered within the boundaries of the district, 10% of that total is 953, so the petition has significant signatures. In order to place the issue on the ballot at the November 8, 1988 General Election, the Commissioners must hold a public hearing on the petition no later than August 24, 1988. A vote on creation of the district must have at least 40% participation by voters registered within the district. This could probably only occur during a general county-wide election. The hearing date must be advertised twice, no earlier than 21 days prior to the hearing and no later than 3 days prior, with at least 6 days between advertising dates.

She indicated the proposed district boundaries on a map.

Janet Stevens moved and Barbara Evans seconded the motion to set the hearing date for the proposed creation of a county sewer and water district for August 17, 1988. The motion carried on a vote of 3-0.

AUGUST 3, 1988 (continued)

General Obligation Bond Issue for Automation.

Information provided by John DeVore, Administrative Officer indicated that the Commissioners were being asked to approve a Resolution authorizing placing the question of issuing \$1,800,0000 in General Obligation Bonds for the purchase of computer equipment on the November 8, 1988 ballot.

Based on the existing and future needs of the County, this bond issue would provide for the purchase of the following equipment to respond to the automation needs of the County over the next ten years:

1. Acquire a new main-frame computer system, including improvements to the existing criminal justice system to serve the various departments of the County and continue the automation of the financial functions of the County.
2. Acquire a new telephone system to serve the communication needs of the various departments of the County and City of Missoula.
3. Acquire a new computer-aided dispatch system to address the automation of various functions within the 9-1-1 Dispatch System including the computerization of a geo-base master street address guide.
4. Acquire an automated circulation system to computerize various clerical functions of the Library.
5. Acquire a computerized public catalog system to improve public service at the Library.

Based on the needs of the County, the staff recommendation was to approve the resolution to place this issue on the November 8, 1988 ballot.

The hearing was opened for public comment.

John DeVore, Administrative Officer said that two of the critical areas are the computer mainframe and the upgrading of the telephone system, both of which were purchased in the late 1970's and parts and maintenance support are no longer available.

Jim Dolezal, Manager of Information Services, said that the computer services were purchased in 1976 and have been upgraded, but the need for more and larger automated systems in the County make it necessary to purchase a larger computer. Since there is no way to get spare parts and maintenance, the County will soon not be able to find those services and the current system will be obsolete. He said with the budget cuts and reduced workload, employees are having a harder time keeping up, and this means longer lines and less service for the taxpayer.

Dusty Deschamps, County Attorney, spoke in favor of upgrading the computer system. He said his department needs to expand the criminal justice package for faster, more accurate information, and if the computer is upgraded, his office will be able to offer better service.

Fern Hart, Clerk and Recorder said there is a need to upgrade the tax records and financial records. She said it was time for the County to move ahead and forward with better automation.

Doug Chase, Undersheriff, said that an updated computer system and a CAD (Computer Aided Dispatch) system would greatly benefit his department and the community and would streamline the organization and make response time much better.

AUGUST 3, 1988 (continued)

Jim Dopp, Operations Officer, spoke in support of the bond issue, saying that an increased work load and decreasing numbers of personnel in his department is making it very difficult to provide timely service. He noted that the present phone system and the technology involved in that are more than ten years old, and parts are not readily available now, and will become less available as time goes by.

Ted Schmidt, Library Director, spoke in support of the Bond Issue. He said he has had a 62% reduction in staff, but the library's book lending is up. He said the Missoula County Library is the largest circulating public library in the state, and the computer is a very necessary component in keeping pace with that growth.

John DeVore said that for the record, and what it means to the taxpayers is that is a \$1.8 million dollar bond issue financed over a ten year period and what it means for a \$50,000 home, this would mean a tax increase of \$4.20 per year for the ten year period.

No one else came forward to speak and the hearing was closed.

Barbara Evans moved and Janet Stevens seconded the motion to endorse and pass a resolution which would place the issuance of General Obligation Bonds totalling \$1,800,000 on the November 8, 1988 ballot. The motion carried on a vote of 3-0.

Resolution No. 88-079

The Board of County Commissioners then signed Resolution No. 88-079, a resolution placing the issuance of General Obligation Bonds on the November 8, 1988 ballot.

There being no further business to come before the Board, the Commissioners were in recess at 2:20 p.m.

FINAL HEARING ON FY '89 BUDGET

Chair Ann Mary Dussault called the meeting to order at 2:30 p.m. Also present were Commissioners Barbara Evans and Janet Stevens. She asked if anyone present wished to comment on the proposed FY '89 County budget. No one was present to testify. The hearing was recessed at 2:40 p.m.

HEARING: LOLO PEAK BALLOT ISSUE WORDING

The hearing was called to order at 7:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

Chair Dussault noted that the hearing was not for the purpose of determining whether or not the issue would be on the ballot, but was relative to the draft wording of the ballot language.

Pat O'Herren, Rural Planner, said that one of the organizations involved had informed its members that final wording had already been developed. He said that was not the case and that the Commissioners had only determined the wording to be discussed at the hearing; after the hearing, based on the testimony, a final decision will be made. He said that there were two groups involved in this issue; Friends of Lolo Peak, and Lolo Perc. Both groups submitted suggestions for the wording, and a compromise had been reached.

AUGUST 3, 1988 (continued)

Chair Dussault said the record would be kept open for written comment until August 12, and the final decision would be made on the wording by August 24.

The hearing was opened for public comment.

Howard Toole, President of Lolo Perc, the organization supporting the development, spoke in favor of the proposed language, and said his organization only wants to know if the community would support this idea, and noticed that the development is just in stage one.

Jim Coefield, representing the Student Environmental Group at the University, said it was inappropriate for the County to be involved, and said the Commissioners should limit its role in the issue. He said his group would advocate no voting if "undecided" is not put on the ballot as a choice. He said the Commissioners were only listening to, and using the wording from Lolo Perc.

Robert Brandenberger, 6410 Rattlesnake Road, cited his 30 years of experience with the ski industry, with the Forest Service, and private industry. He said more study was needed on the issue but the Commissioners were doing the right thing by asking for a public vote on the issue at this time.

Mike Welsh said there was a lack of critical information on which to form an opinion, and whether or not this ski resort would be successful is sheer conjecture at this time, and it would be totally irresponsible to ask the community to vote on this issue at this time because of a lack of specific information. In said the ballot language was inappropriate, premature and dangerous.

David Owen, representing the Missoula Chamber of Commerce, said his board support the proposed language, and if people are opposed to the idea, it would be best to find out now, and if people do indicate that they want it, then the vote would enable the developers to go ahead.

Nancy Erickson, 3250 Pattee Canyon Drive said that a vote of yes or no on this issue would be a fraud. She said the voters could not logically vote without enough information about the environmental concerns.

Ron Klaphake, Executive Director of the Missoula Economic Development Corporation, said that it was good to put the issue to a vote, and the vote, however it turns out, will give the County some direction. He said that the ballot language, as proposed, is very clear and that he supported that.

Max Kummerow, 509 Daly said he was studying real estate, and his experience shows that details do matter. He said this appears to be a bad decision process to jump to a yes or no before the voters have more information. He said development of a ski area this large could wipe out Snowbowl and Marshall ski areas. In his opinion, a vote is great, but it's too early to make that choice. He said the County has been victimized in the past, and caution should be taken on this issue.

Jake Krielick, representing Wild Rockies/Earth First said that his group was committed to seeing that the rights of the species and the rights of the mountains don't line rich people's pockets at the expenses of the land and people's relationship to it. He said he is committed to defending Lolo Peak against any development and is in favor of preserving Lolo Peak. He said if the development is allowed, his group would have to resort to such things as civil disobedience, protests, and monkey wrenching.

AUGUST 3, 1988 (continued)

Will Kerling said he couldn't decide if he was for a can of worms or a slick can of worms, and said the ballot wording was a joke.

Ron Erickson spoke in opposition to the proposed ballot language, and asked the Commissioners to add a sentence saying that the voters should be aware that there will be personal costs, financial costs, social costs, cultural costs and environmental costs. He said he is against the ballot language. He asked that an "undecided" option should be on the ballot.

Dick Bemler 3125 Old Pond Road said he was opposed to the wording, and asked to have "undecided" added to the ballot. He said the Board of County Commissioners should be a model of problem solving, and not act without all the facts.

Bill Worf, retired Director of Recreation, Wilderness, and Lands for the US Forest Service, said he supports development of Lolo Peak, but he said if the community indicates that they are not supportive, he would not want the area developed. He said he was in favor of the proposed language, and said that proper ballot wording never includes the word "undecided", and that would be a very poor idea.

Lex Hames said that he personally has no problem with getting rich, but not in favor of this development, because if the vote is favorable, the environmental issues will not be considered. He said the proposed concept is too vague, and lures people in with a glittering promise. He said the vote should be postponed until a later time, when more information is known.

No one else came forward to speak and the hearing was recessed at 8:30 p.m.

Ann Mary Dussault said that the record would be kept open until 5:00 p.m. on August 12 for any additional written testimony.

* * * * *

AUGUST 4, 1988

The Board of County Commissioners met in regular session; all three members were present.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Thomas G. Allsop of Corvallis, MT, whereby the County will remove approximately 100 cubic yards of rip rap slope protection material from the Allsop Pit, at no cost to the County, for the reconstruction of O'Brien Creek Bridge, as per the terms set forth, for a term of six months.

CONTINUATION OF FINAL HEARING ON FY'89 BUDGET

Chair Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present were Commissioners Barbara Evans and Janet Stevens. She asked if anyone present wished to comment on the proposed FY '89 County budget. No one was present to testify. The hearing was recessed at 1:45 p.m.

* * * * *

AUGUST 5, 1988

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Evans was out of the office until noon, and Commissioner Stevens left for Anaheim, CA where she will attend the NACo Annual Conference being held there.

CONTINUATION OF FINAL HEARING ON FY'89 BUDGET

Chair Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Janet Stevens was not present because she had left for a NACo conference in Anaheim, California.

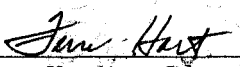
Ann Mary Dussault asked if anyone present wished to comment on the proposed FY '89 County budget. The following people spoke:

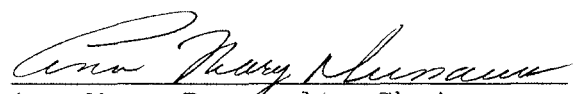
1. Vera Cahoon, representing the Missoula Freeholders, said that there had been a lot of talk about the effects of I-105 but that the Freeholders were not complaining about the lack of services. She said that there probably were people who complained about reductions, but the Freeholders thought the County was doing a good job of holding the line and could even cut a bit more. She said that the Freeholders thought that the Health Department could do without so many regulatory services, for example. She said that they would also have a problem with the City annexing Larchmont Golf Course and asked the Commissioners not to give in to that idea. She said that she thought it was a good idea to hold raises and salaries at a freeze because otherwise she sees us getting on a merry-go-round situation in regard to raises in salaries. She said that she hoped that the County would not become involved in repealing I-105. She said that she had been reading about a proposed GO bond to replace the County's computer hardware and hoped that whenever money gets short we're not talking about a GO bond. She said that the Freeholders oppose earmarked funds and said that as times change, we have to change.
2. Julie Hacker, also representing the Missoula Freeholders, said that she wanted to encourage the Commissioners to continue funding those functions mandated by state law. She encouraged the Commissioners to lobby the City to roll the dollars out that have been collected for tax increment funding. She said that she thought it was an affront to ask the people of Missoula for 1.8 million for a GO bond for computers. Aside from those comments, she thought that the County was living within its means.
3. Dorothy Traxler complimented the Commissioners for adhering to I-105 and asked if any County funds were being used for "sex clinics in the schools." The Commissioners said that to their knowledge, there weren't any sex clinics in the schools.

No one else came forward to testify on the proposed FY '89 budget. The hearing was recessed at 1:45 p.m.

Awards Ceremony

In the evening, Commissioner Dussault attended the Awards Ceremony at the Law Enforcement Youth Camp which is held at Camp Paxson near Seeley Lake.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

* * * * *

AUGUST 8, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Anaheim, CA attending the NACo Annual Conference through August 9, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #15 (7/10/88 through 7/23/88) with a total Missoula County payroll of \$313,644.14. The Transmittal Sheet was returned to the Auditor's Office.

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and M. Sam Gappmayer, an independent contractor, for the purpose of updating and superseding the May 31, 1988, contract for grounds maintenance work at the Art Museum, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a total payment not to exceed \$2,000.

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Missoula Police Department, an independent contractor, for the purpose of participation of Missoula City Police Officers in the Driving Under the Influence (DUI) Enforcement Team, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a total payment not to exceed \$8,000.

Resolution No. 88-080

The Board of County Commissioners signed Resolution No. 88-080, a Resolution Adopting the budget for Missoula County for Fiscal Year 1988-1989. A complete copy of the adopted Resolution is attached to the last page of the August, 1988, minutes.

Resolution No. 88-081

The Board of County Commissioners signed Resolution No. 88-081, a resolution to vacate a portion of South 5th Street West in the Cottage Grove Addition from Walker Drive to Clements Road, located in the SE 1/4 of Section 23, T. 13 N., R. 20 W., PMM.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

AUGUST 9, 1988

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Evans was out of the office all afternoon.

Audit List

Commissioners Dussault and Evans signed the Audit List, Dated August 8, 1988, pages 2-18, with a grand total of \$33,721.21. The Audit List was returned to the Accounting Department.

AUGUST 9, 1988 (continued)DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 88-082

The Board of County Commissioners signed Resolution No. 88-082, a resolution creating RSID No. 427 for the purpose of street paving and drainage improvements to Stonehaven Avenue and Loraine Drive, as per the terms set forth and as shown on the exhibit attached to the Resolution.

Professional Services Contracts

The Board of County Commissioners signed Professional Services Contracts between Missoula County and Susan K. Printz RN and Karen Somerset RN, independent contractors, for the purpose of providing health care services as required in the Missoula County Jail, as per the terms set forth, for the period from May 25, 1988, through May 24, 1989, for payment not to exceed \$12.50 per hour with two hours minimum.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

AUGUST 10, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation from August 10th through the 13th.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending July 31, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Plat

The Board of County Commissioners signed the plat for Sorrel Springs, Lot 62, located in the NW 1/4 of Section 21, T. 15 N., R. 21 W., PMM, with the subdividers being Mark McMurray and Norm Hagen, and the owner being Ray Jaurenek.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Janet Stevens was not present because she was attending a NACo Conference in Anaheim.

HEARING: REVISIONS TO MISSOULA COUNTY FLOODPLAIN REGULATIONS

Under consideration was a hearing on the proposed revisions to the Missoula County Floodplain Regulations. Ann Mary Dussault explained that with the completion of a flood insurance study,

AUGUST 10, 1988 (continued)

FEMA evaluates local regulations to insure that they comply with federal standards for participation in the National Flood Insurance Program. As a result of this evaluation, minor changes to the Missoula County regulations were necessary before the revised maps take effect on August 16th. The flood insurance study itself resulted in changes to the delineated floodplain on Pattee Creek and South Hills drainage area, Miller Creek, Grant Creek, Rattlesnake Creek, and the Clark Fork from Stone Container west to the County line.

She went on to say that the Office of Community Development staff had also proposed other revisions to the regulations; specifically, removal of the structural floodproofing option for new commercial and industrial structures in the floodfringe; a time limit for floodplain permits; and, most recently, a definition of "maintenance" and when it is exempt from the permit requirement.

She explained that at a staff briefing meeting the previous day, the Commissioners had recommended that they not consider the latest proposed amendments having to do with maintenance; rather, they suggested that these amendments which staff had completed later than the first revisions and which were not reviewed by the Planning Board be referred back in order that they could go through the full review process. She then asked Paula Jacques, from the Office of Community Development, for comments.

Paula Jacques explained that FEMA had completed a reexamination of the 100-year floodplain on selected streams around the county, which had resulted in a redefinition of the floodplain on Pattee Creek and the South Hills sheet flooding area, Miller Creek, Rattlesnake Creek, Grant Creek and the Clark Fork from Stone Container west to the County line. The new maps become effective on August 16, 1988. Prior to that date, the County Floodplain Regulations must be revised so that they meet current FEMA standards and reference the most recent Flood Insurance Study.

She said that the staff has taken advantage of this opportunity to propose some amendments in addition to those required by FEMA. In addition to those outlined in the attached staff report, the Staff is proposing a definition of maintenance/historical maintenance to better define when a permit is required for work within the 100-year floodplain. Also, the City Attorney has requested assistance from the Attorney General in defining "maintenance." In the interim, the staff is proposing the definition set forth below to provide some direction in dealing with this problem. If adopted by the Board, the staff will revise the resolution to include whatever language is recommended for adoption.

Because of recording problems, minutes of the Planning Board hearing are not available. The Planning Board adopted the staff recommendation with the exception of deleting the structural floodproofing option for commercial and industrial structures. It was their intent to allow developers flexibility in building in the 100-year floodplain, provided that the proposed structure was certified by an engineer as conforming to the Floodplain Regulations. The amendments concerning maintenance were proposed subsequent to the Planning Board hearing thus were not discussed.

In keeping with what Ann Mary Dussault had said earlier, she said that language proposed by the staff having to do with maintenance, proposed to be added as 5.02.A.8: Floodway--Uses Allowed Without Permits, will be submitted to the Planning Board for review and recommendation before being reviewed and acted on by the Board of County Commissioners. That language is therefore not included in these minutes.

AUGUST 10, 1988 (continued)

Paula Jacques then went through the proposed resolution, noting which sections were required by FEMA and which were proposed by staff.

She said that Section 1, the definitions section, adds definitions for "area of shallow flooding" and "development" and amends the definition of "start of construction". She said that Section 1 revisions were all at FEMA's request.

Ann Mary clarified for the minutes that numbers 4 and 9 contained completely new language at FEMA's request and that number 32 was an amendment to current language. Paula Jacques confirmed this, and went on to say that Section 2 is also an amendment required by FEMA because of the new map. She said that it references the new Flood Insurance Study, and that Section 3 was a proposal by staff to set some time limit for the validity of a floodplain permit, with some sort of provision for extension for administrative appeal. She said that Section 4 is the staff proposal on structural floodproofing, which came out of extensive experience with working with the requirements and regulations. Sections 5 and 6 are both FEMA requirements, and those were the extent of the proposed revisions.

Chair Ann Mary Dussault opened the hearing to public comment. There was no testimony.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the revised floodplain management regulations to meet the standards of Section 60.3(d) of the National Flood Insurance Program be adopted, in keeping with the Flood Insurance Rate Map to become effective on August 16, 1988. The motion passed by a vote of 2-0.

RESOLUTION NO. 83-083

Barbara Evans and Ann Mary Dussault then signed Resolution No. 83-083, adopting the amendments to the Missoula County Floodplain Regulations as set forth in that document, which is on file at the Missoula County Clerk & Recorder's Office.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 2:00 p.m.

* * * * *

AUGUST 11, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was considered:

The Commissioners met with Personnel Director, Kathy Crego, and gave direction to her regarding non-union salaries.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

AUGUST 12, 1988

The Board of County Commissioners did not meet in regular session; Commissioner Evans was out of the office all day, and Commissioner Dussault was in Helena attending a meeting with the Governor.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

AUGUST 15, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Satellite Agreement

The Board of County Commissioners signed a Satellite Agreement between the Mineral County Health Department in Superior, MT and the Missoula City-County Health Department for the purpose of performing administrative and supervisory responsibilities for program operations and fiscal management established in the WIC Program Regulations, as per the mutual covenants and stipulations set forth, for the period from July 1, 1988, through June 30, 1989. The Agreement was returned to the Health Department for further signatures and handling.

Extension Letter

The Board of County Commissioners signed a letter to Jeanette Ailport of Bonner, MT approving a six-month filing extension for the Rainbow Bend Estates Subdivision in order to provide time to gather the money for the cash-in-lieu payment, and setting the new filing deadline for April 24, 1989.

Salary Adjustments Memorandum

The Board of County Commissioners signed a Memorandum (BCC-88-448) to Kathy Crego, Director of Personnel and Labor Relations, setting forth the decisions made regarding FY'89 salary increases for those employees not covered by collective bargaining agreements, and requesting that these decisions be communicated to the appropriate department head and/or boards.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

AUGUST 16, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

Chair Dussault signed the following Certifications of Acceptance for County Maintenance of the following County roads:

- 1) Thornbird Lane (.239 miles) from Goodan Lane west to a cul-de-sac constructed under RSID No. 418;

AUGUST 16, 1988 (continued)

- 2) Goodan Lane (2.140 miles) from Butler Creek Road easterly, thence south to a cul-de-sac constructed under RSID No. 418; and
- 3) Keil Loop (1.180 miles) from Goodan Lane southeasterly, thence northeasterly, thence westerly back to Goodan Lane constructed under RSID No. 418.

The Certifications were returned to the Surveyor's Office.

Acceptance of Grant Award

Chair Dussault signed Acceptance of a grant award to the Missoula County 4th Judicial District from the Board of Crime Control in the amount of \$6,681 Federal funds, with \$6,681 matching funds, to be used for computer equipment in the County Attorney's Office, as per the special conditions set forth, for the period from August 1, 1988, to March 31, 1989. The document was returned to Jim Dolezal, Data Processing Manager, for further handling.

Acceptance of Grant Award

Chair Dussault signed Acceptance of a grant award to the Missoula County Sheriff's Department from the Board of Crime Control in the amount of \$41,625 Federal funds, with guaranteed matching contributions of \$15,395, for the "Operation Crackdown" drug enforcement subgrant, as per the special conditions set forth, for the period from November 1, 1988, to June 30, 1989. The document was returned to the Sheriff's Department for further handling.

Other items included:

Board Appointments

The Board of County Commissioners made the following appointments to the RSID 901 Lolo Water & Sewer Board:

- 1) Al Anderson was appointed as a member for a three-year term through June 30, 1991;
- 2) Judy K. Hugelen was appointed to fill out Argerous Filosofos' term through June 30, 1989; and
- 3) Robert A. Zeigler was appointed as the "alternate member" of the Board.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

AUGUST 17, 1988

The Board of County Commissioners met in regular session; all three members were present.

Audit List

The Board of County Commissioners signed the Audit List, dated August 17, 1988, pages 4-37, with a grand total of \$1,267,102.61. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

AUGUST 17, 1988 (continued)

Block Grant Year-End Report

Chair Dussault signed the FY'88 4th Quarter and Year-End Report for the MCH Block Grant as submitted by Dennis Lang, Director of Health Services at the Missoula City-County Health Department. The report was forwarded to the Montana Department of Health and Environmental Sciences in Helena.

School Budgets

Chair Dussault signed the budgets for the school districts as submitted by Rachel Vielleux, County Superintendent of Schools.

Amendment to Agreement

Chair Dussault signed an Amendment to the Smart Heart Program Agreement, raising from 75 to 100 the maximum number of Plan members for which the program will be provided, amending the section titled SCOPE as follows:

This program will be provided for not more than one hundred (100) members of the Plan.

The Amendment was returned to Hal Luttschwager, Risk Manager. Other items included:

- 1) the Commissioners voted unanimously to approved the rewritten travel policy; and
- 2) the Board reviewed and approved Risk Manager Hal Luttschwager's memo regarding jail medications.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

Bid Award: Construction and Bond Bids for RSID No. 427 (Street paving and drainage improvement- Loraine Drive and Stonehaven Avenue)

A. Construction Bids

Information provided by Jim Dopp, Operations Officer, indicated that the following bids for construction of street improvements for RSID 427 (Stonehaven and Loraine Drive) were received:

Jenson Paving Company	\$87,720.00
American Asphalt	93,960.00
Western Materials	89,600.00

The staff recommendation was to award the bid to Jenson Paving Company in the amount of \$87,720.00

Janet Stevens moved and Barbara Evans seconded the motion to award the construction bids for RSID No.427 to Jenson Paving Company in the amount of \$87,720.00 The motion carried on a vote of 3-0.

AUGUST 17, 1988 (continued)B. Bond Bids

Information provided by Jim Dopp, Operations Officer, indicated that the following bids for Bonds for street improvements for RSID 427 (Stonehaven and Loraine Drive) were received:

Glen Rangitsch	8.2479%
D.A. Davidson	8.3501%

The staff recommendation was to award the bid for bonds for RSID No. 427 to Glen Rangitsch at 8.2479%.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for bonds for RSID No. 427 to Glen Rangitsch at 8.2479%. The motion carried on a vote of 3-0.

Hearing: Annexation to Missoula Rural Fire District (Big Flat Area)

Information provided by Donna Cote, Recording Division Supervisor, indicated that a petition was received on July 18, 1988 by the Recording Division of the Clerk and Recorder's Office to annex parcels of land located in the Big Flat Area, (the specific area is described on the petition). The area contains approximately 700 acres. The petition was presented by Bob Park and has been checked and verified. It contains signatures of more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the tax paying freeholders within the area described, so it meets 7-33-2125 MCA for annexation of adjacent territory. The Missoula Rural Fire Board reviewed the annexation request and approved the petition for presentation before the Board of County Commissioner and have been notified of the hearing date. The hearing was published in the Missoulian for two consecutive Sundays prior to the hearing date as required by statute.

The hearing was opened for public comment. No one came forward to speak either in favor or in opposition and the hearing was closed.

Barbara Evans moved and Janet Stevens seconded the motion to Annex parcels of land in the Big Flat area to the Missoula Rural Fire District as more particularly described in the petition. The motion carried on a vote of 3-0.

Hearing: Preliminary Plat- O'Brien Valley Estates No. 2

Information provided by Barbara Martens, Planner II from the Office of Community Development indicated that O'Brien Valley Estates No. 2 is a ten-lot residential subdivision proposed for 51 acres located off of O'Brien Creek Road. The ten lots vary in size from 1.2 to 3.48 acres with the remaining 31.7 acres to be common area. One variance has been requested to allow the paving of Clydes Dale Lane to occur after the two year deadline provided by the subdivision regulations. The paving would be triggered by one of the three options stated in the Planning Board action letter. She said two letters had been received, concerning this subdivision, both relative to paving. The recommendation from the staff is that the preliminary plat of the O'Brien Valley Estates No. 2 be approved subject to the conditions and findings of fact set forth in the staff report.

The hearing was opened for public comment.

Nick Kaufman, of Sorenson and Company, representing the developer, Mr. McClay, discussed paving of the interior roads, and asked for permission to delay the RSID until the lots are sold. (This is the requested variance). He said the developer

AUGUST 17, 1988 (continued)

would be willing to waive their right to protest an RSID on both the interior roads and O'Brien Creek Road.

Ann Chandler said she wished to have the air quality monitored and the RSID for paving to be initiated as soon as possible to alleviate the health problems caused by dust.

No one else came forward to speak and the hearing was closed.

Ann Mary Dussault asked Nick Kaufman if he intended to delay the paving of the road so it is not a direct cost to the developer and have the owners pay for the roads and have the County initiate an RSID.

Nick Kaufman said that was what he was suggesting, and said the developer would pave the road when 50% of the lots are sold. If there was a dust problem before that time, Missoula County could initiate the RSID because they would have the waiver.

Ann Mary Dussault said her concern is that this might set a precedent for the County to initiate the RSID, and while the capacity is there, any number of things could occur that might impede the County's ability to do that.

Nick Kaufman said that the developers could initiate the RSID through the covenants when 50% of the lots are sold.

Ann Mary Dussault said that the developers of this property have worked very closely with the Planning Offices, and that work should be rewarded.

Barbara Evans moved and Janet Stevens seconded the motion to approve the preliminary plat of O'Brien Valley Estates No 2. subject to the following conditions, and the findings of fact contained in the staff report.

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. A statement waiving the right to protest an RSID for improving O'Brien Creek Road with acceptance of a deed for a lot shall be included in the covenants as well as on the face of the plat.
3. The covenants shall require that driveway approaches be paved for a length of at least twenty (20) feet when Clydes Dale Lane is paved and that the driveway approach for Lot 6 be paved for a distance of at least twenty (20) feet when O'Brien Creek Road is paved.
4. All lots shall access onto Clydes Dale Lane with the exception of Lot 6, which shall access onto O'Brien Creek Road. An approach permit for Lot 6 shall be approved by the County Surveyor's Office.
5. Road Construction, grading, drainage, and erosion control plans shall be subject to the approval of the County Surveyor. Stop signs and road name signs shall be installed by the developer.
6. The developer shall petition to the County to vacate the sixty (60) foot County roadway easement which traverses these common area on the south side of O'Brien Creek Road.

AUGUST 17, 1988 (continued)

7. The developer shall remove the barbed wire fence which runs along both sides of the County roadway easement found in the common area on the south side of O'Brien Creek Road.
8. A twenty foot (20') easement shall be provided between lots 3 and 4 to provide access to the common area on the north side of the subdivision.

BCC-88-452

PAGE TWO

In addition, the requested variance from paving shall be granted, subject to the following:

A statement waiving the right to protest an RSID for improving Clydes Dale Lane with acceptance of a deed for a lot shall be included in the covenants as well as on the face of the plat. The subdivision regulations allow two years from the time of filing the final plat to pave the road. If Clydes Dale Lane is not paved within this two-year time frame, it shall be paved when any one of the following conditions occur:

1. O'Brien Creek Road is paved.
2. 50% of the lots in O'Brien Creek No. 2 have received building permits (agreement wording to be approved by Missoula County)
3. The Commissioners or Health Department with the concurrence of the Board of County Commissioners order the paving.

The motion carried on a vote of 3-0.

Hearing: Petition for Creation of a County Sewer & Water District

Information provided by Wendy Cromwell, Elections/Recording Manager, indicated that the hearing today is to take testimony in support of or in opposition to a petition proposing the creation of a county sewer and water district. The petition was received on July 21, 1988 for creation of a County sewer and water district. A total of 964 valid signatures were submitted, 11 more than the required 10% of the number of voters registered within the boundaries of the proposed district, located in Township 13 North, Range 19 West and Township 12 North, Range 20 West. Upon determination of the boundaries, the issue will be placed on the November 8, 1988 general election ballot. A vote on creation of the district must have at least 40% participation by voters registered within the district. The hearing was advertised Sunday, August 7, 1988 and Sunday, August 14, 1988.

The hearing was opened for public comment.

Jeff Stevens, 123 Saranac, Vice President of the Wapikiya Homeowners Association spoke in favor of the petition, he said many of the sewer and septic systems are old and need to be replaced. He noted that the City makes people annex before connecting to their sewer and this is an alternate to breaking that stalemate. He said that if the District is formed, it is not automatic, and will take several years before being completed.

Howard Toole, an attorney representing the Rural Fire District, spoke in favor of the creation of the District. He said the Water Quality Bureau has informed him that the City policy is that nobody gets connected to the sewer unless they are willing to be annexed. He said the City also charges hookup fees, and noted that there is a great deal of opposition to annexation. He

AUGUST 17, 1988 (continued)

said that the City is more interested in enlarging their tax base than in preserving the aquifer.

Jon Shannon said that his studies indicate that the Missoula Valley Aquifer is vulnerable to pollution, especially where people live. He said there are limits to the aquifer's ability to suffer abuses, and he supports creation of a sewer and water district to manage the water supply, but urged the Commissioners to include all of the Missoula Valley in the District. He presented some maps and charts showing the Missoula Aquifer.

Horace Brown, County Surveyor, said that the sewer system today results in County property into the City, which results in an erosion of the County's tax base into the Road Department, and less money for roads. He said it was necessary to keep the tax base as it is today.

Paul Laisy, Assistant Rural Fire Chief, spoke in favor of creation of the district, and has seen a great deal of support in his district for the district.

Larry Anderson, Administrative Assistant to the Mayor of the City of Missoula, spoke in opposition to creation of the district. He said there were many unanswered questions concerning the legal description, and they are very vague and hard to interpret. He spoke about the plumbing codes speaking to the issue of property within 200 feet of an existing sewer system whose systems have failed being required to connect to that city sewer system. He said he would recommend that the Commissioner send this request back to the petitioners to review the boundaries to make sure that all the signatures are valid. In addition, he said there were other legal issues involved that would preclude the creation of a sewer and water districts. He said that the city sewer already has a facility which could serve many of the areas identified in the proposed districts. He said City taxes pay for the sewer and other services, and if the residents want to not pollute the aquifer, they should hook up to the existing city sewer system.

He said he had 6 questions concerning the creation of a water and sewer district.

1. How will it be funded?
2. Will the EPA participate?
3. Are the cost estimates accurate?
4. Will creation of the District result in more local autonomy?
5. Will the participants have control over their rate structure?
6. Will the citizens farthest away from the farthest hookup be taxed at the beginning when benefits won't be available for many years?

Joe Aldergarie, Public Works Director for the City, spoke to the issue of the legal description of the area being vague and incorrect and noted that the proposed area map has many omissions and errors. He said some areas in the proposed area would not benefit because they already receive City sewer service. He said that the City Sewer operation is in good shape and has more capacity than it needs and is ready for any group that wants sewer service. He said 5 to 10 years is too long for residents to get water and sewer service, and it will cost the residents of this new water and sewer district a great deal of money to get a new treatment plant built.

AUGUST 17, 1988 (continued)

Bob Lovegrove, Mayor of the City of Missoula, said that if the proposed district was outside of the 201 study area, the project would be welcomed, but in studying the proposal, he said the projects is not cost effective without the availability of federal supports. He said the city has demonstrated its concern for water quality. He said that in response to Horace Brown's concern regarding loss of revenue to the County road department, that if these areas were annexed, the City would gladly accept responsibility for the maintenance of those roads.

Jim Carlson, of the Health Department, said that the Health Department has concerns that the Missoula Aquifer may become further polluted, and demonstrated danger areas on a map. He said he would support a District that would provide sewers to the areas that have a high potential for pollution.

No one else came forward to speak and the hearing was closed.

A general discussion concerning corporate participation and voting ensued. The County Attorney's Office also was asked some questions concerning the creation of the board, and the nominating and election process was explained.

Janet Stevens moved and Barbara Evans seconded the motion to postpone a decision on the issue for one week, until the Commissioners could have some of the questions concerning the Missoula Aquifer, benefits of the district, and the boundary issues answered. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 3:35 p.m.

* * * * *

AUGUST 18, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Red Lodge where she spoke to the Clerk & Records Association Convention.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula Food Bank, whereby the County will purchase food gleaning and redistribution services from the Food Bank, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a total payment of \$14,250.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Western Montana Comprehensive Developmental Center, whereby the County will purchase evaluation and treatment services for children and adults in Missoula County from CDC, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a total payment of \$12,350.

AUGUST 18, 1988 (continued)Policy Statement

The Board of County Commissioners signed Policy Statement No. 88-A, the County Travel Policy, superseding all previous travel policies, for the purpose of permitting reimbursement of expenses incurred by a Missoula County Employee while traveling on official County business, as per the travel and per diem conditions set forth.

Other items included:

- 1) the Commissioners approved a request from Horace Brown, County Surveyor, to travel out of state to purchase used equipment (a walk behind compactor and a brush mulcher) as long as the \$10,000 bid limit is not reached in the purchase price of each article; and
- 2) the boundaries for the proposed City-County water and sewer district were discussed with Horace Brown, County Surveyor.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

AUGUST 19, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office all day.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

AUGUST 22, 1988

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Evans was out of the office all day, and Commissioner Stevens left at noon for a meeting with gubernatorial candidate, Tom Judge, which was held at the MACo Office in Helena.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 88-084

The Board of County Commissioners signed Resolution No. 88-084, a resolution that parcels of land in the Big Flat Area described as Sections 6, 7, and 8, T. 13 N., R. 20 W., and Sections 1 and 12, T. 13 N., R. 20 W., containing approximately 700 acres be annexed to the Missoula Rural Fire District, and are to be assessed for said annexation a fire district levy along with other property already a part of said Missoula Rural Fire District.

Resolution No. 88-086

The Board of County Commissioners signed Resolution No. 88-086, a resolution authorizing an application for membership in the States Self-Insurers trust and an application for insurance with the States Self-Insurers Risk Retention Group, Inc.

AUGUST 22, 1988 (continued)

Other items included:

The Commissioners received an update on various litigation issues from Mike Sehestedt, Deputy County Attorney, and Hal Luttschwager, Risk Manager, as noted in the daily minutes.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

AUGUST 23, 1988

The Board of County Commissioners met in regular session; all three members were present in the afternoon. Commissioner Evans was out of the office until noon.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated August 23, 1988, pages 6-26, with a grand total of \$34,847.44. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Notice of Hearing

Chair Dussault signed a Notice of Hearing on the application of Pyramid Mountain Lumber, Inc. for tax incentives under Resolution No. 87-080 regarding tax incentives for new and expanding industry, setting the hearing date for September 7, 1988, at 1:30 p.m.

Contract

The Board of County Commissioners signed an Independent Service Contract between Missoula County and Sonvje Horton for the purpose of entering Title III information into the CAMEO computer program as such information is provided by the Missoula County DES Office, as per the terms set forth, for the period from August 23, 1988, through December 15, 1988, for a total payment of \$500.

Resolution No. 88-085

Chair Dussault signed Resolution No. 88-085, a Resolution of Intention to Create RSID No. 430 for the purpose of engineering, construction, and correcting the deficiencies in the water system which serves the Colorado Gulch water system, as per the terms set forth, and setting the hearing date for September 14, 1988, at 1:30 p.m.

Employment Agreement

The Board of County Commissioners signed an Employment Agreement between Missoula County and Jon Shannon for his employment as the Hazardous Materials Coordinator (the position description is on file in the Personnel Office), as per the terms set forth, at an annual salary rate of \$24,848.00, through March 31, 1989.

AUGUST 23, 1988 (continued)Acceptance of Grant Award

Chair Dussault signed Acceptance of a grant award to Missoula County from the Board of Crime Control in the amount of \$28,175.00 Federal funds, with guaranteed matching contributions of \$32,728.00, for the Victim/Witness Program, as per the special conditions set forth, for the period from October 23, 1988, to June 30, 1989. The document was returned to Cindy Klette, Victim/Witness Coordinator, for forwarding to Helena.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and the Missoula County Deputy Sheriffs Association for the purpose of promoting harmonious relations between the Employer and the Association; the establishment of an equitable and peaceful procedure for the resolution of differences; and the establishment of rates of pay, hours of work, fringe benefits, officer safety, and other conditions of employment, as per the terms set forth, covering the period from July 1, 1988, through June 30, 1990. The Agreement was returned to Kathy Crego in the Personnel Office for further handling.

Letter of Agreement

The Board of County Commissioners signed a Letter of Agreement between Missoula County and the Missoula County Deputy Sheriffs Association, regarding the development of job-related physical fitness standards and measures for Association members, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989. The Letter of Agreement was returned to Kathy Crego in the Personnel Office for further handling.

Letter of Agreement

The Board of County Commissioners signed a Letter of Agreement between Missoula County and the Missoula County Deputy Sheriffs Association, regarding the County's medical and life insurance programs, as per the items set forth, for the period from July 1, 1988, through June 30, 1989. The Letter of Agreement was returned to Kathy Crego in the Personnel Office for further handling.

Water and Sewer Connection Agreement - RSID No. 395

The Board of County Commissioners signed a Water and Sewer Connection Agreement between Missoula County and Dennis R. Washington, created pursuant to paragraphs 6, 7, and 8 of the Agreement previously signed on April 22, 1988, and does not alter or amend previous agreement, regarding a certain portion of the extra capacity in the water system and the sewer interceptor which is owned by Mr. Washington as a result of RSID No. 395, and gives him the sole discretion and control over the use or sale of these connections, as per the terms set forth. The Agreement was returned to John DeVore, Administrative Officer, for further signatures and handling.

Other items included:

Commissioner Evans was designated to be the representative from the Commissioners Office to sit on the Interim Missoula County Home Ec Position Committee to select a replacement for Alice Dailey for ten months while she is on a leave of absence.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

AUGUST 24, 1988

The Board of County Commissioners met in regular session; all three members were present.

Fair Parade

In the forenoon, the Board of County Commissioners participated in the Western Montana Fair Parade.

Extension Letter

The Board of County Commissioners approved and signed a letter to Dick Ainsworth, granting a 180-day filing extension for the Placid Lake South Shore Tracts - Phase II, making the new filing deadline March 1, 1989.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

Decision On: Resolution to Place Lolo Peak Issue on the General Election Ballot

Barbara Evans moved and Janet Stevens seconded the motion to place Resolution No. 88-087 before the voters of Missoula County regarding the concept of a major four season destination resort near Lolo Peak in Missoula County. The motion carried on a vote of 3-0.

Resolution No. 88-087

The Board of County Commissioners signed Resolution no 88-087 as described above.

Decision On: Petition for Creation of a County Sewer and Water District

The Commissioners asked staff for their input regarding the Missoula Aquifer.

Horace Brown, County Surveyor, Jon Shannon, Hazardous Materials Specialist and Jim Carlson, Environmental Health discussed the aquifer and the problems Missoula County has with water contamination.

Janet Stevens said she was comfortable with the water and sewer district, but she had some concerns with persons living on the outskirts, such as Huson being included.

A general discussion of the water quality in Frenchtown and around the Stone Container Mill ensued. It was the general consensus of staff that there was no simple answer to protecting the aquifer, but that the Missoula Valley was a very vulnerable system.

Ann Mary Dussault noted for the record that by including the outlying areas, the Commissioners were making no assumptions that those areas would be served with the municipal system, as the water and sewer systems are needed, the original system would be expanded.

Janet Stevens said that she would like the record to reflect two other things; the impact that I-105 has had on the Commissioner's ability to raise revenue, and the fact that even if the voters approve the water and sewer district, it falls outside of the scope of the county's capital improvement program. She also noted that the City had sent over a list of names of persons they

AUGUST 24, 1988 (continued)

said signed the petition that were not eligible to vote on the issue.

Colleen Dowdell, Deputy County Attorney, said that the area most in question appeared to be section 5 in the Wapikiya area, and in her opinion, the petition and signatures are all valid because that area was included in the map. In any case, she said that the few duplicates and ineligible signers were not enough to invalidate the petition.

Mike Sehestedt, Deputy County Attorney, said he concurred in that opinion.

Barbara Evans moved and Janet Stevens seconded the motion that the Board of County Commissioners find that the petition requesting a water and sewer district in Missoula County is sufficient and valid. The motion carried on a vote of 3-0.

Barbara Evans moved and Janet Stevens seconded the motion to adopt the resolution as presented and to sets the boundaries of the district as described in Exhibit A (with amendments) The motion carried on a vote of 3-0.

Janet Stevens noted that she had grave concerns about including the outlying areas such as Frenchtown and Huson, as the district would have little or no effect on those urban areas.

Barbara Evans noted that there would be a benefit because of potential water pollution in the entire Missoula aquifer.

John DeVore noted that Federal help to develop the water and sewer district would be available if the district is legally formed.

Resolution No. 88-088

The Board of County Commissioners signed Resolution No. 88-088, a resolution setting the boundaries of the proposed Missoula City/County sewer and water district.

There being no further business to come before the Board, the Commissioners were in recess at 2:20 p.m.

* * * * *

AUGUST 25, 1988

The Board of County Commissioners did not meet in regular session. Commissioner Evans was on vacation August 25th and 26th; Commissioner Dussault attended a MACo ACIR (Committee on Intergovernmental Relations) Meeting in Helena; and Commissioner Stevens was at the Fairgrounds all day.

Grant Application

Chair Dussault signed a Grant Application to the Montana Arts Council on behalf of the Garden City Ballet for their Spring Ballet Project in 1990. The Application was returned to the organization for forwarding to Helena.

* * * * *

AUGUST 26, 1988

The Board of County Commissioners met briefly in the forenoon; a quorum of the Board was present. Commissioner Dussault left for Helena to attend a MACo Taxation and Finance Committee meeting, and Commissioner Stevens was at the Fairgrounds the rest of the day.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and Missoula Youth Homes, Inc., whereby the County will purchase short-term crisis intervention for youth at risk in Missoula County, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a total payment of \$19,000.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and Child Care Resources (Training and Health), whereby the County will purchase technical assistance and training to child care providers to better meet the developmental needs of young children; and to protect, promote, maintain and improve the health of children in day-care settings in Missoula County, as per the terms set forth, for the period from July 1, 1988, through June 30, 1988, for a total amount of \$24,890.--\$19,950. for the training portion of the program, and \$4,940. for the health care portion.

Resolution No. 88-089

The Board of County Commissioners signed Resolution No. 88-089, a resolution authorizing Janet Stevens, Vice-Chairman of the Board, to act as Chairman of the Board in connection with the execution of any documents required to be executed at the closing of the Revenue Refunding Bond Series 1988A and Revenue Improvement Bonds Series 1988B for the Community Medical Center, which is set for August 29th and 30th, 1988, as Chair Ann Mary Dussault will be unavailable for the closing.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

AUGUST 29, 1988

The Board of County Commissioners did not meet in regular session. Commissioner Evans was on vacation August 29th through the 31st, and Commissioner Stevens was in Chicago, Illinois for the bond closing for Community Hospital.

* * * * *

AUGUST 30, 1988

The Board of County Commissioners did not meet in regular session as two of the Commissioners were out of town.

* * * * *

AUGUST 31, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated August 31, 1988, pages 4-31, with a grand total of \$221,064.19. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #17 (8-07-88/8-20-88), with a total Missoula County Payroll of \$317,638.52. The Transmittal Sheet was returned to the Auditor's Office.

Resolution No. 88-090

The Board of County Commissioners signed Resolution No. 88-090, a resolution fixing the form and details of up to \$120,000.00 RSID No. 427 bonds and directing their execution and delivery.

Extension Letter

The Board of County Commissioners approved and signed a letter to Greg Martinsen of Martinsen Surveys granting a 120-day filing extension for Seeley Lake Estates #3, making the new filing deadline November 29, 1989.

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Mr. Andy Lester of the Lester Group, an independent contractor, for the purpose of obtaining written custom dBase III programs in the Sheriff's Department, as per the job proposal attached to the contract and the terms set forth in the contract, for the period from September 1, 1988, through October 31, 1988, for a total amount not to exceed \$2,900.

Resolution No. 88-091

Chair Dussault signed Resolution No. 88-091, a Resolution of Intention to Create RSID No. 429 for the purpose of engineering and construction of improvements to Snow Bowl Road, Keegan Trail and Woodwind Trail, Missoula County, as per the terms set forth and setting the hearing date for September 21, 1988, at 1:30 p.m.

Resolution No. 88-092

Chair Dussault signed Resolution No. 88-092, a Resolution of Intention to Create RSID No. 431 for the purpose of engineering, construction and correcting the deficiencies in the sanitary sewer system which serves the El Mar Estates Subdivision, as per the terms set forth, and setting the hearing date for September 28, 1988, at 1:30 p.m.

Resolution No. 88-093

The Board of County Commissioners signed Resolution No. 88-093, a resolution accepting real property conveyed by an easement from William Richard Maclay Sr. and Fleta Elizabeth Kenna for public road and all other public purposes, located in a portion of the

AUGUST 31, 1988 (continued)

SW 1/4 of Section 27, SE 1/4 of Section 28, NE 1/4 of Section 33 and the NW 1/4 of Section 34, T. 13 N., R. 20 W., PMM, Missoula County.

Resolution No. 88-094

The Board of County Commissioners signed Resolution No. 88-094, a resolution rescinding the Commissioner's Resolution of November 7, 1974, and authorizing the County Treasurer to collect a \$10.00 charge for the handling on all returned checks payable to Missoula County to defray the expense of processing and enforcing the collection of said returned checks.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Confederated Salish & Kootenai Tribes for the purpose of establishing interim cooperative procedures in administration of land use regulation and planning on lands common to Missoula County and the Flathead Indian Reservation, as per the procedures set forth, for a period of two years after the date of its enactment, unless a Tribal Ordinance governing land use is completed and adopted and a new agreement for cooperative administration of land use regulations is adopted by Missoula County and the Confederated Salish & Kootenai Tribes before that time. The Agreement was returned to Pat O'Herren in the Rural Planning Office for further signatures and handling.

Other items included:

The Commissioners approved a request from the RSVP Deli to keep their money in the Treasurer's Office on Friday nights for the next six weeks, as the Area Agency on Aging Office will be closed on Fridays for six weeks, provided that no counting or accounting by Treasurer Department personnel is necessary.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present was Commissioners Janet Stevens.

There was no business to come before the Board, and the Commissioners were in recess at 1:31

* * * * *

RESOLUTION NO. 88-080
ADOPTING A BUDGET FOR MISSOULA COUNTY
FOR FISCAL YEAR 1988-1989

WHEREAS, PURSUANT TO SECTIONS 7-6-2315, MCA, the Board of County Commissioners of Missoula County, Montana has held public hearings on the proposed budget of Missoula County for Fiscal Year 1988-1989 as required by law; and

WHEREAS, PURSUANT TO SECTIONS 15-10-202 through 15-10-208 MCA, the Board of County Commissioners of Missoula County has held hearings and passed resolutions as applicable under the above section;

NOW, THEREFORE, BE IT HEREBY RESOLVED by this Board of County Commissioners that the Budget be approved and adopted, and that warrants be issued in accordance with the laws appertaining thereto.

IT IS HEREBY MOVED, SECONDED, AND CARRIED by the Board of County Commissioners "that the resolution be adopted," for Fiscal Year 1988-1989 as displayed in Attachments A, B, and C; and

WHEREAS, Sections 7-6-2317 through 7-6-2326, MCA provide for the fixing of various tax levies to raise funds sufficient to meet said expenditures authorized in the budget; and

WHEREAS, THE DEPARTMENT OF REVENUE is required to certify to the County Commissioners the value of a mill for each taxing jurisdiction in the County under Sections 15-8-201 and 15-10-202 MCA; and

WHEREAS, the Department of Revenue has provided the County with a certified value of a mill in each taxing jurisdiction in the County;

NOW, THEREFORE, BE IT RESOLVED that the final County Budget be as set out in Attachments A, B and C and the same is hereby adopted as the final budget subject to the conditions as set forth below.

NOW, THEREFORE, BE IT HEREBY RESOLVED by this Board of County Commissioners "that the levies as detailed below be fixed and adopted," for Fiscal Year 1988-1989 based on the value of a mill of \$113,133.00 County-wide, and a value of \$69,129.00 outside the city limits of Missoula.

IT IS HEREBY MOVED, SECONDED, AND CARRIED by the Board of County Commissioners "that the resolution be adopted, subject to the foregoing condition," for Fiscal Year 1988-1989 as detailed below:

MISSOULA COUNTY-WIDE FUNDSMILLSATTACHMENT

GENERAL FUND	39.82	A, B, AND C
BRIDGE FUND	4.00	
POOR FUND	0.35	
FAIR FUND	1.48	
WEED FUND	0.61	
MUSEUM FUND	1.75	
EXTENSION FUND	1.30	
PLANNING FUND	1.60	
DISTRICT COURT FUND	7.21	
MENTAL HEALTH FUND	0.29	
DEVELOPMENTALLY DISABLED	0.12	
AGING FUND	0.79	
RODENT CONTROL	0.07	
PARK/RECREATION FUND	1.10	
RISK MANAGEMENT	2.74	
AMBULANCE	0.02	
CHILD DAYCARE	0.23	
SPECIAL TRANSPORTATION	0.16	
OPEN SPACE	0.41	
LIBRARY	4.37	
 SUB-TOTAL	 68.42	

MISSOULA COUNTY-WIDE DEBT SERVICE

RSID REVOLVING	.58
AIRPORT BOND	0.29
LIBRARY BOND	0.49
JUDGMENT LEVY	1.00
 SUB-TOTAL	 2.36

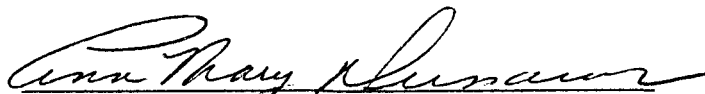
TOTAL COUNTY-WIDE & DEBT SERVICE LEVIES 70.78

ROAD FUND	13.83
HEALTH FUND	7.30

TOTAL COUNTY-ONLY LEVY 21.13

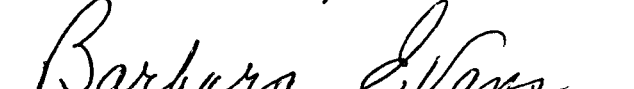
DATED this 8th day of August, 1988

BOARD OF COUNTY COMMISSIONERS


Ann Mary Dussault, Chair

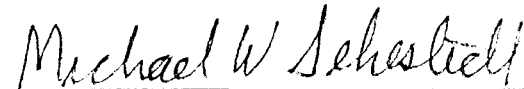
Not Available for Signature

Janet L. Stevens, Commissioner



Barbara Evans, Commissioner

APPROVED AS TO FORM AND CONTENT:

ATTEST:



Michael W. Sehestedt
Deputy County Attorney



Fern Hart
Clerk and Recorder

County of Missoula
FY 1989 Budget Summary

9-8-88

NOTE: Road and Health calculated at mill Value of 69.123

Fund	Personnel	Operations	Capital Encumbrances	Cash Reserve	1989 Total	Adopted 1988 Total	% Change	Non-tax Revenue	Cash Balance	2.52 M V	Amount to be Levied	Mills @ 113.133	FY 1988 Levies	I 105 Levy Limit
General	\$5,283,662	\$2,177,898	\$179,420	\$8,900	\$250,000	\$7,649,870	\$7,642,799	0.09%	\$2,486,617	\$590,553	\$317,230	\$4,505,470	39.82	39.97
Bridge	153,791	164,643	138,573	0	4,526	457,007	653,186	-30.03%	0	(22,831)	32,333	452,031	4.00	3.84
Poor	0	49,779	0	0	900	49,779	88,461	-43.73%	0	8,540	-1,995	40,144	0.35	0.35
Fair	196,685	329,389	48,128	0	48,647	574,202	525,473	9.27%	354,500	88,010	12,558	167,781	1.48	1.48
Museum	157,879	71,692	3,766	0	0	233,337	233,337	0.00%	2,400	18,632	14,260	198,045	1.75	1.75
Extension	110,166	72,100	5,861	0	0	188,127	181,153	3.85%	8,700	21,746	11,091	146,590	1.30	1.30
Weed	66,275	63,119	8,000	0	0	137,394	115,490	18.97%	30,880	32,376	4,871	69,267	0.61	0.61
Rodent Control	10,241	1,808	0	0	0	12,049	15,627	-22.90%	0	3,218	469	8,362	0.07	0.07
Planning	255,526	86,665	0	0	27,152	342,191	329,642	3.81%	156,052	19,254	13,262	180,774	1.60	1.60
District Court	1,014,489	571,690	2,000	0	0	1,588,179	1,585,874	0.15%	742,476	(29,433)	58,882	816,254	7.21	7.21
Mental Health	0	35,920	0	0	1	35,920	52,678	-31.81%	0	689	2,423	32,809	0.29	0.41
Development Disabled	0	12,788	0	0	930	12,788	0	0	0	142	13,576	0.12	0.00	0.00
Aging	0	97,905	0	0	0	97,905	102,046	-4.06%	0	1,740	6,338	99,827	0.79	0.79
Park	0	183,154	0	0	2,263	183,154	197,196	-7.12%	25,500	24,430	10,915	124,572	1.10	1.10
Museum Bldg Reserve	0	3,600	0	0	0	3,600	3,600	0.00%	3,600	0	0	0	0.00	0.00
Health Insurance	58,581	1,190,205	0	0	50,546	1,248,786	1,198,603	4.19%	1,298,178	1,154	0	0	0.00	0.00
Risk Management	35,358	422,289	0	0	4,525	457,646	494,258	-7.41%	0	128,043	24,294	309,834	2.74	2.74
Ambulance	0	1,983	0	0	0	1,983	5,000	-60.34%	0	(329)	59	2,253	0.02	0.03
CBO Trust	12,103	90,489	0	0	44	102,592	102,571	0.02%	97,321	5,315	0	0	0.00	0.00
Drug Forfeiture	35,664	11,200	4,000	0	199	50,864	82,944	-38.68%	35,886	15,177	0	0	0.00	0.00
Child Daycare	0	25,595	0	0	3,350	25,595	25,545	0.20%	0	834	1,526	26,585	0.23	0.23
Specialized Trans	0	25,113	0	0	0	25,113	21,481	16.91%	0	5,093	1,467	18,554	0.16	0.16
Open Space	0	64,688	0	0	15,839	64,688	86,645	-25.34%	0	31,841	2,640	46,045	0.41	0.41
Library	412,589	127,953	67,696	0	0	608,238	635,912	-4.35%	69,738	7,682	36,383	494,435	4.37	4.37
Tamarack Fed	0	33,589	10,309	0	(241)	43,898	27,550	59.34%	35,282	8,375	0	(0)	0.00	0.00
School Dist 1	8,468	410	5,568	0	101	14,446	11,057	30.65%	11,057	3,490	0	0	0.00	0.00
Sanders County	791	1,674	4,991	0	24	7,456	9,020	-17.34%	7,062	418	0	(0)	0.00	0.00
Total Debt Service	0	659,966	0	0	28,283	659,966	540,120	22.19%	0	402,702	17,444	268,103	2.36	1.78
County-Wide	7,812,268	6,577,293	478,312	8,900	437,089	14,876,773	14,967,268	-0.60%	5,365,249	1,366,718	570,582	8,011,313	70.78	70.20
Road	772,429	1,179,565	347,366	0	220,796	2,299,360	2,282,477	0.74%	1,054,825	438,138	70,877	956,316	13.83	13.83
Health	1,261,515	383,240	47,610	15,000	6,941	1,707,365	1,594,543	7.08%	1,153,077	18,937	37,415	504,876	7.30	7.30
Junk Vehicle	25,845	54,504	6,767	0	0	87,116	71,946	21.09%	67,667	19,449	0	0	0.00	0.00
County Only	2,059,789	1,617,309	401,743	15,000	227,737	4,093,841	3,948,966	3.67%	2,275,569	476,524	108,292	1,461,193	21.13	21.13
Totals	9,872,057	8,194,602	880,055	23,900	664,826	18,970,614	18,916,234	0.29%	7,640,818	1,843,242	678,874	9,472,506	91.91	91.33
** Capital Improvement	0	0	453,952	0	453,952	0	0	247,991	205,961	0	0	0.00	0.00	0.00

** Capital Improvements not added into Totals since it is included in Funds above as per CIP Budget.

FISCAL YEAR:

89 PAGE 059

County of Missoula
Comparison FY 1988 to FY 1989 General Fund Budget Summarized

8-4-88

Department	FY 1989 Personnel	FY 1989 Operations	FY 1989 Capital	FY 1989 Requested	FY 1988 Adopted	Percentage Change
Commissioners	216,949	29,860	0	246,809	254,405	-2.99%
Rural Planning	61,778	7,530	0	69,308	131,405	-47.26%
J P Department 1	176,703	27,881	0	204,584	199,951	2.32%
Attorney	444,444	42,935	0	487,379	480,263	1.48%
Accounting	123,122	13,000	0	136,122	164,103	-17.05%
Recording	121,144	51,717	0	172,861	164,397	5.15%
Elections	57,622	55,148	0	112,770	121,013	-6.81%
Treasurer - Tax	257,201	13,940	0	271,141	240,851	12.58%
Treasurer - MV	204,713	7,496	0	212,209	205,558	3.24%
Auditor	78,800	3,586	4,309	86,695	84,485	2.62%
General Services	787,268	392,700	5,000	1,184,968	1,179,002	0.51%
Disaster Emergency Ser	61,614	24,289	0	85,903	61,831	38.93%
Personnel	95,817	56,000	2,300	154,117	158,530	-2.78%
Information Services	181,912	86,405	0	268,317	279,178	-3.89%
Materials Management	76,542	141,864	0	218,406	198,693	9.92%
C S - Repurchase	0	250,668	0	250,668	242,958	3.17%
Supt of Schools	95,440	12,925	0	108,365	106,442	1.81%
Sheriff	1,951,436	413,674	0	2,365,110	2,326,388	1.66%
Surveyor	54,042	30,932	0	84,974	100,471	-15.42%
Public Works	26,244	36,963	5,000	68,207	55,115	23.75%
Financial Admin	210,871	478,375	162,811	852,057	879,760	-3.15%
	5,283,662	2,177,888	179,420	7,640,970	7,634,799	0.08%
			Encumbrances:	8,900	8,000	
				7,649,870	7,642,799	0.09%

ATTACHMENT C

=====

COMMUNITY BASED ORGANIZATIONS FY '89

=====

ORGANIZATION	REQUEST	AWARD
Arrow Ambulance	1,800.00	1,800.00
Child Care Resources	24,890.00	24,890.00
Child & Family Resource Cncl	3,500.00	3,500.00
Comprehensive Developmental Center	12,350.00	12,350.00
Friends to Youth	3,562.50	3,562.50
Msla Area Agency on Aging	99,750.00	95,659.00
Msla Food Bank	14,250.00	14,250.00
Msla Youth Homes	19,000.00	19,000.00
Seeley Lake Community Council	2,000.00	2,000.00
Specialized Transportation Svcs	21,241.00	19,325.00
V.R.U. Victims Advocate	2,850.00	2,850.00
Watson's Receiving Home	14,250.00	14,250.00
Women's Place	7,410.00	7,410.00
Wstrn MT Cmnty Mental Hlth Ctr	38,950.00	35,030.00
YWCA Battered Women's Shelter	9,263.00	9,263.00
TOTALS	275,066.50	265,139.50

=====

SEPTEMBER 1, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation September 1st and 2nd.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Professional Services Contract

The Board of County Commissioners signed a Professional Service Contract between Missoula County and Northwest Community Consultants for the purpose of conducting a management study and developing a plan of action for the 9-1-1 Center, as per the terms set forth and according to the Proposal for Missoula County Management Study/Plan of Action dated August 16, 1988, for a total amount of \$4,425.00. The Contract was returned to John DeVore, Administrative Officer, for further signatures and handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

SEPTEMBER 2, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Contract

The Board of County Commissioners signed a contract between Missoula County and Jensen Paving Company for the purpose of construction, installation, and completion of street paving and drainage improvements at Stonehaven Avenue and Loraine Drive under RSID No. 427, as per the terms set forth, for a total payment of \$87,720.00. The contract was returned to General Services for further handling.

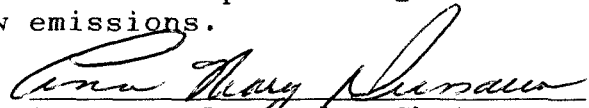
Amendment to Covenants

The Board of County Commissioners signed a letter to Dick Ainsworth confirming approval of the amendment to Article XV, Section 1 (b) of the Brookside on the Rattlesnake Covenants, which shall now read as follows:

Only wood burning devices that can be legally installed under the Missoula City-County Air Pollution Control Program and meet the Uniform Building Code shall be permitted in the Brookside development.

The reason for approval is that since the covenants were originally written, Missoula County has adopted an Air Pollution Control Program and established criteria for permitting devices that meet County standards for low emissions.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

* * * * *

SEPTEMBER 5, 1988

The Courthouse was closed for the Labor Day holiday.

* * * * *

SEPTEMBER 6, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation from September 6th through the 9th.

Monthly Reports

Chair Dussault examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for the month ending August 31, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Budget Agreement

The Board of County Commissioners signed a Budget Agreement between Missoula County and the Cooperative Extension Service and Montana State University for the purpose of setting forth the terms and amounts for cooperative funding of County Extension Agents assigned to Missoula County for the period beginning July 1, 1988, through June 30, 1989.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

SEPTEMBER 7, 1988

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. In the forenoon, Commissioner Evans served on the Interim Missoula County Home Ec Position Committee to select a replacement for ten months for Alice Dailey, who is on a leave of absence.

PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Janet Stevens was not present because she was on vacation.

HEARING: REQUEST BY PYRAMID MOUNTAIN LUMBER, INC. FOR TAX INCENTIVES FOR NEW AND EXPANDING INDUSTRY

Under consideration was a request from Pyramid Mountain Lumber, Inc. for tax incentives for new and expanding industry under Resolution No. 87-080. The application was based on expansion consisting of a lumber storage building and planer building and modernized planer and sawmill trimmerline operations. The applicant had met the criteria as set forth in the Resolution. Information provided by the applicant stated that the applicant expected the addition of nine new jobs from this expansion.

Chair Ann Mary Dussault explained the issue involved and asked Deputy County Attorney Mike Sehestedt for his comment. He stated that he had reviewed the application pursuant to legislative authority and the enabling resolution passed by the Board of County Commissioners and found that it was complete and in compliance with Resolution No. 87-080. He stated that the purpose of the tax incentives was to provide incentives for businesses to expand or locate in Missoula County and provides improvements to be taxed at a reduced rate. He said that the staff recommendation was for approval of the request.

Ann Mary Dussault opened the hearing for public comment, asking that proponents speak first. The following people spoke:

SEPTEMBER 7, 1988 (continued)

1. Roger Johnson, President and part owner of Pyramid Mountain Lumber, stated that the project constituted the first phase of a project intended to better utilize small diameter lodgepole pine. He said that expansions consisted of a lumber storage building and planer building and modernized planer and sawmill trimmerline operations.

2. Ron Klahake, Executive Director of the Missoula Economic Development Corporation, stated that he wholeheartedly supported approval of the application for tax incentives for Pyramid Lumber.

There was no further testimony. There were no opponents.

Barbara Evans commended Pyramid Mountain on providing nine new jobs in Missoula County. She then moved, and Ann Mary Dussault seconded the motion, that the Board of County Commissioners find the request by Pyramid Mountain Lumber, Inc. for tax incentives for new and expanding industry, in accordance with provisions set forth in 15-24-1402 MCA and Resolution No. 87-080. The motion passed by a vote of 2-0.

RESOLUTION NO. 88-095: APPROVAL OF THE APPLICATION OF PYRAMID MOUNTAIN LUMBER, INC. FOR TAX INCENTIVES UNDER RESOLUTION NO. 87-080

The Board of County Commissioners then signed Resolution No. 88-095, approving tax incentives for new and expanding industry for Pyramid Mountain Lumber, Inc., based on expansion of the existing sawmill and planing facilities at Pyramid Mountain Lumber, Inc., Drawer J, Seeley Lake, MT 59868.

DEPARTMENT OF REVENUE APPLICATION FOR NEW OR EXPANDING MANUFACTURING INDUSTRY PROPERTY IMPROVEMENTS OR MODERNIZED PROCESSES (TITLE 15-CHAPTER 24-PART 14, MCA)

Ann Mary Dussault and Barbara Evans then signed the application described above as Commissioners of the taxing jurisdiction of Missoula County, stating that they found that the application conformed to the criteria as set forth in the enabling resolution approved by this Board of County Commissioners.

Copies of the application and resolution were forwarded to the Assessor, Clerk & Recorder and applicant.

HEARING: PROPOSAL FOR CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) APPLICATION FOR RENOVATION OF WHITTIER SCHOOL BUILDING

Cindy Wulfekuhle, Planner I, supplied the following information:

The request before the Commissioners is for approval of a Community Development Block Grant application to be submitted to the Montana Department of Commerce. The purpose of the grant is to remodel the Whittier School building. The building is currently and will continue to be used by the Head Start Program, under the direction of Child Start Inc.

The funds requested will allow improvements to be made to bring the building in to compliance with State building and fire codes.

In 1985, a routine inspection of the building by the City Building Inspector and City Fire Marshall found the Head Start Program to be in violation of a State Fire and Building Code provision that went in to effect in 1982. Specifically, children under the age of grade level three cannot occupy classrooms above the first floor, unless certain modifications are made to the facility.

SEPTEMBER 7, 1988 (continued)

To comply with a directive from the Inspector and Fire Marshall, Head Start moved the children from the top two floors. Classrooms were set up on the first floor using the gymnasium and office space. This arrangement allows 104 students to attend Head Start classes at the school. The remaining 50 children are divided between two churches where space is being rented.

Remodelling of Whittier School as specified in the proposal would bring the building in to compliance with the Codes and allow children to occupy classrooms on the first and second floors. The third floor will be used for offices. The major improvements include a sprinkler system throughout the building, fire rated doors installed by all stairways, dampers installed in the ventilation system and second floor fire escapes remodelled. Improvements will also be made to allow handicap accessibility. A wheelchair lift will be installed to allow access to the first and second floors, an outdoor ramp will be constructed at the front of the school and minor modifications made in a first floor restroom.

Head Start is requesting a block grant application be made in the amount of \$123,000 with repayment to the County to be made at zero per cent interest over an approximate 20 year period. In addition, the application will include \$10,000 for administrative costs, for a total grant application of \$133,000.

The total cost of the project, including administration, will be approximately \$163,000. The remaining \$30,000 necessary to complete the project will be provided by the City of Missoula. The City has agreed to provide matching funds not to exceed \$30,000, as a loan at zero per cent interest for a period of 20 years.

The hearing was opened for public comment

Scot Anderson, Director of Head Start detailed the difficult times that the Head Start Program had had in the past, and gave the history of the program in the present building. He said in 1985, serious and significant code violations were found in the building, and it was determined then that the building needed to be renovated. He said some funds for the renovation had been raised, but the costs are excessive and the CDBG funds are needed. He said if the grant is approved, the work will be done in the spring and summer so that when the program opens in the fall, the building will be up to code.

Donna Shaffer, City Council member, said that the City had passed a resolution of support for the grant, and had funded \$30,000 for the renovation of the school. She said the funds would allow all the program's various functions to operate under one roof.

Tina Reinick-Schmaus, a member of the Board of Directors of Head Start, said the program serves many families in Missoula, and testified in support of the grant application.

Noel Larabie, a member of the Policy Council, echoed Donna Shaffer's comments about the program being under one roof, and said that Head Start is advantageous to the entire community, and will be utilized by many families and children.

Ron Klapahke, director of MEDC, and a member of the United Way Board of Directors, said it is critical to have programs such as Head Start in the Community, as they improve the quality of life for everyone. He said the application meets all the necessary criteria and should be approved by the Commissioners, and by the State.

No one else came forward to speak, and the hearing was closed.

SEPTEMBER 7, 1988 (continued)

Mike Sehestedt, Deputy County Attorney, noted that the building is leased from School District #1 and asked if the lease was short term.

Scot Anderson said the lease had been renewed for ten years, and will expire in 9. He said the program has the right of first refusal on an additional ten year term.

Mike Sehestedt said that that would probably be a question the State would ask concerning this application, and he just wanted to make it clear that arrangements had been made for the School District to reimburse the State for all the improvements if the lease was not renewed.

Cindy Wulfekuhle said that the State was aware of the lease arrangement, and they are comfortable with it.

Mike Sehestedt noted that it was highly unlikely that the lease would not be renewed as he was certain that the School District would never want the building back. He just wanted that information on the record.

Barbara Evans moved and Ann Mary Dussault seconded the motion to find the application for Community Block Grant Funds for the Renovation of Whittier School to be in the public interest, and to approve the application of the grant in the amount not to exceed \$133,000. The motion carried on a vote of 2-0.

RESOLUTION NO.88-096

The Board of County Commissioners signed Resolution No. 88-096, a resolution authorizing submittal of a community Development Block Grant to the Montana Department of Commerce to remodel the Whittier School Building for used by the Head Start Program.

There being no further business to come before the Board, the Commissioners were in recess at 2:00. p.m.

* * * * *

SEPTEMBER 8, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated September 6, 1988, pages 3-27, with a grand total of \$182,159.92. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Budget Transfer

The Board of County Commissioners approved and signed Budget Transfer No. 890001, a request from the Health Department to transfer \$400 from the Curriculum Materials - 447300 (\$200) and Tuition/Registration Fees - 447300 (\$200) accounts to the Curriculum Materials - 447203 (\$200) and Tuition/Registration Fees - 447203 (\$200) accounts to correct the current budget.

SEPTEMBER 8, 1988 (continued)Resolution No. 88-097

The Board of County Commissioners signed Resolution No. 88-097, a budget amendment for FY'89 for the Health Department, including the following expenditures and revenue estimates, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447200-202	\$3,000
-311	1,000
-328	7,000
-359	300
-362	200
-367	200

<u>Description of Revenue</u>	<u>Revenue</u>
2270-27100	\$11,700

To reverse current budgeted amounts.

Resolution No. 88-098

The Board of County Commissioners signed Resolution No. 88-098, a Resolution establishing the annual date to be observed as Heritage Day (superseding and replacing Resolution No. 87-130), resolving that Heritage Day shall be observed as a legal holiday by Missoula County on the Friday immediately following Thanksgiving Day.

Response to Grievance

The Board of County Commissioners signed the response in the matter of a grievance between Teamsters Local No. 2, Civilian Control Officers and Missoula County regarding compliance with Article 27, Medication, with the Commissioners finding that the County is in compliance with Article 27 of the collective bargaining agreement, as per the items set forth in the response. The document was returned to Kathy Crego in the Personnel Office.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

SEPTEMBER 9, 1988

The Board of County Commissioners did not meet in regular session; Commissioner Evans was out of the office all day, and Commissioner Dussault was in Helena in the forenoon speaking to the School Board Association, returning to Missoula later in the afternoon.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Weston Woods Studios, Inc. as principal for warrant #024416, dated February 18, 1988, on the School District #1 Claims Fund in the amount of \$52.85, now unable to be found.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

SEPTEMBER 12, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Whitefish attending a Job Training Council Retreat.

Welfare Advisory Board

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Carole Graham, Welfare Director, for their regular monthly meeting.

Monthly Report

Acting Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending August 31, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1988, between Missoula County and Arrow Medical Services, whereby the County will purchase ambulance services to respond to Missoula County calls to transport prisoners of the Missoula County Jail, as per the terms set forth, through June 30, 1989, for compensation of 50% of the usual and reasonable cost of such ambulance services, up to a maximum of \$1,800.

Other items included:

The Commissioners authorized a payroll deduction for the Welfare Watchers at Work Program.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

SEPTEMBER 13, 1988

The Board of County Commissioners met briefly in the morning; a quorum of the Board was present. Commissioner Stevens was in Helena attending a Human Services Delivery Task Force Meeting; and Commissioner Dussault returned to Whitefish in the forenoon to attend the Job Training Council meetings and MACo Board of Directors meetings through Friday, September 16th.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated September 13, 1988, pages 5-21, with a grand total of \$43,051.23. The Audit List was returned to the Accounting Department.

Monthly Report

Acting Chairman Evans examined, approved and ordered filed the monthly report of Sheriff, Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for the two months ending July 31, 1988, and August 31, 1988.

SEPTEMBER 13, 1988 (continued)Indemnity Bond

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Erin A. Ward as principal for warrant #020248, dated July 22, 1988, on the Missoula County High School Fund in the amount of \$105.65 now unable to be found.

* * * * *

SEPTEMBER 14, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present.

PUBLIC MEETING

The meeting was called to order at 1:30 by Acting Chair Barbara Evans. Also present was Commissioner Janet Stevens.

Consideration of: Sorrel Spring, Lot 17 (Summary Plat)

Information provided by Barbara Martens, Planner II with the Office of Community Development indicated that the Amended Plat of Lot 17, Sorrel Springs, is the resubdivision of an existing ten acre tract into two five acre parcels. Both will have access on to an existing private gravel road. They will have individual septic systems and will connect to the community water systems.

The recommendation is that the plat be approved, subject to the following conditions, the variance request and findings of fact set forth in the staff report.

Conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The access point for Lot 17A shall be off-set a minimum of 125 feet from the centerline of the intersection of Morgan and Mustang Lanes.

In addition the following variance request has also been requested:

Section 3-2 (9) (c) (2): Initiate an RSID to meet the pavement requirements of Section 3-2 (1).

The reasons are as follows:

1. The original covenants, as approved, contained a provision for paving the dedicated interior roads though an RSID when over 52% of the lots are sold and developed.
2. The developer has placed a statement on the plat giving notice that acceptance of a deed for a lot within this subdivision will constitute consent to participate in an RSID to pave Morgan Lane in the future.
3. Morgan lane is presently a private road. The plat contains a private disclaimer advising future property owners that the County will not maintain the private roads until the roads are brought up to current standards and accepted for maintenance.
4. The covenants allow the private roads to be dedicated.

SEPTEMBER 14, 1988 (continued)

Nick Kaufman of Sorenson and Company, representing the developer, said he agreed with the staff report and the conditions.

Janet Stevens moved and Barbara Evans seconded the motion to approve the Summary Plat of Sorrel Spring, Lot 17, and to approve the requested variance subject to the conditions and findings of fact in the staff report. The motion carried on a vote of 2-0.

HEARING: INTENT TO CREATE RSID NO. 430 (Colorado Gulch Water System)

Information provided by Jim Dopp, Operations Officer, indicated that a petition was received with 67% of the freeholders in favor of creating an RSID to improve the water systems to serve Grantland 11, 11M, 11-Phase II and Grantland-Rankin Additions. On August 23, 1988, the Board of County Commissioners passed a Resolution of Intention to Create RSID #430. The estimated principal cost is \$155,000.00 with an estimated cost per each property being \$2,627.00 over a period of ten years. No written protests to the RSID were received. The staff recommendation was to create RSID #430 for the Colorado Gulch Water System.

The hearing was opened for public comment.

Steve Hayes, representing the Homeowners Association spoke in support of the RSID, calling it a solution to a long-term water problem in the area.

James Waters said the homeowners were notified about the hearing on the 18th or 19th of July just before he bought the property and he was advised that the RSID would not exceed \$2,500. He said the cost of issuance raised the price and he would have appreciated better information on the RSID before buying his property.

Mike Sehestedt, Deputy County Attorney, said that by law, the Pro Rata Share of a homeowner for an RSID could exceed \$2,500, but could not exceed the petition amount.

John DeVore said the petition is a policy of the Board of County Commissioners, and is not required by statute. The petition is used to measure the public receptibility of the proposed district, and projected costs were included. After all the numbers were refined, every property owner in the district was notified of the total costs, which included the cost of issuance. The costs of issuance could not be determined until just before the district was created. He noted that Mr. Waters had purchased his property during the RSID petition time, and perhaps had been overlooked in subsequent mailings. He apologized for any inconvenience.

Trudy Meisner noted that the Homeowner's Association meeting was where the estimate of the cost came from, not from John DeVore.

Janet Stevens moved, and Barbara Evans seconded the motion to create RSID #430, finding it in the public interest in accordance with State Law. In addition, once the bond indebtedness for RSID 430 is discharged, the title to the existing water system will revert back from the County to the Colorado Gulch Homeowners Association. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:50 p.m.

* * * * *

SEPTEMBER 15, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Extension Letter

The Board of County Commissioners signed a letter to Andy Fisher of Eli and Associates approving a 180-day filing extension for the Sun Valley Pines Subdivision, making the new filing deadline April 22, 1989.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1988, between Missoula County and the Missoula Area Agency on Aging, whereby the County will purchase planning and coordination services of aging programs in Missoula County, as per the terms set forth, through June 30, 1989, for a total amount of \$95,659.00.

Resolution No. 88-099

The Board of County Commissioners signed Resolution No. 88-099, a resolution creating RSID No. 430 for the purpose of constructing a water system to serve the Colorado Gulch Subdivision in Missoula County, as per the terms set forth.

Lease Agreement

The Board of County Commissioners signed a Lease Agreement between Missoula County and Westside Little League for the lease of a parcel of land located in the E 1/2 of Section 25, T. 13 N., R. 20 W., PMM, Missoula County, and more particularly described and depicted as Tract 2 on Certificate of Survey No. 3323 on file in the office of the Missoula County Clerk & Recorder, as per the terms set forth, for a term of five years, for the sum of \$1.00 rent.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY'89 Budget:

No. 890002, a request to transfer \$30,000 from Financial Administration Burial Costs to the Auditor's Burial Costs account as the Auditor oversees the operation of the function.

Other items included:

The Commissioners made the following appointments to the Missoula County Park Board:

David Crabtree was appointed as a regular member to fill the unexpired term of Mark Hurd through the first Monday in May, 1991; and Diane Bilderback was appointed as an alternate member to fill an unexpired term through the first Monday in May of 1991.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

SEPTEMBER 16, 1988

The Board of County Commissioners did not meet in regular session; Commissioner Evans was out of the office all day.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

SEPTEMBER 19, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena where she attended the MT. Stockgrowers Association meeting.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Notice of Sale

Acting Chairman Evans signed the Notice of Sale of Bonds for RSID No. 430 in the amount of \$155,000.00 for the purpose of construction and installation of the Colorado Gulch Water System, setting the sale date for October 19, 1988, at 1:30 p.m.

Agreement

The Board of County Commissioners signed an Agreement for Provision of Professional Security Services between the University of Montana and the Reserve Deputy Unit of the Missoula County Sheriff's Department for the purpose of the University obtaining the expert services required to provide law enforcement, crowd control, and general security at University events or events conducted in University facilities, as per the terms set forth, for the period from September 1, 1988, through September 1, 1989. The Agreement was returned to Mike McMeekin in the Sheriff's Department for further handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

SEPTEMBER 20, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #18 (8/21/88 through 9/03/88) with a total Missoula County Payroll of \$326,270.27. The Transmittal Sheet was returned to the Auditor's Office.

SEPTEMBER 20, 1988 (continued)Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the County Auditor and adopted it as part of the FY'89 budget:

No. 890004, a request to transfer \$2,000 from the Temporary Personnel account to the Capital account as an intern will not be hired to assist with the audit and the money will be used to purchase a PC.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Tour

In the afternoon, the Commissioners, accompanied by representatives of the Forest Service, toured the Smokejumpers Center west of Missoula.

* * * * *

SEPTEMBER 21, 1988

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated September 20, 1988, pages 6-36, with a grand total of \$830,389.08. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Resolution No. 88-100

The Board of County Commissioners signed Resolution No. 88-100, a resolution terminating the emergency proclamation and its attendant restrictions regarding the wildland fire danger, which was adopted on July 27, 1988 (Resolution No. 88-076), as the extreme conditions which led to the emergency proclamation no longer exist.

Other matters included:

Chair Dussault signed a memo to the Missoula Federal Credit Union authorizing Susan Reed, Missoula County Auditor, to apply for a Visa card in the name of Missoula County, and stating that Ms. Reed will be the only person authorized to use the card and that Missoula County will be responsible for all charges on this card.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Luncheon Meeting

At noon, the Board of County Commissioners attended a Luncheon Meeting with representatives of the Chamber's Board of Directors.

SEPTEMBER 21, 1988 (continued)

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

Consideration of: Amendment to Floodplain Regulations

Information provided by John Torma, Planner I from the Office of Community Development, indicated that the Commissioners were being asked to amend Resolution #88-73 concerning the Missoula County Floodplain Regulations. On August 10, 1988, the Commissioners held a public meeting on a number of proposed amendments to the County Floodplain Regulations. Subsequent to that hearing, the Commissioners adopted Resolution #88-083 which amended the regulations in those areas required by FEMA. The Commissioners postponed action on two proposed amendments dealing with (1) an expiration deadline for floodplain permits, and (2) the floodproofing option for commercial and industrial structures in the 100-year floodplain. The Office of Community Development recommends that the Board of County Commissioners adopt the resolution which will amend the County Floodplain Regulations as follows:

1. establish for all floodplain permits an expiration deadline of 360 days from the date of issuance of the permit unless a longer expiration is specified in the permit or unless an extension is granted by the Floodplain Administrator, and
2. require that the floodproofing measures for all commercial and industrial structures be designed by a registered engineer or architect and certified by same upon construction prior to issuance of an occupancy permit.

No one came forward to speak either in favor or in opposition to the regulations.

Barbara Evans moved and Janet Stevens seconded the motion to adopt the resolution amending Resolution #83-73, the Missoula County Floodplain Regulations. The motion carried on a vote of 3-0.

Resolution No. 88-101

The Board of County Commissioners signed Resolution No. 88-101, an amendment to Resolution No. 83-73, the Missoula County Floodplain Regulations.

Hearing: Intent to create RSID No. 429 (Road Improvements- Snow Bowl Road, Keegan Trail and Woodwind Trail)

Information provided by John DeVore, Administrative Officer, indicated that RSID is being proposed to pave a portion of Snow Bowl Road, all of Keegan Trail and Woodwind Trail and includes 31 lots. A total of 20 letters were received protesting the creation of this RSID. Out of the 20 letters, 7 were duplicates and one was outside of the boundaries of the proposed district. The net valid protest received represented eleven of the lots included in the district, or a 35% protests factor. In order to stop the creation of an RSID, the statutes require a 51% protest from those paying the cost of the improvements. In this case, we have received a protest from 35% of those paying the cost, which fails the statutory test.

SEPTEMBER 21, 1988 (continued)

John DeVore said that the staff recommends the creation of this RSID. He said that this RSID was first presented to the Commissioners via the petition route during the winter and spring of this year. At that time, 54% of the residents in the proposed district had indicated their support by signing the petition. He said the petition was not a statutory requirement, but one that is used to gauge the opinion of the landowners. The original petition did not include the paving of the cul-de-sacs at the end of Keegan Trail and at the end of Woodwind Trail. The engineer was asked to go back and include that paving in the RSID. There were several signers of the original petition who indicated that their support was contingent upon aid-to construction contributions by the County. At that time, the process was put on hold as a result of the County budget process and the determination of whether there would be County funds in the road department for financial participation in that process. It was later determined that \$31,000 would be allocated toward the project. He said that all the residents in the proposed district were notified the last week in August, and all the legal notifications have been complied with.

Horace Brown, County Surveyor indicated that \$31,000 is in the budget for the project if the County Commissioners want to spend it.

Gary Stensatter, of Stensatter, Druyvestein and Associates, the engineers for the project, indicated the scope of the paving on a map. He gave a history of his involvement in the project.

The hearing was opened for public comment.

Kim Birck said that after the public hearings and meetings on the issue, she thought that the passage of I-105 meant that Snowbowl Road could not be paved by the County. She then gave a history of the process of initiating the RSID, and a history of the subdivision. She said that Snowbowl Road is one of the major dust contributors in the County, and indicated the various benefits that would be realized by paving the road.

Arnold Melinkoff said he was opposed to the RSID, because the cost will increase his taxes by 30%; trees will be destroyed by the paving; traffic and speeding on the road will increase; and the County or residents of SnowBowl Road should pay at least 60% of the costs for the paving.

Dr. Paul Strong said he was opposed to the RSID because too little time was allowed for the protesters to prepare their objections. He said that he thought that the Commissioners should postpone their deliberations on the matter for 6 months, and he said he wanted the character of the neighborhood left in its present state. He said he never saw the petition, and asked why the County Surveyor had objected to the paving being stopped part way down Keegan Trail and why the original boundaries of the RSID were changed. He said that in his opinion, all pertinent facts had not been included in the hearing or the petition, and one example he cited was the increased cost for maintenance. He said he was not notified in a timely matter about the RSID, and the increased costs. He said if the RSID boundaries were revised, and the petition resubmitted to the majority of the people who would receive benefits from the RSID, he would be glad to go along with the majority.

Bill Birck read a letter from Ronald and Janet Perrin (which is included in the information on file) in support of the RSID. He said he likes living in the area, but acknowledged that there is a severe dust problem, and that paving the road would lessen the hazards.

SEPTEMBER 21, 1988 (continued)

John Tibbs said he was originally opposed, but he is now in favor of the RSID because of the health factor. He said that in his opinion, plenty of time has been allowed for protests.

Claris Heffner said she was opposed to the RSID because of the unfair distribution of the costs when others will benefit by the RSID's paving and will not have to pay any of the costs. She said that originally, she was told that 60% would have to approve the RSID, and questioned why the percentage was dropped.

Gina Albin said she was opposed to the RSID because paving will change the character of the neighborhood because traffic will increase. She said it would be more difficult to sell property in the area with the RSID, because of the increased taxes.

Brenda Hart said that in her opinion, the RSID will not help control dust, and that with the paving, trees will be cut down. She questioned the costs for the maintenance after the paving is done.

No one else came forward to speak, and the hearing was closed.

Ann Mary Dussault asked Gary Stensatter why the lower part of Snowbowl Road was included in the RSID and why Old Mill Trail was not.

Gary Stensatter said that there was no expression of interest in the RSID from the residents of Old Mill Trail because the County had done some work on that road already. The decision was made to leave Snowbowl Road in because the paving would be contiguous and it would not be possible to do Keegan Trail without doing lower Snowbowl Road. He said the cost to pave Upper Snowbowl Road was high relative to the number of houses that would be included in the RSID to pay the costs.

Ann Mary Dussault asked Horace Brown why lower SnowBowl Road and the cul-de-sacs were being paved.

Horace Brown said the cul-de-sacs were being paved because it increases maintenance costs if only part of the streets are paved, and the streets will be damaged if the cul-de-sacs are allowed to remain graveled. In addition, he said aprons would be put on old Mill Trail.

Ann Mary Dussault asked Gary Stensatter about the road with and removal of the trees.

Gary Stensatter said tree removal would be minimal. He said the complete design is not done yet, and it may be that there may not be any tree removal at all.

Horace Brown concurred with Mr. Stensatter's assessment of the situation.

Janet Stevens asked Gary Stensatter if the trees on Keegan Trail would be removed.

Gary Stensatter said no, the trees on that street are well back of any paving.

Janet Stevens asked Horace Brown what authority he has over those trees at this time?

Horace Brown said that if the trees present any kind of hazard, and if the removal is deemed to be prudent and reasonable, they can be removed. If that is done, the wood would belong to the landowner.

SEPTEMBER 21, 1988 (continued)

Ann Mary Dussault asked Mike Sehestedt to clarify the procedure relative to the time period necessary to notify homeowners about the hearing.

Mike Sehestedt said that by statute, the Board of County Commissioners have to give notice to all property owners at least 15 days prior to the hearing. The fact that some people may be away from home is not an issue and is beyond the control of the Commissioners. He said in this case, all requirements and legalities had been met by the County.

John DeVore said that to the best of his knowledge, all out of state property owners had been notified.

Ann Mary Dussault asked Mike to clarify the issue of why people who live outside the district cannot protest the creation of an RSID.

Mike Sehestedt said that by statute, only those people who will be paying the cost have the right to protest.

Ann Mary Dussault asked Mike Sehestedt, if in his opinion, the County had followed all legal procedures.

Mike Sehestedt answered in the affirmative.

Ann Mary Dussault asked Horace Brown about the cost of maintaining paved roads versus graded roads.

Horace Brown said the cost is more to maintain pavement over time, because it costs more to repair pavement, but the benefits far out-weigh the costs.

Janet Stevens asked Horace Brown if the costs for oiling would cease if the road was paved, and if the costs for maintaining the road would be spread over the entire County. He discussed paving options and what the paving material consisted of.

Ann Mary Dussault asked John DeVore how the interest rates for an RSID are calculated, and why the interest costs were not included in the RSID and could the assessment be paid off early.

John DeVore said the County doesn't quote the rates because the interest rates are determined at the time that the bonds are sold, and that figure is not known at the time of the creation. He said there is a penalty with prepayment because enough money has to be available to call a bond to stop the interest clock. He said it takes at least two owners who want to prepay before it is usually done.

Ann Mary Dussault asked if homeowners should notify the County if they want to pre-pay.

John DeVore said that would be the correct procedure.

Ann Mary Dussault asked John to explain the intent of the policy relative to the number of signatures required as an indication of interest in an RSID before the County gets involved.

John DeVore said that prior to 1955, the law required 60%, and that has since been changed, but the Missoula Board of County Commissioners kept that 60% as a guideline.

Barbara Evans asked how this particular RSID was initiated.

SEPTEMBER 21, 1988 (continued)

John DeVore said a group of interested people hired Stensatter, Druyvestein and Associates, who in turn, let the Commissioners know that they were working on this issue. He said that in short, this RSID was initiated by the neighborhood.

Janet Stevens moved and Barbara Evans seconded the motion to create the RSID, having heard and received the protests, and finding that they are less than 50% of the homeowners, and finding it in the public interest to do so.

Barbara Evans noted that it was a difficult decision, but only 35% of the homeowners don't want the RSID, but it would not be fair to the other 65% to deny them, and with the severe dust problem and health hazard and this area being in the air containment zone, she felt obligated to support the RSID.

The motion carried on a vote of 3-0.

John DeVore noted for the record that the project will be designed and will go out for construction and bond bids, and the costs will appear on the tax bills in November of 1990. Construction will occur during the summer of 1989.

There being no further business to come before the Board, the Commissioners were in recess at 3:30 p.m.

* * * * *

SEPTEMBER 22, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena where she attended the County Welfare Directors Meeting.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 88-102

The Board of County Commissioners signed Resolution No. 88-102, a resolution accepting an easement from Daniel R. and Linda K. McDonell for public road and all other public purposes, located in a portion of the SW 1/4 of Section 28, T. 13 N., R. 20 W., PMM, Missoula County, to be used in construction of the O'Brien Creek Road.

Amendment to Plan Document

The Board of County Commissioners signed an Amendment to the Plan Document of the Missoula County Comprehensive Medical Benefit Plan, deleting Section 3.08 "Extension of Benefits" and Section 3.10 "Terminal Benefits" in their entirety.

Master Agreement

The Board of County Commissioners signed the Master Agreement between Missoula County and the I.U.O.E. Local #400, the Butte Teamsters Union Local #2, and the Machinists Local #1434 (Road Department) for the period from July 1, 1988, through June 30, 1990, as per the articles set forth. The Agreement was returned to Kathy Crego in the Personnel Office for further handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

SEPTEMBER 23, 1988

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Stevens was out of the office all day because of illness, and Commissioner Evans was out of the office until noon.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

SEPTEMBER 26, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 88-103

The Board of County Commissioners signed Resolution No. 88-103, a resolution creating RSID No. 429 for the purpose of constructing street improvements on portions of Snow Bowl Road, Keegan Trail and Woodwind Trail, as per the terms set forth.

Resolution No. 88-104

The Board of County Commissioners signed Resolution No. 88-104, a resolution accepting an easement from G. Douglas and Marsha M. Hartsell for public road and all other public purposes, located in a portion of the NW 1/4 of Section 8, T. 13 N., R. 20 W., PMM, Missoula County, as per the terms set forth, to be used for the Kona Ranch Bridge Road.

Contract Amendment

The Board of County Commissioners signed an Amendment to the Missoula County Professional Services Contract with Mary Lou Gilman, which was signed on April 20, 1988, amending the contract as follows:

5. Other Payments: All other payments or reimbursements, other than those made to compensate for services, which are to be made under this agreement and for which complete documentation including a properly executed county claim form shall be provided in conjunction with appropriate written requests for payment, shall not exceed \$250.00 and payment thereof shall be made at the times, in the amounts, for the purposes, and to the parties hereinafter specified: reimbursement for mileage on personal vehicle at \$0.225 per mile.

Approval of Agreement

Chair Dussault signed approval of an Agreement regarding the transfer of dollars from Missoula County to Montana State University for the salary of the home economist, Angela Lappin, who is employed during Alice Dailey's leave of absence. The Agreement was returned to Jerry Marks in the Extension Office for further handling.

SEPTEMBER 26, 1988 (continued)

Other items included:

The Commissioners approved a request from County Surveyor, Horace Brown, to authorize the use of the State Department of Administration to purchase an FMC Sweeper, satisfying the specifications supplied by the State and under their Bid Agreement.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

SEPTEMBER 27, 1988

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Stevens was out of the office all afternoon.

Audit List

Commissioners Dussault and Stevens signed the Audit List dated September 27, 1988, pages 5-23, with a grand total of \$80,260.93. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Supplement to Cooperative Agreement

Acting Chairman Evans signed Supplement No. 2 to the Cooperative Agreement between the Missoula County Sheriff's Office and the U. S. Forest Service for the purpose of increasing the total amount of funding available to the Missoula County Sheriff by \$4,163.00, which brings the total budget up to \$24,372.00. The Supplement was returned to the Sheriff's Department for further signatures and handling.

Other items included:

The Commissioners appointed Gwen Schneiter as a member of Seeley Lake Community Council to serve until the School Election is held in April of 1991.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

SEPTEMBER 28, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #19 (9/04/88 through 9/17/88) with a total Missoula County Payroll of \$317,116.05. The Transmittal Sheet was returned to the Auditor's Office.

SEPTEMBER 28, 1988 (continued)

Notice of Sale of Bonds

Chair Dussault signed the Notice of Sale of Bonds for RSID No. 431 in the amount of \$330,000.00 for the purpose of improvements to the sanitary sewer system serving the El Mar Estates Subdivision, setting the sale date for November 2, 1988, at 1:30 p.m.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioner Barbara Evans and Janet Stevens.

Chair Dussault recessed the meeting of the Board of County Commissioners and reconvened as the Planning and Zoning Commission. In addition to the Commissioners, County Surveyor Horace Brown, and County Clerk and Recorder/Assessor Fern Hart were in attendance.

Hearing: Property Split - Zoning District #4 (Robert and Michael Catlin)

Information provided by John Torma, Planner from the Office of Community Development indicated that Robert and Michael Catlin are requesting approval to subdivide a 107 acre piece of land into 5 parcels of 20 acres or larger and to improve an existing private road. The property subject to this request is described as:

A tract of land located in the NE 1/4 of Section 4, Township 12 North, Range 19 West, PMM; said tract being those portions of those parcels recorded in Book 219 Micro, Page 780 and Parcel A, Book 261 Micro, Page 300, lying in Zoning District 4, excepting therefrom that parcel recorded in Book 237 Deeds, Page 195; all located in Zoning District #4.

He noted that on September 6, 1988, the Missoula Consolidated Planning Board recommended approval of this request; the staff had no recommendation, and that the request meets all requirements of the zoning district and that no building is proposed on the property at this time.

The hearing was opened for public comment. No one came forward to speak and the hearing was closed.

Horace Brown said that he had concerns that the proposed road may end up being the main road into a subdivision in the future.

Barbara Evans moved and Janet Stevens seconded the motion to approve the request to create five parcels of 20 acres or larger and to improve the existing private road in the property described as above. In addition, the letter of approval to the Catlins will indicate the concerns expressed by the County Surveyor relative to the road. The motion carried on a vote of 5-0.

The Planning and Zoning Commission then recessed. The meeting then reconvened as the Board of County Commissioners.

Janet Stevens moved and Barbara Evans seconded the motion to approve the recommendation of the Planning and Zoning Commission relative to the request of Robert and Michael Catlin to develop property in Zoning District #4. The motion carried on a vote of 3-0.

SEPTEMBER 28, 1988 (continued)

Hearing: Intent to Create RSID No. 431 (Sewer Improvements El Mar Estates)

Information provided by John DeVore indicated that RSID #431 is being proposed to finance the cost of improvements to the sewer system which serves the El Mar Estates and New Meadows Subdivision. The total projected cost of this project is \$330,000 exclusive of interest. The sewer system currently lacks sufficient land for spray irrigation, has a leak in the third holding cell and insufficient holding capacity for the months when spray irrigation is not possible. RSID 431 will correct these deficiencies. Staff has worked with the El Mar Estates Homeowners Association for the past three years and believes this project represents the best solution to the problem. During the protest period which ended September 21, 1988, four letters of protest were received out of 484 possible, or .008% of the freeholders. His recommendation was to create RSID #431.

Ann Mary Dussault asked him to give an indication of how the \$330,000 would be spent.

John DeVore said that approximately \$152,000 would go for purchasing the sewer easement; \$18,000 is the cost for correcting the leak in the holding cell; \$36,000 is projected for expansion of the holding capacity for the #3 cell; \$15,000 is needed to correct the intake structure; \$11,000 for an overflow device for the lift station; \$6,500 for modification of the lift station in El Mar Estates, \$20,000 for fencing the 38 acres; and \$7,250 for landscaping; \$20,000 for engineering costs; and 6% is County Administration; 5% for revolving fund; and the cost of issuing the bonds is \$9,000, and is reserved for a contingency fund in case of problems during construction.

The hearing was opened for public comment.

Jim Burkhart said there are 485 lots, not 483 in the proposed area. He said he was in favor of the RSID, and said the costs were only projections at this time, and could come in lower.

Ron Straight, a resident of El Mar, said he objects to the price, and asked why the houses on the other side of the road were ever put on the sewer system to start with.

Jake Jobe asked why another subdivision was being tied on to this RSID, when supposedly, they were taking care of their own, and their sewer system is o.k. He said the price of the land is outrageous, and what is being bought is wasteland. He said the sewer system is needed, but asked when the costs would stop, as the residents are already paying for four other RSID's.

No one else came forward to speak, and the hearing was closed.

John DeVore said the other SID's were for paving and for the original sewer and water systems. He said New Meadows was approved for connection to the El Mar Estates by the State Water Quality Bureau, as their system has had problems. The system is not being sized for more developments to be added on, and new builders would have to pay 100% of the cost to serve their property.

Janet Stevens moved and Barbara Evans seconded the motion to approve the creation of RSID #431, finding it in the public interest to do so, and finding that the 51% protest as required by law has not been met. The motion passed on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:00 p.m.

* * * * *

SEPTEMBER 29, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Bozeman where she attended the MT Magistrates Conference.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 88-105

The Board of County Commissioners signed Resolution No. 88-105, a resolution ordering that RSID No. 395 be provided a loan from the RSID Revolving Fund in the amount of \$124,071.00 in order to bring the account current with the bond maturity schedule, as per the terms set forth.

Public Telephone Agreement

Chair Dussault signed a Public Telephone Agreement between Mountain Bell dba U.S. West Communications and the Missoula County Jail for the purpose of installing, maintaining and servicing public telephones, as per the terms set forth, effective October 1, 1988, for 84 months or seven years, and locks in the standard compensation rates of \$10.00 per inmate phone. The Agreement was returned to John Breuer, Jail Captain, for further signatures and handling.

Budget Transfers

The Board of County Commissioners approved and signed the following Budget Transfers and adopted them as part of the FY'89 Budget:

- 1) No. 890005, a request from the Health Department to transfer \$3,300 from the Office Supplies account to the Audiovisual Materials account as an error was made in loading the budget changes;
- 2) No. 890006, a request from the Tamarack Federation of the Library to transfer \$1,000 from the Capital-Library Books account to the Mileage-Private Vehicle account as no money was budgeted for mileage to attend semi-annual meetings or bi-monthly State Library Commission meetings;
- 3) No. 890007, a request from Data Processing to transfer \$6,662 from the Personnel - 410580 (\$5,313) and Fringe - 410580 (\$1,349) accounts to the Personnel - 411842 (\$5,313) and Fringe - 411842 (\$1,349) accounts as the County match for the Board of Crime Control Grant '89 - County Attorney;
- 4) No. 890008, a request from the Sheriff's Department to transfer \$1,305 from the Public Relations (\$600) and Office Supplies (\$705) - 300-420110 accounts to the Telephone Basic Charge (\$230), Printing/Litho Costs (\$750), Office Supplies (\$225), and Dues & Memberships (\$100) - 010-410440 accounts to transfer County matching funds to the Victim Witness '89 grant; and
- 5) No. 890009, a request from the Commissioners Office to transfer \$550 from the Copy Costs (\$330) and Phone Basic Charge (\$220) - 410101 accounts to the Office Supplies (\$330) and Phone Basic Charge (\$220) - 410440 accounts to transfer County match to the Victim Witness '89 grant.

SEPTEMBER 29, 1988 (continued)Resolution No. 88-106

The Board of County Commissioners signed Resolution No. 88-106, a budget amendment for the Commissioners Office for FY'89, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
2315-675-410440-111 - Personnel	\$ 6,789.60
-141 - Fringe	1,723.20
-410441-328 - Child & Family Resource Council	3,500.00
-410442-328 - Friends to Youth	3,562.50
-410445-328 - Womens Place	4,500.00
-410446-328 - Battered Women's Shelter	5,250.00
-410443-328 - Victim Advocate	2,850.00

<u>Description of Revenue</u>	<u>Revenue</u>
2315-675-333002 - Victim Witness Assistance Grant '89	\$28,175.30

Resolution No. 88-107

The Board of County Commissioners signed Resolution No. 88-107, a budget amendment for the Sheriff's Department (Drug Forfeiture Fund) for FY'89, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2345-350-420147-111 Personnel	\$34,444.00
-141 Fringe	7,181.00

<u>Description of Revenue</u>	<u>Revenue</u>
2345-350-331120 New 11/1/88 - 6/30/89 Narcotics Grant Board of Crime Control	\$41,625.00

Resolution No. 88-108

The Board of County Commissioners signed Resolution No. 88-108, a budget amendment for Data Processing for FY'89, including the following expenditure and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
1000-230-411842-946 Computer Equipment	\$6,681

<u>Description of Revenue</u>	<u>Revenue</u>
1000-230-331009 Court Delay Grant '89	\$6,681

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Quarterly Jail Inspection

In the afternoon, Commissioners Dussault and Evans and Dan Corti of the Health Department conducted the quarterly inspection of the Missoula County Jail.

* * * * *

SEPTEMBER 30, 1988

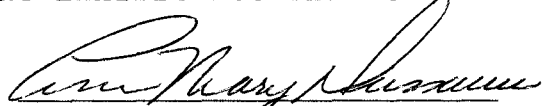
The Board of County Commissioners did not meet in regular session; Commissioner Stevens was in Helena attending a MACo Health & Human Services Committee meeting, and Commissioner Evans was out of the office all day.

License Agreements

Chair Dussault signed License Agreements between Missoula County and the following individuals, whereby the County is granted permission to occupy and use the premises solely for access and construction in the installation of a driveway to connect the premises with Loraine Drive as constructed under RSID No. 427, and for any other incidental purposes related thereto during the construction period, and will be terminated at the completion of the warranty period of RSID No. 427:

- 1) Jennette M. Lackman for the portion of Lot 9 of South Meadows Tracts as hachured on the Exhibit attached to the Agreement; and
- 2) Carol J. Jurasek for the portion of Lot 7 of South Meadows Tracts as hachured on the Exhibit attached to the Agreement.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

* * * * *

OCTOBER 3, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Plat

The Board of County Commissioners signed the plat for Seeley Lake Estates No. 3, a subdivision of Tract 22 of Seeley Lake Estates No. 2, located in the SW 1/4 of Section 1, T. 16 N., R. 15 W., PMM, Missoula County, a total gross area of 2.476 acres, with the owner of record being James A. Richards.

Agreement

Chair Dussault signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of conducting an AIDS community health education and risk reduction project, as per the terms set forth, for a total payment of \$12,000.00 and must be completed by June 30, 1989. The Agreement was forwarded to DHES in Helena.

Revised Sanitary Sewer Easement

The Board of County Commissioners signed acceptance of a Revised Sanitary Sewer Easement, dated September 19, 1988, from Brookside Estates, Inc. to Missoula County in conjunction with the Rattlesnake Sewer Project and required because Brookside changed their lot layout right before construction started on the project.

Budget Transfer

The Board of County Commissioners approved and signed Budget Transfer No. 890003 requested by the Health Department for the purpose of separating grant expenditures from County tax-supported activities, transferring the following amounts, and adopting it as part of the FY'89 budget:

- 1) transferring \$6,580.00 from the Physician Services - 445700 account to the Physician Services - 445704 (\$5,280) and Data Analysis - 445704 (\$1,300) accounts:
- 2) transferring \$300.00 from the Physician Services - 445700 account to the Office Supplies - 445704 (\$150) and Clinic Supplies - 445704 (\$150) accounts; and
- 3) transferring \$3,120.00 from the Physician Services - 445700 account to the Contracted Services - 445704 account.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

OCTOBER 4, 1988

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated October 4, 1988, pages 6-31, with a grand total of \$128,133.08. The Audit List was returned to the Accounting Department.

Monthly Reports

Chair Dussault examined, approved and ordered filed the monthly reconciliation reports of Justices of the Peace, David K. Clark and Michael D. Morris, for month ending September 30, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were considered:

- 1) the Commissioners appointed Amy Eaton of the Rural Planning Office to serve as Missoula County's representative on the MT Department of Fish, Wildlife, & Parks ad hoc committee addressing social, fishery and land use issues pertinent to the Rock Creek Basin;
- 2) a request by Carl Jordan for a refund on his motor vehicle tax was approved by the Board, and the County Treasurer will be instructed to issue the refund.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Tour

In the afternoon, Commissioner Stevens participated in a tour of the Plum Creek Lumber Operations in the Clearwater District.

* * * * *

OCTOBER 5, 1988

The Board of County Commissioners met in regular session; all three members are present.

Welcome

In the morning, Commissioner Stevens gave the Welcome at the opening session of the Montana Nurses Association State Convention, which was being held at the Sheraton.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

PROCLAMATION: MONTH OF PERSONS WITH DISABILITIES.

Barbara Evans moved and Janet Stevens seconded the motion to declare the month of October, 1988 as the Month of Persons with Disabilities. The motion carried on a vote of 3-0. The joint City/County proclamation was signed by the Board of County Commissioners.

OCTOBER 5, 1988 (continued)

Consideration Of: Doyle Addition, Summary Plat

Information from Barb Martens, Planner II, indicated that the Doyle Addition, a resubdivision of Lot 3, Block 11 Lake View Addition. Lot 1 is 11,916 square feet and Lot 2 is 26,737 square feet in size. A single family residence currently exists on Lot 1. Lots will connect to RSID 901, the public water and sewer system in Lolo. The property is in Zoning District 41A. This subdivision is in compliance with the zoning for this area. The Community Development staff recommended that Doyle Addition, a resubdivision of Lot 3, Block 11 of Lake View Addition be approved subject to the condition that sanitary restrictions shall be lifted by state and local health authorities, and the findings of fact set forth in the staff report. The staff recommends that the variance request for paving the first 20 feet of the driveway be denied, as state law requires that this be done.

Ann Mary Dussault asked if anyone wished to speak on the matter.

Gary Stensatter, representing the owners, thanked Barb Martens for her work and addressed the variance request. He said there was no indication of gravel leaving the present driveway or other problems since the driveway slopes toward the house and it is at the end of a cul-de-sac.

Bruce Meinders, said that in 1969 when the subdivision was built, all the utilities were underground, and they are within a foot of the pavement so they would not have to be dug up if any improvements were made. If the pavement were put in, many of the utilities would be covered up, and if any service was needed, it would cost more.

Janet Stevens asked Barb Martens about the other driveways in the area.

Barb Martens said that 2/3 of the driveways in the subdivision are paved, but in this particular cul-de-sac, none were paved.

Janet Stevens asked if it was normal that utilities be run under the driveways?

Barb Martens and Gary Stensatter said that was common.

Janet Stevens moved and Barbara Evans seconded the motion to grant approval of the Doyle Subdivision, subject to the conditions and findings of fact contained in the staff report. The motion carried on a vote of 3-0.

Barbara Evans moved that the variance be granted. The motion died for a lack of a second.

Janet Stevens moved and Ann Mary Dussault seconded the motion to deny the variance request based on the fact that it is legally mandated by state statute to pave this driveway. The motion carried on a vote of 2-1, Barbara Evans voting no.

There being no further business to come before the Board, the Commissioners were in recess at 1:50 p.m.

* * * * *

OCTOBER 6, 1988

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Evans was out of the office all afternoon.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Andy Lester of Lester Group, an independent contractor, for the purpose of writing custom dBase III+ programs for vehicle costs and maintenance and a master equipment list for the Sheriff's Department, as per the terms set forth, for the period from October 4, 1988, to December 1, 1988, for a total payment not to exceed \$1,100.00.

Resolution No. 88-109 FIXING TAX LEVIES FOR MISSOULA COUNTY FOR FISCAL YEAR 1988-1989

WHEREAS, the Board of County Commissioners of Missoula County, Montana has approved and adopted the Budget for Fiscal Year 1988-1989 as required by law; and

WHEREAS, budgets have been received from various taxing entities; and

WHEREAS, hearings have been held in compliance with State law and in reference to the number of mills to be levied; and

WHEREAS, the value of a mill has been determined as \$113,133 County-wide, and a value of \$69,123 outside the City limits, with other values as stated and certified by the Department of Revenue, State of Montana;

NOW, THEREFORE, BE IT RESOLVED by this Board of County Commissioners that the Resolution be adopted for Fiscal Year 1988-1989 as moved, seconded and passed by the Board and as detailed below:

MISSOULA COUNTY-WIDE FUNDS	MILLS
GENERAL FUND	39.82
BRIDGE FUND	4.00
POOR FUND	0.35
FAIR FUND	1.48
MUSEUM FUND	1.75
EXTENSION FUND	1.30
WEED	0.61
RODENT CONTROL	0.07
PLANNING FUND	1.60
DISTRICT COURT FUND	7.21
MENTAL HEALTH FUND	0.29
DEVELOPMENTALLY DISABLED	0.12
AGING FUND	0.79
PARK/RECREATION FUND	1.10
RSID REVOLVING	.58
AIRPORT BOND	0.29
LIBRARY BOND	0.49
RISK MANAGEMENT	2.74
AMBULANCE	0.02
JUDGMENT LEVY	1.00
CHILD DAYCARE	0.23
SPECIAL TRANSPORTATION	0.16
OPEN SPACE	0.41
LIBRARY	4.37
<u>TOTAL COUNTY-WIDE LEVY</u>	70.78

OCTOBER 6, 1988 (continued)

	MILLS
MISSOULA COUNTY-ONLY LEVY	
ROAD FUND	13.83
HEALTH FUND	7.30
<u>TOTAL COUNTY-ONLY LEVY</u>	21.13
CITY OF MISSOULA	129.76
MISSOULA COUNTY SCHOOLS	VARIOUS (SEE ATTACHMENT)
STATE OF MONTANA	
UNIVERSITY MILLAGE FUND	6.00
STATE ASSUMPTION/COUNTY WELFARE	12.00
SPECIAL FIRE DISTRICTS	
CLINTON RURAL	33.91
MISSOULA RURAL	32.76
ARLEE/JOCKO VALLEY RURAL	10.66
FLORENCE-CARLTON RURAL	16.63
EAST MISSOULA RURAL	22.54
FRENCHTOWN RURAL	5.60
SEELEY LAKE	17.83
OTHER SPECIAL DISTRICT LEVIES	
SOIL CONSERVATION	1.45
S.O.S. HEALTH CENTER	3.00
CARLTON CEMETERY	1.34
MISSOULA URBAN TRANSIT	9.82
MISSOULA COUNTY AIRPORT	2.00
SPECIAL ASSESSMENT DISTRICTS	
LOLO MOSQUITO CONTROL	VARIOUS (SEE ATTACHMENT)
JOCKO IRRIGATION	VARIOUS (SEE ATTACHMENT)
FRENCHTOWN IRRIGATION	VARIOUS (SEE ATTACHMENT)
MISSOULA IRRIGATION	VARIOUS (SEE ATTACHMENT)
FOREST FIRE PROTECTION ASSOC.	VARIOUS (SEE ATTACHMENT)
ELK MEADOWS WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
SEELEY LAKE REFUSE DISTRICT	VARIOUS (SEE ATTACHMENT)
BIG FLAT IRRIGATION	VARIOUS (SEE ATTACHMENT)
LORRAINE SO. WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
CLINTON IRRIGATION	VARIOUS (SEE ATTACHMENT)
SPECIAL IMPROVEMENT DISTRICTS	VARIOUS (SEE ATTACHMENT)

All of the above attached, approved and ordered entered into the official minutes of the Board of County Commissioners of Missoula County this 6th day of October, 1988

BOARD OF COUNTY COMMISSIONERS

OCTOBER 6, 1988 (continued)Proclamation

The Board of County Commissioners signed a Proclamation designating the week of October 9th through October 15th, 1988, as "Eligibility Workers Week In Missoula County" to honor eligibility technicians and clerical support in County welfare offices.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

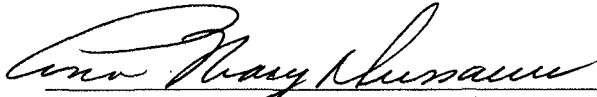
OCTOBER 7, 1988

The Board of County Commissioners met in regular session; all three members were present. All of the Commissioners attended the MACo District 11 Counties Meeting which was held in Room 201 all day.

Banquet

In the evening, Commissioner Dussault attended the Rocky Mountain Elk Foundation Banquet.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

* * * * *

OCTOBER 10, 1988

The Courthouse was closed for the Columbus Day holiday.

* * * * *

OCTOBER 11, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Agreement

Chair Dussault signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of establishing a program to prevent low birthweight within Missoula County, as per the terms set forth, for a total payment of \$10,030.00 and must be completed by June 30, 1989. The Agreement was forwarded to DHES in Helena.

Retainer Agreement

The Board of County Commissioners signed a Retainer Agreement, dated September 30, 1988, between Missoula County and William Boggs, Attorney at Law, for the purpose of representing indigent criminal defendants and all other persons who are entitled to court-appointed counsel in Missoula County, and whom the Office of the Missoula County Public Defender has determined it cannot represent on account of a conflict of interest, as per the terms and rates of pay set forth in the Agreement.

OCTOBER 11, 1988 (continued)Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula Community Business Incubator and Montana Wedgo, both non-profit corporations who provide assistance to microbusinesses in the area, for the purpose of authorizing \$20,000.00 of Missoula County CDBG Economic Development Project income funds for the following as per the terms set forth: \$2,500 for WEDGO operating expenses as local government match for the Northwest Area Foundation grant, and \$17,500.00 as a base for the revolving loan pool. The Agreement was forwarded to the corporations for signatures.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Banquet

In the evening, Commissioners Dussault and Stevens attended the MEDC Annual Banquet, which was held at the Holiday Inn Parkside.

* * * * *

OCTOBER 12, 1988

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Stevens was out of the office all afternoon.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated October 12, 1988, pages 5-31, with a grand total of \$94,785.27. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Plat

The Board of County Commissioners signed the plat for Doyle Addition, an urban subdivision and a resubdivision of Lot 3, Block 11, of Lake View Addition, a subdivision of Missoula County, located in the NW 1/4 SE 1/4 of Section 26, T. 12 N., R. 20 W., PMM, with the owners/subdividers being Bruce and Sharon Meinders.

Other matters included:

Commissioner Evans will be the representative from the Commissioners Office on October 18th at 9:00 a.m. at the designated Traffic Safety Improvement Area at 14th & Johnson.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present was Commissioner Barbara Evans.

OCTOBER 12, 1988 (continued)

BID AWARD: (3) 4-WHEEL DRIVE VEHICLES FOR SHERIFF'S OFFICE

Information provided by Doug Chase, Undersheriff, indicated that on September 23, 1988, bids for (3) 4x4 patrol vehicles were solicited. Four bids were submitted.

DeMarois Olds	\$40,768.32
Grizzly Auto	39,254.00
Karl Tyler Chev.	40,927.00
Bitterroot Motors	43,000.00

He indicated that the lowest bid was from Grizzly Auto in Missoula for a total, including trade-ins of three present 4x4's of \$39,254.00. He noted that the bid was for 1989 models, which are not to be received prior to December 1, 1988.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for (3) 4-wheel drive vehicles for the Sheriff's Office to Grizzly Auto for \$39,254.00. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:40 p.m.

* * * * *

OCTOBER 13, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a Council of County Officials Meeting.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made for month ending September 30, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Resolution No. 88-110

The Board of County Commissioners signed Resolution No. 88-110, a budget amendment for the Sheriff's Department for FY'89, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
G.E. Wide Band Radio & Installation - 1000-300-420110-346	\$2,030
King Portable Radio & Accessories - 1000-300-420110-346	585
Salary for Lt. McMeekin - Fire - 1000-300-420180-121	550
Salary for Sr. Dep. Ball - Fire - 1000-300-420180-121	450
14 Forest Service Patrols - 1000-300-342013	548

<u>Description of Revenue</u>	<u>Revenue</u>
U. S. Forest Service - 1000-300-342013	\$4,163

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

OCTOBER 14, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office all day.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

OCTOBER 17, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the transmittal sheet for pay period #20 (9/18/88 through 10/01/88) with a total Missoula County payroll of \$324,445.49. The transmittal sheet was returned to the Auditor's Office.

Other items included:

- 1) the Commissioners approved the document retention schedule for Centralized Services as submitted by Billie Blundell, and which will now be sent to the Department of Commerce for approval;
- 2) the Commissioners voted unanimously to postpone the canvass for the General Election until Monday, November 14th, 1988, as the Friday following the Election is the Veterans Day holiday; and
- 3) Hal Luttschwager's memo regarding Excess Liability Insurance was discussed, and the Commissioners concurred with his recommendation to purchase public entity broad form liability coverage of \$9M excess of a \$1M self-insured retention (deductible) from the States Insurance Group at a first-year premium of \$66,136.00 and authorized him to proceed.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

OCTOBER 18, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a MACo Economic Development Committee meeting. In the morning, Commissioner Evans served as the representative from the Commissioners Office at the designated Traffic Safety Improvement Area at 14th & Johnson.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated October 18, 1988, pages 5-28, with a grand total of \$73,258.98. The Audit List was returned to the Accounting Department.

OCTOBER 18, 1988 (continued)

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and Friends to Youth, whereby the County will purchase counseling services for victims of incest and their families, as per the terms set forth, for the period from October 23, 1988, through June 30, 1989, for a total amount of \$3,562.50 to be funded under the Missoula County Victim/Witness Assistance Program funded in part by the MT Board of Crime Control.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and Women's Place, whereby the County will purchase crisis intervention, counseling and advocacy services for victims of battering, sexual assault, rape and other types of domestic violence in Missoula County, as per the terms set forth, for the period from October 23, 1988, through June 30, 1989, for a total amount of \$7,410.00 to be funded under the Missoula County Victim/Witness Assistance Program funded in part by the MT Board of Crime Control.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Reception/Dinner

In the evening, Commissioners Dussault and Stevens attended the Montana Airport Management Association reception and dinner which was held at the Airport.

* * * * *

OCTOBER 19, 1988

The Board of County Commissioners met in regular session; all three members were present.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for month ending September 30, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Agreement

Chair Dussault signed an Agreement, dated October 1, 1988, between Missoula County and the Montana Highway Traffic Safety Administrator for the purpose of providing an experienced judge and a knowledgeable chemical dependency counselor at the ACT instructors training workshops to keep them informed on DUI laws and procedures, as per the terms set forth, for the period from October 1, 1988, through September 30, 1989, at a total estimated cost of \$1,600.00. The Agreement was forwarded to Helena.

OCTOBER 19, 1988 (continued)

Agreement

Chair Dussault signed an Agreement, dated October 1, 1988, between Missoula County and the Montana Highway Traffic Safety Administrator for the purpose of establishing a community-based comprehensive traffic safety program in Missoula County, as per the terms set forth, for the period from October 1, 1988, through September 30, 1989, at a total estimated cost of \$60,300.00. The Agreement was forwarded to Helena.

Other items included:

Commissioners Evans and Stevens agreed to attend the Advisory Committee for Cost Containment on the Health Plan Meeting which will be held on November 17th from 8 to 10 a.m. in the Extension Conference Room.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

BID AWARD: (1) 2 1/2 TON TRUCK- (SURVEYOR)

Information provided by Horace Brown, County Surveyor, indicated that bids were opened on October 17, 1988 at 10:00 a.m. with the following results: Missoula Truck Sales was the only bidder, at \$22,688.08. His recommendation was that the bid be awarded to Missoula Truck Sales. He indicated that \$25,000 had been budgeted for the purchase of this truck.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for a 2 1/2 ton truck to Missoula Truck Sales for \$22,688.08. The motion carried on a vote of 3-0.

HEARING: AMENDMENT TO FLOODPLAIN REGULATIONS

Information provided by Carol Jesse, Assistant Planner, indicated that this request, if passed, would amend Resolution #88-73, the Missoula County Floodplain Regulations. On September 20, 1988, the Planning Board held a public hearing on two proposed amendments to the County Floodplain Regulations. On October 4th, the Planning Board acted on these proposed amendments and recommended that they be adopted. These amendments deal with the following:

1. Allowing for maintenance of structures and/or artificial obstructions without requiring a permit; and
2. Including "artificial obstructions" in the definition of "alteration".

The Office of Community Development recommends that the Board of County Commissioners adopt the resolution amending the County Floodplain regulations.

The hearing was opened for public comment.

No one came forward to speak either in favor or against the amendments, and the hearing was closed.

Janet Stevens moved and Barbara Evans seconded the motion to approve the amendments to Resolution #88-73. The motion carried on a vote of 3-0.

OCTOBER 19, 1988 (continued)

Resolution No. 88-111

The Commissioners signed Resolution No. 88-111, amending Resolution #88-73, concerning Missoula County Floodplain Regulations.

HEARING: APPEAL OF PLANNING DIRECTOR'S DETERMINATION OF COMP PLAN: GARY MATSON

Information provided by Bud Hettich, Assistant Planner indicated that this was an appeal of an Office of Community Development decision that expanding a non-conforming laboratory structure at 8140 Flagler Drive does not comply with the Comprehensive Plan. Mr. Matson wishes to construct a new and larger laboratory (12'x60') in place of his existing (8'x28') mobile home laboratory. The site is located off Flagler Drive, bordered on the east/southwest by residential uses and on the north by his own home and open space. The Comp Plan recommends Urban Single Family with townhouses, duplexes and single family detached houses at a density of six units per acre, and the Planning Director concluded that the use was not in compliance with that plan or the provisions of the two resolution adopted to assist in its application to building permits. The staff recommendation was that the proposed expansion of the non-conforming laboratory be found not to comply with the Comprehensive Plan.

The hearing was opened for public comment.

Gary Matson, the owner of the lab in question, said his lab was good for the community and benefited the business sector. He acknowledged that the Comprehensive Plan and in rules in general were necessary, but that they needed to be interpreted for the good of all concerned. He then showed slides of his lab and of the surrounding area.

Ann Mary Dussault asked him how long he had been in business at the site:

Gary Matson said he had been in business for 13 years-seven in the new location.

Mike Sehestedt, Deputy County Attorney asked Mr. Matson if this new site would replace two existing sites.

Gary Matson answered in the affirmative.

Mike Sehestedt asked Mike Kress, Planning Director what kind of industry would be allowed in this area if it was zoned.

Mike Kress said that if this area was zoned, it would most likely be zoned for light industrial use and home occupations.

Janet Stevens asked Gary Matson if he had gotten any response from his neighbors about his lab.

Gary Matson said that all responses had been positive.

Janet Stevens noted for the record that this matter was before the Commissioners because there is no zoning in the area, and because Mr. Matson's proposed lab is surrounded by residential use. She said that Bud Hettich had made an accurate assessment of the situation, but that the appeal process is available to Mr. Matson to determine if there are extenuating circumstances.

Janet Stevens moved and Barbara Evans seconded the motion to approve the appeal of Gary Matson to expand a non-conforming laboratory structure at 8140 Flagler Drive with the following conditions:

OCTOBER 19, 1988 (continued)

1. The non-conforming use of a laboratory to process game animal teeth be permitted only for the present owner, Gary Matson, and any laboratory use on the premises must cease at which time Mr. Matson sells or otherwise vacates the property; and
2. The owner, Gary Matson, shall not expand the present laboratory use (processing game animal teeth) to other types of laboratory processes or to encompass a larger area of building coverage beyond that which is approved in this appeal; and
3. This use must be housed in a building which could be moved from the property or converted for a residential use upon cessation of the laboratory uses.

This finding is based on the following reasons:

1. That the purpose of the Comprehensive Plan is not to hinder a person's ability to do business, but to encourage new "clean" industries, thus creating a more stable economy; and
2. That the place of the lab and the uses would be beneficial to the community; and
3. No negative comments concerning the lab or the request for expanding the lab were received by the Commissioners.

The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:10 p.m.

Presentation of Diplomas

In the afternoon, Commissioner Dussault presented the diplomas to those completing the Management Seminar Training Sessions.

* * * * *

OCTOBER 20, 1988

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Evans was out of the office all afternoon.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein & Associates for the purpose of designing and constructing street improvements on Keegan Trail, Woodwind Trail and a portion of Snow Bowl Road (RSID No. 429), as per the terms set forth, for a total payment of \$9,606.00.

OCTOBER 20, 1988 (continued)Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein & Associates the purpose of providing professional services in connection with the El Mar Estates/New Meadows Sewer System Improvements Project (RSID No. 431), as per the terms set forth, for a total payment of \$20,000.00.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Panel

In the afternoon, Commissioner Dussault served on a Panel discussing the Employment of the Handicapped, which was held at Southgate Mall.

* * * * *

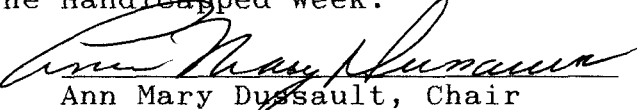
OCTOBER 21, 1988

The Board of County Commissioners met in regular session; all three members were present.

Awards Breakfast

In the morning, Commissioner Stevens attended an Employers Awards Breakfast held at Community Hospital in conjunction with Employment of the Handicapped Week.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

* * * * *

OCTOBER 24, 1988

The Board of County Commissioners met in regular session; all three members were present. In the morning, Commissioner Dussault attended a MT Statehood Centennial Committee Meeting which was held at the Village Red Lion.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were considered:

- 1) the Commissioners voted to approve paying for access to the State's computerized bill status system during the upcoming legislative session; and
- 2) the Commissioners authorized subscribing to The Pathfinder (Seeley Lake's newspaper) for one year.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

OCTOBER 25, 1988

The Board of County Commissioners met in regular session; all three members were present.

Groundbreaking Ceremonies

At noon, the Commissioners attended the Groundbreaking Ceremonies for the Inpatient Rehabilitation Center at Community Hospital.

Homeowners Association Meeting

In the evening, Commissioner Evans attended the Wapikiya Homeowners Association Meeting which was held at Russell School.

* * * * *

OCTOBER 26, 1988

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated October 26, 1988, pages 5-37, with a grand total of \$1,063,088.52. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula Child and Family Resource Council, whereby the County will purchase program coordination, advocacy and education services to benefit victims of child abuse and neglect in Missoula County, as per the terms set forth, for the period from October 23, 1988, through June 30, 1989, for a total amount of \$3,500.00 to be funded under the Missoula County Victim/Witness Assistance Program, funded in part by the MT Board of Crime Control.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and Watson's Receiving Home, whereby the County will purchase services for victims of abuse and neglect in Missoula County, as per the terms set forth, for the period from October 23, 1988, through June 30, 1989, for a total amount of \$14,250.00 to be funded under the Missoula County Victim/Witness Assistance Program, funded in part by the MT Board of Crime Control.

Other items included:

- 1) the request to move the bus stop to Rattlesnake School will be forwarded to Mountain Line requesting their attention to this matter; and
- 2) the Commissioners concurred with Cindy Wulfekuhle's (CDBG Office) recommendation that the County turn down Phil Young's (FmHA) offer to cash out the County for \$500 on Paula Stinger's promissory note, and counteroffer that payment of \$1,000 be made by FmHA to close out the account.

OCTOBER 26, 1988 (continued)

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order by Chair Ann Mary Dussault. Also present was Commissioner Janet Stevens.

Award of Bond Bids for RSID #430 (Colorado Gulch Water System)

Information provided by John DeVore, Administrative Officer, indicated that the following Bond Bids were received in response to the Notice of Sale:

	Net Effective Interest Rate
Robert Rangitsch	8.2%
D.A. Davidson	7.8336%
Grande & Co.	7.73%
Piper Jaffray & Hopwood	7.37%

His recommendation was to award the bond bid to Piper Jaffray and Hopwood which represents the best and most responsive bid.

Janet Stevens moved and Ann Mary Dussault seconded the motion to award the bond bid for RSID #430 to Piper Jaffray and Hopwood at 7.37%. The motion carried on a vote of 2-0.

The Board of County Commissioners was recessed, and the meeting was convened as the Planning and Zoning Commission. Also present besides the two Commissioners were Horace Brown, County Surveyor, and Fern Hart, Clerk and Recorder.

Information provided by Zoe Mohesky, Assistant Planner, indicated that the Planning and Zoning Commission had been convened to review a request by Philip and Robin Tawney to (1) create a parcel of land by re-establishing the boundary between Government Lot 7 and Tract A of COS #3416; (2) construct a new residence on Government Lot 7; and (3) move the log cabin presently on Government Lot 7 to a designated site location on Tract A of COS #3416. The property subject to this request is described as:

A tract of land located in the South 1/2 of Section 2, Township 12 North, Range 19 West, P.M.M. further described as Government Lot 7 and Tract A of COS #3416.

This property is part of Planning and Zoning District #4 in Pattee Canyon. She indicated that the Planning Board had recommended approval of this request on October 4, 1988, and the Planning Staff has no recommendation.

The hearing was opened for public comment

Phil Tawney, the owner of the property in question, said he was unclear at this time whether he wanted to do the building now or wait until the spring thaw. He said the development was all contingent upon the Health Department approval because of problems with the septic system. He indicated the proposed development on a map.

No one else came forward to speak, and the hearing was closed.

Fern Hart moved and Horace Brown seconded the motion to accept the request for approval to create a parcel of land by re-establishing the boundary between Government Lot 7 and Tract A of COS #3416; construct a new residence on Government Lot 7; and move the log cabin presently on Government Lot 7 to a designated site location on Tract A of COS #3416. This approval includes the additional access to the new garage that will be necessary, and is contingent upon the building being in substantial compliance with the plans that have been set before the

OCTOBER 26, 1988 (continued)

Commission on this date. The motion carried on a vote of 4-0.

The Planning and Zoning Commission were then in recess. The Board of County Commissioners was reconvened at this point. There being no further business to come before the Board, the Commissioners were in recess at 1:50 p.m.

* * * * *

OCTOBER 27, 1988

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Stevens was in Helena attending a MACo Health & Human Services Committee meeting, and Commissioner Evans was out of the office all afternoon.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the YWCA Battered Women's Shelter, whereby the County will purchase crisis intervention, shelter and related services for victims of domestic violence in Missoula County, as per the terms set forth, for the period from October 23, 1988, through June 30, 1989, for a total amount of \$9,263.00 to be funded under the Missoula County Victim/Witness Assistance Program, funded in part by the MT Board of Crime Control.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Diane L. Morin, for the purpose of providing the services of a Victims' Advocate in the Missoula County Sheriff's Office under the Missoula County Victim/Witness Assistance Program, as per the terms set forth, for the period from October 23, 1988, through June 30, 1989, for total compensation not to exceed \$2,850.00.

Budget Transfer Voided

Budget Transfer No. 890010, requested by the Health Department in conjunction with the funding for the Hazmat coordinator position, was voided as it should be a cash transfer.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY'89 budget:

No. 890011, a request from the County Auditor to transfer \$21,173 from the Women's Place - 410435 (\$2,910), YWCA Battered Women's Shelter - 410436 (\$4,013), and Watson's Receiving Home - 410434 (\$14,250) accounts to the Women's Place - 410445 (\$2,910), YWCA Battered Women's Shelter - 410446 (\$4,013), and Watson's Receiving Home - 410444 (\$14,250) accounts to transfer the County match for the Victim Witness Grant to the grant budget.

OCTOBER 27, 1988 (continued)Acceptance of Bond Offer

Chair Dussault signed acceptance of an offer from Piper, Jaffray & Hopwood, Inc. to purchase \$155,000.00 bonds for RSID No. 430 at a net interest rate of 7.3743%. The form was returned to John DeVore, Administrative Officer, for further handling.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY'89 budget:

No. 890013, a request from Financial Administration to transfer \$17,000 from the Contingency account to the General Fund Training Pool (\$4,000), Staff Training (\$12,000), and Tuition Reimbursement (\$1,000) accounts, as this money had been previously identified for County training programs.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

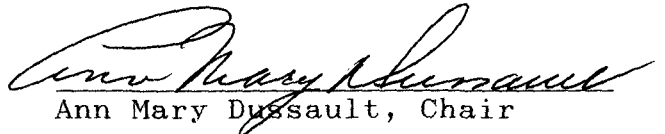
* * * * *

OCTOBER 28, 1988

The Board of County Commissioners met in regular session; all three members were present.



Fern Hart, Clerk & Recorder



Ann Mary Dussault, Chair

* * * * *

OCTOBER 31, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Proclamation

Commissioners Dussault and Stevens signed a Proclamation resolving that as the State of Montana prepares to celebrate its Centennial, the week of November 1st through November 7th be proclaimed as Nuclear-Free Zone Awareness Week and encourage all residents to celebrate this 10th anniversary of the Nuclear-Free Zone Declaration.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

NOVEMBER 1, 1988

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Evans was out of the office all afternoon.

Audit List

The Board of County Commissioners signed the Audit List, dated November 1, 1988, pages 5-25, with a grand total of \$86,015.08. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #21 (10/02/88 through 10/15/88), with a total Missoula County Payroll of \$316,456.50. The Transmittal Sheet was returned to the Auditor's Office.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

NOVEMBER 2, 1988

The Board of County Commissioners met in regular session; all three members were present.

Monthly Reports

Chair Dussault examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending October 31, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Agreement

Chair Dussault signed an Agreement, dated October 14, 1988, between Missoula County and the Montana Highway Traffic Safety Administrator for the purpose of providing staff personnel with broad based occupant restraint expertise and public relations capabilities to develop an approved plan and evaluation scheme to increase seat belt usage of the targeted age groups, as per the terms set forth, for a total payment not to exceed \$16,000. The Agreement was forwarded to Helena.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Janet Stevens and Barbara Evans.

Bond Bid Award - RSID #431 EL MAR ESTATES (Sewer System)

Information received from Jim Dopp, Operations Officer, indicated that one bid was received as follows:

D.A. Davidson & Co. Net Effective Rate 7.51%

NOVEMBER 2, 1988 (continued)

His recommendation was to award the bid to D.A. Davidson & Co. at a net effective rate of 7.51% for \$330,000.00 bonds for RSID #431 El Mar Estates Sewer System.

Janet Stevens moved and Ann Mary Dussault seconded the motion to award the bid to D.A. Davidson & Co. at a net effective rate of 7.51% for \$330,000.00 bonds for RSID #431 El Mar Estates Sewer System. The motion carried on a vote of 2-0.

Occasional Sale: Hellgate Land Co.

Information provided by Colleen Dowdall, Deputy County Attorney, indicated that the tract proposed for division is a portion of the former Chicago, Milwaukee, St. Paul and Pacific Railway right of way. This parcel was created a little over a year ago by Certificate of Survey #3478 using the occasional sale exemption to the Subdivision and Platting Act. In addition, Hellgate Land Co., previously divided the land with the use of an exemption. The proposal was referred because of the history of the tract being divided previously with the use of an exemption and because this applicant has previously divided land using exemptions.

The hearing was opened for public comment.

Dick Ainsworth, of PCI, representing the developer, explained the history of the parcel and said that the present owner has never done an occasional sale.

Barbara Evans moved and Janet Stevens seconded the motion to approve the Certificate of Survey and Remainder exemption to divide Parcel A of COS #3478 for the following reasons:

1. There does not appear to be any evidence that an attempt is being made to evade the Montana Subdivision and Platting Act.
2. The applicant has not used the occasional sale exemption within the past year.

The motion carried on a vote of 3-0.

Occasional Sale: Garfield Jermunson

Information provided by Colleen Dowdall, Deputy County Attorney, indicated that the tract proposed for division is a portion of the former Chicago, Milwaukee, St. Paul and Pacific Railway right of way. This parcel was created a little over a year ago by Certificate of Survey #3478 using the Occasional Sale exemption to the Subdivision and Platting Act. The proposal was referred because of the history of the tract being divided previously with the use of an exemption.

The hearing was opened for public comment.

No one came forward to speak and the hearing was closed.

Barbara Evans moved and Janet Stevens seconded the motion to approve an occasional sale and remainder exemption to divide the above mentioned property based on the following reasons:

1. There does not appear to be any evidence that an attempt is being made to evade the Montana Subdivision and Platting Act.
2. The applicant has not used the occasional sale exemption within the past year.

The motion carried on a vote of 3-0.

NOVEMBER 2, 1988 (continued)

Consideration of: Revocation of Agricultural Covenant (Larry Kolb)

Information provided by Colleen Dowdall, Deputy County Attorney, indicated that in 1977 when this COS was created, there was no reserve capacity in the Lincoln Hills drainfield system. So Tract "B" the normal remainder parcel was placed under sanitary restrictions by Agricultural Covenant until a public sewer became available. Tract "B" was included in County RSID 414 for two sewer units and the city sewer was completed in August, 1988. Therefore, the parcel can now have the restrictions lifted by the State of Montana and the covenant by Missoula County. MCA 76-3-207 (c) allows the agricultural covenant to be lifted "by the mutual consent of the governing body and property owner".

No one came forward to speak on the issue.

Barbara Evans moved and Janet Stevens seconded the motion to approve the request to lift the existing agricultural exemption on Tract B of COS 1947 based on the fact that public sewer facilities are now available for this property and that the sanitary restrictions can now be lifted. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:47 p.m.

* * * * *

NOVEMBER 3, 1988

The Board of County Commissioners met in regular session; all three members were present.

Indemnity Bonds

Chair Dussault examined, approved and ordered filed the following Indemnity Bonds:

- 1) naming Colborn School Supply Co. as principal for warrant #027966, dated October 12, 1988, on the School District #1 claims fund in the amount of \$755.22 as the warrant was stolen from the bank in Billings; and
- 2) naming Colborn School Supply Co. as principal for warrant #6151C, dated October 12, 1988, on the Frenchtown School District #40 claims fund in the amount of \$8,103.00 as the warrant was stolen from the bank in Billings.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Affidavit

The Board of County Commissioners signed an Affidavit requested by the Montana Centennial Commission stating that the Western Montana Fair and Race Meet is a County entity. The Affidavit was returned to Sam Yewusiak, Fair Manager, for further handling.

NOVEMBER 3, 1988 (continued)Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Sheriff's Department and adopted it as part of the FY'89 budget:

No. 890014, a request to transfer \$500 from the Drug Enforcement account to the Capital Tech. account to cover the difference in the trade-in price of the Pontiac Fiero, which is inadequate, and the purchase of a larger Chevrolet vehicle.

Promotion

The Board of County Commissioners signed a memo to Kathy Crego, Personnel Director, stating that effective November 14, 1988, Hal Luttschwager, Risk Manager, will be promoted to a department-head level and will also be designated as Plan Administrator for the self-funded health and dental insurance programs and will assume supervisory responsibility for the claims processing staff; he will report directly to the Commissioners and his annual salary will be increased to \$30,000.

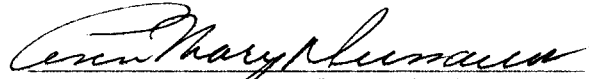
The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

NOVEMBER 4, 1988

The Board of County Commissioners met in regular session; all three members were present.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

* * * * *

NOVEMBER 7, 1988

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Evans was out of the office all afternoon.

Plat

The Board of County Commissioners signed the plat for Sorrel Springs, Lot 17, amending Lot 17, a subdivision of Missoula County, located in the E 1/2 of Section 21, T. 15 N., R. 21 W., PMM, with the owner of record being Horizon Enterprises, Inc.

Resolution No. 88-112

The Board of County Commissioners signed Resolution No. 88-112, a resolution creating RSID No. 431 for the purpose of engineering, construction, and correcting the deficiencies in the sanitary sewer system which serves the El Mar Estates Subdivision, as per the terms set forth.

Agreement

Chair Dussault signed an Agreement between Missoula County and the Montana Department of the Health and Environmental Sciences for the purpose of assisting Missoula County to conduct its own air pollution control program, as per the mutual covenants and stipulations set forth, to be completed by June 30, 1989, for a total payment of \$37,410. The Agreement was forwarded to Helena.

* * * * *

NOVEMBER 8, 1988

The Courthouse was closed for General Election Day.

* * * * *

NOVEMBER 9, 1988

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated November 9, 1988, pages 6-29, with a grand total of \$92,466.43. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit, whereby Missoula County agrees to permit Thomas C. and Anne Dupont Bensen to encroach upon a portion of County right-of-way known as Rattlesnake Drive, located in Section 35, T. 14 N., R. 19 W., adjacent to Lot 4, Block 6, Siesta Acres Number 3; the encroachment shall be limited to the existing fence, and is effective for a period not to exceed ten (10) years, renewable at the option of the County.

Certification of Mileage

The Board of County Commissioners signed a memo to the Planning and Statistics Bureau of the State Department of Highways certifying that the rural road mileage in Missoula County, exclusive of the Federal-Aid Interstate and Primary systems, amounts to 1510.907 miles.

Quarterly Report

Chair Dussault signed the Quarterly Report for the first quarter (July-September) for the Health Department's MCH Block Grant. The report was forwarded to the Department of Health & Environmental Sciences in Helena.

Acceptance of Bond Proposal

Chair Dussault signed on behalf of Missoula County accepting the Good Faith Check for \$6,600 and the bond proposal, dated October 31, 1988, from D. A. Davidson & Co. to purchase \$330,000 of R.S.I.D. No. 431 bonds, as per the terms set forth. The proposal was returned to John DeVore, Administrative Officer, for further handling.

Other items included:

The Commissioners signed a letter to Wyman D. Babby, Agency Superintendent of the Flathead Agency, submitting their recommendation for membership on the Mission Valley Power Consumer Council, with the nominee from the part of Missoula County lying within the Flathead Reservation being Bill Samsel. The recommendations will be considered on December 7, 1988, and those individuals selected will be notified on December 12, 1988.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

NOVEMBER 9, 1988 (continued)

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

Consideration Of: Gustafson Addition No. 2 (Resubdivision of Massey-McCullough Acres - Tract 6) Summary Plat

Information provided by Barbara Martens, Planner II, indicated that Gustafson Addition II, indicated that Gustafson Addition II, a resubdivision of Massey McCullough Acres Tract 6, is a proposed five lot residential subdivision for property located between St. Francis and St. Thomas Drives. The total acreage is 8.70 acres, with 7.70 acres proposed as lotted area and 1.00 acres proposed as common area. The staff is recommending that the common area be deleted and that cash-in-lieu of parkland be given. This subdivision is in compliance with the zoning for this area. The recommendation is that the Gustafson Addition be approved subject to the following conditions and the findings of fact set forth in the staff report.

Conditions

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The developer shall delete the lot shown as common area on the plat and shall instead be required to give cash-in-lieu of parkland. The lots shall then be redesigned to incorporate the common area into the proposed five lots. The redesign shall be subject to the approval the Director of the Office of Community Development. If the developer wishes to appeal the Director's decision, this appeal shall be made to the Board of County Commissioners within thirty (30) days of this decision.
3. All lot owners shall apply to the County Surveyor's Office for approach permits.
4. Sight distances shall be approved by the County Surveyor's Office.

Ann Mary Dussault asked if anyone wished to address the Commissioners regarding this issue.

Gilbert Larson, of Stensatter, Druyvestein and Associates, representing the Gustafsons, expressed his gratitude and appreciation to the Commissioners and the Planning Staff for their cooperation and assistance. He said his client agrees with all the conditions except number two. He asked that the common area not be deleted, as the Comp Plan calls for the park or common area to be included in a development of this size. He said this subdivision would be in harmony with the guideline and with the area. In addition, he suggested that a maintenance RSID be created for the park. He noted that there were very few developed parks in this area, and Marilyn Park is quite a distance away. He said he had attempted to get responses from the neighbors regarding the proposal, but they had not been especially responsive. He did notethat one neighbor had submitted a letter in support. He said that the Health Department had set a limit of five lots on this tract until the sewer is developed, and there is enough potential density so that the proposed park would be used.

Bob McHugh, 6190 St. Thomas Drive, said that he thought that the homeowners should have been contacted considering that the residents will have to pay the RSID for the park.

NOVEMBER 9, 1988 (continued)

Ann Mary Dussault said the RSID would be paid for only by the five lot owners involved.

Janet Stevens asked how much of the one acre is steep, and is it undevelopable.

Barb Martens said that the majority of the one acre tract is very steep, and the Planning Staff did not feel that the area is appropriate for a common area.

Gilbert Larson said that it is a 25% grade, there are some trees on it, and some green area could be developed as a park rather than a recreational area.

Ann Mary Dussault asked what the cash-in-lieu value was.

Barb Martens indicated that that had not yet been determined.

Janet Stevens asked if there were another area in this tract that could be developed as a park.

Gilbert Larson said that there was, but this area was chosen because the developers felt that the common area should have common access.

Ann Mary Dussault noted for the record that Missoula County has a lot of junk property that is classified as parkland/open space, and she wished to make it clear that the County would not be accepting that kind of deal anymore.

Gilbert Larson noted that the developer thinks that if the problem is maintenance, an RSID is the only way to accomplish that.

Janet Stevens moved and Barbara Evans seconded the motion to approve the summary plat of the Gustafson Addition No. 2, subject to the findings of fact in the staff report and the following conditions:

Conditions

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The developer shall delete the lot shown as common area on the plat and shall instead be required to give cash-in-lieu of parkland. The lots shall then be redesigned to incorporate the common area into the proposed five lots. The redesign shall be subject to the approval the Director of the Office of Community Development. If the developer wishes to appeal the Director's decision, this appeal shall be made to the Board of County Commissioners within thirty (30) days of this decision.
3. All lot owners shall apply to the County Surveyor's Office for approach permits.
4. Sight distances shall be approved by the County Surveyor's Office.

The motion carried on a vote of 3-0.

Consideration of and Decision on Amendment to Section X, 4100 and Section XII of Air Pollution Regulations (Solid Fuel Devices and Air Stagnation Plan).

NOVEMBER 9, 1988 (continued)

Jim Carlson, Air Programs Coordinator with the Health Department, indicated that the Federal Government had dropped the TSP particulate standard and adopted a PM10 in the Missoula County air stagnation plan. There are other changes which clarify the responsible party for homes during alerts, clarification of powers during toxic air pollution releases and housekeeping changes. The Air Pollution Control Board has conducted two hearings on these amendments and they have subsequently been approved by the State Department of Health.

Ann Mary Dussault noted for the record that there had been a very small turnout at the hearings.

Barbara Evans moved and Janet Stevens seconded the motion to approve and enact the changes to Section XII and X 4100 of the Missoula City County Air Pollution Control Program. The motion carried on a vote of 3-0.

Resolution No. 88-113

The Board of County Commissioners signed Resolution No. 88-113, a resolution amending the Missoula City-County Air Pollution Control Program.

There being no further business to come before the Board, the Commissioners were in recess at 2:20 p.m.

* * * * *

NOVEMBER 10, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office all day because of illness.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 88-114

The Board of County Commissioners signed Resolution No. 88-114, a budget amendment for the Health Department for FY'89, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447400-357 Meals, Lodging, Incidentals	\$ 600.00
-359 Mileage - Private Vehicle	200.00
-327 Consultants	800.00
	<u>\$1,600.00</u>

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-333400 ACT Grant	\$1,600.00

New Contract from NHTSD No. 89-01-05-1

NOVEMBER 10, 1988 (continued)Resolution No. 88-115

The Board of County Commissioners signed Resolution No. 88-115, a budget amendment for the Health Department for FY'89, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
2270-612-447-300-111 Permanent Salaries	\$ 6,925.00
-141 Fringe Benefits	1,625.00
-301 Postage	350.00
-307 Copy Costs	500.00
-311 Printing	500.00
-321 Toll Calls	350.00
-328 Contracted Services	1,500.00
-359 Mileage - Private Vehicle	250.00
	<u>\$12,000.00</u>

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-331332 AIDS/HERR	\$12,000.00
New Contract from DHES No. 900256	

Resolution No. 88-116

The Board of County Commissioners signed Resolution No.88-116, a budget amendment for the Health Department for FY'89, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
(As listed on sheet attached to Resolution in the Budget File)	\$60,300.00

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-331320 Traffic Safety FY 89-90	\$60.300.00
New Contract from NHTSD No. 89-08	

Other items included:

The Commissioners approved the proposal for the Senior Citizens Bus, contingent upon the City approving its share of the costs.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Luncheon Meeting

At noon, Commissioners Dussault and Stevens attended the MT Petroleum Association luncheon meeting held at the Village Red Lion.

* * * * *

NOVEMBER 11, 1988

The Courthouse was closed for the Veterans Day holiday.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

NOVEMBER 14, 1988

The Board of County Commissioners met in regular session; all three members were present.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for month ending October 31, 1988.

Election Canvass

In the forenoon, Commissioners Evans and Stevens and County Auditor, Susan Reed, served as the Board of Canvassers for the General Election which was held November 8, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Contract

The Board of County Commissioners signed a contract between Missoula County and 4G Plumbing & Heating for construction, installation, and completion of water system improvements at Lolo, MT, as per the terms set forth, for a total payment of \$2,250.00, and is to be completed in 30 days from the Notice to Proceed. The contract was returned to Jim Dopp, Operations Officer, for further handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

NOVEMBER 15, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was out of the office November 15th through November 17th.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated November 14, 1988, pages 9-24, with a grand total of \$31,330.45. The Audit List was returned to the Accounting Department.

Monthly Report

Acting Chairman Evans examined, approved and ordered filed the report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending October 31, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #22 (10/16/88 through 10/29/88) with a total Missoula County Payroll of \$315,231.13. The Transmittal Sheet was returned to the Auditor's Office.

NOVEMBER 15, 1988 (continued)

Other items included:

Commissioners Dussault and Evans will serve on the Selection Committee to fill the vacancy on the MUTD (Missoula Urban Transportation District) Board.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Luncheon Meeting

At noon, Commissioners Evans and Stevens attended a Land Trust luncheon meeting, which was held at the Village Red Lion.

Banquet

In the evening, Commissioner Stevens attended the Chamber banquet, which was held at the Holiday Inn.

* * * * *

NOVEMBER 16, 1988

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Stevens was out of the office until noon, and Commissioner Evans was at a Planning Meeting at the Fairgrounds in the forenoon.

PUBLIC MEETING

The meeting was called to order at 1:30 by Acting Chairman Barbara Evans. Also present was Commissioner Janet Stevens.

Bid Award: One (1) Portable Jaw-Cone Crushing System-Surveyor

Information from Horace Brown, County Surveyor, indicated that only one bid had been received, from Hall-Perry in the amount of \$336,298.00. He recommended that the bid be rejected as only \$135,000 had been budgeted for this item.

Janet Stevens moved and Barbara Evans seconded the motion to reject the bid for the portable jaw-cone crushing system. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:35 p.m.

* * * * *

NOVEMBER 17, 1988

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Evans was out of the office all afternoon.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

NOVEMBER 17, 1988 (continued)

Resolution No. 88-117

The Board of County Commissioners signed Resolution No. 88-117, a budget amendment for the Health Department for FY'89, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
(As listed on sheet attached to the Resolution in the Budget File)	\$15,936.00
<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-333009 Youth Seat Belt Program	\$15,936.00

The minutes of the daily administrative meeting are on file in the Commissioners Office.

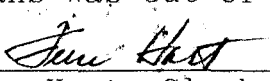
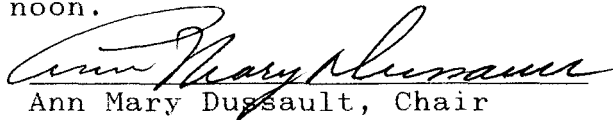
Forum

In the evening, Commissioner Evans attended the MT Biotechnology Industry Collaboration Forum, which was held at the University of Montana.

* * * * *

NOVEMBER 18, 1988

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Seattle, WA where she attended a Northwest Policy Center Leadership Council Meeting on November 18th and 19th; Commissioner Stevens attended the Mental Health Board Meeting at Fort Missoula all day; and Commissioner Evans was out of the office until noon.

 Fern Hart, Clerk & Recorder	 Ann Mary Dussault, Chair
--	--

* * * * *

NOVEMBER 21, 1988

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was on vacation November 21st through the 23rd, and Commissioner Dussault was out of the office all day.

* * * * *

NOVEMBER 22, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Colborn's as principal for warrant #9377, dated October 11, 1988, on the Missoula County High Schools Fund in the amount of \$350.63 and was stolen in a bank robbery in Billings.

NOVEMBER 22, 1988 (continued)

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

MCH Block Grant Supplemental Funds

Chair Dussault signed the form requested by DHES regarding the distribution of additional Maternal and Child Health Services Block Grant Funds for Fiscal Year 1989, indicating that Missoula County prefers the formula distribution, which will be modified to include ambulatory care for pregnant women, mothers and children through the Health Department's outpatient clinic. The form was forwarded to Helena.

Pension Fund Standard Contract Language

Chair Dussault signed the I.A.M. (International Association of Machinists) Pension Fund Standard Contract Language (Plan A, A Benefits, Plan B), as per the items set forth, to update with contract with the Missoula County Road Department employees. One copy was returned to Gary A. Taylor at the I.A.M. Office in Butte and one copy was forwarded to the County Personnel Office.

Other items included:

- 1) the Commissioners authorized prepayment of the 3rd Quarter payment to the Missoula Food Bank; and
- 2) the City Incentives Program was discussed with Jim Carlson of the Health Department; the Commissioners approved the Health Department's access to property data, as long as the application to the Water Quality Bureau for funding projects has been submitted and does not threaten or compete with County projects (Seeley Lake in this case).

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Presentation and Dinner

In the evening, Commissioners Dussault and Stevens attended the MT Banker's Association Presentation and Dinner, which was held at the Holiday Inn.

* * * * *

NOVEMBER 23, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated November 23, 1988, pages 5-35, with a grand total of \$78,402.15. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

NOVEMBER 23, 1988 (continued)Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Sorenson & Company for the purpose of designing and constructing a water service connection from facilities built under RSID No. 395 to the Colorado Gulch Water System (RSID No. 430), as per the terms set forth, for a total amount of \$12,663.50.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Bob Martin, an independent contractor, for the purpose of conducting pibal soundings for the Health Department to provide weather information for the air pollution control program, as per the terms set forth, for the period from December 1, 1988, through February 28, 1989, for a total amount not to exceed \$1,200. The Contract was returned to the Health Department for further signatures and handling.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1988, between Missoula County and The Western Montana Regional Community Mental Health Center, whereby the County will purchase mental health services for Missoula County residents, as per the terms set forth, for the period through June 30, 1989, for a total amount of \$35,030.00. The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present was Commissioner Barbara Evans.

There being no business to come before the Board, the Commissioners were in recess at 1:31 p.m.

* * * * *

NOVEMBER 24, 1988

The Courthouse was closed for Thanksgiving Day.

* * * * *

NOVEMBER 25, 1988

The Courthouse was closed for the Heritage Day holiday.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

NOVEMBER 28, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Certifications of Acceptance

Chair Dussault signed Certifications of Acceptance for County Maintenance of the following roads:

- 1) Loraine Drive, Road No. 0646, located in Section 18, T. 12 N., R. 19 W., constructed under RSID No. 427, for .552 miles; and
- 2) Stonehaven Avenue, Road No. 0647, located in Section 18, T. 12 N., R. 19 W., constructed under RSID No. 427, for .104 miles.

The Certifications were returned to the Surveyor's Office.

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #23 (10/30/88 through 11/12/88) with a total Missoula County Payroll of \$321,295.88. The Transmittal Sheet was returned to the Auditor's Office.

Amendment to Agreement

Chair Dussault signed an Amendment to the Smart Heart Program Agreement, amending the section titled SCOPE to read as follows:

SCOPE: This program will be provided for not more than one hundred fifty (150) members of the Plan.

The parties agree that the compensation provided under the section titled SEMINAR is amended to fourteen dollars and fifty cents (\$14.50) per attendee for those who participate after November 1, 1988.

The Amendment was returned to Hal Luttschwager, Risk Manager, for further handling.

Other items included:

The Commissioners authorized renewing one subscription to the Montana Business Quarterly for three years.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

NOVEMBER 29, 1988

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated November 28, 1988, pages 4-30, with a grand total of \$826,479.65. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Virginia Tribe, an independent contractor, for the purpose of planning and designing a community problem solving process concerning the issue of medical indigence in Missoula, as per the terms set forth, for the period from November 14, 1988, through January 10, 1989, for a total amount not to exceed \$2,500. The contract was returned to the Health Department for further signatures and handling.

Certifications of Acceptance

Chair Dussault signed Certifications of Acceptance for County Maintenance of the following roads:

- 1) Lena Lane, Road No. 0877, located in Section 26, T. 13 N., R. 20 W., for .144 miles; and
- 2) Sycamore Street, Road No. 1041, located in Section 14, T. 13 N., R. 19 W., for .020 miles.

The Certifications were returned to the Surveyor's Office.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Panel

In the evening, Commissioner Dussault served on a panel at the MT Taxation Conference, which was held in the City Council Chambers at City Hall.

* * * * *

NOVEMBER 30, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Agreement for Services

The Board of County Commissioners signed an Agreement for Services, dated November 16, 1988, between Missoula County and John B. Stone, for the purpose of snow plowing the Sunset Hill Road in the Greenough area (from the Blackfoot Bridge to the first ranch driveway), as per the terms set forth, for the period from December 26, 1988, through March 15, 1989, for a total amount not to exceed \$2,000.

NOVEMBER 30, 1988 (continued)

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Extension Office, and adopted it as part of the FY'89 budget:

No. 890015, a request to transfer \$6,186.00 from the Permanent Salaries account to the Contracted Services account for the home economist position which is currently being contracted through MSU Extension Service.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

There being no business to come before the Board, the Commissioners were in recess at 1:31 p.m.

* * * * *

DECEMBER 1, 1988

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left for Great Falls at noon to attend a WIR (Western Interstate Region) Board meeting later in the afternoon.

Monthly Reports

Chair Dussault examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for the month ending November 30, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Local Unit No. Three, Montana Public Employees Association, for the purpose of promoting harmonious relations between the Employer and the Association, establishing an equitable and peaceful procedure for resolving differences, and establishing rates of pay, hours of work, fringe benefits and other conditions of employment, as per the articles set forth, for the period from July 1, 1988, through June 30, 1990. The Agreement was returned to the Personnel Office for further handling.

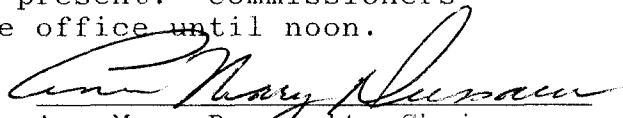
The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

DECEMBER 2, 1988

The Board of County Commissioners met in regular session in the afternoon; all three members were present. Commissioners Dussault and Evans were out of the office until noon.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

* * * * *

DECEMBER 5, 1988

The Board of County Commissioners met in regular session; all three members were present.

Welfare Advisory Board

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Carole Graham, Welfare Director, for their regular monthly meeting.

* * * * *

DECEMBER 6, 1988

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated December 6, 1988, pages 5-38, with a grand total of \$130,473.40. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #24 (11/13/88 through 11/16/88) with a total Missoula County Payroll of \$324,539.53. The Transmittal Sheet was returned to the Auditor's Office.

Agreement

The Board of County Commissioners signed an Agreement for Professional Services between Missoula County and Sorenson & Company for the Seeley Lake Waste Water Facility, as per the terms set forth, with the total amount not to exceed the estimated fee of \$36,400.00.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

DECEMBER 7, 1988

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Thomas L. Payne, an independent contractor, for the purpose of winter groundskeeping at the Art Museum, as per the terms set forth, for the period from November 14, 1988, until the end of the snow season in 1989, for compensation at the rate of \$4.00 per hour.

Project Proposal

The Board of County Commissioners signed a County of Missoula/State of Montana Timber Bridge Initiative Demonstration Bridge Project Proposal for the Petty Creek Bridge PC-2 Project, located on Petty Creek Road 6 miles south of Interstate 90, about 35 miles west of Missoula, as per the items set forth. The Proposal was returned to Horace Brown, County Surveyor, for further signatures and handling.

DECEMBER 7, 1988 (continued)

Other items included:

The Commissioners approved a request from Rachel Vielleux, County Superintendent of Schools, to hire a new secretary with an effective starting date of December 27th because of being short-staffed in the office due to two employees leaving in December.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

Bid Award: Contractor Snow Plowing (Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that bids for contract snow plowing in Seeley Lake were opened December 5, 1988 with the following results:

25-06 Construction \$45.00 per hour - motor patrol.

His recommendation was to award the bid to 25-06 Construction with a \$500 minimum for the season.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for contract snow plowing in Seeley Lake to 25-06 Construction with a \$500 minimum for the season. The motion carried on a vote of 3-0.

Consideration Of: Cottonwood Addition- Amended Plat of Lots 72 & 73, Orchard Home Company's Addition No. 6 (Summary Plat)

Information provided by Barb Martens, Planner Ii, indicated that Cottonwood Addition, an Amended Plat of Lots 72 & 73, Orchard Home Company's Addition No. 6, is a proposed five lot residential subdivision located just south of North Avenue and east of Maclay's Bridge. The total acreage is 9.51 acres, with 8.12 acres proposed as lotted area, 1.02 acre proposed as common area and 0.37 acres in road right-of-way. Also proposed directly to the east of this development is a four-lot subdivision, Melchris Addition. Although they are two separate subdivisions owned and being developed simultaneously by separate parties, they will share a common access road, Edward Court. This subdivision is in compliance with the zoning for this area. The staff recommends that this summary plat be approved subject to the findings of fact set forth in the staff report and the following conditions:

Conditions

1. Grading, drainage, erosion control and street plans shall be approved by the County Surveyor's Office.
2. Sanitary restrictions shall be lifted by state and local health authorities.
3. The developer shall incorporate into the covenants the revised wording for Section 13 - Environmental Concerns. The wording shall be as follows:

House sites will be restricted to the upper bench area, except that daylight basements on the edge of the upper bench area are permitted.

DECEMBER 7, 1988 (continued)

The lower bench located within the 100 year floodplain will be managed to protect the land from the effects of a flood.

Each owner will take specific precautions to protect the river bank. Livestock shall be fenced away from the river to protect the bank. Preservation of natural vegetation along the riverbank, especially the large cottonwood trees, is strongly encouraged. A lot owner may remove vegetation from the riverbank to improve the view and access to the river; however, such removal shall be limited to fifty percent (50%) of the riverbank on each lot. The removal shall be done in a manner that will not cause additional erosion of the bank, and the owner is required to replace the removed vegetation with more suitable vegetation. No owner will be allowed to have docks or platforms in the river.

No dumping of lawn clippings, garbage, animal wastes, or other items is allowed in the 100-year floodplain.

4. The developer shall incorporate the additional wording into the covenants under Section II - Animals and Pets.

Add: No animals shall be allowed to graze on the lower bench area of lots 1 & 2.

Dick Ainsworth, representing the developer, said he had no comments to add.

Janet Stevens moved and Barbara Evans seconded the motion to approve the Summary Plat of the Cottonwood addition, subject to the findings of fact and conditions contained in the staff report. The motion carried on a vote of 3-0.

Summary Plat: Melchris Addition

Information provided by Barb Martins, Planner II, indicated that this is an amended plat of Lots 71, Orchard Home Company's Addition #6, and is a proposed four-lot residential subdivision located just south of North Avenue and approximately 500 feet east of Maclay's bridge. The total acreage is 4.38 acres, with 4.01 acres proposed as lotted area, and 0.37 acres in road right-of-way. Also, proposed directly to the west of this development is a five lot subdivision, Cottonwood Addition. Although they are two separate subdivisions owned and being developed simultaneously by separate parties, they will share a common access road, Edward Court. This subdivision is in compliance with the zoning for this area. The staff recommendation was the Melchris Addition, An Amended Plat of Lots 71, Orchard Home Company's Addition No. 6, be approved subject to the conditions and findings of fact set forth in the staff report.

Conditions

1. Grading, drainage, erosion control and street plans shall be approved by the County Surveyor's Office.
2. Sanitary restrictions shall be lifted by state and local health authorities.

Dick Ainsworth of PCI, representing the developer said he had nothing to add, and agreed with the conditions.

DECEMBER 7, 1988 (continued)

Barbara Evans moved and Janet Stevens seconded the motion to approve the summary plat of the Melchris Addition, subject to the findings of fact and the conditions set forth in the staff report. The motion carried on a vote of 3-0.

Adoption of General Obligation Bond Resolution

Information provided by John DeVore, Administrative Officer, indicated that on November 8, 1988, the electors of Missoula County voted in favor to authorize the Board of County Commissioners to issue and sell \$1,800,000 in General Obligation Bonds. Section 7-7-2238, M.C.A., requires that within thirty (30) days after the date of election certificate, or as soon thereafter as is practical in the judgement of the Board, the Board shall adopt a resolution providing for the issuance of the bonds by the County. The purpose of this resolution is to ensure compliance with the intent of the statute.

Barbara Evans moved and Janet Stevens seconded the motion to authorize the chair to sign the GO Bond series 1989 resolution, and to adopt the resolution. The motion carried on a vote of 3-0.

Resolution No. 88-120

The Chair of the Board of County Commissioners signed Resolution No. 88-120, a resolution relating to the issuance and sale of General Obligation Bonds.

Resolution No. 88-118

Information provided by John DeVore, Administrative Officer, indicated that this resolution relates to the issuance of \$155,000 in Rural Special Improvement Bonds to fund the improvements under RSID 430, Colorado Gulch.

Barbara Evans moved and Janet Stevens seconded the motion to adopt the Resolution NO. 88-118 relative to RSID 430. The motion carried on a vote of 3-0., and the resolution was signed.

Resolution No. 88-119

Information provided by John DeVore, Administrative Officer, indicated that Resolution No. 88-119 relates to the issuance of \$330,000 in Rural Special Improvement Bonds to fund the improvements under RSID 431, El Mar Estates.

Barbara Evans moved and Janet Stevens seconded the motion to approve and sign Resolution No. 88-119, relative to RSID 431. The motion carried on a vote of 3-0, and the resolution was signed.

There being no further business to come before the Board, the Commissioners were in recess at 2 p.m.

* * * * *

DECEMBER 8, 1988

The Board of County Commissioners met in regular session; all three Commissioners were present. In the forenoon, Commissioners Evans and Stevens attended the Assessor Training Session for the upcoming Assessment Centers.

DECEMBER 8, 1988 (continued)Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Dan Magone showing the items of fees and other collections on account of civil business in the County of Missoula for month ending November 30, 1988.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending November 30, 1988.

Proclamation

The Board of County Commissioners signed a joint Proclamation with the City of Missoula proclaiming the week of December 11th through December 17th, 1988, as National Drunk and Drugged Driving Awareness Week in Missoula, and urged all citizens, businesses and organizations to participate in a manner appropriate to its importance to the safety and health of our people.

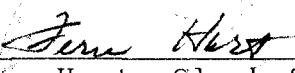
Tour

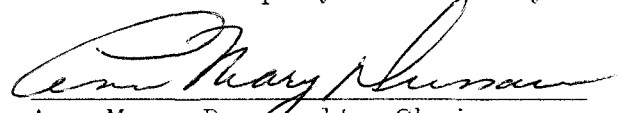
In the afternoon, the Commissioners participated in a tour of Champion's Bonner Plywood Plant; Commissioners Dussault and Stevens also attended a dinner in the evening sponsored by Champion and held at the Holiday Inn.

* * * * *

DECEMBER 9, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens left for San Diego, CA where she will attend the NACo Employment Policy and Human Services Conference.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

* * * * *

DECEMBER 12, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in San Diego, CA attending the NACo Employment Policy and Human Services Conference through December 14th.

* * * * *

DECEMBER 13, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming MRFD Volunteer Association as principal for warrant #21979, dated October 13, 1988, on the Missoula Rural Fire District Fund in the amount of \$2,851.50 now unable to be found.

DECEMBER 13, 1988 (continued)Audit List

Commissioners Dussault and Evans signed the Audit List, dated December 13, 1988, pages 4-30, with a grand total of \$83,408.05. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Employment Agreement

The Commissioners signed an Employment Agreement between Missoula County and Hal K. Luttschwager for the purpose of the County obtaining the benefit of the expertise and efforts of the employee in typical duties such as administering the comprehensive Risk Management Program, the Workers' Compensation Program, the Missoula County Comprehensive Medical Benefits Plan, and providing staff assistance to the Commissioners as requested, as per the terms and salary set forth in the Agreement.

Other items included:

The Commissioners selected Mike Barton to serve as Acting Director of Personnel and Labor Relations until a new Personnel Director is hired and able to begin work.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

DECEMBER 14, 1988

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Dussault left at noon for Great Falls to attend a MACo Board of Directors meeting later in the afternoon, and Commissioner Evans was out of the office all afternoon.

Plat

The Board of County Commissioners signed the Plat for Gustafson Addition II, a resubdivision of Massey McCullough Acres, Tract 6, located in the NE 1/4 of Section 12, T. 12 N., R. 20 W., PMM, with the owners/developers being Clifford W. and Annette D. Gustafson.

Contract

The Board of County Commissioners signed a Contract between Missoula County and 25-06 Construction for the purpose of contractor snow plowing in the Seeley Lake area, as per the terms set forth. The Contract was returned to Centralized Services for further handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and B and B Construction, an independent contractor, for the purpose of securing the boards of the junk vehicle graveyard fence to the cross boards and replacing the boards that are too badly warped to be secured with screws, as per the terms set forth, beginning December 15, 1988, and completed by February 20, 1989, for a total payment not to exceed \$800.00.

DECEMBER 14, 1988 (continued)Agreement for Maintenance

The Board of County Commissioners signed an Agreement between Missoula County and the City of Missoula for the purpose of allowing the City to obtain maintenance service for City Hall heating, air conditioning and ventilation systems from the County's General Services Department, as per the terms set forth, for a total cost of \$8,766.00 through June 30, 1989.

Contract

The Board of County Commissioners signed a Contract, dated October 1, 1988, between Missoula County and Motorola Communications & Electronics, Inc. for the purpose of performance measurements, preventive maintenance procedures, cleaning and FCC measurements on the County's communications equipment, as per the terms set forth, through September 30, 1989. The Contract was returned to Jim Dopp, Operations Officer, for further signatures and handling.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled, as two of the Commissioners were out of town.

* * * * *

DECEMBER 15, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Great Falls attending the MACo Elected Officials Workshop December 15th and 16th.

* * * * *

DECEMBER 16, 1988

The Board of County Commissioners did not meet in regular session. Commissioner Evans was out of the office until noon, and Commissioner Stevens was out of the office all afternoon.

Fern Hart

Fern Hart, Clerk & Recorder

Ann Mary Dussault

Ann Mary Dussault, Chair

* * * * *

DECEMBER 19, 1988

The Board of County Commissioners met in regular session; all three members were present.

Quarterly Jail Inspection

In the morning, the Commissioners and Dan Corti of the Health Department conducted the Quarterly Inspection of the Missoula County Jail.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

DECEMBER 19, 1988 (continued)InterCap Closing Documents

Chair Dussault signed the closing documents for the InterCap financing of the three four-wheel drive vehicles for the Sheriff's Department, as per the terms set forth. The documents were returned to John DeVore, Administrative Officer, for further handling.

Other items included:

The Commissioners made the following appointments to serve at their pleasure for two years as the County representatives to the District XI Human Resource Council: Howard Schwartz and Leon Stalcup were appointed to serve on the Board of Directors; and Howard Schwartz, Leon Stalcup, Barbara Evans, and Carole Graham will serve on the Program Council.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

DECEMBER 20, 1988

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated December 20, 1988, pages 4-34, with a grand total of \$851,860.24. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Proclamation

The Board of County Commissioners signed a Proclamation proclaiming January 15 - 21, 1989, as Clean Air Week in Missoula County and asks that the citizens cooperate with the Chamber of Commerce in the programs planned to help clean up our air.

Notice of Hearing

Chair Dussault signed a Notice of Hearing on the application of Champion International Corporation for tax incentives for new and expanding industry covering the modernization of the plywood plant and a new high efficiency studmill at the Bonner complex, setting the hearing date for January 11, 1989, at 1:30 p.m.

Other items included:

- 1) the Commissioners notified Gail Gray, Director of SRS in Helena, that they reviewed and approved the work plan and budget summary for the Community Services Block Grants in the total amount of \$123,681.00, as submitted by District XI HRDC; and
- 2) a request from the Sheriff's Department to expend approximately \$1,000 from the drug fund for a two-way radio to be placed in a recently acquired drug investigation vehicle was approved by the Commissioners.

DECEMBER 20, 1988 (continued)COS Review-Bargmeyer

Colleen Dowdall, Deputy County Attorney asked the Board of County Commissioners to determine whether Ernest Bargmeyer should be entitled to an occasional sale and family transfer. Mr. Bargmeyer wishes to gift the remainder to his wife and daughter. It was made clear to Mr. Bargmeyer that there must be a transfer of the title to the two individuals, and that the back taxes on the property had to be paid before the COS is filed.

Janet Stevens moved and Barbara Evans seconded the motion to approve the occasional sale with two gifts and a remainder to divide Parcel 1, COS #3600. The division is to be as follows:

parcel #1	gift	parcel #3	remainder
parcel #2	occasional sale	parcel #4	gift

based on the following findings:

1. This parcel was originally split by a court order and not by any action of the individual owners and;
2. This property is adjacent to a subdivision with all the improvements already in place, and no further improvements are needed.

The motion carried on a vote of 3-0.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

DECEMBER 21, 1988

The Board of County Commissioners did not meet in regular session. Commissioners Dussault and Stevens attended an Urban Counties Meeting in Helena.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled as two of the Commissioners were out of town.

* * * * *

DECEMBER 22, 1988

The Board of County Commissioners met in regular session; all three members were present.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming L. Jane Richards as principal for warrant #179875, dated October 5, 1988, on the Missoula County Museum Fund in the amount of \$200.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #25 (11/27/88 through 12/10/88) with a total Missoula County Payroll of \$325,738.15. The Transmittal Sheet was returned to the Auditor's Office.

DECEMBER 22, 1988 (continued)Acceptance of Easement

The Board of County Commissioners signed acceptance of a water main easement, dated December 5, 1988, granted to the County by Robert J. Garnett and Graydon L. and Beverly A. Hudspeth for the purpose of constructing, maintaining and removing water mains as part of the Grantland Water System Improvements (RSID No. 430), as per the terms set forth, for the sum of \$534.34, to be paid to the Grantors upon the sale of bonds of RSID No. 430.

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for the Lump Sum FY'89 Payment for the period from 7/1/88 through 6/30/89, with the total payment for all funds being \$19,744.22. The Transmittal Sheet was returned to the Auditor's Office.

Other items included:

- 1) the Commissioners approved and granted a request from Robin Peters for a variance from the Missoula County Floodplain Resolution No. 83-73, as per the conditions set forth in the letter to him, dated December 13, 1988 (BCC-88-590); and
- 2) the Commissioners approved the "settlement" of the Champion Tax Protest, given their understanding of it following a discussion with Mike Sehestedt, Deputy County Attorney, and Jim Fairbanks of the Appraiser's Office.

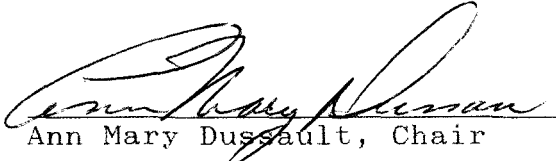
The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

DECEMBER 23, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office all day.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

* * * * *

DECEMBER 26, 1988

The Courthouse was closed for the Christmas Day holiday.

* * * * *

DECEMBER 27 - DECEMBER 30, 1988

The Board of County Commissioners did not meet in regular session from December 27th through December 30th as Commissioners Dussault and Evans were on vacation; however, they came in and met briefly on December 30th and transacted the following:

Contract

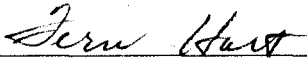
Chair Dussault signed a contract between Missoula County and the Western Montana Comprehensive Development Center for contracted nutritionist services, including evaluation and consultation from a registered dietitian from the Missoula City-County Health Department, as per the provisions set forth, for the period beginning October 1, 1988, and ending June 30, 1989, for a total payment not to exceed \$403.00.

Agreement

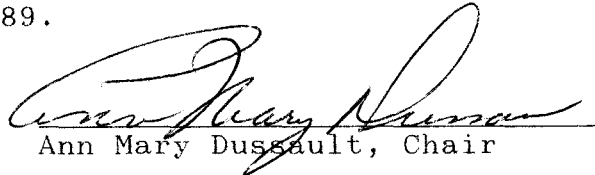
Chair Dussault signed a Nutritional Services Agreement between the Missoula City-County Health Department and Child Start, Inc., the sponsor of the Head Start Program in Missoula, for the purpose of providing nutritional services to the Head Start Program by a qualified nutritionist, as per the terms set forth, for the period from September 1, 1988, until May 31, 1989, for a total payment of \$675.00.

Other items included:

The Commissioners selected Barbara Evans to be the Chairman of the Board for 1989.



Fern Hart, Clerk & Recorder



Ann Mary Dussault, Chair

* * * * *

JANUARY 2, 1989

The Courthouse was closed for the New Year's Day holiday.

* * * * *

JANUARY 3, 1989

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Evans was out of the office all afternoon; and Commissioner Stevens left for Helena later in the afternoon with representatives of the Chamber to attend the Legislative Banquet held there in the evening.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated December 29, 1988, pages 6-25, with a grand total of \$145,245.53. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was considered:

Commissioner Evans was elected as Chairman of the Board for 1989.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Swearing In Ceremony

In the forenoon, Chairman Evans conducted the Swearing In Ceremony for the following who were elected at the General Election in November of 1988: Ann Mary Dussault was sworn in for a second term as County Commissioner for a six-year term; and Kathleen Breuer was sworn in as Clerk of the District Court for a four-year term.

* * * * *

JANUARY 4, 1989

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated January 4, 1989, pages 8-23, with a grand total of \$76,649.81. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Notice Inviting Proposals

Chairman Evans signed the Notice Inviting Proposals for construction and installation of a 6" water main to connect the Colorado Gulch Water System to the Grant Creek Water Works System and installation of a booster pump system and related electrical and control work to serve the area known as the Colorado Gulch Subdivision in Missoula County and doing all work as may be necessary in connection with RSID No. 430, as per the terms set forth, and setting the bid award for February 1, 1989, at 1:30 p.m.

JANUARY 4, 1989 (Continued)IDR Bond (Pay'n Save Corporation Project)

Chairman Evans signed a new bond for the Montana Industrial Development Revenue Bond, Series 1981, (Pay'n Save Corporation Project) as the bond issue has been sold to a new holder. The Bond was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Grant Agreement

The Board of County Commissioners signed a Grant Agreement between Missoula County and the Montana Statehood Centennial Office, whereby the County will receive a certain portion of Centennial license plate revenues generated in Missoula County between January 1, 1989, and November 30, 1989, for the purpose of regranteeing to Centennial licensees only, as per the terms set forth, with the understanding that any monies granted and not expended by the County for Centennial purposes as of January 1, 1990, shall be returned to the Statehood Centennial Office by January 31, 1990. The Agreement was returned to Cindy Klette, Grants Coordinator, for further signatures and handling.

Other items included:

- 1) the Commissioners signed approval of a 5% salary increase for Mike Barton, who is currently serving as Acting Personnel Director until such time a new director is hired;
- 2) the centennial grant program was discussed, and the Commissioners requested that criteria be written up and presented to them as soon as possible; and
- 3) the settlement with the Department of Education for the Teacher's Center Grant, which closed out in 1982, was discussed; the Commissioners authorized John DeVore, Administrative Officer, to pay \$10,000 now and \$10,000 at a later date.

Board Appointments

The Commissioners made the following Board appointments:

- 1) Dale Mahlum, Bill Nooney, and Betty Jo Johnson were reappointed to the Fair Commission for two-year terms through December 31, 1990;
- 2) Jean Erickson was reappointed to the Animal Control Board for a two-year term through December 31, 1990; and
- 3) David Schroeder was reappointed to the Missoula County Tax Appeal Board for a three-year term through December 31, 1991.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

There being no business to come before the Board, the Commissioners were in recess at 1:30.

* * * * *

JANUARY 5, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between the Missoula City-County Health Department and the Missoula County Sheriff's Office for the purpose of participation of the Sheriff's Deputies in the Driving Under the Influence (DUI) Enforcement team, as per the terms set forth, for the period from December 30, 1988, through December 31, 1989, for a total payment not to exceed \$11,072.00.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Cynda Herzberg, an independent contractor, for the purpose of assisting with data entry for the Traffic Safety computer program, as per the terms set forth, for the period from October 17, 1988, through January 31, 1989, for a total payment not to exceed \$768.00.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between the Missoula City-County Health Department and the Missoula Police Department for the purpose of participation of the police officers in the Driving Under the Influence (DUI) Enforcement Team, as per the terms set forth, for the period from December 30, 1988, through December 31, 1989, for a total payment not to exceed \$25,680.00.

Agreement & Letter of Agreement

The Board of County Commissioners signed an Agreement and a Letter of Agreement between Missoula County and Local Unit Number One of the Montana Public Employees Association for the period from July 1, 1988, through June 30, 1989, for the purpose of defining the wages, hours and other working conditions of the employees, as per the terms set forth in the Agreement. Also agreed upon was the granting of five (5) days of administrative leave to all employees covered by this Collective Bargaining Agreement. The designation of these days will be at the discretion of the County and will be considered regularly scheduled days off. The administrative leave days will be scheduled consecutively and will be scheduled for all employees covered by the Agreement on a concurrent basis. The Agreement and Letter of Agreement were returned to Mike Barton in the Personnel Office.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Local Unit No. Two (Nurses) of the Montana Public Employees Association for the period from July 1, 1988, through June 30, 1990, for the purpose of defining the wages, hours and other working conditions of the employees represented by the Association, as per the terms set forth in the Agreement. The Agreement was returned to Mike Barton in the Personnel Office.

JANUARY 5, 1989 (Continued)

Other items included:

- 1) the "State of the County" Address will be given by Chairman Evans at the Chamber luncheon on January 24th; and
- 2) the request for a door prize from each County for the NACo WIR (Western Interstate Region) Conference, which is being held in Great Falls in May, was discussed--John DeVore, Administrative Officer will take care of this request.

Board Appointments

The Commissioners made the following board appointments:

- 1) Bill Potts and Bille Janssen were appointed to the Area Agency on Aging Board for three-year terms through December 31, 1991; and Earl Lory was appointed to a two-year term through December 31, 1990; and
- 2) Nancy L. Robert was appointed to fill the vacancy on the Frenchtown Rural Fire District Board of Trustees to serve until the next School Election, which will be held on April 4, 1989, at which time the residents within the boundaries of the District will elect the trustees.

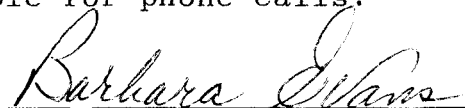
The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JANUARY 6, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office all day, but was available for phone calls.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

* * * * *

JANUARY 9, 1989

The Board of County Commissioners met in regular session; all three members were present.

Monthly Reports

Chairman Evans examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for the month ending December 31, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the University of Montana Center for Population Research, an independent contractor, for the purpose of data collection (1st phase) for a survey of health

JANUARY 9, 1989 (Continued)

problems of the uninsured employed, as per the terms set forth, for the period from January 3, 1989, through March 31, 1989, for a total amount not to exceed \$4,500.00.

Letter of Agreement (Addendum B)

The Board of County Commissioners signed a Letter of Agreement (Addendum B) between Missoula County and Local Unit Number Two (Nurses) of the Montana Public Employees Association for the period from July 1, 1988, through June 30, 1989, agreeing that, during the term of the Agreement, the County will grant five (5) days of administrative leave to all employees covered by the collective bargaining agreement. The designation of these days will be at the discretion of the County and will be considered regularly scheduled days off. The Letter of Agreement was returned to Mike Barton in the Personnel Office.

Professional Services Contract Addendum

The Board of County Commissioners signed an Addendum to the Employee Assistance Program Contract dated July 18, 1988, between Missoula County and Vocational Resources, Inc. This Addendum provides for a "limited scope" Employee Assistance Program for the Search and Rescue and Reserves of the Sheriff's Department effective January 1, 1989, as per the four sections set forth in the Addendum. The Addendum was returned to Mike Barton in the Personnel Office.

Agreement

Chairman Evans signed an Agreement, dated January 2, 1989, between Missoula County and the Montana Highway Traffic Safety Administrator for the purpose of continuing contract #403-89-02 and is designated to implement a youth safety program in the City of Missoula, as per the terms set forth, at total estimated costs of \$44,000.00 and is to be completed by September 30, 1989. One copy of the Agreement was returned to Helena.

Other items included:

- 1) the Commissioners appointed Barbara Powell to fill a vacancy on the East Missoula Rural Fire District Board of Trustees to serve until the School Election, which will be held April 4, 1989, at which time the trustees will be elected by the residents of the District; and
- 2) participation in "Clean Air Week" was discussed--it was agreed that Commissioner Stevens would take the downtown area in the afternoon on January 17th and Commissioner Evans would go to Southgate Mall.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JANUARY 10, 1989

The Board of County Commissioners met in regular session; all three members were present.

Audit List

The Board of County Commissioners signed the Audit List, dated January 10, 1989, pages 5-29, with a grand total of \$281,173.06. The Audit List was returned to the Accounting Department.

JANUARY 10, 1989 (Continued)DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Contract for Services

The Board of County Commissioners signed a Contract for Services, dated September 8, 1988, between the Missoula Office of Community Development and Virginia Tribe, an independent consultant, for serving as facilitator at a public meeting which was held in City Hall on September 8, 1988, as per the terms set forth, for a total payment of \$250.00.

Other items included:

The Commissioners made the following board appointments:

- 1) Wayne Hennick was reappointed to a three-year term on the Missoula Consolidated Planning Board through December 31, 1991; and
- 2) Doug Campbell and Jeanne Tallmadge were appointed to three-year terms on the Missoula Area Agency on Aging Board through December 31, 1991.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JANUARY 11, 1989

The Board of County Commissioners met in regular session; all three members were present.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of Sheriff Dan Magone showing the items of fees and other collections on account of civil business in Missoula County for the month ending December 31, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Beth Miller for the purpose of the County obtaining the services of a Legislative Intern in the Missoula County Commissioners Office for the 1989 Legislative Session, as per the terms set forth, for the period from January 3, 1989, through the end of the Legislative Session, for a total payment not to exceed \$2,000.00.

Amendment to Professional Services Contract

The Board of County Commissioners signed an Amendment to the Professional Services Contract between the Missoula City-County Health Department and Mary Sue Daniels for extra service as "Belt Woman", amending the contract as follows:

JANUARY 11, 1989 (Continued)

3. Performance Schedule: That the contractor shall commence performance of this contract on the 24th day of September, 1987, and shall conclude completion of performance by the 30th day of September, 1988, and shall be responsible for specific days or hours of performance hereafter specified: As scheduled to a maximum of 100 hours.

The Amendment was returned to the Health Department for further signatures and handling.

Use of Supplemental MCH Funds

Chairman Evans signed the form requested by the Department of Health and Environmental Sciences, indicating that Missoula County prefers to receive the supplemental Maternal and Child Health Block Grant Funds for the balance of FY '89 and to use them for the purposes indicated in the earlier request, rather than having the funds used to purchase measles vaccine for MCH Block Grant eligible children. The form was returned to DHES in Helena.

Other items included:

The Commissioners voted to deny the request from the Montana Mountain Mushers for Centennial Grant funds.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

There being no business to come before the Board, the Commissioners were in recess at 1:30.

* * * * *

JANUARY 12, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Helena attending the State Mental Health Council meeting.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing items of fees and other collections made in Missoula County for month ending December 31, 1988.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Public Defender and adopted it as part of the FY'89 budget:

No. 890016, a request to transfer \$954.00 from the Office Supplies account to the Capital account for the purpose of purchasing a filing cabinet.

JANUARY 12, 1989 (Continued)

Agreement

The Board of County Commissioners signed an Agreement for Services between Missoula County and Janney Construction Co., Inc. for the purpose of the County obtaining one thousand tons of sanding material F.O.B. McQuarrie Pit in Clinton, MT of a quality comparable to that currently being accepted for use by the County, as per the terms set forth, for a payment of \$2.00 per ton with the total amount paid not to exceed \$2,000.00, commencing on November 1, 1988, and terminating on April 1, 1989.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Health Department and adopted it as part of the FY'89 budget:

No. 890017, a request to transfer \$250.00 from the Contracted Services account to the Curriculum Materials account for the purpose of adding a new line item.

Resolution No. 89-001

The Board of County Commissioners signed Resolution No. 89-001, a budget amendment for FY'89 for the Sheriff's Department, including the following expenditure and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
1000-300-420180-118 DUI Team	\$3,536
<u>Description of Revenue</u>	<u>Revenue</u>
1000-300-396015 Additional DUI Team Funds from Traffic Safety Grant & Driver's License Reinstatement Fees (H.B. 277)	\$3,536

Other items included:

Board Appointments

The Commissioners made the following board appointments:

- 1) Ginny Cass was appointed to a three-year term on the Missoula Consolidated Planning Board through December 31, 1991; and
- 2) Joan Smith was appointed to a three-year term on the Missoula County Library Board through December 31, 1991; and Kerry R. Foresman was appointed to fill the unexpired term of Ben Hanson through December 31, 1990.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JANUARY 13, 1989

The Board of County Commissioners met in regular session; all three members were present. The Commissioners interviewed the three candidates for Personnel Director during the day.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

JANUARY 16, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a PIC (Private Industry Council) meeting.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Extension Letter

The Board of County Commissioners signed a letter dated January 12, 1989, to Steve Inabnit of Eli and Associates, approving a 180-day filing extension for the Dagen Addition, making the new filing deadline April 19, 1989.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Community Council Meeting

In the evening, Commissioner Stevens attended a meeting of the Seeley Lake Community Council held in Seeley Lake.

* * * * *

JANUARY 17, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Great Falls attending a Loss Control Workshop.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated January 17, 1989, pages 5-39, with a grand total of \$934,029.44. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Extension Letter

The Board of County Commissioners signed a letter to Chip Johnson of Stensatter, Druyvestein & Associates approving a one-year filing extension for the Linda Vista 4th Supplement, making the new filing deadline November 27, 1989.

Extension Letter

The Board of County Commissioners signed a letter to Chip Johnson of Stensatter, Druyvestein & Associates approving a one-year filing extension for the Linda Vista 5th Supplement, making the new filing deadline March 10, 1990.

JANUARY 17, 1989 (Continued)

Other items included:

Board Appointments

The Commissioners made the following board appointments:

- 1) Marguerite Munsche was reappointed to a three-year term on the Weed Control Board of Supervisors through December 31, 1991; and
- 2) Terry Sehestedt, Sue Hoell, Patty Lovaas, and James "Ritt" Bellis were reappointed to one-year terms on the Loan Review Committee through December 31, 1989.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Clean Air Week

In the afternoon, Commissioners Evans and Stevens participated in "Clean Air Week" activities at Southgate Mall and Downtown.

* * * * *

JANUARY 18, 1989

The Board of County Commissioners met in regular session; all three members were present.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Margo Sturgis as principal for warrant #2946, dated December 21, 1988, on the Missoula County District Court Fund in the amount of \$150.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were considered:

The Commissioners approved a request from Mike McMeekin to attend the Indian Gaming Conference, subject to approval of the Sheriff.

Board Appointments

The Commissioners made the following board appointments:

- 1) Wendy Ross Cromwell was appointed to a five-year term on the Missoula County Airport Authority through December 31, 1993;
- 2) Pelham "Pel" Turner was reappointed to a two-year term as 1st Alternate on the Missoula County Board of Adjustment through December 31, 1990; and Jerry Ford was reappointed as the 2nd Alternate member;
- 3) James J. O'Neill, H. L. Garnaas, and Robin Campbell were reappointed to two-year terms on the Missoula County Board of Adjustment through December 31, 1990; and Bob Schuyler and Thaddeus Harrington were reappointed to one-year terms on the County Board of Adjustment.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

JANUARY 18, 1989 (Continued)WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Janet Stevens.

Bid Award; (1) Used Portable Jaw-Cone Crushing System (Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that bids were opened on January 9, 1989 at 10:00 a.m. for a used portable Jaw-Cone Crushing System. The following bids were received:

	Bid	Final Out of State +3%
Modern Machinery Missoula, MT	\$149,334.00	same
Hall Perry Billings, MT	\$336,298.00	same
Fab-Tech Moscow, ID	\$272,000.00	\$280,160.00
Constitution Equip.	\$148,450.00	\$152,903.50

His recommendation was to award the bid to Modern Machinery, and noted that there was \$156,965.00 in his Capital Budget.

Janet Stevens moved and Barbara Evans seconded the motion to award the bid for one used portable Jaw-Cone Crushing System to Modern Machinery for \$149,334.00. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:33 p.m..

* * * * *

JANUARY 19, 1989

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena attending a MACo Taxation & Finance Committee meeting, and Commissioner Stevens attended a MACo Health & Human Services Committee meeting in Helena.

* * * * *

JANUARY 20, 1989

The Board of County Commissioners did not meet in regular session. Commissioners Dussault and Stevens were in Helena attending Local Government Day at the State Capitol; and Commissioner Evans was out of the office all day, but available for telephone calls.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

JANUARY 23, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was at the Holiday Inn all day participating in an Assessment Center for the selection of the new County Environmental Health Director.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were considered:

- 1) the Commissioners approved a request from Pat O'Herren of the Rural Planning Office for funding of the County's portion (\$210) of an intern's work-study fees for assistance in researching the ability of Missoula County to assess an impact fee for the evaluation of any proposals for development of Lolo Peak; and
- 2) the Commissioners appointed Michael Aaron to the 3rd alternate member position on the County Board of Adjustment for a two-year term through December 31, 1990.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JANUARY 24, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault, as a Health Board member, was at the Health Department all day participating in the interviews of the final three candidates for the Environmental Health Director.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated January 24, 1989, pages 7-36, with a grand total of \$61,146.92. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Quit Claim Deed

Chairman Evans signed a Quit Claim Deed from Missoula County to Ron Leno for El Mar Estates, Phase 1, Lot 20, Block 4, as per the terms set forth. The Deed was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Other items included:

The Commissioners gave authorization to Vicki Mead, Payroll Technician, to enable the twelve County employees listed in the memorandum to pay their Weight Watcher dues through payroll deduction for the ten-week session beginning Thursday, January 26th.

The Commissioners made the following board appointments:

- 1) Richard A. Morris was appointed as the "alternate member" of the Missoula Consolidated Planning Board through December 31, 1991; and

JANUARY 24, 1989 (Continued)

- 2) Steven W. Hayes was appointed to a three-year term on Missoula County's Weed Control Board of Supervisors through December 31, 1991.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

State of the County Address

At noon, Commissioner Evans gave the State of Missoula County address at a luncheon meeting sponsored by the Chamber and held at the Village Red Lion.

* * * * *

JANUARY 25, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was considered:

The Commissioners appointed Dale M. Wisby to fill an unexpired term on the Lolo Mosquito Control Board through December 31, 1989, at which time he will be eligible for reappointment to a three-year term.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Janet Stevens and Ann Mary Dussault. Due to the large number of persons attending, the meeting was moved to the large courtroom on the third floor of the courthouse.

HEARING: PUD ZONING REQUEST LINCOLN SCHOOL-(LINCOLN ASSOCIATES)

John Torma, Planner I with the Office of Community Development, indicated that Lincoln School Associates are requesting approval to rezone the Lincoln School site in the Rattlesnake Valley from "C-RR3" (Residential) to "C-PUD" (County Planned Unit Development) for a neighborhood convenience center. The property is more specifically described as a parcel being portions of block 31 and the vacated alley and block 42 and the vacated Ethel Avenue, Park Addition, Line north and west of Rattlesnake Highway. (He accompanied his presentation with slides of the area and the existing school). He said the developers plan to rehabilitate the 7000 square foot Lincoln School and add two other buildings with gross square footage of 6,708 square feet each. These buildings are designed to match the architectural style of the historic Lincoln School. the types of uses proposed for the center include retail food stores, personal service establishments, general merchandising, eating establishments, professional business and government offices, day care center, group meeting space, and medical offices. He noted that on January 3, 1989, the Missoula Consolidated Planning Board recommended approval of this request, and that the staff has recommended denial of the request because it does not comply with the Comprehensive Plan. He discussed a marketing survey that had been done that indicated that the convenience center would be a viable business venture, and referred to a traffic study that had been done by Nick Kaufman of Sorenson and Company. Both of those

JANUARY 25, 1989 (Continued)

reports are on file in the Community Development Office. He noted that many letters and cards from Rattlesnake Valley residents had been received by the Planning Board, Staff, and the Board of County Commissioners, and would be placed in the permanent files concerning this request.

The hearing was opened for public comment

Peter McDonald, one of the developers of the Lincoln Center, said he and the other owners were very proud of the plan and thought that it would be an asset to the community and a real "people place". He noted that after meeting with the residents the developers had made several changes in the original plan and had shown the revisions at an open house.

Ken Duce, another owner, discussed the architectural plans of the center. He said he wanted to develop the Lincoln School because of a prior family attachment to the school, and he wanted to retain the building in its original state and restore the integrity of the building. He said this development would provide services to the Rattlesnake Valley residents that the Little Store could not. He said the school itself would lend itself to commercial development, and that is why the additional construction has been planned.

Stan Zimet, the architect hired by the developers, said the major intent was to restore the Lincoln School to its original design. He said the exterior and interior would be worked on, and then he referred to a model of the new construction that would be done, noting that a 13% reduction in the building size was not reflected in the model. He indicated the various aspects of the construction on the model.

Ken Duce addressed the parking and landscape plans, and indicated that the plans call for more than ample parking, and the open space in the center would allow for pedestrian access and community use.

Stan Zimet said that he has never worked with a developer that has wanted to build such a quality project before.

Peter McDonald said he would like to address some of the specific concerns that had been raised concerning the Lincoln Center. He said that the concerns included the fact that this would set a bad precedent; that there was no market support for the project; the design is insensitive to the adjacent structures; that the project is too intense and out of scale with the neighborhood; that all commercial development is bad; and that it would create a traffic problem. In regard to the market study, he said Dr. David Eacret was responsible for that study, and described the credentials held by Dr. Eacret.

David Eacret of Real Estate Economics from Bellevue, Washington, who grew up in Montana, said he specializes in land-use issues, and has personally conducted studies on over 200 major projects throughout the Western United States. He said he had done many projects in the Seattle area. He said his research shows that 5,700 people will patronize the center, which would work out to about 10-12% of the total amount spent by residents of the neighborhood, which translates to two to two and a half million dollars worth of annual sales in the center. He said that Missoula's convenience stores average \$256 in sales per square foot per year. In his estimation, he said the market is there, the population is there, and the support for the center is there. He said the Lincoln School Project could be a very viable economic project.

JANUARY 25, 1989 (Continued)

Peter McDonald said he would like to address the concern of the impact of the development upon adjacent residents. He said the main question is if this project is too intensive. He pointed out the 36% of landscaping, and the new plan could be up to 45% landscaping, 15% more than the County calls for. He said the project was not out of scale with the neighborhood, and duplexes across the street use more space than this project. He said that his opinion was that the EastGate Shopping Center is out of scale because it is not just the Rattlesnake's Shopping Center. It is shared by, and used by residents of East Missoula, downtown Missoula and the University. He said the Lincoln School project is scaled for use by the Rattlesnake only, and will afford the residents an opportunity to shop with friends and neighbors, rather than strangers.

Nick Kaufman, of Sorenson and Company, who was hired to do the traffic study, said he looked at existing traffic problems in the Rattlesnake. He noted that there is no current street light illumination where this development would be. Construction of the center would alleviate that, and would also alleviate some of the traffic problems resulting from people driving to Eastgate. He said some of the intersections are extremely busy and dangerous, and this development would alleviate some of the grade and traffic problems. He said Gilbert and Rattlesnake would be realigned to intersect and would be a "B" intersection (meaning a short traffic delay intersection), Lolo and Rattlesnake Drive would be a "C" intersection, traffic delays). Currently, all the intersections at the Rattlesnake have little or no delays. He said no traffic lights are warranted with this development, and in his opinion, the Lincoln Center would not create traffic problems in the Rattlesnake.

Peter McDonald said the developers were willing to look at other alternatives, and the owners have to sell the Lincoln School site East Building to the County to be funded by an RSID, and the South Building would be kept by the developers. In order for it to work, there would have to be money in the RSID fund to rehabilitate the school to the standards proposed by the developers. He asked that the Commissioners approve the project, and the developers would enter into a signed contract stating that they would sell the land at their cost to the County and forego any development of the east building for a reasonable time period to be designated as June 1 to allow time to get the RSID going. He suggested that the Commissioners have their staff look at this proposal, which he characterized as a very fair contract.

Ken Duce said that the only way to protect the school is through this proposal, or a sufficiently funded RSID for professional rehabilitation. He said volunteer work would not work, and said that either project will ensure that the building will not remain a run-down building in a patch of weeds. He said that this is a good plan, good for the neighborhood, well designed, sensitive to the historic school, and the neighbors. He said the developers have met the standards of the Comprehensive Plan, and called for hearings on the new proposal to let the neighborhood be heard, instead of through an extremely biased poll taken by the Rattlesnake Valley Alliance.

Ann Mary Dussault asked Ken Duce what his estimate was of the cost to renovate the exterior of the school.

Ken Duce said that it would be somewhere between 75 and 100 thousand dollars.

Ann Mary Dussault asked how much the interior renovation would be to bring it to code such as removal of asbestos, a new heating system, electrical and wiring work, and handicapped accessibility.

JANUARY 25, 1989 (Continued)

Ken Duce said that no costs have been done yet for improvements to make the building into a community center. The only cost estimates available are for making the bottom floor into a day care center, and for the renovation of three large rooms upstairs, and the addition of bathrooms. He said a general figure would be 6,000 feet of interior space would cost about \$30 per square feet.

Ann Mary Dussault asked if there were estimates what the annual maintenance costs would be.

Ken Duce said that that had not been done yet. He said that the day care center costs have been looked at, but costs of a community center are not available at this time. He said a good rule of thumb for estimating those costs are 2-5% of replacement value for maintenance, which does not include heating and utility costs.

The hearing was opened for public comment.

Harry Uffalussy, 1530 Khanabad Drive said that he had moved to the Rattlesnake because of the quality of life there, it is quiet, residential, and no commercial development is involved. He said he resents the fact that he's being looked upon as an obstructionist because he opposes this, and he thinks this development is a bad idea. He said the community has spoken via the poll taken by the RVA which showed residents were overwhelmingly opposed to the development. He said the RSID concept boggles his mind, and would be a nightmare to maintain. He said the school should be torn down and turned into a park.

Karen Overland said there is too much traffic congestion in the Rattlesnake already, and the kids are bussed out of the valley for school, and that increases congestion and produces a dangerous situation for the kids and for vehicles alike.

Cass Chinske, a resident of the Lower Rattlesnake Neighborhood Association said he was opposed to any commercial development in the Rattlesnake Valley except those grandfathered in. He said the Lincoln School is publicly owned land, and he does not support the disposal of publicly owned land by giving it to private developers. He said he would recommend that the area be zoned "P". He said he questions the validity of the marketing study, and said this looked like a poor business venture that would fail. He said that after the Planning Board Hearing, his group was called to have a meeting with the developer, but inconvenient times were chosen. He said the developers have shown an insensitivity to the public need and that increased traffic will mean increased accidents. He said the alternative plan was presented to the residents last night, but he has not had time to formulate an opinion, other than it still benefits the developer, rather than the residents, and he is still opposed to this development.

Bill Clarke, President of the Rattlesnake Valley Alliance (RVA) said that he had helped to develop the Rattlesnake Plan, and said he wished to remind the Board of County Commissioners that the Brookside Commercial Development was turned down. He said he and his group recognize that the Comp Plan calls for some commercial development in the Rattlesnake, but this plan is too much development. He said that the Developer did not compromise on the issue of selling gas, that was against the comp plan in the first place. He said all the discussions with the developers were one-sided and the RVA has had no input in this development. He said that the RSID alternative/buyback is not a compromise, as the developer would not be preserving the Lincoln School. He said the RVA didn't buy the building in the first place, because they never envisioned anyone planning a shopping center in this

JANUARY 25, 1989 (Continued)

area. He said he and his group would not feel comfortable entering into a deal with the developer, as the developer has not dealt with the residents in an honest manner.

Ann Mary Dussault asked if the RVA was willing to sit down with a third party negotiator to seriously consider an alternative proposal.

Bill Clarke answered in the affirmative.

Dick Boehmler submitted a letter to the Commissioners in opposition to the development. He said the market may be there to support this kind of development, but how much money the residents have does not determine how they may wish to spend it. He said he was opposed to the development which the residents don't need or want.

Mary Lou Gilman, representing School District #1, said that in coming to terms with the Lincoln School Associates, the Board of Trustees considered four major points: (1) the building and the land as it now sits is useless as an educational facility to the District. (2) there is a need for the District to buy more land in the Rattlesnake because there is an increasing school age population, and another facility is going to have to be looked at soon. (3) the District's funds are short and this is a good opportunity for the District to get money to buy additional land. (4) this plan does save the building, which is of concern to the District. She said District #1 could not get as much money for the building if it was rezoned, and they are interested in getting as much money as possible for the school so they can reinvest it in the educational programs for Missoula. She said she could not respond to any other proposals, but she wished to make it clear that the trustees were in support of this proposal.

Janet Stevens asked Mary Lou Gilman if the money received from the sale of the school would be used to purchase more land for the taxpayers.

Mary Lou Gilman said that was correct, that the money would be put into a building fund.

Warren Little, 2300 Rattlesnake Drive, said he is in favor of the project, and spoke in favor of it at the Planning Board meeting. He said he feels that the survey done by the RVA was flawed, and 67% of the people chose not to respond. He said the Missoulian also favored the plan. He said the RVA is very anti-growth, and he thinks that the Rattlesnake is an excellent place for development, and that the residents need it. He asked for the Commissioners to put this property back on the tax rolls, and not cater to the anti-development concerns. He said there are a lot of people in the Rattlesnake with gray hair who are not going to be able to drive out of the Rattlesnake to go shopping, and who will have to depend on their friends or bus transportation to shop. He said Freddy's Feed and Read documented how much the neighbors needed his store, and it was allowed.

Ron Martello said he did not return his card because he was lazy, not because he was in favor of the plan. He said he and his neighbors want a community center developed in the school, and his organization, The Society for Creative Anachronism would help to fix the school up by doing the grunt work. He explained at length what his organization does and what they are dedicated to.

John Coffee said he is a past member of the Planning Board, and a resident of the Rattlesnake. He said that he feels that people in the Rattlesnake are in favor of this development, and that it is a well designed project which would enhance the neighborhood and put the property on the tax rolls. He said that development

JANUARY 25, 1989 (Continued)

is not too large for the neighborhood, and noted that professionals have been hired for this development, and all of them have impeccable credentials.

David Owen representing the Chamber of Commerce, said the Board supports good planning and good development. He said this development will help the traffic flow in the Rattlesnake and help clean Missoula's air. He said that people in the Rattlesnake are the same as everyone, and have the same economic needs as everyone. He said that in his opinion, this is the best proposal for development in the Rattlesnake Valley that the Board of County Commissioners will ever see.

Jack Lutz, owner of Eastgate Family Video urged the Commissioners to pay attention to the poll that was taken, and to take note of the fact that people do not want the development. He said the fact that professionals designed the project did not impress him; professionals also designed and built the Titanic, and now people are trying to figure out how to get it up off the bottom of the ocean. He asked the Commissioners to listen to the people.

Thad Harrington, a member of the Planning Board of Adjustment, said that if this issue had come before that Board, they would have accepted the staff report. He said there are many people in the Rattlesnake that do not want any merchant development, and he could guarantee that this place will go bankrupt. He said the residents shop elsewhere; Buttreys is so high that he doesn't shop there. He said that being 65 scares him, because he does not look forward to the time that he cannot walk, and the people in the Rattlesnake are a lot more normal than the people at the hearing that are calling themselves professionals. He said that he is mad, and the people in the Rattlesnake are also mad; and the Commissioners will see the result of this madness if they don't do something about responding to the way the residents feel.

Jeff Stevens, a former Rattlesnake resident, whose parents still reside in the valley, said he is opposed to the development and that he would like to see the school turned into a community center.

Lauren Nivans, 3 September Drive, spoke in opposition to the development and said that even though his hair was gray he was going to continue driving to do his shopping, and when he got too old for that, his dark-haired wife would chauffeur him. He said he liked the initial proposal, but this one is too much development for the Rattlesnake. He asked the Commissioners not to look at the tax dollars that may come into the county, but to look at what the tax payers want.

Jolene Byler said that a convenience store is not good for the neighborhood, and that the products sold there would cost more. She said she would not shop there, and asked what the reasoning was to duplicate the services available at the East Gate Shopping Center.

Connie Potten, Secretary of the RVA, said that 79% of the people who responded to their survey, and that represented 265 people who were in favor of the development.

Arland Finklin, a member of the RVA said that he did not think that this development fits into the Rattlesnake Valley, and the majority of the residents oppose this development.

JANUARY 25, 1989 (Continued)

Douglas Grimm said he had taken a personal poll of his own and found out that people in the Rattlesnake do not want the development, and he was very surprised that the Planning Board had approved it. He said that this development is too big for the area. He said the Rattlesnake Valley Alliance should change their name to "Rattlesnake Valley Family", as it has a friendlier ring to it. He discussed at length his various activities and feelings about living in the Rattlesnake Valley.

John Hunt said he would like to commend Mr. Torma for his professional work and said he would like to question the School District's representatives of the Board stating that they were in favor of a particular proposal. To have them sell the land is one thing, but to favor one developmental proposal over another is questionable.

Rod Huff said he was in favor of the proposal, as it was well suited to the area. He said the development was well-thought out and well-planned. He noted that some commercial development is allowed in the Rattlesnake and said he thought this was going to be a real asset to the area.

Sandy Tarr said that the comp plan does not favor a development such as this, and she asked the Commissioners to go with what the majority of the people want. She asked why people are beating a dead horse, as the survey indicates that people are opposed to the development.

Pat McDonald, a former Rattlesnake Valley resident who now lives in Ronan, spoke in opposition to the proposal, stating that he has been in the banking business for 23 years, and it was his opinion that this was not an economically feasible plan. He said if the businesses fail, there will be vacancies and as the Valley is full of pure, clean air and he would like to see it kept that way, and commercialism kept to an absolute minimum.

Kathy Duce, speaking for Walt and Peggy Peschel, who own some apartments in the Rattlesnake, said they favor the proposal.

Tom Collins, a real estate broker, said he was one of the people who carried the petitions opposing the development around the neighborhood, and he said he, and the people he talked to do not want this project in the Rattlesnake, as it is not needed.

Mike Hillis spoke in opposition saying the development was too big, and any commercialism should have been confined to the original building.

Dr. Art Sherer, 1429 Khanabad, spoke in opposition. He said he did not care about convenience or convenience stores, and if he did, he'd move out beside Southgate Mall. He said that what counts is that the people in the Rattlesnake do not want this development.

Mary Ellen Collins said she was opposed to commercialism in the Rattlesnake Valley, and if this development is allowed, it could set a precedent.

Maggie Haunt spoke in opposition to the development. She said that the School District was inappropriate in stating an opinion concerning the development, and said that she thought that the District only wanted to unload the property. She said that if the Commissioners were not going to listen to their own staff's recommendations, then they should not pay them for their opinions.

JANUARY 25, 1989 (Continued)

Jim Lowery, 1405 Dickinson said he moved to the Rattlesnake Valley because of the quality of life offered there, and he doesn't want commercial development there.

Horace Brown, County Surveyor, said the Rattlesnake Road is a Secondary State Highway and therefore, the highway could not be put on the County CIP. If the state doesn't have the money to fix it, then it wouldn't get done at all, as their funds are tied up for 10 years.

Nick Kaufman said that only Lolo Street would be put on the CIP; not Rattlesnake Drive.

No one else came forward to speak and the hearing was closed.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to leave the record open for further written testimony for one week. The motion carried on a vote of 3-0.

Ann Mary Dussault moved and Janet Stevens seconded the motion to delay action on this request until the Commissioners get an opportunity to get the parties together to see if there are areas which could be addressed with the thought of reaching a compromise between the developers and the residents of the Rattlesnake Valley. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 5:15 p.m.

* * * * *

JANUARY 26, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Budget Transfer

The Board of County Commissioners approved and signed the following Budget Transfer and adopted it as part of the FY'89 budget:

No. 890018, a request from the Medical Insurance Department to transfer \$2,000.00 from the Health Insurance Claims account to the Capital-Technical Equipment account for the purpose of purchasing a plain paper copier.

Other items included:

- 1) the Commissioners denied the request from the MT Snowmobile Association for Centennial Grant funds;
- 2) Julie Gemar and Stan Feist were appointed to two-year terms as ad hoc members of the Missoula County Fair Commission through December 31, 1990; and
- 3) the Commissioners voted unanimously to appoint John Pemberton as Missoula County's Director of Personnel and Labor Relations at an annual salary of \$35,000.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JANUARY 27, 1989

The Board of County Commissioners did not meet in regular session. Commissioners Evans and Stevens attended the Economic Outlook Seminar sponsored by the U/M Bureau of Business and Economic Research and held at the Village Red Lion; and Commissioner Dussault was in Helena at the Legislative Session.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

JANUARY 30, 1989

The Board of County Commissioners met in regular session; all three members were present.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Craig M. Cervantes as principal for warrant #024489, dated January 18, 1989, on the Missoula County High School Fund in the amount of \$483.71 and lost in the U.S. mail.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheets

The Board of County Commissioners signed the Transmittal Sheets for the following pay periods:

- 1) #26 (12/11/88 through 12/24/88) with a total Missoula County Payroll of \$319,121.42; and
- 2) #1 (12/25/88 through 1/07/89) with a total Missoula County Payroll of \$316,691.27.

The Transmittal Sheets were returned to the Auditor's Office.

Resolution No. 89-002

The Board of County Commissioners signed Resolution No. 89-002, resolving that the County Treasurer refund taxes in the amount of \$73.11 paid in error for 1988 on Tract E, COS 3361 (Tax Bill 88031589) and abate said tax bill and direct the refund to Beverly J. Harding, Trustee, as the above property was deeded to Missoula County as right-of-way on August 1, 1986.

Other items included:

JoAnne Stewart was appointed as a regular member of the Lolo Mosquito Control Board for a three-year term through December 31, 1991.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JANUARY 31, 1989

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated January 30, 1989, pages 4-25, with a grand total of \$85,266.16. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Water Main Easement

The Board of County Commissioners signed acceptance of a Water Main Easement, dated January 24, 1989, granted to Missoula County by Jerry and Pat Beagley for the purpose of a permanent easement and right-of-way for the purpose of constructing, maintaining and removing water mains, as per the terms set forth, for the Colorado Gulch Water System project (RSID No. 430).

Other items included:

- 1) the Commissioners approved proceeding with the CDBG economic development application;
- 2) the Commissioners appointed Larry Bradshaw to the Weed Control Board of Supervisors for a three-year term through December 31, 1991; and
- 3) Archie McMillan & Don Sokoloski were appointed to one-year terms on the Loan Review Committee through December 31, 1989.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

FEBRUARY 1, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were considered:

- 1) the Commissioners advised Judge Wheelis that his request to take the oak table located in his chambers with him when he leaves the County was denied as it would be in conflict with the historic preservation goals of the County;
- 2) the Commissioners approved the request from the Board of Health to appoint Dr. James Gouaux to fill the at-large (physician) position which was vacated by Dr. Byron Olson in December; and
- 3) the request from the Seeley Lake Refuse District Board to advertise for board members was approved by the Commissioners.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

BID AWARD: Construction Bid - RSID No 430 (Colorado Gulch Water System)

Information provided by John DeVore, Administrative Officer, indicated that the following bids were received in response to the notice inviting proposals for the improvements to the Colorado Gulch Water System financed by RSID 430.

S & S Construction Inc.	\$52,045.00
4G Plumbing and Heating	86,484.00
American Asphalt	60,400.00
Jensen Paving Co.	49,516.91
Western Materials Inc.	50,265.00
G M Construction Inc.	49,921.88

His recommendation was to award the bid to Jensen Paving as the best and most responsive bidder.

Ann Mary Dussault moved and Janet Stevens seconded the motion to award the construction bid for RSID No. 403 (Colorado Gulch Water System to Jensen Paving in the amount of \$49,516.91. The motion carried on a vote of 3-0.

Summary Plat - Kellywood Addition

Information provided by Barb Martens, Planner II from the Office of Community Development, indicated that Kellywood Addition is a proposed five lot residential subdivision located just north of South Seventh Street, east of Bradley Place and south of the Clark Fork River. The total acreage is 5.6 acres, with 5.2 acres proposed as lotted area, and 0.4 acres in road right-of-way. This subdivision is in compliance with the zoning for this area. Her recommendation was to approve the Kellywood Addition, subject to the findings of fact and the following conditions as set forth in the staff report:

FEBRUARY 1, 1989 (continued)

Conditions

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. the portion of the easement along South 7th Street that is presently not deeded to the County shall be deeded prior to plat filing.
3. Approach permits shall be required on all lots to enter the County road on Kelly Lane.
4. The developer shall incorporate into the covenants the language stated in Attachment #1. In addition, the covenants shall provide for fences to be constructed of natural wood products or chainlink metal.
5. A no-access strip shall be shown on the plat along the north side of South 7th Street.
6. The developer shall remove the fence along So. 7th. Street to a location outside of the dedicated right-of-way. Or, if the developer wishes to use this area for agricultural purposes, then the developer shall apply for an encroachment permit subject to the approval of the County Surveyor.
7. Grading, drainage, street and erosion control plans shall be approved by the County Surveyor's Office.

Nick Kaufman, representing the developer, said he had no problems with any of the conditions.

Bob Bassett said he was concerned with the environmental aspects of the development because of the high groundwater level. He said he also has concerns with the sewer system, and noted that none of the neighbors want this development.

Barb Martens said the Health Department is aware of the high groundwater concern, and has stipulated that special drainfields will be installed on several of the lots.

Ann Mary Dussault noted that the Health Department will look at this development very closely, and that these regulations are extremely strict, and that the Commissioner's approval is contingent upon Health Department approval.

Mr. Troutman said this development will mean that there is too much density for this area, and a sewer system is needed now.

Mr. Perkins said he had many of the same concerns as the previous speaker with the groundwater and density.

Ann Mary Dussault said the soils will be tested and the underground aquifer will be closely monitored by the Health Department.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the summary plat of the Kellywood Addition, subject to the conditions and findings of fact contained in the staff report. The motion carried on a vote of 3-0.

SUMMARY PLAT: TARGET RANGE GARDENS

Information provided by Barbara Martens, Planner II with the Office of Community Development, indicated that Target Range Gardens is a proposed two lot residential subdivision located just north of North Avenue and east of 37th Avenue. The total acreage is 1.49 acres. The zoning is C-RR2, which allows a

FEBRUARY 1, 1989 (continued)

maximum density of two dwelling units per acre. This subdivision is in compliance with the zoning for this area. Her recommendation is that the summary plat for Target Range Gardens be approved, subject to the conditions and findings of fact set forth in the staff report. Those conditions are:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The developer shall enter into an agreement with the County for the upgrading and paving of Garden Grove Lane and North Avenue, including the formation of a Homeowner's Association.
3. The covenants shall bear the certification of the attorney who reviewed or prepared them that such attorney is licensed to practice law in the State of Montana and that they contain the applicable provisions required by these regulations.

In addition, a variance has been requested from the paving requirement of North avenue, and the recommendation is to grant that variance subject to the following condition:

Section 3-2 (C) Off-site road standards which are five hundred (500) feet or less in length shall be paved subject to Section 3-2 (c) 1 or 2. The developer shall enter into an agreement, as required by Condition 2 above, to bring Garden Grove Lane and North Avenue up to standard and form a Homeowner's Association with the platting of Phase II.

Andy Fisher, representing the developer, said he was in agreement with all the conditions.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to approve the summary plat of Target Range Gardens subject to the conditions listed above and to the findings of fact contained in the staff report, and contingent upon the signing of the agreement. The motion carried on a vote of 3-0.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the requested variance pertaining to paving of North Avenue be granted. The motion carried on a vote of 3-0.

HEARING: REQUEST TO VACATE A PORTION OF HANSON DRIVE

Information provided by Vickie M. Zeier, Recording Supervisor, indicated that this is a petition to vacate Hanson Drive, located in NW 1/4, Section 35, Township 13 North, Range 20 West, Kallis Addition from east portion being 163' long by 54.0' wide located adjacent to lots 5, 6, & 7, Kallis Addition. The owners whose property abuts the street in this particular area would like to have the street vacated for the following reasons: This portion of Hanson Drive is not needed for road right-of-way. Vacation would return this portion of land to the tax rolls. Title to the property adjacent to the street in this area is vested in the following persons: Terry H. Wilkerson & Marian R. Wilkerson - 2416 Hanson Drive; Stanley R. Mock & Lisa K. Mock - 4803 Hanson Drive; Joseph S. Rice & W. Jean Rice - 4701 South Avenue West.

The hearing was opened for public comment.

Stan Mock said that said that this property is a fire hazard as it is extremely weedy. He said the Wilkersons agreed with him and are concerned with the hazard.

FEBRUARY 1, 1989 (continued)

No one else came forward to speak, and the hearing was closed.

Barbara Evans noted that by law, a Commissioner and the County Surveyor must inspect the property before a vacation is made, and a decision would be made at the next scheduled public meeting.

HEARING: REQUEST TO VACATE A PORTION OF INDUSTRIAL ROAD

Information provided by Vickie Zeier, Recording Supervisor, indicated this is a petition to vacate Industrial Road, located in Sections 36, Township 14 North, Range 20 West and Section 1, township 13 North, Range 20 West, Momont Industrial Park. From Momont Road, S49 degrees, 59 feet, 30 inches, 470.3 feet south by 60 feet wide plus the arc at Momont Road to dead-end. The owners who property abuts the street in this particular area would like to have the street vacated for the following reasons: "for safety, liability, and economy, i.e. the preceding created by vehicles that will have to cross over an additional railroad track." Title to the property adjacent to the street in this area is vested in the following persons: Sunlight Development Co., 16 East Granite -Butte; Roscoe Steel & Culvert Co, 1930 South Avenue West; and Montana Rail Link Inc., 201 International Way.

The hearing was opened for public comment.

Don Amos representing Roscoe Steel said he wanted to expand his plant's facilities, this is a dead end road, and he would like to put in a railroad spur track to the property to service all the property owners in the area, and the track would pose a safety and liability problem if the road were to remain open. He showed the area on a map and discussed the access all the property owners would have after the vacation.

No one else came forward to speak and the hearing was closed.

Mike Sehestedt, Deputy County Attorney asked if the 10 signatures on the petition were all Missoula County Freeholders, noting that the signature of Thomas Williams, signing for Sunlight Development, showed a Butte, Montana address.

It was noted for the record that Mr. Williams has power of attorney for Sunlight Development, a landowner in Missoula County.

Barbara Evans noted that by law, a Commissioner and the County Surveyor must inspect the property before a vacation is made, and a decision would be made at the next scheduled public meeting.

The written portion of the record concerning the Lincoln Associate's proposal was officially closed by the Board of County Commissioners.

There being no further business to come before the Board, the Commissioners were in recess at 2:12 p.m.

* * * * *

FEBRUARY 2 AND 3, 1989

The Courthouse was closed due to severe blizzard conditions and extreme cold throughout the area.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

FEBRUARY 6, 1989

The Board of County Commissioners met in regular session; all three members were present.

Monthly Reports

Chairman Evans examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending January 31, 1989.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Block Grant Quarterly Report

Chairman Evans signed the Second Quarter Report for the MCH Block Grant as submitted by Yvonne Bradford, Director of Health Services. The report was forwarded to DHES in Helena.

Employment Agreement

The Board of County Commissioners signed an Employment Agreement between Missoula County and John L. Pemberton, who will serve as Missoula County's Director of Personnel and Labor Relations, as per the employment duties and terms set forth, at an annual salary of \$35,000.00. The Agreement was returned to the Personnel Office for further signatures and handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Site Inspections

Commissioner Dussault accompanied County Surveyor Horace Brown for site inspections on the requests to vacate portions of Hanson Road and Industrial Road.

* * * * *

FEBRUARY 7, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena February 7th and 8th attending the Legislative session.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated February 7, 1989, pages 6-23, with a grand total of \$17,617.34. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #2 (1/08/89 through 1/21/89) with a total Missoula County Payroll of \$312,402.04. The Transmittal Sheet was returned to the Auditor's Office.

FEBRUARY 7, 1989 (continued)Modification of Agreement

Chairman Evans signed a Modification of Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of offering supplemental MCH Block Grant Funds (DHES No. 900049), as per the terms set forth, with the total amount being \$94,396.00. The Agreement was forwarded to DHES in Helena.

Agreement

Chairman Evans signed an Agreement, dated January 16, 1989, between Missoula County and the Montana Highway Traffic Safety Administrator, for the purpose of aiding Missoula City/County traffic speed enforcement efforts through the purchase of six (6) radar units, as per the terms set forth, with the amount not to exceed \$4,770.00, and the project to be completed by September 30, 1989. The Agreement was forwarded to Helena.

Agreement

Chairman Evans signed an Agreement, dated January 1, 1989, between Missoula County and the Montana Highway Traffic Safety Administrator, for the purpose of aiding Missoula County in implementing its approved DUI Plan for FY 88-89 by providing funds to increase dedicated overtime enforcement of DUI laws, as per the terms set forth, for a total amount not to exceed \$12,500.00, with the project to be completed no later than June 30, 1989. The Agreement was forwarded to Helena.

Other items included:

Bid Award

The Commissioners awarded the bid for seven unmarked cars for the Sheriff's Department and one car for Youth Court to Grizzly Auto Center, who submitted a bid for seven cars and one station wagon for a total of \$79,992.00; the bid specifications were exceeded on the cars, which are all 1988 models, have full warranty through May of 1990, and have less than 13,000 miles on each one. Two other bids were received, but neither met the bid specifications and were not considered.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

FEBRUARY 8, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

FEBRUARY 8, 1989 (continued)

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY'89 budget:

- 1) No. 890019, a request from the District Court Judges to transfer \$850.00 from the Law Books (\$500), Phone-Basic (\$200), General Training-Staff (\$100), and Laundry (\$50) accounts to the Capital-Office Equipment account to purchase a desk for Judge McLean;
- 2) No. 890020, a request from the Health Department to transfer \$569.00 from the Fringe Benefits - 444900 account to the Fringe Benefits - 444905 account to correct the County budget to match the State WIC grant; and
- 3) No. 890021, a request from the Health Department to transfer \$2,451.00 from the WIC Grant - 331151 (\$29) and Permanent Salaries - 444900 (\$2,422) accounts to the WIC Grant - 331147 (\$29) and Permanent Salaries - 444905 (\$2,422) accounts to correct the County budget to match the State WIC grant.

Resolution No. 89-003

The Board of County Commissioners signed Resolution No. 89-003, a budget amendment for the Health Department for FY'89, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447206 (as per listed on sheet attached to Resolution)	\$44,000

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-331321 Youth Seat Belt II	\$44,000
New contract received from the Montana Highway Traffic Safety Division - Contract #403-89-04	

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Janet Stevens.

There were no items on the agenda and no public comment and the meeting was in recess at 1:31 p.m.

* * * * *

FEBRUARY 9, 1989

The Board of County Commissioners met in regular session; all three members were present.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Mao Thao as principal for warrant #154406, dated January 13, 1989, on the Missoula County Payroll Fund in the amount of \$23.20 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit, whereby Missoula County agrees to permit Andy and Rita Heidemann of 1701 Montana Street to encroach upon and use that portion of a dedicated County roadway located near Lot 1, Block 15, Riverside Addition, with the encroachment consisting of a portion of a fence and step to a single-story frame dwelling, as per the terms set forth, for a period not to exceed ten years, renewable at the option of the County of Missoula.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Sheriff's Department and adopted it as part of the FY'89 budget:

No. 890022, a request to transfer \$1,400.00 from the Photo Lab Supplies (\$500), Books, Resource Materials (\$400), and Hospital Care (\$500) accounts to the Temporary Salaries-Jail account to pay for the part-time Commissary Clerk.

Other items included:

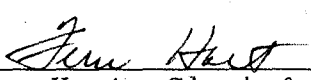
The Commissioners approved Mike Barton's memo regarding compensation for deputy probation officers stating that the reason they were not considered for the \$150 lump sum in December, 1988, was that they are not covered by Personnel Policies and that their anniversary dates were adjusted to July 1st and they each received a 2% increase.

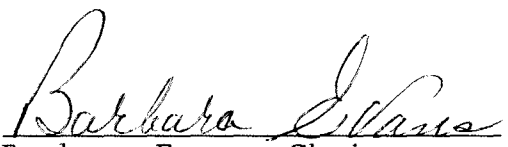
The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

FEBRUARY 10, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena at the Legislative session.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

* * * * *

FEBRUARY 13, 1989

The Board of County Commissioners met in regular session; all three members were present.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of Sheriff Dan Magone showing the items of fees and other collections on account of civil business in Missoula County for month ending January 31, 1989.

Welfare Advisory Board

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Carole Graham, Welfare Director, for their regular monthly meeting.

* * * * *

FEBRUARY 14, 1989

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left for Helena at noon to attend MACo Budget Committee and Board of Directors meetings later in the afternoon and evening.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated February 14, 1989, pages 6-33, with a grand total of \$836,207.67. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Five Valleys Reading Conference as principal for warrant #006214, dated October 17, 1988, on the Hellgate Elementary School District #4 Fund in the amount of \$665.00 now unable to be found.

Senior Nutrition Luncheon

At noon, Commissioner Evans attended the Senior Nutrition Program's Valentine Luncheon, which was held at the Legion Hall.

* * * * *

FEBRUARY 15, 1989

The Board of County Commissioners did not meet in regular session. Commissioners Dussault and Evans were in Helena and attended the Governor's Conference on Emergency Preparedness, and Commissioner Stevens attended the State Mental Health Council meeting in Helena.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled as the Commissioners were out of town.

* * * * *

FEBRUARY 16 & 17, 1989

The Board of County Commissioners did not meet in regular session. Commissioners Dussault and Stevens attended the MACo Midwinter Meeting in Helena on February 16th and 17th; Commissioner Evans returned to Missoula at noon on Thursday after attending the MACo meeting in the morning.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

FEBRUARY 20, 1989

The Courthouse was closed for the Washington's Birthday Observed holiday.

* * * * *

FEBRUARY 21, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Certification of Signs Posted

Chairman Evans signed a statement certifying that the Elk Creek Bridge near Condon is posted for a 5 ton weight limit. The document was returned to the State Highway Department's Bridge Bureau.

INTERCAP Closing Documents

Chairman Evans signed the loan closing documents for Missoula County to enter into a loan amount of \$79,992 on February 24, 1989, as per the terms set forth, from the State Department of Commerce Board of Investments for the purchase of vehicles for the Sheriff's Department. The INTERCAP Closing Documents were returned to John DeVore, Administrative Officer, for further handling.

Other items included:

The Commissioners signed approval of the list of the new officers of the El Mar Estates Homeowners Association as submitted by Arna Sharbono, Secretary/Treasurer.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

FEBRUARY 22, 1989

The Board of County Commissioners met in regular session; all three members were present.

Audit List

The Board of County Commissioners signed the Audit List, dated February 21, 1989, pages 6-31, with a grand total of \$487,247.10. The Audit List was returned to the Accounting Department.

FEBRUARY 22, 1989 (continued)

PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

DECISION: REQUEST TO VACATE A PORTION OF HANSON ROAD

Ann Mary Dussault noted for the record that she and County Surveyor Horace Brown had inspected the property in question on February 6 and determined that this was more than a reasonable request.

Ann Mary Dussault moved and Janet Stevens seconded the motion to vacate a portion of Hanson Drive, located in NW 1/4, Section 35, Township 13 North, Range 20 West, Kallis Addition from east portion being 163' long by 54.0' wide located adjacent to lots 5, 6, and 7, Kallis Addition. The motion carried on a vote of 3-0.

DECISION: REQUESTS TO VACATE A PORTION OF INDUSTRIAL ROAD

For the record, it was noted that Commissioner Ann Mary Dussault and Surveyor Horace Brown had inspected this property on February 6.

Ann Mary Dussault said that the issues of the number of petitioners had been resolved, and the County Attorney's Office had determined that the petition was valid. There was some concern that the vacation could impede the construction of the proposed interchange in the area, and she said that the persons who proposed the vacation would have to be present to answer the questions.

Ann Mary Dussault moved and Janet Stevens seconded the motion to postpone action on this proposed vacation until County Surveyor Horace Brown could clarify some of the issues involved. The motion carried on a vote of 3-0.

CONSIDERATION OF: MORTGAGE HEIGHTS SUBDIVISION SUMMARY PLAT

Information provided by Barbara Martens, Office of Community Development indicated that Mortgage Heights Subdivision is a proposed four lot residential subdivision located just south of Loraine Drive. The total acreage is 44.27 acres, with each lot being greater than ten acres in size. No cash-in-lieu of parkland is required. There is a ten (10) acre remainder parcel on the west side of the proposed subdivision which is presently a commercial gravel pit. The developer states that this ground has been excluded from the subdivision because of an existing lease agreement which does not expire until August 12, 1985. There are two large piles of processed gravel situated on the remainder and when these piles are removed by their owner, (Western Materials Inc.), or when the lease expires, the gravel pit will be reclaimed and used as a residential lot. no further gravel mining on this ground is proposed. A portion of the gravel pit extends into the rear of Lot 1, and the staff is adding a condition that this portion of the gravel pit be reclaimed prior to the sale of the lot and that a fence be placed around the remainder of the gravel pit. The Staff recommends that Mortgage Heights Subdivision be approved subject to the findings of fact and the following conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. Driveway approach permits shall be applied for when specific lot grading plans are known.

FEBRUARY 22, 1989 (continued)

3. The covenants shall bear the certification of the attorney who reviewed or prepared them that such an attorney is licensed to practice law in the State of Montana and that they contain the applicable provisions required by these regulations.
4. The developer shall begin reclamation of the gravel pit by writing to the Department of State Lands informing them that there shall be no additional mining on this parcel.
5. The developer shall fence the lot line between Lot 1 and the remainder parcel if the contouring phase of reclamation has not occurred. The fence shall be of a height and construction to assure that no one other than authorized personnel can enter the gravel pit. The fence shall remain in this location until such time as the gravel pit is reclaimed.

Barbara Evans asked if anyone wished to speak relative to this issue.

Tim Wulf, of Territorial Engineering, representing the developer said he had a problem with the fence issue. He said he would like to see the fifth condition changed to indicate that before the developer sells any of the lots, he would have to construct the fence because the cliff could be eliminated a lot cheaper than the fence could be built. And elimination of the cliff would make the area much safer.

Janet Stevens asked him to indicate the cliff area on a map and to discuss the reclamation plans.

A general discussion of reclamation and the contouring of the area ensued.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the Summary Plat of the Mortgage Heights Subdivision, subject to the following conditions and the findings of fact contained in the staff report:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. Driveway approach permits shall be applied for when specific lot grading plans are known.
3. The covenants shall bear the certification of the attorney who reviewed or prepared them that such an attorney is licensed to practice law in the State of Montana and that they contain the applicable provisions required by these regulations.
4. Prior to filing the plat, the developer shall begin reclamation of the gravel pit by writing to the Department of State Lands informing them that there shall be no additional mining on this parcel.
5. Before selling the lots, the developer shall fence the lot line between Lot 1 and the remainder parcel if the contouring phase of reclamation has not occurred. The fence shall be of a height and construction to assure that no one other than authorized personnel can enter the gravel pit. The fence shall remain in this location until such time as the gravel pit is reclaimed.

The motion carried on a vote of 3-0. (The conditions were later amended in the public meeting of March 29, 1989)

FEBRUARY 22, 1989 (continued)

CONSIDERATION OF: CURTIS AND MAJORS ADDITION SUMMARY PLAT

Information provided by Barbara Martens, Office of Community Development, indicated that Curtis and Majors Addition, a portion of Lot 3 is a proposed four lot residential subdivision located just south of Wyoming Street and west of Curtis Street. The total acreage is 1.96 acres. The zoning is C-RR3, which allows a maximum density of four dwelling units per acre. This subdivision is in compliance with the zoning for this area. The staff recommendation is that the summary plat be approved subject to the findings of fact set forth in the staff report and subject to the following conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. Driveway approach permits shall be applied for when specific lot grading plans are known.

Barbara Evans asked if anyone wished to speak relative to this issue.

Any Fisher, of Eli and Associates, representing the developer, said he had no problem with the staff report or conditions.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the summary plat of Curtis and Majors Addition, a portion of Lot 3 subject to the conditions and findings of fact contained in the staff report. The motion carried on a vote of 3-0.

HEARING: CERTIFICATE OF SURVEY: ANDERSON

Information provided by Colleen Dowdell, Deputy County Attorney, indicated that Leon, Lawrence and Dorothy Anderson have requested use of the family transfer exemption and agricultural exemption to split the parcel described as COS 148, 45.3 acre tract, less COS 3384 between the three of them. Dorothy is the mother of Leon and Lawrence, and the agricultural exemption will be transferred to a neighbor. She said an occasional sale had been done by this party in 1986 on a parcel adjacent to this one.

The hearing was opened for public comment.

Leon Anderson, representing the Anderson said he had no problem with Colleen's report, and explained the history of the tract and the previous split. He said no further splits would be done on the property, the family just wanted to get everything divided equally for estate purposes.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the family transfer and agricultural exemption to divide COS 148, 45.3 acre tract, less COS 3384, finding no attempt to evade the Subdivision and Platting Act. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:10.

* * * * *

FEBRUARY 23, 1989

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Evans was out of the office all afternoon.

Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Sharon Lindquist as principal for warrant #3905, dated February 16, 1989, on the Missoula Area Special Education Cooperative Fund in the amount of \$1,333.60 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was considered:

The Commissioners approved a request from Sheriff Dan Magone, whereby the County would pay his attorney fees from the lawsuit, Magone v. Commissioners, provided there is money available in the Sheriff's Department current budget.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

FEBRUARY 24, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Polson attending a meeting of the Mental Health Board.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

FEBRUARY 27, 1989

The Board of County Commissioners met in regular session; all three members were present.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Vicki Haroldson as principal for warrant #027978, dated October 12, 1988, on the School District #1 Claims Fund in the amount of \$1,180.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Contract

The Board of County Commissioners signed a contract, dated February 9, 1989, between Missoula County and Jensen Paving Company for the purpose of construction, installation and completion of improvements for Grantland-Colorado Gulch Association Water System at Grantland 11 (RSID No. 430), as per the terms set forth, for a total payment of \$48,016.91. The contract was returned to General Services for further handling.

FEBRUARY 27, 1989 (continued)

Agreement

Chairman Evans signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of providing advance funding to enable Missoula to prepare a facility plan necessary to apply for a federal grant to construct wastewater treatment works for Seeley Lake, MT, as per the terms set forth, with the total amount being \$30,940.00. The Agreement was forwarded to DHES in Helena.

Other items included:

The Commissioners signed their concurrence on John DeVore's employment evaluation.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

HEARING ON SEELEY LAKE COMPREHENSIVE PLAN AMENDMENT

The hearing was called to order at 7:00 by Chairman Barbara Evans. Also present was Commissioner Ann Mary Dussault, Rural Planner Pat O'Herren, and Administrative Officer, John DeVore. Bud Johnson represented the Seeley Lake Community Council.

Pat O'Herren provided information relative to the development of the plan. He said that in 1975, a County-wide Plan was developed, and the second phase of that is neighborhood planning. He said that process had been carried out in several locations throughout the County. The Seeley Lake Community Council had indicated that they wished to help develop a plan that addressed the issues relative to the area, and this draft document under discussion at that time is a result of their meetings and hearings. He said that this document amends the total 1975 plan, and is a guideline with broad objectives. It is not a zoning document. After this hearing the document will go before the Planning Board for review, then before the Board of County Commissioners again for final adoption, modifications, or rejection.

Bud Johnson, Chairman of the Seeley Lake Community Council indicated that it had taken 18 months to develop and write this document. He said the document reflects the majority opinions of the Council members, and he feels that the resident's wishes and needs are reflected in the amendments. He then presented the plan to the Board of County Commissioners.

The hearing was opened for public comment.

David Whitesitt spoke in opposition to the plan. He said it was an arm of the Chamber of Commerce and designed for development at the expense of the landowners who do not want more development. He said he doesn't think that the sewer is needed, and he doesn't want to pay for the sewer to help someone develop the lakeshore.

Marshall Gray said that he would like to see his land kept at a "heavy industrial" use because he has plans for development and expansion.

Tom Morris said he was neither opposed or approved the plan, as he had not read it, but he felt that more public comment was needed before the plan was approved. He said he doesn't know what the plan means, and asked if it would be the law, or just a guideline. He said a lot of people in the Seeley Lake area have the same kinds of questions.

FEBRUARY 27, 1989 (continued)

Jerry Ding said he was impressed with the quality of the document and expressed his appreciation to the Community Council and the people who worked on the document for coming up with such a good plan.

Jeff Macon, a member of the Community Council indicated that the Council met at least 18 times in order to develop the plan, and he said they all appreciated all the input the residents had provided. He noted that the amendments would provide a process for setting up a means of communication and cooperation. He said the plan is just a guideline, and each section will be implemented separately, at different times. Before any implementation is made, there will be meetings to allow the residents to work together in implementing the plan. In regard to the content of the plan, he said there were indications that a lot of people in the area want to remain with the status quo, but others feel that that is not a good idea. He said the Community Council does not want to react to change, they want to plan for it, and plan for the future of the Seeley Lake area. He said there was a lot of housing in the area that was not fit for human habitation, and he would like to see service jobs developed so that wives could earn money to help finance a new house. He said if the plan is adopted, it will mean a better future and better quality of life for the residents of Seeley Lake.

Barbara Evans asked if anyone else wished to speak on the issue. No one else came forward, and she asked if there were other issues the residents wished to discuss. There was some indication that the majority of the people at the hearing had not read the plan and were unaware of its contents. She asked Pat O'Herren to give a brief description of the plan.

Pat O'Herren said that he wished to make it clear that the Comprehensive Plan was only a guideline, but it once it was adopted, it would be an official document that would offer guidelines to development. He said it could not govern like zoning laws do, but it would be a master plan of sorts for the Seeley Lake Community.

Bud Johnson said that the amendments are goals for Seeley Lake, which would be developed as time goes by. He then went through the document and explained each section's objectives.

A general discussion of the various goals ensued. There were concerns expressed concerning maintenance of roads, bringing County employees up to Seeley Lake to provide some services, recreation and tourism in the area, fire protection, street numbering, and the proposed Sewer and Water District.

Barbara Evans noted that if anyone wanted copies of the plan, they were available from Rural Planning, and asked John DeVore to comment on the status of the Sewer and Water District.

John DeVore said that it looked like the Sewer and Water System Plan would be ready to be looked at in April. The survey is currently being done door to door, and the engineering company is also collecting data from various sources.

Jeff Macon addressed the issue of implementation, saying there would be regular hearings, a citizens advisory group would be formed, and other organizations in the community would be asked to help implement goals according to their expertise. He said the Planning Board would hold a hearing on the issue on March 21.

There being no further comment, the hearing was recessed at 8:15. The record was left open for written comment on the amendments until that time.

* * * * *

FEBRUARY 28, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 89-004

The Board of County Commissioners signed Resolution No. 89-004, a resolution to vacate a portion of Hanson Drive in Kallis Addition, being that 163 foot by 54 foot portion lying between Lots 5, 6, and 7, located in the NW 1/4 of Section 35, T. 13 N., R. 20 W., PMM.

Lease of Personal Property

The Board of County Commissioners signed a lease between Missoula County and James W. Corn, d/b/a/ Montana Electronics, whereby the County agrees to lease to Mr. Corn all the electronic testing equipment listed in the Agreement, subject to the conditions set forth, for the sum of \$500.00 per year payable in advance, for the period commencing January 1, 1989, and terminating on December 31, 1989, with the option of renewing the contract thirty days prior to the anniversary date of the lease. The lease was returned to Jim Dopp, Operations Officer, for further signatures and handling.

Agreement

Chairman Evans signed an Agreement between Missoula County and Western Vision Services for the purpose of changing the administration of the Group Vision Care Plan from that of fully insured to administrative fee plus actual benefits paid, as per the terms set forth, which will reduce cost increases through the County's assumption of risks previously transferred to the insurer. Also, the County will determine who is eligible, and that the prepayment fees are recognized as the County's funds and not the general funds of the provider. The Agreement will be effective commencing January 1, 1989, for an initial term of six months and continue thereafter until terminated by either party with sixty days prior written notice. The Agreement was returned to Hal Luttschwager, Risk Manager, for further handling.

Other items included:

The Commissioners signed approval of a memorandum from Personnel Director John Pemberton stating that Mike Barton will resume his duties as Personnel Analyst II as of February 27, 1989, and that payroll will be adjusted accordingly to reflect his previous salary.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MARCH 1, 1989

The Board of County Commissioners met in regular session; all three members were present.

Audit List

The Board of County Commissioners signed the Audit List, dated March 1, 1989, pages 6-41, with a grand total of \$133,331.71. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Chuck Irick as principal for warrant #6423, dated February 10, 1989, on the Lolo School District #7 General Fund in the amount of \$45.10 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Modification of Agreement

Chairman Evans signed a Modification of Agreement for Contract No. 900225 between Missoula County and the Montana Department of Health and Environmental Sciences modifying the terms of the Agreement concerning AIDS testing and counselling, as per the items set forth, for the period from January 1, 1989, through June 30, 1989, increasing the total payment by \$5,950.00. The Agreement Modification was forwarded to DHES in Helena.

Resolution No. 89-005

The Board of County Commissioners signed Resolution No. 89-005, a resolution adopting a fiscal policy for Missoula County for the purpose of establishing written policies to guide the financial management of Missoula County, providing precedents for future policy makers and financial managers, and demonstrating to the citizens of Missoula County, the investment community, and the bond rating agencies that Missoula County is committed to a strong fiscal policy.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

DECISION: VACATION OF INDUSTRIAL ROAD

The decision on this issue had been postponed to allow County Surveyor Horace Brown time to look at issues relative to access to the interchange.

Horace Brown said that after looking at the property and discussing the issue with representatives of Sunlight Development and MRL, everyone had agreed that there would be access, and therefore, there is no problem with this vacation.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the vacation of Industrial Road, located in Section 36, Township 14 North, Range 20 West and Section 1, Township 13 North, Range 20 West, Momont Industrial Park from Momont Road S49 degrees 59' 30", 470.3' south x 60' wide plus the arc at Momont Road to dead-end. The motion carried on a vote of 3-0.

MARCH 1, 1989 (continued)

CONSIDERATION OF VAN OSTRAND SUBDIVISION #2 SUMMARY PLAT

Information provided by Barbara Martens, Planner II with the Office of Community Development indicated that the Van Ostrand Subdivision No. 2 is a proposed two lot residential subdivision located at the end of Agate Drive in the Van Ostrand Subdivision south of Lolo. The total acreage is 4.81 acres. Lot 9-A contains six mobile homes, two single family dwellings and park area, while Lot 9-B contains a single family dwelling. Tract 9 of Van Ostrand Subdivision was previously subdivided as a mobile home court, (Hollyhock Homes Court), in 1979. Two of the conditions of approval at that time were that (1) the subdivider attempt to initiate an RSID to pave the County road back to Mormon Creek Road. If this fails, he will record an affidavit giving his consent to any future attempted RSID to pave this road; and (2) the developer shall pave the interior roadway at the time the County road is paved. The Commissioners shall withdraw approval of this trailer park if this is not complied with. Barb Martens said that presently, the County road has not been paved nor has the interior roadway. After researching the RSID provision, the staff was unable to find any record of the RSID having been initiated and there was no record of an affidavit being filed with the County to waive their right of protest. The Staff recommends that the statement waiving the right to protest the upgrading of the County road be stated as a condition, along with the requirement that the interior roadway be paved at the time the County road is paved.

The Community Development Staff recommended that Van Ostrand Subdivision be approved subject to the findings of fact set forth in the staff report and subject to the following conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The developer shall provide an easement for half of a cul-de-sac turn-around on the 27' private access easement and show this on the face of the plat.
3. The developer shall include a statement on the face of the subdivision plat which states that acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future RSID for paving of the County road back to Mormon Creek Road.
4. The developer shall pave the interior roadway at the time the County road is paved.

Ann Mary Dussault noted that the Commissioners had received a memo from Dan Corti, of the Health Department noting that there is a house for which the department has no record of sewer approval, and which is not shown on the plat. He said that at a minimum, the sewer and water system for the new structure will need approval prior to the department's review of this subdivision. The water system will need to be approved by the Water Quality Bureau as it is an extension of a multi-family supply serving a trailer court. The sewer system will need a site evaluation and permit.

Fred Nelson said that the dwelling was, in fact, on the property. He said it was a two car garage that he had converted into a dwelling for a family member, and that nobody had approved any of the construction. He said he hooked it up to the existing sewer system himself. He said he had received a letter from someone stating that if Mormon Creek Road was ever paved, then he would have to pave the court. He said the Road never got paved, so he just disregarded the matter.

MARCH 1, 1989 (continued)

Janet Stevens said that the other condition was that if he couldn't put the RSID together, that he had to file an affidavit waiving his right to protest an RSID to pave this County Road.

Fred Nelson said he knew he couldn't get an RSID to pass, so he didn't do anything further about the matter.

Barbara Evans told him that back when he got his initial approval, it was required of him that he either paved his road, or got an RSID together, and he needed to understand that he had done neither, and those stipulations were serious and he had to do it.

Colleen Dowdell, Deputy County Attorney, noted that Mr. Nelson would need to get approval of the present set-up before the new construction could begin.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the Summary Plat of the Van Ostrand Addition subject to the findings of fact and the following conditions:

1. Sanitary restrictions, including that of the new structure, shall be lifted by state and local health authorities.
2. The developer shall provide an easement for half of a cul-de-sac turn-around on the 27' private access easement and show this on the face of the plat.
3. The developer shall include a statement on the face of the subdivision plat which states that acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future RSID for paving of the County road back to Mormon Creek Road.
4. The developer shall pave the interior roadway at the time the County road is paved.

The motion carried on a vote of 3-0.

The meeting was recessed as the Board of County Commissioners, and reconvened as a hearing before the Planning and Zoning Commission. Also present besides the Commissioners were Horace Brown, County Surveyor, and County Assessor, Fern Hart.

Hearing: Development Request- Zoning District #4 (Marc Hollinger)

Zoe Moehesky, from the Office of Community Development said this was a review and approval of a request to construct a new single family residence on property described as a tract of land located in the Southwest 1/4, of the Southwest 1/4, Section 2, Township 12 North, Range 19 West. P.M.M., and further described as Lot 10 of Pattee Canyon Estates. She said Marc and Jill Hollinger are requesting approval to construct a single family residence on their property in Pattee Canyon. The property is part of Planning and Zoning District #4, and would require little, if any land contouring. She said that on February 7, the Planning Board recommended approval of this request subject to septic system approval by the Missoula City/County Health Department. She described the lot and the proposed homesite.

The hearing was opened for public comment.

Jay Raser, representing the Hollingers, said he was present to answer any questions.

No one else came forward to speak and the hearing was closed.

MARCH 1, 1989 (continued)

Ann Mary Dussault asked if there is a specific requirement for access on this proposal as per the comments from the fire department.

Zoe Moehesky said that the access is being built as per the fire department's request, and Horace Brown said the approach permit would require rearranging the access to provide access and drainage.

Ann Mary Dussault moved and Fern Hart seconded the motion to approved the request to construct a single family residence on property located in the Southwest 1/4 of the Southwest 1/4, Section 2, Township 12 North, Range 19 West, P.M.M., and further described as Lot 10 of Pattee Canyon Estates, located in Planning and Zoning District #4, subject to septic system approval by the Missoula City/County Health Department, and contingent upon an access permit being granted by the County Surveyors Office, and that the County Surveyor consider the comments by Rural Fire relative to access. The motion carried on a vote of 5-0.

The Planning and Zoning Commission was then recessed, and the meeting was reconvened as a public hearing before the Board of County Commissioners.

Hearing: CDBG Application: IDM (Industrial Design Manufacturing) Relocation and Expansion

Cindy Wulfekuhle, Planner with the Community Development Block Grant Program said that Industrial Design and Manufacturing (IDM) is a small manufacturing plant presently located in Troy, Montana. At this time the company employs five people, including the owner. IDM designs and manufactures pool-lift systems for the disabled and elderly. They also manufacture and market storage reels for thermal pool covers, but import the covers they sell from Canada.

IDM is proposing to relocate their plant and expand their operation. Relocation and expansion will allow them to begin producing lifts for use in spas and the manufacturing of the pool covers in Montana. Increased production will require an increased work force estimated to reach 13 employees in three years. At this time the company's workers in Troy are being offered job transfers to Missoula. Determination of how many employees will be relocating to Missoula should be complete in about one week. Other than the job retentions, all but two of the positions to be created by the expansion will be filled by low to moderate income individuals from the Missoula job market.

Briefly, IDM's reasons for relocating have to do with the remoteness of their current facility. The business is located on the owners' residential property north of Troy on the Yak River. Freight costs carry a surcharge of \$88 to and from this location. Without the surcharge, standard delivery charges are 15% higher in this area than Missoula. Presently, telephone service is a party line. Private telephone service and the installation of a Fax machine would require the purchase of ten telephone lines. Also, at this time, the construction of Highway 2 between Troy and Libby is having a major impact on the availability of workers, access to raw materials and the ability to ship completed products. Proposed shutdowns of the highway for two week periods are anticipated, which will severely affect operations. Road construction is anticipated to last for approximately two more years.

CDBG funds to be requested will be \$120,000, which includes administration. Additional funding for the project will be through an SBA loan from a local lender in the amount of \$140,000.

MARCH 1, 1989 (continued)

The hearing was opened for public comment

Ron Klaphake, representing the Missoula Economic Development Corporation indicated that the applicant, Keith Krumbeck, was unable to attend the hearing as they were out of the state on business. He said that Mr. Krumbeck invented this pool lift apparatus, patented it and sold it, then retired to Montana. He subsequently got the patent back, successfully rebuilt the company and contacted MEDC to see if there was a way he could receive some assistance in relocating his company so he could expand it. After determining that Missoula was where he wanted to relocate, the application was prepared. Mr. Klaphake showed some visual material relative to the products manufactured by IdM. He said that in his estimation, the addition of 13 new jobs is a conservative one, as the business is growing and has a good economic outlook. He said Mr. Krumbeck estimates his sales will double from \$250,000 to \$500,000 per year after the expansion. He indicated that the current employees have been offered an opportunity to relocate, and several have indicated that they will do that, but there will be a need to add an additional three employees the first year, making a total of 8 at the end of the year, with projections of adding 5 more in the next two years. He said Mr. Krumbeck has indicated that he will hire low and moderate income persons through training programs and the Job Service. Mr. Klaphake said that reports that some of the grant money would be used for relocation costs were erroneous. The costs of relocation would be borne entirely by the company and would be documented very carefully.

Jim Morton, representing the Human Resource Council, said that his organization was pleased to have this kind of industry in Missoula; one that is not debt laden, and not trying to write down accounts receivable. He said that in his estimation the company has a very bright economic future. He said that he has been assured that the company will work with the HRC and other programs to hire low and moderate income persons.

No one else came forward to speak and the hearing was closed.

Ann Mary Dussault said that given the fact that the owners were not able to meet with the Commissioners today, she and Commissioner Barbara Evans had met with the Krumbecks the previous week and had an opportunity to discuss the proposals at length with them, and felt satisfied that the relocation to Missoula would make their projections for employment much more feasible.

Ann Mary Dussault moved and Janet Stevens seconded the motion to find the application by Industrial Design and Manufacturing Inc. for Community Development Block Grant funds in the amount of \$120,000 to be in the public interest. The motion carried on a vote of 3-0.

Resolution No. 89-006

The Board of County Commissioners signed Resolution No. 89-006, authorizing submittal of a Community Development Block Grant to assist Industrial Design and Manufacturing Inc through a low-interest loan.

Hearing: Appeal of Comp Plan Compliance Decision - Drake Lemm

Carol Jessee, Assistant Planner from the Office of Community Development, indicated that this was an appeal of an Office of Community Development that the applicant's proposal to construct a multi-family dwelling on property located on Glacier Drive in Lolo is not in substantial compliance with the Lolo area Plan supplement to the County Comprehensive Plan. Drake Lemm seeks

MARCH 1, 1989 (continued)

approval to construct a multi-family dwelling on property described as Lot 3, Block A, Lakeview Addition. The site is located between Highway 93 South and the railroad tracks on Glacier Drive in Lolo. The Lolo Land Use Plan recommends Community Commercial land use of this site, and the staff concluded that the use was not in compliance with that Plan or the provisions of the two resolutions adopted to assist in its application to building permits. The staff recommendation was that the proposed development be found not to comply with the Comprehensive Plan.

The hearing was opened for public comment.

Drake Lemm said he realized that the proposal was not in compliance, and suggested that the Comp Plan needed to be changed. He said he did not think there will be enough commercial development in the area, and he would like to see this property developed. He said the commercial designation on this property is prohibiting him from developing it, and since Lolo is a "bedroom" community for Missoula, and the commercial uses of property has been stagnant or declining for many years in Lolo. He said the rental market is strong at this time and the adjacent property owners are supportive of this development. He said he has paid a lot of taxes on this property in the past, and has not been able to sell it, or profit from it.

Barbara Evans asked Colleen Dowdell if just a part of the Lolo Comp Plan could be changed.

Colleen Dowdell said it could be changed, but it is a long process.

Janet Stevens noted that this property had been purchased after the comp plan had been developed for the area, so Mr. Lemm should have been aware of the restrictions.

Ann Mary Dussault said that the designation was pretty clear, and it would be next to impossible for the Commissioners to find anything contrary to what the Planning Office had already determined. She said she was in agreement that the plan needed to be changed, but she didn't see that it could be done as quickly as Mr. Lemm envisions.

Barbara Evans said that it didn't make sense to her to put a residential complex right in the middle of a commercial area.

Janet Stevens moved and Ann Mary Dussault seconded the motion to deny the appeal of Mr. Drake Lemm relative to the comp plan findings submitted by the Office of Community Development. The motion carried on a vote of 3-0.

Ann Mary Dussault noted for the record that the Lolo Comp Plan should be reviewed since it is more than ten years old.

Hearing: Certificate of Survey Review-Occasional Sale and Family Gift - Matthew

Information provided by Colleen Dowdell, Deputy County Attorney, indicated that the Matthews family is requesting an exemption from the Subdivision and Platting Act for a family transfer and occasional sale to divide COS 198/679.

The claimant is the mother of three children. In 1986, she transferred Parcel A of COS 3363 to her son, Ronald Matthew, consisting of just under 5 acres. Ronald and his family live on the parcel that was transferred to them. He and his brother, Roland, are in the construction business together and their shop is located on the property just to the south of Ronald's home.

MARCH 1, 1989 (continued)

This is the parcel that they wish to divide using the Occasional Sale Exemption, transferring the property to Matthew and Sons Construction. The property proposed to be divided for transfer to Roland is just to the south of the shop property and consists of approximately 5 acres. A house already exists on this site which Roland occupies. He and his family would build a new home on this parcel. The only other factor of interest is that the occasional sale parcel may have a groundwater problem, making it unsuitable for residential use.

The hearing was opened for public comment.

No one came forward to speak on the issue and the hearing was closed. Colleen Dowdell indicated that the claimants were out of town and the surveyor was unable to make the trip from Kalispell.

Ann Mary Dussault said that it should be noted for the record that the proposed transfer is to a second son and the family situation is such that the son's wife's sister and husband died, so that Ronald Matthew and his wife have taken custody of the children, and their current residence is not large enough for the additional three children, so they need to build a larger home.

Janet Stevens moved and Ann Marry Dussault seconded the motion to approve the Division of COS 198/679 by family transfer, based on the fact that no attempt to evade the Montana Subdivision and Platting Act is evident in this request. The motion carried on a vote of 3-0.

Hearing: Use of Occasional Sale and Family Gift (Sickles)

Information provided by Colleen Dowdell, Deputy County Attorney, indicated that Mike Sickles is proposing to divide Tract 10, COS 1159A by Occasional Sale and Family Transfer. The parcel to be divided is a little over 20 acres. The claimant proposes to keep the back 10 acres to build his own home. The other 10 acres would be divided into two 5 acre parcels; one to be transferred to his father and other to sell as an Occasional Sale. She said the claimant has never used the exemption to create a sale.

The hearing was opened for public comment.

Mike Sickles said he wants to build a house on the 10 acres, and the occasional sale would give him enough money to do the construction. He said his father had some property in Pattee Canyon that he had originally been planning to build on, but had changed his mind about living in Pattee Canyon.

Colleen Sickles said she did not want to live in Pattee Canyon, and she did not wish to live in such close proximity to her in-laws, and that is why they are not building in Pattee Canyon.

A general discussion about the previous split in Pattee Canyon made by Steve Sickles ensued, as his split involved a family gift to this claimant. In addition, the Commissioners explained their concerns regarding this family transfer and whether there was an intent to evade the Subdivision and Platting Act.

Colleen Dowdell said that if this request is granted, the actual family gift transfer would have to be made done, and the deed would have to be made out to the father, Steve Sickles.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to approve the Division of COS 1159A, Tract 10 by occasional sale and family transfer exemption, finding no attempt to evade the Montana Subdivision and Platting Act, with the stipulation that the family transfer must be accomplished by filing a deed. The motion carried on a vote of 3-0.

MARCH 1, 1989 (continued)

There being no further business to come before the Board, the hearing was recessed at 3:05 p.m.

4-H Meeting

In the evening, Commissioner Dussault spoke to a 4-H Group about Legislation and the current Legislative Session at a meeting held in the Extension Office Conference Room.

* * * * *

MARCH 2, 1989

The Board of County Commissioners met briefly in the morning. Commissioners Dussault and Stevens left for Washington, D.C. later in the forenoon to attend the NACo Legislative Conference.

Plat

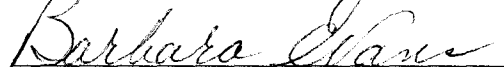
The Board of County Commissioners signed the plat for Sun Valley Pines, a subdivision plat of the W 1/2, NW 1/4, SW 1/4 of Section 26, T. 11 N., R. 20 W., PMM, a gross acreage of 19.92 acres, with the owner and subdivider being Linda K. Round, and \$3,333.33 cash in lieu of parkland was received.

* * * * *

MARCH 3, 1989

The Board of County Commissioners did not meet in regular session; Commissioner Evans left for Washington, D.C. where she will also be attending the NACo Legislative Conference.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

* * * * *

MARCH 6 & 7, 1989

The Board of County Commissioners did not meet in regular session as they were attending the NACo Legislative Conference in Washington, D.C., returning to Missoula late the evening of the 7th.

* * * * *

MARCH 8, 1989

The Board of County Commissioners was out of the office all forenoon; all three members were present in the afternoon.

Audit List

The Board of County Commissioners signed the Audit List, dated March 7, 1989, pages 6-27, with a grand total of \$263,320.95. The Audit List was returned to the Accounting Department.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, Michael D. Morris and David K. Clark, for month ending February 28, 1989.

MARCH 9, 1989 (continued)

<u>Description of Expenditure</u>	<u>Budget</u>
1000-891-430621-328 EPA - Seeley Contracted Services	\$30,940

<u>Description of Revenue</u>	<u>Revenue</u>
1000-891-331094 EPA Grant - Seeley Sewer	\$30,940

Employment Agreement

The Board of County Commissioners signed an Employment Agreement between the Missoula County Board of Health and Ellen Leahy, who will serve as Acting Health Director, as per the employment duties and terms set forth, at a bi-weekly salary of \$1,340.80. The Agreement will terminate no later than July 1, 1989, at which time she will resume her position as Director of Health Education

Other items included:

The Commissioners signed approval of a letter, dated March 8, 1989, written by John Pemberton, Director of Personnel & Labor Relations, to Jim Adams of MPEA regarding a proposed settlement in the grievance submitted on behalf of Toni McOmber, Junk Vehicle Specialist at the Health Department. The letter was returned to John Pemberton for further handling.

Bid Award

The Commissioners voted 2-0, with Commissioner Stevens absent, to award the bid for the contract for tax deed title searches for the Clerk & Recorder's Office to Western Title & Escrow, as per the recommendation of Wendy Ross Cromwell, Recording Manager. The bid submitted by Western Title & Escrow was for \$65 flat rate per parcel without chain of title record worksheet provided to County; \$50 hourly rate for "complex" negotiated searches; and they agree to answer taxpayer inquiries concerning title.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MARCH 10, 1989

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Stevens was out of the office all day, and Commissioner Evans was out until noon.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Beatrice Koch as principal for warrant #12256, dated January 23, 1989, on the Larchmont Golf Course Fund in the amount of \$265.00 now unable to be found.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

MARCH 8, 1989 (continued)WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

There being no business to come before the Board, the Commissioners were in recess at 1:31 p.m.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the afternoon following the Public Meeting, the following items were signed:

Resolution No. 89-007

The Commissioners signed Resolution No. 89-007, a resolution to vacate Industrial Road located in the SW 1/4 of Section 36, T. 14 N., R. 20 W., and the NW 1/4 of Section 1, T. 13 N., R. 20 W., PMM, Momont Industrial Park; from Momont Road S49 59'30"E, 410.3' x 60' wide plus the arc at Momont Road to dead-end.

Modification of Agreement

Chairman Evans signed a Modification of Agreement for contract No. 900122 between Missoula County and the Montana Department of Health & Environmental Sciences concerning the WIC Program, as per the terms set forth, and provides an increase in funding for the WIC program and will provide funds to hire an additional half-time aide for Ravalli County. The Agreement Modification was forwarded to DHES in Helena.

* * * * *

MARCH 9, 1989

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Stevens was out of the office all day, and Commissioner Evans was out until noon. Commissioner Dussault participated in Leadership Missoula in the forenoon, which was held at St. Patrick Hospital.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for month ending February 28, 1989.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly Report of the Clerk of the District Court, Kathleen D. Breuer, showing items of fees and other collections made in Missoula County for month ending January 31, 1989.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the afternoon, the following items were signed:

Resolution No. 89-008

The Board of County Commissioners signed Resolution No. 89-008, a budget amendment for FY'89 for the Financial Administration Department, including the following expenditure and revenue, and adopting it as part of the FY'89 budget:

MARCH 13, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was out of the office the week of March 13th through the 17th as she and her family were moving to a different home.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Extension Letter

The Board of County Commissioners signed a letter to Nick Kaufman of Sorenson & Company approving a filing extension for the Thorsrud Addition, making the new filing deadline April 30, 1989.

Resolution No. 89-009

The Board of County Commissioners signed Resolution No. 89-009, a resolution accepting an easement from First Security Bank of Missoula for public road and all other public purposes, located in a portion of the SE 1/4 of Section 23, T. 13 N., R. 20 W., PMM, Missoula County.

Contract

The Board of County Commissioners signed a contract, dated March 9, 1989, between Missoula County and Western Title and Escrow for performance of tax deed title searches, ownership and interest in real property at Missoula County, as per the terms set forth, for payment of \$65/parcel, plus \$50/hour for complex searches, and shall be completed within 125 consecutive calendar days from the date of the contract. The Contract was returned to Wendy Cromwell, Recording Manager, for further handling.

Other items included:

- 1) the Commissioners concurred with John DeVore's memo (BCC-89-166) regarding the bid specifications for the mainframe acquisition that the RFP needs to be restricted to require the operation of our existing software and related equipment at no additional cost to the County, the effect of which will be the limiting of the best responsible bidder to Unisys; and
- 2) the Commissioners reappointed John DeVore to a three-year term on the Larchmont Golf Course Board of Directors through March 31, 1992; and reappointed Lois Anderson as the first alternate member on the Board through March 31, 1992.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MARCH 14, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen D. Breuer, showing items of fees and other collections made in Missoula County for month ending February 28, 1989.

MARCH 14, 1989 (continued)DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Plat and Agreement

The Board of County Commissioners signed the Plat for Target Range Gardens, a subdivision located in the SW 1/4 of Section 25, T. 13 N., R. 20 W., PMM, Missoula County, with the owner and subdividers being Mary Jo and John Diddel. An Agreement was also signed regarding the paving requirements for the development and the conditions relating thereto.

Other items included:

- 1) members of the Museum Board of Trustees met with the Commissioners to discuss the Museum Director's salary; and
- 2) the Commissioners approved paying the NACo dues for the period from 4/30/89 through 4/30/90.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MARCH 15, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated March 15, 1989, pages 6-40, with a grand total of \$1,311,672.08. The Audit List was returned to the Accounting Department.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Virginia Tribe, an independent contractor, for the purpose of facilitating the Medically Uninsured and Underinsured Task Force, as per the terms set forth, for the period from February 28, 1989, through June 30, 1989, for a total payment not to exceed \$5,000.00, with the funds coming from the MCH Block Grant.

Statement of Assurances - CDBG Program

Chairman Evans signed the Statement of Assurances accepting the CDBG Program Requirements as stated, agreeing to comply with all requirements established by the Department of Commerce, and accepting the terms, conditions, selection criteria, and procedures established by the Montana CDBG Program and waiving any right to challenge the legitimacy and propriety of these in the event that the Applicant is not selected for an award of CDBG funds. The Statement was returned to Cindy Wulfekuhle in the Rural Planning/Block Grants Department for further handling.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Ann Mary Dussault.

There being no business to come before the Board, the Commissioners were in recess at 1:31 p.m.

* * * * *

MARCH 16, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 89-010

The Board of County Commissioners signed Resolution No. 89-010, a budget amendment for FY'89 for the Health Department, including the following expenditure and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447208-946 Capital - Technical Equipment	\$ 4,770.

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-331322 Radar - HTSD	\$ 4,770.

Contract received from the Highway Traffic Safety Division to purchase 6 radar units for the Missoula City-County traffic speed enforcement project. Contract No. 89-02-01-4.

Resolution No. 89-011

The Board of County Commissioners signed Resolution No. 89-011, a budget amendment for FY'89 for the Library, including the following expenditure and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2220-410-460110-960 Capital - Books	\$ 242.

<u>Description of Revenue</u>	<u>Revenue</u>
2220-410-343067 Mineral Co. Contract	\$ 242.

Resolution No. 89-012

The Board of County Commissioners signed Resolution No. 89-012, a budget amendment for FY'89 for Tamarack Federation, including the following expenditure and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2221-411-460191-961 Capital - Video Tapes	\$ 3,967.

<u>Description of Revenue</u>	<u>Revenue</u>
2221-411-334061 Coal Tax Money	\$ 3,967.

MARCH 16, 1989 (continued)Resolution No. 89-013

The Commissioners signed Resolution No. 89-013, a budget amendment for the Health Department, including the following expenditure and revenue, and adopting it as part of the budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447207-328 Contracted Services	\$12,500

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-333277 DUI 125	\$12,500

Received a new contract from the Dept. of Justice Highway Traffic Safety Division for DUI Team Salaries. Contract No. 408-89-10.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Jeff Hainline, an independent contractor, for the purpose of representing the Missoula Traffic Safety Task Force by attending the Lifesavers/7 National Conference on Highway Safety Priorities in Cincinnati, Ohio on April 11th and 12th, 1989; serving as a panelist at one of the conference workshops on alternate transportation programs and present information on the Home Free Missoula Program; and sharing information obtained at the conference with the Missoula Traffic Safety Task Force upon his return, as per the terms set forth, all paid for by the Montana Highway Traffic Safety Grant.

Budget Transfers

The Commissioners approved and signed the following budget transfers and adopted them as part of the FY'89 budget:

- 1) No. 890023, a request from the Tamarack Federation to transfer \$6,633 from the Capital - Books account to the Long Distance Phone (\$100), Contracted Services (\$1,000), Meals, Lodging & Incidentals (\$500), Mileage - Private Vehicle (\$2,000), General Training (\$3,000), and Capital - Video Tapes (\$33) accounts in order to enact the contingency service plan for the Federation; and
- 2) No. 890024, a request from Youth Court to transfer \$1,450 from the Community Service Grant Work Study account to the Community Service Grant Contracted Services account to pay the contracted services of an individual who supervised community service work.

Audit Letters

The Commissioners signed letters to Susan Reed, County Auditor, acknowledging receipt and review of the audits of the records of the Motor Vehicles Department and the of the Fair for the period covering from July, 1988, through November, 1988. The Audits were forwarded to the Clerk & Recorder's Office for filing.

Other items included:

The Commissioners approved raising the salary of Wes Hardin, Director of the Historical Museum at Fort Missoula, around \$1,000 per year; John DeVore, Administrative Officer, will contact the Chairman of the Museum Board regarding this.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

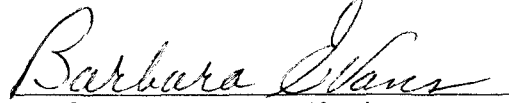
MARCH 17, 1989

The Board of County Commissioners did not meet in regular session; Commissioner Evans was out of the office all day, but was available for phone calls.

Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Fairway Cleaners as principal for warrant #6514, dated January 24, 1989, on the Hellgate Elementary School District #4 General Fund Account in the amount of \$32.00 now unable to be found.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

* * * * *

MARCH 20, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheets

The Board of County Commissioners signed the Transmittal Sheets for the following:

- 1) Pay Period #3 (1/22/89 through 2/04/89) with a total Missoula County Payroll of \$318,616.54;
- 2) Pay Period #4 (2/05/89 through 2/18/89) with a total Missoula County Payroll of \$306,035.66; and
- 3) Pay Period #5 (2/19/89 through 3/04/89) with a total Missoula County Payroll of \$312,258.07.

The Transmittal Sheets were returned to the Auditor's Office.

Plat and Public Improvements Agreement & Guarantee

The Board of County Commissioners signed the Plat for Rainbow Bend Estates, a subdivision located in the NE 1/4 of Section 10, T. 13 N., R. 17 W., PMM, Missoula County, an area of 9.79 acres, with the owner and subdivider being Thomas and Jeanette Ailport, and cash in lieu of parkland in the amount of \$2,311.00 was received by the Missoula County Treasurer. The Improvements Agreement states that the completed improvements of a paved approach onto Highway 200 and the installation of a water storage tank shall be installed prior to July 1, 1989.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MARCH 21, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were considered:

- 1) Jim Morton of District 11 Human Resource Council met with the Commissioners and presented information on the "Homeless Money" program; and
- 2) John DeVore, Administrative Officer, updated the Commissioners on the proposed Seeley Lake Sewer project.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MARCH 22, 1989

The Board of County Commissioners met in regular session; all three members were present.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Georgeline Reed as principal for warrant #3632, dated February 10, 1989, on the Bonner School District #14 Lunch Fund in the amount of \$7.64 now unable to be found.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated March 22, 1989, pages 6-29, with a grand total of \$52,241.36. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Carole A. Larango as principal for warrant #5061, dated March 14, 1989, on the Missoula County Trust (Child Support) Fund in the amount of \$150.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were considered:

- 1) the Commissioners appointed Pelham "Pel" Turner as a regular member on the County Board of Adjustment to fill the unexpired term of Thaddeus Harrington through December 31, 1989, at which time he will be eligible for reappointment to a two-year term; Jerry Ford was moved up to the 1st alternate position, and Michael Aaron to the 2nd alternate position on the County Board of Adjustment; and
- 2) the promotion of the Centennial License Plate sales was discussed.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

MARCH 22, 1989 (continued)

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

Bid Award: Road Sanding Material (Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that bids were opened at 10:00 a.m. on March 20, 1989 for 10,000 tons of road sanding material with the following results:

Johnson Bros. Contracting	\$46,000.00
L.S. Jensen & Sons Inc.	42,800.00
Western Materials Inc.	27,800.00
American Asphalt	54,500.00

The recommendation was to award the bid to Western Materials for 11,500 tons of road sanding equipment at a cost of \$31,970.00 as \$32,392 had been budgeted for this expenditure.

Ann Mary moved and Janet Stevens seconded the motion to award the bid to Western Materials for 11,500 tons of road sanding equipment at a cost of \$31,970.00. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:35

* * * * *

MARCH 23, 1989


The Board of County Commissioners met in regular session; all three members were present. Commissioner Evans attended a meeting of the National Forest Service Museum Board at the Village Red Lion during the day.

* * * * *

MARCH 24, 1989

The Board of County Commissioners did not meet in regular session; Commissioner Stevens attended a Mental Health Board Meeting in Thompson Falls, and Commissioners Dussault and Evans were out of the office all day.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

* * * * *

MARCH 27, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena March 27th and 28th attending the Legislative Session.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

MARCH 27, 1989 (continued)Resolution No. 89-014

The Board of County Commissioners signed Resolution No. 89-014, a budget amendment for FY'89, for the Commissioners Office, including the following expenditure and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
1000-010-460457-328 Grant Contracted Services	\$16,030

<u>Description of Revenue</u>	<u>Revenue</u>
1000-010-333017 Centennial Grant	\$16,030

Plan Document Amendment

The Board of County Commissioners signed an Amendment to the Missoula County Comprehensive Medical Benefits Plan, amending the document as follows:

Effective May 1, 1989 - ARTICLE II: DEFINITIONS shall be amended to include the following:

COST CONTAINMENT COMPANY shall mean the person or firm employed by the County to administer certain cost containment provisions required under the Plan.

Plan Document Amendment

The Board of County Commissioners signed an Amendment to the Missoula County Comprehensive Medical Benefits Plan, stating that effective May 1, 1989, the Plan Document shall be amended to include the following provision:

CERTIFICATION OF HOSPITAL ADMISSION PROVISION

The certification of hospital admission provision is utilized for the purpose of determining coverage payment under the plan only. The covered person and the attending physician remain responsible for all treatment decisions regarding any sickness or injury and any hospitalization.

In order to receive the benefits outlined in the Schedule of Benefits for inpatient hospital services, including Psychiatric Medical Care, Maternity Care, and Hospital Benefits, the participant must comply with the Pre-Admission Certification Review or the Emergency Admission Review requirements, as set forth in the Amendment, for all hospital admissions.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Audit Exit Conference

The Board of County Commissioners and County staff personnel met with representatives of Elmore & Associates, P.C. for the Audit Exit Conference, at which time the audit recently completed for year ended June 30, 1988, was reviewed and discussed.

* * * * *

MARCH 28, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Agreement

Chairman Evans signed an Agreement between Missoula County and the Montana Department of Health & Environmental Sciences for the purpose of providing funds from the Maternal and Child Health Block Grant Primary Care/Case Management Program to high risk mothers and children, as per the terms set forth, for a total payment not to exceed \$13,400.00, and must be completed by June 30, 1989. The Agreement was forwarded to DHES in Helena.

Employment Agreement

The Board of County Commissioners signed an Employment Agreement, dated April 3, 1989, between the Missoula County Board of Trustees for Museums and Rae Dabbert, who will serve as Acting Director of the Missoula Museum of the Arts, as per the employment duties and terms set forth, at a salary of \$11.00 per hour for 20 hours weekly scheduled on Monday through Thursday mornings, and will terminate no later than July 14, 1989.

Schedule A - Maintenance Plan 1989

The Board of County Commissioners signed Schedule A - Maintenance Plan, Revised March 1989, as provided in the Agreement dated March 27, 1967, listing the roads in Missoula County under the County's jurisdiction and the roads under the jurisdiction of the Forest Service and stating that the parties shall maintain the roads under their jurisdiction, with the exception of the roads listed on the Maintenance Plan where the County maintains two Forest Service Roads and the Forest Service maintains two County Roads. A copy of the Maintenance Plan is on file in the Surveyor's Office.

Modification of Agreement

Chairman Evans signed a Modification of Agreement (Contract No. 900263) between Missoula County and the Montana Department of Health and Environmental Sciences modifying the terms of the Agreement between them concerning low birthweight prevention and allows the Access/Links low birthweight prevention program to establish a data collection system, including a temporary position "program assistant" for the 3-month period and contracted services for computer consultation. The Agreement Modification was forwarded to DHES in Helena.

Surplus Property Resolution

Chairman Evans signed a Resolution for the Surplus Property Program certifying that the Missoula County employees whose names and signatures appear on the Resolution are authorized to acquire federal surplus property from the State of Montana, Property and Supply Bureau for Missoula County, as per the terms set forth, and the Resolution shall remain in effect until written notice is given to the Property and Supply Bureau to change or rescind it. The Resolution was forwarded to the Property and Supply Bureau in Helena.

* * * * *

MARCH 29, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena March 29th & 30th attending a MACo Board of Directors Meeting and the Legislative Session.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #6 (3/05/89 through 3/18/89) with a total Missoula County Payroll of \$312,083.14. The Transmittal Sheet was returned to the Auditor's Office.

Contract

The Board of County Commissioners signed a Contract between Missoula County and Fred's Towing and Crane for the collection of abandoned vehicles other than those falling within the classification of junked vehicles in Missoula County, as per the terms set forth, for the sum named in the Contractor's proposal which is included as part of the Contract, and shall be effect until June 30, 1989. The Contract was returned to Centralized Services for further handling.

Acknowledgment of Receipt of Audit Reports

Chairman Evans signed a letter received from Elmore & Associates, P.C. acknowledging receipt of three copies of the audit report for Missoula County for the year ended June 30, 1988. The Acknowledgment was returned to Elmore & Associates.

Other items included:

- 1) the Commissioners approved a request from the Sheriff to add Sr. Deputy Robert Parcell as a deputy coroner effective April 1, 1989; he will be the resident deputy coroner in Condon, MT and will be replacing Sr. Deputy W. Scott McDonald who has transferred to Missoula; and
- 2) the Commissioners approved \$1,200 of the Centennial Grant funds for Stan Cohen's Centennial Memorabilia project.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order by Chairman Barbara Evans. Also present was Commissioner Janet Stevens.

Bid Award: Paint (Surveyor)

Information provided by County Surveyor Horace Brown indicated that bids were opened at 9:00 on March 28, 1989 for road paint with the following results:

Norris Paint Co.	3700 gallons	\$20,805	\$21,429 (out of state)
Columbia Paint	3700 "	\$23,272	

The recommendation was to award the bid to Norris Paint Company, with \$25,800 having been budgeted for this expenditure.

MARCH 29, 1989 (continued)

Janet Stevens moved and Barbara Evans seconded the motion to award the bid for 3700 gallons of paint to Norris Paint Co. The motion carried on a vote of 2-0.

The meeting was recessed as the Board of County Commissioners and then reconvened as Planning and Zoning Commission. Those in attendance besides the Commissioners were County Surveyor Horace Brown and County Assessor Fern Hart.

Hearing: Sillars Development Request - Zoning District #4

Information provided by John Torma, Planner II, indicated that this was a request by Alan and Connie Sillars to construct a single-family dwelling on Tract 2B, COS #1913. This property is located in Pattee Canyon on Arnica Drive and is within Zoning District #4. No new roads will be built for this development, and all the utilities will be underground, and tree removal will be minimal. He noted that this request is in compliance with the adopted regulations for Zoning District #4. The Planning Board held a public hearing on this request on March 7th. No testimony has been received either for or against. The Board recommended that this request be approved and the applicants be given a copy of the letter dated February 28, 1989 from Bill Reed, Fire and Life Safety Division Manager. The Planning Staff had no recommendation regarding this request.

The hearing was opened for public comment.

No one came forward to speak and the hearing was closed.

Janet Stevens moved and Fern Hart seconded the motion to approve the development request by the Sillars to construct a single-family dwelling on Tract 2 B, COS #1913, finding it to be in compliance with the adopted regulations for Zoning District #4. The motion carried on a vote of 4-0.

The meeting was then recessed as the Planning and Zoning Commissions and reconvened as the Board of County Commissioners.

Consideration Of: Amendment to Conditions of Mortgage Heights Subdivision (Summary Plat)

Barb Martens, Planner II from the Office of Community Development said that Tim Wolfe of Territorial Engineering and Surveying, representing the owner, Keith Smith is requesting that conditions 4 & 5 of subdivision approval (approved February 22, 1989) be deleted in order to protect the title holders interest in the ground, as they are concerned about the safety standards associated with this area and would agree to the following amendment to the conditions:

Before selling any lot, the developer shall reclaim the gravel pit to meet safety standards, as provided by the Reclamation Plan filed with the Department of State Lands. Of specific concern is an existing steep slope near Lot 1 of the subdivision which the developer will slope and reclaim in conformance with the Reclamation Plan. The reclamation work for the proposed subdivision is subject to the review and approval of the County Surveyor's Office. The developer agrees that no future mining of the area shall occur. If the developer wishes to mine the area in the future, the developer shall return to the Board of County Commissioners for review and possible additional conditions to address the safety concerns of the subdivision.

No one came forward to speak relative to the changes.

MARCH 29, 1989 (continued)

Janet Stevens Moved, and Barbara Evans seconded the motion to delete conditions #4 and #5 of the Subdivision Approval and to approve the amended conditions as presented by the Office of Community Development to the Mortgage Heights Subdivision Summary Plat. The motion carried on a vote of 2-0.

Hearing: Clark Fork Estates Phase II (Preliminary Plat)

Barb Martens from the Office of Community Development said that Clark Fork Estates Phase II is a proposed thirteen lot residential subdivision located south of Mullan Road, just west of Mullan Estates and east of Golden West and Phase I of Clark Fork Estates. The total acreage is 15.57 acres. A 7.2 acre park adjacent to the Clark Fork River was dedicated to Fish, Wildlife and Parks with the platting of Phase I. She said the Planning Board and staff recommends that Clark Fork Estate Phase II be approved subject to the following conditions and the findings of fact set forth in the staff report.

1. Sanitary restrictions be lifted by State and local health authorities.
2. Grading, drainage, erosion control and street plans shall be approved by the County Surveyor's Office.
3. The covenants shall require that driveway approaches be paved for a length of at least 20 feet when Homestead Drive is paved.
4. All lots shall access onto Homestead Drive and a no access strip shall be provided on the lots fronting on Mullan Road.
5. A 20; pedestrian access easement shall be provided to the 7.2 acre river front park.
6. The developer shall provide easements for utilities in the appropriate areas.
7. If soil problems exist on any lots which will require specific design standards, the developer shall make some provision to inform the potential lot buyer.

She said there had been quite a bit of discussion and some difference of opinion on condition #5.

The hearing was opened for public comment.

Andy Fisher, of Eli and Associates, representing the developer, asked the Commissioners to delete condition #5 for the following reasons:

1. It is physically impractical to provide the access.
2. It is inconvenient to the developer as he is still haying and running cattle on the land, and he would not be able to keep people on the access as it is harder to fence people than cows.
3. It is inconvenient to the other residents in the area, and would not provide access to the State access, and it is quicker to drive to the river. There is a question of liability if people are walking across a working cattle ranch with livestock and machinery in operation. He noted that the question involves access to a State Park, not a County park, and the State does not want to get involved in an easement question.
4. He said the amount of park that was dedicated at the time the original plat was submitted indicated that the public's best interest was served by adding this parkland to an existing State Park, rather than an addition to a County Park, thus utilizing the State's access to a State Park. He said the owners have satisfied their original requirement for dedicated parkland.

No one else came forward to speak and the hearing was closed.

MARCH 29, 1989 (continued)

Janet Stevens asked Barb Martens to respond to Andy's comments.

Barb Martens said that in 1980, when the plat originally came in, one of the staff's recommendation was to dedicate 4 acres of parkland within the lotted area, and the rest along the Clark Fork River. The Planning Board also made that recommendation, but the Commissioners deleted that access. She said her thoughts now are that it was dedicated to the Fish, Wildlife and Parks Department, and she just wants an easement on the plat, which could be deleted when phase 3 & 4 are developed.

Barbara Evans asked the Freys when they anticipated finishing the entire development.

Opalmae Frey said it has been 9 years, and it all depends on interest rates. In addition, she said the question of liability may hinder development, because if the people could be kept in the access, and not mingling with the livestock, things would be great, but she didn't think that would work.

Janet Stevens asked Mike Sehestedt, Deputy County Attorney, who would be liable for the easement.

Mike Sehestedt said the liability would be the Homeowner's Association, but some of the liability would fall on the Freys.

Barbara Evans said she has some mixed emotions about this, as common sense says that if a developer is required to provide parkland for the folks in the subdivision, then folks should be given access to that parkland. However, the Kelly Island area requires parking quite some distance from the river as it is, and this easement would not shorten that distance.

Janet Stevens moved and Barbara Evans seconded the motion to approve the preliminary plat for Clark Fork Estates, Phase II subject to the following conditions and the findings of fact contained in the staff report. The motion carried on a vote of 2-0.

Conditions:

1. Sanitary restrictions be lifted by State and local health authorities.
2. Grading, drainage, erosion control and street plans shall be approved by the County Surveyor's Office.
3. The covenants shall require that driveway approaches be paved for a length of at least 20 feet when Homestead Drive is paved.
4. All lots shall access onto Homestead Drive and a no access strip shall be provided on the lots fronting on Mullan Road.
5. The developer shall provide easements for utilities in the appropriate areas.
6. If soil problems exist on any lots which will require specific design standards, the developer shall make some provision to inform the potential lot buyer.

Hearing: Lincoln Meadows (Preliminary Plat)

Barb Martens from the Office of Community Development said that Lincoln Meadows was submitted last month as a County Plat, and went to the Planning Board as a County Plat, and then on March 20, the area was annexed into the City. Since there is a question of jurisdiction, the staff felt that the best thing to do would be to take it before the Board of County Commissioners and it will also go before the City Council on Monday night.

She said Lincoln Meadows is a proposed single family subdivision on 10.06 acres, which will consist of 23 homes, with the

MARCH 29, 1989 (continued)

possibility of one more being added. The subdivision is located in the Rattlesnake Valley just north of Lower Lincoln Hills Drive. The lots will be served by city sewer, and water will be provided by Mountain Water Company or by a private water system. A 0.88 acre common area will be dedicated to the Homeowners Association. The area is zoned C-RR2. The developer is purchasing twenty acres from Sunlight Development; ten acres are being sold to the adjoining property owner to the east, along with fifteen development rights. The developer is retaining twenty-four development rights and utilizing them in Lincoln Meadows. The staff and Planning Board recommends that the requested variance and preliminary plat of Lincoln Meadows be approved subject to the following conditions:

1. Sanitary restrictions be lifted by State and local health authorities.
2. Grading, drainage, erosion control, street and sidewalk plans shall be approved by the County Surveyor's Office.
3. There shall be a one-foot no-access strip along Lower Lincoln Hills Drive, so that all lots access from Apple House Lane or the private access easement.
4. Approach permits shall be applied for by all lot owners that access onto the public right-of-way.
5. The developer shall provide easements for utilities in the appropriate areas.
6. The developer shall include a statement on the plat which states that acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future RSID for the installation of sidewalks and bus turnouts on Lower Lincoln Hills Drive.
7. The developer shall incorporate the following revisions to the covenants:
 - Article VIII.
 - Section 17. Garbage. Change the last sentence to read "Garbage cans shall be store indoors or in bear-proof containers. Compost piles are prohibited."
 - Section 19. Animals and Pets. Add a sentence, "Wild animals including black bears are inhabitants of the Rattlesnake Valley. Pet food should be fed indoors or within kennel areas only. This will reduce the conflicts with wild animals."
 - Section 31. Wildlife. Fruit trees, flowers, ornamental shrubs and gardens maya be susceptible etc damage from wildlife unless property fenced and protected.
8. Curbs and gutters shall be required on both sides of the street.
9. A four foot wide sidewalk adjacent to the curb and gutter shall be allowed on the condition that the mailboxes are in a cluster form and shall be placed behind the sidewalk not encroaching upon the sidewalk. This four foot sidewalk is also conditioned on the basis that no other utility poles or street signs etc., will be placed within the sidewalk area allowing a four foot clear area.
10. The developer shall include a statement in the sales contract and on the plat which states that sidewalks shall be installed at the time the home is constructed.
11. The utility easement on the northwest end of the subdivision shall remain free of structures so that emergency evacuation or fire service access could be carried out.

MARCH 29, 1989 (continued)

12. The developer shall meet the following recommendations of the Missoula Rural Fire District:
 - a. The developer shall create a fire hydrant maintenance RSID. The developer shall request Mountain Water to install a fire hydrant at Columbine Road and Lower Lincoln Hills Drive. The location shall be approved by the Missoula Rural Fire District.
 - b. A fire hydrant shall be placed on the cul-de-sac of Apple House Lane when the water system is capable of providing fire flows in accordance with the Missoula Rural Fire District specifications.

John Torma from the Office of Community Development said the zoning designation was CRR2, which is a two-dwelling per acre designation. Approval of this subdivision is going to require that whichever governing body ends up approving this signs a transfer of development rights agreement because it is ten acres with 24 lots, and the density exceeds the zoning.

The hearing was opened for public comment.

Nick Kaufman, of Sorenson and Company, representing the developer said he would like his testimony from the Planning Board to be entered into the record (that testimony is on file in the Commissioners's Office and in the Office of Community Development), and said he was available to answer questions.

Barbara Evans said that the Commissioners would not make a decision on this matter, the record would reflect that the hearing was held, and if it comes back to the County jurisdiction, then a ruling would be made.

Janet Stevens noted for the record that the reason the hearing was being held was because Rural Fire had made some suggestion that there may be a suit filed over the annexation, and it may come back to the County's decision.

Janet Stevens moved and Barbara Evans seconded the motion to postpone a decision on the Preliminary Plat of Lincoln Meadows at this time. The motion carried on a vote of 2-0.

Consideration of: Tyler Addition Summary Plat

Information provided by Barbara Martens, Planner II, indicated that Tyler Addition is a proposed four lot residential subdivision located about 1/4 mile northwest of Kona Ranch Road, just west of Mullan Road and east of the Clark Fork River. The total acreage is 20.99 acres. A waiver to the cash-in-lieu of parkland requirement is being requested. The developer intends to enter into a covenant with the County stating that none of the lots will ever be split smaller than 5 acre tracts. The staff recommendation is that the Summary Plat be approved subject to the conditions, variance requests and findings of fact set forth in the staff report.

Conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The developer shall label the 20' private access easement and irrigation ditch easement on the face of the plat.
3. The developer shall apply to the County Surveyor for the appropriate approach permits.
4. The developer shall form a Homeowner's Association and provide a copy of the Articles of Incorporation and By-laws with the proof of filing with the Secretary of State.

MARCH 29, 1989 (continued)

5. A no-access strip shall be shown on the plat along the west side of Mullan Road, with the exception that there shall be access provided along Lot 1 along Mullan Road. This access shall be limited to a 30 foot width and shall be aligned to a 90 degree angle with Mullan Road and shall be subject to the approval of the County Surveyor.
6. The developer shall provide a statement on the plat which states that driveways shall be paved a minimum of twenty feet back from the roadway.
7. Karl Court shall be a 20' paved surface with a cul-de-sac radius which meets County standards. The cul-de-sac will terminate at the intersection of Lots 2, 3, and 4. A cul-de-sac easement and cul-de-sac radius easement shall be provided from the end of the improved section to the west boundary of the subdivisions.
8. Grading, drainage, street and erosion control plans shall be approved by the County Surveyor's Office.

Variance Requests:

1. From Section 3-2(C) that surface width requirements from cul-de-sacs in rural subdivision be 24 feet
2. from Section 3-8(2)(E)(1) for a waiver of the park requirement as it is agreed and guaranteed that lots within Tyler Addition shall not be further subdivided into parcels less than five acre tracts.

Greg Martinsen of Martinsen Surveys, representing the developer, said he would request that the cul-de-sac bulb be moved from the west edge of lot 3 back to the east edge of lot 3, and continue the easement back to Mr. Tyler's house.

Horace Brown said he had a problem with moving the bulb, because if the road ever became a County road, it could not be maintained.

Greg Martinsen said that road will only be a private easement beyond the bulb, not a road.

Barb Martens said she was requesting an easement back to Mr. Tyler's property now, in case there was some further development later, farther west.

Janet Stevens moved and Barbara Evans seconded the motion to approve the Summary Plat of Tyler Addition, subject to the conditions, variances, and findings of fact set forth in the staff report. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:30 p.m.

* * * * *

MARCH 30, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated March 29, 1989, pages 3-29, with a grand total of \$446,667.69. The Audit List was returned to the Accounting Department.

MARCH 30, 1989 (continued)

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 89-015

The Board of County Commissioners signed Resolution No. 89-015, a budget amendment for FY'89 for the Historical Museum at Fort Missoula, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
Conservation Survey consultant's fees & travel 2360-462-460458-327	\$2,388
Consultant's lodging & meals -357	120
Conservation equipment & supplies -206	<u>787</u>
	\$3,295

<u>Description of Revenue</u>	<u>Revenue</u>
Warrant from the Institute of Museum Services (IMS) for amount of grant awarded to Historical Museum 2360-462-331211	\$3,295

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY'89 budget:

- 1) No. 890026, a request from the Sheriff's Department to transfer \$2,500 from the Gambling (\$1,000), Long Distance Phone (\$1,000), and Autopsies (\$500) accounts to the Legal Fees account for half of the payment for the lawsuit approved by the Commissioners;
- 2) No. 890027, a request from the Surveyor to transfer \$17,259 from the Purchased Patching account to the Chipping Oil account in order to move the date for the chipping oil bid;
- 3) No. 890028, a request from the Personnel Department to transfer \$1,000 from the Office Supplies (\$500) and Copy Costs (\$500) accounts to the Capital - Technical Equipment account to purchase 50% interest of the copy machine located in the Risk Management Office to reduce copy costs to the Personnel Office and appropriately allocate the cost of the copy machine; and
- 4) No. 890029, a request from the Health Department to transfer \$2,220 from the Permanent Salaries account to the Capital - Technical Equipment account to purchase water quality monitoring equipment--an Ion selective meter and nitrate probe which total \$1,650.00 and a portable ph/conductivity meter for \$570.00.

Other items included:

The Commissioners appointed Dennis Lerum as the 3rd alternate member on the Missoula County Board of Adjustment through December 31, 1990.

MARCH 30, 1989 (continued)

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Quarterly Jail Inspection

In the afternoon, Commissioners Evans and Stevens and Dan Corti of the Health Department conducted the quarterly inspection of the Missoula County Jail.

* * * * *

MARCH 31, 1989

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Stevens was out of the office all day, and Commissioner Evans attended a fairgrounds renovation meeting at the Fairgrounds all forenoon.

Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Charles Seeley as principal for warrant #185331, dated March 8, 1989, on the Missoula County Weed Fund in the amount of \$49.92 now unable to be found.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

APRIL 2, 3, AND 4, 1989

The Board of County Commissioners left late in the afternoon on April 1st for Park City, Utah. From April 2nd through the 4th, the Commissioners met with local government and planning officials in Park City regarding the concept of a major four season destination resort near Lolo Peak in Missoula County, which was approved by the electors of the County in the November 8, 1988, General Election.

* * * * *

APRIL 5, 1989

The Board of County Commissioners returned to Missoula from Park City, Utah the afternoon of the 5th.

Audit List

Commissioners Evans and Dussault signed the Audit List, dated April 5, 1989, pages 4-31, with a grand total of \$449,042.93. The Audit List was returned to the Accounting Department.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled as the Commissioners were out of town.

* * * * *

APRIL 6, 1989

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Stevens went to Helena to attend and testify at the Legislative Session, and Commissioner Evans was out of the office until noon.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Kila Opsahl as principal for warrant #79461, dated January 13, 1989, on the School District #1 Payroll Fund, in the amount of \$69.26 now unable to be found.

Monthly Reports

Chairman Evans examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending March 31, 1989.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Lori Conner Reilley as principal for warrant #5095, dated March 15, 1989, on the Missoula County Trust Fund in the amount of \$300.00 now unable to be found.

* * * * *

APRIL 7, 1989

The Board of County Commissioners met in regular session; all three members were present.

Election Canvass

The Board of County Commissioners, serving as the Board of Canvassers, canvassed the Missoula Rural Fire District Election, which was held April 4, 1989.

APRIL 7, 1989 (continued)

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Plat

The Board of County Commissioners signed the plat for Kellywood Addition, a subdivision of Missoula County, located in the SE 1/4 of Section 23, T. 13 N., R. 20 W., PMM, a total area of 5.6 acres, with the owner/developer being First Security Bank of Missoula, and cash in lieu of parkland in the amount of \$5,111.11 was received by the Missoula County Treasurer.

Audit Letter

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the audit of the records of the Missoula County Road, Bridge, Surveyor and Working Fund 70 for FY'88 and the six months ended December 31, 1988. The audit was forwarded to the Clerk & Recorder's office for filing.

Certification of Acceptance

Chairman Evans signed the Certification of Acceptance for County Maintenance for Idaho Street, which has been upgraded and paved under RSID No. 355, a total of .181 miles. The Certification was returned to the Surveyor's Office.

Audit Letter

The Board of County Commissioners signed a letter to Gayle Mitchell, Chief Deputy County Auditor, acknowledging receipt and review of the financial and operational audit of the records of Larchmont Golf Course for the calendar year ended December 31, 1988. The audit was forwarded to the Clerk & Recorder's office for filing.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between the Seeley Lake Refuse Disposal District and Service Management Associates for the provision of secretarial services to the District, as per the terms set forth, for the period from July 1, 1988, through June 30, 1989, for a total amount not to exceed \$3,000.00.

Audit Letter

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the audit of the records of the Clerk of Court's office, dated March 28, 1989. The audit was forwarded to the Clerk & Recorder's office for filing.

Operating and Financial Plan

Chairman Evans signed the Operating and Financial Plan between Missoula County and the Forest Service for the period beginning March 27, 1989, and ending September 30, 1989, and becomes a part of the Agreement between the parties dated October, 1983, outlining the reimbursable services requested by the Forest Service from the Missoula County Sheriff's Department, as per the terms set forth, for a total amount not to exceed \$19,497.00 for this period, with patrols for the month of October, 1989, dependent on funds becoming available.

APRIL 7, 1989 (continued)

Other items included:

- 1) the Commissioners approved a request from Horace Brown, County Surveyor, that the penalty and interest on the personal property tax bills for the mechanics' tools be waived by the County Treasurer; and
- 2) a request from the Museum Board of Trustees to adjust the salary of the Director of the Historical Museum, Wes Hardin, upwards by \$1,000 beginning April 1, 1989, was approved by the Commissioners.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

APRIL 10, 1989

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left for Helena at noon to attend the Dept. of Labor BOS (Balance of State) Planning & Finance Committee meetings in the afternoon.

Welfare Advisory Board

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Carole Graham, Welfare Director, for their regular monthly meeting.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Agreement

The Board of County Commissioners signed an Agreement, dated March 20, 1989, between and among the City of Missoula, the County of Missoula, and Sunlight Development Company, setting forth and agreeing to the terms and conditions of RSID No. 414, the Rattlesnake Interceptor Public Sanitary Sewer Main Project. The Agreement was returned to John DeVore, Administrative officer, for further handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

APRIL 11, 1989

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending a Department of Labor BOS (Balance of State) Joint Council Meeting; Commissioner Stevens attended the Annual Area Agency on Aging Joint Board and Advisory Council Meeting held at St. Patrick Hospital all day; and Commissioner Evans was out of the office all day, but was available for telephone calls.

* * * * *

APRIL 12, 1989

The Board of County Commissioners met in regular session; all three members were present.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen D. Breuer, showing items of fees and other collections made in Missoula County for month ending March 31, 1989.

Quarterly Report

Chairman Evans examined, approved and ordered filed the quarterly report of the Clerk of the District Court, Kathleen D. Breuer, showing items of fees and other collections made in Missoula County for Quarter ending March 31, 1989.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of Sheriff Dan Magone showing items of fees and other collections on account of civil business in Missoula County for month ending March 31, 1989.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Proclamation

The Board of County Commissioners signed a Joint Proclamation with the City of Missoula proclaiming April 21st - 23rd, 1989, as HOBY DAYS and invite the cooperation of all citizens to join in recognizing the value of the work accomplished by the Hugh O'Brian Youth Foundation in promoting good citizenship.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Thomas L. Payne, an independent contractor, for the purpose of performing lawn, grounds, exterior, and snow removal services at appropriate times of the year at the Missoula Museum of the Arts building, as per the terms set forth, for a period of one year from the date of the contract, for a total amount not to exceed \$2,000.00.

Agreement for Professional Services

The Board of County Commissioners signed an Agreement for Professional Services for 1989 Missoula County Fairgrounds Planning between Missoula County and Sorenson & Company for the purpose of preparing a Master Plan document for the Fairgrounds to be used in 1989 for voter review and support via general obligation bonds for design and construction of the first phases or all of the adopted master plan, as per the terms set forth, for a total budget amount of \$48,760.00.

Resolution No. 89-016

The Board of County Commissioners signed Resolution No. 89-016, a resolution to temporarily suspend Resolution No. 86-073, Policies and Procedures for the administration of grievance procedures relative to the classification appeals process, until such time that a review of the Classification Appeals Procedure by a labor/management committee is completed.

APRIL 12, 1989 (continued)

Other items included:

- 1) a request from Gordon Morris, the Director of the Montana Association of Counties, that Missoula County reimburse MACo for the balance of the expert witness service fees in the amount of \$313.30 for his testimony on behalf of the Department of Revenue and impacted counties in regard to the BPA beneficial use litigation, was approved by the Commissioners;
- 2) the Commissioners approved the recommendation of Hal Luttschwager, Risk Manager, regarding Claim #89-36, Stelling vs Larchmont (filed 4-5-89), that the County will offer \$1,000 and an assignment of rights against the plumber and valve manufacturer in exchange for a release in full in favor of Missoula County and Larchmont Golf Course, with the offer to be withdrawn if legal action is initiated; and
- 3) the Commissioners approved the purchase of four chairs for the Clerk & Recorder.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

Hearing: Certificate of Survey - Family Transfer (Keltz)

Information provided by Colleen Dowdell, Deputy County Attorney, indicated that this tract was originally created by use of the Occasional Sale exemption in 1978 as the remainder. Robert Green was the owner of the parcel at that time. The property is described in Book 159 Micro Page 856, remainder tract C.O.S. #1528. This is the first use of the exemptions by the Keltz's in Missoula County. They intend to transfer these parcels to each of their adult sons. One of these sons is a builder and they intend to build rental units on these newly created parcels. The claimants intend to eventually reside on the remainder portion.

Janet Stevens noted that the property is located in the City, and therefore, the County has no jurisdiction in the matter. The issue was withdrawn from the agenda.

Hearing: Certificate of Survey - Occasional Sale (Martinsen)

Information provided by Colleen Dowdell, Deputy County Attorney, indicated that this is a request for the use of the Occasional SALE exemption for the creation of a five acre parcel in the Pattee Canyon area, described as Tract B, C.O.S. #1940. Parcel B is over 20 acres in size as are the other parcels created by C.O.S. 1940. Greg Martinsen's brother, Phil, made use of the exemptions to create a parcel of five acres just to the south of this request. Each of the children of A.E. and B.H. Martinsen will be requesting the use of an exemption on parcels on C.O.S. 1940 and the remainder of this area will be the subject of a subdivision review. Greg's prior use of exemptions are an Occasional Sale in 1979 and one in 1981. Both of these were in the Seeley Lake area.

The hearing was opened for public comment.

Greg Martinsen said that the reason he was requesting this sale was to finance the subdivision he was planning. He said he would

APRIL 12, 1989 (continued)

be bringing the subdivision in for review in about three months.

Barbara Evans asked Colleen if there was any problem with this request.

Colleen Dowdell said that the Commissioner had to determine if the Martinsens were attempting to evade the subdivision law with these occasional sales.

Mike Sehestedt, Deputy County Attorney, said that in his opinion, this sale would be sustainable if the Commissioners attached a condition that any subsequent splits would be done via the subdivision process.

Barbara Evans asked if the Commissioners could compel payment of delinquent property taxes as a condition of approval.

Mike Sehestedt said he did not believe that was legal.

Fern Hart, Clerk and Recorder, indicated the amounts that the Martinsens were delinquent; \$137 for 1987 and \$164 for 1988, not including penalty and interest.

Greg Martinsen indicated that he thought those taxes had been paid very recently.

Janet Stevens moved and Barbara Evans seconded the motion to approve the division of COS 1940, Tract B by Occasional Sale, finding it in the public interest to do so, and based on the reason that there is no apparent attempt to evade the Montana Subdivision and Platting Act, and this sale is for the purpose of preparing to subdivide the remainder parcel through the subdivision review process. The motion passed on a vote of 2-1, Ann Mary Dussault voted "no".

There being no further business to come before the Board, the Commissioners were in recess at 1:50.

* * * * *

APRIL 13, 1989

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Stevens was in Helena attending a State Mental Health Council meeting, and Commissioner Dussault was out of the office all afternoon.

Welcome

In the morning, Commissioner Evans gave the welcome at the Hazardous Materials Conference, held at the University.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated April 12, 1989, pages 7-26, with a grand total of \$48,306.94. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Contract

The Board of County Commissioners signed a contract between Missoula County and Western Materials, the lowest and best bidder

APRIL 13, 1989 (continued)

for road sanding material at the Missoula County Shop on Stockyard Road, as per the terms set forth, for a total amount of \$31,970. The contract was returned to Centralized Services for further handling.

Resolution No. 89-017

The Board of County Commissioners signed Resolution No. 89-017, a budget amendment for FY'89 for Disaster and Emergency Services, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
1000-191-420610-111 Permanent Salary	\$4,303.
1000-191-420610-141 Fringe Benefits	1,092.

<u>Description of Revenue</u>	<u>Revenue</u>
1000-191-331195 FEMA HMA Grant	\$5,395.

Resolution No. 89-018

The Board of County Commissioners signed Resolution No. 88-018, a budget amendment for FY'89 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>From</u>	<u>Budget</u>	<u>To</u>
2270-613-445703-311 Printing	0		\$ 50
2270-613-445703-328 Contracted Services	\$ 800		6,290
2270-613-445703-359 Mileage-Private	0		150
2270-613-445703-367 Tuition	0		100
	\$ 800		\$6,590

<u>Description of Revenue</u>	<u>From</u>	<u>Revenue</u>	<u>To</u>
2270-613-331138 AIDS Testing	\$9,660		\$15,450

Received additional funds from the SDHES for AIDS Testing and Counseling. Contract No. 900225, Modification of Agreement No. 900225-1.

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY'89 Budget:

- 1) no. 890030, a request from the Sheriff's Department to transfer \$1,000 from the Investigation Overtime account to the Patrol Overtime account for the purpose of increasing patrol for springtime drinking problems with youth; and
- 2) no. 890031, a request from the Health Department to transfer \$1,400 from the Curriculum Materials account to the Capital-Technical Equipment account as a line item was not included when the grant contract no. 403-89-04 budget amendment was processed.

APRIL 13, 1989 (continued)

Other items included:

- 1) the Commissioners approved a request from Ellen Leahy, Acting Health Director, that Bonnie Leifer, health education assistant, be permitted to increase her hours of work from 30 to 35 per week, with the salary for this temporary personnel enhancement charged against the unexpended salary appropriation for the director of the health education position and would not exceed \$500.00; and
- 2) Chairman Evans signed approval of an agreement submitted by Dennis Lind to purchase Lot 15 in the Grantland subdivision, for a total purchase price of \$21,494.28 plus \$3.32 per day from April 1, 1989, to the date of closing, as per the terms and conditions set forth.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

APRIL 14, 1989

The Board of County Commissioners met in regular session in the forenoon; all three members were present. Commissioner Dussault was out of the office all afternoon.

Notice of Hearing

Chairman Evans signed the Notice of Hearing on the application of Sun Mountain Sports for tax incentives under Resolution No. 87-080 regarding tax incentives for new and expanding industry and covers expansion of the existing production facility at Sun Mountain Sports in Missoula, setting the hearing date for April 26, 1989, at 1:30 p.m.

Luncheon Meeting

The Board of County Commissioners attended a luncheon meeting with U/M President Koch and university personnel held at U/M to discuss current legislation and issues of mutual interest and concern.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming U. S. West Communications as principal for warrant #2925, dated June 23, 1988, on the Frenchtown Rural Fire District General Fund in the amount of \$131.21 now unable to be found.

Fern Hart

Fern Hart, Clerk & Recorder

Barbara Evans

Barbara Evans, Chairman

* * * * *

APRIL 17, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 89-019

The Board of County Commissioners signed Resolution No. 89-019, a budget amendment for FY'89 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>From</u>	<u>Budget</u>	<u>To</u>
2270-613-444900-112 Temporary Salaries	\$ 0		\$ 2,587
2270-613-444900-141 Fringe Benefits	28,542		29,150
2270-613-444900-206 Office	5,828		6,328
	<u>\$34,370</u>		<u>\$38,065</u>

<u>Description of Revenue</u>	<u>From</u>	<u>Revenue</u>	<u>To</u>
2270-613-331147 WIC Grant	\$183,529		\$187,224

Received additional funds from the SDHES Modification of Agreement No. 900122-1; original contract no. 900122.

Resolution No. 89-020

The Board of County Commissioners signed Resolution No. 89-020, a budget amendment for FY'89, for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-613-444300-111 Permanent Salaries	\$ 9,136
2270-613-444300-141 Fringe Benefits	2,148
2270-613-444300-206 Office Supplies	150
2270-613-444300-311 Printing	1,091
2270-613-444300-357 Meals, Lodging, Incidentals	250
2270-613-444300-359 Mileage - Private Vehicle	350
2270-613-444300-367 Tuition, Registration Fees	275
	<u>\$13,400</u>

<u>Description of Revenue</u>	<u>Revenue</u>
2270-613-333240 Case Management	\$13,400

New contract received from the SDHES for a Primary Care/Case Management Project; contract no. 900344.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Stan Cohen for the purpose of building a display of Missoula County photographs and paper artifacts mounted on 4' x 8' sheets of board set up in two 4' square modular units, as per the terms set forth, for the period from April 10, 1989, through December 31, 1989, for a total amount not to exceed \$900 with the funding from the Missoula County Centennial Grant Program.

APRIL 17, 1989 (continued)Review and Comment Form

Chairman Evans signed the Montana Intergovernmental Review Clearinghouse Review and Comment Form indicating the County's support of Missoula Urban Transportation District's Section 9 Program of Projects as submitted by Mark F. Donaghy of Mountain Line.

Other items included:

The Commissioners voted to pay the County's membership dues in The Chamber for 1990.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

APRIL 18, 1989

The Board of County Commissioners did not meet in regular session; Commissioners Evans and Stevens attended a Megatrends Seminar all day at the Holiday Inn.

RSVP Recognition Banquet

In the evening, Commissioner Evans attended the RSVP Recognition Banquet, which was held at the Holiday Inn.

* * * * *

APRIL 19, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Bill Forwood dba Forwood Cabinets, an independent contractor, for the purpose of building and installing melamine shelving in the Sheriff's Department Records Division, as per the terms set forth, commencing April 17, 1989, with a completion date of May 31, 1989, for a total payment not to exceed \$695.00.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Lester Group, an independent contractor, for the purpose of providing computer consultation and assistance with the Health Department's budget process, as per the terms set forth, for the period from March 28, 1989, through August 15, 1989, for a total amount not to exceed \$2,500.00.

APRIL 19, 1989 (continued)Notice Inviting Proposals

Chairman Evans signed the Notice Inviting Proposals for Construction of RSID No. 429, street improvements on the public streets known as Snow Bowl Road, Keegan Trail and Woodward Trail, as per the plans and specifications set forth, setting the award date for May 31, 1989, at 1:30 p.m. The Notice was returned to General Services for further handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Bev Sickert-McHugh, an independent contractor, for the purpose of providing up to 100 hours of AIDS lectures to high school students and community audiences and participating in training and meetings related to this project, as per the terms set forth, for the period from March 15, 1989, through June 15, 1989, for a total payment not to exceed \$600.00.

Agreement

The Board of County Commissioners signed an Agreement between the Missoula City-County Health Department and the Frenchtown School District, whereby the Health Department will provide a public health nurse for the Frenchtown School, as per the terms set forth, for the period from August 15, 1989, through June 15, 1990, for a total amount not to exceed \$18,573.00 to be paid to the Department by the School.

Notice of Sale of Bonds

Chairman Evans signed the Notice of Sale of Bonds for RSID No. 429, in the amount of \$100,000.00 for the purpose of construction of street improvements to Snow Bowl Road, Keegan Trail and Woodward Trail, as per the terms set forth, setting the sale date for May 31, 1989, at 1:30 p.m.

Declaration of Covenant

The Board of County Commissioners signed the Declaration of Covenant, made March 13, 1989, by Clifford W. and Annette D. Gustafson, declaring that they are the owners of Lot 5, Gustafson Addition II, a parcel containing less than twenty acres, and that the parcel shall be used exclusively for agricultural purposes and that no building or structure requiring water or sewage facilities will be erected or utilized on said parcel during the life of this covenant. The Declaration was returned to Colleen Dowdell, Deputy County Attorney, for further handling.

Other items included:

- 1) the Commissioners approved the Sick Leave Grant Proposal as submitted by John Pemberton, Personnel Director;
- 2) the new County Logo was discussed, and the Commissioners agreed to have Patty Baumgart of the Personnel Office coordinate this; and
- 3) the request from the County Tax Appeal Board for a new or different tape recorder was discussed--it was agreed that a new machine would be purchased for the Commissioners Office and that the one currently being used would be given to the Tax Appeal Board for their use.

APRIL 19, 1989 (continued)

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Janet Stevens.

Consideration Of: Grantland 14 Final Plat

Information provided by Barbara Martens, Planner II with the Office of Community Development indicated that on March 30, 1987, the Board of County Commissioners approved the preliminary plat of Grantland Fourteen subject to seven conditions. Grantland Fourteen consists of seven creek-front lots located in the Upper Rankin Meadow. Mellott Lane, a cul-de-sac located in the Grantland-Rankin Subdivision, would be extended to serve these lots. With lots ranging in size from 1.5 to 2 acres, the density is approximately 0.5 units per acre. She said the staff recommendation is that the plat be approved subject to the following conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. To meet the park and open space requirement for both subdivisions, the area known as the Upper Rankin Meadow not proposed for development shall be preserved as open space in perpetuity in a manner approved by the Board of County Commissioners.
3. The developer shall contribute to the Grant Creek Road Improvements Fund pursuant to the Interlocal Agreement between the City and County of Missoula. This amount may change as a result of a reconsideration of needed road improvements resulting from a reduced PUD density of 60%.
4. Road, grading, drainage and erosion control plans shall be approved by the County Surveyor.

Steve Jackson, representing Friends of Grant Creek said that organization has concerns with the wording in the conservation easement.

Nick Kaufman of Sorenson and Company, representing the developer, said the conservation easement must be approved by Missoula County, and that stays as a condition of the approval of the project. He said the Rural Planning staff, and persons in the Office of Community Development would be looking at that easement and deciding whether it is approved or not.

Janet Stevens moved and Barbara Evans seconded the motion to approve the Grantland Fourteen Final Plat subject to the conditions and findings of fact contained in the staff report. The motion carried on a vote of 2-0.

Consideration of: Linda Vista 5th Supplement (Final Plat)

Information provided by Barbara Martens, Office of Community Development, indicated that on February 10, 1988, the Board of County Commissioners approved the preliminary plat of Linda Vista 5th Supplement subject to several conditions. Linda Vista 5th Supplement, Phase I consists of six lots located north of Linda Vista Boulevard. The lots are all slightly over a half acre in size. The Community Development Staff recommendation was to approve Linda Vista 5th Supplement, Phase I Final Plat subject to the following conditions:

APRIL 19, 1989 (continued)

1. The following statement shall be printed in the covenants:
"Acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest an RSID and can be used in lieu of signature on a RSID petitions for the improvement of Linda Vista Boulevard and Lower Miller Creek Road and for the design and construction of a drainage system for the area affected by this subdivision and for construction of or extension of municipal or community sewer.
2. The developer, Lloyd Twite, shall provide topsoil, leveling and seeding of the lot at his sole expense.

The hearing was opened for public comment.

Chip Johnson of Stensatter, Druyvestein and Associates, representing the developer, Lloyd Twite, said his client agreed with all the conditions, and said Mr. Twite was well on his way to completing condition #2.

No one else came forward to speak, and the hearing was closed.

Janet Stevens moved and Barbara Evans seconded the motion to approve the final plat of Linda Vista 5th Supplement, Phases I, subject to the conditions and findings of fact contained in the staff report. The motion carried on a vote of 2-0.

Hearing: Certificate of Survey Review) Releases of Agricultural Exemption and occasional sale (Parker)

Information provided by Colleen Dowdall, Deputy County Attorney, indicated that the Parkers purchased this parcel on Mullan Road in 1977 after being told that it was being created pursuant to the Occasional Sale Exemption. This representation was made when they were provided with a preliminary, unrecorded Certificate of Survey, designating the lot as an occasional sale. The certificate that was actually filed created the lot with the use of the Agricultural exemption. It is their intention to sell this parcel as a residential lot by removing the Agricultural Exemption and replacing it with the Occasional Sale Exemption. The Parkers have not made prior use of the exemptions to the Montana Subdivision and Platting Act.

Barbara Evans asked who had originally created the parcel by calling it an agricultural exemption.

Colleen Dowdell said that it was Phillip Fullbright, and Bryce Bondurant was the Real Estate Agent.

The hearing was opened for public comment.

Bryce Bondurant, representing the Parkers, said that when he started investigating the property prior to trying to sell it for the Parkers, he found that the mistake had been made. He said the owners had been paying taxes on the property based on residential use, not an agricultural exemption. He said there was misrepresentation involved, but he had not been connected in any way in that sale.

No one else came forward to speak and the hearing was closed.

Janet Stevens moved and Barbara Evans seconded the motion to approve the request for an occasional sale and release of the agricultural exemption to divide property described as C.O.S. 1065, finding it in the public interest to do so, and finding no attempt to evade the Subdivision and Platting Act. The motion carried on a vote of 2-0.

APRIL 19, 1989 (continued)

Hearing: Proposed Capital Improvement Program (CIP) for 1990-1994

Information provided by John DeVore, Administrative Officer, indicated that this is the first of two hearings scheduled to take public comment on the draft 1990-1994 Capital Improvements Program. The draft program recommends a total of 22 projects for a value of \$813,067 for funding consideration during fiscal year 1990, the first year of the five year program. The 22 projects represent a mix of improvements and/or repairs to existing county facilities as well as roads, bridges and walkway projects. The major difference in this year's draft and the approved CIP last year is the deletion of the computer enhancement projects which were funded through the bond issue approved by the voters in November of 1988. The only major project which has not been included at this time is the Fair grounds, since at the time of writing the draft, the numbers were not available. This will be included before the final document is adopted. He said there have been some additions to the document since it first came out in March. Under Community Services, there is an addition for improvements to the County Shop for \$40,250. Under Roads, there is a project at Eaton and 14th which has been put into the funding cycle for a value of \$20,000 with recommendations for funding in FY '90. Harpers Road has been added, as has Sawmill Gulch Bridge, and that was increased to \$160,000. A bridge project on Harpers Road has been added for a value of \$11,000, as well as the Petty Creek Bridge. Drafts of the CIP are available in the Commissioners Office. Public comment will be taken until the first week in May, at which time the document will be considered for final adoption by the Board.

The hearing was opened for public comment.

Cass Chinske, representing Friends of the Rattlesnake, said he and others in the Rattlesnake have a concerns with the Sawmill Gulch Road and Bridge. He said his concerns center around the \$220,000 in taxpayers money being used for the bridge, which is beyond the necessities for the area. He said he would like to see the project scaled down.

Bill Clarke representing the Rattlesnake Valley Alliance, said he was in support of Mr. Chinske's comments, and said the bridge was overkill, and an over expenditure of money and a waste.

Mavis McKelvey said she agreed with Mr. Chinske and Mr. Clarke and said that Rattlesnake residents are concerned with the high speed that cars would be driving at if the bridge was built at the projected level, and she said partying would increase, as would the danger to bicyclists, children, pedestrians and horses. She asked if there would be other hearings on the matter later.

Horace Brown, County Surveyor, said there would be public hearings on the proposed project, separate from the CIP issue.

Albert Borgmen called Commissioner Janet Stevens regarding this issue, and wished to have his objection to the scope of the bridge project entered into the record.

No one else came forward to speak and the hearing was closed.

There being no further business to come before the Board, the Commissioners were in recess at 2:05.

* * * * *

APRIL 20, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and David R. Crabtree, an independent contractor, for the purpose of maintaining and caring for the permanent plantings on the grounds of the Missoula Museum of the Arts, including watering as needed, weeding, and pruning and training of shrubs, as per the terms set forth, for a period of seven (7) months from the date of this contract, for a total amount of \$210.00.

Memorandum of Agreement

The Commissioners signed a Memorandum of Agreement, dated April 12, 1989, between Missoula County and the Missoula Centennial Committee for the purpose of participation in the Montana Statehood Centennial Celebration, as per their application for funding under the Missoula County Centennial Grant Program and the terms set forth, for a total grant award of \$5,000.00.

Easement

The Board of County Commissioners signed an Easement granted by Missoula County to John A. and Wanda G. Faw for the purpose of an irrigation pipe of sufficient size to contain irrigation water for private use located on the North Avenue road easement in the Brian Addition; said easement is perpetual and shall run with the land, and the irrigation pipe installed and permanently maintained by the owner.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated April 12, 1989, between Missoula County and the Garden City Ballet for the purpose of participation in the Montana Statehood Centennial Celebration, as per their application for funding under the Missoula County Centennial Grant Program and the terms set forth, for a total grant award of \$2,300.00.

Petition

Chairman Evans signed a Petition requesting the City Council to permanently close that portion of Pine Ridge Drive that passes through Hemayagan Park except for emergency travel, acknowledging that the closure is being proposed as part of a settlement in the lawsuit of Knight et.al. v. City and County of Missoula. Chairman Evans also signed a memorandum to Mayor Lovegrove, stating that the County's signature is given as a means of facilitating the process of getting this issue before the community so that the citizens will have the opportunity for input on this proposal and the City Council can make a determination of whether it should close the City's portion of this road. The Petition and Memo were returned to Colleen Dowdell, Deputy County Attorney, for further handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

APRIL 21, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens attended a Mental Health Board Meeting in Superior.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated April 20, 1989, pages 6-35, with a grand total of \$68,035.60. The Audit List was returned to the Accounting Department.

* * * * *

APRIL 22, 1989

On Saturday forenoon, Commissioners Dussault and Stevens participated in the Hugh O'Brian Youth Seminar which was held at the University of Montana.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

APRIL 24, 1989

The Board of County Commissioners met in regular session; all three members were present. Commissioners Evans and Stevens were out part of the forenoon to attend William Monger's funeral.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated April 12, 1989, between Missoula County and the Five-Valley Sweet Adelines for the purpose of participation in the Montana Statehood Centennial Celebration, as per their application for funding under the Missoula County Centennial Grant Program and the terms set forth, for a total grant award in the amount of \$800.00.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated April 12, 1989, between Missoula County and the Opera Workshop of Western Montana for the purpose of participation in the Montana Statehood Centennial Celebration, as per their application for funding under the Missoula County Centennial Grant Program and the terms set forth, for a total grant award in the amount of \$2,225.00.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated April 12, 1989, between Missoula County and Cowboy and Logger Days for the purpose of participation in the Montana Statehood Centennial Celebration, as per their application for funding under the Missoula County Centennial Grant Program and the terms set forth, for a total grant award in the amount of \$2,500.00.

Luncheon Meeting

The Board of County Commissioners were guests of the Ravalli County Commissioners at a luncheon meeting at noon to discuss the Public Defender program.

* * * * *

APRIL 25, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Quarterly Report

Chairman Evans signed the MCH Block Grant Quarterly Report for January through March, 1989. The report was forwarded to DHES in Helena.

Use Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Mountain Water Company for the purpose of permitting Missoula County to construct a temporary pedestrian-bicycle bridge across Rattlesnake Creek on property owned by Mountain Water Company, as per the mutual covenants and promises contained in the Agreement.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated April 12, 1989, between Missoula County and the United Peoples Pow Wow and Western Encampment for the purpose of participation in the Montana Statehood Centennial Celebration, as per their application for funding under the Missoula County Centennial Grant Program and the terms set forth, for a total grant award of \$2,500.00.

Water Main Easement

The Board of County Commissioners signed acceptance of an easement, dated January 31, 1989, conveyed to Missoula County by J. Wes and Chris Spiker for a permanent easement and right-of-way for the purpose of constructing, maintaining and removing water mains and appurtenances, as per the terms set forth, in conjunction with RSID No. 430, the Colorado Gulch Water System.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Meeting

In the evening, Commissioner Dussault attended a meeting of the Seeley Lake Refuse Disposal District Board of Directors held in Seeley Lake.

* * * * *

APRIL 26, 1989

The Board of County Commissioners met in regular session; all three members were present.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Virgil Hertel as principal for warrant #027125, dated April 12, 1989, on the Missoula County High School Payroll Fund in the amount of \$16.75 as his wallet was stolen.

APRIL 26, 1989 (continued)

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 89-021

The Board of County Commissioners signed Resolution No. 89-021, a Resolution accepting an easement from the United States of America, acting by and through the Forest Service, Department of Agriculture, for public road and all other public purposes (Hopkins Road), located in a portion of Section 3, Lot 6, T. 19 N., R. 16 W., PMM, Missoula County.

Resolution No. 89-022

The Board of County Commissioners signed Resolution No. 89-022, a Resolution accepting an easement from the United States of America, acting by and through the Forest Service, Department of Agriculture, for public road and all other public purposes (Barber Creek Road #905 and Wilderness Ranch Road #10565), located in a portion of Section 32, T. 20 N., R. 16 W., PMM, Missoula County.

Resolution No. 89-023

The Board of County Commissioners signed Resolution No. 89-023, a Resolution accepting an easement from the United States of America, acting by and through the Forest Service, Department of Agriculture, for public road and all other public purposes (Falls Creek/Alder Creek Road #901 and Smith Creek Road #9550), located in portions of Section 30, T. 21 N., R. 16 W., and Sections 25 and 26, T. 21 N., R. 17 W., PMM, Missoula County..

Extension Letter

The Board of County Commissioners signed a letter to Steve Inabit of Eli & Associates approving a 180-day filing extension for the Dagen Addition, making the new filing deadline October 16, 1989.

Other items included:

- 1) the Commissioners authorized destruction of original voter registration cards, which have been cancelled and microfilmed, of voters who either failed to vote in November of 1988 or who moved to another voting jurisdiction; this destruction is allowed, with appropriate approval, by Section 7-5-2132 M.C.A.; and
- 2) the Commissioners reappointed Ed Heilman to the Park Board for a three-year term through May 4, 1992; and Diane Bilderback was reappointed as an alternate member of the Park Board for a one-year term through May 7, 1990.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

The Board of County Commissioners recognized Secretaries Day with effusive gifts and accolades to their exceptional, but underpaid staff.

APRIL 26, 1989 (continued)

Hearing: Rangitsch Addition #2 (Preliminary Plat)

Information provided by Barbara Martins, Planner II from the Office of Community Development, indicated that Rangitsch Addition No. 2 is a proposed eight-lot residential subdivision on 8.59 acres. It is located at the intersection of Mount and 42nd Avenues. Cash-in-lieu is proposed. A variance is being requested for off-site road improvements on 42nd Avenue. She said the Planning Board recommends that Rangitsch Addition No. 2 be approved subject to the following conditions, variance and findings of fact set forth in the staff report. She said the Planning Staff recommends that the variance be denied. The conditions are as follows:

1. Sanitary Restrictions shall be lifted by State and local health authorities.
2. Grading, drainage, erosion control and street plans shall be approved by the County Surveyor.
3. Approach permits shall be applied for by all lot owners that access onto the public right of way.
4. The developer shall provide easements for utilities in the appropriate areas.
5. The developer shall initiate an RSID for the upgrading and paving of 42nd Street to the furthest access point within this subdivision. The developer shall include a statement in the subdivision plat which states that acceptance of a deed for Lots 3,4,and 5 within this subdivision shall constitute the assent of the owners to any future RSID for the paving of 42nd Avenue and may be used in lieu of their signatures on an RSID petition.
6. The developer shall give cash-in-lieu of parkland to satisfy the parkland requirement.
7. A one foot no-access strip along Mount Avenue for the frontage of Lots 5, 7, and 8 shall be provided.
8. The Property Owners Association Articles of Incorporation, By-laws, Covenants and Restrictions shall bear the certification of the attorney who prepared or reviewed them that such attorney is licensed to practice law in the State of Montana and that they contain the applicable provisions required by these regulations, and any provisions upon which plat approval was based or conditioned and that the provisions do not conflict.
9. The Articles of Incorporation and By-Laws for the Property-owners Association shall show proof of filing with the Secretary of State.

The variance request is from Section 3-2(9)(B) which requires off-site access roads which are five hundred feet or less in length to be paved.

She said she had received a letter from an adjacent resident opposing the subdivision because of traffic, dust, noise and water quality issues. The letter was from Arnie and Portia Nelson.

The hearing was opened for public comment.

APRIL 26, 1989 (continued)

Greg Martinsen of Martinsen Surveys, representing the developer, said his client was in agreement with all the conditions except #5, regarding paving. He said they have no problem with initiating an RSID for the paving, but if the RSID fails, Mr. Rangitsch will have to foot the entire bill for the paving, and there are five other landowners on 42nd Street.

Ann Mary Dussault told Mr. Martinsen that the Planning Board's recommendation was what Mr. Martinsens was requesting. He said he understood that, he just wanted to make sure the Commissioners passed that version, not the Planning Staff's recommendation.

No one else came forward to speak, and the hearing was closed.

A general discussion of the road and the paving requirements for the area ensued.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the preliminary plat for the Rangitsch Addition No. 2., subject to the conditions set forth by the Planning Board, the findings of fact set forth in the staff report, and further, that the variance from the paving requirements be granted. The motion carried on a vote of 3-0.

Hearing: Frontier Addition -Preliminary Plat

Information provided by Barb Martens from the Office of Community Development indicated that Frontier Addition is a proposed thirteen lot residential Subdivision located east of Seeley Lake, just west of the Seeley Lake Airport at the intersection of Frontier and Canyon Drives. The total acreage is 14.210 acres. Cash in lieu is proposed. She said several letters of opposition had been received, concerning the small lot size and the parkland dedication, water quality, and water table. She said she had received several phone calls from residents in the area relative to concerns about the density of the development, and water rights of the irrigation ditch. She said the staff was recommending approval of the subdivision, subject to the following conditions, and denial of the variance request for paving Frontier Court. She said the Planning Board had recommended that the variance request be granted. The conditions are as follows:

1. Sanitary restrictions be lifted by State and local health authorities.
2. Grading, drainage, erosion control and street plans shall be approved by the County Surveyor's Office.
3. All lot owners shall obtain an approach permit before driveways are constructed.
4. All driveways on Frontier Drive and Canyon Drive shall serve two lots whenever possible. Driveway locations shall be subject to the approval of the County Surveyor's Office.
5. Lots 1 and 6 shall access off of Frontier Court.
6. The developer shall provide easements for utilities in the appropriate areas.
7. The developer shall give cash-in-lieu of parkland dedication to satisfy the parkland requirement and shall note this on the face of the plat.
8. The developer shall pave Frontier Court up to County standards.

APRIL 26, 1989 (continued)

9. The Property-owners Articles of Incorporation, By-laws, Covenants and Restrictions shall bear the certification of the attorney who prepared or reviewed them that such attorney is licensed to practice law in the State of Montana and that they contain the applicable provisions required by these regulations, and any provisions upon which plat approval was based or conditioned and that the provisions do not conflict.
10. The Articles of Incorporation and By-Laws for the Property-owners Association shall show proof of filing with the Secretary of State.

Janet Stevens asked if the Planning Board wanted a condition on the plat relative to a waiver of an RSID protest.

Barb Martens said that they did not want the statement on the plat.

The hearing was opened for public comment.

Greg Martinsen, representing the developer, his brother Hugh, said they concurred with the staff report and agreed to do everything except condition #8, which involves paving Frontier Court. He said he would submit letters in support of the subdivision.

Barbara Evans asked Horace Brown what the length of the paving would be.

Horace Brown said it would be 20' wide and 20' long.

No one else came forward to speak and the hearing was closed.

Barbara Evans said that she had discussed the issue with the Airport Authority yesterday, to determine their attitude, and they had no problems with it. She said she had asked Mike Sehestedt, Deputy County Attorney to come up with some wording to be placed on the plat relative to the proximity of the subdivision to the airstrip.

Mike Sehestedt said the following wording should be placed on the face of the plat: The purchase of a lot in this subdivision constitutes an acknowledgement by the purchaser that they are aware of the lot's proximity to the Seeley Lake Airport and understand that ordinary airport operations will have auditory and visual impacts on their property."

Ann Mary Dussault asked Horace Brown if Frontier Drive is paved.

Horace Brown said it was paved two years ago.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the preliminary plat of Frontier Addition, subject to the conditions and findings of fact contained in the Planning Board's approval, with a condition that the statement (above) be included on the face of the plat relative to the airport. The motion carried on a vote of 3-0.

Janet Stevens moved and Barbara Evans seconded the motion to grant the variance requested relative to paving Frontier Court with a condition that a waiver of protest for an RSID being placed on the face of the plat and a 20' apron be paved on Frontier Court. The motion carried on a vote of 2-1 (Ann Mary Dussault voted no.)

APRIL 26, 1989 (continued)

Hearing: Target Range Gardens Phase 2 (Summary Plat)

Information provided by Barb Martens, Office of Community Development, indicated that Target Range Gardens , Phase II - Summary Plat is a proposed four lot residential subdivision on 2.49 acres. It is located just north of North Avenue and east of 37th Avenue. Cash-in-lieu of parkland is proposed. The upgrading and paving of North Avenue and the interior roadway, Garden Grove Lane, shall occur with this subdivision, as per the March 9, 1989 agreement with the County. The staff recommendation was to approve the summary plat subject to the conditions and findings of fact set forth in the staff report. The conditions are as follows:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The developer shall upgrade and pave Garden Grove Lane and North Avenue to County Subdivision standards as per the signed March 9, 1989 agreement with the County.
3. Lot 7 shall access onto Garden Grove Lane and a no-access strip shall be provided along North Avenue.
4. Grading, drainage, street and erosion control plans shall be approved by the County Surveyor's Office.
5. Cash-in-lieu of parkland shall be paid to the County prior to plat filing.

The hearing was opened for public comment.

Andy Fisher of Eli and Associates, representing the developer, John Diddel, said his client concurred with the staff report and had no problem with any of the conditions.

Lois Roberts spoke in opposition to the development. She expressed concerns about where the signing for the hearing was posted; evaluation of the hydrological report in regard to the impact of the new dwellings; the possibility of the owners doing another subdivision immediately west of this one; the lack of time the residents of the area had to respond to the proposed subdivision; impact of the new residents on the Target Range School; the increased traffic the subdivision will generate; the number of wells there would be in the area; and irrigation problems.

Leonard Landa, who lives next door to the proposed subdivision expressed concern with the amount of density on the ground, and the contamination and overuse of wells.

Russ Johnston expressed concern with the ditch, with water rights and irrigation in the area, and with groundwater problems.

No one else came forward to speak, and the hearing was closed.

Barb Martens said she would like to address some of the concerns expressed by the residents. She said one of the conditions put on the subdivision is that State and Local Health authorities have to lift sanitary restrictions, and that would mean that each lot would be looked at in regard to septic and drainfields and water supply adequacy and contamination.

APRIL 26, 1989 (continued)

She said the impact on schools had not been studied, as the regulations require that summary plats with five or fewer lots is not required to notify the school district. She said she had no knowledge of this developer doing a subdivision adjacent to this one. She said that regulations do not require posting, but she had posted notification on 37th Street and North Avenue across from the subdivision. She said the land use and Comp Plan density for this area calls for six units per acre, and this development fits the zoning.

Lois Roberts again questioned the posting of notice and said the posting was not done in a manner that would alert the residents to the proposal. Ann Mary Dussault told her again that there was no legal requirement to post the area for a summary plat. She asked again about the impact on the schools, and was told that the summary plat requirements do not indicate a need to ask the schools for any impact projections.

Mike Sehestedt, Deputy County Attorney, said he would like to address the questions about the water. He said if it was an irrigation district ditch, then it was probable that this subdivision has water rights to the ditch, and the residents would be entitled to their pro rata share of the water in the ditch.

Barbara Evans asked if there had been an circumvention of the law in this subdivision application.

Barbara Martens said there had been none, except that the adjacent landowners had not been notified 15 days before the hearing, but only 8, and that had been her responsibility.

Ann Mary Dussault moved and Janet Stevens seconded the motion that the summary plat for Target Range Gardens be approved subject to the conditions and findings of fact contained in the staff report. The motion carried on a vote of 3-0.

Ann Mary Dussault said that she would like Ms. Roberts to know that it was not a good idea to change the rules in the middle of the game, and when a subdivision comes before the Commissioners that is in compliance in every way with the Comprehensive Plan, that it would be irresponsible for the Commissioners not to approve it. She said she understood that the question was a cumulative impact in the neighborhood, but the appropriate way to deal with that would be to look at the zoning and the Comprehensive Plan and see if that needs to be changed.

HEARING: SUN MOUNTAIN SPORTS: APPLICATION FOR TAX INCENTIVES FOR NEW AND EXPANDING INDUSTRY

Under consideration was a hearing to consider whether it is in the public interest to approve tax incentives for new and expanding industry for Sun Mountain Sports under Resolution No. 87-080.

Administrative Officer John DeVore reviewed the tax incentive application. Sun Mountain Sports has applied for tax incentives under Title 15, Chapter 24, Part 14, MCA. The basic criteria for this application are that the improvements occurred after July 1, 1987 and exceed \$250,000 in value. The resolution passed by the Board of County Commissioners which implemented the program in Missoula County also requires verification that the proposed improvements will add to the applicant's employment base. A review of the Sun Mountain Sports application indicates that improvements in excess of \$401,000 were installed during the period between July 1, 1987 and December 31, 1987 and improvements of \$594,500 were installed during 1988. Prior to these improvements, Sun Mountain Sports had an employment base of

APRIL 26, 1989 (continued)

approximately 146. After the improvements, the employment base increased to approximately 300, which represents an increase of 154 employees.

John DeVore stated that staff review indicates that the statutory requirements in terms of the level of improvements have been met, as well as the policy requirements of the Board of County Commissioners relative to the increase in employment in Missoula County. Therefore, the staff recommendation was that the application be approved.

Board Chairman Barbara Evans opened the hearing to public comment, asking if there were anyone present who wished to speak on this issue.

C.E. Abramson, representing Sun Mountain Sports, testified on the company's behalf. He made several points about the application process. One of the important concerns was that since both the County and City had to act on this application before forwarding it to the Department of Revenue, efforts had been made to ensure sure that both entities agreed on items to be included in the tax incentives. He pointed out that the application included letters from the Health Department, indicating that there were no environmental concerns related to the present or contemplated use of the Sun Mountain properties and also from the Zoning Department, stating that what is now there and what is anticipated is in compliance with the zoning regulations of the area. He said that both the legislative history and intent make the Sun Mountain Sports application an appropriate one. He said that although we've only had half a dozen yet in the County, he thought that this was in line with the others that had been approved. He said that John DeVore had expressed why this application fits within the spirit and letter of the legislation and our own regulations and added that it also fits the City regulations, which are not pertinent to the County except for the attempt to make both applications fit together.

He said that John DeVore had mentioned that the effective date was July 1, 1987 and indicated that his relationship with the company goes back before that. He said that rapid expansion was a route taken by the owner, Rick Reimers, to avoid doing more and more contracting out of sub-assembly work. He mentioned that point for one specific reason, that the City had expressed a specific concern about the issue of retroactivity. He asked what kind of incentive do you have if you reward someone for doing something that they were going to do anyway, which is a very real issue and not the intent of the State law or of Missoula County regulations. He mentioned that point because between the passage of the law and its effective date of July 1, 1987, Rick Reimers had held a meeting at which he had said that there were things he was going to be able to do that were going to increase employment and that he was going to be able to circulate more of the money from this business in this community if we can "break the code on this process." Mr. Abramson said that he thought that they had done that and, in doing so, had met the letter and the spirit of the law. He said that he and Jim Winters, an accounting consultant to Sun Mountain Sports, had worked for more than a year now, at different speeds and at different times, to look at specific pieces of equipment in order to match serial numbers and dates of purchase in order to come up with an inventory list of equipment for the tax incentive application. In the process, they had discovered some interesting things, one of them being that a very large piece of equipment that had been shipped in here and that Sun Mountain had paid taxes on has never been used. This piece of equipment probably doesn't meet the spirit of the law and so probably will not be in the County next year, he said.

APRIL 26, 1989 (continued)

He went on to say that the process of applying for tax incentives has taken longer than originally anticipated. He said that in the process he had found out that he has an old tax bill with the County that goes back about four years. He said that it was for a defunct partnership and a business address that doesn't exist anymore and that he had never gotten a copy of the bill. Although that concern was not relevant to the Sun Mountain application, it was relevant to the learning curve involved in this process. It was one of the things he had learned while working on the application.

He said that he had attended the public hearing held by the County Commissioners before adopting the enabling resolution to implement the tax incentives process in Missoula County. He said that the City had some benefits implemented through regulations that they changed after the adoption of the new State authority. Slight differences between the two processes had made the application process it a bit more complicated as he and Jim Winters had figured out the intention of both agencies. He said that Sun Mountain Sports does not want a benefit from one governing body that they don't get from another, and so if there are either unclear or disputed examples of real or personal property or improvements on real property here, they have taken the lower level of values or even eliminated some equipment because both governing bodies couldn't agree on certain items. In cases where the intent wasn't clear to him or to Jim Winters, they had eliminated items.

He mentioned that although the level of employment listed in the application was 300, Sun Mountain's last pay period indicated that the company had 296 employees on its payroll. He pointed out that this was a startling growth from the first formal pay period in August, 1984, during which there were 12 employees. He said that Rick Reimers was asked once about how to run a production company from 12 to (then) 263 in such a short period of time, and he had replied, "Well, let me see: I've added about four and a half people a month." Mr. Abramson said that while that was a simplification of the way it happens, the process of expansion has been coincident with purchasing large pieces of machinery that save labor and dollars but employ more local people here in Missoula. He gave as an example a specific piece of equipment that is currently being built to order in Boise which will build, among other things, the legs on the golf carts. Purchase of this machine, which will lead to increased employment, is one of the things that the company will be able to do because of tax incentives. He added as an incidental note that of the twelve people paid in August, 1984, four are still there, which, while remarkable, is only a small indication of the number out of the 296 total that have been continuously employed for over two years.

Another important reason that the company felt its application was within the spirit of the program was that no one at Sun Mountain has ever been paid minimum wage or less. Everyone has always been paid more than minimum wage. Mr. Abramson said that he thought that this was the kind of business that we'd like these incentives to attract. He said that over 90% of the employees at Sun Mountain are involved in production, and all of them are on a bonus system in addition to their hourly wage. When a production employee learns a new piece of equipment, it's unusual for him or her to earn less than \$8.00 an hour. He said that the new piece of equipment that is planned as a result of the tax incentives that might inure to Sun Mountain Sports could involve as many as eight new full-time hires during this calendar year. He added that there might also be some indirect spin-offs, perhaps including one more piece of equipment, which is another point in favor of this application.

APRIL 26, 1989 (continued)

He then talked about the issue of retroactivity, stating that because of questions about retroactivity, the company is asking for nine of the ten years' benefits on equipment purchased in 1987 and for ten years' benefits on equipment purchased in 1988. He said that, in fact, the company is not even asking for the first nine years where the benefit is greater, but rather for the last nine years.

He said that the kind of encouragement that is accomplished through this process will be particularly visual because most new golf bags purchased in the United States in a recent twelve-month period were manufactured by Sun Mountain Sports--more than any other company in the United States. He said that in both production and in dollar value, those values have at least doubled in each of the last three years, and there is no present indication that they will go down. He said that he wanted to share one small anecdote. The most recent product is a bag that is designed to be used on golf carts. On one particular Monday in November of last year, 35 of those bags were sent by UPS to 35 of the 39 Sun Mountain sales representatives. One week later--or eight days later--by the close of business the next Monday, there were more orders on the books from existing customers with approved credit for that bag than there had been orders during the previous five months for the Eclipse bag, which is the hottest selling bag in the golf business in this country--and overseas in a couple of instances. Again, all of the encouraging that is being done here is going to result in Rick Reimers's willingness to do more of his growth in our community. He said that the fortunate timing of the Sunday Missoulian feature on Sun Mountain Sports also gave Mr. Reimers a chance to explain his business more personally than he can today--he was unable to be here because he had to be in Boise today.

Mr. Abramson said that when he and Jim Winters had worked on the list of equipment to be included in the tax incentives, they had not been able to identify dates of purchase for some of the equipment, so they either pushed those pieces back to earlier dates or dropped them totally. He said that they had met several times with City staff people and with John DeVore to decide on the final list to be included so that by the time it went to the Department of Revenue, it would be a clean list. There is no problem with meeting the dollar threshold for either of the years, as he understood it.

He said that the only item that has been disputed is a company plane, which had been placed in service early in 1988. He said that company planes mean different things to different people. Some people equate them with three-martini lunches and other people equate them with giving a pilot a job. He said that the only person who has flown that plane is Rick Reimers himself. He said that he had been on a number of business trips with him. Try to get to Boise commercially, he said. Sometimes when you have a mold that collapses and you can get to Boise for repairs within four and a half hours with a company plane, it's a very great convenience, he said. However, because of the appearance of possible inappropriateness, it's been suggested that the plane be taken off the list of equipment for tax incentives. He said that he knew of only three times when the plane--according to the log--had not been used strictly for business. The first one was when the president of his bank's holding company invited him to meet him in another state. If you're a businessman, that feels like business, he said. The second one was an occasion when a visiting businessman in the golf business, with whom he does business, was scheduled to play golf with Rick Reimers here in Missoula. If they had played golf, it would have been a reasonable and ordinary business expense for a person who manufactures golf bags. However, the weather was bad, and they flew to Crystal Lake to play golf. The third possibly

APRIL 26, 1989 (continued)

questionable flight involves flying to a get-together with staff people from Dupont. Sun Mountain is such a large customer of the finishers of nylon fabric that Rick Reimers deals on a personal basis with Dupont people directly.

After he finished his testimony, the Commissioners and Clerk and Recorder Fern Hart had some questions for him. The first question involved payment of an outstanding delinquent tax bill. Mr. Abramson said that there was only one tax bill that was not paid--all the other tax bills being paid--and it should have been taken care of a long time ago. He said that if necessary, it could be paid today, or a letter could be submitted stating that under no circumstances would the bill be paid later than when the May payments are due, plus penalty and interest.

Clerk and Recorder Fern Hart asked him to clarify what he meant about taking the last nine years' instead of the first nine years' benefits. He said that they dropped the first year--they gave away the 50% year--because if you don't get the paperwork done on time, you lose the benefit for that year.

Fern Hart commented that since that was their biggest benefit year, she appreciated that.

Barbara Evans asked if there were anyone else who wished to comment on this application.

County Assessor Jim Fairbanks commented that he was present in an informational capacity. He said that he thought maybe the Commissioners would like to work with real numbers, or numbers that would ultimately generate tax bills, regardless of what they did here. He said that those numbers are: for real estate, a \$253,300 exchange from last year to this year, and for personal property, an increase from 1988 to 1989 of \$340,549. He said that those are actual dollar increases that would have--and will--generate assessments. The impact of those assessments on subsequent tax bills could be dramatically affected by what the Commissioners do, he said. In actual dollars for the taxpayer, depending on their perspective, as to whether or not that's an increase or a decrease, that would be an increase of \$22,600, total taxes for Sun Mountain Sports, for the year 1989. Now that is either an increase or a decrease of \$11,300 because only 50% will go on if they grant the tax incentives today. From the other perspective, Sun Mountain could pull it all out tomorrow, so the County wouldn't have gotten the \$11,300 anyway. So there are essentially two ways of looking at it.

He said that his staff had looked back to 1987, which brings in another \$230,000 of personal property, which would also qualify, which would make the tax increase and/or decrease \$17,300. So the company would pay \$17,300 more, as opposed to \$34,600 more. He gave a brief history of Sun Mountain Sports as far as taxes are concerned. He said that Sun Mountain is quite good at recognizing tax benefits, which is laudable from a business perspective. For 1985-1987, the company qualified for tax incentives under 15-8-166 or 167, which is a Department of Revenue program of extending tax benefits that puts property in a 3% tax category rather than 11 or 13%, netting Sun Mountain tax deductions for 1985, 1986 and 1987 on the order of 29% of what other people paid. So in 1985, personal property that would have generated a \$3,024 tax bill, without the benefit generated a tax bill of \$834.34 with the benefit. He said that particular tax bill was paid within fifteen months, and went on to say that the subsequent tax years of 1986 and 1987 saw similar benefits, both timely-paid. He said that we've all looked at these applications, and his own understanding of the definition of incentives has been challenged as a consequence. He said that this is a reward, not a benefit, although the application is in

APRIL 26, 1989 (continued)

compliance with the policy, and he had no objection on that basis. He said that his comments should be taken as informational with respect to dollars.

Ann Mary Dussault asked him about each of the incentives that were given under statute that effectively reduced tax rate--was she clear that the properties being discussed today are not the same properties.

Jim Fairbanks responded that they were not.

Janet Stevens noted for the record that the Commissioners had received a phone call from Ronald L. Klaphake, Executive Director of the Missoula Economic Development Corporation, who wasn't able to attend today's hearing, but who wanted to go on record as supporting the application.

Since no one else wished to comment on the application, Barbara Evans closed the hearing to public comment.

Ann Mary Dussault asked John DeVore if her understanding was correct that the company plane was not included on the list of property.

John DeVore stated that it was not included.

Ann Mary Dussault asked if he had looked at the balance of the properties in terms of qualifying under the statute, and he replied that he had.

Barbara Evans asked about the items that had been marked with yellow marker.

John DeVore replied that any item indicated with yellow was off the list of property to be included for tax incentives.

Janet Stevens moved that the Board of County Commissioners finds that the statutory and policy requirements have been met by the Sun Mountain Sports tax incentive application, and that the Board of County Commissioners finds the tax incentive application to be in the public interest and thereby approves that application, on condition that all currently outstanding tax bills be paid prior to the execution of the tax incentive approval by the Board of County Commissioners.

Ann Mary Dussault seconded the motion, noting that there are two parts to the application: part 1 for nine years of benefits; part 2 for the full ten years. The motion passed unanimously.

HEARING: SEELEY LAKE AREA COMPREHENSIVE PLAN AMENDMENT

Information provided by Pat O'Herren, Rural Planner, II, indicated that this is the third formal public meeting on the proposed plan which was drafted by the Seeley Lake Community Council. The Council conducted over a dozen public meetings on the items discussed in the plan and the current document reflect comments received at those meetings. He said he had some wording changes that he would like to see adopted that came to the forefront since the last public meeting on the issue. He said he had received some calls indicating that people thought this document was an attempt to zone, so that people couldn't then come before the Board of County Commissioners with zoning issues. He said that this document does not zone, it provides only long-term objectives and goals. He said the Community Council will hold further meetings on these goals and residents will have an additional opportunity to make changes or to comment. He said his recommendation was to adopt the Resolution of Intention to adopt the Seeley Lake Area Comprehensive Plan Amendment.

APRIL 26, 1989 (continued)

The hearing was opened for public comment.

Bud Johnson, representing the Seeley Lake Community Council said he had heard discussions about the intent, and wanted to make it clear that this was just an amendment to the Comprehensive Plan which was already in place. He said the Community Council had done a good job in meeting with people and letting everyone know what was in the amendment and what the process would be.

Harry Northey spoke in support of the plan, except for the part that addresses heavy industrial use near Gray's Mill. He said he wanted the Mill area deleted from the plan, and said that "heavy industrial" designations is quasi-zoning, and not appropriate in this document.

Leonard Brewer said he agreed with Mr. Northey, and said that the mill is a detriment to recreation, and it is inappropriate to zone it heavy industrial.

Jeff Macon spoke in favor of the plan, and said that he would like to remind everyone that it was just a plan, and the details would be worked out later.

Adrian Marx spoke in favor of the plan, and said that a majority of the residents in Seeley Lake favor adoption.

Kent Brown said that the Chamber of Commerce supports the plan, and they don't want to see any part of the district split off.

Gwen Schnieder spoke in favor of the plan, and said the comp plan is a good guideline for the Community Council.

Nancy Marx said that she objects to the meadow approaching Seeley Lake not being able to be developed, according to the plan. She said the north end of this land had already been developed a couple of years ago. In addition, she said she wants more information about the plan, and said that she has a petition with the names of 100 people who object to the plan, and she said people object because of lack of information and lack of knowledge about the plan.

Bob Scott said he didn't understand why this hearing was being held in Missoula, rather than Seeley Lake, and said it was very inconvenient for people to have to travel so far for a meeting during work hours. He said the notice of the hearing said that the hearing would be at 1:30 and he didn't understand why the Commissioners had conducted several hours of business before this item came up on the agenda.

Ann Mary Dussault said that she would request that Mr. Scott keep his comments to the content of the plan.

Bob Scott continued, saying that he didn't think that any planning could be done on a 20 year basis, especially in view of the water quality plan. He said this document is essentially a zoning document.

Tom Morris spoke in favor of the amendment, and said that he would request that the Commissioners hold off on a decision to let more people have time to comment.

Erv Gysler spoke in opposition, saying there was not enough community input in the plan, and said the following goals were unnecessary: timber management, air pollution, sewage, and junk cars. He spoke in detail, and Chairman Barbara Evans asked him to put his concerns in writing so that other people could speak, and indicated that the decision on this matter would be made at a later date.

APRIL 26, 1989 (continued)

Don Ditty spoke in opposition to the sewer system, and said he would present a petition against that issue.

Ron Richards expressed concern with the sewer system, and said the study was moving too fast, and the issue needed more study. He said the proposed system was inadequate.

No one else came forward to speak, and the hearing was closed.

Janet Stevens said she had concerns with several parts of the plan relative to open space and Grays Mill, and asked Pat O'Herren to look into those issues and bring his recommendations back to the Board.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to take written testimony on the issue for one more week and then have the Planning Staff present amended language before a decision is rendered at the next public meeting. The motion carried on a vote of 3-0.

Hearing: Certificate of Survey - Occasional Sale, Johnson

Information provided by Colleen Dowdell, Deputy County Attorney, indicated that Richard L. Johnson is requesting the use of the Occasional Sale exemption to create a parcel of approximately three acres on Highway 12, on the road to Lolo Hot Springs, leaving a remainder of approximately twenty acres. Mr. Johnson made use of the exemption process on this parcel in 1984 when the adjoining three acres was created. That parcel did not sell until June of 1988. The Occasional Sale is available to individuals twelve months after the date of the sale. This applicant is requesting that this Occasional Sale be approved pending the passage of the twelve month period since the sale of his prior occasional sale parcel. The surveyor had indicated that the applicant intends to keep the remainder of the parcel which has a cabin on it. He also says that the parcel does not have suitable building space beyond these that have been created.

The hearing was opened for public comment.

Cecil Owen, a land surveyor representing Mr. Johnson, gave a history of the parcel, and said no further splits of the land were planned.

No one else came forward to speak, and the hearing was closed.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the occasional sale of Certificate of Survey 3078, Tract B, finding it in the public interest to do so, and finding no attempt to evade the Montana Subdivision and Platting Act. The motion carried on a vote of 3-0.

Continuation of Hearing: Proposed Capital Improvements Program for 1990-1994.

Information provided by John DeVore, Administrative Officer, indicated that this is the second of two hearings scheduled to take public comment on the draft 1990-1994 Capital Improvements Program. The final hearing will be May 10, and based on public comment will be the date the Board of County Commissioners adopt the intent of the draft CIP.

The hearing was opened for public comment.

Mavis McKelvey noted that Horace Brown would be holding a public meeting next week to discuss some issues in the plan.

APRIL 26, 1989 (continued)

No one else came forward to speak, and the hearing was closed.

There being no further business to come before the Board, the Commissioners were in recess at 4:10 p.m.

* * * * *

APRIL 27, 1989

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated April 27, 1989, pages 8-35, with a grand total of \$258,582.49. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Plat

The Board of County Commissioners signed the Plat for Thorsrud Addition, a summary subdivision of a portion of Lot 18, R. M. Cobban Orchard Homes, a subdivision of Missoula County located in the NW 1/4 of Section 29, T. 13 N., R. 19 W., PMM, with the owner of record being E. L. Thorsrud, and cash in lieu of park land in the amount of \$2,222.22 being received by the County Treasurer.

Employment Agreement

The Board of County Commissioners signed an Employment Agreement between Missoula County and Jon Shannon, who will work on the Area-Wide Hazardous Material Response Project, as per the duties and terms set forth in the attachment to the Agreement, beginning May 1, 1989, and ending on the earlier of the following dates: June 30, 1990, or a date after October 1, 1989, upon which the County decides non-tax revenues, received and projected, are no longer sufficient to fund the work program. The Agreement was returned to Orin Olsgaard, DES Coordinator, for further signatures and handling.

Subgrant Application

Chairman Evans signed the Subgrant Application for the Sheriff's Department to the Board of Crime Control and Youth Justice Council for the Operation Crackdown Project, covering the period from July 1, 1989, through June 30, 1990, with a total project budget of \$81,755.38; the County's share being \$21,665.44 and the grant amount being \$60,090.94. The Application was returned to Doug Chase, Undersheriff, for further handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

APRIL 28, 1989

The Board of County Commissioners did not meet in regular session; Commissioners Evans and Stevens were out of the office all day.

Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Erin Parker as principal for warrant #10081, dated April 11, 1989, on the School District #40 Claims Fund in the amount of \$15.00 now unable to be found.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

MAY 1, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office all day.

Welfare Advisory Board

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Carole Graham, Welfare Director, for their regular monthly meeting.

Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed an Indemnity Bond, naming Mao Thao as principal for warrant #157389, dated April 21, 1989, on the Missoula County Payroll Fund in the amount of \$23.20 now unable to be found.

Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed an Indemnity Bond, naming Nancy Taylor as principal for warrant #7148, dated April 20, 1989, on the Missoula County School District #4 Payroll Fund in the amount of \$863.17 as the check was destroyed.

* * * * *

MAY 2, 1989

The Board of County Commissioners met in regular session; all three members were present.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming National Chemsearch as principal for warrant #027345, dated August 31, 1988, on the Missoula County School District #1 Claims Fund in the amount of \$88.73 now unable to be found.

Monthly Reports

Chairman Evans examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for the month ending April 30, 1989.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Proclamation

The Board of County Commissioners signed a Proclamation proclaiming May 8, 1989, as Extension Service Day in Missoula County in commemoration of the Seventy-Fifth anniversary of the signing of the Smith-Lever Act of May 8, 1914, which fostered the development of the Montana Extension Service in conjunction with Montana State University and Montana's counties.

Resolution No. 89-024

The Board of County Commissioners signed Resolution No. 89-024, a resolution approving the application of Sun Mountain Sports for tax incentives for new and expanding industry under the provisions of Resolution No. 87-080, as per the terms set forth, and as per the decision at the April 26, 1989, public hearing, contingent upon payment of taxes owed to Missoula County.

MAY 2, 1989 (continued)

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MAY 3, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Great Falls to attend the NACo WIR (Western Interstate Region) Conference held there May 3rd through May 5th.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated May 3, 1989, pages 7-37, with a grand total of \$871,552.54. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Audit Letter

The Board of County Commissioners signed a letter to Gayle Mitchell, Chief Deputy Auditor, acknowledging receipt and review of the audit of the records of the Health Trust Account for the eight months ending February 28, 1989. The Audit was forwarded to the Clerk & Recorder's office for filing.

Resolution No. 89-027

The Board of County Commissioners signed Resolution No. 89-027, fixing the fees of the Sheriff for services in civil cases in accordance with the prevailing rate charged by private process servers in the County, as per the fee schedule attached to the Resolution, effective July 1, 1989.

License Agreement

The Board of County Commissioners signed a License Agreement between Missoula County General Services Department and the Resurrection Cemetery Association in Helena, whereby the Cemetery shall grant the use of a tract of land in Missoula County to be used for a project denominated as Missoula County General Services/Down Home Project Community Gardens, which is a program intended to promote and facilitate vegetable gardening by people who have no other opportunity to do so, as per the mutual covenants set forth, for the period from May 1, 1989, through October 30, 1989. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Other items included:

The Commissioners appointed Bob Zeigler as a regular member of the Lolo Water & Sewer Board (RSID No. 901) to fill the unexpired term of Norm Yogerst through June 30, 1990, at which time he will be eligible for reappointment to a three-year term.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Janet Stevens.

MAY 3, 1989 (continued)

BID AWARD - STATE HIGHWAY CONTRACT SPRAYING (WEED CONTROL)

Information provided by Bill Otten, Weed District Supervisor, indicated that bids for Highway Roadside Chemical Noxious Weed Control were received from Judd's Services and Pioneer Weed Control in the following amounts:

Judd's Services	Item 1 = \$27.63
	Item 2 = 29.46
Total	\$5,885.19

Pioneer Weed Control	Item 1 = \$32.89
	Item 2 = 25.95
Total	\$6,986.40

His recommendation was to award the bid to Judd's Services for \$5,885.19. He noted that the Weed Department would get 10% of the contract amount back as administrative costs from the State Highway Department.

Janet Stevens moved and Barbara Evans seconded the motion to award the bid for Highway Roadside Chemical Noxious Weed Control to Judd's Services for \$5,885.19. The motion carried on a vote of 2-0.

Decision On: Seeley Lake Area Comprehensive Plan Amendment.

Information provided by Pat O'Herren, Rural Planner, indicated that the decision on this matter was postponed from last week to allow further written testimony and to allow the Rural Planning Staff to work out some language in the proposed resolution. To date, two additional letters were received. The record will remain open until the end of the day, and the final decision on adoption of the Resolution will be made at the Public Hearing of May 10, 1989 to allow inclusion of any additional written comment. He said he had included two additional amendments which are included in the Resolution of Intent, dealing with industrial site use. His recommendation was to adopt the Resolution of Intention to Adopt the Seeley Lake Comprehensive Plan Amendment.

Janet Stevens moved and Barbara Evans seconded the motion to adopt the Resolution of Intent to Adopt the Seeley Lake Comprehensive Plan Amendment. The motion carried on a vote of 2-0.

Resolution No. 89-025

The Board of County Commissioners signed Resolution No. 89-025, a resolution of intention to adopt the Seeley Lake Comprehensive Plan Amendment.

Hearing: Summary Plat - Gustafson Addition

Information provided by Barb Martens, Planner II with the Office of Community Development, indicated that the amended plat of Gustafson Addition II - a resubdivision of Lot 1 is a proposed two lot residential subdivision located off St. Francis Drive. The total acreage is 2.5 acres. A variance is being requested for the easement and surface widths for private cul-de-sac road. the Staff is recommending that the variance be granted, and that the amended plat of Gustafson Addition II, be approved subject to the conditions, variance and findings of fact set forth in the staff report. The conditions are as follows:

MAY 3, 1989 (continued)

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The developer shall delete the lot shown as common area on the plat and shall instead be required to give cash-in-lieu of parkland. The lots shall then be redesigned to incorporate the common area into the proposed five lots. The redesign shall be subject to the approval the Director of the Office of Community Development. If the developer wishes to appeal the Director's decision, this appeal shall be made to the Board of County Commissioners within thirty (30) days of this decision.
3. All lot owners shall apply to the County Surveyor's Office for approach permits.
4. Sight distances shall be approved by the County Surveyor's Office.

The hearing was opened for public comment.

Chip Johnson of Stensatter, Druyvestein and Associates, representing the Gustafsons, said he concurred with the staff report and agreed to all the conditions.

No one else came forward to speak and the hearing was closed.

Janet Stevens moved and Barbara Evans seconded the motion to approve the amended Plat of Gustafson Addition II, and grant the variance, subject to the conditions and findings of fact conditions contained in the staff report. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:40 p.m.

* * * * *

MAY 4 AND 5, 1989

The Board of County Commissioners did not meet in regular session. Commissioner Evans was in Great Falls attending the NACo WIR (Western Interstate Region) Conference, and Commissioner Stevens was out of the office May 4th and 5th.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

MAY 8, 1989

The Board of County Commissioners met in regular session; all three members were present.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for month ending April 30, 1989.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen D. Breuer, showing items of fees and other collections made in Missoula County for month ending April 30, 1989.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheets

The Board of County Commissioners signed the following Payroll Transmittal Sheets:

- 1) for Pay Period #7 (3/19/89 through 4/01/89), with a total Missoula County Payroll of \$311,722.26; and
- 2) for Pay Period #8 (4/02/89 through 4/15/89), with a total Missoula County Payroll of \$315,330.31.

The Transmittal Sheets were returned to the Auditor's Office.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY'89 budget:

No. 890033, a request from the Health Department, to transfer \$3,883 from the Contracted Services - 445703 account to the Contracted Services - 445700 (\$2,250) and Contracted Services - 445600 (\$1,633) accounts as additional matching funds needed to be spent for MCH Block Grant and to correct the original budget for AIDS grant loaded with tax support.

Resolution No. 89-026

The Board of County Commissioners signed Resolution No. 89-026, a resolution approving and adopting the Mission Statement for Missoula County for the purpose of considering and setting certain priorities in order to properly carry out the business of government; outlining critical goals in order to deliver the most effective and efficient services possible to support a certain quality of life for the people of Missoula County; and developing and nurturing active partnerships with the private sector and other public agencies so that issues of common concern can be effectively and harmoniously addressed.

MAY 8, 1989 (continued)

Plat and Improvements Agreement

The Board of County Commissioners signed the Plat for Linda Vista Fifth Supplement - Phase 1, an urban residential subdivision located in the SW 1/4 of Section 12, T. 12 N., R. 20 W., PMM, Missoula County, with the owners and developers being the Lloyd A. Twite Family Partnership. A Subdivision Improvements Agreement and Guarantee for this Subdivision was also signed, whereby Lloyd L. Twite on behalf of the Twite Family partnership acknowledges that improvements in the total amount of \$33,032.00 have not been completed and guarantees that they must be completed within two years of the filing of the final plat, as per the terms set forth in the Agreement, with the real estate located at 102 New Meadows Drive valued at \$49,500.00 provided as security for completing these improvements.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MAY 9, 1989

The Board of County Commissioners met in regular session; all three members were present.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated May 9, 1989, pages 9-31, with a grand total of \$56,881.49. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Addendum to Personnel Policies

The Board of County Commissioners signed Addendum J to the Missoula County Personnel Policies regarding Sick Leave Grants for the purpose of allowing County employees to donate sick leave benefits to another employee who experiences an extended absence due to illness or injury and who has insufficient stores of earned leave to remain in a pay status during such absence, as per the terms set forth in the Addendum. The Addendum was returned to the Personnel Office for further handling.

Other items included:

The Commissioners appointed Robert Davis as a member of the Board of Trustees of the Clinton Rural Fire District to serve until the next School Election, which will be held April 3, 1990, at which time the residents will elect the Board.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MAY 10, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Audit Letter

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the audit of the records of the Missoula County Sheriff's Office Abandoned Vehicle Account as of February 28, 1989. The Audit was forwarded to the Clerk & Recorder's office for filing.

Resolution No. 89-029

The Board of County Commissioners signed Resolution No. 89-029, a resolution to adopt the Seeley Lake Area Comprehensive Plan Amendment, including all adopted changes and as printed in the document attached to the Resolution.

Other items included:

- 1) the Commissioners appointed Randle White as a member of the Missoula Area Agency on Aging Board to fill the unexpired term of Jeanne Tallmadge through December 31, 1991;
- 2) David Whitesitt, Tom Morris, and Jeff Macon were appointed as members of the Seeley Lake Community Council to serve until the next School Election, which will be held on April 3, 1990, and the residents will elect the members of the Council; and
- 3) the proposed RSID for paving on Central Avenue was discussed, and the Commissioners authorized an increase in the County share (aid-to-construction) to four units.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Welcome

In the afternoon, Commissioner Dussault gave the Welcome at the Big Sky Public Purchasing Association Spring Conference being held at the University of Montana.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Janet Stevens.

Resolution Calling for the sale of General Obligation Bonds

Information provided by Sharyn Solum, Administrative Assistant, indicated that the resolution provides for the issuance and sale of General Obligation Bonds in the amount of \$1,800,000 for the purpose of financing the cost of acquiring and installing computer equipment and for funding certain costs incidental to the issuance, sale and payment of bonds.

Janet Stevens moved, and Barbara Evans seconded the motion to authorize the Chairman to sign the resolution calling for the sale of General Obligation Bonds. The motion carried on a vote of 2-0.

MAY 10, 1989 (continued)

Resolution No. 89-028

The Board of County Commissioners signed Resolution No. 89-028, a resolution calling for the sale of General Obligation Bonds for the purpose of financing the cost of acquiring and installing computer equipment and for funding certain costs incidental to the issuance, sale and payment of bonds.

Continuation of Hearing and Adoption Of Proposed CIP for 1990-1994.

Information provided by Sharyn Solum, Administrative Assistant, indicated that this was the third and final hearing on the draft 1990-1994 Capital Improvements Program.

The hearing was opened for public comment. No one came forward to speak, and the hearing was closed.

Janet Stevens moved and Barbara Evans seconded the motion to adopt the Capital Improvements Program for 1990-1994. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:35 p.m.

* * * * *

MAY 11, 1989

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was in Helena attending the State Mental Health Council Meeting; Commissioner Dussault was out of the office all day; and Commissioner Evans was out of the office until noon.

* * * * *

MAY 12, 1989

The Board of County Commissioners attended the MACo Districts 10 and 11 Counties Meeting which was held in Polson.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

MAY 15, 1989

The Board of County Commissioners met in regular session in the forenoon; all three members were present. Commissioner Dussault left for Helena at noon, and Commissioner Evans was out of the office all afternoon.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #9 (4/16/89 through 4/29/89), with a total Missoula County Payroll of \$316,814.12. The Transmittal Sheet was returned to the Auditor's Office.

MAY 15, 1989 (continued)

Contract Amendment

The Board of County Commissioners signed an Amendment to the Professional Services Contract between Missoula County and Cynda Herzberg for the purpose of assisting with data entry for the Traffic Safety computer program, amending the contract as follows:

3. Performance Schedule: That the contractor shall commence performance of this contract on the 17th day of October, 1988, and shall conclude completion of performance by the 31st day of March, 1989 (rather than by the 31st day of January, 1989, as stated in the original contract) and shall be responsible for specific days or hours of performance hereafter specified: an average of 8 hours per week as scheduled by contractor and Lt. Gary Lancaster, M.P.D., to a maximum of 128 hours.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Sally Mullen and Alan Okagaki for the purpose of conducting a management study and developing a plan of action for the Missoula Public Library, as per the proposal, dated April 7, 1989, attached to the contract, and as per the terms set forth, to be completed within 75 days for a total payment of \$5,570.00. The contract was returned to John Pemberton, Personnel Director, for further signatures and handling.

Renewal Agreement

Chairman Evans signed a Renewal Agreement between Missoula County and the Missoula Federal Credit Union, renewing the lease agreement entered into on October 23, 1984, for a portion of the premises at 126 West Spruce used by the County Extension Office, for a term of two (2) years from July 1, 1989, to June 30, 1991, for a rental payment of \$6,732.00 per quarter during the term of the lease, with all other provisions of the lease remaining the same. The Agreement was forwarded to the Credit Union for signature.

Other items included:

- 1) the Commissioners authorized renewal of the subscription to the Great Falls Tribune for one year;
- 2) Phil Davis was appointed as a member of the Clinton Rural Fire District Board of Trustees until the next School Election, which will be held April 3, 1990, at which time the residents will elect the trustees; and
- 3) the Commissioners appointed William J. Yiengst as a member of the Seeley Lake Refuse Disposal District Board of Directors to fill the unexpired term of Harold Salomon through December 31, 1989, at which time he will be eligible for reappointment to a three-year term.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Meeting

In the evening, Commissioner Stevens attended the Seeley Lake Community Council meeting held in Seeley Lake.

* * * * *

MAY 16, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Havre attending the MACo Districts 4 and 5 Counties Meeting.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Sun Life of Canada as principal for warrant #006754, dated March 22, 1989, on the Hellgate Elementary School District #4 Claims Fund (Employees TSA's) in the amount of \$375.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Notice for Publication

Chairman Evans signed the Notice of a public hearing on a proposed resolution to continue to assess the extra 0.5% local option motor vehicle fee in FY'90, which would maintain the motor vehicle tax at 2.5% of the average trade-in or wholesale value, effective July 1, 1989, setting the hearing date for May 31, 1989, at 1:30 p.m.

Quitclaim Deed

The Board of County Commissioners signed a Quitclaim Deed transferring the improvements on leased land, taken by tax deed in 1986, located in Section 6, T. 11 N., R. 16 W. from Missoula County to Dan Ekstrom of Clinton, Montana, who has brought his personal property taxes current. The Deed was returned to the Clerk & Recorder's Office.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MAY 17, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Wolf Point attending the MACo District 1 Counties Meeting.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated May 16, 1989, pages 8-37, with a grand total of \$68,174.28. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Resolution No. 89-030

The Board of County Commissioners signed Resolution No. 89-030, a Resolution to Redefine the Boundaries of Election Precincts Affected by City Annexations which have occurred since April of 1987, as per the City Annexation Ordinance Numbers and the Precincts listed in the Resolution.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

MAY 17, 1989 (continued)

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Janet Stevens.

Proclamation: National Transit Appreciation Day

The Board of County Commissioners signed a proclamation recognizing the role of public transit, and proclaiming May 17, 1989 as Missoula Transit Appreciation Day.

There being no further business to come before the Board, the Commissioners were in recess at 1:40 p.m.

* * * * *

MAY 18, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Miles City attending the MACo Districts 2 and 3 Counties Meeting.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Amended Use Agreement

The Board of County Commissioners signed an Amended Use Agreement between Missoula County and Mountain Water Company for the purpose of permitting Missoula County to construct a temporary pedestrian-bicycle bridge across Rattlesnake Creek on property owned by Mountain Water Company, as per the terms set forth in the Agreement.

Agreement to Extend Preliminary Plat Deadline

The Board of County Commissioners signed an Agreement between Missoula County and the Lloyd A. Twite Family Partnership to Extend the Preliminary Plat Deadline for Linda Vista Fifth Supplement for a period of ten (10) years from the date of approval, March 31, 1988, to March 31, 1998, providing that the project is developed on a phased basis as anticipated by both the Subdivider and the County at the time the project was reviewed, and as per the terms set forth in the Agreement.

Agreement

Chairman Evans signed an Agreement dated May 10, 1989, between Missoula County and James R. McDonald, Architect, for the purpose of providing the design and plans for the reconstruction of the gazebo on the Missoula Courthouse lawn, based on the original design and including electrical service and any adjacent landscaping, as per the terms set forth, for a stipulated sum of \$2,000.00. The Agreement was returned to John DeVore, Administrative Officer, for further handling.

Other items included:

The Commissioners authorized Vickie Zeier, Recording Supervisor, to take tax deed on all the 18-month delinquent tax deed properties listed in her memorandum dated May 2, 1989.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MAY 19, 1989

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Roundup attending the MACo Districts 6 and 7 Counties Meeting; Commissioner Stevens attended a Mental Health Board Meeting in Hamilton; and as there were no meetings scheduled, Commissioner Evans was out of the office all day, but was on call.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

MAY 22, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Lewistown attending a BOS (Balance of State) Joint Council Meeting.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Proclamation

The Board of County Commissioners signed a Proclamation proclaiming May 17 - 27, 1989, as Safer Sex Week, recognizing that the health of the citizens of Missoula County is a primary concern and promoting education and means of preventing unwanted pregnancies and the spread of AIDS and other sexually transmitted diseases.

Agreement, Quitclaim Deed and Notice of Purchaser's Interest

The Board of County Commissioners signed an Agreement dated April 30, 1989, between Missoula County and Dennis Lind providing for the conveyance on conditions to County of Lot 15 Grantland 12, and the repurchase of Lot 15, Grantland 12 by the Taxpayer, as per the terms set forth in the Agreement. The Commissioners also signed a Quitclaim Deed from Missoula County to Dennis E. and Angela Cooper Lind conveying to them property described as Lot 15 of Grantland 12, a platted subdivision in Missoula County, free and clear of any assessments for Special Improvement Districts established prior to April, 1989. Also signed was a Notice of Purchaser's Interest entered into between Missoula County and Dennis E. and Angela Cooper Lind, stating that the Agreement has been escrowed with the Missoula County Treasurer, and that upon payment in full of the purchase price, the deed will be delivered to the Buyer by the aforementioned escrow agent. The documents were returned to John DeVore, Administrative Officer, for further signatures and handling.

Other items included:

The Commissioners made the following appointments to the Weed Control Board of Supervisors: James P. Olivarez was appointed as a regular member for a three-year term through December 31, 1991; and Michael Chandler and Clarence Hamilton were appointed as alternate members through December 31, 1991.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MAY 23, 1989

The Board of County Commissioners met in regular session; all three members were present in the forenoon. In the afternoon, Commissioner Dussault spoke to and served on a panel at the Area Agency on Aging Conference which was held at the Village Red Lion; and Commissioner Stevens was out of the office all afternoon because of illness.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated May 23, 1989, pages 6-35, with a grand total of \$90,267.46. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Verification Letters

Chairman Evans signed Verification Letters to the Department of Agriculture for the Soil Conservation District Grant Application. The letters were returned to Greg Kennett of the District for further handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MAY 24, 1989

The Board of County Commissioners met in regular session; all three members were present in the afternoon. Commissioner Evans was out of the office until noon.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #10 (4/30/89 through 5/13/89), with a total Missoula County Payroll of \$322,553.14. The Transmittal Sheet was returned to the Auditor's Office.

Audit Letter

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the audit of the records of the Missoula County Treasurer's Office for this fiscal year. The audit was forwarded to the Clerk & Recorder's Office for filing.

Audit Letter

The Board of County Commissioners signed a letter to Gayle Mitchell, Chief Deputy Auditor, acknowledging receipt and review of the audit of the records of the Missoula County Superintendent of Schools Office for the period from July 1, 1987, through June 30, 1988. The audit was forwarded to the Clerk & Recorder's Office for filing.

MAY 24, 1989 (continued)

Professional Services Contracts

The Board of County Commissioners signed three (3) Professional Services Contracts between Missoula County and Phillip H. Simon, RN, Christine S. Lyons, RN, and Barbara L. Jacobs, RN, independent contractors, for the purpose of providing health care services as required in the Missoula County Jail for the care and keeping of inmates incarcerated therein, as per the terms set forth, for the period from May 25, 1989, through June 30, 1990, for payment at the rate of \$12.50 per hour, with two hours minimum.

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY'89 budget: Note - Budget Transfer No. 890034 was voided.

- 1) no. 890035, a request from the Sheriff's Department to transfer \$19,900 from various accounts (listed on the attachment to the transfer) to the Capital - Technical Equipment account for the purpose of transferring unused spending authority for needed capital;
- 2) no. 890036, a request from the General Fund Salary Increases to transfer \$69,447.00 from the Financial Administration - Permanent Salaries (\$55,995) and Financial Administration - Fringe Benefits (\$13,452) accounts to Various General Fund Accounts (as per list attached to transfer) to transfer spending authority for salary increases from the pool where it was budgeted to the departments where the cost was incurred;
- 3) no. 890037, a request from the Library - School District #1 to transfer \$915.08 from the Capital - Books account to the Overtime (\$663.88) and Gas & Diesel (\$251.20) accounts to adjust for unanticipated expenses; and
- 4) no. 890038, a request from the Sheriff's Department to transfer \$500.00 from the Sheriff - Medical account to the Victim/Witness Grant Travel account as the County match for the grant was not in the original budget.

Resolution No. 89-031

The Board of County Commissioners signed Resolution No. 89-031, a downward budget amendment for FY'89 for the Sanders County Bookmobile, including the following expenditure and revenue reductions, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2224-413-460192-960 Capital - Books	(\$2,617)

<u>Description of Revenue</u>	<u>Revenue</u>
2224-413-346071 Sanders Co. Contract	(\$2,617)

Other items included:

The Commissioners approved a recommendation from John DeVore, Administrative Officer, to promote Amy Eaton from the Rural Planning Office to a Planner II position effective immediately.

MAY 24, 1989 (continued)

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

Bid Award: Missoula County Telecommunications System

Information provided by Jim Dopp, Operations Officer, indicated that bids were received from the following companies for a new Telecommunications System.

Base Bid:

Centel	\$192,686.00
TRI	202,023.00
AT&T	215,744.23
U.S. West	331,457.00

His recommendation was to award the bid to Centel, the best and most responsive bidder, with the provision that enhancements may be purchased, and subject to the sale of the General Obligation Bonds.

Janet Stevens moved and Ann Mary Dussault seconded the motion to award the bid for a Telecommunications System to Centel, the best and most responsive bidder, with the provision that enhancements may be purchased, and subject to the sale of the General Obligation Bonds. The motion carried on a vote of 3-0.

Hearing: Certificate of Survey Review - Occasional Sale (Bangs)

Information provided by Colleen Dowdell, Deputy County Attorney, indicated that William Bangs is proposing the division of Lot 12C in the Meadows of Baron O'Keefe. This lot was created as the approximately 5 acre remainder of a Certificate of Survey that created four parcels by use of one occasional sale and two family transfers. These divisions were completed by an owner prior to Mr. Bangs. Mr. Bangs' prior use of exemptions was the use of the mortgage exemption in 1976. Litigation involving the use of exemptions to the Montana Subdivision and Platting Act in the Meadows of Baron O'Keefe requires review by the Board of County Commissioners of any divisions of land in the Meadows.

The hearing was opened for public comment.

Dick Ainsworth, of Professional Consultants Incorporated, representing the claimant, indicated that he his client had not used any previous exemptions, and said his intention was to build a home on the parcel, then sell it and build another home for himself on the other parcel. He said there was access to both parcels.

No one else came forward to speak and the hearing was closed.

Janet Stevens moved, and Barbara Evans seconded the motion to approve the occasional sale exemption to divide COS 1860, Tract 12. The motion carried on a vote of 2-0, Ann Mary Dussault abstained.

Public Comment

Deborah Talbott Franzen, Board President of Planned Parenthood in Missoula, indicated that the Board was appreciative of the Board of County Commissioner's proclaiming this Safer Sex Week in Missoula.

MAY 24, 1989 (continued)

There being no further business to come before the Board, the Commissioners were in recess at 1:40.

Hearing

In the evening, Commissioner Evans attended a Department of Highways hearing on the South Avenue Speed Zone held at the Target Range School.

* * * * *

MAY 25, 1989

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Evans was out of the office all afternoon as she had no meetings scheduled.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Plat

The Board of County Commissioners signed the Amended Plat of Gustafson Addition II, Lot 1, a resubdivision of Lot 1 of Gustafson Addition II, located in the NE 1/4 of Section 12, T. 12 N., R. 20 W., PMM, Missoula County, with the owners of record being Clifford W. and Annette D. Gustafson, and a previous payment of \$4,527.78 for Gustafson Addition II was paid in lieu of parkland.

Other items included:

The Commissioners approved requests for salary increases for Hal Luttschwager, Risk Manager, and Mike Barton, Personnel Analyst, with the funding to be determined at budget time.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MAY 26, 1989

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Stevens was out of the office all afternoon; and as there were no regular meetings scheduled, Commissioner Evans was on call, but out of the office all day.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

MAY 29, 1989

The Courthouse was closed for the Memorial Day Observed holiday.

* * * * *

MAY 30, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Plat

The Board of County Commissioners signed the Plat for Placid Lake - South Shore Tracts, a subdivision of Missoula County, located in GLO Lots 1 and 2, Section 29, and GLO Lot 4, Section 28, T. 16 N., R. 15 W., PMM, Missoula County, a total area of 9.63 acres, with common area of .9 acres deeded to the Homeowner's Association for the park land requirement, with the owner/developer being Placid Lake Properties.

Notice of Hearing

Chairman Evans signed a Notice of Hearing on a petition for annexation to the Missoula Rural Fire District for Grantland Thirteen, a recorded subdivision of Missoula County, located in the W 1/2 of Section 28, T. 14 N., R. 19 W., PMM, excepting therefrom that portion of Grantland Thirteen lying North of the N 1/16 line and West of the E 1/64 line of the NW 1/4 of Section 28, setting the hearing date for June 14, 1989, at 1:30 p.m.

Resolution No. 89-032

The Board of County Commissioners signed Resolution No. 89-032, a Resolution of Intention to Create RSID No. 432 for the purpose of engineering and construction of improvements to Central Avenue, as per the terms set forth in the resolution.

Service Contract

Chairman Evans signed a Service Contract between Mineral County and the Missoula County Superintendent of Schools to perform the duties required of County Superintendents for the period from July 1, 1989, to June 30, 1990, as per the terms set forth, for a payment of \$3,500.00 from Mineral County to the Missoula County General Fund for these services. The Contract was returned to Rachel Vielleux, Superintendent of Schools, for further signatures and handling.

Federation Plan of Service

Chairman Evans signed approval of the Tamarack Federation's Plan of Service and Budget Request for 1989-1990. The document was returned to Ted Schmidt, Library Director, for further handling and forwarding to the Montana State Library in Helena.

Other items included:

The Commissioners approved a request from Horace Brown, County Surveyor, to purchase a steel building for the Shop addition, using \$20,000 from the Road Fund and \$5,000 from the Bridge Fund.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

MAY 31, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena where she and other representatives of MACo attended a meeting with Governor Stephens regarding proposed legislation. In the forenoon, Commissioners Evans and Stevens attended a meeting at the MEDC Office with John Rogers of the EDA (Economic Development Administration).

Audit List

Commissioners Evans and Stevens signed the Audit List, dated May 30, 1989, pages 6-26, with a grand total of \$62,047.18. The Audit List was returned to the Accounting Department.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Janet Stevens.

Bid Award: Bond Bids RSID No. 429 (Snow Bowl Road, Keegan Trail and Woodwind Trail)

Information provided by John DeVore, Administrative Officer, indicated that the following bids were received in response to Missoula County's request for bids relative to the sale of bonds to finance improvements under RSID 429:

	<u>Net Effective Rate:</u>
J.E. McHatton	9.5%
Ben L. Smith	8.5238%
D.A. Davidson	7.9909%
Grande & Co. Inc.	7.990%

His recommendation was to award the bid to Grande & Co. as the best and most responsive bidder.

Janet Stevens moved and Barbara Evans seconded the motion to award the bond bids for RSID No. 429 to Grande & Co., Inc., for 7.990%.

Bid Award: Construction Bids for RSID No. 429 (Snow Bowl Road, Keegan Trail and Woodwind Trail)

Information provided by John DeVore, Administrative Officer, indicated that the following bids were received in response to Missoula County's request for bids relative to the construction of improvements financed by RSID 429:

Western Materials	\$98,342.00
American Asphalt	\$95,542.47
L.S. Jensen	89,667.74

His recommendation was to award the bid to L.S. Jensen as the best and most responsive bidder.

Janet Stevens moved to award the construction bids for RSID 429 Keegan Trail to L.S. Jensen for \$89,667.74 as the best and most responsive bidder. The motion carried on a vote of 2-0.

Hearing: Reauthorization of Additional .5% Local Option Motor Vehicle Fee

Information provided by Leslie McClintock, Administrative Assistant, indicated that Senate Bill 17, recently passed by the Legislature and signed into law by the Governor, amends MCA 61-3-503 and Section 40, Chapter 611, Laws of 1987 by removing the sunset date of July 1, 1989. The enactment of SB-17 allows counties to continue to impose the extra 0.5% local option motor

MAY 31, 1989 (continued)

vehicle tax in addition to the 2% tax imposed under MCA 61-3-504 (2). The Missoula County Commissioners exercised that local option in FY '88 and FY '89 and propose to continue using that option in FY '90. Passage of the proposed resolution would maintain the motor vehicle tax at 2.5% of the average trade-in or wholesale value, effective July 1, 1989. Jane Ellis, Fiscal Officer, anticipates that the County funds will receive \$669,873 from the 2.5% motor vehicle tax. If the .5% local option is not assessed, the result would be a 20% reduction of this revenue, or \$133,975 less. This is only the impact on county funds. There would be a similar impact on all other taxing jurisdictions.

The hearing was opened for public comment. No one came forward to speak, and the hearing was closed.

Janet Stevens moved, and Barbara Evans seconded the motion to approve and sign a resolution to continue to assess the additional 0.5% local option motor vehicle tax. The motion carried on a vote of 2-0.

Resolution No. 89-033

The Board of County Commissioners signed resolution No. 80-033, which continues to assess the additional 0.5% local option motor vehicle tax.

Hearing: Certificate of Survey (Family Transfer) Sheppard

Information provided by Colleen Dowdell, Deputy County Attorney, indicated that Donald Sheppard is requesting use of the family transfer exemption to transfer a parcel to his adult son, Bill. Bill's house currently exists on the parcel to be transferred. The remainder parcel has an existing rental house located on it. Don Sheppard made prior use of the Occasional Sale Exemption on COS 3030 when he created the adjoining parcel of which this is the remainder. His home was located on the Occasional Sale parcel and it was sold. Jean and Don Sheppard made one other prior use of the Occasional Sale Exemption in 1981, and both the "gift parcel" and the remainder front on Morman Creek Road.

The hearing was opened for public comment.

Don Sheppard gave a history of the parcel, and said he was available to answer any questions.

Janet Stevens moved, and Barbara Evans seconded the motion to approve family transfer exemption to divide COS 3030, finding it in the public interest to do so, and finding no apparent attempt to evade the Montana Subdivision and Platting Act. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:45 p.m.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

JUNE 1, 1989

The Board of County Commissioners met in regular session; all three members were present. Later in the forenoon, Commissioner Stevens attended a Training Session for County Tax Appeal Boards which was being held at the Orange Street Inn.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Virginia Ann Coleman as principal for warrant #5302, dated March 24, 1989, on the Missoula County Trust Fund in the amount of \$200.00 and was lost in the mail.

Monthly Reports

Chairman Evans examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending May 31, 1989.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Missoula County Office of the Montana Highway Patrol, an independent contractor, for the purpose of participation of officers from the Missoula County Office of the Montana Highway Patrol in the Driving Under the Influence (DUI) Enforcement Team, as per the terms set forth, for the period from May 26, 1989, to May 30, 1989, for total payment not to exceed \$500.00, to be paid out of the DUI grant funds.

Notice of Hearing

Chairman Evans signed the Notice of a Public Hearing on the application of Roscoe Steel & Culvert Company for tax incentives under Resolution No. 87-080 regarding tax incentives for new and expanding industry, setting the hearing date for June 14, 1989, at 1:30 p.m.

Notice Inviting Proposals

Chairman Evans signed the Notice Inviting Proposals for Construction of RSID No. 431, sewer improvements at El Mar Estates, setting the bid award date for June 28, 1989, at 1:30 p.m.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Dinner Meeting

In the evening, Commissioner Dussault attended a dinner meeting of the MEDC Executive Board held at the Village Red Lion.

* * * * *

JUNE 2, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. As there were no regular meetings scheduled, Commissioner Evans was on call, but out of the office all day.

JUNE 2, 1989 (continued)

Graduation

In the evening, Commissioner Dussault spoke at the 8th Grade Graduation Ceremonies at Woodman School west of Lola.

Fern Hart by Wendy Ross Cromwell
Fern Hart, Clerk & Recorder Deputy

Barbara Evans
Barbara Evans, Chairman

* * * * *

JUNE 5, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation the week of June 5th through the 9th.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 89-034

The Board of County Commissioners signed Resolution No. 89-034, a resolution revoking the covenant stated on the face of Certificate of Survey No. 1065 that the land be used exclusively for agricultural purposes, with the resolution becoming effective upon the filing by the property owners of record, James L. and Karen M. Parker, an affidavit by the surveyor of COS No. 1065 amending that COS according to the Montana Subdivision and Platting Act, Chapter 3, Title 76, M.C.A.

Policy Statement No. 89-A

The Board of County Commissioners signed Policy Statement No. 89-A, establishing a Jail Inmate Medical Reserve Account solely to provide excess medical funding for expenses incurred for hospital care of inmates of the Missoula County Jail, as per the items set forth in the Statement.

Resolution No. 89-035

The Board of County Commissioners signed Resolution No. 89-035, a resolution adopting and authorizing the Policy for the Jail Inmate Medical Reserve Account for Missoula County, and resolving that Hal K. Luttschwager, Risk Manager for Missoula County, shall act as administrator of the Reserve Account.

Resolution No. 89-036

The Board of County Commissioners signed Resolution No. 89-036, a resolution resolving that Fern Hart, Missoula County Clerk & Recorder/Treasurer be allowed to appoint up to fifteen deputy clerks and up to thirty deputy treasurers to maintain efficient service in the recording, elections, real estate tax, and motor vehicle offices, as per Section 7-4-2402 M.C.A., which authorizes the Board of County Commissioners to allow County officers to appoint a greater number of deputies than the maximum number allowed by law when, in the judgement of the Board, such greater number of deputies is needed for the faithful and prompt discharge of the duties of any County office.

JUNE 5, 1989 (continued)

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY'89 budget:

No. 890039, a request from the Personnel Department to transfer \$200 from the Temporary Salaries account to the Permanent Salaries account to cover increased permanent salaries (Mike Barton) for the remainder of FY'89.

Letter of Agreement

Chairman Evans signed a Letter of Agreement between the Missoula County Board of Trustees for Museums and the United Peoples Powwow and Western Encampment Committee for the purpose of conducting a Powwow and Western Encampment on the grounds of the Historical Museum at Fort Missoula, August 11 - 13, 1989, as per the conditions set forth in the Agreement. The Agreement was returned to Wes Hardin, Director of the Historical Museum, for further signatures.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JUNE 6, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Amendment to Plan Document

The Board of County Commissioners signed an Amendment to the Missoula County Comprehensive Medical Benefit Plan as follows:

Effective July 1, 1989, ARTICLE VIII: MAJOR MEDICAL BENEFITS, Section 8.08 Covered Medical Expenses, Part 5. f. shall be amended to read as follows:

Physical Therapy when performed by a qualified physical therapist or a physician, but not to include the services of a chiropractor, masseur, physical culturist, physical education instructor or health club attendant.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY'89 budget:

No. 890040, a request from the Sheriff's Department to transfer \$2,553.60 from the Hospital (\$1,053.60), Long Distance Telephone (\$1,000), and Coroner Duty (\$500) accounts to the Legal Fees account for the final one-half payment of legal fees due to Sheriff Dan Magone.

JUNE 6, 1989 (continued)

Resolution No.89-037

The Board of County Commissioners signed Resolution No. 89-037, a budget amendment for the Health Department for FY'89, including the following expenditures and revenue, and adopting it as part of the FY'89 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
As per the budget transfer attached to the Resolution, increasing the MCH Block Grant expenditures.	

<u>Description of Revenue</u>	<u>FROM</u>	<u>Revenue TO</u>
2270-613-331409 MCH Block Grant	\$61,684	\$94,396

Received additional funds per Modification of Agreement, DHESW Contract No. 900049-1 MCH Block Grant. Additional personnel will not be hired; these funds will help supplement MCH activities now supported by tax revenue.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

Reception

Later in the afternoon, Commissioner Evans participated in a welcoming reception at Caras Park for the Tournament of Roses Chairman in conjunction with the Missoula County High School Band's attending the Rose Bowl parade on January 1, 1990.

* * * * *

JUNE 7, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Certification of Registered Electors

Chairman Evans signed Certification of the list containing the names of the registered qualified electors of Missoula County as of June 12, 1989, prepared in accordance with Sections 3-15-301 and 3-15-404 (3) M.C.A., and contains 38,041 names. The Certification was returned to Wendy Cromwell in the Elections Office for forwarding on June 12, 1989.

Approval of Records Retention Schedule

The Board of County Commissioners signed Approval of a Records Retention Schedule for the closed files of the County Attorney's Office as per the recommendations set forth in a memo from County Attorney, Robert L. Deschamps III, dated May 30, 1989. The document was returned to the County Attorney's Office for forwarding to the Local Government Services Bureau, Department of Commerce, in Helena.

Other items included:

The Commissioners concurred with the recommendation of County Surveyor, Horace Brown, to deny the request for a

JUNE 7, 1989 (continued)

concrete box culvert for the Hillcrest R.S.I.D., as the request is over \$5,000 and must be put in the CIP and scored against other bridge projects.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Janet Stevens was not present since she was on vacation.

BID AWARDS

A. County Computer System

Barbara Evans announced that this bid award has been postponed while staff does some further analysis on the bids.

B. City-County Animal Kennel Remodeling

Under consideration was a bid award for an animal shelter remodeling project. Written background information provided by Environmental Health Director Jim Carlson stated that the upper half of the walls of the animal shelter consist of fiberglass insulation covered with aluminum foil. This material is disintegrating and beginning to fall down. In addition, the A.S.P.C.A. requires that walls of a shelter can be washed and disinfected. Another part of the project is to install an enclosed courtyard area which will give people who want to adopt a dog a place to walk the dog and get acquainted with it.

Barbara Evans read the request for commission action, listing the following bids which were received:

Western Interstate	\$2,723
P. O'Connell Construction	\$3,293

The staff recommendation was to accept the bid in the amount of \$2,723 from Western Interstate.

Barbara Evans asked if anyone were present to comment.

Jim Carlson was present, but said that Animal Control Officer Judy Vernier would make the presentation.

Judy Vernier said that the animal control building has never been completed. It has metal siding half way up the walls and exposed insulation on the upper half. She said that this is unsightly and the shelter wants to apply for the A.S.P.C.A. five-star rating, and the first criterion is having a facility that can be disinfected, so it's not only an eyesore, but also a health hazard because it can't be disinfected, although they spray it over and over again. Another problem is that there is no confined place where people who are considering adoption can look at a dog, and several dogs have escaped while people were looking at dogs. With the doorway and fence, there would be a nice secure area.

Barbara Evans asked Jim Carlson if there were money in the budget, and he said that it has been budgeted for in FY '89.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bid be awarded to Western Interstate in the amount of \$2,723. The motion passed by a vote of 2-0.

JUNE 7, 1989 (continued)

c. County General Obligation Bonds

Under consideration was the award of \$1,800,000.00 in County General Obligation Bonds, Series 1989.

Barbara Evans read the Request for Commission Action, listing the following bids which were received relative to the Notice of Sale for the \$1,800,000 in General Obligation Bonds:

	<u>Net Interest Cost</u>
Shearson-Lehman-Hutton, Inc.	6.5077273%
Boettcher & Company	6.81364%
Dain, Bosworth	6.5381%
Piper, Jaffrey & Hopwood	6.5751%

In accordance with the staff recommendation, Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bid be awarded to Sherson-Lehman-Hutton as the best and most responsive bidder at 6.5077273%. The motion passed by a vote of 2-0.

As Chairman of the Board of County Commissioners, Barbara Evans then signed the following documents:

OFFICIAL BID FORM

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that Barbara Evans be authorized to sign the Official Bid Form accepting the offer from Shearson-Lehman-Hutton, Inc., to purchase all the bonds from Missoula County at the price of \$1,800,000.00 plus accrued interest from July 1, 1989 to the date of deliver of the bonds to bear interest at the rates set forth opposite the maturity years and amounts as follows:

<u>Year</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal</u>	<u>Interest Rate</u>
1990	\$180,000	9.25%	1995	\$180,000	6.30%
1991	180,000	9.25%	1996	180,000	6.35%
1992	180,000	6.50%	1997	180,000	6.35%
1993	180,000	6.25%	1998	180,000	6.375%
1994	180,000	6.30%	1999	180,000	6.375%

The motion passed by a vote of 2-0, and Barbara Evans signed the document.

RESOLUTION NO. 89-038

Commissioner Ann Mary Dussault then introduced the following resolution and moved its adoption:

Resolution of the Board of County Commissioners of Missoula County, Montana, relating to \$1,800,000.00 General Obligation Bonds, Series 1989; awarding the sale thereof and approving certain matters with respect thereto.

Barbara Evans seconded the motion, and it passed by a vote of 2-0. She then signed the resolution.

CONSIDERATION OF: SORREL SPRINGS, LOT 24 (SUMMARY PLAT)

Under consideration was a summary plat for Sorrel Springs, Lot 24.

Planner Barb Martens provided the background information, stating that the proposed subdivision is located in the Sorrel Springs

JUNE 7, 1989 (continued)

subdivision and is an amendment of lot 24. She said that a ten-acre tract was being split into two five-acre tracts. Both lots will access onto existing Sorrel Springs Lane, which is maintained by the County.

As far as conditions are concerned, she said that the staff recommendation was to approve the summary plat, subject to the following two conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities;
2. Approach permits shall be applied for and approved by the County Surveyor prior to construction.

Barbara Evans said that while a hearing is not required on this, she would accept comments on it anyway. There were no further comments.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the amended plat of lot 24, Sorrel Springs be approved, subject to the conditions and findings of fact set forth in the staff report. The motion carried by a vote of 2-0.

HEARING: CERTIFICATE OF SURVEY REVIEW: AGRICULTURAL EXEMPTION (AL GOODAN); POSTPONED FROM MAY 31

Deputy County Attorney Colleen Dowdall was present to review this issue with the Commissioners. She said that this agricultural exemption requested by Al Goodan is a parcel of land located along Interstate 90 near Butler Creek. Currently, there are two parcels, A and B. She pointed out on the map provided the Commissioners the locations of both parcels and the portions on which agricultural exemptions are being requested and located the boundary lines should these exemptions be granted. She said that it was her understanding that both parcels have improvements on them and that the ag lots would be used for both grazing and other billboards.

Barbara Evans opened the public hearing, asking if anyone cared to comment on the issue.

Ann Mary Dussault asked if anyone were present to explain what was going on here.

Terry Druyvestein was not present to explain.

Ann Mary Dussault said that she had too many questions about it to approve it, although she was willing to leave it open to another meeting.

There was a ten-minute recess to see if Terry Druyvestein would show up for the meeting. He did appear.

After the recess, Ann Mary Dussault moved, and Barbara Evans seconded the motion, that action on this be postponed until next week's public meeting. The motion passed by a vote of 2-0.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 2:45 p.m.

* * * * *

JUNE 8, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated June 8, 1989, pages 7-36, with a grand total of \$838,400.04. The Audit List was returned to the Accounting Department.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing items of fees and other collections made in Missoula County for month ending May 31, 1989.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 89-039

The Board of County Commissioners signed Resolution No. 89-039, a resolution accepting an easement from Emma, Joseph W., David Stanley, and Albert J. Gasvoda for public road and all other public purposes, located in a portion of the NE 1/4 of Section 30, T. 13 N., R. 19 W. PMM, Missoula County, and being more particularly described as the East 30 feet of Lot 51-A of Dinsmore's Orchard Homes Addition No. 4, Lot 51. The Resolution was returned to the County Surveyor for further signatures and handling.

Extension Letters

The Board of County Commissioners signed letters to the following granting extensions of the filing deadlines:

- 1) to Brad Greene, approving a 180-day filing extension for the Beau Geste Subdivision, making the new filing deadline December 14, 1989;
- 2) to Dick Ainsworth of PCI, approving a 180-day filing extension for the Cottonwood Addition, making the new filing deadline December 2, 1989; and
- 3) to Dick Ainsworth of PCI, approving a 180-day filing extension for the Melchris Addition, making the new filing deadline December 2, 1989.

Other items included:

The Commissioners concurred with the recommendation of County Surveyor, Horace Brown, that the \$300 for an easement from Scott and Joann Higginbotham for the land shown on COS No. 1031 and is part of the RSID at Snow Bowl Road and Keegan Trail, be paid from the Aid to Construction Fund that will be transferred from the Road Fund to the Commissioners whenever it is required.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JUNE 9, 1989

The Board of County Commissioners did not meet in regular session; Commissioner Evans took a day of vacation.

Monthly Report

Acting Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for month ending May 31, 1989.

Fern Hart
Fern Hart, Clerk & Recorder Deputy

Barbara Evans
Barbara Evans, Chairman

* * * * *

JUNE 12, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was out of the office all day as she and her family were delayed by plane trouble in Billings on their return home.

Indemnity Bonds

Chairman Evans examined, approved and ordered filed the following Indemnity Bonds:

- 1) naming Britt Finley as principal for warrant #185579, dated March 15, 1989, on the Missoula County Public Defenders Fund in the amount of \$250.00 now unable to be found; and
- 2) naming Britt Finley as principal for warrant #187805, dated May 3, 1989, on the Missoula County Public Defenders Fund in the amount of \$250.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #11 (5/14/89 through 5/27/89) with a total Missoula County Payroll of \$316,439.05. The Transmittal Sheet was returned to the Auditor's Office.

Contract

The Board of County Commissioners signed a Contract between Missoula County and Western Interstate, a Montana corporation, the lowest and best bidder for the City-County Animal Kennel Remodeling, as per the terms set forth, for payment in the amount of \$2,723.00, with the project to be completed within 30 days of the date of the contract. The contract was returned to Centralized Services for further handling.

Extension Letter

The Board of County Commissioners signed a letter dated June 9, 1989, to Gilbert Larson of Stensatter, Druyvestein & Associates approving a one-year filing extension for the Rush Addition, making the new filing deadline June 13, 1990.

JUNE 12, 1989 (continued)

Plat and Subdivision Improvements Agreement and Guarantee

The Board of County Commissioners signed the Plat for Tyler Addition, a portion of Tract B of COS No. 3527 and located in a portion of the NW 1/4 of Section 9, T. 13 N., R. 20 W., PMM, as per the conditions of approval as shown on the Plat, with the owners and developers being Karl and Donna Tyler. The Commissioners also signed a Subdivision Improvements Agreement and Guarantee for Tyler Addition, which states that the improvements remaining to be completed are widening Karl Court, installing the cul-de-sac and aligning Karl Court to Mullan Road at a 90 degree angle, at an approximate cost of \$5,000.00. The improvements are to be completed within two years of filing the final plat, and the guarantors are providing real estate located at Lot 3, Tyler Addition, valued at \$20,000.00, as security for completing these improvements.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JUNE 13, 1989

The Board of County Commissioners met in regular session; all three members were present in the afternoon. In the forenoon, Commissioner Evans, Surveyor Horace Brown, and Undersheriff Doug Chase met with the Director of the Department of Highways in Helena regarding the South Avenue Speed Zone.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Easement

The Board of County Commissioners signed an Easement from Missoula County to Jesse J. and Suzanne A. Pitt, granting them an Easement 10 feet wide for a water pipe for private use, with said easement crossing Marshall Canyon Road. The easement is perpetual and shall run with the land.

Professional Services Contract Addendum

The Board of County Commissioners signed an Addendum, dated June 12, 1989, to the Professional Services Contract between Missoula County and Sharon McLane for the purpose of installation assistance and fabrication of exhibition materials, receiving of incoming art work and related functions, dated March 29, 1989, amending the contract as follows:

Paragraph 3 is amended to read:

3. Performance schedule: That the Contractor shall commence performance of the contract on April 3, 1989, and conclude completion of performance by August 31, 1989.

Paragraph 4 is amended to read:

4. Compensation for Services: The total compensation to be paid in response to appropriate written request for payment of service under this Agreement shall be \$7.00 per hour, for a total of not more than 98 hours and payment thereof shall be made at the times, in the amounts, and to the party hereinafter specified.

JUNE 13, 1989 (continued)Plat and Subdivision Improvements Agreement and Guarantee

The Board of County Commissioners signed the Plat for Target Range Gardens Phase II, a subdivision located in the SW 1/4 of Section 25, T. 13 N., R. 20 W., PMM, Missoula County, with the subdividers and owners of record being John and Mary Jo Diddel, and the sum of \$2,750.00 was received by the County Treasurer as cash in lieu of parkland. The Commissioners also signed a Subdivision Improvements Agreement and Guarantee for Target Range Gardens Phase II, which states that the remaining improvement to be completed is the paving of North Avenue which adjoins this subdivision and Target Range Gardens Phase I, at an approximate cost of \$9,000.00. This improvement must be completed within two years of filing the final plat, and the Guarantors are providing real estate located at Lot 1, of Target Range Gardens Phase I, valued at \$80,000.00, as security for completing the improvement.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

JUNE 14, 1989

The Board of County Commissioners met in regular session; all three members were present.

Audit List

The Board of County Commissioners signed the Audit List, dated June 14, 1989, pages 11-39, with a grand total of \$200,407.57. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following item was signed:

Resolution No. 89-040

The Board of County Commissioners signed Resolution No. 89-040, resolving that the 1987 and 1988 personal property taxes on the People's Choice Adult Video located at 2615 Brooks in Missoula were erroneously assessed and are to be abated, with corrected bills using an appropriate value with the standard percentage increase for failure to report issued for tax years 1987 and 1988.

Other items included:

The Commissioners made the following appointments to the Museum Board of Trustees:

Rod L. Hochhalter was appointed as a "regular" member of the Board for a three-year term through June 30, 1992; and Mark Grove was appointed as the alternate member of the Board for three years, through June 30, 1992.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Janet Stevens.

JUNE 14, 1989 (continued)

Bid Award: County Mainframe Computer: General Services

Information received from Jim Dopp, Operations Officer indicated that bids were opened for the County's Mainframe Computer on June 5th. Two bids were received. The bid from IBM was rejected as non-responsive to the County's RFP. The base bid from Unisys was in the amount of \$450,780.00. The staff recommendation was to award the bid to Unisys Corporation subject to successful negotiation of the entire conversion for a base bid of \$450,780.00.

Janet Stevens moved and Barbara Evans seconded the motion to award the bid to Unisys, with a projected impact of \$650,000. The motion carried on a vote of 2-0.

Bid Award: Legal Advertising bid for fiscal year 1990

Information received from Billie Blundell, Manager of Central Services, indicated that the single bid received for legal advertising is from the Missoulian as follows:

1. Legal Advertising
 - a. Per unit first insertion: \$6.00
 - b. Per unit each subsequent insertion \$4.00
2. Rule and Figure Work
 - a. Per unit first insertion \$8.00
 - b. Per unit each subsequent insertion: \$4.00

Her recommendation was to award the bid for legal advertising to the Missoulian for an estimated fiscal impact of \$800.00.

Janet Stevens Moved and Barbara Evans seconded the motion to award the legal advertising bid to the Missoulian for fiscal year 1990. The motion carried on a vote of 2-0.

Bid Award: gas and diesel fuel for County Departments

Information received from Horace Brown, County Surveyor, indicated the bids were opened at 10:00 a.m. on June 12, 1989 with the following results:

Tremper Distributing	\$92,076.90
J.G.L. Distributing	96,967.10

His recommendation was to award the bid to Tremper Distributing, the lowest and best bid. He noted that this will supply gas and diesels fuel to the Surveyor's Sheriff and General Services.

Janet Stevens moved, and Barbara Evans seconded the motion to award the bid to Tremper Distributing for gas and diesel fuel. The motion carried on a vote of 2-0.

Consideration Of: Linda Vista 5th Supplement - Phase 2

Information received from Barbara Martens, Planner II, indicated that on February 10, 1988, the Board of County Commissioners approved the preliminary plat of Linda Vista Fifth Supplement, Phase 2 subject to several conditions. Linda Vista Fifth Supplement, Phase 2 consists of eight residential lots located south of Linda Vista Boulevard. The lots are approximately a half acre in size. The staff recommendation is that Linda Vista Fifth Supplement, Phase 2 be approved subject to the following condition:

Sanitary restrictions shall be lifted by state and local health authorities prior to final plat submittal.

JUNE 14, 1989 (continued)

If the State health authority requires any hydrogeological study as part of its review, a copy shall be provided by the developer to the Missoula City-County Health Department. If the State does not require the following information, the developer shall still be required to provide it to the Missoula City-County Health Department:

- a. obtain copies of available well logs in all Linda Vista additions and compile a corresponding list of well depths and static water levels in wells in all Linda Vista additions that have individual water supplies and submit this information to the Health Department.
- b. construct two test wells at locations in Linda Vista 4th Supplement at locations designated by the Health Department. The wells will be 40'2" casing;
- c. do 17-20' soil profiles in key lots in the 5th Supplement as determined by the Health Department and supply the corresponding soils information to the Health Department.

Chip Johnson of Stensatter, Druyvestein and Associates, said that the developer, Lloyd Twite has no problem with the condition, and it should be met by next week.

Janet Stevens moved and Barbara Evans seconded the motion to approve the Final Plat of Linda Vista Fifth Supplement, Phase 2, subject to the condition set forth in the staff report. The motion carried on a vote of 2-0.

Hearing: Petition to annex grantland 13 into Missoula Rural Fire District

Information provided by Vickie M. Zeier, Recording Supervisor, indicated that a petition has been received by the Recording Division of the Clerk and Recorder's Office to annex a portion of Grantland Thirteen, a recorded subdivision of Missoula County, Montana, located in the W 1/2 of Section 28 T. 14 N., R. 19 W., P.M.M., excepting therefrom that portion of Grantland thirteen lying North of the N 1/16 line and West of the E 1/64 line of the NW 1/4 of Section; 28. The petition for annexation to Missoula Rural Fire District presented by Robert L. Park has been checked and verified. It contains signatures of more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the tax-paying freeholders within the area described, so it meets the requirements of 7-33-2125 M.C.A. for annexation of adjacent territory. The hearing was published in the Missoulian for 2 consecutive Sundays prior to the hearing date as required by statute.

Mike Sehestedt, Deputy County Attorney, indicated that the City also has a resolution to annex some, or all of this property. He said the City Council had adopted a resolution of intent to annex this same property. The final hearing on that matter will not occur until 7/10,89. The Commissioners, then, still have an obligation to proceed on the petition, because notice was given, and the property is still not part of the city. In addition, he noted that there would be no consequence to the landowners, since no city or rural taxes will be paid by the property owners until January of 1990.

The hearing was opened for public comment.

No one came forward to speak, and the hearing was closed.

JUNE 14, 1989 (continued)

Janet Stevens moved, and Barbara Evans seconded the motion to find that sufficient protest was not received, and the property therefore be annexed into the Rural Fire District. The motion carried on a vote of 2-0.

Hearing: Certificate of Survey Review: Agricultural Exemption (Al Goodan)

Information received from Colleen Dowdall, Deputy County Attorney, indicated that this claimant owns a narrow strip of property alongside Interstate 90 which ends on each side in a roughly triangular configuration. DE 1963 created Parcel A on the west end of this long strip and Parcel B is the long strip with the knob of land on the east end. The proposal results in the creation of four parcels out of the original two. Two of these parcels would have Agricultural Exemptions and the other two would be remainders. A very small corner from the original Parcel A would be used for a billboard type sign and grazing. The remainder of the original Parcel B is residential. These two residential lots would be the remainders of the lots created by the use of the Agricultural Exemption. She noted that he had never used any other exemptions in this parcel.

The hearing was opened for public comment.

Tex Cates, representing Mr. Goodan, said the claimant wished to sell the property and move out of state. He said if the strip had never been used for commercial purposes, there would be no problem, but now, only signs and grazing would be the use of the property. He said it had no access for use for residential use.

Mike Sehestedt noted that the tax benefits from putting this property into an agricultural use would be helpful to the owner.

Terry Druyvestein said that the reason the agricultural exemption was chosen to split the property was because sanitary restrictions could not be lifted on this land because it is so long and narrow.

Janet Stevens moved and Barbara Evans seconded the motion to approve the Agricultural Exemption for Al Goodan, finding no apparent attempt to evade the Montana Subdivision and Platting Act.

ROSCOE STEEL: APPLICATION FOR TAX INCENTIVES FOR NEW AND EXPANDING INDUSTRY

Under consideration was a hearing to consider whether it is in the public interest to approve tax incentives for new and expanding industry for Roscoe Steel & Culvert Co. under Resolution No. 87-080.

Administrative Officer John DeVore provided background information, stating that the application relates to Roscoe Steel's move from its current location to Momont Industrial Park, which includes the purchase of several lots at Momont, as well as an office building which is already on the site, and also includes the construction of a new fabrication plant. The total estimated cost of the project is somewhere between \$674,000 and \$874,000. The new facility will allow Roscoe Steel to maintain the current level of employment year-round, which will be higher than previous seasonal peaks.

The increased volume will also mean more business for suppliers and freight companies hauling materials to and from the plant. With sales volume no longer dependent on seasonal trends and with

JUNE 14, 1989 (continued)

increased efficiency of production resulting from proper facility lay-out and material flow, Roscoe Steel expects to realize stabilization of profitability and to continue its commitment to the Missoula area and to western Montana.

Employment is expected to reach a total of 40, up from a low of 14 in 1987.

He said that the application had been reviewed by the County Attorney's Office and staff feels that this application complies with the intent and spirit of the resolution adopted by the Commissioners and staff recommendation was to approve the application.

Chairman Barbara Evans opened the hearing to public comment, asking if anyone wished to speak on this matter.

Chris Bruninga, from the Missoula Economic Development Corporation, stated that M.E.D.C. wished to add its support to the request from Roscoe Steel. She said that the M.E.D.C. staff feels that the commitment that Roscoe Steel is making to Missoula is significant; it will even out their employment and make it steady employment and help the economy of Missoula.

James Roscoe, President of Roscoe Steel, spoke on behalf of the company. He said that the company has been in Missoula for roughly twenty years and that there were some problems with the old site, as John DeVore had pointed out. He said that they were very excited about the project. It will be a Class A facility, much the same as the facility in Billings, and they would like to occupy it before the year's out. His foreman would like them to occupy it next week, if possible, but they don't think they can get the concrete poured that fast. He said the company takes a long-range, old-fashioned look at business. His family has been in the state since 1917 doing contracting and various types of steel work, and when they do make a move, they do it with a good deal of deliberation and commitment. The facility as it rises up out of the ground out at Momont will reflect that. They want to be here for another twenty or thirty years, if possible. That's the culture and pageantry on it, he said, and if anyone had technical questions or questions about the project, he'd be willing to answer them.

Janet Stevens said that it seemed to her that all the questions were answered in the application process.

Since there was no further discussion, Janet Stevens moved, and Barbara Evans seconded the motion, that the Board of County Commissioners finds the tax incentive application of Roscoe Steel & Culvert Co. to be in the public interest and approves the request for tax incentives for new and expanding industry. The motion passed by a vote of 2-0.

RESOLUTION NO. 89-041, APPROVAL OF THE APPLICATION OF ROSCOE STEEL & CULVERT COMPANY FOR TAX INCENTIVES UNDER RESOLUTION NO. 87-080

The Board of County Commissioners then signed Resolution No. 89-041, approving tax incentives for Roscoe Steel & Culvert Company, based on its purchase of lots 1, 2, 3, 4, Block 1, Phase 1 and Lot 1, Phase 2 of Momont Industrial Park, including a vacant office building on the site and on construction of a new fabrication plant at the site. The resolution was forwarded to the Clerk and Recorder's Office to be recorded.

JUNE 14, 1989 (continued)

APPLICATION OF NEW OR EXPANDING MANUFACTURING INDUSTRY PROPERTY IMPROVEMENTS OR MODERNIZED PROCESSES

The Board of County Commissioners then executed the application as the approving taxing jurisdiction, finding that it does conform to criteria as set forth in Resolution No. 87-080. The application was forwarded to the Assessor's Office for Department of Revenue review and approval.

Since there was no further business to come before the Board, the meeting was recessed at 2:45 p.m.

* * * * *

JUNE 15, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Helena attending a meeting of the State Mental Health Council.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 89-042

The Board of County Commissioners signed Resolution No. 89-042, a resolution annexing a portion of Grantland Thirteen, a recorded subdivision of Missoula County, located in the W 1/2 of Section 28, T. 14 N., R. 19 W., PMM, excepting therefrom that portion of Grantland Thirteen lying North of the N 1/16 line and West of the E 1/64 line of the NW 1/4 of Section 28, to the Missoula Rural Fire District and will be assessed a fire district levy along with other property already a part of Missoula Rural Fire District.

Agreement

Chairman Evans signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of providing local sanitary review of minor subdivisions, as per the covenants and stipulations set forth, for the period from July 1, 1989, through June 30, 1990, for an amount from \$20.00 to \$45.00 per lot reviewed. The Agreement was forwarded to DHES in Helena.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Kate Lugar, an independent contractor, for the purpose of conducting the air pollution monitoring responsibilities, as per the terms set forth, for the period from June 13, 1989, through July 20, 1989, for a total amount not to exceed \$1,120.00. The contract was returned to the Health Department for further signatures and handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JUNE 16, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault attended a MACo Meeting in Helena.

JUNE 16, 1989 (continued)

Presentation

In the afternoon, Commissioner Evans gave a presentation to representatives of the Forest Service on the value of the Missoula County Fire Protection Association.

Fern Hart by Wendy Ross Cromwell
Fern Hart, Clerk & Recorder Deputy

Barbara Evans
Barbara Evans, Chairman

* * * * *

JUNE 19 - JUNE 21, 1989

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Bozeman attending the MACo Annual Conference, and Commissioner Evans was on vacation the week of June 19th through the 23rd.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for June 21st was canceled as two of the Commissioners were out of town.

Indemnity Bond

On June 21st, Acting Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Cheryl Olson McMillan as principal for warrant #159157, dated June 16, 1989, on the Missoula County Payroll Fund in the amount of \$215.10 now unable to be found.

Memorandum of Agreement

On June 21st, the Commissioners signed a Memorandum of Agreement, dated June 19, 1989, between Missoula County and the Missoula Members of the Montana Centennial Band for the purpose of participation in the Montana Statehood Centennial Celebration, as per the terms set forth, with funding in the amount of \$800.00 under the Missoula County Centennial Grant Program, and is to be expended prior to December 31, 1989.

* * * * *

JUNE 22, 1989

The Board of County Commissioners met briefly in the afternoon when Commissioner Dussault returned from Bozeman with a quorum of the Board present.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated June 21, 1989, pages 9-39, with a grand total of \$212,798.91. The Audit List was returned to the Accounting Department.

* * * * *

JUNE 23, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Fern Hart by Wendy Ross Cromwell
Fern Hart, Clerk & Recorder Deputy

Barbara Evans
Barbara Evans, Chairman

* * * * *

JUNE 26, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation June 26th and 27th.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #12 (5/28/89 through 6/10/89) with a total Missoula County Payroll of \$318,930.41. The Transmittal Sheet was returned to the Auditor's Office.

Employment Agreement

The Board of County Commissioners signed an Employment Agreement, dated June 8, 1989, between the Missoula County Board of Trustees for Museums and Randolph Osman, who will serve as the chief administrative and executive officer in charge of the Art Museum, as per the employment duties and items set forth in the Agreement, and will receive an annual salary of \$27,000.00.

Contract

Acting Chair Dussault signed a contract between Missoula County and Unisys Corporation for the purchase of the A-6 Mainframe Computer, as per the terms set forth, at a cost of \$337,000.00.

Other items included:

- 1) the Commissioners approved a capital expenditure for Larchmont Golf Course in the amount of \$20,000.00, which will be spent for an additional practice green;
- 2) the Board accepted the petitions and gave authorization to proceed with the requests for the creation of Developer RSID's for Target Range Gardens and Clark Fork Estates Phase Two; and
- 3) Judy Hugelen was reappointed to the Lolo Water and Sewer Board (RSID No. 901) for a three-year term through June 30, 1992.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JUNE 27, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present.

Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed the following Indemnity Bonds:

- 1) naming Oregon Department of Education as principal for warrant #10817, dated January 5, 1989, on the Missoula County High Schools Fund in the amount of \$11.50 now unable to be found; and

JUNE 27, 1989 (continued)

- 2) naming Sharon Hardy as principal for warrant #7480, dated June 16, 1989, on the Missoula County Trust Fund in the amount of \$200.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Contract

The Board of County Commissioners signed a contract, dated June 12, 1989, between Missoula County and Jensen Paving Company, the lowest and best bidder for the construction, installation and completion of street improvements on a portion of Snow Bowl Road, Keegan Trail and Woodwind Trail (RSID No. 429) for an amount totaling \$89,667.74. The contract was returned to General Services for further handling.

Resolution No. 89-043

The Board of County Commissioners signed Resolution No. 89-043, a resolution adopting the proposal of the Deferred Compensation Committee and authorizes VALIC, The Variable Annuity Life Insurance Company, as a provider of the deferred compensation program for Missoula County employees.

Acceptance of Grant Award

Acting Chair Dussault signed acceptance of a Board of Crime Control Grant No. 8815840 awarded to the Missoula County Sheriff's Department, as per the special conditions attached to the Award form, with the Federal amount being \$59,355.94, and the guaranteed match being \$21,400.44 for a grant total of \$80,756.38. The document was returned to the Sheriff's Office for further handling.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Dennis Starkel for the purchase of Block 5, Lot 16 of the Mountain Shadow Subdivision, in the amount of \$14,000.00 for the property, as per the terms set forth in the Agreement.

Other items included:

- 1) the Commissioners authorized repair of the tape recorder used by the County Tax Appeal Board; and
- 2) the Commissioners appointed Roy Gilbert as a member of the Lolo Water & Sewer Board (RSID No. 901) for a three-year term through June 30, 1992.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JUNE 28, 1989

The Board of County Commissioners met in regular session; all three members were present.

JUNE 28, 1989 (continued)

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated June 27, 1989, pages 10-38, with a grand total of \$126,664.32. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Niki Bourke as principal for warrant #029455, dated June 20, 1989, on the Missoula County High Schools Payroll Fund in the amount of \$339.90 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Amendment to Plan Document

The Board of County Commissioners signed an Amendment to the Missoula County Comprehensive Medical Benefit Plan as follows:

Effective July 1, 1989, ARTICLE II: DEFINITIONS, Section 58, Retired Employee shall be amended to include:

"Retired Employee" shall also mean an employee who would have been eligible for retirement benefits except for the elective membership provision of the Public Employees Retirement System or other qualified retirement plan sponsored by the employer.

Resolution No. 89-044

The Board of County Commissioners signed Resolution No. 89-044, a resolution calling for an election on the question of whether or not Missoula County should issue its general obligation bonds in an amount not to exceed \$8,500,000 for the purpose of financing the cost of improvements to the Missoula County Fairgrounds consisting of construction of a new grandstand, exhibit building, livestock building, fair office, upgrading the utility service and related improvements and to pay the costs associated with issuance of the bonds. The special election will be conducted solely by mail ballot; the ballots will be mailed to all eligible registered voters in Missoula County on September 7, 1989, and be returned by mail or personal delivery from September 8th through September 25th, with Election Day set for September 26, 1989, and all ballots will be tallied in the Missoula County Courthouse after 8:00 p.m. on that day.

Acceptance of License

Chairman Evans signed acceptance of all terms and conditions of the license issued by the Montana Statehood Centennial Office for the Missoula County Gazebo Project, which involves the reconstruction of the reproduction of a bandshell/gazebo designed by A. J. Gibson in 1909, located on the southwest corner of the Courthouse lawn. This reconstruction of the gazebo will commemorate the Centennial in a most appropriate, lasting manner. The License was returned to the Statehood Centennial Office for further signatures and handling.

Contract

The Board of County Commissioners signed a contract between the Missoula City-County Health Department and the Recovery Foundation, Inc., for the purpose of providing comprehensive alcohol services, including outpatient care, preventive public

JUNE 28, 1989 (continued)

education services, emergency care and consultation to the residents of Missoula County, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment up to \$89,701.00. The contract was returned to the Health Department for further signatures and handling.

Block Grant Contract

Chairman Evans signed a contract (#MT-CDBG-88PF-07) between Missoula County and the State of Montana, Department of Commerce, for the purpose of providing funding for project activities approved under the Montana Community Development Block Grant Program for FY'88, whereby Missoula County will loan the Head Start Program up to \$133,000.00 towards a \$163,750.00 renovation project at their teaching facility, the old Whittier School building, for making improvements to bring the building into compliance with fire and safety codes and provide handicap access, as per the terms set forth, to be completed no later than December 19, 1990. The contract was returned to Cindy Wulfekuhle for further handling.

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY'89 budget:

- 1) No. 890042, a request from the Commissioners for the Victim Assistance Program to transfer \$340.00 from the Victim/Witness Printing account to the Victim/Witness Travel account as per the memo attached to the transfer from the Board of Crime Control; and
- 2) No. 890044, a request from the County Attorney to transfer \$3,213.00 from the Permanent Salaries account to the Capital - Remodel account for the purpose of improvements in the reception area as per the memo attached to the transfer.

Note: Budget Transfer forms No. 890041 and No. 890043 were voided.

Acceptance of Agreement

Chairman Evans signed acceptance of the Agreement between the Montana Arts Council and MQTV for funding under the cultural and aesthetic (coal tax) grant in the amount of \$15,000.00, as per the terms outlined in the Agreement. Missoula County serves as sponsor for this grant, #0302.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

Bid Award: CRS - 2 Emulsified Asphalt Oil (Surveyor)

Information provided by Bob Holm, Acting County Surveyor, indicated that bids were opened June 26, 1989 for 210 tons of CRS - 2 Emulsified Asphalt. The following bids were received:

JUNE 28, 1989 (continued)

	<u>Unit Price</u>	<u>Est. Freight</u>	<u>Total</u>
Idaho Asphalt Supply	\$110.00/ton	\$20.00/ton	\$27,300.00
			* 28,119.00
Montana Refining Co.	\$100	18.42	24,868.20
Farmers Union	\$115	33.60	31,206.00
Koch Materials Co.	85.00	34.52	25,099.20

*3% in-state bidders preference included

His recommendation was to award the bid to Koch Materials Company as the best and most responsive bidder for 210 tons of CRS -2, Emulsified Asphalt, contingent on the approval of the FY 90 Budget. (Material quality from Montana Refining Company has been a problem in recent years.) He noted that \$62,786.00 had been budgeted for this in FY '90.

Ann Mary Dussault moved and Janet Stevens seconded the motion toward the bid to Koch Materials Company as the best and masts responsive bidder for 210 tons of CRS -2, Emulsified Asphalt, contingent on the approval of the FY 90 Budget. The motion carried on a vote of 3-0.

Bid Award: Construction Bids - RSID No. 431 (El Mar Estates Sewer System Improvements)

Information received from Jim Dopp, Operations Officer, indicated that four bids were received on June 26:

American Asphalt	\$134,147.80
Western Materials	123,016.00
L.S. Jensen & Sons	101,517.31
Nelcon Inc.	105,051.55

Charles S. Johnson of Stensatter Druyvestein and Associates, engineers for the project recommend awarding the bid to L.S. Jensen & Sons as lowest and most responsive bidder, in the amount of \$101,517.31.

Janet Stevens moved and Ann Mary Dussault seconded the motion to award the bid to L.S. Jensen & Sons as lowest and most responsive bidder, in the amount of \$101,517.31. The motion carried on a vote of 3-0.

Decision On: Lincoln Center PUD

Information from Pat O'Herren, Planner II, indicated that the Planning Board and the Missoula County Commissioners have each conducted a public hearing on the rezoning application by Lincoln Associates to rezone the Lincoln School Site to permit neighborhood commercial development. Several meetings have also occurred involving the Rattlesnake Valley Alliance, the Lower Rattlesnake Neighborhood Association, the developers and the County's staff. The only remaining action to be taken is the vote by the Commissioners to approve, deny or approve with amendments the Lincoln Center proposal.

Pat O'Herren said that roughly 5 months ago, the Commissioners held a public hearing relative to changing the zoning to commercial for development on 1.8 acres in the Rattlesnake

JUNE 28, 1989 (continued)

Valley. He said that there still is no consensus between the Rattlesnake Valley Alliance, the Lower Rattlesnake Neighborhood Association, the staff, and developers, and an antagonistic relationship appears to continue, and there is no consensus on a position that would allow development of the site as proposed. He said he would be submitting some recommendations to the Board that would enable changes in zoning to be less painful for all concerned.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve a resolution of intent to rezone the parcel of land described as the Lincoln School Site from CRR-3 Residential to C-PUD Planned Unit Development for a Planned neighborhood convenience center with the following amendments: 1. Only the South Parcel of the Lincoln School Site shall be rezoned to C-PUD "Planned Unit Development" 2. amend the hours of operation to read: the hours of operation for the center will be 6 a.m. to 11:00 p.m., and 3. under "Permitted Uses, delete (5) Professional business and governmental offices" and 3. all reference to agreements between Missoula County and Lincoln Associates as the price, conditions of sale, length of sale period and other concerns regarding the remaining land and existing building on the Lincoln School Site, are deleted. The zoning on this land remains unchanged and the neighborhood, developer, owner and other interested parties are free to conduct discussions on the future use of the site in accordance with existing market conditions and county land use regulations.

Comments before the vote included:

Janet Stevens said that a year ago, the Commissioners and the residents came up with a new Rattlesnake Plan, and in good faith, the Commissioners entered into that plan, and as a part of that plan, although there was some opposition at the time, they agreed that it would be beneficial to the Rattlesnake area to promote some commercial activity. And that commercial activity be "neighborhood commercial. She said that what had been distressing to her is that the Rattlesnake Valley has viewed itself as being "more unique" than any other portion of Missoula or Missoula County. She said every area in Missoula County is unique...the University area is unique and most closer to East Gate than the Rattlesnake, and however, it has a neighborhood commercial facility in it. The north and west side of Missoula are unique, and from that area come a significant amount of people that are very proud of their heritage, and they are very close to the downtown commercial areas, but they also have two neighborhood commercial facilities that do quite well. She said we are living in Missoula and the Rattlesnake is a part of that community. The original proposal, in her mind, was too extensive too excessive as a neighborhood commercial site, but the revised proposal fits the definition, and addresses a number of concerns that the residents had. She said that the Commissioners have to recognize that the business community is a part of Missoula County, its needs must be addressed and to deny this development just because it is unpopular with the residents, even though it meets all the regulatory and planning criteria, would be unjust and inequitable.

Barbara Evans said she was going to vote against the motion because even though both sides worked within the plan and commercial development is allowed, the people of the Rattlesnake valley do not want it, and in her mind, this development will cause traffic problems. She said this development is too much of a change for this development, and if the residents want the plan changed, they should work to get the plan amended. She said the developers worked within the plan and did so in good faith. She said that in her mind, the developers should be reimbursed for their costs in attempting to develop this property, because of

JUNE 28, 1989 (continued)

the money they spent following the plan, and doing so in good faith. She said she would vote with the residents, but that they should realize that we are a cohesive community, and all neighborhoods should be willing to expand and include things like commercial development if the zoning applies. She said the Rattlesnake Plan should be amended so that other developers don't get caught in this same trap if the residents really don't want any development. She said it was incumbent upon the residents to take care of this issue.

Ann Mary Dussault said that the Commissioners take the comp plan very seriously. It was a long process, and once the plan was adopted, the Commissioners implemented the plan including the open space and density portions. When the RVA and RNA opposed this commercial development, without any willingness to compromises, she was flabbergasted. She said she viewed that as a violation of the total agreement that had been reached on the plan. Everything that had been negotiated on open space was in question, everything that had been negotiated on density was in question, and certainly, everything negotiated on commercial development was in question. She said that leaves us totally in limbo. She said the issue of how the Montana Power land would be developed is a real issue, and she understands the concern about the density. She said in the development community, there were a number of ideas of how to develop that property, and several are very novel and unique. But they won't even look at the Rattlesnake, because of the reputation of not being able to go in and negotiate appropriate compromises with the valley residents. She said that was very unfortunate, and everyone was going to loose in that matter, because it is not possible to work with the residents any more. She said she was voting no for two reasons: 1. she respects the efforts that had been made to compromises that proposal, but too much compromise has been made; and 2. it is time to bring this issue to an end.

THE MOTION TO CHANGE THE ZONING FAILED ON A VOTE OF 1-2, JANET STEVENS VOTING YES, ANN MARY DUSSAULT AND BARBARA EVENS VOTING NO

Consideration of O'Brien Valley Estates #2 Final Plat.

Information received from Barbara Martens, indicated that on August 17, 1988, the Board of County Commissioners approved the preliminary plat of O'Brien Valley Estates NO. 2 subject to several conditions. O'Brien Valley Estates No. 2 consists of ten residential lots located off of O'Brien Creek Road. The lots vary in size from 1.2 to 3.48 acres, with 31.7 acres in common area. Her recommendation was that O'Brien Valley Estates No. 2 be approved subject to the following conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. All lots shall access onto Clydes Dale Lane with the exception of Lot 6, which shall access onto O'Brien Creek Road. An approach permit for Lot 6 shall be approved by the County Surveyor's Office.
3. Road construction, grading, drainage and erosion control plans shall be subject to the approval of the County Surveyor. Stop signs and road name signs shall be installed by the developer.
4. The developer shall petition to the County to vacate the sixty (60) foot County roadway easement which traverses the common area on the south side of O'Brien Creek Road.

JUNE 28, 1989 (continued)

5. The developer shall remove the barbed wire fence which runs along both sides of the County roadway easement found in the common area on the south side of O'Brien Creek Road.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the Final Plat of O'Brien Valley Estates #2, subject to the conditions recommended by the Office of Community Development. The motion carried on a vote of 3-0.

Hearing: Request to vacate a portion of Juniper Lane

Information provided by Vickie M. Zeier, Recording Supervisor, indicated that this is a petition to vacate Juniper Lane, located between Alder Lane and Cottonwood Lane, situated between Lot 2, Block 10 and Lot 8, in Seeley Lake Homesites #3. The reasons for this request are as follows: "No road exists on this spot nor would it prevent access to any property. We wish to prevent a street being put through nor or at any future time. We would like this street permanently blocked and left in its natural state. We feel that should the road be opened, it would create a hazardous situation to exist, endangering both school children and ourselves. It would also devalue the quality of our lives, homes, and properties. This property would be put back on the tax rolls."

The following are the affected landowners; William F. Gehrke II, and Richard Nord. (Addresses on petition)

The hearing was opened for public comment. No one came forward to speak, and the hearing was closed.

Barbara Evans noted that the law requires a Commissioner and the County Surveyor to inspect the property before a decision is made, and the matter will be voted on at the July 12 public meeting.

Hearing: Request to vacate a portion of County Route No. 31 - Blue Mountain Road

Information from Vickie M. Zeier indicated this is a petition to vacate a portion of County Route #31 (Blue Mountain Road) located in Section 2, township 12 North, Range 20 West. The lands and owners thereof affected by this vacation are Missoula Associates, USA McDonald, and other purchasers and vested owners listed on the petition.

The hearing was opened for public comment.

Dick Ainsworth, of PCI, representing the developer, said that a portion of this road had been vacated earlier, and through an error, this particular short portion had not been. He said this request was to clear up the previous error.

No one else came forward to speak, and the hearing was closed.

Barbara Evans noted that the law requires a Commissioner and the County Surveyor to inspect the property before a decision is made, and the matter will be voted on at the July 12 public meeting.

Hearing: Intent to Create RSID No. 432. (Central Avenue Paving

Information provided by John DeVore, Administrative Officer, indicated that RSID 432 is being proposed to finance the cost of paving Central Avenue. The total cost of the Improvements is \$51,000.00. During the protest period which ended on June 26,

JUNE 28, 1989 (continued)

1989, two protests were received, which represents 7% of the freeholders paying the cost of the improvements. His recommendation was to approve the creation of RSID 432.

The hearing was open for public comment.

Georgia Walters spoke in favor of the RSID, saying there was quite a bit of traffic in the area, and it was dangerous for students to travel this road.

Rose Marie Knuchel, a resident of Central Avenue, spoke in favor, saying that if the street is not paved, High School busses won't be able to use the street any more, and using Tower and South Avenue as alternative bus routes would create more danger.

No one else came forward to speak, and the hearing was closed.

Janet Stevens moved and Ann Mary Dussault seconded the motion to Create RSID 432. The motion carried on a vote of 3-0.

The meeting was recessed, and reconvened as the Planning and Zoning Commission. Commission members present were the Board of County Commissioners. Horace Brown, County Surveyor, and Fern Hart, County Assessor were not present.

Information received from Zoe Mohesky, Planner I from the Office of Community Development indicated that this is a request to construct a stable on property described as tract 3 B, Certificate of Survey #1096 located in the east 1/2 of the Southwest 1/4, Section 3, Township 12 North, Range 19 West P.M.M., on Arnica Road. Dave Swanson, on behalf of the new property owners, the Josyls, is requesting approval to construct a stable on property in Pattee Canyon, described above. The property is part of Planning and Zoning District #4. She indicated that on June 6, 1989, the Missoula Consolidated Planning Board recommended approval of this request, and the staff has no recommendation.

The hearing was opened for public comment.

Dave Swanson indicated the reasons he wished to build, described the accesses, and the facility.

No one else came forward to speak and the hearing was closed.

Zoe Mohesky noted that a letter had been received from his neighbors, indicating no problem with the development.

Ann Mary moved, and Janet Stevens seconded the motion to approve the request of Dave Swanson to build a stable on his property in Pattee Canyon. The motion carried on a vote of 3-0.

Hearing: Development and Variance Request Zoning Dist. #4, Clemow

The Planning and Zoning Commission decided to hear both matters at the same time. At issue was a request for a variance from the general regulations regarding the 200 foot minimum lot width of the Clemow Property located in Pattee Canyon, Section 2, Township 12 North, Range 19 West,. This is a development request for readjusting the property boundaries between the exiting three parcels, creating a parcel and constructing a new resident and accessory buildings on a newly created parcel.

Planner Zoe Mohesky gave the background, showed maps of the proposed development, and said that no one spoke in opposition to this matter at the Planning Board.

JUNE 28, 1989 (continued)

Colleen Dowdall, Deputy County Attorney, indicated the reasons the Clemows were requesting the variance was because development could not be approved without a variance from the minimum lot width.

The hearing was opened for public comment.

Alex Clemow reiterated the information that Colleen Dowdall and Zoe Mohesky had presented, and said the bank would not finance the development without a boundary location, because the Clemows did not own any one parcel outright.

A general discussion regarding the use of a COS instead of a subdivision ensued. The Clemows also indicated that they may be selling off part of the property, and it was unclear what the ultimate use of the property would be. The Planning and Zoning Commission indicated that they would like the Clemows to meet with Colleen Dowdall to discuss the proper way to handle this matter. It was noted that a communication from Steve Sickles relative to proposed changes in the road and the natural physiography was received. Zoe Mohesky indicated that John Torma of the Planning Office felt that the changes in the road were minimal and did not need full review. A general discussion concerning the road ensued, and it was brought out that the road had already been built. Janet Stevens indicated that the construction was more than minor, and the decision not to review it should not have been made by John Torma. The Commission agreed, and asked Bob Holm of the County Surveyor's Department to go look at the road.

Ann Mary Dussault moved and Janet Stevens seconded the motion to postpone action on this matter until the following week. The motion passed on a vote of 3-0.

The Planning and Zoning Commission recessed, and the Board of County Commissioners reconvened.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to adopt the recommendations of the Planning and Zoning Commission relative to the Swanson development request. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 3:05 p.m.

* * * * *

JUNE 29, 1989

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

Resolution No. 89-045

The Board of County Commissioners signed Resolution No. 89-045, a resolution relating to \$100,000 RSID No. 429 bonds; creating the RSID No. 429 fund, and prescribing covenants of the County for the security of the holders of the bonds.

JUNE 29, 1989 (continued)

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Ravalli Services for the purpose of coordinating activities in Missoula County to submit a proposal to the State of Montana to locate the Specialized Service and Support Organization (SSSO) in Missoula, as per the terms set forth, for the period from July 1, 1989, through September 30, 1989, for a total payment to Ravalli Services of \$2,000.00. The Agreement was returned to John Filz of Ravalli Services for further signatures.

Extension Letter

The Board of County Commissioners signed a letter to Jeanette Ailport approving a 3-month extension for the installation of public improvements for Rainbow Bend Estates, making the new deadline October 1, 1989.

Warranty Deed

Chairman Evans signed a Warranty Deed from Missoula County to W. Dennis and Judy A. Starkel, as joint tenants, conveying to them the property described as Lot 16, Block 5, of Mountain Shadows No. One, a platted subdivision within Missoula County, which was purchased under the terms of the Agreement signed on June 27, 1989.

Professional Services Contracts

The Board of County Commissioners signed Professional Services Contracts with the following independent contractors for the FEMA Project, which is funded by the FEMA Grant in the amount of \$10,000.00:

- 1) Paul Larson, DBA University Consultants, for the purpose of providing a business plan on hazardous materials response and training operations to the Missoula Rural Fire Department, as per the terms set forth, for the period from July 1, 1989, to October 1, 1989, for a total amount not to exceed \$4,000.00;
- 2) Howard E. Schwartz, for the purpose of writing a report addressing the issues listed on Addendum One of the contract, as per the terms set forth, for the period from July 1, 1989, to October 1, 1989, for a total amount not to exceed \$1,320.00; and
- 3) Missoula Rural Fire District, for the purpose of providing the papers listed on Addendum One of the contract and three training visitations, as per the terms set forth, for the period from July 1, 1989, to October 1, 1989, for a total amount not to exceed \$1,000.00.

The contracts were returned to Orin Olsgaard, DES Coordinator, for further handling.

Other items included:

The application by Champion International for Tax Incentive was discussed, and a public hearing was set for August 2, 1989, at 1:30 p.m.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

* * * * *

JUNE 30, 1989

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. As there were no regular meetings scheduled, Commissioner Evans was out of the office all day, and Commissioner Stevens was out all afternoon.

Fern Hart by Wendy Ross Cromwell
Fern Hart, Clerk & Recorder Deputy

Barbara Evans
Barbara Evans, Chairman

* * * * *