

MISSOULA COUNTY COMMISSIONERS' JOURNAL: JULY, 2010
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BCC = BOARD OF COUNTY COMMISSIONERS

ML = Commissioner Michele Landquist, Chair

JC = Commissioner Jean Curtiss

BC = Commissioner Bill Carey

The following Claims Lists were signed during the month of JULY 2010:

Date Signed	Claims List Date	Who signed	Amount
July 6, 2010	July 2, 2010	BCC	\$11,852.29
July 7, 2010	July 6, 2010	BCC	\$227,977.54
			\$45,338.96
July 8, 2010	July 7, 2010	BCC	\$16,994.70
			\$21,723.48
July 8, 2010	July 8, 2010	JC, BC	\$11,155.52
July 9, 2010	July 8, 2010	BCC	\$31,868.95
			\$61,067.53
July 12, 2010	July 9, 2010	BCC	\$229.48
July 12, 2010	July 12, 2010	JC, BC	\$37,761.81
July 14, 2010	July 13, 2010	BCC	\$246,014.85
			\$175,936.01
			\$23,312.48
			\$1,605.50
July 14, 2010	July 14, 2010	BCC	\$31,096.68
			\$180,014.26
			\$46,382.83
			\$26,165.75
			\$17,709.01
			\$1,306,839.31
July 16, 2010	July 15, 2010	BC, ML	\$18,640.79
			\$109,733.84
			\$2,801.76
			\$148,172.77
July 16, 2010	July 16, 2010	BC, ML	\$4,407.93
			\$71,864.01
			\$45,857.85
July 19, 2010	July 19, 2010	BCC	\$5,106.95
			\$16,193.29
July 20, 2010	July 19, 2010	BCC	\$41,544.03
			\$6,844.19
			\$10,541.14
July 20, 2010	July 20, 2010	BCC	\$43,318.00
			\$29,020.38
July 21, 2010	July 21, 2010	BCC	\$3,849.70
			\$17,993.20
			\$262.44
July 22, 2010	July 22, 2010	BC, JC	\$350,000.00
			\$17,494.69
			\$55,107.99
			\$78,042.02
			\$30,096.50
			\$3,774.00
July 23, 2010	July 22, 2010	BC, JC	\$28,888.04
July 27, 2010	July 26, 2010	BCC	\$6,161.07
			\$157,828.10
			\$3,991.93
			\$100,796.92
			\$23,961.18

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July 28, 2010	July 28, 2010	BCC	\$610.00
			\$2,032.39
			\$21,720.85
			\$588.32

All Claims Lists were returned to the Accounting Department.

THURSDAY, JULY 1, 2010

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Grant Application – ML signed State CDBG application/certifications on behalf of Kelly Logging, Inc., and BCC formally approved a \$150,000 loan from County's CDBG Revolving Fund (contingent on State funding). Original of binder to Jessica/MAEDC.

Close-Out Documents – ML signed State CDBG close-out documents and final draw for County's Rocky Mountain Biological, Inc. project. Original to Cindy Wulfekuhle/OPG.

Close-Out Documents – ML signed State CDBG close-out documents and final draw for County's Pyramid Mountain Lumber project. Original to Cindy Wulfekuhle/OPG.

Memorandum of Agreement – BCC approved/signed, dated July 1, 2010. Between County and MAEDC to change use of \$10,000 in CDBG Program Income Funds (originally approved March 25, 2010). Funds to be used for legal fees associated with Smurfit Stone bankruptcy case. One original to Cindy Wulfekuhle/OPG.

Request – BCC approved a CDBG RLF request of \$150,000 for working capital from Cornerstone Investment, LLC for Mission Mountain Helicopters. Original to Cindy Wulfekuhle/OPG.

Memorandum of Agreement – BCC signed, dated July 1, 2010. Between County and YWCA for Gateway Assessment Center Continuum of Care grant. Term/May 1-2010-April 30, 2011. Amount/\$61,579. One original to Melissa Gordon/OPG.

Agreement – ML signed. Between County and YWCA for Ada's Place Transitional Housing Project Continuum of Care grant. Term/July 1-2010-June 30, 2011. Amount/\$102,371. Three originals to Melissa Gordon/OPG.

Agreement – ML signed. Between County and MUTD for Employee Pass Program. Term/July 1, 2010-June 30, 2011. Total value/\$7,790. Two originals to CAO Dale Bickell for further signatures/handling.

Grant Award Documents – BC signed Award/Special Conditions for MT BOCC Grant (#11-L05-90855) – Western Regional Juvenile Detention Grant. Amount/\$256,938 (State awarded); \$253,512.17 (Guaranteed local match). Duration/July 1, 2010-June 30, 2011. Original to Gary Elliott/Sheriff's Dept.

Agreement – ML signed, dated June 11, 2010. Between County and USDA Forest Service for our crushing of aggregate in the Fawn Creek Pit/Seeley Lake in exchange for a County stockpile and using pit as a storage site. Contract expires June 30, 2011. Original to Amy Rose/Public Works.

Contract – BCC signed, dated July 1, 2010. Between County and Palmer Electric to add a photo voltaic to our communications site at Pt 118. Term/July 1, 2010-November 1, 2010. Amount/\$44,372. Two originals to Larry Farnes/Facilities Management.

Contract – BCC signed, dated July 1, 2010. Between County and Missoula Independent for one-year renewal option for legal printing (per July 2, 2009 contract). Details/pricing available for review in BCC office. One original to Barb Berens.

Letter – BCC signed, dated July 1, 2010 to Keith Large, MT DEQ, Helena, requesting an update on Stimson Mill Cleanup and submitting questions to answer at August 9th Bonner Milltown Community Council Meeting.

Letter – BCC signed, dated July 1, 2010 to Dana Boruch/Right-of-Way Specialist, DNRC-SWLO, Missoula, commenting on construction of shared dock for use by owners of Lots 1 & 2 of River Watch Subdivision. Riparian Area Resource Management Plan indicates no development within riparian areas.

Additional discussion item(s): 1) Interest in submitting Planning Grant Application for Bonner Industrial Site CDBG-ED; 2) Deano's Travel Plaza Settlement issue.

Resolution No. 2010-082 – BCC signed, dated July 1, 2010. Expends additional \$150,000 of 2006 Open Space Bond Proceeds for purchase of conservation easement for Sunset Hill 2 Open Space Project.

FRIDAY, JULY 2, 2010

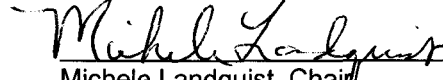
BCC met in regular session; all three present.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending June 30, 2010.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending June 30, 2010.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending June 30, 2010.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, JULY 5, 2010

COURTHOUSE CLOSED IN OBSERVANCE OF THE INDEPENDENCE DAY HOLIDAY

TUESDAY, JULY 6, 2010

BCC met in regular session; all three present.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Rural Zoning District Conditional Use Fees (*info*).

ADMINISTRATIVE MEETING

Grant Award Documents – ML signed Award/Special Conditions/Certification Form for MT BOCC Grant (#10-V01-90790) for operations support for FY2011 Crime Victim Advocate Program. Amount/\$137,648. Original to Shantelle Gaynor/OPG for further signatures/handling.

Contracts – BCC signed, dated June 28, 2010. Eight (8) Employment Contracts between PHC and following for term July 1, 2010-June 30, 2012 (unless otherwise noted):

- 1) Gabriel McCormick, DMD for dental care services. Amount/\$100,000 annually for 36 hrs/weekly;
- 2) Mary Jane Nealon, to serve as Program Development Director. Amount/\$64,000 annually;
- 3) Doreen Boyer, to serve as Finance Director. Amount/\$65,000 annually;
- 4) Lorraine Rowe-Conlan, to serve as On-Call Staff Pharmacist. Amount/\$44.50 per hour. Term/July 1, 2010-June 30, 2011;
- 5) Megan Sarnecki, MD for physician clinical care services. Amount/\$140,000 annually;
- 6) Adam Jensen, DDS for dental care services. Amount/\$90,000 annually. Term/August 16, 2010-June 30, 2012;
- 7) Anna Burham, Dental Hygienist, for dental hygienist services. Amount/\$30 hourly for up to eleven hours per week. Term/July 1, 2010-June 30, 2011; and
- 8) Liz Rolle, Dental Hygienist, for dental hygienist services. Amount/\$32.03 hourly for up to six hours per week. Term/July 1, 2010-June 30, 2011.

Three originals to Brenda Lynch/PHC for further signatures/handling.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated July 2, 2010. Amount/\$29,584.64. Document to County Auditor.

Letter – JC signed, dated July 6, 2010 to Paul Gawle, Seeley Lake, in response to his concerns/desire for public access to DNRC land (west of Seeley Lake Airport, in Powell County). County does not support using condemnation of private property to provide a public access road; JC suggests he work with Seeley Lake Community Council to discuss his idea.

Additional discussion item(s): Whether or not County Attorney(s) should be present during Seeley Lake Land Use Hearing.

WEDNESDAY, JULY 7, 2010

BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Special Use Agreement – BCC signed, dated July 7, 2010. Between County and Robert Rich/Weedbusters to collect and distribute biological control insects from/to certain County Parks. Term/to be reviewed annually. Two originals to Lisa Moisey/County Parks.

Resolution No. 2010-083 – BCC signed, dated July 7, 2010. Budget Amendment for OPG to reflect Revenue/Expenditure of JUST Response Grant in amount of \$10,000. For total disclosure, expenditures included in formal FY10 Operating Budget/Revenue Estimates for County.

Budget Transfer – BCC signed, dated July 7, 2010. Control No. 10-022 in amount of \$9,900 for Finance Department to fund County's contribution to Missoula in Motion.

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Grant Award – ML signed Award/Special Conditions/Certification Form for MT-BCCC Grant (#10-A15-90841) for 2010-2011 JABG Grant for Habitat for Humanity. Amount/\$80,047. Original to Brenda Johnson/District Court.

Shoreline Permit – BCC approved [ML signed July 8th]. #10-08 for Applicant Bill Junkermier to construct boat ramp at Lot #73 of Diamond L Bar Ranch Lake Shore Tract 3, Lindbergh Lake. Original to Mitch Doherty/OPG.

Shoreline Permit – BCC approved [ML signed July 8th]. #10-09 for Applicant Stu Nicholson to remove/replace existing dock at Lot "Y", Beaver Tail Villa Sites, Placid Lake. Original to Mitch Doherty/OPG.

Agreement – BCC signed, dated July 7, 2010. Between County and WGM Group to prepare a TIGER II grant application for East Missoula Streetscape Project. Amount/\$15,000. Final Application due August 23, 2010. Two originals to Greg Robertson/Public Works for further signatures/handling.

Interlocal Agreement – BCC signed, dated July 7, 2010. Between City and County of Missoula to in order to facilitate Mullan Road/Reserve Street Intersection improvements. County Mitigation Funds to City/\$300,000. Term/ two years. Two originals to Steve King for City signatures.

Additional discussion item(s): TIGER Grant Applications. Meeting to be set up with Mike Halligan.

PUBLIC MEETING – JULY 7, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Chief Administrative Officer Dale Bickell, Senior Attorney Dori Brownlow (arrived at 1:30 PM), Deputy County Attorney James McCubbin, and County Superintendent of Schools Rachel Veilleux.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

John Hendrickson

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

a. Weekly Claims List - \$285,168.79

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$285,168.79. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

b. Public Announcements

5. HEARING (Certificate of Survey) (postponed from June 30, 2010)

a. Appeal of Boundary Line Relocation Denial (Widaman)

Chair Michele Landquist opened the hearing.

James McCubbin reviewed past meetings and presented new information (staff report).

Applicant's representative, Colleen Dowdall

Public Comment

Questions from Commission

Executive Session

Commissioner Jean Curtiss comment

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the boundary relocation being appealed to us today [from Jason and Kallie Widaman based on the finding that there is not an attempt to evade subdivision review]. Commissioner Bill Carey comment. Chair Michele Landquist seconded the motion. Chair Michele Landquist comment. The motion carried on a vote of 2-1, with Commissioner Carey voting nay.

6. DECISION (from June 23, 2010)

a. Petition to Abandon a Portion of County Roads (Mill Street to Bedard Street, and Bedard Street between Blocks 13 & 20, from Mill Street to Demer Street) - Frenchtown

Chair Michele Landquist opened the hearing, received recommendation to continue hearing

Ken Jenkins, requested postponement of decision

Chair Michele Landquist

Staff comment, James McCubbin, concerns with abandonment (viewer's report, original staff report) and Ken Jenkins

Commissioner Jean Curtiss comment, James McCubbin, Ken Jenkins, and Chair Michele Landquist (discussion of second abandonment, new application/notice)

Public Comment

Commissioner Jean Curtiss comment

Commissioner Jean Curtiss made a motion that the Board of County Commissioners continue this hearing to July 28. Commissioners agreed to continue hearing to July 28.

7. JOINT HEARING with Missoula County Public Schools & Potomac School District

- a. Application for Property Tax Reduction on Behalf of Woodland Restoration, Inc.

Chair Michele Landquist opened the hearing.

Introductions

Dale Bickell presented the staff report. (Additional information)

Staff comment, Dori Brownlow

Questions from Commission

Matt Arnold and Questions from Commission

Rachel Veilleux and Matt Arnold

Chair Michele Landquist and Matt Arnold

Questions from Commission

Executive Session

Commissioner Jean Curtiss made a motion that the Board of County Commissioners grant the reduction for FY 2010 personal property taxes for the three pieces of equipment listed in the application for Missoula County to grant that. Commissioner Bill Carey seconded the motion, note dates changed in resolutions from July 9 to July 7, 2010. Public comment. The motion carried on a vote of 3-0.

Rachel Veilleux, given authority by District 11 to approve reduction

Scott Reed, school district meeting on Tuesday for vote

Discussion on process/procedure

Matt Arnold comments

Discussion on signatures to joint resolution and transmittal

8. OTHER BUSINESS: None.

9. **RECESS:** There being no further business to come before the Board, the meeting was recessed at 2:23 PM.

THURSDAY, JULY 8, 2010

BCC met in regular session; quorum present. ML attended HRC Board Meeting in Hamilton most of day.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 14/CY2010 - Pay Date/July 2, 2010. Total Payroll/\$1,202,524.28. To County Auditor.

Contract – BCC signed, dated July 8, 2010. Between County and Schumann Veterinary Services for services for Animal Control shelter animals, as well as private citizens participating in low income spay/neuter program. Amount varies. Term/July 1, 2010-June 30, 2011. Two originals to Julie Mohr/PHC.

Contract – BCC signed, dated July 8, 2010. Between County and Vannoy Enterprises, LLC for mowing services on County-owned lots/MDP. Amount/\$6,600. Two mowings by July 23rd and September 3, 2010. One original to Barb Martens/Projects.

Annual Contract – BCC signed, dated June 29, 2010. Between County and Barb's Best Cleaning for cleaning of administrative/clinic areas of detention facility. Amount/up to \$1,050 per month. Term/July 1, 2010-June 30, 2011. One original to Dawn Seaton/Sheriff Dept.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated July 7, 2010 for amount of \$11,720.87. Document to County Auditor.

Request for Records Disposal/Transfer Authorization – ML signed. Misc. Elections files 1/02-11/07. To M. Porter/Records.

Resolutions – BCC signed, dated July 8, 2010. Three (3) Resolutions Approving Application of Woodland Restoration, Inc. for Property Tax Reduction for Commercial or Industrial Personal Property:

- 1) Resolution No. 2010-084: for 1995 Timberjack 1270 B Harvester (12701065);
- 2) Resolution No. 2010-085: for 1995 Timberjack 1270 B Harvester (12701064); and
- 3) Resolution No. 2010-086: for 1995 Timberjack 1210 B Forwarder (1210527).

Additional discussion item(s): 1) Legislative Agenda; 2) Search & Rescue.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated July 9, 2010:

- 1) To Scott Seitz re: requests from Lien Logic to take several tax assignments. BCC cannot accept payments without proof of notice to current taxpayer, and MT law doesn't provide tax assignments to be refunded unless redeemed by an interested party.
- 2) Denying request from Lloyd Maier, Missoula, to refund penalty/interest for Taxpayer ID #3273005.
- 3) Approving request from Pamela Pohlman, Missoula, to refund overpayment of Seeley Lake Refuse fees for Taxpayer ID #5802368 for 2005-2009. Taxpayer ID #90229100 (mobile home) was assessed properly; penalty/interest until August 31, 2010 was waived.

- 4) Denying request from Lorna Robertson, Lolo, to refund penalty/interest for Taxpayer IDs #5867137 & #3496609.
- 5) Approving request from Jim Anderson, Stevensville, to remove Water Quality Fees for Taxpayer ID #90429152.
- 6) Approving requests from Heather Wilson, Missoula, to refund motor vehicle taxes/fees paid in error for vehicles #1723365 and #2019160.
- 7) Denying request from Lynne Willstein, Missoula, to refund motor vehicle taxes/fees paid for VIN #5N1AA08B04N728087. Vehicle was sold after May 31, 2010.
- 8) Approving request from Lawrence Kupper, Missoula, to refund penalty/interest for Taxpayer ID #1841057.
- 9) Approving request from TDC Enterprise, LLC, Missoula, to refund motor vehicle taxes/fees paid in error for vehicle #2390366.
- 10) Approving request from Joy DeStefano, Missoula, to refund motor vehicle taxes/fees paid in error for VIN #JHMGD37427S004125.
- 11) Approving waiving penalty/interest for Anthony Brown, Taxpayer ID #1773800.

FRIDAY, JULY 9, 2010

BCC met in regular session; quorum present. ML on vacation through Tuesday, July 13th.

Indemnity Bond – ML signed. Sharon Heare, Missoula, Principal for Financial Services Warrant #31302238, issued May 23, 2008 on County Payroll Fund. Amount/\$18.75 (for wages). Warrant lost.

Indemnity Bond – ML signed. Helen Atthowe, Stevensville, Principal for Extension Office Warrant #309901, issued March 12, 2010. Amount/\$22.56 (for wages). Warrant lost.


Indemnity Bond – ML signed. Ann Rebarchik, Frenchtown, Principal for Library Warrant #306117, issued January 16, 2009 on County Payroll Fund. Amount/\$19.73 (for wages). Warrant lost.


Indemnity Bond – ML signed. Susan Hansen, Missoula, Principal for Elections Warrant #305726, issued December 5, 2008. Amount/\$94.98 (for wages). Warrant lost.

Resolution No. 2010-087 – BCC signed, dated July 9, 2010. Resolution of Intent to rezone property legally described as Lots A, B1, C, & D1 of Block 21 of East Missoula Addition, located in Section 24 of T 13 N, R 19 W, PMM (also known as 3580 Highway 200 E.) from C-C2 (General Commercial) to C-R3 (Residential). Public Hearing held June 30, 2010.

Resolution No. 2010-088 – BCC signed, dated July 9, 2010. Adopting Target Range Neighborhood Plan Amended as an Amendment to the Missoula County Growth Policy. Numerous Public Hearings held by Missoula Consolidated Planning Board and BCC.

Letter – BCC signed, dated July 8, 2010 to Mike Halligan, Dennis and Phyllis Washington Foundation, Missoula, expressing gratitude for generous support the past three years of *Get on the Right Track!* Program. Letter mailed July 9th.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, JULY 12, 2010

BCC met in regular session; quorum present in morning. Afternoon: JC, BC attended MACo Districts 10 & 11/EDO Meetings, held in Polson. ML on vacation through Tuesday, July 13th.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Clearwater Junction Subdivision Phasing Plan Amendment (*action*); 3) OPG Director's Update.

Letter – BCC signed, dated July 16, 2010 to John Richards, Seeley Lake, approving amendment of the Clearwater Junction Subdivision Phasing Plan (subject to conditions of approval re: roads/access/easements, fire protection, weeds, and Covenants).

TUESDAY, JULY 13, 2010

BCC met in regular session; quorum present in afternoon only. Morning: JC/BC attended MACo Districts 10 & 11/EDO Meetings, held in Polson. Evening: JC attended Tour of Zootown Arts Community Center, Missoula.

ADMINISTRATIVE MEETING - CANCELED

WEDNESDAY, JULY 14, 2010

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BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Resolution No. 2010-090 – ML signed, dated July 14, 2010. Authorizing execution/delivery of \$667,000 Economic Development Revenue Note and documentation for Reep, Bell and Laird Recovery Zone Facility Bonds Project. Four originals to Dorsey/Whitney.

Contract – BCC signed, dated June 28, 2010. Between County and Gary Peterson, DDS for dental services at PHC. Amount/\$37 per patient. Term: July 1, 2010-June 30, 2011. Three originals to Brenda Lynch/PHC for further signatures/handling.

Contract – BCC signed, dated July 8, 2010. Between County and Michael Burks to produce Newsboys concert during Western MT Fair on August 15, 2010. Amount/\$6,000.

Resolution No. 2010-091 – BCC signed, dated July 14, 2010. Budget Amendment for OES showing \$11,290 in revenue/expenditures for Veterans Burial Benefits. For total disclosure, expenditures included in formal FY10 Operating Budget/Revenue Estimates for County.

Contract – ML signed. #20113CTFS0011 between County and DPHHS on behalf of MT Children's Trust Fund Board for Healthy Start Council Coordinator Position. Amount/\$10,750. Term/July 1, 2010-June 30, 2011. Original to Peggy Seel/OPG.

Request for Records Disposal/Transfer Authorization – ML signed six (6):

- 1) Employee Benefit files (16 boxes) – Claims, etc. 7/1/01-6/30/02.
- 2) Human Resources (4 boxes) – Recruitment files 1/03-6/03.
- 3) Sheriff (10 boxes) – Juvenile (dob) & Dissemination Logs 1/79-9/96.
- 4) Sheriff (1 box) – Day Book Sheets 10/01-4/02.
- 5) Henson (1 box) – Court Notes 10/99-5/2000.
- 6) Harkin (1 box) – Court Notes 1/2000-5/2000.

To M. Porter/ Records.

Letter – BCC signed, dated July 14, 2010 to David Stack, Nat'l Museum of Forest Service History, Missoula, supporting Museum's grant request to support construction of Nat'l Conservation Legacy/Education Center of TIIP administered by MT Office of Tourism.

Letter – BCC signed, dated July 8, 2010 to Nancy Espy, MDT, expressing concerns over transportation of oil sands process modules through MT en route to Canada, and requesting an environmental review.

Letter – BCC signed, dated July 8, 2010 to Bob Giordano, Missoula Institute for Sustainable Transportation, re: Mullan Road/Reserve Street Intersection, and Interlocal Agreement between City/County/MDT.

Memorandum of Agreements – BCC signed, dated May 27, 2010. Between County Parks Board and following for Capital Matching Fund Program/Spring FY10 grant money for park development. Funds must be spent by May 30, 2012:

- 1) \$3,000 to Travelers' Rest Preservation & Heritage Assn for trail construction project; and.
- 2) \$4,000 Matching Funds and \$6,000 Capital Funds to Potomac Greenough Community Center for floor replacement project.

One original to Lisa Moisey/County Parks.

Additional discussion item(s): None.

PUBLIC MEETING – JULY 14, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: None.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

c. Weekly Claims List - \$627,670.31

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$627,670.31. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

d. Public Announcements

5. ANNOUNCEMENT

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- a. Missoula County Courthouse Centennial Celebration
Chair Michele Landquist announced the celebration.

6. OTHER BUSINESS

7. RECESS

There being no further business to come before the Board of County Commissioners, the meeting was recessed at 1:30 p.m.

THURSDAY, JULY 15, 2010

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Grant Award – ML signed Award/Special Conditions/Certification Form for MT BOCC Grant (#11-M01-90818) to help partially fund grants administrator for JUST Response. Amount/\$14,570. Original to Kim Campbell/OPG.

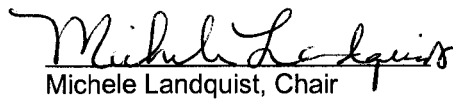
Additional discussion item(s): None.

FRIDAY, JULY 16, 2010

BCC met in regular session; quorum present. JC out most of day at Mental Health Board/CDC Meeting, held in Superior.

Replacement Warrant - ML signed. Dean Henderson, Missoula, Principal for Library Warrant #156297, issued June 28, 2010 on County 2220 fund. Amount/\$22.00 (for book). Not received in mail; no bond of indemnity required.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, JULY 19, 2010

BCC met in regular session; all three present. Noon: BCC participated in County Courthouse Centennial Celebration, held on Courthouse lawn.

Request for Records Disposal/Transfer Authorization – ML signed. Ceresse Parker/Court Notes – 12/18/99-4/21/2000). To M. Porter/Records.

TUESDAY, JULY 20, 2010

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Resolution No. 2010-092 – ML signed, dated July 20, 2010. Amended/Restated Resolution authorizing execution/delivery of \$667,000 Note and documentation for Reep/Bell/Laird RZF Bonds Project. Four originals to Dorsey/Whitney.

Change Order #2 – ML signed. To contract between County and The Land Group/Rexius Forest By-Products, Inc. for new irrigation system at Larchmont Golf Course. Change Order adds \$20,759.38 due to increase in price of materials. New total contract amount/\$1,370,481.

Agreement – ML signed, dated July 20, 2010. Between Missoula and Mineral Counties for ongoing services of Missoula County Superintendent of Schools. Term/one school fiscal year/to June 30, 2011. Amount/\$3,300 yearly. Two originals to Julie Mohr/Health Dept.

Addendum #2 – BCC approved/signed, dated July 20, 2010. Between County and Home Health of MT Private Services d/b/a It Starts With Me Health Promotion Programs: 1) Extends Wellness Contract from July 1, 2010 through December 31, 2011; 2) Modifies critical components of County Health Promotion Program; and 3) Modifies pricing for County Health Promotion Program components. Estimated annual cost/\$69,920.

Contract – BCC signed, dated July 20, 2010. Between County and Cynthia McAfee for Practice Manager services at PHC. Amount/\$70,000 yearly. Term/April 1, 2010-June 30, 2011. Three originals to Brenda Lynch/PHC for further signatures/handling.

Board Appointment – Due to a board resignation, BCC appointed Teresa Henry as a member of the City-County Health Board to fill an unexpired term to December 31, 2010 (at which time Ms. Henry will be eligible for a new three-year appointment to 2013).

2011 Budget Enhancement Requests (#55 and #57) – BCC reviewed/approved. 1) \$16,120 for Special Projects to repair driveway in MDP; and 2) \$17,899 for Sheriff Dept. to pay lien on drug seizure vehicle. Originals to Andrew Czorny/CFO.

Memorandum of Agreement – BCC signed, dated June 30, 2010. Between County Parks Board and Missoula Softball Association for \$4,000 Capital Matching Fund Program/Spring FY10 grant money for improvements to fields at Fort Missoula Recreational Complex. Funds must be spent by June 22, 2012. One original to Lisa Moisey/County Parks.

Larchmont Claims - BCC signed two (2) Signature Pages for A/P Invoice Registers dated July 19, 2010 (for amount of \$11,769.88) and July 20, 2010 (for amount of \$62,366.92). Documents to County Auditor.

Request for Records Disposal/Transfer Authorization – ML signed five (5):

- 1) Clerk & Recorder (2 boxes) – Counter Receipts 5/56-2/71.
- 2) Treasurer (multiple) – Tax records, misc. files 1/40-6/87.
- 3) Motor Vehicles (21 boxes) – Misc. records 8/05-6/08.
- 4) Motor Vehicles (2 boxes) – Correspondence records 1/06-12/07.
- 5) Treasurer (3 boxes) – Credit Card Receipts, misc. files 10/01-6/05.

To M. Porter/ Records.

Additional discussion item(s): TIGER Grant Application for MRL.

WEDNESDAY, JULY 21, 2010

BCC met in regular session; all three present.

Indemnity Bond – ML signed. Paige Stormo Schwartz, Missoula, Principal for A/P-Claims Warrant #27-172183, issued October 31, 2007 on County General Fund. Amount/\$17 (for contracted services). Warrant lost.

CHIEF ADMINISTRATIVE OFFICER MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 15/CY2010 - Pay Date/July 16, 2010. Total Payroll/\$1,212,572.74. To County Auditor.

Service Agreements – ML signed. Between County and following non-profit groups for services during Fair:

- 1) East Missoula Lions Club (\$2,000/serve as ushers for various events);
- 2) Five Valley Modelers Club (\$150/judge models exhibits);
- 3) Florence Boy Scouts (\$1,800/be ambassadors);
- 4) Garden City Rods (\$350/timers for Demolition Derby);
- 5) Missoula Aquatic Club (\$1,100/Fair cleanup);
- 6) Missoula Exchange Club (\$1,300/be gate guards at various locations);
- 7) Missoula Figure Skating (\$900/Fair cleanup);
- 8) Missoula Kiwanis (\$4,750/ambassadors & parking concession);
- 9) Sentinel Kiwanis (\$2,000/gate guards); and
- 10) Southside Lions (\$2,500/fire & guard duty).

Originals to Eunice Misbe/Fair.

2011 Budget Enhancement Request – BCC reviewed/approved. From Capital Improvement (MDP land sale account) for \$1,740,000 to help purchase GLR building. Original to Andrew Czorny/CFO.

Letter – BCC signed, dated July 21, 2010 to Victor Bjornberg, MT Office of Tourism/DOC, Helena, supporting TIP Grant Application for Glacier Ice Rink.

Additional discussion item(s): 1) Budget update; 2) Public Works update; 3) Roseburg Forest Products Tax Incentives for improvements installed in 2009.

PUBLIC MEETING – JULY 21, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Senior Attorney Dori Brownlow (arrived at 2:16 PM), Chief Financial Officer Andrew Czorny (arrived at 1:38 PM), Deputy County Attorney James McCubbin, Disaster & Emergency Services Director Bob Reid, and Public Works Director Greg Robertson.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Leroy Nothnagel, Marlene Walsh, and discussion

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

e. Weekly Claims List - \$2,162,254.77

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$2,162,254.77. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

f. Public Announcements

5. PROCLAMATION

a. ADA 20th Anniversary Celebration

Chair Michele Landquist introduced the proclamation.
Commissioner Jean Curtiss read the proclamation.

6. BID AWARD (Public Works)

a. Riverview Walkway in Seeley Lake

Chair Michele Landquist opened the hearing.
Greg Robertson requested postponement (staff report).
Questions from Commission
Public Comment
Hearing postponed to July 28, 2010

7. HEARINGS (Certificate of Survey)

a. Blase (Richard) Family Transfer

Chair Michele Landquist opened the hearing.
James McCubbin presented the staff report.
James McCubbin questioned the applicant, Richard Blase
Questions from Commission
Public Comment
Executive Session
Richard Blase
Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the request by Richard Blase to create one additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

b. Wiberg (Arland) Family Transfer & Boundary Relocation

Chair Michele Landquist opened the hearing.
James McCubbin presented the staff report.
James McCubbin questioned the applicant, Arland Wiberg
Questions from Commission
Public Comment
Executive Session
Commissioner Bill Carey made a motion that the Board of County Commissioners approve the request by Mr. [Arland] Wiberg to create one additional parcel by use of the family transfer exception, as well as utilize the boundary relocation as proposed based on fact that there does not appear to be an attempt to evade subdivision review. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

8. HEARING

a. Proposal for Allocation of SRSCSD Title III Funds

Chair Michele Landquist opened the hearing, received request to postpone hearing to July 28
Public Comment
Bob Reid presented the staff report.
Questions from Commission
Discussion on continuing hearing to July 27 Administrative Meeting
Continue hearing to Tuesday, July 27 Administrative Meeting at 10 AM in Room 204

9. HEARING (continued from June 17, 2010)

a. Seeley Lake Sewer District Annual Assessment

Chair Michele Landquist opened the hearing.
Dori Brownlow reviewed the history of this hearing (staff report).
Commissioner Jean Curtiss comment
Commissioner Jean Curtiss made a motion that the Board of County Commissioners continue this hearing to next week. Discussion. Commissioner Jean Curtiss amended her motion to continue this hearing to August 4. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

10. OTHER BUSINESS

11. RECESS

There being no further business to come before the Board of County Commissioners, the meeting was recessed at 2:29 PM.

THURSDAY, JULY 22, 2010

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Resolutions (2) – BCC signed, dated July 22, 2010, for Roseburg Forest Products (Approval of Application for Tax Incentives under Resolution #91-101 for two large pieces of equipment to be installed at Tract 2 of COS 4820):

1. Resolution No. 2010-093 – Extension of Resolution #2009-105 (for Regenerative Thermal Oxidizer/ \$46,400.65); and
2. Resolution No. 2010-094 – Extension of Resolution #2009-106 (for Hot Press Biofilter/\$91,952.32).

Revised Agreement – BCC signed, dated July 20, 2010. Revised Subdivision Improvements Agreement/Guarantee for Pontrelli Addition dated May 2, 2007 (relating to outstanding road/swale/sewer improvements in amount of \$58,328); guaranteed by First Security Bank in amount of \$78,742.80. Completion Date/no later than April 16, 2011.

Grant Contract – BCC signed, dated July 9, 2010. Between County and Habitat for Humanity of Missoula for youth in community service programs through Youth Court. Amount/\$38,093 from JABG Grant #10-A15-90841. Term/July 1, 2010-June 30, 2011.

Request – BCC approved (in concept) the installation of a roundabout at intersection of Airway Boulevard and Expressway/MDP. Cost/approx. \$500,000. [Action delayed until after Residential Meeting].

Contract – BCC signed, dated July 22, 2010. Between County and A&E Architects for Courthouse Campus Master Plan. Sets forth duties/responsibilities of each party; subsequent exhibits will provide scope/cost of each specific project. Master Plan Cost/\$149,084. One original to Larry Farnes/Facilities Maintenance.

Additional discussion item(s): TIGER Grant Application for Montana Rail Link.

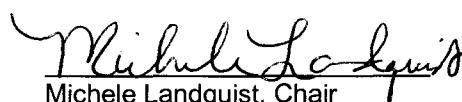
Closing Documents – BCC signed execution copies of Agreements/Certificates/Affidavit, etc. for \$667,000 Economic Development Revenue Note for Reep, Bell and Laird Recovery Zone Facility Bond – H4H, LLC Project. Five originals to Dorsey/Whitney to return for recording after all signatures gathered [returned 9/17/10].

FRIDAY, JULY 23, 2010

BCC met in regular session; quorum present. Afternoon: ML/JC participated in *A Place To Grow* Press Conference and Discussion on Agriculture/Land Use in Western MT, held at Holiday Inn Downtown. Evening: JC attended/presented awards at County Employees Picnic, held at Franklin Park.

Field Trip: In the morning, JC accompanied Sarah Richey, Lisa Moisey, Peter Nielsen, et al on field trip to Gateway Area – Bonner.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, JULY 26, 2010

BCC met in regular session; all three present in morning. BC out of office all afternoon. Evening: BCC attended ADA's 20th Anniversary Celebration, held at Fort Missoula.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Clearwater River Bridge update; 3) Sawyer Creek Lots Extension (*action*); 4) OPG Director's Update.

Letter – BCC signed, dated July 29, 2010 to Bruce/Diane Bourne, Seeley Lake, approving one-year extension of final plat approval deadline for Sawyer Creek Lots Subdivision. New expiration date/October 22, 2011.

TUESDAY, JULY 27, 2010

BCC met in regular session; quorum present in afternoon. JC most of day at RAC (Resource Advisory Committee) Meeting, held at Fort Missoula. Morning: ML attended "*Envision*" Stakeholder Forum to Plan for a New Library, held at Missoula Public Library. Evening: BCC, Mike McMeekin, Dale Bickell, Search & Rescue, et al attended meeting to establish a second Search & Rescue Unit.

ADMINISTRATIVE MEETING

Resolution No. 2010-097 – BCC signed, dated July 27, 2010. Authorizing use of \$20,000 Title III funds for revising County's Community Wildfire Protection plan, and \$245,000 Title III funds for reimbursing local fire service agencies for Firewise Communities Program projects..

2010 Annual Progress Report – ML signed Report for YWCA Gateway Assessment Center Project (HUD Grant #MT0006B8T000801). Two originals to Melissa Gordon/OPG.

Additional discussion item(s): None.

WEDNESDAY, JULY 28, 2010

BCC met in regular session; all three present. Morning: BCC, Mayor Engen, City Council, et al held meeting re: Missoula City/County Elected Officials Policy and Planning & Grant Services Interlocal Agreement, held at City Council Chambers.

COMBINED CAO/COUNTY ATTORNEYS MEETING

Resolution No. 2010-095 – ML signed, dated July 28, 2010. Authorizing execution/delivery of \$450,000 Economic Development Revenue Note and documentation for Dodge LLC RZF Bonds Project. Four originals to Dorsey/Whitney.

Resolution No. 2010-096 – ML signed, dated July 28, 2010. Authorizing execution/delivery of \$631,000 Economic Development Revenue Note and documentation for Radio Way LLC RZF Bonds Project. Four originals to Dorsey/Whitney.

General Administration Contract – BCC signed, dated June 28, 2010. Between County and Rocking M Design Landscape architect for services at parks/street medians within MDP. Amount/up to \$10,000 per year. One original to Barb Martens/Projects.

Addendum #1 – BCC signed, dated July 28, 2010. To contract (2/25/10) between County and Rocking M Design Landscape architect for additional services at Parks 4, 5, 7 & 8, MDP. Additional cost/\$3,900; new contract amount/\$26,550. One original to Barb Martens/Projects.

Reports – ML signed. U.S. Forest Service Report of Transfer Documents for Kraft Creek Road/Elk Creek Road/Stoner Lake Road/Swan River Bridge (transferred by agreement to County). Originals to Teresa Falcon/FS.

Agreement – ML signed. Blackfoot River Recreation Corridor Landowners' Agreement with County/U.S. BLM/MT DNRC/MT Forest & Conservation Experiment Station/UofM Foundation/The Nature Conservancy/MT FWP. Enhances recreational opportunities while providing limited enforcement along river. County amount/\$5,000 yearly. Originals to Laurie Hire/RI for further signatures.

Additional discussion item(s): County Attorneys Departmental update.

PUBLIC MEETING – JULY 28, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Office of Planning and Grants Planner Jamie Erbacher, Public Works Survey Technician Tony Hollaway, Deputy County Attorney James McCubbin, Public Works Director Greg Robertson and Public Works Examining Land Surveyor Steve Smith.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

g. Weekly Claims List - \$878,247.78

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$878,247.78. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

h. Public Announcements

5. BID AWARD (Public Works) (POSTPONED FROM July 21, 2010)

a. Riverview Walkway in Seeley Lake

Chair Michele Landquist opened the hearing.

Greg Robertson presented the staff report.

Questions from Commission

Public Comment

Executive Session

Commissioner Jean Curtiss made a motion that the Board of County Commissioners award the contract to L.S. Jensen to construct the Riverview Walkway in Seeley Lake in the amount of \$122,514.00 as this is the lowest and best bid. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

6. HEARINGS

- a. Petition to Abandon Unnamed County Road (West end of Schwenk Court to West Boundary, Lot 5, Catherine Addition - Target Range)
 Chair Michele Landquist opened the hearing.
 Steve Smith presented the staff report.
 Kim Cox verified the petition.
 Steve Smith, presentation
 Questions from Commission
 Public Comment
 Deree Ricci
 Preston Ricci and Commissioner Jean Curtiss
 Web Harrington
 Ray Round
 Debbie Chilcote
 Easement discussion
 Questions from Commission
 Staff comment, James McCubbin and discussion
 Deree Ricci and Chair Michele Landquist
 Site visit, Commissioner Jean Curtiss with Steve Smith and Greg Robertson, 1:00 p.m. on Tuesday, August 3, 2010
 Hearing continued to August 11, 2010
 Commissioner Jean Curtiss comment
- b. Petition to Abandon a Portion of Old Hayes Creek Road (Sections 5, 8, & 9, T12N, R20W) - Near Blue Mountain
 Chair Michele Landquist opened the hearing.
 Steve Smith presented the staff report, presentation.
 Kim Cox verified the petition and discussion.
 Public Comment
 Bob Whaley
 Paul Matter, Forest Service
 Staff comment, James McCubbin and discussion
 Jim Helmer and discussion, further abandonment not possible
 and signage possibilities
 Patricia Skergan and alternative access discussion
 Andy Kulla
 Norm Lavery
 Andy Kulla
 Site visit schedule, continued with Steve Niday, 8:00 a.m. on Thursday, August 5
 Hearing continued to August 11, 2010.

7. DECISION (from June 23, 2010 Hearing) - POSTPONED FROM July 7, 2010

- a. Petition to Abandon a Portion of County Roads (Mill Street to Bedard Street and Bedard between Blocks 13 & 20, from Mill Street to Demer Street) - Frenchtown
 Chair Michele Landquist opened the hearing.
 James McCubbin reviewed issues (viewer's report, staff report, amended proposal)
 Ken Jenkins
 Commissioner Bill Carey and James McCubbin, recommend partial abandonment
 Discussion on language of partial abandonment
 Public Comment
 Executive Session
Commissioner Bill Carey made a motion that the Board of County Commissioners partially grant the petition to abandon an area described as the North ½ of Bedard Street adjacent to Lots 15 through 18, Block 13, Townsite of Frenchtown together with the North ½ of Bedard Street adjacent to the West ½ of vacated Demer Street line adjacent to Block 13, Townsite of Frenchtown. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

8. HEARING (ZD#42 - OR - Variance Request)

- a. Convert Single Family Home to Tourist Home and Construct Bed & Breakfast (Joe Cummings-Trouthouse LLC) - 16561 Clark Bluff Drive (verbatim transcription)
 Chair Michele Landquist opened the hearing.
 Jamie Erbacher presented the staff report.
 Questions from Commission
 Staff comment, James McCubbin
 Developer's representative presentation, Paul Forsting (amended conditions)
 Joe Cummings
 Questions from Commission
 Public Comment
 Questions from Commission
 Discussion of conditions
 Executive Session
 Commissioner Bill Carey comment
 Discussion
Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition #1 to insert after lease or rent, "or subdivision," [to read, "The approved boundary line relocation shall be filed or a subdivision for lease or rent or subdivision shall be approved

prior to issuance of a building permit or zoning compliance permit.]” Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners delete Conditions #2, [which reads, “No structures, including sheds, garages, barns, recreational facilities, etc. shall be built within the floodplain (including Zones A, AE, and AE Floodway), and these areas should be designated as No Build/No Alteration.”] and 3, [which reads, “No new roads or driveways shall cut through riparian or wetland habitats.”] and to add language to the approval letter that refers to the floodplain requirements. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Condition #4 to read, “Any livestock such as horses, etc. kept on the subject property (even for short time periods) shall be rotated to minimize impacts to those sensitive areas.” Commissioner Bill Carey seconded the motion. H Staff comment, James McCubbin. H Commissioner Jean Curtiss amended motion to read, “Any livestock such as horses, etc. kept on the subject property (even for short time periods) shall be rotated out of the riparian areas to minimize impacts to those sensitive areas.” Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend [Condition] #5 to insert “new” in front of “fencing” [to read, “All new fencing shall be wildlife-friendly.”] Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend [Condition] #8 to strike “footprint or” [to read, “The Tourist Home may not be expanded in number of bedrooms.”] Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend [Condition] #9 to strike 3,005 and insert 4,000 [to read, “The Guest Ranch shall be restricted to a 4,000 square foot footprint and shall not include more than the proposed four two-bedroom lodging units, office, kitchen, gift shop, and storage area.”] Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend [Condition] #10 to strike “commercial uses or” [to read, “No additional residences shall be allowed on either of the proposed parcels unless otherwise approved by the Board of County Commissioners.”] Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the request to allow a tourist home and guest ranch to be located on the parcels recently approved for boundary line relocation in ZD #42-OR with the recommended conditions as amended and renumbered based on the findings of fact and conclusions of law found in this staff report and the public hearing. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Joe Cummings and discussion

9. OTHER BUSINESS: None

- 10. RECESS:** There being no further business to come before the Board of County Commissioners, the meeting was recessed at 4:07 p.m.

THURSDAY, JULY 29, 2010

BCC met in regular session; all three present. Evening: BCC held Public Meeting re: Seeley Lake Regional Land Use Plan.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated June 29, 2010. Between County and Valley Electric for Public Works Campus Lighting Project (using ARRA/DOE Grant Funds). Bid Total/\$20,400. Term/August 1-November 1, 2010.

Agreements – ML signed. Between County (Western MT Fair) and the following:

- 1) Teen Challenge (to be YMCA Skate Park gate guards) August 10-15, 2010; Amount/\$1,000; and
- 2) MT Professional Horseshoers Association (to conduct horseshoeing clinic/contest) August 14-15, 2010; Amount/\$2,000.

Originals to Eunice Misbe/Fair.

Additional discussion item(s): Religious service at Fair (with Steve Earle).

PUBLIC MEETING – JULY 29, 2010 – 6:00 PM – SEELEY LAKE ELEMENTARY SCHOOL

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 6:00 p.m.

Commissioners Present: Commissioner Jean Curtiss, Commissioner Bill Carey and Chair Michele Landquist. Absent: None.

Staff Present: Rural Initiatives Planner Nancy Heil, Deputy County Attorney James McCubbin, and Rural Initiatives Senior Planner Pat O'Herren.

2. CONSIDERATION

- a. Seeley Lake Regional Land Use Plan (previous hearings held February 4, February 24, March 3, March 17, March 31, April 21, May 19, June 9, June 16)

Chair Michele Landquist opened the hearing.

Nancy Heil reviewed process

Pat O'Herren reviewed interagency meetings on resource protection

Commissioner Michele Landquist comments on public comment process during meeting

Public Comment

Kathleen Simms

Dick Ainsworth

Jack Greenwood

Mike Thompson

Arnold Pulici

Commissioner Jean Curtiss comment

Matt Johnson, Commissioner Jean Curtiss, and Commissioner Michele Landquist

Ken Kronsperger and comments

Staff comment, James McCubbin

Sharon Kreitzberg

Bruce Bourne

Tom Vannoy

Julie Hacker

Jan Guelff

John Ployhar

Carol Evans

Gene Barnsworth

Martha Dryer

Mary Papp Power

Martin T. Cahoon

Joanne Wallenburn

Staff comment, James McCubbin

Gail Vannoy

Duane Spethman

George Frasca

John Richards

Chair Michele Landquist

Sydney Burgess

Roger Johnson

Kathy White

Closing comments

August 20, 2010 - last date for written comment


3. **RECESS:** There being no further business to come before the Board of County Commissioners, the meeting was recessed at 8:03 p.m.

FRIDAY, JULY 30, 2010

BCC met in regular session; quorum present. JC out of the office all day.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated July 29, 2010. Amount/\$13,867.92. Document to County Auditor.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

110-0202

MISSOULA COUNTY COMMISSIONERS' JOURNAL: AUGUST, 2010

BCC = BOARD OF COUNTY COMMISSIONERS

ML = Commissioner Michele Landquist, Chair

JC = Commissioner Jean Curtiss

BC = Commissioner Bill Carey

The following Claims Lists were signed during the month of AUGUST 2010:

Date Signed	Claims List Date	Who signed	Amount
August 2, 2010	July 29, 2010	BCC	\$5,853.57
August 2, 2010	July 30, 2010	BCC	\$6,521.90
			\$51,303.81
			\$29,689.79
			\$144.00
			\$103,309.64
			\$2,666.80
			\$242,491.80
August 4, 2010	August 3, 2010	BCC	\$441.67
			\$39,981.46
			\$741.25
			\$351.18
August 4, 2010	August 3, 2010	BCC	\$4,125.62
			\$367,138.53
August 4, 2010	August 4, 2010	BCC	\$108,758.57
August 5, 2010	August 4, 2010	BCC	\$4,174.69
			\$4,070.47
			\$15,322.12
August 5, 2010	August 5, 2010	BCC	\$34,081.08
			\$69,320.40
August 5, 2010	August 5, 2010	BC, JC	\$436.71
			\$9,102.29
August 6, 2010	August 6, 2010	BCC	\$2,714.80
August 9, 2010	August 9, 2010	BC, ML	\$44,583.71
August 10, 2010	August 9, 2010	BC, ML	\$12,404.39
August 10, 2010	August 10, 2010	BC, ML	\$81,812.48
August 11, 2010	August 11, 2010	BCC	\$19,688.08
			\$6,498.00
August 12, 2010	August 11, 2010	BCC	\$28,727.40
August 13, 2010	August 12, 2010	BC, JC	\$242.60
			\$50,341.49
			\$18,974.48
			\$18,071.70
			\$46,162.78
August 13, 2010	August 13, 2010	BC, JC	\$53,649.87
August 16, 2010	August 13, 2010	BCC	\$5,495.13
			\$105,071.88
August 16, 2010	August 16, 2010	BCC	\$38,635.06
			\$1,214,489.87
August 18, 2010	August 17, 2010	BCC	\$3,399.05
			\$27,698.60
			\$39,515.23
			\$113,143.82
			\$53,218.48
August 19, 2010	August 18, 2010	BCC	\$1,998.88
			\$19,420.18
			\$4,972.00
August 23, 2010	August 20, 2010	BCC	\$17,976.65
August 24, 2010	August 24, 2010	BCC	\$21,368.82
			\$31,717.76
August 25, 2010	August 24, 2010	BC, JC	\$256,899.32
			\$37,933.19
			\$2,004.52

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August 25, 2010	August 25, 2010	BCC	\$31,242.76
August 26, 2010	August 25, 2010	BCC	\$85,007.03
			\$187,037.98
			\$9,230.48
			\$50.00
August 27, 2010	August 26, 2010	BCC	\$110,556.28
			\$2,189.07
			\$3,717.75
August 27, 2010	August 27, 2010	BC, ML	\$349.51
August 30, 2010	August 30, 2010	BCC	\$22,026.58

All Claims Lists were returned to the Accounting Department.

MONDAY, AUGUST 2, 2010

BCC met in regular session; all three present. Late morning: JC accompanied Greg Robertson, et al on MDT Field Review to Railroad Crossing/Moccasin Lane.

TUESDAY, AUGUST 3, 2010

BCC met in regular session; all three present.

Site Visit: Afternoon: JC accompanied Greg Robertson/Steve Smith on site visit to Target Range.

ADMINISTRATIVE MEETING

Request – BCC approved/authorized Bob Reid to submit recommended FY2010 Secure Rural Schools/Self-Determination Act, P.L. 110-342 election (85% for Title I; 8% for Title II; and 7% for Title III) to the Governor's Office. Total amount projected for FY2010/\$866,683. Original to Bob Reid/ES.

Memorandum of Agreement – BCC approved/signed, dated August 3, 2010. Between County and YWCA of Missoula (Ada's Place) Continuum of Care grant for July 1, 2010-June 30, 2011. Amount/\$102,371. One original to Melissa Gordon/OPG.

Additional discussion item(s): None.

WEDNESDAY, AUGUST 4, 2010

BCC met in regular session; all three present. Morning: JC attended *Best Place Program Refinement Committee* Meeting, held at 1st Interstate Bank.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending July 31, 2010.

CHIEF ADMINISTRATIVE OFFICER MEETING

Contract – BCC signed, dated August 4, 2010. Between County (Missoula in Motion) and Six Pony Hitch, Inc. to create effective, broad web-based presence/interface for County residents/employees. Term/August 1, 2010-June 30, 2012 (may be extended one term). Amount/\$5,000 from CMAQ funds. One original to Jennifer Thompson.

Contract – BCC signed, dated July 15, 2010. Between County and LS Jensen (lowest bidder) for RSID 8901/Westview Park Basketball Court Resurfacing Project. Amount/\$21,532. Term/15 working days from receipt of notice to proceed. Two originals to Greg Robertson/Public Works.

Letters – BCC signed two (2) letters, dated August 4, 2010 to Joel Szabat, Deputy Assistant to Secretary for Transportation Policy, Washington, DC re: following:

- 1) Supporting \$10 million TIGER II Grant Application for Missoula Metropolitan Planning Organization for Old Sawmill District Neighborhood.
- 2) Supporting \$350,000 TIGER II Planning Grant Application for Missoula Metropolitan Planning Organization for East Missoula revitalization by providing livable/safe/sustainable streets.

Originals to Dave Prescott/OPG.

Additional discussion item(s)

PUBLIC MEETING – AUGUST 4, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Chief Administrative Officer Dale Bickell, Senior Attorney Dori Brownlow, Seeley Lake Sewer District Manager Randy Gordon, Human Resources Director Steve Johnson, and Deputy County Attorney Marnie McClain.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

a. Weekly Claims List - \$508,448.43

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$508,448.43. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

b. Public Announcements

5. HEARING

a. County Compensation Committee (FY 2011)

County Compensation Committee Members Present: Member Michele Landquist, Member Jean Curtiss, Commissioner Bill Carey, Citizen Member Linda Brown, Staff Member Steve Johnson, Staff Dale Bickell, Member Shirley Faust, Member Rachel Veilleux, Member Barbara Berens, and Citizen Member Steve Grover. Absent: Fred VanValkenburg

Staff Present: Chief Administrative Officer Dale Bickell and Human Resources Director Steve Johnson

Chair Michele Landquist opened the hearing.

Introductions

Steve Johnson presented the staff report.

Dale Bickell presented financial information

Steve Johnson continued his presentation.

Questions from Committee members

Public Comment

Staff comment, Marnie McClain, correction on resolution

Process and further discussion

Shirley Faust made a motion that the Compensation Board accept the proposed increase of the elected officials, the 2 ½ % for FY 2011 with the 1% longevity. Barbara Berens seconded the motion. The motion carried on a vote of 7-1, with Steve Grover opposing.

6. HEARING (continued from July 21, 2010)

a. Seeley Lake Sewer District Annual Assessment

b.

Chair Michele Landquist opened the hearing.

Randy Gordon presented the revised staff report, original staff report.

Questions from Commission

Public Comment

Staff comment, Dori Brownlow

Discussion

Executive Session

Commissioner Jean Curtiss and Dori Brownlow

Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend the resolved section of the resolution for the Seeley Lake Sewer District Assessments to read, "Now, therefore, be it resolved that an assessment of \$0.0010606544 per \$1.00 of assessed value per parcel be levied on each parcel in the Seeley Lake Sewer District for one year. The Treasurer is directed to coordinate the placement of the assessment, strike the word \$108 on both of those lines, on the 2010 property tax bills. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Jean Curtiss and Dori Brownlow comment

Commissioner Jean Curtiss made a motion that the Board of County Commissioners strike the number 108 in whereas #2 and whereas #4 and then it could read "an assessment per parcel." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners adopt the resolution as amended. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

7. OTHER BUSINESS

8. RECESS

There being no further business to come before the Board, the meeting was recessed at 2:50 p.m.

Following the Public Meeting, BCC signed: Resolution No. 2010-100 – Dated August 4, 2010. Formally adopting compensation schedule for FY2011, effective June 27, 2010, as recommended/adopted by FY2011 Compensation Board. Schedule available for review in BCC Office.

THURSDAY, AUGUST 5, 2010

BCC 110-0205

BCC met in regular session; all three present.

Site Visit: Morning, ML accompanied Steve Niday on site visit to area near Blue Mountain.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending July 31, 2010.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending July 31, 2010.

ADMINISTRATIVE MEETING

Agreement - ML signed, dated July 27, 2010. Between County and Grizzly Security Armored Express, Inc. for armored car services during week of Western MT Fair (August 9-16, 2010). Amount/\$200 facility rental and 17% commission on t-shirt sales. Original & copy to Eunice Misbe/Fair.

Agreement - ML signed. Between County and Keith Mobley/Jump for Jesus, for rental of Western MT Fair grandstand/arena area on August 15, 2010. Amount/\$645 + \$75 for special trips. Original to Eunice Misbe/Fair for further signatures/handling.

Request - BCC reviewed request to amend resolution/adopt amendment to County Green Building Policy. No action taken. BCC directed staff to Notify Interested Parties and send back to Green Government Committee for further consideration.

Contract - BCC signed, dated August 5, 2010. Between County and Douglas Marbarger, for Physician Assistant services at PHC. Term/August 4, 2010-June 30, 2012. Amount/\$76,000 yearly. Original to Kim Mansch/PHC.

Board Appointment - Due to a board resignation, BCC appointed Dale Walker as a Trustee of the Missoula Rural Fire District to fill Hugh Jesse's vacancy. Mr. Jesse's term ends in 2012; Mr. Walker will need to run in 2011 Special District Election for remaining one year of term.

Task Order - ML signed. #11-07-5-01-032-0 to Missoula City-County Master Contract between County and MT DPHHS for period July 1, 2005-June 30, 2012 (Maternal & Child Health). Adds MCH Block Grant funding of \$130,870 for FY 2010-2011 in quarterly allotments of \$32,717.50. Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Amendment #1 - ML signed. To contract #11-07-5-01-032-0 (see above journal entry). Amendment corrects error as follows in Section 5(2): "Copies of all FICMR reviews conducted for all deaths occurring in calendar year 2010 ~~2009~~ must be sent....." Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Agreement - ML signed. Between City-County Health Dept. Nursing Division and Missoula County Public Schools for continued provision of care by Registered Dietician for nutritionally at-risk students. Term/August 30, 2010-June 10, 2011. No financial components. Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Closing Documents - BCC signed execution copies of Agreements/Certificates/Affidavit, etc. for the following Economic Development Revenue Notes, Series 2010, for the following:

- 1) \$450,000 Recovery Zone Facility Bond - Dodge Holdings, LLC Alpine Project; and
- 2) \$631,000 Recovery Zone Facility Bond - Radio Way, LLC (Langel) Project.

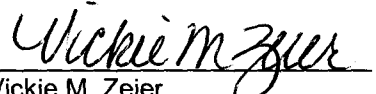
Five originals to Dorsey/Whitney to return for recording after all signatures gathered.

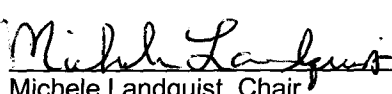
Additional discussion item(s): None.

FRIDAY, AUGUST 6, 2010

BCC met in regular session; all three present. Morning: ML gave Welcome remarks at Missoula Pioneers. Noon: BCC attended Fair Superintendent/Sponsor Luncheon, held at Fairgrounds. Afternoon: BCC did walk-through on Mullan Trail.

County Transportation Ballot - ML signed, dated August 5, 2010. Voted FOR approval of Route #2 (Potomac School: Extend current route by 3.5 miles due to addition of new students). Original to Rachel Vielleux/Supt. of Schools.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

BCC 110 PAGE 0206

MONDAY, AUGUST 9, 2010

BCC met in regular session; quorum present. JC out of office all day.

Plat – BC, ML signed. Owners-Kelly Harris/Jeffery Pedersen/John J. Harris/Becky Harris. Big Buck Subdivision (Lot 48A/Mackintosh Manor, Lots 45-48 and 16A-1A). Three lot subdivision located in the SE¼ of Section 15, T 11 N, R 20 W, PMM, Missoula County. Total gross area/5.09 acres; net/4.54 acres.

Planning Status Meeting – BCC/OPG Staff. Agenda: CANCELED.

County Payroll Transmittal Sheet – ML, BC signed. Pay Period: 16/CY2010 - Pay Date/July 30, 2010. Total Payroll/\$1,286,343.93. To County Auditor.

TUESDAY, AUGUST 10, 2010

BCC met in regular session; quorum present in morning. Morning: ML, BC judged exhibits at Western MT Fair. Afternoon: ML participated in "Cast Iron Chef Competition", held at Fairgrounds. JC out of office all day.

ADMINISTRATIVE MEETING

Board Appointment – Due to a resignation on the board, BCC appointed Kathy Maradeo as a member of the Seeley-Swan Cemetery District Board to fill an unexpired term to April 30, 2012 (at which time Ms. Maradeo will be eligible for a new three-year appointment).

Codes – BCC adopted/signed 2009 Editions of International Building/Mechanical/Fuel Gas/Existing Building/Uniform Plumbing Codes, and 2008 Edition of National Electrical Code.

Additional discussion item(s): 1) Review story of Courthouse 100th Anniversary Celebration; 2) Communication/Project Manager Job Description; 3) Open space Bond Issuance.

WEDNESDAY, AUGUST 11, 2010

BCC met in regular session; all three present. Noon: BCC attended 5th Anniversary Celebration "Country Fair", held at Fairgrounds.

Replacement Warrant - ML signed. SKC Prevention Task Force, Pablo, Principal for PHC Warrant #30156672, issued July 12, 2010 on County PHC fund. Amount/\$1,150.50 (for Task Force). Not received in mail; no bond of indemnity required.

CHIEF ADMINISTRATIVE OFFICER MEETING

Resolution No. 2010-099 – BCC approved 8/11/10; ML signed 9/23/10. Relating to project (total cost \$4,755,690) on behalf of Evans and Vertin, LLC and issuance of \$2,700,000 Recovery Zone Bond to finance costs thereof; granting preliminary approval thereto, calling a Public Hearing thereon and establishing compliance with certain Reimbursement Regulations under IRC. Four originals to Dorsey/Whitney.

Request – BCC directed staff to draft release/Buy Back Agreement for COS #5807/MDP (Cooney property), effective August 11, 2010. Original to Barb Martens/Projects. [See Letter to Mr. Cooney, August 12th].

Request – Per recommendation of MDA, BCC authorized Buy Back Agreement/immediate appraisal in preparation for repurchase of Lot 1A, Block 10, MDP – Phase 2 (Slade Properties). Original to Barb Martens/Projects.

Resolution No. 2010-098 – BCC signed, dated august 10, 2010. Adopting 2009 Editions of International Building, Mechanical, Existing Building, and Fuel Gas Codes; Uniform Plumbing Code; and 2008 Edition of National Electrical Code.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated August 10, 2010. Amount/\$4,080.58. Document to County Auditor.

Additional discussion item(s): None.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated August 11, 2010:

- 1) Denying request from Mary Nicholson Rector, Missoula, to refund penalty/interest for Taxpayer ID #5836130.
- 2) Approving request from Kristi Panion/Jared Heggen, Missoula, to refund motor vehicle taxes/fees paid in error for Title #H156018.
- 3) Approving request from Mark Warren, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #939010.
- 4) Approving request from Aaron Gingerelli/Summit Property Management LLC, Missoula, to refund penalty/interest for Taxpayer IDs #690000, 123301, 690107, 4559363, 874703, 18607, and 425408.

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- 5) To Terry Steigers, Missoula, re: request to waive taxes/penalty/interest for Taxpayer ID #90351450. MT law allows BCC to write-off personal property delinquencies that are 5+ years delinquent; this parcel will not go through mobile home tax sale process.
- 6) Approving request from Peggy Howard, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #512668.
- 7) Approving request from William/Lisa VanCanagan, Missoula, to refund overpayment of taxes for Taxpayer ID #3566701.
- 8) Denying request from Amber Wock, Missoula, to refund motor vehicle taxes/fees paid for VIN #1J4FF48SOYL167078. Vehicle was renewed late.
- 9) Approving request from Matt Long/Lazy C Enterprises, Frenchtown, to waive penalty/interest for Taxpayer ID #917608 (taxbills sent to incorrect address).
- 10) Approving request from Kelly Piche, Seeley Lake, to refund penalty/interest for Taxpayer IDs #5825537 and 5825524 (taxbills not received).
- 11) Approving request from William Bouck, Lolo, to refund motor vehicle taxes/fees paid in error for Title #G882104.
- 12) Denying request from Erin DeGroot, Lolo, to refund motor vehicle taxes/fees paid for VIN #1N4AL11D42C257933. Vehicle was not sold month it was renewed.
- 13) Approving request from Judy Hiatt, Greenough, to refund motor vehicle taxes/fees paid for vehicle no longer owned (#2493650).
- 14) Approving request from Diana Barraugh, Missoula, to refund motor vehicle taxes/fees paid in error for #2416767.
- 15) To Annie Houtchens, Missoula, re: request to delay collection of mobile home taxes for Taxpayer ID #90413370. BCC approved payment plan to pay before January 1, 2011.
- 16) Approving request from Chrystal McOmber/Sparrow Management, to waive penalty/interest for Taxpayer ID #80517636.

PUBLIC MEETING – AUGUST 11, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Chief Administrative Officer Dale Bickell, Senior Attorney Dori Brownlow (1:44 p.m.), Public Works Survey Technician Tony Holloway, Deputy County Attorney James McCubbin, Chief Public Works Land Survey Manager Steve Niday, and Public Works Director Greg Robertson.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Kandi Matthew Jenkins
 Chair Michele Landquist
 Staff comment, James McCubbin
 Discussion
 John Jenkins
 Discussion
 Peggy Morrison

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- c. Weekly Claims List - \$758,045.86
Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$758,045.86. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

- d. Public Announcements

5. DECISIONS (from July 28, 2010 Hearing)

- a. Petition to Abandon Unnamed County Road (west end of Schwenk Court to west boundary, Lot 5, Catherine Addition) - Target Range
 Chair Michele Landquist opened the hearing.
 Greg Robertson presented the viewer's report. (original staff report)
 Commissioner Jean Curtiss comment
 Public Comment
 Fred Stewart
 Staff comment, Greg Robertson, and Commissioner Jean Curtiss
 Questions from Commission
 Public Comment
 Jody Netzer-Schoening
 Executive Session
Commissioner Jean Curtiss made a motion that the Board of County Commissioners grant the abandonment as requested in the petition, recognizing that the utility easement will still exist. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

- b. Petition to Abandon a Portion of Old Hayes Creek Road (Sections 5, 8 & 9, T12N, R20W) - Near Blue Mountain
 Chair Michele Landquist opened the hearing.
 Steve Niday presented the viewer's report. (original staff report)
 Chair Michele Landquist comment
 Questions from Commission
 Public Comment
 Executive Session

Commissioner Bill Carey made a motion that the Board of County Commissioners accept the road viewer's report and abandon that certain county road specifically described in the Request for Commission Action before us. Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

6. HEARINGS (Certificates of Survey)

- a. Evanger (Brad) Family Transfer
 Chair Michele Landquist opened the hearing.
 James McCubbin presented the staff report.
 James McCubbin questioned the applicant, Brad Evanger
 Questions from Commission
 Public Comment
 Questions from Commission
 Executive Session

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the request by Brad Evanger to create one additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Jean Curtiss seconded the motion. Commissioner Jean Curtiss comment, conditioned upon the fact that the parcel has to be transferred to Mr. Evanger's ownership only before the family transfer applies. The motion carried on a vote of 3-0.

Mark Huber, quit claim deed filed, transferring parcel to Brad Evanger.

- b. DeAlba (Sharon) Family Transfer - **POSTPONE HEARING**
 Chair Michele Landquist opened the hearing.
 James McCubbin, received request to continue hearing for two weeks (staff report)
 Public Comment
 Continued hearing to August 25, 2010

7. HEARING

- a. Target Range Sewer & Water District Annual Assessment
 Chair Michele Landquist opened the hearing.
 Dale Bickell introduced the annual assessment (staff report)
 Bob Carter presented the budget of the district
 Andy Short, Target Range Sewer and Water District Administrator, Mr. Short submitted a handout to the Commissioners, the EPA 832-B-03-001, March 2003 Voluntary National Guidelines for Management of Onsite and Clustered (Decentralized) Wastewater Treatment Systems (62-page document)
 Questions from Commission
 Public Comment
 Roy Nicolet
 James Regan
 Earl Goodsell
 Chair Michele Landquist and Bob Carter
 Commissioner Jean Curtiss and Bob Carter
 Roy Nicolet
 James Regan
 Betty Jo Johnson
 Kari Brittain
 Fred Stewart
 Dale Johnson
 Roger Vanderzand
 Peggy Morrison
 Michael Chandler
 Roy Nicolet
 Dale Bickell and Cathie Cichosz, summary of public comment received
 Andy Short
 Executive Session

Commissioner Bill Carey comment
 Commissioner Jean Curtiss comment
 Chair Michele Landquist comment
 Questions from Commission

Commissioner Bill Carey made a motion that the Board of County Commissioners direct staff to prepare a resolution for Commissioners signature, setting the assessments for the Target Range Sewer and Water District for the 2010 tax bill cycle at \$23.90 per dwelling unit. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

8. OTHER BUSINESS

None

BCC 110 PAGE 0209

9. RECESS

There being no further business to come before the Board, the meeting was recessed at 3:38 p.m.

After Public Meeting, BCC signed: Resolution No. 2010-101, dated August 10, 2010. Setting/levying an assessment of \$0.0010606544 per \$1.00 of assessed value per parcel in the Seeley Lake Sewer District for one year.

THURSDAY, AUGUST 12, 2010

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Agreement Amendment – BCC signed, dated August 12, 2010. To contract between County and DTM Consulting, Inc. (dated 5/27/09) for GIS services for PLACE Project (to create maps/info on conservation resources). Amendment: 1) adds tasks related to web mapping tool creation; 2) increases cost by \$9,500; and 3) extends contract to December 31, 2011. One original to Carly Lewis/RI.

Contract – BCC signed, dated August 12, 2010. Between County and Mountain Valley Plant Management to treat approx. 12 acres of Yellowflag Iris in Clearwater River area. Term/July 23, 2010-August 30, 2010. Amount/\$15,000.

Contract – BCC signed. #STPE 32(51) between State of MT/County and L.S. Jensen for construction of Riverview Road Pathway in Seeley Lake. Amount/\$122,514. One original to C&R, others to Jeff Seaton/Public Works.

Request – Per OPG staff recommendation, BCC endorsed MT Rail Link's TIGER II capital grant application in amount of \$52 million to complete upgrade of MRL track in MT and small part of NE Idaho. Original to Ann Cundy/OPG.

Task Order – ML signed. #10-07-4-51-005-0 to Missoula City-County Unified Gov't Master Contract between County and MT DPHHS for period July 1, 2005-June 30, 2012 (HIV Prevention Services). Adds \$5,000 for nursing staff/HIV testing supplies & fees/in-state training for period July 1-December 31, 2010. Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Agreement – ML signed. Software/Service Agreement between County and Computer Software Associates for financial/taxation software and support. Available for review in Office of CFO.

Letter – BCC signed, dated August 20, 2010 to Doug Moeller, MT DOT, Missoula, relating concerns from Seeley Lake Community Council about safety of Highway 83 corridor/Salmon Lake vicinity, and asking for temporary roadside safety improvements.

Letter – BCC signed, dated August 12, 2010 to Lolo RSID No. 901 Water-Wastewater Advisory Board regarding possible dissolution of Board, due to workload being diminished.

Letter – BCC signed, dated August 12, 2010 to Julie Kies, MT DNRC, Forestry Division, Missoula, endorsing Roundwood West Corporation's DNRC Grant Application for timber harvesting/using wood chips to fuel composting business. Original to Karen Hughes/RI.

Letter – BCC signed, dated August 12, 2010 to Toni Griffin, Division of Refuge Planning, US Fish & Wildlife Service, Denver, commenting/supporting proposed expansion of Blackfoot Valley Conservation Easement Program and creation of Swan Valley Conservation Easement Program.

Letter – BCC signed, dated August 12, 2010 to Scott Cooney, Missoula, approving his request to be released from buy-back agreement on COS #5807 (portion of Tract C-1 of COS #5891). Original to Barb Martens/Projects.

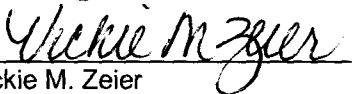
BCC signed Resolution No. 2010-102 approved August 11, 2010 setting assessments for Target Range Sewer District.


Additional discussion item(s): None.

FRIDAY, AUGUST 13, 2010

BCC met in regular session; quorum present. ML out of office all day at Western MT Fair.

Plat – BC, JC signed. Owners-John J. & Jodi S. Monahan. Golden West Addition/Lot 20. Located in the E½ of Section 15, T 13 N, R 20 W, PMM, Missoula County. Total area/2.26 acres.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, AUGUST 16, 2010

BCC met in regular session; all three present.

TUESDAY, AUGUST 17, 2010

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated August 5, 2010. Between County and James Ammen, for Pharmacy Director services at PHC. Term/July 1, 2010-June 30, 2012. Amount/\$110,000 yearly.

Contract – BCC signed, dated August 4, 2010. Between County (PHC) and MacArthur, Means & Wells, Architects, for design of Medical Office (3,200 sq. ft.) at former Creamery Building. PHC to compensate MMW 8.5% of total construction cost (described in Section 1.1). Term: July 1, 2010-June 30, 2011. Three originals to Brenda Lynch/ PHC for further signatures/handling.

Memorandum of Agreement – BCC signed. Between County and MT DOT to provide funding to overlay Frenchtown Frontage Road. Terms include funding of \$150,000 per year for three years. Original to Greg Robertson/Public Works for further handling.

Letter and Request – BCC signed letter, dated August 17, 2010. Second submittal to DEQ Open Cut Mining Program re: Knife River's proposed plans to amend Open Cut Mining Permit at Fort Missoula. (Comments previously sent June 27, 2010). BCC also authorized ML to sign required Request for Public Meeting to accompany letter. Originals to DEQ.

2011 Budget Enhancement Requests – BCC reviewed numerous items and approved following: 1) \$5,000 for Clerk & Recorder to purchase LED sign for customers; 2) \$75,000 for Fair to settle contract of former Fair Manager; 3) \$75,000 for Fair to repave parking lot near Glacier Ice Rink; and 4) \$1,000 for Fin. Admin. for Co-op Housing Initiative. Matrix available in BCC Office for Review.

Letter – BCC signed, dated August 18, 2010 to Robert Olson, Economic Development Administration, Denver, supporting MonTEC and University of Montana's application for EDA funds to renovate MonTEC.

Additional discussion item(s): None.

WEDNESDAY, AUGUST 18, 2010

BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 17/CY2010 - Pay Date/August 13, 2010. Total Payroll/\$1,223,734.55. To County Auditor.

Resolution No. 2010-103 – BCC signed, dated August 18, 2010. Relating to rezoning Lots A, B1, C & D1, Block 21 of East Missoula Addition, Section 24, aka 3580 Highway 200 E, from General Commercial to Residential.

Resolution No. 2010-104 – ML signed, dated August 18, 2010. Relating to \$3,325,000 Open Space General Obligation Bonds/Series 2010; Authorizing Issuance and Calling for the Public Sale Thereof. Four originals to Dorsey, Whitney; one original to CFO.

Resolution No. 2010-105 – BCC signed, dated August 18, 2010. To enact Conditional Fee Use Fees for permits and zoning applications.

Letter – BCC signed, dated August 23, 2010 to Dan Corti, Missoula, denying his request to waive \$75 fee on petition to abandon a portion of O'Brien Creek Road. To continue with petition process, petitioners must pay fee.

Contract – BCC signed. Between County and Hall-Widdoss & Co. to complete a Summary Appraisal Report for Lot 1A/Block 10/MDP-Phase 2. Term/August 18-September 15, 2010. Amount/\$2,250. Original to Barb Martens/Projects. [With signing of this contract, previous March 24, 2010 contract for an appraisal for Tract 'C' of COS #5807 is terminated (except \$500 partial payment for work completed/included in \$2,250 total amount above)].

Agreement – BCC signed, dated August 18, 2010. Between County and Missoula RFD for pro-rata share of the purchase of a fire safety apparatus/equipment for Fire Station #2 on Highway 10 West, Missoula. Term/July 1, 2010-June 30, 2011. County's share/\$105,005 (from MDP Industrial Tax Increment Financing District budget). Original to Barb Martens/Projects.

Additional discussion item(s): Space needs update.

PUBLIC MEETING – AUGUST 18, 2010**1. CALL TO ORDER**

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Office of Planning and Grants Planner Jamie Erbacher and Deputy County Attorney James McCubbin.

2. PLEDGE OF ALLEGIANCE

BCC 110 PAGE 0211

3. PUBLIC COMMENT

Travis White
Chair Michele Landquist for Jerry Ballas

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- e. Weekly Claims List - \$1,843,023.52
Commissioner Bill Carey made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$1,843,023.52. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

- f. Public Announcements

5. HEARING (Certificate of Survey)

- a. Massey Boundary Line Appeal
Chair Michele Landquist opened the hearing.
James McCubbin presented the staff report, additional information.
Questions from Commission
Applicant's representative presentation, Kurt Luebke
Staff questions, James McCubbin and discussion
Tamara Massey
Staff comment, James McCubbin
Questions from Commission and discussion
Staff comment, James McCubbin, recommendation and discussion
Commissioner Jean Curtiss comment
Commissioner Bill Carey and James McCubbin
Discussion of recommendation
Public Comment
Chair Michele Landquist comment
Commissioner Jean Curtiss
Staff comment, James McCubbin
Discussion
Commissioner Bill Carey, recommend postpone action
Discussion
Executive Session
Chair Michele Landquist comment
Commissioner Bill Carey comment
Commissioner Jean Curtiss and James McCubbin
Staff comment, James McCubbin, recommended language
Commissioner Jean Curtiss comment and James McCubbin
Questions from Commission
Discussion
Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve this [Massey Boundary Line Appeal] contingent upon establishing of two separate parcels, either through the courts, or through family transfer, or evidence of a county policy or memo that said this was the County practice at the time. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.
Commissioner comments

6. HEARING

- a. Adopt a Resolution Proposing New Conditional Use Fees
Chair Michele Landquist opened the hearing.
Jamie Erbacher presented the staff report.
Questions from Commission
Public Comment
Terry Wall
Executive Session
Commissioner Bill Carey made a motion that the Board of County Commissioners adopt the Missoula County Conditional Use Fee Resolution and Schedule, Attachment A and B as proposed. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

7. OTHER BUSINESS**8. RECESS**

There being no further business to come before the Board, the meeting was recessed at 3:05 p.m.

THURSDAY, AUGUST 19, 2010

BCC met in regular session; all three present. Afternoon: BCC attended Retirement Party for Bob Mayte of Road Department.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated August 19, 2010. Between County and CTA Architects for design and engineering services for detention facility rooftop penthouse to house new hot water boilers.

BCC 110 PAGE 0212


Amount/\$14,300 (from OPG grant/funds from Sheriff's Dept.) Term/August 10, 2010-January 15, 2011. Two originals to Larry Farnes/F. Maintenance.

Additional discussion item(s): 1) Stimson Lumber's Site Disposal proposal to DEQ; 2) Highway 83 traffic report/request from Seeley Lake Community Council.

FRIDAY, AUGUST 20, 2010

BCC met in regular session; all three present. Morning: JC attended CDC Meeting.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, AUGUST 23, 2010

BCC met in regular session; all three present. Afternoon: BCC accompanied Sarah Richey on Ninemile Restoration Tour.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Invermere Addition Subdivision Phasing Plan Amendment (action); 3) OPG Director's Update.

Letter – BCC signed, dated August 31, 2010 to Drake Lemm, Lolo, conditionally approving amendment to Phase 2A of Invermere Subdivision. Final Plat submittal deadline extended to November 4, 2010 (subject to Condition of Approval #26 and the statement in RCA dated August 20, 2010).

TUESDAY, AUGUST 24, 2010

BCC met in regular session; all three present. Morning: BCC participated in tour of Roseburg Forest Products. Afternoon: BCC met with Tracy Stone Manning and Senator Tester's Chief of Staff at Tester's Missoula office.

ADMINISTRATIVE MEETING

Easement and Resolution – ML signed Public Utility Easement, dated August 20, 2010, between DICH, LLP, JFJ Properties, LLC and Lolo Sewer and Water District, RSID 8901 for water and sanitary sewer line location/use/maintenance. BCC signed Resolution No. 2010-106, dated August 27, 2010 abandoning portion of Lewis & Clark Drive and portion of Lolo to Lolo Hot Springs Road. Public Hearing held February 3, 2010.

Letter – BCC reviewed/ML signed FY11 Emergency Management Performance Grant (EMPG) #FY 2010-2010-EP-E0-0015 acceptance letter, for assistance in funding emergency management. Grant amount/\$82,153; requires 50% match. Original to Bob Reid/ES.

Master Service Agreement – ML signed, dated August 24, 2010. Between County and Blackfoot Communications for telephone/data service to backup 9-1-1 Center. Term/60 months. Amount/\$900 per month from 9-1-1 Trust. Two originals to Bob Reid/ES for further signatures/handling.

Task Order – ML signed. #11-07-5-31-012-0 to Missoula City-County Master Contract between County and MT DPHHS for period July 1, 2005-June 30, 2012 (Public Health Home Visiting). Provides funding of \$85,076 for SFY 2011. Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Memorandum of Understanding – BCC signed, dated August 24, 2010. Between County and City of Missoula for installation of private (County) communication lines within City public rights-of-way. Two originals to Larry Farnes/Facilities Mgmt for further signatures/handling. [This MOU replaced on 8/26/10].

Resolution No. 2010-107 – BCC signed, dated August 24, 2010. Budget Amendment showing variety of expense budget increases to account for overages in the individual department budgets. For total disclosure, expenditures included in formal FY10 Operating Budget/Revenue Estimates for County. Resolution available in BCC Office for review.

Grant Award – ML signed Signature Page for BOCC JABG Grant. Amount/\$80,047 (with County 10% match). Original to B. Johnson/District Court.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated August 23, 2010. Amount/\$70,012.73. Document to County Auditor.

Additional discussion item(s): Thursday, September 2, 2010 Schedule; move Admin. meeting to 3:30 pm.

WEDNESDAY, AUGUST 25, 2010

BCC met in regular session; all three present. Morning: BCC accompanied Peter Nielsen, et al on Milltown Site Tour.

COMBINED CHIEF ADMINISTRATIVE/COUNTY ATTORNEY'S OFFICE MEETING

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated August 25, 2010. Amount/\$1,374.38. Document to County Auditor.

Additional discussion item(s): County attorneys Office update.

PUBLIC MEETING – AUGUST 25, 2010**1. CALL TO ORDER**

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Mapping/GIS Supervisor Doug Bureson, Assistant Chief Deputy Clerk & Recorder Kim Cox, and Deputy County Attorney James McCubbin,.

2. PLEDGE OF ALLEGIANCE**3. PUBLIC COMMENT****4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS**

g. Weekly Claims List - \$394,291.32

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$394,291.32. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

h. Public Announcements

5. HEARING (Certificate of Survey) - postponed from August 11, 2010

a. DeAlba (Sharon) Family Transfer

Chair Michele Landquist opened the hearing. Postpone hearing

James McCubbin explained the postponement (staff report).

Public Comment

Continue hearing to October 20, 2010

6. HEARINGS

Considered both annexations together

a. Petition to Annex into Missoula Rural Fire District (3825 Dry Gulch Road) (staff report)

b. Petition to Annex into Missoula Rural Fire District (3850 Dry Gulch Road) (staff report)

Chair Michele Landquist opened the hearing.

Staff comment, Doug Bureson (link map)

Staff comment, James McCubbin, recommended holding hearings jointly

Continued Staff comment, Doug Bureson (map of changed addresses), 2905 Crows Roost Road instead of 3825 Dry Gulch Road and 3273 Crows Roost Road instead of 3850 Dry Gulch Road

Questions from Commission

Staff comment, James McCubbin and Doug Bureson

Kim Cox verified the petition.

Paul Finlay, Missoula Rural Fire District

Questions from Commission

Public Comment

Executive Session

Commissioner Bill Carey made a motion that the Board of County Commissioners accept the petitions that have been received by the Clerk & Recorder's Office to annex parcels of land located in Missoula County into the Missoula Rural Fire District. The addresses of those parcels are 2905 Crows Roost Road, which was formerly 3825 Dry Gulch Road and 3273 Crows Roost Road, which formerly was 3850 Dry Gulch Road. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

7. OTHER BUSINESS**8. RECESS**

There being no further business to come before the Board, the meeting was recessed at 1:50 p.m.

THURSDAY, AUGUST 26, 2010

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated August 20, 2010. Between County and Weld Tech for new garage/bay door and installation at Greenough/Potomac Volunteer Fire Station for energy efficiency. Total/\$2,033 (from DEQ EECBG funding). Term/ September 1-November 1, 2010.

Contract – BCC signed, dated August 25, 2010. Between County and Black Bear Insulation (contingent on funding) for insulation improvements/upgrades at Greenough/Potomac Volunteer Fire Station. Total/\$7,110 (from DEQ EECBG funding). Term/September 1-November 1, 2010.

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Contract – BCC signed, dated August 20, 2010. Between County and Hall Building & Excavation for excavation/concrete work at Greenough/Potomac Volunteer Fire Station to repair damage/prepare area for new garage/bay door installation. Total/\$2,245 (from DEQ EECBG funding). Term/September 1-November 1, 2010.

Settlement Agreement – ML signed Agreement/Stipulation for Dismissal for Cause No. DV-09-260, MT Fourth Judicial District Court, Missoula County (Judge Harkin) for Missoula County vs. James W. Adair/Cornelia C. Adair. Original to James McCubbin/County Attorney.

Change Order #2 – ML signed. To contract between County and Valley Landscape, Inc. to add additional ten days to contract time for landscaping services within Parks 4, 5, 7 & 8/MDP. New contract deadline is September 11, 2010. No additional cost for Change Order #2.

Memorandum of Agreement – BCC signed. Between City-County Health Department and DeSmet School District for RN nursing services for school year 2010-2011 (August 1, 2010-June 30, 2011). Amount/not to exceed \$7,200. Two originals to Julie Mohr/Health Dept.

Memorandum of Understanding – BCC signed, dated August 26, 2010. [Replaces MOU signed 8/24/10]. Between County and City of Missoula for installation of private (County) communication lines within City public rights-of-way. Two originals to Larry Farnes/Facilities Mgmt for further signatures/handling.

Statement of Facts – BC signed, dated August 26, 2010. For following three vehicles purchased from Public Works by Gary Hutchinson, Hamilton: Title #W127404; Title #K348801; and Title #498329. Forms faxed/mailed to Mr. Hutchinson.

Resolution No. 2010-108 – BCC signed, dated August 26, 2010. Abandoning portion of Bedard Street, located in Frenchtown/Section 34 of T 15 N, R 21 W, PMM. Public Hearings held June 23rd, July 7th, and July 28, 2010.


Additional discussion item(s): Community Matters Conference in Denver, October 5-8, 2010.

FRIDAY, AUGUST 27, 2010

BCC met in regular session; all three present.

Plat – BCC signed. Owner-Raymond Opsand. Opsand Subdivision. Tract C of COS 4514, located in the S½ of Section 29, T 15 N, R 21 W, PMM, Missoula County. Total area/5.21 acres.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, AUGUST 30, 2010

BCC met in regular session; all three present. Noon: JC attended "Leadership Montana" Alumni Lunch, held at 1st Interstate Bank. Afternoon: BCC attended meeting with Senator Tester, held at Library.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Lexi Hills Ranch Subdivision Creation of Phasing Plan (*action*); 3) Chamberlin Shoreline Permit (*action*); 4) OPG Director's Update.

Letter – BCC signed, dated September 21, 2010 to Josh Gill, Renton, WA approving phasing plan for Lexi Hills Subdivision (subject to Conditions of Approval as amended). Plat approval expiration date is March 26, 2013 (Phase 1); March 26, 2015 (Phase 2); and March 26, 2020 (Phase 3).

Shoreline Permit – BCC approved, ML signed. #10-10 for Permit w/out Variance Applicant Patricia Chamberlin to improve dock at Jewel Big Sky Lake Estates Addition. Original to Mitch Doherty/OPG.

TUESDAY, AUGUST 31, 2010

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Lease Agreement – BCC signed, dated January 1, 2011. Between County and Chris & Marie-Ange Buzan for lease renewal of office space at 127 W. Spruce that houses Missoula in Motion/OPG Transportation/two Grants staff members. Term/January 11-December 31, 2011. Amount/\$2,650 per month.

Letter – ML signed MDOC letter (dated August 18, 2010) acknowledging receipt of \$13,000 additional funds for Courthouse HVAC System renovations, funded under 2009 HB 645. One original to MDOC with budget; one original to Philip Maechling/OPG.

Contract Amendment – BCC signed, dated August 31, 2010. Between County and Rocky Mountain Capitol, LLC (Marnie Russ) for consulting services to help obtain federal funding for three Public Works-related projects. Contract term extended to December 31, 2011. Amount/\$12,500 per month. Original to Greg Robertson/Public Works for further signatures/handling.

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Grant Award Documents – ML, JC signed CDBG grant contract/documentation (#MT-CDBG-ED10-03) between County and State of Montana DOC on behalf of Kelly Logging, Inc. Amount/\$300,000 (includes \$12,000/MAEDC administration). Originals to Cindy Wulfekuhle/OPG for further signatures/handling.

Requests – BCC reviewed/approved two requests from Poverello Center ("PC"): 1) \$10,000 from County CDBG RFL funds to modify access to basement of PC for more functional/secure entry; and 2) \$10,400 from Poor Fund for Salcido Center operating funds. Originals to Cindy Wulfekuhle/OPG.

Contract Amendment – BCC signed, dated August 31, 2010. To contract between County and PROS Consulting (3/23/10) for Parks and Trails Planning services. Amendment is for enhanced survey services to include sampling of residents in City. Additional amount/\$9,932. Two originals to Lisa Moisey/County Parks for further signatures/handling.

Letter – BCC signed, dated August 31, 2010 to Mack Long, MT FWP, Missoula, supporting acquisition of 24,170-acre former Plum Creek Timber land in Clearwater River drainage (Marshall Creek Wildlife Management Area) by MT FWP as part of MT Legacy Project. Original to Sarah Richey/RI.

Additional discussion item(s): None.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: SEPTEMBER 2010	NOV 10 0216
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BCC = BOARD OF COUNTY COMMISSIONERS

ML = Commissioner Michele Landquist, Chair

JC = Commissioner Jean Curtiss

BC = Commissioner Bill Carey

The following Claims Lists were signed during the month of SEPTEMBER 2010:

Date Signed	Claims List Date	Who signed	Amount
September 1, 2010	August 31, 2010	BCC	\$275.41
			\$18,578.12
			\$104,864.19
			\$97,303.35
September 1, 2010	September 1, 2010	BCC	\$19,546.25
September 2, 2010	September 2, 2010	BCC	\$44,348.21
			\$11,341.23
			\$49,217.57
			\$44,210.73
September 3, 2010	September 3, 2010	BC, JC	\$16,855.60
September 7, 2010	September 7, 2010	BCC	\$27,171.11
			\$16,732.15
September 8, 2010	September 7, 2010	BCC	\$29,347.04
September 8, 2010	September 8, 2010	BCC	\$74,445.11
			\$3,869.59
			\$95,892.27
September 9, 2010	September 8, 2010	ML, JC	\$54,869.24
September 14, 2010	September 13, 2010	JC, BC	\$1,210,178.33
			\$3,636.03
			\$3,376.23
			\$37,249.84
			\$217,123.53
			\$17,912.47
			\$219,436.53
September 15, 2010	September 15, 2010	JC, BC	\$51,275.76
			\$2,168.13
			\$11,047.98
			\$2,555.36
			\$5,829.27
			\$272,052.35
September 20, 2010	September 20, 2010	JC, BC	\$45.60
			\$237.75
September 21, 2010	September 29, 2010	BCC	\$15,356.53
September 21, 2010	September 21, 2010	BCC	\$21,779.86
			\$85,077.71
September 21, 2010	September 21, 2010	JC, ML	\$3,097.92
			\$53,958.77
			\$1,223.07
September 22, 2010	September 21, 2010	BCC	\$80,629.83
			\$19,452.71
			\$16,473.64
			\$112,565.49
			\$36,791.01
September 22, 2010	September 22, 2010	BCC	\$26,508.12
September 23, 2010	September 22, 2010	BCC	\$3,336.02
			\$2,083.92
			\$18,480.84
			\$669.50
September 23, 2010	September 23, 2010	BCC	\$45,796.97
			\$22,272.27
September 24, 2010	September 23, 2010	JC, BC	\$7,865.96

September 27, 2010	September 23, 2010	ML, BC	\$16,588.06
September 27, 2010	September 24, 2010	ML, BC	\$1,743.01
September 30, 2010	September 29, 2010	ML, JC	\$49,411.76
			\$195.09
			\$742.10
			\$3,386.20
			\$18,495.86

All Claims Lists were returned to the Accounting Department.

WEDNESDAY, SEPTEMBER 1, 2010

BCC met in regular session; all three present.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending August 31, 2010.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending August 31, 2010.

CHIEF ADMINISTRATIVE OFFICER MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 18/CY2010 - Pay Date/August 27, 2010. Total Payroll/\$1,276,055.00. To County Auditor.

Request – Consider support for MAEDC clients seeking grant funding for planning (Pimlico Studios and Little Red Hills, LLC). [See letters of support, September 2nd Journal entry.]

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated August 31, 2010. Amount/\$18,154.21. Document to County Auditor.

Additional discussion item(s)

PUBLIC MEETING – SEPTEMBER 1, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey, and Commissioner Jean Curtiss. Absent: None.

Staff Present: Chief Civil Deputy County Attorney Marnie McClain and Public Works Director Greg Robertson.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

a. Weekly Claims List (\$691,974.76)

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$691,974.76. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

b. Public Announcements

5. BID AWARD (Public Works)

a. East Missoula Lions Park Parking Lot Resurfacing

Chair Michele Landquist opened the hearing.

Greg Robertson presented the staff report.

Questions from Commission

Executive Session

Commissioner Jean Curtiss made a motion that the Board of County Commissioners award the contract to L.S. Jensen in the amount of \$21,380.00 as they are the only bidder, but have met all the qualifications in the bid. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

6. OTHER BUSINESS

7. RECESS

There being no further business to come before the Board, the meeting was recessed at 1:32 p.m.

Memorandum of Understanding – Following Public Meeting, BCC signed, dated September 1, 2010. Newly standardized MOU between County and approved search/rescue organizations within the county. This MOU provides official recognition of the Seeley-Swan Search and Rescue Association, Inc. One original to Mike McMeekin/Sheriff.

THURSDAY, SEPTEMBER 2, 2010

BCC met in regular session; all three present in afternoon. Morning: JC attended Missoula Best Place Project Evaluation Committee Meeting; ML attended Clark Fork River Basin Steering Committee Meeting.

ADMINISTRATIVE MEETING

Memorandum of Agreement – BCC approved/ML signed. Agreement #3 (3rd year of 3-year grant) between County (OPG) and Frenchtown Public Schools for School Year 2010-2011 Project Action Grants to Reduce Alcohol Abuse. Term/July 1, 2010-June 30, 2011. Amount/\$101,397 to staff/provide operating expenses for both Frenchtown and Seeley Lake. One original to Peggy Seel/OPG.

Agreement – ML signed, effective as of September 2, 2010. Between County and Professional Consultants, Inc. for design/construction oversight of Upper Miller Creek Road Project. Term/July 1, 2010-June 30, 2011. Funding provided by federal funding and Twite Family Partnership. Three originals to Greg Robertson/Public Works.

Memorandum of Agreement – BCC signed, dated September 2, 2010. Between County and Twite Family Partnership for the Upper Miller Creek Road Project [see previous entry]. Twite will provide up to \$800,000 for project.

Bond Purchase Agreement – BC signed. Relating to issuance of Limited Tax General Obligation Bonds in support of County's Larchmont Golf Course Improvement Project in par amount of \$1,060,000.

Letter – BCC signed, dated September 2, 2010 to Ken Farago, Roseburg Forest Products, Missoula, thanking him for interesting/informative tour of Roseburg Forest Products.

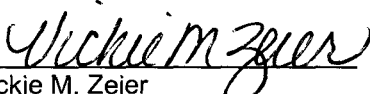
Letter – BCC signed, dated September 1, 2010 to Dick King, MAEDC, Missoula, supporting Big Sky Trust Fund Category II Application – Little Red Hills, LLC (\$25,000 grant request for study of new nutrition bar/meal supplement).


Letter – BCC signed, dated September 1, 2010 to Dick King, MAEDC, Missoula, supporting Big Sky Trust Fund Category II Application – Pimlico Studios (\$20,000 grant request for preliminary architectural specs for a multi-media sound stage/film-production facility in Missoula County).

Additional discussion item(s): 1) MT Economic Development Summit (Sept. 13-14, 2010 in Butte); 2) Extension of Grant Funds for Safe Haven's Planet Kids Program (signed September 9th).

FRIDAY, SEPTEMBER 3, 2010

BCC did not meet in regular session. ML and BC out of the office all day.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, SEPTEMBER 6, 2010

THE COURTHOUSE WAS CLOSED FOR THE LABOR DAY HOLIDAY

TUESDAY, SEPTEMBER 7, 2010

BCC met in regular session; all three present.

Replacement Warrant - ML signed. Donald G. Millhouse, Jr., Principal for Fair Warrant #157876, issued July 27, 2010 on County 2160 fund. Amount/\$45.46 (for parts reimbursement). Warrant lost; no bond of indemnity required.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending August 31, 2010.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Emerald Estates Subdivision (creation of Phasing Plan)(action); 3) OPG Director's Update.

Letter – BCC signed, dated September 17, 2010 to JTL Land & Park, Inc., approving amendment creation of Emerald Estates Subdivision Phasing Plan, subject to amended conditions of approval.

ADMINISTRATIVE MEETING

Revised Memorandum of Agreement – ML signed. Between Missoula Brownfields Cleanup Revolving Loan Fund ("MBCRLF") and MBCRLF-ARRA. Supersedes Agreement of November 2008 for the management of the MBCRLF. Three originals to John Adams/OPG for further signatures/handling.

Additional discussion item(s): Realignment of Sheriff's Department (with Mike McMeekin).

WEDNESDAY, SEPTEMBER 8, 2010

BOOK 110 PAGE 0219

BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Contract – BCC signed, dated September 8, 2010. Between County and Dr. David Christiansen, as Medical Adviser for City-County Health Dept. Term/July 1, 2010-June 30, 2011. Amount/\$8,000. Two originals to Julie Mohr/Health Dept.

Board Appointments – Due to two board resignations (Chuck Tiernan and Angela Goodhope), BCC appointed Joseph Swanson and Bobby Long to fill unexpired terms on the Marijuana Initiative Oversight Committee. Mr. Swanson's term ends in 2011; Mr. Long's term ends in 2012.

Additional discussion item(s): Stimson Cleanup briefing with DEQ.

PUBLIC MEETING – SEPTEMBER 8, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: None.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

c. Weekly Claims List - \$239,223.64

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$239,223.64. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

d. Public Announcements

5. OTHER BUSINESS

6. RECESS

There being no further business to come before the Board, the meeting was recessed at 1:31 p.m.

FINAL FY2011 BUDGET HEARING

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 2:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Chief Financial Officer Andrew Czorny and County Attorney Fred VanValkenburg.

2. FINAL BUDGET HEARING FY 2010

Andrew Czorny presented the staff report. (PowerPoint)

Public Comment

Lynette Diez, CASA

Skip Rosenthal, Western Montana Addiction Services

Eilene Sampson, Missoula Aging Services

Gypsy Ray, Mountain Home Montana

Heidi Wallace, National Coalition Building Institute of Missoula

Christa Weathers, Missoula AIDS Council

Teresa Nygard, Parenting Place

Patty Murphy, YWCA

Peggy Seal, Missoula Forum for Children and Youth

Chair Michele Landquist comments

The hearing concluded at 3:12 p.m.

The final budget will be adopted by the Board of County Commissioners on September 14, 2010.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated September 9, 2010:

- 1) Approving request from Christi Coburn, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #1287799.
- 2) Approving request from Steve/Julie Tobin-Scheer, Huson, to refund penalty/interest for Taxpayer ID #613805.

- 3) Approving request from Lawrence Hayer, Missoula, to refund motor vehicle taxes/fees paid in error for VIN#3GNFK16R4XG257207.
- 4) Denying request from Robert T. Burke, Condon, to refund penalty/interest for Taxpayer ID #1883902.
- 5) Approving request from Bennett Law Office, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #2421281.
- 6) Approving request from Justin Thornsberry, Condon, to refund motor vehicle taxes/fees paid in error for Vehicle #2564673.
- 7) Approving request from Amy Tamietti, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #2420478.
- 8) Approving request from Margaret/Jillian Carnes, Hiawasse, GA, to refund overpayment for Taxpayer ID #4540833 and #1540307.
- 9) To Stone Mountain LTD, Missoula, requesting return of \$189.80 issued to them in error for Taxpayer ID #1540307.
- 10) To LeRoy/Theresa McClure, asking them to provide copy of tribal member enrollment document to Dept. of Revenue for review and possible mobile home tax exemption.

THURSDAY, SEPTEMBER 9, 2010

BCC met in regular session; quorum present. BC on vacation through September 10th.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated September 9, 2010. Between County and BTO, inc. (d/b/a Axmen) for improvements to Greenough/Potomac/Bear Creek Fire Stations. Term/September 15, 2010-November 1, 2010. Amount/\$9,125.

Contract – BCC signed, dated September 2, 2010. Between County and Advanced Energy, Inc./Good Environmental Services for insulation improvements/upgrades at PHC Creamery Building. Term/September 7, 2010-November 1, 2010. Amount/\$3,282.48.

Resolution No. 2010-110 – ML signed, dated September 9, 2010. Qualifying Resolution for Quebec-Deschamps Open Space Bond Project – City portion of funds (\$175,000).

Resolution No. 2010-111 – ML signed, dated September 9, 2010. Qualifying Resolution for Quebec-Deschamps Open Space Bond Project – County portion of funds (\$175,000).

Contract – BCC signed, dated September 9, 2010. Between County and UofM Psychology Dept. for student(s) assistance at PHC for mental health intakes. Term/August 1, 2010-May 31, 2011. Amount/\$8,232. Three originals to Mary Jane Nealon at PHC.

Memorandum of Understanding - Addendum – BCC signed. Between County (Sheriff Dept.) and Missoula City Police Dept. re: MPAT project/equipment. Cost to MCSD to participate and share equipment/\$2,500. Two originals to Dawn/Sheriff's Dept.

Amendment #3 – BCC signed. Between County and WGM for Wye Area Sewer Phase 2A Project. Amendment adds additional services for warranty work. Amount/\$60,000; new contract amount/\$1,149,440.00. One original to Greg Robertson/Public Works.

Resolution No. 2010-109 – ML signed, dated September 9, 2010. Relating to Recovery Zone Bond Allocation (approx. aggregate principal amount/\$980,844) for Garlington/Lohn/Robinson Project and Calling a Public Hearing Thereon. Four originals to Dorsey Whitney.

Request – BCC signed letter, dated September 9, 2010, to Virginia Baran, OVAW, Washington, D.C., requesting a no-cost extension to expend unobligated Safe Havens (Planet Kids Program) Grant Award 2004-CW-AX-0010 funds to new project end date of September 30, 2011. Award funds remaining/\$117,314. Original to Nancy Rittel/OPG.

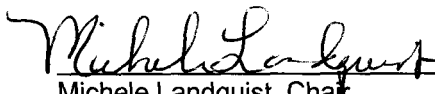
Additional discussion item(s): None.

FRIDAY, SEPTEMBER 10, 2010

BCC met in regular session; quorum present. BC on vacation through this date.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated September 9, 2010. Amount/\$35,999.94. Document to County Auditor.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, SEPTEMBER 13, 2010

BCC did not meet in regular session. JC at MT Economic Development Summit in Butte; ML on vacation through September 20th.

Indemnity Bond – BC (Acting Chair) signed. Dalton Clark, Missoula, Principal for Western MT Fair Warrant #31311541, issued August 27, 2010 on County Fair Fund. Amount/\$326.46 (for wages). Warrant lost.

Planning Status Meeting – BCC/OPG Staff – **CANCELED**.

TUESDAY, SEPTEMBER 14, 2010

BCC met in regular session; quorum present. ML on vacation through September 20th.

ADMINISTRATIVE MEETING

Shoreline Permit – [BCC approved 7/7/10]; BC signed (with conditions). #10-08 for Applicant Bill Junkermier to construct boat ramp at Lot #73 of Diamond L Bar Ranch Lake Shore Tract 3, Lindbergh Lake. Original to Mitch Doherty/OPG.

2011 Budget Enhancement Requests (#59-#62) – BCC reviewed/approved. #59-#61 for OEM; all funded through grants or transfers from 911 trust. #62 for purchase/installation of five additional Automated Emergency Defibrillators in County; General Fund cost of \$7,500. Originals to Andrew Czorny/CFO.

Contract – BCC signed, dated September 15, 2010. Between County and LS Jensen Construction/Ready Mix for East Missoula Lions Park Parking Lot Resurfacing Project. Contract bid amount/\$21,380. One original to Greg Robertson/Public Works.

Request – BCC considered and awarded right of way negotiations work to DJ&A, P.C. for Petty Creek Road reconstruction project. [Two statements of qualifications received.] Original to Greg Robertson/Public Works.

Grant Award Documents – Acting Chair BC signed Award/Special Conditions for MT BOCC JABG Subgrant (#10-A15-90841) for 2010-2011 personnel/contract services, etc. for Habitat for Humanity services in supervising juveniles, as part of JAI. Amount/\$80,047. Original to Leslie Halligan/County Attorney's Office.

Resolution No. 2010-112 – Acting Chair BC signed, dated September 14, 2010. Relating to \$3,325,000 Open Space General Obligation Bonds/Series 2010; awarding the sale thereof to Raymond James of Memphis, TN and approving the Official Statement relating thereto. One original to Dorsey Whitney.

Resolution No. 2010-113 – BCC signed, as follows:

**ADOPTING A BUDGET FOR MISSOULA COUNTY
FOR FISCAL YEAR 2010-2011**

WHEREAS, PURSUANT TO SECTION 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 2010-2011, 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; 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

NOW, THEREFORE, BE IT RESOLVED, that the final County Budget for Fiscal Year 2010-2011 be as set out in Attachments A, B and C, and the same is hereby adopted as the final budget, subject to the conditions set forth below.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the levies as detailed below be fixed and adopted for Fiscal Year 2010-2011, based on the mill value of \$192,774 County-wide, and a value of \$88,965 outside the City limits of Missoula, and a value of \$190,994 for the Open Space Bonds which tax all non-timber and non-agricultural lands within the County.

Fund	Mills	Attachment
Countywide		
General	39.68	A, B, and C
Poor	5.17	A and C
Bridge	4.81	A and C
Weed	2.37	A and C
Child Daycare	0.33	A and C

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Fair	0.35	A and C
District Court	3.06	A and C
Park	1.18	A and C
Library	11.79	A and C
Planning	3.32	A and C
Substance Abuse Prevention Levy	1.91	A and C
Aging	3.19	A and C
Extension	1.72	A and C
Mental Health	0.57	A and C
Search & Rescue	0.41	A and C
Public Safety	42.07	A and C
Permissive Medical Levy	4.15	A and C
Museum	2.25	A and C
Technology	2.57	A and C
Risk Management	2.65	A and C
	133.55	

Debt Service

Risk Management Bond	0.59	A and C
Jail Bond	5.66	A and C
Open Space Bond	2.33	A and C
Total Debt Service	8.58	

Total County-Wide

142.13

County Only

Road	23.22	A and C
Health	9.14	A and C
Animal Control	1.60	A and C
Permissive Medical Levy (County Only)	1.82	A and C

County Only

35.78

177.91

DATED THIS 14th DAY OF AUGUST, 2010

APPROVED AS TO FORM & CONTENT:

s/ Marion E. McLean
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS

s/ Michele Landquist
Michele Landquist, Chairman

ATTEST:-

s/ Vickie M. Zeier
Vickie M. Zeier, Clerk & Recorder

Bill Carey
Bill Carey, Commissioner
s/ Jean Curtiss
Jean Curtiss, Commissioner

Attachments A, B and C to Resolution 2010-113 are on file in the Clerk and Records Office.

Resolutions – BCC signed two Resolutions, dated September 14, 2010, annexing following parcels of land to Missoula Rural Fire District:

- 1) #2010-114 – 3273 Crows Roost Road, Missoula; situated in SW¼, NE¼, NE¼, Section 11, T 13 N, R 21 W, Missoula County; and
- 2) #2010-115 – 2905 Crows Roost Road, Missoula; situated in Section 13, T 21 N, R 11 W, Missoula County.

Additional discussion item(s): None.

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WEDNESDAY, SEPTEMBER 15, 2010

BCC met in regular session; quorum present. ML on vacation through September 20th. Late afternoon: JC attended Resource Advisory Committee Meeting.

CHIEF ADMINISTRATIVE OFFICER MEETING

Replacement Warrant – BC (Acting Chair) signed. Pronto Process Service, Missoula, Principal for Accounting Warrant #30159617, issued August 27, 2010 on County Payroll fund. Amount/\$253.22 (for wage attachment/Eric Wright). Not received in mail; no bond of indemnity required.

Contract – BCC signed, dated September 15, 2010. Between County and Cynthia John Vugteveen/SatComm Support for installation/project oversight for communications equipment to bring Miller Peak radio site online for County use. Amount/up to \$60,000; funded by 9-1-1 Trust. Term/September 16, 2010-December 31, 2011. One original to Contractor.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated September 14, 2010. Amount/\$14,755.50. Document to County Auditor.

Additional discussion item(s): None.

PUBLIC MEETING – SEPTEMBER 15, 2010**1. CALL TO ORDER**

Acting Chair Bill Carey called the meeting to order at 1:30 p.m.

Commissioners Present: Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: Chair Michele Landquist.

Staff Present: Deputy County Attorney James McCubbin.

2. PLEDGE OF ALLEGIANCE**3. PUBLIC COMMENT****4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS**

e. Weekly Claims List - \$1,937,989.17

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$1,937,989.17. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 2-0.

f. Public Announcements

5. HEARING (Certificate of Survey)

a. Skillicorn Boundary Line Relocation

Acting Chair Bill Carey opened the hearing.

James McCubbin presented the staff report.

Questions from Commission

Applicant's representative presentation, Greg Martinson

Questions from Commission

Public Comment

Executive Session

Commissioner Jean Curtiss made a motion that the Board of County Commissioners make a finding that there is not an attempt to evade subdivision review by these applicants and that the boundary relocation exemption request [by Manx and Doris Skillicorn] should be approved. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 2-0.

6. OTHER BUSINESS**7. RECESS**

There being no further business to come before the Board, the meeting was recessed at 1:39 p.m.

THURSDAY, SEPTEMBER 16, 2010

BCC met in regular session; quorum present. ML on vacation through September 20th.

Indemnity Bond – BC (Acting Chair) signed. Karen Hansen, Missoula, Principal for Bonner School District #14 Warrant #13897, issued June 8, 2010 on County Claims Fund. Amount/\$38.88 (for supplies). Warrant lost.

ADMINISTRATIVE MEETING

Memorandum of Understanding and Agreement – BC (Acting Chari) signed. Between City-County Health Dept. and Confederated Salish and Kootenai Tribal Health for WIC Nutrition Services. Amount/\$35,288. Term/October 1, 2010-September 30, 2011. Two originals to Julie Mohr/Health Dept. for further signatures/handling.

COS 110-0224

Memorandum of Agreement – BC (Acting Chari) signed. Between City-County Health Dept. and St. Patrick Hospital to fund staff for Coordinated Approach To Child Health Program (CATCH). Amount/\$26,142. Term/July 1, 2010-June 30, 2011. Two originals to Julie Mohr/Health Dept.

Agreement – BCC executed FHWA Agency Agreement for Petty Creek Road Project. [Greg Robertson took; available for review in Office of Public Works].

Additional discussion item(s): None.

FRIDAY, SEPTEMBER 17, 2010

BCC did not meet in regular session. BC out of the office all day; ML on vacation through September 20th.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

SATURDAY, SEPTEMBER 18, 2010

JC attended 50th Anniversary and Re-dedication Ceremony for the Missoula Fire Sciences Laboratory.

MONDAY, SEPTEMBER 20, 2010

BCC met in regular session; quorum present. ML on vacation through this date.

Replacement Warrant – BC (Acting Chair) signed. Taylor Peasley, Missoula, Principal for Western MT Fair Warrant #158404, issued August 4, 2010 on County Fair fund. Amount/\$100 (for volunteer photography). Lost; no bond of indemnity required.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 19/CY2010 - Pay Date/September 10, 2010. Total Payroll/\$1,230,876.69. To County Auditor.

Planning Status Meeting – BCC/OPG Staff. Agenda (all *action* items unless specified): 1) Public Comment; 2) Allomont Subdivision Phasing Plan Amendment; 3) Bissell Acres Subdivision Extension Request; 4) East Missoula Block 44 Subdivision Improvements Agreement Extension; 5) Stimson Lumber Floodplain Variance (*info*); 6) OPG Director's Update.

Letter – BCC signed, dated October 6, 2010 to Frank Grover, President, Duck Creek Properties, Inc., Lolo, approving amendment of Allomont Subdivision Phasing Plan to permit final plat submittal deadlines of October 6, 2015 (Phase 2) and October 6, 2016 (Phase 3), subject to amended conditions of approval.

Letter – BCC signed, dated October 13, 2010 to Kendall Bissell, Clinton, approving one-year extension of final plat submittal deadline for Bissell Acres Subdivision. Plat approval expiration date is October 15, 2011.

Letter – BCC signed, dated October 18, 2010 to Delbert Erickson, Missoula, approving extension of subdivision improvements agreement for East Missoula Block 44 Subdivision. Expiration date is February 7, 2011, subject to contingencies.

TUESDAY, SEPTEMBER 21, 2010

BCC met in regular session; all three present.

Plat – BCC signed. Owners/Developers-Roger M. and Janette L. Smith. Merrill Acres Subdivision; Lot 10, Hellgate Pines Addition No. 1, located in the SE¼ of Section 12 and the NE¼ of Section 34, T 12 N, R 18 W, PMM, Missoula County. Total lotted and net area/3.17 acres.

ADMINISTRATIVE MEETING

Agreement – BCC signed, dated September 21, 2010. Between County and Big Brothers Big Sisters for allocation of substance Abuse Prevention Funds. Amount/\$20,000. Term/July 1, 2010-June 30, 2011. Original & copy to Peggy Seel/OPG.

Letter – ML signed/acknowledged Certified Letter from DPHHS, dated September 15, 2010, to Mary Pittaway, Health Department, accepting \$107,680 additional grant funds for Task Order 10-07-5-21-014-0 (WIC Program). Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Grant Award Document – ML signed. For \$400,000 US DOJ COPS Technology Grant (#2010CKWX0336) for 9-1-1 Upgrade Project.

Request – BCC approved request from Steve/Sharon Lamar, owners of Parcels A & B of COS 2274, to lift agricultural covenant in connection with aggregation of ag parcel back into original acreage. Original to James McCubbin/County Attorney.

Settlement Agreement – BCC signed, dated September 21, 2010. By and among County, RQR Development, LLC, and First Montana Bank pertaining to Sapphire Ridge Subdivision. Parties are settling a dispute by treating County's demand upon the Letter of Credit as a 60-day notice to cure defects. Date is extended to November 3, 2010 for installation of Improvements. Three originals to James McCubbin/Atty.

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Resolution No. 2010-116 – BCC signed September 21, 2010. Abandoning a portion of Old Hayes Creek Road located in Sections 5, 8, and 9 of T 12 N, R 20 W, PMM, Missoula County.

Resolution No. 2010-117 – BCC signed September 21, 2010. Abandoning future road easement within Catherine Addition and conditional public access easements within George Addition and Schwenk Addition No. 3, located in Section 35 of T 13 N, R 20 W, PMM, Missoula County.

Contract – BCC approved, ML signed. Between County Fair Management and County Sheriff's Posse (Cowboy Polo Club) for Race Track, Infield and Chute Security during Western MT Fair, August 10-15, 2010. Amount/\$1,000. Two originals to Steve Earle/Fair.

Additional discussion item(s): Canyon River Subdivision Off-Site Road Improvements.

WEDNESDAY, SEPTEMBER 22, 2010

BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Grant Award Documents – ML signed Award Contract for DOJ OVAW Grant #2008-WE-AX-0018 for County's JUST Response Program for two years (September 1, 2010-August 31, 2012). Amount/\$364,423. Original to Kim Campbell/OPG.

Resolution No. 2010-118 – ML signed, dated September 22, 2010. Relating to \$3,325,000 Open Space General Obligation Bonds/Series 2010; determining the form and details, authorizing the execution and delivery and levying taxes for the payment thereof. Four originals to Dorsey Whitney.

Resolution No. 2010-119 – ML signed, dated September 22, 2010. Relating to \$1,060,000 Limited Tax General Obligation Bonds/Series 2010 (Larchmont Golf Course Improvement Project); authorizing the execution and delivery and making appropriations for the payment thereof. Four originals to Dorsey Whitney.

Closing Documents – ML signed all documents for closing on September 28, 2010 for \$3,325,000 Open Space General Obligation Bonds/Series 2010, Missoula County. To Dorsey, Whitney.

Additional discussion item(s): NRD Planning Framework.

PUBLIC MEETING – SEPTEMBER 22, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Floodplain Administrator Todd Klietz, Health Department Water Quality District Division Supervisor Peter Nielson, and Chief Civil Deputy County Attorney Marnie McClain.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Tom Korleske

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

g. Weekly Claims List - \$791,618.74

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$791,618.74. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

h. Public Announcements

5. HEARINGS (Certificates of Survey)

a. Sann (Steve) Family Transfer

Chair Michele Landquist opened the hearing.

Marnie McClain presented the staff report.

Kirk Adkins, Applicant's representative (new information, changed page 3 of application)

Questions from Staff and Commission

Steve Sann comment

Marnie McClain questioned the applicant, Steve Sann

Questions from Commission

Public Comment

Executive Session

Commissioner Bill Carey

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the request by Steven Sann for use of the family transfer exemption. Friendly amendment, to add to create three new lots. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

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- b. Butler (Stevan & Pat) Family Transfer
 Chair Michele Landquist opened the hearing.
 Marnie McClain presented the staff report.
 Marnie McClain questioned the applicants, Patricia Butler
 Questions from Commission
 Public Comment
 Executive Session

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the request to create three additional family transfer parcels by dividing the parcel described as N ½ NW ¼ of S20, T16N, R20W Missoula County as proposed by the Butler family. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Discussion

6. HEARING

- a. Floodplain Permit Variance Request (Stimson Lumber - Blackfoot River)

Chair Michele Landquist opened the hearing.
 Todd Klietz presented the staff report, additional information.
 Questions from Commission
 Applicant's representative, Steven Petrin
 Questions from Commission
 Public Comment
 Staff comment, Peter Nielson
 Questions from Commission
 Steven Petrin
 Todd Klietz, review of variance minimum standards
 Public Comment
 Executive Session

Chair Michele Landquist comment

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the variance allowing the use of rock in restoring the floodplain to approximate the original channel width conditioned upon the rock being placed to be protected from anticipated scour and a Letter of Map Revision (LOMR) be submitted to the Federal Emergency Management Agency (FEMA). Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

Todd Klietz, explanation of LOMR
 Steven Petrin
 Keith Large, Montana DEQ

7. OTHER BUSINESS

8. RECESS

There being no further business to come before the Board, the meeting was recessed at 2:33 p.m.

THURSDAY, SEPTEMBER 23, 2010

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Release of Agreement – BCC made a motion to release Buy Back Agreement on Lot 1A, Block 10, MDP – Phase 2 (Slade Properties/Jed Heggen) for an Ashley Furniture Store. Original to Barb Martens/Projects.

Contract – BCC signed, dated September 21 or 30, 2010. Between County and The Poverello Center/ Joseph Residence in order to make misc. referrals and plan activities for children. Term/FY 2011 (July 1, 2010-June 30, 2011). Amount/\$36,192. One original to C. Wulfekuhle/OPG.

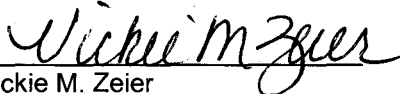
Agreement – BCC signed, dated September 23, 2010. Between County and DJ&A to provide negotiation and real estate acquisition services for Petty Creek Road Project. Amount/\$495,820. Three originals to Jeff Seaton/Public Works for further signatures/handling.

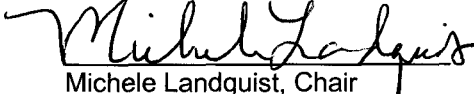
Letter – BCC signed, dated September 24, 2010 to Keith Large, MT DEQ, Helena, commenting on Stimson's revised proposal for an on-site waste repository for the Cooling Pond cleanup. County continues to prefer off-site disposal of these wastes.

Additional discussion item(s): Seeley Lake Sewer update. BCC recommends Randy Gordon meet with Health Dept. to explain the newer sewer proposal.

FRIDAY, SEPTEMBER 24, 2010

BCC met in regular session; quorum present in morning. JC at PPL Montana Community Fund Board Meeting, held at Big Sky Resort – through September 25th.


 Vickie M. Zeier
 Clerk & Recorder


 Michele Landquist, Chair
 BCC

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SATURDAY, SEPTEMBER 25, 2010

JC at PPL Montana Community Fund Board Meeting, held at Big Sky Resort – through this date.

SUNDAY, SEPTEMBER 26, 2010

JC at MACo Annual Conference in Billings – through September 29th.

MONDAY, SEPTEMBER 27, 2010

BCC did not meet in regular session. JC at MACo Annual Conference in Billings through September 29th. BC out of the office through October 11th.

Closing Documents – ML signed all documents for closing on September 28, 2010 for \$1,060,000 Limited Tax General Obligation Bonds/Series 2010 (Larchmont Golf Course Irrigation Project), Missoula County. To Dorsey, Whitney.

Closing Documents – ML signed all documents for closing on September 28, 2010 for \$3,325,000 Open Space General Obligation Bonds/Series 2010, Missoula County. To Dorsey, Whitney.

TUESDAY, SEPTEMBER 28, 2010

BCC did not meet in regular session. JC at MACo Annual Conference in Billings through September 29th. BC on vacation through October 11th.

ADMINISTRATIVE MEETING - CANCELED

WEDNESDAY, SEPTEMBER 29, 2010

BCC did not meet in regular session. JC at MACo Annual Conference in Billings through this date. BC on vacation through October 11th.

CHIEF ADMINISTRATIVE OFFICER MEETING - CANCELED

PUBLIC MEETING - CANCELED

THURSDAY, SEPTEMBER 30, 2010

BCC met in regular session; quorum present. BC on vacation through October 11th. Afternoon: ML/JC attended Community Needs Assessment Meeting, held at City Council Chambers. Evening: ML/JC attended Annual Boards & Commissions Recognition Event, held at The Carousel.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 20/CY2010 - Pay Date/September 24, 2010. Total Payroll/\$1,241,452.31. To County Auditor.

Agreements – ML signed. CDBG RLF Loan and Commercial Security Agreements between County and Cornerstone Investments, LLC (Mission Mountain Helicopters). Loan Amount/\$150,000 for working capital (and First Security Bank revolving line of credit match). Two originals to Cindy Wulfekuhle/OPG.

Contract – BCC signed, dated September 21, 2010. Between County and Poverello Center for CDBG Program Income funds (\$10,000) to renovate basement of Poverello for Salcido Center.

Amended Commercial Lease Agreement – BCC signed, dated September 27, 2010. Re: Lease between County (OPG Crime Victim Advocate Program) and Giant Associates, LLPT (dated May 15, 2007). Amended is monthly rent of \$2,737.50 (beginning October 1, 2010) and monthly rent of \$3,137.50 (beginning October 1, 2011), due to increased square footage (1,600 to 2,600). Two originals to Cindy Wulfekuhle/OPG.

Rental Agreement – ML signed, dated September 19, 2010. Between County (Western MT Fair) and Nina Cramer/Missoula Forum for Children/Youth for rental of Home Arts Building #35 for Community Open House Services Day/October 19, 2010. Amount/\$250. Original to Cindy Wulfekuhle/OPG.

Contracts – BCC signed seven (7) CBO contracts, dated September 21 or 30, 2010. Between County and following for FY 2011 (July 1, 2010-June 30, 2011):

- 1) Poverello Center/Salcido Center. Amount/\$10,400; for daytime support staff.
- 2) Missoula Food Bank. Amount/\$38,800; for meals through Kids Table, rescue/redistribute food.
- 3) Human Resource Council Dist. 11 – Interim Assistance Program. Amount/\$225,075.
- 4) Missoula Aging Services. Amount/\$15,000; for home-delivered meals.
- 5) CASA of Missoula. Amount/\$12,000; for children's services/train new volunteers/serve more children.

DOV 110 FILE 0228

- 6) Western MT Mental Health Center. Amount/\$185,000; for mobile crisis response team/service to residential program/maintain rate of involuntary commitments to MT State Hospital.
 - 7) Missoula Art Museum. Amount/\$195,000; to implement current three-year strategic plan.
- One original to Peggy Seel/OPG.

Report – ML signed Annual Progress Report on behalf of YWCA Ada's Place Program (#MT01B700004) for period July 1, 2009-June 30, 2010. Original to Cindy Wulfekuhle/OPG.

Grant Award Documents – JC authorized/signed Award Continuation Sheets for Rural Domestic Violence Grant #2008-WR-AX-0008 for County's administration of OVW Domestic Violence Program for FYs 2011 and 2012. Amount/\$349,993 over two years. Original to Leslie Halligan/County Attorney's Office.

Grant Contract – ML signed MDOC letter, dated September 17, 2010, acknowledging receipt of Historic Preservation Grant Contract #STMGF-60-HP-035A's additional \$13,000 for Courthouse HVAC system renovations, funded under 2009 HB 645. Original to Philip Maechling/OPG for further signatures/handling.

Contract – BCC signed, dated September 30, 2010. Between County and Five Valleys Veterinary Clinic for surgical services for Animal Control low income spay/neuter program and advise personnel on health of shelter animals. Term/October 1, 2010-June 30, 2011. Amount varies. Two originals to Julie Mohr/Health Dept. for further signatures/handling.

Amendment #2 – ML signed. To Task Order #107-5-31-12-0 between City-County Health Dept. and MDPPS for provision of Public Health Home Visiting ("PHHV") services (original Task Order signed by BCC on 8/24/10). Amendment clarifies definition of PHHV client. Funded amount/\$85,076. One original to Julie Mohr/Health Dept. for further signatures/ handling.

County Contractor Agreement – BCC signed, dated September 30, 2010. Between PHC and Grants Administrator for services set forth therein. Term/July 1, 2010-June 30, 2011. Amount/\$237,000. Three originals to Brenda Lynch/PHC for further signatures/handling.

Agreement – BCC signed, dated September 30, 2010. Between County and Seeley Lake Community Council for Air Quality Improvement and Educational Activities. Amount/\$5,000 (Health Fund Air Quality Account). Two originals to Ben Schmidt for further signatures/handling.

Supplemental Agreement – ML signed. County Weed District and MT Dept. of Agriculture Grant Agreement #MDA 2009-028 (Missoula Valley Yellow Flag Iris Eradication Project). Changes term end from September 30, 2010 to September 30, 2011 (due to less money spent than expected). One original to Weed District.

Request – ML signed FEMA Community Rating System Annual Recertification for flood insurance. Recertification date/October 1, 2010. Original to Todd Klietz/OPG.

Letter – BCC signed, dated September 30, 2010 to Kelsey Dalton/MT DOC/Grants submitting Amended Project Budget for HB 645 infrastructure project on County's Big Flat Road. Amendment simplifies estimate/does not alter overall grant in amount of \$320,572.58. Original to Jeff Seaton/Public Works.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated September 29, 2010. Amount/\$24,758.85. Document to County Auditor.

Additional discussion item(s): Massey Boundary Line. (BCC to reconsider their request).

MISSOULA COUNTY COMMISSIONERS' JOURNAL: OCTOBER, 2010

BCC = BOARD OF COUNTY COMMISSIONERS

ML = Commissioner Michele Landquist, Chair

JC = Commissioner Jean Curtiss

BC = Commissioner Bill Carey

The following Claims Lists were signed during the month of OCTOBER 2010:

Date Signed	Claims List Date	Who signed	Amount
October 1, 2010	September 30, 2010	ML, JC	\$102,942.09
			\$130,696.79
			\$44,050.01
			\$38,236.78
			\$1,642.79
			\$150,225.00
October 1, 2010	October 1, 2010	ML, JC	\$2,639.08
			\$36,759.12
			\$5,031.79
			\$10,987.00
			\$132.00
October 4, 2010	October 4, 2010	ML, JC	\$11,593.67
October 5, 2010	October 4, 2010	ML, JC	\$5,126.51
October 5, 2010	October 5, 2010	ML, JC	\$41,841.38
			\$54,371.29
			\$1,245.82
October 7, 2010	October 6, 2010	ML, JC	\$8,975.92
October 7, 2010	October 7, 2010	ML, JC	\$74,460.30
			\$28,548.29
			\$131,287.48
			\$14,449.03
October 8, 2010	October 7, 2010	ML, JC	\$954.12
October 12, 2010	October 12, 2010	BCC	\$147,970.04
			\$572.22
			\$39,670.58
			\$34,084.75
			\$26,797.14
			\$24,207.28
October 13, 2010	October 13, 2010	BCC	\$5,000.00
			\$2,328.70
October 14, 2010	October 13, 2010	BCC	\$28,023.47
October 14, 2010	October 14, 2010	BCC	\$64,082.28
October 14, 2010	October 14, 2010	JC, BC	\$37,968.37
			\$24,916.87
October 18, 2010	October 18, 2010	BCC	\$1,210,920.96
			\$1,542.45
			\$359.07
			\$49,482.46
			\$38,188.33
			\$1,069.76
			\$4,657.52
			\$89,438.42
			\$171,500.79
October 19, 2010	October 19, 2010	BCC	\$300,000.00
October 20, 2010	October 19, 2010	BCC	\$99,468.30
			\$20,464.44
			\$73,509.93
October 20, 2010	October 20, 2010	BCC	\$1,852.71
October 21, 2010	October 20, 2010	BCC	\$82,589.74
October 21, 2010	October 21, 2010	ML, JC	\$864.20
			\$26,630.21
October 22, 2010	October 21, 2010	BCC	\$28,625.63
October 22, 2010	October 22, 2010	ML, BC	\$15,000.00

October 25, 2010	October 25, 2010	BCC	\$48,256.07
			\$306,598.47
October 26, 2010	October 25, 2010	BCC	\$390,814.44
October 27, 2010	October 26, 2010	ML, JC	\$3,318.50
			\$67,986.11
October 27, 2010	October 27, 2010	ML, JC	\$1,816.74
			\$85,373.21
October 28, 2010	October 28, 2010	ML, JC	\$12,292.17
			\$2,431.51
October 29, 2010	October 28, 2010	ML, JC	\$85,020.33
			\$33,304.91
October 29, 2010	October 29, 2010	ML, JC	\$1,385.74
			\$2,008.93

All Claims Lists were returned to the Accounting Department.

FRIDAY, OCTOBER 1, 2010

BCC met in regular session; quorum present. Noon: JC, ML attended Missoula armed Forces Reserve Center Grand Opening. BC on vacation through October 11th.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending September 30, 2010.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending September 30, 2010.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

SATURDAY, OCTOBER 2, 2010

Evening: JC attended Lower Blackfoot BBQ/Blackfoot Homeowners Community Club Harvest Dinner, held at Greenough-Potomac Community Center.

MONDAY, OCTOBER 4, 2010

BCC met in regular session; quorum present. Evening: JC, ML attended Joint Public Hearing on Quebec-Deschamps Open Space Bond Project, held at City Council Chambers. BC on vacation through October 11th.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending September 30, 2010.

Planning Status Meeting - BCC/OPG Staff. Agenda: 1) Public Comment; 2) Thayer's Country Estates No. 2 Extension Request (*action*); 3) MDP Special Zoning District Amendment; 4) Diamond Bar 3 Subdivision; 5) OPG Director's Update.

Letter - BCC signed, dated October 6, 2010 to John/Kimberly Clement, Lolo, approving one-year extension of final plat submittal deadline for Thayer's Country Estates No. 2 Subdivision. Plat approval expiration date is October 8, 2011.

TUESDAY, OCTOBER 5, 2010

BCC met in regular session; quorum present. BC on vacation through October 11th.

ADMINISTRATIVE MEETING

Request - BCC approved Bresnan Communications' September 24, 2010 utility easement request (amended by County Deputy Attorney) for 10-foot CATV easement for fiber optic link to Verizon Communication tower located at Big Sky Park. Compensation to County/\$2,000. Two originals to Laurie Hire for further signatures/handling.

Contract - BCC signed, dated October 1, 2010. Between City-County Health Dept. and STRATA, Inc. to provide fuel and facility inspection work in conjunction with oxyfuels program compliance. Term/ November 1, 2010-March 31, 2011. Amount/\$4,850. Two originals to Julie Mohr/Health Dept.

Agreement Modification - ML signed Modification 1 to Paragon License Agreement (dated August-18, 2008) between City-County Health Dept. and Paragon Bermuda (Canada) LTD re: web-based licensed establishment inspection software. Modification simplifies billing arrangement between the two parties, based on average number of inspections; payments will be made quarterly. Three originals to Julie Mohr/Health Dept.

Agreement – BCC signed, dated October 5, 2010. Between County and Streamline Markings to stripe several county roads. Term/after September 1, 2010-October 29, 2010. Amount/\$75,000. Two originals to Jeff Seaton/Public Works.

Contract – BCC signed, dated October 5, 2010. Between County and Summit Golf Management for management of Larchmont Golf Course. Contract extended for five years. Amount/\$28,000 annually. One original to Bill Galiher/Larchmont.

Letter – BCC signed, dated October 1, 2010 to Jason Schilling/Compliance Specialist, DOR, Helena, re: application for New MT All-Alcoholic Beverages License for The Bucksnot. When tax deficiency has been paid on property, license may be issued.

Additional discussion item(s): Building permit for Leonard Smith (BCC agreed to serve deficiency/stop work order).

WEDNESDAY, OCTOBER 6, 2010

BCC met in regular session; quorum present. Noon: JC attended Relationship Violence Awareness Month Awards Ceremony, held in Courthouse Rotunda. BC on vacation through October 11th.

Indemnity Bond – ML signed. Western Flooring, Missoula, Principal for AP/Claims Warrant #27-219293, issued July 29, 2010 on County Building Reserve Fund. Amount/\$11,278 (for flooring). Warrant lost.

Indemnity Bond – ML signed. Lisa Thomas, Missoula, Principal for AP/Claims Warrant #27-219069, issued July 29, 2010 on County Misc. Federal Fund. Amount/\$104 (for travel). Warrant lost.

CHIEF ADMINISTRATIVE OFFICER MEETING

Reports – ML signed County School Budget Reports for FY 2010-2011 (required by MT Office of Public Instruction). Originals to Rachel Vielleux. [Note: One report was incorrect; ML signed corrected report on 10/18/10.]

Revision – ML signed revised Attachment A and Addendum to Master Service Agreement (originally signed August 20, 2010) with Blackfoot Communications for backup 9-1-1 service. Revisions reflect: 1) service costs of \$925 per month (previously \$900); and 2) one-time installation costs of \$1,000 (formerly \$500). Addendum provides terms re: potential future relocation of service. Two originals to Bob Reid/ES for further signatures/handling.

Contracts – BCC signed six (6) CBO contracts, dated October 6, 2010 between County and following for FY 2011 (July 1, 2010-June 30, 2011):

- 1) Friends to Youth. Amount/\$15,000; for counseling/support services.
 - 2) Youth Homes. Amount/\$45,000; for shelter/counseling/support services.
 - 3) The Parenting Place. Amount/\$18,000; for Nurturing Program/direct care/support services.
 - 4) Watson Children's Shelter. Amount/\$22,000; for meals/snacks/shopping services.
 - 5) Child Care Resources. Amount/\$69,928; for technical assistance/training for care providers and general support services.
 - 6) Missoula AIDS Council
- One original to Peggy Seel/OPG.

Additional discussion item(s): Request to speak at Veterans' Day Ceremony. BC will attend.

PUBLIC MEETING – OCTOBER 6, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist and Commissioner Jean Curtiss. Absent: Commissioner Bill Carey.

Staff Present: Assistant Chief Deputy Clerk & Recorder Kim Cox, Special Projects Barbara Martens, Deputy County Attorney James McCubbin, Office of Planning & Grants Planner Janet Rhoades, Office of Planning & Grants Planner Jamie Erbacher (arrived at 3:21 p.m.), and Public Works Examining Land Surveyor Steve Smith.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Peggie Morrison

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List - \$855,096.80
Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$855,096.80. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.
- b. Public Announcements

5. PROCLAMATION

- a. Relationship Violence Awareness Month
Chair Michele Landquist opened the hearing.
Commissioner Jean Curtiss read the proclamation.

6. RECONSIDERATION

- a. Massey Boundary Line Relocation (staff report, original staff report from August 18, 2010; additional information from August 18, 2010)
Chair Michele Landquist opened the hearing.
Commissioner Jean Curtiss made a motion that the Board of County Commissioners reconsider their decision from August 18, 2010. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.
Commissioner Jean Curtiss comment
Public Comment
Kurt Luebke, DJ&A
Chair Michele Landquist comment
Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the boundary relocation exemption that has been requested by the Massey family. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0. 1:40:56 PM Commissioner Jean Curtiss request to send out letter quickly and note on the letter that it supersedes previous letter.
Kurt Luebke comment

7. CONSIDERATION

- a. Diamond Bar 3 Subdivision (3 lots on 80 acres) - West Carlton Creek Road, Florence (verbatim transcription not complete)
Chair Michele Landquist opened the hearing.
Janet Rhoades presented the staff report, PowerPoint, additional information.
Developer's representative presentation, John Kellogg (additional information)
Staff comment, James McCubbin
Public Comment
Questions from Commission
John Kellogg
Questions from Commission
Public Comment
Correction of Page 8, Staff Report, #28, 3.3.1
Commissioner and staff comments, questions, and language review
Public Comment
Staff comment, James McCubbin
John Kellogg comment
Executive Session
Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the request to vary from Subdivision Regulations Article 3.3.1(3)(b), which prohibits lots from being divided by a road, to permit Heart Bench Lane to divide Lots 2 & 3. Chair Michele Landquist seconded the motion. **Motion tabled.**

Commissioner Jean Curtiss made a motion that the Board of County Commissioners **delete** Condition #6 that refers to the moving of the boundaries of Lots 2 and 3 [The eastern boundaries of Lots 2 and 3 and the western boundary of Lot 1 shall be relocated to the eastern edge of the Heart Bench Lane private access easement, subject to review and approval by OPG prior to final plat approval.] Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend Finding #25. Staff comment, James McCubbin. **Motion died for lack of a second.**

Discussion of process

Commissioner Jean Curtiss made a motion that the Board of County Commissioners **adopt** the variance request #1 finding as presented by PCI in John Kellogg's memo [dated October 6, 2010], "This property is unique in that it includes an important agricultural asset, the ranch, along with a large riparian area that the owners wish to protect and maintain." Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

#C, Variance Findings for Request #1, Commissioner Jean Curtiss made a motion that the Board of County Commissioners **combine** the recommendations from PCI and Janet's memo. Discussion. Commissioner Jean Curtiss clarified her motion, to combine both PCI's recommendation [from John Kellogg's memo dated October 6, 2010] and Janet's recommendation for c [as presented in her memo dated October 6, 2010]. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

#E, Commissioner Jean Curtiss made a motion that the Board of County Commissioners **add** the underlined statement in Janet's memo [dated October 6, 2010] to say, "Heart Bench Lane is a private road." Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners, on #F [Variance findings, #1F], **combine** Janet's underlined section [from her memo dated October 6, 2010] with PCI's [language from John Kellogg's memo dated October 6, 2010]. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Commissioner Jean Curtiss pulled the variance motion tabled above off the table. Commissioner Jean Curtiss made a motion that the Board of County Commissioners **approve** the variance request #1 [to vary from Subdivision Regulations Article 3.3.1(3)(b), which prohibits lots from being divided by a road, to permit Heart Bench Lane to divide Lots 2 & 3]. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Finding #25 for subdivision, page 2 of Janet Rhoades memo [dated October 6, 2010]. Commissioner Jean Curtiss made a motion that the Board of County Commissioners **amend the finding** on page 2 of Janet's memo dated today to strike #25 and 26 as in our packet and replace it with the new #25 shown in underline today [to read "The Commissioners approved the variance due to the fact that the road is in the location of an existing private access easement, thereby consolidating road construction in the area of the prior access route, and because decreasing the size of the lots would create a hardship."] Janet Rhoades comment. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Fencing, Janet's memo dated October 6, 2010, bottom of page 3, Condition #14, Commissioner Jean Curtiss made a motion that the Board of County Commissioners **change** the language [in Condition #14] in the third line of the underlined area to strike buffer two times in that sentence and to strike the next sentence, so the underlined portion would read, "Any livestock such as horses, cows, etc. kept on the subject property (even for short periods of time) shall be rotated out of the Riparian Area to minimize impact to the Riparian....," added vegetation, and then strike that next sentence. Then at the end of the underlined area, #14, add [sentence not finished]. Discussion. [The motion would read, "The Riparian Management Plan shall be amended as follows, subject to review and approval by OPG prior to final plat approval: The statement 'Livestock grazing and watering within the Riparian Buffer Area will be permitted' in Section E shall be replaced with the following language: Any livestock such as horses, cows, etc. kept on the subject property (even for short time periods) shall be rotated out of the Riparian Area to minimize impact to the Riparian vegetation. Provide off-stream watering facilities (e.g., water troughs) for livestock and avoid livestock overuse by managing grazing intensity, varying the season and length of use, and providing non-use periods to allow plant regrowth." Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

End of underlined section; add language from Sara Richey's memo. Staff comment, Janet Rhoades. Commissioner Jean Curtiss made a motion that the Board of County Commissioners **add** a new condition and let staff number it appropriately to add to the management plan references for the conservation districts riparian mini-grant program and the cost-share program as referred to in Sara Richey's memo [dated September 28, 2010]. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners **amend** the Findings 9 and 10 [under Riparian Area Fencing, page 4 of Janet Rhoades memo dated October 6, 2010] as presented by Janet, only striking the word buffer in #10 [to read, 9. "A 25'-wide riparian buffer area would provide adequate protection of the riparian area if it is managed carefully as a buffer, with minimal disturbance and removal of natural vegetation, avoiding mowing, and careful management of livestock grazing. 10. In order to provide adequate protection of the riparian area while also preserving the adjacent agricultural use, a condition of approval requires language to be added to the covenants regarding management of livestock grazing within the Riparian Area, but does not require the 25'-wide riparian buffer area to be expanded."] Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Staff comments, Janet Rhoades and James McCubbin

Commissioner Jean Curtiss made a motion that the Board of County Commissioners **delete** Conditions #15 and 16 as presented in our packet and replace it with a new #16, as reflected in Janet's memo [dated October 6, 2010, to read, "The Development Covenants shall be amended to include the following language in the Building Permit Requirements section of the development covenants, subject to review and approval by OPG prior to final plat approval: "Accessory Structures & Lawns. In order to contain development and facilitate wildlife movement throughout the subdivision, no accessory structures or lawns are permitted to be more than 150' from the residence on each lot."]. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners **amend** the new Condition #16 to insert in the very last sentence, "outer foundation," so it would read.... Discussion. James McCubbin, language recommendation. [Condition 16, last sentence to read, "In order to contain development and facilitate wildlife movement throughout the subdivision, no accessory structures or lawns are permitted to be more than 150' from the residence on each lot, as measured from the outer foundation of the residence."] Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners **give** staff the leeway to add references as needed throughout. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

#17, as presented on PCI's memo [dated October 6, 2010]. Commissioner Jean Curtiss made a motion that the Board of County Commissioners **accept** it as written, except for inserting in the very first sentence "new" between all and fencing, [to read, "17. All new fencing (except for privacy fencing near the house and kennel areas for dogs), including lot boundary and livestock fencing, shall be wildlife friendly fencing, constructed in accordance with the FWP specifications included in 'A Landowner's Guide to Wildlife Friendly Fences.' The existing fencing along the portion of the west boundary of Lot 1 that runs through the Riparian Area that does not meet these FWP specifications shall be modified so that does meet the FWP specifications for wildlife friendly fencing, subject to review and approval by OPG and FWP prior to final plat approval. Discussion. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Page 14 of staff report, #24. Janet Rhoades, recommended language. Commissioner Jean Curtiss made a motion that the Board of County Commissioners **amend** Finding of Fact #24, "Staff observed fences not constructed to Fish, Wildlife, & Parks wildlife friendly fencing specifications on the property while conducting a site visit in April 2009. A condition of approval requires existing fencing along the portion of the west boundary of Lot 1 that runs through the riparian area that does not meet Fish, Wildlife, & Parks wildlife friendly fencing specifications to be replaced with fencing that does. New fencing shall be required to meet Fish, Wildlife, & Parks wildlife friendly fencing specifications." Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Discussion

Commissioner Jean Curtiss made a motion that the Board of County Commissioners **conditionally approve** the request to vary from Subdivision Regulations Article 3.2.3(3), which requires installation of a pedestrian walkway on West Carlton Creek Road adjacent to the subdivision to not require a pedestrian walkway on West Carlton Creek Road, subject to a condition requiring dedication of an additional 10' of public right-of-way easement. Discussion. Commissioner Jean Curtiss **amended** her motion to include the approval of the findings and conclusions in the staff report. Discussion, based on the findings of fact in the staff report. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners **approve** the request to vary from Subdivision Regulations Article 3.2.3(3), which requires installation of a pedestrian walkway on one side of the onsite road (Heart Bench Lane) to not require a pedestrian walkway to be constructed on Heart Bench Lane, based on findings of fact in the staff report. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners **conditionally approve** the request to vary from Subdivision Regulations Article 3.2.2.2(3), which requires the maximum grade of all access roads to be limited to 10% to permit West Carlton Creek Road to remain at its existing grade, subject to a condition requiring dedication of an additional 10 feet of public right-of-way easement, based on the findings of fact in the staff report. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners **approve** the Diamond Bar 3 Subdivision based on the findings of fact in the staff report, public comment and subject to the recommended conditions as amended in the staff report. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

8. HEARINGS

a. Petition to Abandon a Portion of O'Brien Creek Road

Chair Michele Landquist opened the hearing.

Kim Cox verified the petition.

Steve Smith presented the staff report.

Public Comment

Staff comment, James McCubbin

Commissioner Jean Curtiss made a motion that the Board of County Commissioners adopt the comments that are reflected in the record into this hearing and note that the Commissioners have those comments in the record]. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

Public Comment

Paul Matter, Lolo National Forest

Bonnie Pickering

Discussion

Set site visit, Commissioner Jean Curtiss, October 7 at 8:30 a.m. with Steve Niday

Hearing continued to October 13, 2010.

b. Missoula Development Park Special Zoning District Amendment (Minor Revisions) - West of Reserve along Expressway

Chair Michele Landquist opened the hearing.

Janet Rhoades presented the staff report, PowerPoint.

Questions from Commission

Continuation of staff report with Janet Rhoades

Correction on staff report, page 5

Continuation of staff report with Janet Rhoades

Staff comment, Barb Martens
 Barb Martens, comment from Eve Abramson
 Public Comment
 Staff comment, Janet Rhoades, recommended motion
 Questions from Commission
 Public Comment
 Executive Session

Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend the Missoula Development Park Special Zoning District as shown in Attachment C be approved, subject to the conditions of approval in the Planning Board Recommendations in Attachment #1 of the Request for Commission Action and the OPG memo dated 10-01-10. Discussion. Motion died for lack of a second.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the request to amend the Missoula Development Park Special Zoning District as shown in Attachment C be approved, subject to the conditions of approval in the Planning Board Recommendations and the OPG memo dated 10-06-10. Staff comment, Janet Rhoades, clarification of motion. Chair Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

9. OTHER BUSINESS - None

10. RECESS

There being no further business to come before the Board, the meeting was recessed at 4:01 p.m.

THURSDAY, OCTOBER 7, 2010

BCC met in regular session; quorum present in the afternoon only. Morning: JC attended UM Symposium on MT Constitution; ML attended UCFRB Steering Committee Meeting, held in Deer Lodge. BC on vacation through October 11th.

Site Visit: JC accompanied Steve Niday and Forest Service Rep on site visit to O'Brien Creek

ADMINISTRATIVE MEETING

Grant – ML signed initial Grant documents for Safe Havens Grant Award (#2010-CW-AX-K016) from OVW for YWCA's Planet Kids Supervised Visitation and Safe Exchange Center for the period October 1, 2010-September 30, 2013. Amount/\$349,174; no local match required. Original to Nancy Rittel/OPG.

Contract – ML signed. Between County Fair Management and Midway Dispatch/Missoulia for daily reporting/photographing of Western MT Fair August 10-15, 2011. Amount/\$900. Two originals to Steve Earle/Fair.

Task Order – ML signed. #11-07-6-11-035-0 to Missoula County Unified Government Master Contract between County and MT DPHHS for period July 1, 2005-June 30, 2012 (Office of Public Health Emergency Preparedness & Training). Renews annual grant for September 1, 2010-August 31, 2011. Amount/\$129,470. Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Agreement – ML signed DOJ/DOT Equitable Sharing Agreement/Certification for Sheriff's Department. Federal mandated report in order to share/acquire forfeited funds from drug seizures. . Original to Willis Hintz/Sheriff's Office.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated October 5, 2010. Amount/\$14,822.94. Document to County Auditor.

Additional discussion item(s): None.

FRIDAY, OCTOBER 8, 2010

BCC met in regular session; quorum present. Morning: JC participated in *Career Day Job Shadow*; student accompanied her in a.m.; and she also attended UM Symposium on MT Constitution. BC on vacation through October 11th.

Indemnity Bond – ML signed. JanWay Company USA, Inc., Baltimore, MD, Principal for Public Library Warrant #30152497, issued April 15, 2010 on County 2220 CL 98317 Fund. Amount/\$3,076.37 (for plastic bags). Warrant lost.

Request for Records Disposal/Transfer Authorization – ML signed. Misc. Treasurer files 1/01-6/08. To Records.


 Vickie M. Zeier
 Clerk & Recorder


 Michele Landquist, Chair
 BCC

MONDAY, OCTOBER 11, 2010

THE COURTHOUSE WAS CLOSED FOR THE OBSERVED COLUMBUS DAY HOLIDAY.

TUESDAY, OCTOBER 12, 2010

BCC met in regular session; all three present.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Hogan Acres Subdivision Extension (*action*); 3) Miller Creek View Addition Subdivision Phasing Plan Amendment; 4) OPG Director's Update.

Letter – BCC signed, dated October 25, 2010 to Gerald/Ruth Hogan, Double Arrow LLC, Missoula, approving amendment of Hogan Acres Subdivision final plat submittal deadline, due to weed control/management. Plat approval expiration date is November 19, 2011.

Letter – BCC signed, dated October 22, 2010 to Lloyd Twite, Missoula, approving amendment of Miller Creek View Addition Subdivision Phasing Plan, subject to master set of conditions as amended. Condition #26 has been withdrawn; weed management plan has been added. [Note: Letter corrected/resent November 1, 2010: Correction to Condition 9 of Amended Master Set of Conditions].

ADMINISTRATIVE MEETING

Replacement Warrant - ML signed. John O'Bannon, Stevensville, Principal for Lolo School District #7 Warrant #24751, issued September 20, 2010 on Schools Payroll Fund. Amount/\$417.70 (for coaching stipend). Warrant not received in mail; no bond of indemnity required.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 21/CY2010 - Pay Date/October 8, 2010. Total Payroll/\$1,221,601.03. To County Auditor.

Contracts – BCC signed five (5) contracts, dated October 12, 2010 between County and following as recipients of Substance Abuse Prevention Levy Funds for FY 2011:

- 1) Western MT Addiction Services. Amount/\$90,000; for after school activities at Big Sky/Sentinel/Hellgate schools.
- 2) Western MT Addiction Services. Amount/\$94,418.32; for Project Success in urban high schools.
- 3) Western MT Addiction Services. Amount/\$7,500; for Minor in Possession Program.
- 4) Boys and Girls Club. Amount/\$10,000; for eight prevention programs.
- 5) National Coalition Building Institute. Amount/\$10,500; for Respect Club program.

One original to Peggy Seel/OPG.

Grant – ML signed. Grant Agreement between County (as Subgrantee/recipient of 2010 *100 Best Communities for Young People* award) and America's Promise Alliance so that Missoula Forum for Children and Youth can host a local celebration event on October 19, 2010. Amount/\$1,000. One original to Greg Robertson/Public Works.

Amended Subdivision Improvements Agreement/Guarantee for East Missoula Addition Block 44. BCC signed, dated October 1, 2010. Renews both agreement and letter of credit (which have expired). Improvements remaining include construction of Iowa Avenue (and others listed on Exhibit A). Completion date/no later than August 8, 2010. Estimated costs/\$159,908; guaranteed by Whitefish Credit Union in amount of \$104,168.75; expiration date March 7, 2011.

Modification #1 – BCC signed. To Cooperative Road Project Agreement #10-RO-11011000-004 between County and USFS/Flathead National Forest for Kraft Creek Road resurfacing. Modification permits FS to reimburse ½ cost of new guard rail. Two originals to Greg Robertson/Public Works for further signatures/handling.

Amendment #1 – ML signed. To Contract #STMGF-60-CP-033A between County and MT DOC (originally signed April 30, 2010) for Big Flat Road Project. Amendment adjusts final budget to actual costs to \$389,575.80 (\$320,573.78 from HB 645 Grant; \$69,002.02 from County). Original mailed to K. Dalton at MT DOC, Helena.

MT Local Gov't Records Committee Request/Authorization for Records Disposal/Destruction – ML signed. Human Resources Recruitment/terminated personnel files: 1/1/98-11/18/2005. To M. Porter/Records.

Letter – BCC signed, dated October 12, 2010 to Vivian Hammill, Restoration Trustee Council, Helena, supporting draft Resolution of Upper Clark Fork Restoration Advisory Council regarding Fund Allocation Guidance Plan for UCF Restoration Fund.

Agreement – [BCC dated/signed September 2, 2010; Twite signed October 12, 2010]. Between County and Lloyd A. Twite Family Partnership for purpose of making improvements to Miller Creek Road from Mockingbird Way to approx. 400 feet south of intersection of Linda Vista Boulevard/Miller Creek Road. County to pay \$1,182,606.82 from Western Federal Lands funds; Twite will provide up to \$800,000.

Additional discussion item(s): 1) Road settlement issues/Canyon Creek Subdivision; 2) Invitation to attend November Lolo Community Council Meeting; BCC will attend 2nd Tuesday of November, 7 pm.

WEDNESDAY, OCTOBER 13, 2010

BCC met in regular session; all three present. Late afternoon: JC participated Lake County Community Development Corporation "Taste the Success of our Local Businesses" Panel.

CAO ADMINISTRATIVE MEETING

Revised Mutual Aid Agreement – BCC signed, dated October 15, 2010. (Supersedes April 29, 2010 Agreement) between BCC and Missoula International Airport for backup 9-1-1 facility. Previous agreement did not take into account need for installation of fiber optic line at airport. Two originals to Bob Reid/ES for further signatures/handling.

Contract – BCC signed, dated September 29, 2010. Between County and Kim Mansch for services as Executive Director of PHC. Term/July 1, 2010-June 30, 2011. Amount/\$93,280 yearly.

Letter – BCC signed, dated October 13, 2010 to Jim Morton, Exec. Director, HRC, Missoula, acknowledging that BCC met with him on October 13, 2010 and concurred with allocations made by HRC from the Emergency Shelter Grants Program for FY 2011.

Additional discussion item(s): 1) Upcoming Mobile Home auction; 2) Seeley Lake update.

PUBLIC MEETING – OCTOBER 13, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Chief Financial Officer Andrew Czorny, Deputy County Attorney James McCubbin, Public Works Land Survey Manager Steve Niday, and Public Works Director Greg Robertson.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Fred Stewart

Chair Michele Landquist and Staff comment, Greg Robertson

Staff comments, James McCubbin and Greg Robertson

Commissioner Jean Curtiss and Greg Robertson, public meeting with Target Range, possibly in the spring

Fred Stewart

Staff comment, Steve Niday

Commissioner Jean Curtiss comment

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

c. Weekly Claims List - \$531,977.15

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$531,977.15. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

d. Public Announcements

5. DECISION (from October 6, 2010 Hearing)

a. Petition to Abandon a Portion of O'Brien Creek Road

Chair Michele Landquist opened the hearing.

Steve Niday presented the viewer's report (staff report).

Commissioner Jean Curtiss comment

Questions from Commission

Public Comment

Executive Session

Commissioner Jean Curtiss comment and James McCubbin

Questions from Commission

Commissioner Jean Curtiss made a motion that the Board of County Commissioners accept the viewer's report and grant the petition to abandon as requested. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

6. HEARING

a. Proposal to Increase Principal Amount of Special Limited Obligation "Recovery Zone Facility Bonds" for Larchmont Building Project

Chair Michele Landquist opened the hearing.

Andrew Czorny presented the staff report.

Commissioner Jean Curtiss, this project **not** associated to Larchmont Golf Course

Questions from Commission

Applicant, Paul Tiede

Public Comment

Executive Session

Comments

Commissioner Bill Carey made a motion that the Board of County Commissioners adopt the resolution relating to a project on behalf of Paul and Susan Tiede and Christian and Shelli Kenworthy and the issuance of a revenue bond to finance the costs thereof under Montana Code Annotated, Title 90, Chapter 5, Part 1 as amended, approving an increase in the amount of bonds to be issued therefore and allocating an increased portion of the County's authority to issue recovery zone facility bonds. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

7. OTHER BUSINESS - None**8. RECESS**

There being no further business to come before the Board, the meeting was recessed at 2:10 p.m.

Resolution No. 2010-120 – Following Public Meeting, ML signed, dated October 13, 2010. Relating to project on behalf of Paul/Susan Tiede and Christian/Shelli Kenworthy and issuance of Revenue Bond to finance costs thereof; approving an increase in amount of Bonds to be issued; allocating an increased portion of County's authority to issue Recovery Zone Facility Bonds. Four originals to Dorsey Whitney.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated October 14, 2010:

- 1) Denying request from Arlyne Dreyer, Missoula, to waive Sheriff/Treasurer costs for Taxpayer ID #90422890; BCC has no legal authority to do so.
- 2) Approving request from Corrie Hult, Bonner, to refund penalty/interest/costs for Taxpayer ID #90313600.
- 3) Approving Missoula County/Jeff Seaton's request (for John Day) to add Taxpayer ID #90071570 to Seeley Lake Refuse District.
- 4) Denying request from Floyd Florek, Missoula, to waive Sheriff/Treasurer costs for Taxpayer ID #90112600; BCC has no legal authority to do so.
- 5) Approving request from William/Lucille Burke, Missoula, to refund Sheriff fees collected for Taxpayer ID #90047000.
- 6) Denying request from Jerry/Connie Richards, Clinton, to allow partial payments for Taxpayer ID #55707; BCC has no authority to do so.
- 7) Approving request from Earle Sheilds c/o Shari Oliver, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #1577120.
- 8) Denying request from Dave Sheets, Drummond, to waive Sheriff/Treasurer costs for Taxpayer ID #90083940; BCC has no legal authority to do so.
- 9) Approving request from Terry/Vicki Long, Lolo, to waive penalty/interest/costs for Taxpayer ID #90349600.
- 10) Approving request from Cadgie Kruger, Missoula, to waive Sheriff fees collected for Taxpayer ID #90429628.
- 11) Denying request from Thomas Parker, Swan Valley, to waive Sheriff/Treasurer costs for Taxpayer ID #90279100; BCC has no legal authority to do so.
- 12) Denying request from Suzanne Liedle, Missoula, to refund Sheriff/Treasurer costs for Taxpayer ID #90211900; BCC has no legal authority to do so.
- 13) Denying request from Bud Wilson, Condon, to refund 2006-2009 taxes due to incorrect assessment on Taxpayer ID #5865806.
- 14) Approving request from Gary/Donna Kolar, Missoula, to waive Sheriff fees for Taxpayer ID #90184500.
- 15) Denying request from Brenda Knechtges, Lolo, to waive Sheriff/Treasurer costs for Taxpayer ID #90210000; BCC has no legal authority to do so.
- 16) Approving request from Ken Miller, Missoula, to refund motor vehicle taxes/fees paid in error for VIN #3D7KS28A38G119458.
- 17) Approving request from Chanelle Larson/Chris Bailey, Missoula, to remove mobile home from sale (Taxpayer ID #90429716).
- 18) Approving request from Jayleen Salter, Missoula, to waive \$50 Sheriff Office fees for Taxpayer ID #90320400; however, \$25 is due.
- 19) Approving request from Marla Schmidt-Miller, to refund penalty/interest/costs for Taxpayer ID #90422810.
- 20) Approving request from Shawn/Vanessa Palmer, Missoula, to remove mobile home from sale (Taxpayer ID #90341920).
- 21) Approving request from Action Services/Heather Wilson, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #2567579.
- 22) Approving request from Scott Kautz, Missoula, to refund Sheriff fees collected for Taxpayer ID #90060163.

- 23) Approving request from Yevgenia Grib, Missoula, to waive \$50 Sheriff Office fees for Taxpayer ID #90320400; however, \$25 is due.
- 24) Denying request from Emily McVey, Missoula, to waive Sheriff/Treasurer costs for Taxpayer ID #90172200; BCC has no legal authority to do so.

THURSDAY, OCTOBER 14, 2010

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Subscription Agreement and Resolution – ML signed. Between County and Tracker Services for web-based investment portfolio accounting management services. Amount: 1st year/\$4,535; subsequent years/\$245 per month. Effective October 31, 2010. One original to Tracker. Resolution No. 2010-121 – BCC signed, dated October 14, 2010. Budget Amendment for above \$4,535 for Tracker Services software, etc. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Contracts – BCC signed four (4) CBO contracts, dated October 14, 2010 between County and following for FY 2011 (July 1, 2010-June 30, 2011):

- 1) Opportunity Resources, Inc. Amount/\$9,766; for Sunday transportation services to seniors and individuals w/disabilities.
- 2) WMMHC Addiction Services. Amount/\$132,106; for after school programming, adolescent and adult outpatient services, and residential treatment.
- 3) East Missoula Community Council. Amount/\$1,000. Yearly general funding.
- 4) Lolo Community Council. Amount/\$1,000. Yearly general funding.


One original to Peggy Seel/OPG.

Additional discussion item(s): None.

FRIDAY, OCTOBER 15, 2010

BCC did not meet in regular session; ML out all day; JC out of the office ill.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, OCTOBER 18, 2010

BCC met in regular session; all three present. Afternoon: BCC met with Dick King of MAEDC for Smurfit update. Evening: JC attended General Management Review of Lolo Forest, held at Double Arrow Lodge.

Indemnity Bond – ML signed. Morgan Marketing, Missoula, Principal for Health Dept. Warrant #30156471, issued June 25, 2010 on County 2270 Fund. Amount/\$700 (for anti-smoking signs).

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Trout Meadows River Ranch Subdivision Phasing Plan Amendment (*action*); 3) OPG Director's Update.

Letter – BCC signed, dated October 25, 2010 to Jim Edwards, Missoula, approving amendment of Trout Meadows River Ranch Subdivision Phasing Plan. Final plat submittal deadlines are: October 22, 2012 (Phase 1); October 22, 2016 (Phase 2); October 22, 2018 (Phase 3); and October 22, 2020 (Phase 4).

Rural Initiatives Meeting – BCC/RI Staff. Agenda: 1) Public Comment; 2) MOU meeting agenda review; 3) Seeley Lake Plan; 4) RI Director's Update.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated October 13, 2010. Amount/\$52,860.92. Document to County Auditor.

TUESDAY, OCTOBER 19, 2010

BCC met in regular session; all three present. Afternoon: JC, ML attended *America's Promise (100 Best Communities for Young People) Celebration*, as well as the Missoula Civic TV Press Conference before the event.

ADMINISTRATIVE MEETING

Agreement – BCC signed. Collective Bargaining Agreement between County and Local Unit No. 43 (MT Nurses Association) from July 1, 2010-June 30, 2012. Two originals to Jean Shannon/Human Resources for further signatures/handling.

Resolution No. 2010-122 – BCC signed, dated October 19, 2010. Budget Amendment for Search & Rescue for transfer from SAR Fund to new Seeley SAR Fund in amount of \$5,000 for operations. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Grant Award Documents – ML signed, dated October 19, 2010. CDBG Award/Loan documents for Kelly Logging as SubRecipient for Agreement between County and MAEDC. Amount/\$150,000 (plus \$150,000 from County's Program Income RLF). Original to Cindy Wulfekuhle/OPG.

Request – BCC approved CDBG RLF loan to Red Willow Center for start-up costs for Health and Healing, LLC in amount of \$30,000. Original to Cindy Wulfekuhle/OPG.

Contract – BCC signed, dated October 19, 2010. Between County and PRAXIS-Building Knowledge for Action to conduct survey of Missoula homeless/unsheltered individuals in County. Amount/\$2,000. Term/October 19, 2010-January 15, 2012.

Contract – BCC signed, dated October 19, 2010. Between County and Lower Construction for two padded cells at MCDF. Amount/\$44,000 (from State of MT) and \$25,473 from County Sheriff's Dept. Term/October 8-December 31, 2010. Two originals to Larry Farnes/Facilities Management.

Request – ML signed Application for Rezoning Lot 1, Block 4, MDP – Phase 1 from MDP Special Zoning District "Neighborhood Commercial" Sub-District to MDP Special Zoning District "Light Industrial" Sub-District, as recommended by MDA. Original to Barb Martens/Projects for further signatures/handling.

Letter – BCC signed, dated October 18, 2010 to Guy Hanson/Axmen Recycling, Missoula, regarding his application for a motor vehicle wrecking facility license. Public Hearing will be held November 1, 2010; Resolution in support of or opposition to will be adopted thereafter.

Additional discussion item(s): 1) Charitable Giving Campaign; 2) Set up meeting with Senator Cliff Larsen.

WEDNESDAY, OCTOBER 20, 2010

BCC met in regular session; all three present. Evening: BCC conducted deliberations on Seeley Lake Rural Land Use Planning, held in Seeley Lake Community Center.

CHIEF ADMINISTRATIVE OFFICER MEETING

Amendment and Resolution – BCC signed Amendment #1 to Software/Service Agreement between County and Computer Software Associates, dated October 20, 2010. Amendment provides for addition of Warehouse-Inventory Tracking/Maintenance Module. Additional cost/\$19,795. BCC signed Resolution No. 2010-123, Budget Amendment adding \$24,081 to Tech Fund Expense Budget to support purchase. For total disclosure, expenditures included in formal FY11 Operating Budget/ Revenue Estimates for County

Agreement – BCC approved/ML signed. Renewal Service Agreement between County and Blackfoot Communications. Term/36 months. One original to Teresa Emery/Phone Services.

Contracts – BCC signed four (4) CBO contracts, dated October 20, 2010. Between County and following for FY 2011 (July 1, 2010-June 30, 2011):

- 1) Mountain Home Montana. Amount/\$30,000; for services to young mothers and their children.
- 2) YWCA of Missoula/Ada's Place. Amount/\$7,000; for services to homeless.
- 3) YWCA of Missoula. Amount/\$35,000; for services to victims of domestic and sexual abuse.
- 4) Child Development Center. Amount/\$11,712; for services to unduplicated clients and individuals with developmental disabilities.

One original to Peggy Seel/OPG.

Letter – BCC signed, dated October 20, 2010 to Devin Garrity, State Procurement Bureau, Helena, supporting BREDD's Certified Regional Development Corporation Application. Original to M. Allen/BREDD.

Additional discussion item(s): 1) Legislative breakfast; 2) Public Works update.

PUBLIC MEETING – OCTOBER 20, 2010

1. CALL TO ORDER

Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Deputy County Attorney James McCubbin and Public Works Director Greg Robertson.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

e. Weekly Claims List - \$2,029,479.45

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$2,029,479.45. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

f. Public Announcements

5. BID AWARD (Public Works)**a. De-icing Compound**

Chair Michele Landquist opened the hearing.

Greg Robertson presented the staff report.

Questions from Commission

Executive Session

Commissioner Bill Carey made a motion that the Board of County Commissioners award the purchase of bulk de-icing product to WE Dust Control in the amount of \$59,850.00. Commissioner Jean Curtiss seconded the motion. Public Comment. The motion carried on a vote of 3-0.

6. HEARING (Certificate of Survey)**a. Teague (William & Bessie) Family Transfer**

Chair Michele Landquist opened the hearing.

James McCubbin presented the staff report (additional information).

James McCubbin questioned the applicant, William Teague

Questions from Commission

Public Comment

Executive Session

Commissioner Jean Curtiss made a motion that the Board of County Commissioners correct the Commissioner Action form to reflect what James [McCubbin] said earlier, where it lists the history of the parcel, the last paragraph to change that to read, "Currently there are two residences on the property," and then strike what's there right now and insert, "This transfer would supersede the previously approved subdivision for lease or rent." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the request by the Teague family to create one additional parcel by use of the family transfer exemption based on the fact that there does not appear to be any attempt to evade subdivision review. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

7. OTHER BUSINESS - None**8. RECESS**

There being no further business to come before the Board, the meeting was recessed at 1:39 p.m.

PUBLIC MEETING – OCTOBER 20, 2010 – 6:00 PM**SEELEY LAKE COMMUNITY CENTER, SEELEY LAKE****1. CALL TO ORDER**

Chair Michele Landquist called the meeting to order at 6:00 p.m.

Commissioners Present: Chair Michele Landquist, Commissioner Bill Carey and Commissioner Jean Curtiss. Absent: None.

Staff Present: Rural Initiatives Planner Nancy Heil, Deputy County Attorney James McCubbin, and Rural Initiatives Senior Planner Pat O'Herren.

2. PLEDGE OF ALLEGIANCE**3. DELIBERATIONS ON SEELEY LAKE REGIONAL PLAN**

Purpose of Meeting

Nancy Heil presented the staff report

Announcements and Opening Remarks

Commissioner Jean Curtiss

Commissioner Bill Carey

Chair Michele Landquist

Attachment A

Staff comment, Nancy Heil

Commissioner Jean Curtiss, list of Attachment A items

Commissioner Bill Carey made a motion that the Board of County Commissioners adopt Attachment A. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

Commissioner Jean Curtiss, **Greenough**, additional history

Commissioner Jean Curtiss made a motion that the Board of County Commissioners adopt the additional history. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Downtown Designations

Staff comment, Nancy Heil

John Richards gravel pit designation:

Discussion

Commissioner Jean Curtiss made a motion that the Board of County Commissioners include the portions of the MDOT property and the Richards property that are permitted for gravel extraction at the junction of Highway 83 and the Double Arrow Road to change the designation to General Commercial. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Jan Guelff's Designations

Discussion [note: portion of audio disrupted]

No action

North Seeley DesignationsJerry Gray, Forest Industry:

Discussion

Commissioner Jean Curtiss made a motion that the Board of County Commissioners amend A2, under industrial, second to last paragraph on page 2, last sentence to read, "These timber-related uses could be considered as conditional uses in certain and including resource protection for areas with historic use and/or infrastructure." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Clearwater Junction DesignationsCommercial Type and Extent:

Staff comment, Nancy Heil

Discussion

Leave as Planning Board recommended

Cost of Providing Services and Public Safety (County can't always provide services to new development)

Discussion

Commissioner Bill Carey, language recommendation

Commissioner Bill Carey made a motion that the Board of County Commissioners amend 7.2 to read, "The location and density of development ultimately approved by the Board of County Commissioners may also be based on the provision of adequate services for public health and safety. Missoula County may not be able to provide services to all new development, especially in remote locations with high fire hazard." Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

Chair Michele Landquist comment

Zoning Versus Growth Policy

Discussion

Resource Protection and Placid Lake Land Use DesignationsLand Use Designations, Locations on Maps, Land Use Designation Descriptions, in Text of Chapter 7, and Changes in Text in Other Chapters to Support Land Use Designations:

Staff comment, Pat O'Herren

Discussion

Commissioner Jean Curtiss, the request was to change last map in packet, change those in red to one per 10

Option 2

Staff comment, Pat O'Herren

Commissioner Jean Curtiss comment

Commissioner Jean Curtiss made a motion that the Board of County Commissioners accept Option 2, the IAG and staff with the Greenwood recommendation inserting the sentences in blue and striking the sentences previous to that. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

Chair Michele Landquist comment

Implementation Description for Land Use Designations, including TDRs and Clustering:

Staff comment, Pat O'Herren

Discussion

Commissioner Bill Carey made a motion that the Board of County Commissioners adopt Option 1, the IAG staff recommendation. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

Staff comment, Pat O'Herren

OtherAdditional Factual Corrections and Editing for Clarity as Needed, e.g., Hospital District:

Chair Michele Landquist comment, lighting

Discussion

Staff comment, James McCubbin

Commissioner Jean Curtiss made a motion that the Board of County Commissioners direct staff to do any additional factual corrections and editing for clarity as needed, for example, the hospital district. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

BOOK 110 PAGE 0243

Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the contents of this Request for Commission Action and adopt a Resolution of Intent to Adopt the Seeley Lake Regional Plan Update, as amended by Planning Board, as amended by the Board of County Commissioners, and with any necessary factual corrections and editing for clarity. This resolution ... (see RCA). Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Rich White
Commissioner Jean Curtiss
Cale Good

Closing Comments:

Commissioner Jean Curtiss
Commissioner Bill Carey
Chair Michele Landquist
Pat O'Herren
Nancy Heil
Commissioner Jean Curtiss
James McCubbin

5. RECESS

There being no further business to come before the Board, the meeting was recessed at 7:42 p.m.

Following deliberation in Seeley Lake, BCC signed Resolution No. 2010-124 – Resolution of Intent to Adopt the Seeley Lake Regional Plan Update With Revisions, dated October 20, 2010.

THURSDAY, OCTOBER 21, 2010

BCC met in regular session; all three present in the morning. BC out ill all afternoon.

ADMINISTRATIVE MEETING

Resolutions – BCC signed following, dated October 21, 2011, pertaining to approval of Quebec Deschamps Open Space Bond Project to purchase conservation easement on land owned by Deschamps family:

- 1) Resolution No. 2010-126 – To expend \$175,000 from City's portion of 2006 Open Space Bond Proceeds:
- 2) Resolution No. 2010-125 – To expend \$175,000 from County's portion of 2006 Open Space Bond Proceeds:
- 3) Resolution No. 2010-127 – Budget Amendment expending City & County's portion (\$175,000) for above-referenced easement. For total disclosure, expenditures included in formal FY11 Operating Budget/ Revenue Estimates for County

Memorandum of Agreement – ML signed. Between County MT DOT for purchase of air quality equipment (2010 Tymco Sweeper). Total amount/\$192,444.94; CMAQ funds to pay \$160,173/Public Works to pay County portion of \$32,271.91. Two originals to MDT for further signatures/handling.

Bid – ML signed bid (\$2,700) from Knife River Corporation for Fort Missoula sump replacement project. Parks' budget will pay. Original to Lisa Moisey/Parks.

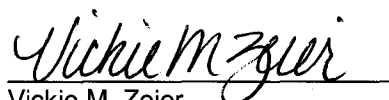
Request for Records Disposal/Transfer Authorization – ML signed. From Justice Court: Court Notes 1/99-7/99. To Records.

Additional discussion item(s): Knife River DEQ Permit application.

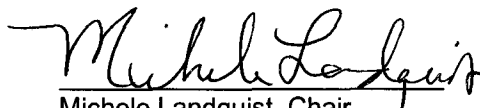
FRIDAY, OCTOBER 22, 2010

BCC met in regular session; all three present.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated October 21, 2010. Amount/\$14,363.96. Document to County Auditor.



Vickie M. Zeier
Clerk & Recorder



Michele Landquist, Chair
BCC

MONDAY, OCTOBER 25, 2010

BCC met in regular session; all three present. Noon: JC attended Leadership MT Alumni Lunch, held at First Interstate Bank.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 22/CY2010 - Pay Date/September 22, 2010. Total Payroll/\$1,214,507.14. To County Auditor.

Planning Status Meeting – BCC/OPG Staff: **CANCELED**

Rural Initiatives Meeting – BCC/RI Staff. Agenda: 1) Public Comment; 2) Update on revisions to Subdivision Regulations; 3) Update on bid solicitations; 4) Seeley Lake Plan; 5) RI Director's Update.

TUESDAY, OCTOBER 26, 2010

BCC met in regular session; all three present. Morning: BCC toured Secure Storage Facility at Detention Center.

ADMINISTRATIVE MEETING

Grant Contract – ML signed contract between Health Dept. and CJ Foundation to expand SIDS prevention and Safe Sleep education project. Term/September 1, 2010-August 31, 2011. Amount/\$4,300. Two originals to Julie Mohr/Health Dept. for further signatures/handling.

Amendment #1 – ML signed. To Task Order #107-5-51-018-0 between MCCHD and DPHHS for provision of Children's Special Health Services (original Task Order signed by BCC on 3/04/10). Amendment increases total contract by \$4,000 (from \$9,700 to \$13,700). Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Amendment #3 – ML signed, dated October 26, 2010. Between County and HDR to evaluate alternatives for interim nitrogen removal at RSID 8901, Lolo WWTP. Amount/\$11,393.70. One original to Greg Robertson/Public Works.

2009 MT Forest Highway Route Inventory Forms – ML signed for Petty Creek Road and Nine Mile Road. Original to Greg Robertson for further signatures/handling.

Additional discussion item(s): 1) Low/Moderate Income Assistance for Repairs in Lolo RSID 8901 District; 2) Future requirements within RSID 8901 District Boundary (water/sewer connections pertaining to DEQ Subdivision Rules).

WEDNESDAY, OCTOBER 27, 2010

BCC met in regular session; quorum present. Evening: JC attended Blackfoot Recreation Corridor Cooperators Fall Meeting, held at Lubrecht Forest Conference Center. BC on vacation through November 2nd.

CHIEF ADMINISTRATIVE OFFICER MEETING

Resolution No. 2010-129 – BCC signed, dated October 27, 2010. Authorizing use of County CDBG program income revolving loan funds (\$15,000) to assist low and moderate income owner occupied households within RSID No. 901 Lolo Water-Wastewater District.

Contract – ML signed. #211006 between City-County Health Dept. and MT DEQ for local radon outreach/public education for FY 2011. Amount/\$2,300. Two originals to Julie Mohr/Health Dept.

Memorandums of Agreement – BCC approved/signed three (3) Agreements between County and Missoula Correctional Services, Inc. for 1) Pretrial Supervision Program (\$122,108.25); 2) Community Service Program (\$68,400.69); and 3) Misdemeanor Supervision Program (\$199,702.06). [Note: County Attorney would not sign; Agreements returned to MCS to re-do the Agreements. Signed 11/17/2010].

Resolution No. 2010-128 – BCC signed, dated October 27, 2010. Budget Amendment for Supt. of Schools in amount of \$1,693 to increase salaries/fringe to accommodate overlap hire and training of new employee. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Agreement – BCC signed, dated October 27, 2010. Between County and The Missoula Indian Center for Project Success at Willard School to support substance abuse prevention efforts. Amount/\$22,790. Term/ July 1, 2009-June 30, 2010. One original to Peggy Seel/OPG.

Contracts – BCC signed five (5) CBO contracts, dated October 27, 2010. Between County and following for FY 2011 (July 1, 2010-June 30, 2011):

- 1) American Red Cross of MT. Amount/\$5,000; for financial assistance to disaster victims and advanced training to volunteers.
- 2) Missoula Urban Transportation District. Amount/\$20,000; for additional ADA paratransit services.
- 3) Evaro-Finley-O'Keefe Community Council. Amount/\$1,000; yearly allotment.
- 4) Swan Valley Community Council. Amount/\$1,000; yearly allotment.
- 5) West Valley Community Council. Amount/\$1,000; yearly allotment.

One original to Peggy Seel/OPG.

Additional discussion item(s): 1) Bear Creek Road; BCC to schedule meeting S. Wills; 2) Space needs update.

PUBLIC MEETING – OCTOBER 27, 2010

1. CALL TO ORDER

Chair Landquist called the meeting to order a 1:30 pm.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Thomas Korleske: I was here at another meeting to tell you about incidents with a police recording of records of mine and that the records I found to be altered but the court records I found not to be altered. And then when I was here I got a copy of my talking with you people at the meeting and it prompted me to think of, why don't I get a copy of my talking with the City Council Meeting about the fabricated police report and the fabricated allegations against me back five (5) years ago. And so I did this and I was just as astounded with what I found in the records of the City Council Meeting as it was with the Police Records and now with the Court Records. What I found was a public hearing, public comment from citizens three minute rule will be enforced – it says; Tom Korleske has stated that he had recently arrived in Missoula in July, he comments that he had (in audible) what we've done with the city. A person made a complaint to the Police about him, two days later the police were called again by the same person. What I did is I told Marty Rehbein, the Clerk, that a person threatened to call the Police, but they didn't call the Police...I thought they did and I reported myself to the Police and before I went to see Marty Rehbein. Then I went up to the Clerks Office to say - who could be instigating false allegations against me about something I'm not doing? The comments that I find on the City records are - know that she had called the Police by the same person and he was asked to stay away from this person...I was never asked to stay away from anybody. Despite the fact that he was not near the person, the Police Officer wrote a citation on Mr. Korleske, in the Police report it stated that he confessed to doing something he allegedly did not. The report also said that the Police Officer saw him do this; the report does not disclose which Officer it was. The Police report did disclose the Officer who wrote the reports name, but he indicated when I was talking to him that there was more than one Police Officer involved. And I was wondering who I was gonna be defending myself with, not just one Police Officers name. Mr. Korleske believes that it should be made known to him in the police report along with persons who are making the allegations. He has spoken to another out-of-state person; this was about different incidences with the Police Department, in so doing. Yeah, this is completely false, completely erroneous to what I said. Later on it goes on to say that what I said in a text and what I said in a text of my conversation was that I didn't know, and I wasn't there, and I wasn't doing. It's hard for anybody to understand why a person would make allegations against me, a citizen #1 that I didn't know and never had any relationship to. #2, A Police Officer who didn't know and wasn't familiar, I don't believe, with the hot dog vendor to falsify a police report. To me it's a phenomenal thing that nobody would even expect to understand or even look at and that's the whole sum of my text. So when I went back and saw this in the city records I'm seeing I'm almost a criminal and I was never in the area, I never had any relationship with these people, Police Officer or otherwise. So, I thought I would let you people know on what I found and in accordance with my prior talking with this commission.

Chair Landquist: Thank you very much for clearing up the record with us from your perspective. I think that's certainly a call within your rights to make. You realize this isn't the county's records?

Thomas Korleske: I understand this but I'm a citizen of the county, and I am a citizen of the city, and I'm a citizen of the State and before I go off helter-skelter on my own unfounded feelings and stuff, I think I should pursue whatever avenues are open to me to air out my own thinking. I think probably the worst person to my person in the City of Missoula would be my own self. I think the people are generally wonderful people and try to help you and try evaluation your situation and relieve your stresses and so that's why I'm here.

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- g. Weekly Claims List (\$1,253,168.70)

Commissioner Curtiss made a motion that the Board of County Commissioners approved the weekly claims list in the amount of \$1,253,168.70. Chair Landquist seconded the motion. The motion carried on a vote of 2-0.

- h. Public Announcements
None

5. OTHER BUSINESS - None**6. RECESS**

There being no further business to come before the Board, the Commissioners were in recess at 1:34pm.

THURSDAY, OCTOBER 28, 2010

BCC met in regular session; quorum present. BC on vacation through November 2nd. Administrative Meeting canceled – no agenda items.

FRIDAY, OCTOBER 29, 2010

BCC met in regular session; quorum present. BC on vacation through November 2nd.

County Transportation Ballot – ML voted/signed FOR following route change: Add new preschool route for 2010-2011 (Route SE17) for Frenchtown School. Returned to Kella/Supt. of Schools.

Letter – BCC signed, dated October 28, 2010 to Board of Commissioners, c/o Nancy Ivy, Region One, MT FW&P, Kalispell, encouraging FW&P to approve West Swan Valley Conservation Project/purchase of conservation easement in Swan River State Forest.

BOOK 110 PAGE 0246

Grant Award Documents – ML signed Award/Special Conditions for MT BOCC JABG Subgrant (#10-A15-90841) for 2010-2011 personnel/contract services, etc. for Habitat for Humanity services in supervising juveniles, as part of JAI. Amount/\$80,047. Original to Leslie Halligan/County Attorney's Office. [See 9/14/10 journal entry; document originally signed by Acting Chair BC. State needed documents signed by Chair.]


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: NOVEMBER, 2010

BCC = BOARD OF COUNTY COMMISSIONERS

ML = Commissioner Michele Landquist, Chair

JC = Commissioner Jean Curtiss

BC = Commissioner Bill Carey

The following Claims Lists were signed during the month of NOVEMBER 2010:

Date Signed	Claims List Date	Who signed	Amount
November 1, 2010	November 1, 2010	ML, JC	\$110.00
November 3, 2010	November 3, 2010	BCC	\$10,076.71
			\$32,051.84
			\$5,020.02
			\$79,510.74
November 4, 2010	November 3, 2010	BCC	\$6,467.67
			\$3,292.00
November 8, 2010	November 8, 2010	BCC	\$21,029.45
			\$49,518.96
			\$202,615.39
			\$259.27
November 9, 2010	November 8, 2010	BCC	\$44,432.92
			\$61,280.95
			\$117,306.36
			\$16,997.61
November 9, 2010	November 9, 2010	BCC	\$22,769.94
			\$16,568.38
November 10, 2010	November 9, 2010	BCC	\$309,961.32
November 10, 2010	November 10, 2010	BCC	\$16,176.28
November 10, 2010	November 10, 2010	BCC	\$416.50
			\$11,976.00
November 15, 2010	November 15, 2010	BCC	\$42,911.85
November 16, 2010	November 16, 2010	BCC	\$240,263.06
			\$17,543.01
			\$1,110,517.31
November 17, 2010	November 17, 2010	BCC	\$26,213.90
			\$7,919.27
			\$300.00
			\$30,104.86
November 18, 2010	November 17, 2010	JC, ML	\$57,906.52
			\$62,726.95
November 18, 2010	November 18, 2010	JC, ML	\$155,928.62
November 22, 2010	November 18, 2010	BCC	\$4,169.00
			\$21,792.01
November 22, 2010	November 19, 2010	BCC	\$37,467.25
November 22, 2010	November 22, 2010	BCC	\$89.00
November 23, 2010	November 22, 2010	JC, BC	\$39,434.65
			\$32,396.00
November 23, 2010	November 23, 2010	JC, BC	\$1,444.42
			\$32,466.22
			\$362.56
November 24, 2010	November 23, 2010	BCC	\$93,800.05
			\$19,061.48
			\$2,966.21
			\$1,159.90
November 29, 2010	November 24, 2010	BCC	\$1,206.15
November 29, 2010	November 29, 2010	BCC	\$124,676.57
			\$19,604.40

November 30, 2010	November 29, 2010	BCC	\$101,851.40
			\$7,183.96
			\$48,367.06
			\$25,514.14
			\$58,431.71
			\$50,242.78
			\$30,000.00
			\$77,530.16

All Claims Lists were returned to the Accounting Department.

MONDAY, NOVEMBER 1, 2010

BCC met in regular session; quorum present. Afternoon: BCC held Public Hearing re: Application for a Motor Vehicle Wrecking Facility License (Axmen/Guy Hanson). Evening: JC attended Potomac FSA Meeting, held at Potomac Fire Hall. BC on vacation through Tuesday, November 2nd.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Invermere Subdivision Phasing Plan Amendment) (*action*); 3) OPG Director's Update.

Letter – BCC signed, dated November 4, 2010 to Drake Lemm, Lolo, conditionally approving amendment to Phase 2A of Invermere Subdivision. Final Plat deadline is extended to April 4, 2011, subject to COA #26 as amended (requiring approval of Weed Management Plan).

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Introduce Sarah Canepa, Rural Landscape Scientist; 3) Letter of Support for Missoula to Lolo Trail Project (*info*); 4) RI Director's Update.

Letter and Resolution – Following the Public Hearing, BCC signed letter to Bruce Meyer/Motor Vehicle Recycling/Disposal Program, Helena, in support of granting a motor vehicle wrecking facility license to Axmen Recycling (providing all screening/fencing conditions are met). Resolution No. 2010-130 – BCC signed, dated November 3, 2010. Supporting granting of above-mentioned license to Axmen Recycling. Public Hearing held November 1, 2010.

PUBLIC HEARING – NOVEMBER 1, 2010 – 2:30 pm

1. CALL TO ORDER

Chair Landquist called the meeting to order at 2:30pm.

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss

Commissioners Absent: Commissioner Bill Carey,

Staff Present: Richard Corrigan, Health Department Junk Vehicle Program Coordinator, Jim Carlson, Director Environmental Health

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT - None

4. HEARINGS (Certificates of Survey)

Application for a Motor Vehicle Wrecking Facility License.

(Axmen – Guy Hanson) – 9775 Summit Drive

Staff Report

Application for License

Richard Corrigan: I did a pre-inspection of the facility and found it to be in compliance. However, the shielding for the property wasn't adequate, but in his licensing packet he assures us he will be putting in a 10 foot fence to shield it, which would be more than adequate. I have no objections to this; I would recommend a favorable recommendation to the Department of Environmental Quality (DEQ) for the licensing. A private wrecking facility.

Executive Session

Commissioner Jean Curtis made a motion that the Board of County Commissioners accept staffs recommendation to speak favorably for this application if they meet the criteria for the fence that they would say they would do in their application and submit that in comments to DEQ. Chair Landquist second the motion. The motion carried a vote of 2-0.

5. Other Business - None

6. RECESS

there being no further business to come before the Board, the Commissioners were in recess at 2:40pm.

TUESDAY, NOVEMBER 2, 2010**COURTHOUSE CLOSED FOR THE GENERAL ELECTION****WEDNESDAY, NOVEMBER 3, 2010**

BCC met in regular session; all three present. Afternoon: JC attended Senior Volunteers Recognition Event, held at The Springs.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending October 31, 2010.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending October 31, 2010.

CHIEF ADMINISTRATIVE OFFICER MEETING

Report - ML signed 2010 Applicant/Recipient Disclosure/Update Report for County Continuum of Care application for HUD funding for Western MT Mental Health Center SHARE House project and YWCA Ada's Place project. County to receive awards totaling \$249,869.

Agreement - BCC signed, dated November 3, 2010. Between County and City Life to support substance abuse prevention efforts training. Term/July 1, 2010-June 30, 2011. Amount/\$5,000. One original to Peggy Seel.

Agreement - BCC signed, dated November 3, 2010. Between County and Frenchtown School District #40 for after school program at Frenchtown High School for substance abuse prevention alternative activities. Term/July 1, 2010-June 30, 2011. Amount/\$30,000. One original to Peggy Seel.

Rental Agreement - ML signed, dated October 18, 2010. Between Thomas Monaghan and Seeley Swan Coalition for Youth for office space across from Seeley Swan Elementary. Ren/\$2,700 per year. Funding from County's Grant to Reduce Alcohol Abuse.

Renewal/Memorandum of Agreement - ML signed, dated November 3, 2010. Between WORD, Inc and Healthy Start Council (Missoula Forum for Children/Youth) for the MT Parent Information/Resource Center. Amount/\$7,500. Term/12 months, commencing October 1, 2010. One original to Peggy Seel/OPG.

Letter - BCC signed, dated November 3, 2010 to Dan Lovato/Buckaroo Construction, Missoula, terminating contract with Buckaroo (due to financial state of affairs/business condition) to reconstruct LaLonde Ranch House porch. County has paid for work completed to date, and will complete remainder of project.

Board Appointments - BCC reappointed Marci Valeo, Carolyn Mehl, Heather Wills, and John Rimel (Alternate) as members of the Open Lands Citizens Advisory Committee. Alt. Anne Dahl appointed Regular Member to replace Jim Gouaux. All 3-year terms: December 1, 2010-November 30, 2013.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated November 2 and 3, 2010. Amount/\$21,002.57. Document to County Auditor.

Letter - BCC signed, dated November 3, 2010 to Robert Olson, EDA, Denver, supporting MonTEC and UofM's application for EDA funds to renovate MonTEC, which supports Rivertop Renewables in producing a nontoxic/biodegradable chemical and developing their company.

Additional discussion item(s): 1) Clark Fork Basin Task Force; Peter will provide letter of application for Bill to apply (see November 30 journal entry); 2) FWP Purchase of Milltown Park property; BCC to attend on November 10th at 6:30 pm at Bonner School; 3) Pimlico option for MDP Technology District; 4) BC will speak at Veterans' Day Ceremony to be held on Courthouse lawn.

PUBLIC MEETING - CANCELED (No Agenda Items)**THURSDAY, NOVEMBER 4, 2010**

BCC met in regular session; all three present. Noon: BCC attended Ribbon Cutting Ceremony for new Miller Creek Roundabout. Evening: ML attended After Fair Superintendents Recap Meeting, held at Fairgrounds.

Replacement Warrant - ML signed. S&D Distributing, Lolo, Principal for Lolo School Dist. Warrant #11345, issued October 18, 2010 on County schools claims fund. Amount/\$2,922.24 (for milk). Warrant not received in mail; no bond of indemnity required.

ADMINISTRATIVE MEETING

Resolutions - BCC signed four (4) Budget Amendments, dated November 4, 2010, to adjust budget line-items for Public Works:

- 1) Resolution No. 2010-131 - \$32,500 transfer from Road Cash Reserve for Tymco Sweeper;
- 2) Resolution No. 2010-132 - \$968,000 transfer from FHWA Funding/Road and Bridge Cash Reserves for Petty Creek ROW;
- 3) Resolution No. #2010-133 - \$4,502.18 transfer from Road/Bridge Cash Reserves for Oil Separator;

4) Resolution No. 2010-134 – \$12,499 and \$881.70 to accommodate increases to technology-related expenses.

For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Resolution No. 2010-135 – BCC signed, dated November 4, 2010. Budget Amendment for BCC/OES. \$2,341 from Cash Reserves and 9-1-1 for intern assistance. For total disclosure, expenditures included in formal FY10 Operating Budget/Revenue Estimates for County.

Rental Agreement – ML, BC signed. Between County and Frenchtown Property Management for property at 16840 Beckwith Street, Frenchtown, for Frenchtown Coalition office space. Rent/\$235 per month. Term/September 30, 2010-June 30, 2011. Funding from County's Grant to Reduce Alcohol Abuse. One original to Peggy Seel/OPG for further signatures/handling.

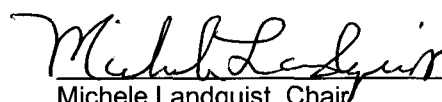
Agreement – BCC signed two signature pages. Collective Bargaining Agreement between County and the MT Public Employees Association Library Unit from July 1, 2010-June 30, 2012. Two originals to Jean Shannon/Human Resources for further signatures/handling.

Additional discussion item(s): None.

FRIDAY, NOVEMBER 5, 2010

BCC met in regular session; quorum present. ML out of the office all day.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, NOVEMBER 8, 2010

BCC met in regular session; all three present.

Plat and Agreement – BCC signed. Owner-Kirk D. Mace. Mace Subdivision; located in the NE¼ of Section 26, T 13 N, R 20 W, PMM, Missoula County. Total area/7.73 acres. Improvements Agreement/Guarantee relates to several items re: Roads/sidewalks/sewer/storm drain/dry utilities and misc. Completion date/no later than November 20, 2010. Estimated costs/\$128,167; guaranteed by Letter of Credit from First Security Bank in amount of \$173,026.

Planning Status Meeting – BCC/OPG Staff. **CANCELED/No agenda items.**

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Swan Community Council Bylaws; 3) FWP's Crucial Areas Program; 4) RI Director's Update.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending October 31, 2010.

TUESDAY, NOVEMBER 9, 2010

BCC met in regular session; all three present. Morning: BCC toured Salvation Army Facility.

ADMINISTRATIVE MEETING

Agreement – BCC signed, dated November 9, 2010. Between County and WORD-Families in Transition for FY2011 CBO funding to aid 52 low-income, high needs families. Amount/\$25,000.

Agreement – BCC signed, dated November 9, 2010. Between County and Salvation Army Winter Shelter Program for FY2011 CBO funding to provide 125 households with shelter assistance during November through April. Amount/\$25,000.

Agreement – BCC signed, dated November 9, 2010. Between County and Salvation Army for FY2011 CBO funding to provide emergency transportation assistance. Amount/\$18,000.

Certificate of Substantial Completion – ML signed. With Valley Landscape, Inc. for park improvements in county parks 4, 5, 7 & 8, MDP. Two originals to Barb Martens/Projects.

Contract – BCC signed, dated November 9, 2010. Between County and Loken Builders to complete reconstruction of porch at historic LaLonde Ranch house at MDP. Amount/\$15,694.05. Term/November 8, 2010-December 20, 2010. One original to Barb Martens/Projects.

Contract – BCC signed, dated November 9, 2010. Between County and Montana Silhouette to provide handrails for historic LaLonde Ranch house at MDP. Amount/\$600. Term/November 9, 2010-December 31, 2010. One original to Barb Martens/Projects.

Modification – BCC signed Modification of Settlement Agreement, Mutual Release of All Claims and Covenant Not to Sue for the Mullan Trail Subdivision litigation. Will release \$350,000 currently being held in trust for the Grant Creek Project. Original to Greg Robertson/Public Works for further signatures/handling.

Agreement – ML signed. DOT #091 416 N between County and MT Rail Link to upgrade railroad crossing on Petty Creek Road. No costs; Federal Highway Administration to include as part of project. Two originals to Greg Robertson/Public Works for further signatures/handling.

Request for Records Disposal/Transfer Authorization – ML signed. Potomac School Transportation contracts and general correspondence: 1982-1983. To Records.

Letter – BCC signed, dated November 5, 2010 to Doug Moeller/MT DOT, Missoula, concurring with speed study for South Avenue/Clements Road/3rd Street West. BCC also wishes to pursue reducing school zone speed limits in areas around Target Range and Hawthorne Schools, and Big Sky High School..

Additional discussion item(s): NRD Long Range Guidance Plan.

WEDNESDAY, NOVEMBER 10, 2010

BCC met in regular session; all three present. Evening: BCC attended Public Meeting hosted by EPA/FWP on FWP's proposed purchase of Milltown Park property; meeting held at Bonner School Library.

CHIEF ADMINISTRATIVE OFFICER MEETING

Contracts – BCC signed two (2) sub-contracts between County and following for period January 20, 2010-December 31, 2010 for distribution of certain HB 130 funds for jail diversion efforts/crisis mental health treatment:

- 1) St. Patrick Hospital Sub-Acute Mental Health Clinic, dated June 21, 2010. Amount/\$30,888; for Licensed Social Worker/Addictions Counselor salary.
- 2) WMMHC Adult Mental Health Services, dated June 21, 2010. Amount/\$18,731; for response to detention center.

One original to Kim Brown Campbell/OPG.

Certification – ML signed 2010 HOME Program Annual Certification for Rental Housing for Carole Graham Home. Original to Nancy Harte/OPG.

Request – BCC approved Larchmont Golf Course and Caddy Shack 2011 Budget. Original to Larchmont.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated November 9, 2010. Amount/\$2,333.80. Document to County Auditor.

Additional discussion item(s): 1) Potomac fire issues/questions; 2) Clark Fork Floodplain update; Peter Nielsen will draft a letter.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated November 16, 2010:

- 1) Approving request from Ashley Svine, Missoula, to refund motor vehicle taxes/fees contingent on receiving original registration/tabs received when registering Vehicle #2566606.
- 2) Approving request from Shauna Miller, Missoula, to waive penalty/interest for Taxpayer ID #4611023 (no tax bill received).
- 3) Approving request from Colleen Kline, Milltown, to refund mobile home taxes paid by Green Tree for Taxpayer ID #90417890; 2nd half 2010 taxes must be paid before delinquent.
- 4) Denying request from Hazel Ruth Kuykendall, Missoula, to refund penalty/interest for Taxpayer ID #533506; BCC has no legal authority to do so.
- 5) Approving request from Robin Monaco, Lolo, to waive penalty/interest for Taxpayer ID #5826475.
- 6) Denying request from Raymond McMillan, Missoula, to refund penalty/interest for Taxpayer ID #1892905/572802; BCC has no legal authority to do so.
- 7) Denying request from Laurence DeMott, Missoula, to refund motor vehicle taxes/fees paid for Vehicle #1GBKP37W953326206.

PUBLIC MEETING – NOVEMBER 10, 2010

1. CALL TO ORDER

Chair Landquist called the meeting to order at 1:30pm.

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey,

Staff Present: James McCubbin, Deputy County Attorney, Steve Smith, Public Works, Kim Cox, Deputy Clerk & Recorder.

3. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Phyllis Jamison: Deputy County Attorney James McCubbin handed over a complete packet regarding the petition to abandon a portion of 4th Street to Ms Jamison. Ms Jamison stated that a Missoula County Sheriff's Deputy illegally obtained her unlisted phone number and unlisted address property and without her calling him to her property he proceeded to park at her gate and harassed her by phone at her gate for a better part of an hour before finally leaving her property after asking rude questions. She will write a letter to the Attorney, as she feels it appropriate under the circumstances.

Ms Jamison addressed hazardous endangerments in back of Lorenzo's property. She referenced a letter from the electric company; they were out there two days ago and had to work in dog poo, huge amounts in the back of the Lorenzo's property. The workers were warning each other to watch it and don't step in the poo. She continued to read a letter from Cliff Naui with the Missoula Electric Company, it says; debris should not be in alley right-of-way as it encumbers our work area. The alley in question is behind the Lorenzo's home. Miss Jamison offered to make copies. Chair Landquist was concerned that if it was a hazard the utility company would be contacting the Commissioners directly to inform them if there was a problem, she was questioning Ms Jamison as to why she brought it to the meeting if it's not applicable to the hearing.

Exhibit one: it shows the extent of one of the hazards of what they had to walk through. The electric company came out the day before yesterday and wrote this letter. They had three big work trucks out there for several hours, most of the day, they had a cherry picker and she didn't know the name of the other trucks. They were trying to work in this mess; David & Debbie Lorenzo in their Clinton Farm Greenhouses have created hazardous conditions all around their property, on every side. Miss Jamison has talked to them about it they said they built their fence so they don't have to look it so we don't care. Ms Jamison commented that the problem with that is that the rest of the community does care. The Lorenzo's dump their rubbish and garbage from their greenhouses into the street and into the alley. They had to move everything with a scooper before they could work (Electric Company) it looks horrible out there now because of all of the stuff they moved is piled up. This is just part of the problem, it covers a huge area. With all due respect, Chair Landquist suggested that what Ms Jamison is trying to point out would be more appropriate to have that information together in the record under the hearing because it still seems to be implement some reasoning, seems to connect to this abandonment that they have been asked to look at today, because it has to deal with the same people that have requested the abandonment. Miss Jamison claims it's a different issue; one is an abandonment issue, those are not necessarily hazards in the road, these are hazardous issues that are not part of the abandonment property area, it's on the other side of their house. Ms Jamison commented that her back is starting to hurt from standing. Chair Landquist stated that when they look at roads they look at all other accesses, all other access and approaches and that's where the connection comes from. For what you're trying to convey to us your comments would be better served with the hearing portion of the meeting. Ms Jamison agreed and is happy to accommodate that. Chair Landquist didn't want Ms Jamison to feel like she has to rehash what she's saying now...later on, to make it more applicable, especially since her back is hurting. Chair Landquist reminded her that at the end of the agenda, 'item #7, is there any other business' would be more time for public comment if she felt there was more to cover. Ms Jamison proceeded to go back to the opposition but Commissioner Curtis reminded her that there are four more things to cover before they cover that and asked her to wait until then, they would hand her the microphone so she didn't have to stand, Ms Jamison appreciated the suggestion.

No other comments.

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$1,151,889.40)

Commissioner Carey made a motion that the Board of County Commissioners approved the weekly claims list in the amount of \$1,151,889.40. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

- b. Commissioner Curtiss announced that there will be a Veterans Day Ceremony on the Courthouse lawn tomorrow at 11:00.
- c. Chair Landquist reminded everyone that they can call 2-1-1 for 'other' emergency issues; such as housing, food, heating, daycare, support groups, health care options, etc. If you call 2-1-1 you will speak to an Informational Referral Specialist who is trained to analyze your problem or question and has a current and comprehensive listing of community resources and can refer you to the agencies and organization that may be able to help. She urges everyone to use this during the tough economic times and don't wait till it's too late, don't let your pride get in the way. Missoula County is a wonderful place to live and we've actually just been awarded one of 100 best places for youth to live because of all the programs that we offer, which also include all the programs we have for adults. Please don't hesitate to call 2-1-1 if you need help and talk to a referral specialist.

5. HEARINGS (Certificates of Survey)

- a. DeAlba (Sharon) Family Transfer (postponed from August 11, 2010).

Staff Report.

20 acres in size near the Ninemile in the River Run Subdivision. Sharon DeAlba proposes to create approximately one five acre parcel to transfer to Sam DeAlba, her son, for residential purposes and keep the remaining approximately 15 acre parcel for residential purposes as well.

That information that the 15 and the 5 acre parcels, that's based on the original application that we received. Subsequent to receiving that application we received a number of public comments in writing, should be included in your record, commenting that there are confidences applicable to this property that required minimum lot size of 10 acres. In response to that we received the day before from Ken Jenkins on behalf of Ms DeAlba an alternate proposal that would split this parcel into two-10 acre tracks instead of a 15 and a 5 acre track. That would comply with the confidence but still create a parcel for transfer to do this. This is an update since he submitted a Request for Commission Action. History of the parcel is that there was boundary line relocation by prior owner in 2006. As far as the record show the application has not previously used exemptions in the Subdivision and Platting Act. This matter is here for consideration as to whether it qualifies both in terms of technically and what do you perceive (in audible). No intent

James McCubbin asked Ms DeAlba the standard set of questions.

Current proposal is the 10 and 10, did receive a color aerial with print out. Property is COS 5845 (solid line outlining the property), Lot 1 and Lot 2A. There is currently one home on the property. OPG noted that there are floodplain issues with the property, excess the scope of review there's nothing that can be done in terms of conditions but wanted to make aware of that and it could affect the availability of building permits, septic systems. Commissioner Curtis commented that it is marked on the map, flood prone area.

Public Comment:

Christine Johnson, president of the HOA River Run Ranches stated that because it meets confidence they fully support the decision.

Executive Session

Commissioner Curtiss made a motion that the Board of County Commissioners approve the request by Sharon DeAlba to create one additional parcel by use of family transfer exemption based on the fact that there does not appear to be any attempt to invade subdivision review. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

b. Blasé (Richard) Family Transfer Reconfiguration.

Family Transfer previously approved in July 2010, following that approval the final parcel configuration that was submitted as a proposed COS to Surveyors' Office varied from the diagram that was reviewed as a family transfer in July. That COS was denied, wouldn't allow them to record that because it didn't conform to the approval and so now they have come to ask for approval for a different family transfer, effectively it's the same family transfer just in a slightly different configuration. It was enough of a different configuration that we felt that it could potential effect your evaluation of the matter so we asked to come back for Commissioners review, so we have a new application. Given the confusion in the process we actually waived the processing fee to come back again and we have Mr. Short here in behalf of the Blasé Family for these proceedings today. I told him that I thought that would be sufficient for the reconfiguration issue but I also let him know that if the Commissioners wanted further testimony from the family there was the possibility to continuing this for more information. You have a Commission Action Form that describes a little more the details of the background of the family transfer but basically it the same transfer, the same number of lots, but in a little bit of a different configuration which is most easily shown by looking at the exhibits. The standard questions for family transfer do not apply. Commissioner Curtis asked Mr. Short representing Territorial Landworks to explain why the family changed the configuration, that's the easiest thing to do. Mr. Short explained it basically came down to there's a driveway that accesses the property and initially they just thought they would have an easement but then when the surveyor crew came out they did some rough calculations and said it's the same acreage as you wanted and instead of having that road in the easement we'll just put the property line against the road. The previous testament from Richard is still the same.

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners approved the request by Mr. Richard Blasé to create one additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to invade subdivision review. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

c. Braach (Rob) Family Transfer Reconfiguration.

Agenda should reflect this is actually a boundary line relocation. This was a previously approved boundary line relocation but now the applicant has decided to do things a little bit differently. Because this has come to you before I thought the changes should come to you as well. This is for your consideration to determine whether you think there's an attempt to invade subdivision review. Commissioner Curtiss stated this was the review that required colored maps to clarify what had happen when. The packet today has existing proposal from April and the modified proposed. This is a modified review from the April 6, 2010 review. Steven from Eli & Associates spoke on behalf of the family. Rob was out fencing and he had some new ideas on how he would like to reconfigure his property. They had already prepared the records set but we could make some adjustments. This was a large adjustment. This follows the intent we're still with trying to use the road as a boundary and keep the existing lots and the development below the road. They're managed to make it where they're reduce the numbers of building sites and lots that are on the uphill side of that road. So they feel like they are staying with the intent of the approved that the Commissioners granted in April. Commissioner Curtiss said it looks like what you are

proposing Tract 2A & Tract 1A will not be split by a road which is one of our goals. The new Tract 2A-2-A-1 would be accessed by that road that goes above tract 5A-1A so they all have access.

Public Comment:

Susan Doores, neighbor below property. Concerned about how it's going to look, safety as far as fire protection. Looking from her property across the hwy there are some housing places that are not as attractive so she has those kinds of concerns. She has one basic question which is there are lots of lots up there and she just now heard about lots and development, so why isn't that a subdivision? Commissioner Curtiss answered by saying; When we do boundary relocations if you had five lots when you start and you reconfigure and you still have five lots it's not a subdivision. So when they bought this property it had lots already. Commissioner Curtiss asked Ms Doores if she feels like this configuration will affect public health safety or any of that. Ms Doores said she does not.

Commissioner Curtiss said when you look back at the original property that they bought that had lots of square lots which is how we usually property used to be divided by section, quarter section. Because of the typography these lots are more appealing to the eye and eventually if there will be a home put on each of these lots which some of them are for agriculture use right now, they will still be something that Ms Doores will still be happy to live next door to rather than just a bunch of houses dotting across the horizons.

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners accept the new configuration of parcels as presented today. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

6. HEARING

Petition to Abandon a Portion of Fourth Street from Mullan Road to the Alley between Block 3, Lot 7 and Block 4, Lot 1, East Clinton Addition

Chair Landquist opened the hearing.

Kim Cox, Clerk & Records Office received this petition and did verify that the necessary signatures are there for property owners.

Steve Smith, Public Works Land Surveyor map on wall which is a copy of the exhibit that is attached with the petition, just enlarged so others can visually see what you are seeing today. Same map as in the packets prepared by the County Surveyor Office now Public Works in 2001. There's an area on the exhibit that's highlighted right around the words 4th Street with handwritten notations 'abandoned' that's all new notations for purposes of this petition. That is the request for abandonment.

Petitioners:

David Lorenzo: Basically what we are trying to accomplish is to take control, if you will, of that area of 4th Street. 'Control' means to make improvements at our expense. The area listed along the dirt driveway, that portion we have no intention of closing, not fencing nor doing anything with that area. Possible landscaping and making improvements, wants to make it a better street. Drop from Mullan Road to 4th Street. I would like to bring in more road and make it a more gradual transition, over time the road has sunk and needs more work there. We own both sides of the street, our home is located on the Southside and the Clinton farm greenhouse is on the Northside. We own five lots - 6 & 7 and lots 1, 2 & 3.

Public Comment:

Phyllis Jamison: 10 years ago David Lorenzo's was sitting in the same seat asking for the same thing but he didn't have a petition then. She wanted to ask Mr. Lorenzo a question but was asked to direct all questions to the Commissioners. Ms Jamison was upset and needed more time to gather her thoughts.

Debbie Lorenzo: Ms Jamison was referring to the first abandonment that was put through for the benefit of Phyllis's house which sits in what's 4th Street plotted and drainfield went right through their barn. We got notified just like you do in the normal thing that there's going to be a hearing on this, Mr. Lorenzo attended to say 'that's great, we're all in favor can we do this?' And they were told no it's a separate issue, has to be done. Okay, that was the issue, the Lorenzo's let it lay, it was back in 2000 and just haven't done anything now until we've had some harassment from Phyllis about a Costco tent that sits on the grass that's been there since 2000 and is on the survey. We now have two more greenhouses that are within there and there's a small pile of top soil that we bought that we put in the end of the alley to fill in some holes that Phyllis has an issue with.

Phyllis Jamison: I have a lot of issues to cover. There's a lot of false documents there presented by the Lorenzo's that the County would not necessarily know that are false. Debra Lorenzo has just stood here and said that's all that was and that nothing more to it, not quite. They have turned in quite a number of names, a lot of names for signatures but they eventually (Ms Jamison isn't sure where she's listed as an interested party) I did get the notice. The person they tried to ram this through this before has the neighbor on the other side with the yellow house, please look at this when you come, has at least at least as much of an interest then I do. Ms Jamison wanted to ask them if that person is George Helsey? He's the only that has even the slightest; it doesn't look like his address. The Lorenzo's stated that yes, it is George Helsey. I wonder if he is aware of what's going on. Connie & Jim Heath built a yellow RV house, huge, they were snow birds, the biggest RV I could imagine, right

next door to the Lorenzo's and I'm not sure he's aware. The RV house is built to house any size RV and is specially angled to the alley, such that when any vehicle of any size RV drives in from the proposed area to be abandoned, it angles perfectly after it drives in off Mullan Rd into that RV house. That RV house is larger than many small houses because it even has a double size and a loft up above. I wonder if he was fully aware of what's happening here, with that road closed here, oh I know they said they were going to leave the little dirt road open. Reasonable for seeable and good note, good ideas and when this happens, we'll take a look at this in a moment. Not only is there a huge double RV house there, but they built...attached is a garage as well. Attached to that area is a patio area and everything is angled, that's all attached together...is huge unit and as I said, it's all angled. Looks like an odd angle, unless you know the reason for it. Please look at that RV house and make sure he understands that that house was built specially for an RV and very much effect the resale value of his home, if nothing else. He uses that little stretch for motorcycling all the time.

There are a lot of false documents here. The survey map is false, it's outdated. I don't know why you would bring something here and also she's falsely stated that it's the same, first of all they have a lot more greenhouses, you'll see that once you get out there. That little Costco tent is not what was there on the survey she says it's the same one, I guess she's trying to establish that it's a long term encroachment but it's not, it's very recent, there's nothing in it, it's flapping in the breeze, I have a picture of it at home. I asked her why they have an empty tent sitting in the middle of the street, that's where their other little greenhouse next to is that they have replaced numerous times, they had another little one wood framed which was on the survey, they took that down and dismantled it. They put in another series of little canvas tents that they changed over to the one that has been recently changed over to this canvas tent, there's nothing in it, it's sitting there. I asked why it's sitting in the middle of the street, we're dibsing the place, what are you dibsing it for? We're gonna build a big greenhouse, all wood frame and it's going to be there on a foundation. Where's parking? They don't know or don't care. Parking is a huge probably. Their customers bang and bust my gates up so much, the last time it was fixed I was told if they bust it one more time, they will have to buy you a new fence.

First I want to go into some of the exhibits and then go more into the abandonment part. This letter that Cliff Naui...he and his partner worked there for several hours the day before yesterday with their cherry picker doing work in several houses, along the street in the alley – this is in the alley, not in the proposed area to be abandoned.

Exhibit one shows the way the Lorenzo's keep their property surrounding their home.

Chair Landquist: Could you submit a copy for the record or could we make a copy?

Ms Jamison: I have five exhibits to share today.

These mounds that they dump, they drive across the street to dump them on Mullan Road, as well, this is their garbage dumps. This is around the utility pole the electric man is trying to work around, as you can see they couldn't. They had to use their big equipment thing just to move all this stuff out of the way before they could begin to work and while they were working. All the weeds grow under around and in, this is year after year, this can not be mowed, can not be weed whacked, it can't be driven on. They drove a huge cherry picker over it but now it's all smashed down so much it's gonna have to be dug out and moved. Anyway, this is just part of what they had to walk through and deal with. Off further away toward down the end of the alley they throw their dog poo and they throw it in profusion and in this wet weather it all turns into a sea of a cesspool. The electric company, the linemen are absolutely first right and to see them having to walk around in their nice boots and shoes and the good work they do and always so friendly, they shouldn't have to walk around in 4 and 6-8 inches of dog poo in order to do your job; they said that's right. They wrote the letter and just as one is trying to finish it off and go someplace out the other says watch out for the dog poo, just cautioning him because he was getting ready to step into a whole big mound of it. That, I understand, is against the law for good reason, also with this weather, it's been warm up to this recently, it stinks to high heaven as well so they had to work in a lot of smell.

Exhibit two shows why it couldn't be mowed or weed whacked. What they do with all their garbage and I mean, all their garbage, because they have lots of garbage dumps all around; this is just the end of 4th Street. This garbage dumped from their Clinton Farms Greenhouse...all of their old potted dirt. What happens is the roots are bound tightly so again it can't be mowed, it can't be weed whacked, it's permanent.

Exhibit three is the same as exhibit two from the same area, Mullan Road, Lorenzo garbage dump. They drive their garbage from their house and their Clinton Farm Greenhouse across the street and dump it in Mullan Road, all up and down Mullan Road and I would ask you to look at this Mullan Trail of garbage, please. The lineman were concerned about utility poles, their garbage follows the utility poles all around.

I would mention that Clinton was the #2...#1 fire hazard in the county for two weeks, a couple years ago when we were having those big fires because of all the major utility lines that go through that area...for that reason. The Lorenzo's happen to like utility poles, they follow them around and they especially like to dump their stuff, you'll see when you go there. When you see, please, that utility pole in the back of their house, you'll notice the mound is about 5 feet high or more...that the utility people had to push out of the way of filth. These do gather all kinds of bugs...The smiling and laughing is disrupting.

Next exhibit is also in the middle of the street and it's where children play. This time what they have done is remove the blue cover from it; this is the pile of dirt that you mentioned, that is an encroachment in her little talk. When the dump truck came he asked 'where do you want me to put this, over there?' No, that was on her own property; just dump it in the street. So it's been sitting there for a long, long time. What happens, they take the tarp off and still leaves the hose there. This is rude to me. I see children play in there after this in the dirt and they use the hose or wherever they get their

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water - they spray in and hook it up and make mud pies, kids do that. Only this, when they make this, they forget they are in the street, most people driving through are pretty courteous, in fact, they all are (inaudible) where they park. When the children are playing and they forget what they are doing, I saw one of them jump up and a vehicle was coming by, it's a good thing the child jumped up and ran the other direction instead of in front of the car.

Commissioner Curtiss asked if this was in the section of 4th street they are talking about abandoning? Ms. Jamison replied it is. It's in the intersection of 4th street and the alley and that's why kids are at danger there...the cars coming by, if a kid just happens to be playing in back of the pile, the driver does not see the child.

Chair Landquist: I find it refreshing that kids are making mud pies; it was my favorite thing to do as a child. Kids now spend too much time inside.

Opposition to the abandonment. I did oppose it when David sat here and tried to push it through before without any paperwork and I oppose it now and always will oppose it...In the future. I need to put in context of that neighbor which they mention before I zero in on all the other Lorenzo problems with their false papers here. I want to say as you know there's quite a few abandonment's in that immediate neighborhood, surrounding my home already. There's more considered. I live in a dead end of Woodville Avenue, just trying to let you see all the difficulties I have, vehicles getting in and out as all the little connector roads are closed down. There are about fifteen reasons, or more significant reasons why this road should never be closed. Mullan Road as you know, I'm not sure if it goes across western Montana or where it goes but it's a major throughway in western Montana, it's one block away from where I live, my home. Since I have no other connecting roads that are real good at all, if this 4th street were abandoned...would turn not only the street that I'm on into a dead end, it would turn that alley into a dead end, as well right next to me because 4th Street is the only way out at that end of the alley. Where they dump their garbage, there's a cliff at the end of that. It would make a dead end of that road as well.

Addressing the false documents: The map is way outdated, as I mentioned there are other large greenhouses. They're planning to build another huge one in the street where they have that little sign and that's just a tent, a little canvas tent that replaced the frame thing.

Commissioner Curtiss asked Ms Jamison: "So you're saying the map does reflect where the roads are, it just doesn't show all the buildings?"

Ms Jamison: "yes, that's correct. They already have a huge big business here that is more than the traffic can handle. As I mentioned they have a lot of traffic problems already and including against my fence. When they fill this up, the right-a-way...here with the little flappin tent that's empty, if they would remove that...I'm asking the Commissioners to remove that, please, to order that be moved. It would be a huge advantage to removing that for the public."

Commissioner Curtiss asked Ms Jamison, "So you're saying on the side of the existing 4th Street, that's now just all grass?"

Ms Jamison: "It's a road, a nice road. One side is the road, the other side is grassy. Right now everything is on the road, you could drive around it. You will see it when you visit the site."

Ms. Jamison has requested to be notified when the meeting will be and the starting time. Commissioner Curtiss assured her they will set the time at the end of the meeting today. If there is a time change Ms Jamison has requested to be notified.

Looking at the map this is a major connecting road, straight onto Mullan Road which is the main throughway. There are so many of the little roads that are cut off now and abandoned, just chop them off and give them away...that there are not very many sections of road in Clinton anymore that are 60 feet wide, like this, that are essentially cleared out of any substantial encroachments, it's essentially cleared out. The empty canvas tent is not stacked in the ground at all, it's sitting on little rubber mats, I'm asking that they all be removed. I won't take everyone's time today but there are five other encroachments there, I will show them rather than mention them today, if you prefer. I'll go ahead and mention them today;

1. The dirt pile needs to be removed immediately...to their own property.
 2. The tent.
 3. A large log used for parking that is in the street but it's on their grassy area, it needs to be moved back toward the edge of the Street. I have solutions, not trying to make it look like everything can't work but there are some solutions here. As far as parking, so they don't keep banging in peoples neighbors and crowding people too much. They crowd the alley sometimes, you can't even get through, it blocks it off. This is what I mean, when businesses get too big and too many little side streets get cutoff and abandoned and given away then you'll end up with a fire situation like their creating in back of their house and the side of their house and the fire hazards that they are creating all down Mullan Road along these utility poles. When service vehicles want to come down there...just aren't going to be many places for them to come in to help people out unless that road is kept cleaned, in fact, cleared out.
 4. There's a rubber pad that's sunken into the ground that is sitting in between some things in the middle of the road, it needs to be taken out and removed, I'm asking for that, please, removed and that land leveled so that this can be established as a right-of-way.
- This is a road worth preserving and it needs to be preserved as a road. There really isn't much major to take away but really needs to be removed.

I would like to suggest taking that big log and moving it up against...this is just as a suggestion, there are other ideas, but putting that log up against their main big wood framed greenhouse that they now have. That's where their property line is and putting it up somewhere near there - where their

customers can park up closer to that greenhouse but not up next to it. But, you know, leave a space but right up in there and clear that street out, so that vehicles really do need to come by. We need to have plenty of room for all the ones that have been taken away. I do use that road myself all the time and then also, many of the neighbors do as well.

Commissioner Curtiss: "Ms Jamison, Is that how you get to your house, is on that street or do you come in on Woodville?"

Ms Jamison: "Generally I come in on Woodville with a vehicle; right now the vehicle isn't working so I do a lot of walking and I also have plans for the future. I have built – when you come out the back of my fence...has an especially...a large space in between two of the fence posts where I have a lot of reflectors put up. I plan to put a gate up but couldn't afford to when I moved in and did tons of stuff, but that was always the plan so that I would be able to drive in an out."

Also, I need emergency vehicle access back there desperately. When I was taking down a lot of trees in the back, one of the gentlemen fell down and was unconscious, I didn't know if he had a heart attack or what, he was unconscious for a long time.

I'm going to combine this with #1...moving ahead a little bit.

Ms Jamison addressed the Notice of Public Hearing; it says the abandonment of this county road is necessary and advantageous for the following reasons. None of these reasons are necessary, that the Lorenzo's have given. All of the reasons...necessary for either the Lorenzo's or the public, no need to abandon – quite the opposite, for the public. There's no advantages. It states here – 'the abandonment of this county road is necessary and adventitious'; this is on the middle of your form here that was #1. Excuse me, lets just go... #1 – they only have advantages to the Lorenzo's, not to the public.

#1 is false; Lorenzo's state 4th Street has no signage and is not maintained by the county. Now, I've taken pictures of the only streets I know that are numbered in Clinton, I may be wrong but I know there's a group that's all by themselves. 1st Street, 2nd Street, 3rd Street, 4th Street, 5th Street, 6th Street & 7th Street – all have signage. And only funny thing is...I've taken pictures of it, I'm making exhibits of all this stuff but the point is...and please look at those signs if you would, 1st Street when your coming down Mullan Road, 1st Street is on...just as you approach the post office. Then, in order 4th Street is where Lorenzo's have placed their...have stolen, evidently stolen the street sign, that's why they call it no signage. Only on 4th Street – you'll see 1st Street, 2nd Street, beautiful big signs up – 3rd...all of them 1st, 2nd, 3rd skip 4th with the 'joke' sign and the stolen road sign. 5th, 6th, 7th are all up.

Commissioner Curtiss: Ms Jamison you may want to be careful about making liable statements –

Ms Jamison interrupted by saying I said 'evidently'...

Commissioner Curtis said kids could have stolen the signs, the sign is missing, and that's a fact.

Ms Jamison asked "which sign?" She asked Commissioner Curtiss to ask them (the Lorenzo's) which sign they purchased.

Commissioner Curtiss: "It really doesn't matter; the sign is missing, that's all that matters".

Chair Landquist asked if she wants to continue (was interrupted)....

Ms Jamison: "It kind of does matter and I was getting to my point and I was weaving this together. The ambulance couldn't find my property because they had a 'joke' sign up, it matters."

Chair Landquist: "a sign?"

Ms Jamison: "a joke sign, that's why I was asking them to say what the sign says and I was interrupted".

Commissioner Curtiss: "The ambulance wouldn't come that way, they can't get through, you don't have a gate. They would come down Woodville to get to you."

Ms Jamison: "Now you're telling me instead of asking me and you're interrupting me, well I don't mind being interrupted with questions, so I appreciate that and welcome it, that's not my point. You're speaking at me, you're telling me what it is, better than asking a question."

Commissioner Curtiss: "You just told us you didn't have a gate".

Ms Jamison: "There wasn't...it was...they were loggers, they had cut the wire down and pulled it far apart so that they could log the tree".

Now I'll get back to what I was saying. This worker was lying on the ground; blue and cold and I went back into the house, of course, and called the ambulance – called 9-1-1. And, waited and waited and waited...and waited. And I...well let me tell you after I went back out and threw more blankets on him because he was getting cold, he was blue, he had been down on the ground over 20 minutes at this point. I was frantic in my mind; do I go call 9-1-1 again? Do I go run back to the front of my house to try to find the ambulance, physically? What do I do? 40 minutes went by with their 'joke' sign up and the ambulance, I'm looking down Woodville Ave – finally went back to the front of my house and I saw a horror site – the ambulance was going back and forth...like this...with a man laying blue on the ground...back and forth...like this...up and down the street, zipping up and down. 1st Street, 2nd Street, 3rd back and forth, back and forth, back and forth...like that. And I couldn't chase it! I, I was frantic. Well, finally it showed up. The alley...that alley...and this is why we need that... one of the

reason that I mentioned we needed that big space open. The alley was completely clogged, they tried to come down the 4th Street alley, and I told him...he was the one in the back, so you know how they come down 4th. They knew how they had to come to the back of my property and we certainly couldn't bring him to the front, he was a big man and he was...um...so anyway. Finally, finally they came, they decided that he...realized that he had an epileptic fit and that – I thought that he had a heart attack and was half dead, but he had an epileptic fit. I never found out how – that the late ambulance affected him but that's a serious concern and if this street is blocked off...there will not be...that will be a dead end and it will be even harder for emergency vehicles to get through.

Alright, so I would like you to look at the 'joke' sign, please when you're there, if you would – it's as well as the regular street signs that it has replaced and the 'joke' sign says – "Positively 4th Street" and that was like, I guess, their way of saying; well we tried to get it run through without paperwork so here we are and we're going to resign ourselves to now, this is always going to be 4th Street, I guess that's what they mean – "Positively 4th Street" anyway that's the 'joke' sign. But, all's you see is it's on a different, different signage, it's a different colored sign, it's...um... hard to read it because it's farther in off the street, it's...um...little tiny words and I...it's a smaller sign, it's substandard, it really does need to be changed because it serves that whole community.

Now, I'm looking at this petition, they got a lot of names here but they don't have...

Commissioner Curtiss: "Maybe we could explain this to you. So, the very front of the petition has the names of the land owners that live next to them, which your name is on there."

Ms Jamison: 'I'm sorry, my name is where?'

Commissioner Curtiss: 'The very front; James took it apart so if you look at the one that says – 'Request for Commissioner Action' - that page, I'll show you.'

Ms Jamison now sees her name.

Commissioner Curtiss: "These are the neighbors that were notified. Ms Cox got up at the beginning and said she checked the petition but the law doesn't require everybody who lives next door to be the one that signs. The Law says 10 people who own property in Missoula County".

Ms Jamison asked "don't the interested parties have to sign it? No sorry, not sign it but I mean don't they have to be notified; your point is the notified page."

Commissioner Curtiss: "So you were sent notification of this meeting today, right? You didn't get the whole packet but you were notified."

Ms Jamison: "just that, correct".

Commissioner Curtiss: "That's what the Law requires".

Ms Jamison asked if they could ask them (the Lorenzo's) if George Helmsley was aware of the way his house is angled, his garage was built that way. He doesn't have an RV, he's apparently the one that is...the one that.

Commissioner Curtiss: "He was notified of the meeting today and I think he probably knows how his house sits. Right?"

Ms Jamison: "I did ask a question though but... (It was clarified that he did sign the petition) I noticed that but I was asking a specific question."

Commissioner Curtiss: "I don't know, he signed it so I guess he felt he knew what he wanted to know..."

Ms Jamison: "yeah, ok, fine. Oh, I imagine that he may have signed it with keeping in mind what Debbie Lorenzo just said, that she plans to keep the dirt road open".

Commissioner Curtiss: "He signed this petition which says they're requesting to abandon the right-a-way and the reasons why. So, he understood what was being asked or he wouldn't have signed it."

Ms Jamison: "fine, but I have serious objections to it however."

Chair Landquist: "You made that clear, ma'am."

Ms Jamison: "I'm just saying that...ok...that it...what the Lorenzo's have said, sometimes they would do...if you'd notice with the garbage and various things, is not necessarily what happens and that might have been something that may or may not happen, if they put a fence across that road. But as you say, would be a matter between private property owners, I guess, at that point. But if he signed it, he should know what he's signing."

Commissioner Curtiss: "If you've shown us all of your exhibits, I can make copies so we make sure we have them in our record."

Chair Landquist asked if there were any other public comments. She also reminded everyone that there will be a site visit and mostly then reschedule, continuing this hearing for another date.

Ms Jamison stated that it will be very difficult for her to come back so she would like to finish hers today, please.

Ms Jamison: I am asking for the joke sign to be taken down and put the other regular sign back up, please.

Then #3 – no #2, improvements have been made and paid for by the Lorenzo's, well they're improvements that benefits the Lorenzo's, you know, so if they wanted to make them, fine. The only problem with that is it goes against the Missoula County Policy, Road Construction Policy. My understanding is that you have to have permission before you make construction on a Road...of any kind. Is that Correct? That's the policy that was told to me by someone faxed it me from the Road Dept, Public Works Dept.

Chair Landquist: "We can certainly check on that."

Ms Jamison: "You don't have an answer to that?" "Okay" "You don't necessarily know if that's policy?"

Chair Landquist: "On an un-maintained county road I think it's fairly common for some people to make improvements or changes that they think are beneficial but often times permitted as granted if they request it or stuff."

Ms Jamison: "If they request".

Chair Landquist: "I can't give you an answer to that but you made your statement and posed your question and we can certainly follow-up on that."

Ms Jamison: "ok good, because if they request it...you know, my point is that I was told by the Road Dept – instructed with a hand written note; 'no construction is to be put on a road without permission'. So, I'm just saying if you would check that out I would appreciate it."

Chair Landquist: "I'm not sure if we're comparing Apples to Apples or not, maybe you were maybe making changes or trying to make changes that is a maintained road vs. an un-maintained road, but we'll certainly check on the question you posed here today."

Ms Jamison: "Thank you".

Ms Jamison: The third one on there is the Lorenzo's wish to make further improvements at their expense, that's not something that's advantageous to the public. They're planning on crowding the area more; taking up the space, taking up the parking space they badly need now...desperately need now for the greenhouse. They will need even more parking spaces. Crowd the alley. And have trouble having the emergency vehicles come through and fire suppression vehicles come through.

Now one of the other garbage dumps that the Lorenzo's maintain are, or adds to, on a daily basis is the one that's directly in back of their property, across the alley. And into this garbage dump David Lorenzo takes tree branches and throws them...big ones, little ones...over they go.

Chair Landquist: "takes what?"

Ms Jamison: "Tree branches, his debris, his garbage. And, he throws them over into his neighbors' back yard. Now, his neighbor lives on the floodplain down below, can't see really what's happening to the back of his yard...back of his garbage dump because David Lorenzo's hidden by trees in between. There's trees here, in between the neighbors house, down the floodplain, so over it goes to all these...he's creating another fire hazard with that and it may come back on him to bite him because fire does go up hill and if it...that starts down there in that floodplain with that big bonfire that he's building, that if it does start, it gonna race up the hill...fire does."

James McCubbin: "Ms Jamison to explain how her comments tie into the issue here which is the proposed abandonment of this road. Can you tie this back to the abandonment petition?"

Ms Jamison: "Yes I will, but what I'm doing here is meeting your request to put the issues that were not part of the road here in this part, so that the others could leave."

James McCubbin: "Okay, fair enough."

Ms Jamison: "I have to collect my thoughts again...I will combine it, make the point together by saying that, first of all, I'm asking that all these encroachments that are in the road to be taken out...that they're...like the dirt thing, but you know, the part that...I need to collect my thoughts. There are some very significant reasons why that road should not be closed as far as the public is concerned. Garbage delivery or garbage service comes right down that alley and when I have my new gate, when I can afford to do that, I'm gonna put my garbage right there by that gate, where I can put it out. And I'm gonna be using that gate a lot but the garbage truck does come down there and it would take him 450 feet if he had to back up. He comes in from 3rd Street and when he served me down there before, he comes down and he turns and goes down the 4th Street - out. Just like Governor Sweitzer said you know we need to have...he says it every summer, he gets on TV and says it numerous times...we need to have two ways in, a way in and a way out for fire suppression access. That's why we need to have on that alley to have fire suppression access or any other vehicles, especially with the crowding of the parking situation. We need to have the entry from 3rd Street, the alley to be cleared all the way down through the alley and the OUT on that very important connective road that one that's proposed to be abandoned. So, it needs to keep...it's a way in and out for all the

people on that alley because closing that alley off is going to make that a dead end alley, next to my dead end street."

James McCubbin: "Ms Jamison, have you had garbage service on that side before?"

Ms Jamison: "The people who lived there before me did and I take mine out...I save mine and take it down at one time." But, like I said a minute ago, my plan for the future is when I can afford to put a gate in there, that's what I'm gonna do.

Commissioner Curtiss: "didn't you previously state that the alley is pretty blocked up and not easy to drive down now? It's not really used as an alley is it much?"

Ms Jamison: "It's used everyday, its used everyday". "You mean the alley itself?"

Commissioner Curtis: "Yes"

Ms Jamison: "The gentleman who has the motorcycle in that yellow house, he's back and forth there all the time." "And I go down that alley all the time with my car. I go down for various reasons; Mullan Rd is a major road."

Commissioner Curtis: "Okay".

Chair Landquist: "I guess we'll determine that when we do the site visit. Somebody else raised their hand but I know you were about to rap it up a little bit."

Ms Jamison: "Go ahead".

Debbie Lorenzo: "This is a letter from Phyllis' neighbor to the North on the back side of the alley thanking us for keeping the property maintained and clean. The power pole, she hasn't really pointed it out here, that Phyllis is talking about is back here at the edge of our property. The alley goes over a cliff and the alley was actually abandoned probably five years ago by the county commissioners on 5th Street. The issue with the sign is, we've purchased that sign because the Street Dept said it needs to be in on your own property and can't have a legal sign because it's not a legal street and it's confused - 'positively 4th Street' is an old Bob Dylan Song, we're Dylan fans but it did clearly mark it. We purchased that sign and it's on our property."

Ms Jamison: "What happen to the original sign, it's the only one missing out of the series?"

Debbie Lorenzo: "There's never been a sign; I've been there for 30 years."

Chair Landquist: "Thank you Ms Lorenzo".

Ms Jamison: "I'd still like the joke sign taken down".

Chair Landquist: "Ms Jamison, you've given us a list of things and you continue to give us a list of things to be (inaudible) of when we go out there and check and we will do our job. But our job here is not to put people against one another, I would ask you to be careful what you say and don't set yourself up for bad mouthing people that could come back and cause them to come back at you. Sometimes we tend to be our own worst enemies."

Ms Jamison: "I'm concerned about the man that laying blue on the ground".

Chair Landquist: "Yes ma'am".

Ms Jamison: "and I'm not bad mouthing people, I'm trying to solve problems".

Chair Landquist: "Yes ma'am".

Commissioner Curtiss: Ms Jamison "Did you have anything new to add because you've given us quite a list of things to check when we go out there?" "Is there anything that you haven't got to on your list yet?"

Ms Jamison: "I'll look it over and see I think I've covered just about everything let me see if there's something else here."

David Lorenzo: "I think that 5th encroachment that she can't remember is that hundred plus year old pine tree that sits in the street."

Ms Jamison: "No, that wasn't the one I was talking about, I was thinking about leaving that maybe...even though it's in the street, for your front yard."

Chair Landquist: "You already said that you want to be present. Can we, I guess, I've already been kind of told that I guess I'll be the reviewer on this. So, we're not going to make a decision today we have to go out and do a site visit, so I'm it I guess with Steve Smith or who?"

Steve Smith: "Yes, I'll be traveling with ya".

Chair Landquist: "Steve, do you have good tires on the rig this time?"

Steve Smith: "If we're driving I'll make sure".

Chair Landquist: "Okay".

Steve Smith: "At your convenience, let me know what time you would like to leave the courthouse".

Chair Landquist: "Well, 1:30 – usually that's what the time that meeting is, isn't it?"

Steve Smith: "So we can the courthouse at 1:30 and it's approximately 15-20 minute 30 minute drive?"

Chair Landquist: "I'm seeing head shakes yes, so yep". 19 miles.

Commissioner Curtiss: "So sometime between 1:50 and 2:00 - we should be on site" (Steve Smith)

Chair Landquist: "Okay, Next Tuesday the 16th", November 16th."

James McCubbin: "Does this work for all the property owners? Ms Jamison does this work for you?"

Ms Jamison: "I'm sorry, what?"

James McCubbin repeated "Does Tuesday the 16th in the afternoon work for you?"

Ms Jamison: "Tuesday the 16th in the afternoon, yes I think that will be fine, if not I'll let you know but I....Tuesday, what day?"

James McCubbin repeated "next Tuesday November 16th starting at 1:50pm"

Ms Jamison: "Tuesday the 16th - 1:50"

James McCubbin: "Specifically what location are you going to start out at? Maybe the intersection of Mullan and 4th?"

Steve Smith: "I think that sounds like a great idea."

Chair Landquist: "yea."

Ms Jamison: "okay."

Chair Landquist: "And then the question is; do we have enough time to write up the reviewers report for the next date which would be Wednesday or do we want to put it off for a week?" "What were you looking at?"

Commission Curtiss: "Are we having a meeting on the 17th though?"

James McCubbin: "I'd recommend against trying to squish it in one day."
Chair Landquist and Commissioner Curtiss both agreed.

Chair Landquist: "Does this work for everyone?" ...Head nods from everyone.

Ms Jamison: "I'm on the last little tiny bit here of what I'm reviewing to see that I...I think I've covered everything just about, if I may? Is that what you're asking me?"

Chair Landquist: "Well, no I wanted to make sure..."

James McCubbin: "You can make further comments at the site visit, at the continuation of the Hearing or you can submit something in writing."

Ms Jamison: "Yea, I'd like to finish it up though, to summarize it or finish it up here. I've kind of almost finished, I'd like to finish it."

Chair Landquist: "Okay – this hearing date will be continued, aside from the site visit, which is next Tuesday, and then we'll continue this December 1st here at 1:30."

Ms Jamison: "And that's the time that you will make you're decision, is that correct?"

Chair Landquist: "Most likely, yes."

Ms Jamison: "Okay."

Chair Landquist: "Kim, you had your hand up a little while ago, did you still want to say something, on the record?"

Kim Cox: "At another time."

Ms Jamison: "Okay, if I have more...then I'll just cover it another time when you come out or at the next meeting that will be fine. I'm opposed to this abandonment now and any time in the future."

Chair Landquist: "Thank you"

Chair Landquist: "Are there any other comments regarding this petition to abandon a portion of 4th Street?"

Commissioner Curtiss: "Mr. Lorenzo, do you currently have your garbage picked up and do they come down the alley to get it?"

Mr. Lorenzo: "Yes, I have it picked up by BFI; I don't know why I'm spending so much money with them if I'm dumping my garbage everywhere. And no, they do not come down the alley; they pick it up on Mullan Road."

Commissioner Curtiss: "Okay, do they pick up any of your neighbors' on the alley, do you know?"

Mr. Lorenzo: "They picked up George's for a while but I think since the alley at times is impassable, especially in the wintertime, he puts it out on Mullan Road too. I'm not positive on that, Jean."

Commissioner Curtiss: "Okay, thank you."

Ms Jamison: "I would like to make one final comment; regarding something that Mr. Lorenzo, David Lorenzo said here, when he was talking about the abandonment, why he wanted it. He repeated it over and over again, the reason he wanted it was so that he could control that road. I don't know if that's a necessary reason to abandon a road. That would cause so many problems for it to be closed off when it's such an essential connecting road to the homes, and service vehicles."

Chair Landquist: "Thank you ma'am". "Is there any other business?"

None.

Executive Session

Well we've already established that we'll close this hearing and reopen it again...recess it because we've got the site visit to do and then in a couple weeks we'll come back with a full blown report and can take further comments, so without further a due, we'll recess this hearing at this time."

8. Other Business - None

9. RECESS

there being no further business to come before the Board, the Commissioners were in recess at 3:23pm.

THURSDAY, NOVEMBER 11, 2010

COURTHOUSE CLOSED FOR THE VETERANS DAY HOLIDAY

Morning: BC spoke at Veterans Day Ceremony held on Courthouse Lawn.

FRIDAY, NOVEMBER 12, 2010

BCC met in regular session; quorum present. ML out of the office all day.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, NOVEMBER 15, 2010

BCC met in regular session; all three present.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 23/CY2010 - Pay Date/November 5, 2010. Total Payroll/\$1,225,384.47. To County Auditor.

Planning Status Meeting – BCC/OPG Staff. **CANCELED**/No agenda items.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Subdivision Regulation Revisions; 3) Swan Community Council Bylaws; 4) Big Sky Park; 5) RI Director's Update.

Resolution No. 2010-136 – BCC signed November 15, 2010. Resolution of Intent to Amend Section 6.07, the Missoula Development Park Special Zoning District Regulations. Public Hearing held October 6, 2010.

TUESDAY, NOVEMBER 16, 2010

BCC met in regular session; all three present. Administrative Meeting canceled.

WEDNESDAY, NOVEMBER 17, 2010

BCC met in regular session; all three present. Noon: JC participated in Leadership Montana *Community Leaders Panel*, held at Hilton Garden Inn.

CHIEF ADMINISTRATIVE OFFICER MEETING

BOOK 110 PAGE 0263

Contract – BCC signed, dated November 17, 2010. Between County and Missoula City Parks and Rec for maintenance/management/programming at Fort Missoula for FY2011. Amount/\$75,794. Two originals to Lisa Moisey/Parks for further signatures/handling.

Loan Agreement – BCC signed, dated November 17, 2010. Between County and Red Willow Center for Health and Healing, LLC for CDBG RLF loan in amount of \$30,000 over five years (@ 5% interest; payments deferred until December 1, 2011). Original to Cindy Wulfekuhle/OPG for further signatures/handling.

Amended Contract – BCC signed, November 17, 2010. Between County and Kellenberg Consulting, LLC for development of Health Dept. orientation module. Termination date extended from August 30th to November 30, 2010. No fiscal impact. Two originals to Julie Mohr/Health Dept.

Contract – BCC signed, dated November 15, 2010. Between County and Kirchmann Media Group for marketing/event planning for Western MT Fair. Term/November 15, 2010-September 15, 2011. Amount/\$2,800 retainer fee for ten months, plus commission on sponsorships. Three originals to Steve Earle/Fair.

Request – Due to upcoming holidays, BCC approved cancellation of the following Public Meetings: November 24th, December 22nd, and December 29, 2010.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated November 16, 2010. Amount/\$31,698.41. Document to County Auditor.

Additional discussion item(s): 1) Seeley Lake Sewer District update; staff will set up meeting in SL; 2) Public Works update; 3) ML will speak at DUI Task Force Holiday Meeting on December 17, 2010.

PUBLIC MEETING – NOVEMBER 17, 2010**1. CALL TO ORDER**

Chair Landquist called the meeting to order at 1:30.

2. PLEDGE OF ALLEGIANCE**3. PUBLIC COMMENT**

Robert Schweitzer a concerned citizen in the Big Flat area representing Big Flat and Target Range Communities with the re-awaking of the Maclay Bridge replacement issue. We are at a lost as to why, since this issue has been dormant since 1994 and at that time was ordinarily opposed by the residence of the area. Perusal of Missoula Long Range Transportation Plan and Missoula Growth Policy does not provide answers. Your own recent approval of the Target Range Neighborhood Plan as written was without comment on the plans recommendation that there was no need for a new bridge to replace Maclay Bridge now or in the next 20 years. Yet the policy makers for Missoula County have nominated this project as a priority and that has given us cause to wonder what plan is in play and what is the expected outcome? After requesting and being granted permission representatives of our group have attended working meetings and conference calls between the County and State, that we've had schedules inexplicably changed at the last minute in at least one incidence. And we acknowledge the County and State personnel are very busy, as are we, but that does not excuse conducting Government Business behind closed doors when tax paying citizens ask to be present. Accordingly, we respectfully request:

1. A schedule of planned meetings or conference calls with Maclay Bridge or its replacement on the agenda. It is our intention to send two representatives to attend the meetings.
2. We request notifications when unscheduled meetings or teleconferences are called so interested person may attend.
3. We would like at least 24 hours notice if the meeting is canceled or postponed.
4. We ask that the public hearings be scheduled and advertised before the board of County Commissioners signs a memorandum of understanding MOU between the County and MDOT on this project.
5. Under the Freedom of Information Act we request a copy of any documents between Missoula county and MDOT that establishes this project as a County priority.

I've provided an address or email address for response and I have copies for you.

Chair Landquist: Thank you Mr. Schweitzer I would appreciate copies for the record.

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$1,423,627.73)

Bill Carey made a motion that the Board of County Commissioners approved the weekly claims list in the amount of \$1,423,627.73. Michele Landquist seconded the motion. The motion carried on a vote of 2-0.

- b. Public Announcements
None

5. PRESENTATION

GIS Special Achievement Award presented by Doug Bureson (ESRI)

6. HEARING (Certificate of Survey)Lamar (Steve) Family Transfer – Staff Report**Executive Session**

Bill Carey made a motion that the Board of County Commissioners approve the request by the Lamar Family to create (1) one additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. That approval should be contingent upon the claimant's finalization of the parcel of aggregation and lifting of the agricultural covenant. Chair Landquist seconded the motion. The motion carried on a 2-0 vote.

7. HEARING**Amendments to Missoula County Subdivision Regulations**

Karen Hughes, Rural Initiatives: This was county initiated proposal to amend the Missoula County Subdivision Regulations as you know. This is primarily based on the action of the 2009 legislative session so we're just in time for the next round. During that session they produced several bills that resulted local government being required to make some changes to our regulations. In the process in making those revisions we noticed several other language consistencies such as, reference citations that were incorrect and text that need to be changed. We brought forward those proposals, we limited it scope to just the legislative changes and a few wording fixes, as you know we've talked about the possibility of doing a broader set of revisions and that is anticipated to happen in the future, not with this set. The types of changes that were required by the legislature include; that the discussions by subdivision must be in writing and provided within 30 days of the decision. Wildlife and wildlife habitat were separate to become two review criteria. There was changes to the rural special improvements district waiver language; it required identification of specific improvements and limitations of the term of the waivers to be a maximum of 20 years. The review time period for major subdivisions with 50 or more lots increased from 60 working days to 80 working days. The legislature specified requirements for public hearings on variance requests for major subdivisions and small changes to condominium declaration language. In addition as I said, we made some changes to edit and correct some languages in some changes throughout the document. We changed the term for land surveyor. We used registered instead of professional, which is more consistent with the statute and we changed another references and citations. This went out for public comment on September 30th there were a couple minor items identified during that time period, one of which had been changed already and the other proposed in the planning board staff report to add some comments to make it correct. In the Planning Board's Public Hearing that was held on October 19th, no members of the public were present to testify during that hearing. The minutes from that meeting are included in your packets; primarily it was a set of questions about specific elements in the proposal. They didn't end up recommending any changes to the proposal and unanimous recommended approval of the minutes to the Commissioners with the one small change that was noted in the Staff Report. There was one comment letter that we received from the City Parks Department that talked about making changes to the riparian resources standards which was done in the City Subdivision Regulation revisions. The Planning board thought that was a good idea but they understood the scope of this project and had recommended that be taken up at a future date, I think it is a high priority. There is one small change that I'm going to pass around that we're suggesting. I can't seem to get all the way through this process without having yet another memo, bare with me. One of the Planning Board members brought this up during the Hearing, he and I had a follow-up conversation. He said technically it probably works the way the language is now but he thought that in the section about issuing the governing body decision, which is Section 4.1.13, that it would be best if it was very clear what documents the governing body's decision. We had already proposed to add in item 4, some language about RSID waivers. We didn't make any changes other than numbering to the documentation and governing body decision, section 5 but on sub-section 6 in addition to adding the requirement that the written decision had to be done within 30 working days following the decision to meet the new State Law. We called it a decision letter to make it clear that this is what's documenting the decision and that it include the documentation of governing body decision as described in 5 above. So it would be very clear to anyone that you are going to include the Findings of Fact that waives the proposed subdivisions compliance with evidence that you are required to consider and with the standards you are required to consider under your Subdivision Regulations and then require all these other things required by Law. So it's pretty much just a clarification that we don't have problems with having advertised the set of changes and having this one come at the last minute. The only changes that I would make to the recommended motion is that you consider not only adopting the original proposal and the amendment agreed to by the Planning Board but that you approve this change as well.

Commissioner Carey: Well I don't suppose this would happen but is it possible after a waiver expires in 20 years that somebody could renew the waiver?

Greg Robertson: No, I don't think that's the way the statute written it has determination that if the waivers to be utilized it needs to be utilized in that period of time. I remember when that bill was going through...

James McCubbin: A property owner can grant you another waiver but we can't require it.

Chair Landquist: Actually I can see maybe why the legislature did that, after 20 years you'd hope that if roads need to be improved or sidewalks whatever, hopefully in 20 years maybe the neighborhoods established enough, people aren't moving around as much and you're getting older and you have some 'knowns' to do what is going to be fixed for that neighborhood – you know what your taxes are and won't have anymore surprises with special improvement districts and so on because those things age you're gonna have to maybe dig things up and fix things, repair things as it is. I thought that was an interesting and surprising addition that they did.

Public Comment - None

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners approve the resolution to amend the Missoula County Subdivision Regulations that incorporates the proposed amendments issued on September 30, 2010. The amendment noted in the Staff Report issued on October 14, 2010 and the changes in the memorandum dated November 17, 2010 which we received from Staff this Hearing. Chair Landquist seconded the motion. The motion carried on a vote 2-0.

8. OTHER BUSINESS

James McCubbin: I've now had a chance to just briefly review the letter that was submitted by Mr. Schweitzer and I would suggest that the Board of County Commissioners assign somebody to respond or at least address the request for documents.

Chair Landquist: Greg will continue to unearth and respond to this matter and will keep everyone in the loop.

9. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 2:12.

Resolution No. 2010-138 – Approved at Public Meeting, BCC signed, dated November 17, 2010. Amending the Missoula County Subdivision Regulations.

THURSDAY, NOVEMBER 18, 2010

BCC met in regular session; quorum present. Late afternoon: JC/ML attended Retirement Reception for Eric Stroh, held at MCDF Briefing Room. BC ill; out of office all day.

ADMINISTRATIVE MEETING

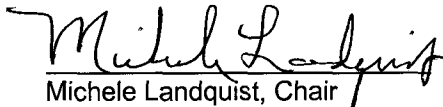
Board Appointments – BCC considered/reviewed several applications for various Board/Commission positions and asked to interview the following: 1) Janet Dean for Larchmont Golf Course Board; 2) Mark Kobos for Zoning Board of Adjustments; and 3) Don Spritzer for Historical Museum.

Additional discussion item(s): BCC is ready to make appointments to several other Boards/Commissions.

FRIDAY, NOVEMBER 19, 2010

BCC met in regular session; quorum present. BC ill; out of office all day.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, NOVEMBER 22, 2010

BCC met in regular session; all three present. Noon: JC attended Leadership Montana Alumni Luncheon, held at First Interstate Bank.

Planning Status Meeting – BCC/OPG Staff. Agenda (all action items): 1) Public Comment; 2) Bison Collines Subdivision Phasing Plan creation; 3) Wye Commercial Subdivision Extension request; 4) Lewis Shoreline Permit; 5) Heishman Shoreline Permit; 6) Hanley Shoreline Permit; 7) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) FWP Letter of Support.

Letter – BCC signed, dated November 29, 2010 to Deschamps Family Corp. approving amendment to phasing schedule of Bison Collines Subdivision (approved on December 10, 2008). Revised plat approval expiration dates are: Phase 1-December 10, 2014; Phase 2- December 10, 2016; and Phase 3-December 10, 2018.

Letter – BCC signed, dated November 22, 2010 to Ken Williams/John Johnson, approving one-year extension of final plat approval deadline for Wye Commercial Subdivision. New deadline is December 17, 2011.

Shoreline Permit – ML signed. #11-03 for Applicant Jack Lewis to replace existing dock at Lot #8 of Diamond Bar L Ranch, Lakeshore Tracts, Lindbergh Lake. Original to Mitch Doherty/OPG.

Shoreline Permit – ML signed. #11-02 for Applicants Carl/Gayle Heishman to replace existing dock at Lot #57 of Diamond Bar L Ranch, Lakeshore Tract 3, Lindbergh Lake. Original to Mitch Doherty/OPG.

Shoreline Permit – ML signed. #11-04 for Applicant John R. Hanley to build a new dock at Lots #47 & 48 of Diamond L Bar Ranch, Lakeshore Tract 2, Lindbergh Lake. Original to Mitch Doherty/OPG.

Resolution No. 2010-137 – BCC signed November 22, 2010. Petition to abandon portion of O'Brien Creek Road located in Sections 25 & 26 of T 13 N, R 21 W, PMM, Missoula County. Public Meeting held October 13, 2010.

TUESDAY, NOVEMBER 23, 2010

BCC met in regular session; quorum present. ML out of the office all day.

Replacement Warrant - BC signed. Quality Supply, Missoula, Principal for Fair Warrants #159550, F07253, F07266, F07262, issued August 26, 2010 on County Claims 2160 Fund. Amount/\$631.97 (for fair supplies). Warrant not received in mail; no bond of indemnity required.

ADMINISTRATIVE MEETING

Amendment #1 - Acting Chair BC signed. To Contract DNRC RRGL Grant #RRG-10-1389 for RSID 8496, Lewis & Clark Water System Rehabilitation Project. Amendment extends term (expires 12/31/10) to December 31, 2011 in order to allow County time to meet Project Scope. Two originals to Greg Robertson/Public Works for further signatures/handling.

Request - Acting Chair BC signed the State of MT DNRC Aggregate/Rock Mining Permit (G-999-82) 2011 renewal agreement for the Seeley Lake gravel pit. Original to Greg Robertson/Public Works.

Memorandum of Agreement - BCC signed, dated August 31, 2010. Between County and Missoula County Public Schools for funds from State Coalition of Head Start for Lewis & Clark and Rattlesnake Elementary Schools for transition tools to children going into first grade. Amount/\$4,700. Term/12 months, commencing October 1, 2010. One original to Peggy Seel/OPG.

Letter - BCC signed, dated November 23, 2010 to Joe Maurier, MT FWP, Helena, supporting FWP's work on two emerging informational tools: Crucial Areas Assessment & Planning System (CAPS) program and model subdivision recommendations.

Additional discussion item(s): Fair governance.

WEDNESDAY, NOVEMBER 24, 2010

BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Memorandums of Agreement - BCC signed. Between County and the following for participation in Rural Domestic Violence grant for training services for employees, staff, and outreach opportunities for term October 1, 2010-September 30, 2012:

- 1) With NCBI - amount/\$24,150;
- 2) With WORD - amount/\$6,000;
- 3) With Missoula YWCA - amount/\$63,276.

Memorandum of Agreement - BCC signed, dated November 24, 2010. Between County and Missoula YWCA for their participation in Safe Haven's Planet Kids Program for term October 1, 2010-September 30, 2013. Amount/\$340,695.

Contract - BCC signed, dated November 24, 2010. Between County and City of Missoula for continuation of BOCC VOCA grant to provide operations support for Crime Victim Advocate Program for FY2011. Amount/\$9,665. One original to Shantelle Gaynor/OPG.

Request - ML signed Annual Certification of 1999 and 2004 HOME Program for Opportunity Resources, Inc. (Pioneer I and Pioneer II group home residents). Two originals to Jean Harte/OPG for further signatures/handling.

Agreement - BCC signed signature pages. Collective Bargaining Agreement between County and AFSCME, Council No. 9 (Juvenile Detention Unit) from July 1, 2010-June 30, 2012. Originals to Human Resources.

Task Order - ML signed. #11-07-5-21-060-0 to Missoula City-County Unified Government Master Contract between County and MT DPHHS for period July 1, 2005-June 30, 2012 (WIC/Breastfeeding Peer Counselor Program). Renews annual grant for October 1, 2010-September 30, 2011. Amount/\$36,345. Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Task Order and Agreement - ML signed. #11-07-5-21-014-0 to Missoula City-County Unified Government Master Contract between County and MT DPHHS for period July 1, 2005-June 30, 2012 (WIC Program). Renews annual grant for October 1, 2010-September 30, 2011. Amount/\$452,598. ML also signed Satellite Agreement between City-County Health Dept and WIC Program and County Commissioners of Granite County for outreach services to Granite County. Term/December 1, 2010-December 1, 2012. Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Memorandum of Agreement - ML signed. Between City-County Health Dept. and Child Care Resources for RN and Admin. Assistant salaries for contract year 2010-2011. Amount/\$30,274. Two originals to Julie Mohr/Health Dept. for further signatures/handling.

Request - BCC approved/signed County Extension Office's Authorization to Advertise for an Agent Position (available January 1, 2011) for a full-time Missoula County Horticulture Extension Agent position (which would also provide support to Ravalli County one day/wk). Amount: County/\$32,000; MSU Extension Service/\$28,000. Two originals to Jerry Marks/Extension Office.

Request – BCC approved annual budget agreement between Missoula County and MSU Extension Service. Budget for FY2011 is \$557,712. Three originals to Jerry Marks/Extension Office.

Letter – BCC signed, dated November 26, 2010 to Lee Bastian/Region 2 Park Manager/MT FWP, Missoula, supporting proposed Milltown Park Land Acquisition of 180 acres from the Nature Conservancy.

Additional discussion item(s): None.

PUBLIC MEETING – CANCELED (No Agenda Items)

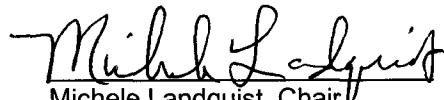
THURSDAY, NOVEMBER 25, 2010

COURTHOUSE CLOSED FOR THANKSGIVING DAY HOLIDAY

FRIDAY, NOVEMBER 26, 2010

BCC did not meet in regular session. ML/BC/JC out of the office all day.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, NOVEMBER 29, 2010

BCC met in regular session; all three present in morning. JC out of the office all afternoon.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Invermere Subdivision Condition Amendment) (*action*); 3) OPG Director's Update.

Letter – BCC signed, dated December 6, 2010 to Drake Lemm, Lolo., approving amendment to Condition #26 (allowing one-month extension for filing revised covenants/weed management plan) for Invermere Subdivision. Request to waive \$600 fee denied; fee of \$300 imposed.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 24/CY2010 - Pay Date/November 19, 2010. Total Payroll/\$1,259,678.23. To County Auditor.

TUESDAY, NOVEMBER 30, 2010

BCC met in regular session; all three present. Afternoon: BCC attended Retirement Party for Rick Newlon.

ADMINISTRATIVE MEETING

Amendment – BCC adopted/signed, dated November 30, 2010. Exhibit 8.17/Amends County Employee Benefits Plan "Definitions: Dependent – The legal spouse of an employee or retired employee, the domestic partner of an employee or retired employee, or any unmarried child of the employee or domestic partner who is under 26 years of age". Effective December 1, 2010.

Request and Budget Transfer – BCC approved County Parks Board recommendation to award \$13,222 in Fall FY11 Matching Grant funds to the following:

- 1) Mount Jumbo West LL - \$4,000 to complete dugouts/add bleachers at three fields;
- 2) Upper Linda Vista HOA - \$2,222 to replace well pump in Scotty Park/upgrade pumps in Kelsey and Bridge Parks;
- 3) Hellgate Lions Club - \$4,000 for fascia/outside light replacement of clubhouse building at Hellgate Lions Park;
- 4) Seeley Lake Lions Club - \$3,000 to purchase picnic tables for Lions Club Clearwater Park.

Budget Transfer – Control No. 11-001 in amount of \$13,222 for above Fall FY11 Matching Grant projects.

Request – ML signed Wrangler Ticket Voucher Promotion for Missoula Stampede Rodeo August 10-12, 2011 at Western MT Fair. Potential of up to \$7,500 revenue on sponsorship line item. Two originals to Eunice Misbe/Fair for further signatures/handling.

Change Order #1 – ML signed. To contract between County and Loken Builders to complete reconstruction of porch at LaLonde Ranch House in MDP. Change Order adds \$1,552.50 to contract for labor/material for reframing rafters/ceiling joists; new contract total/\$17,246.55. Three originals to Barb Martens/Projects for further signatures/handling.

Easements – BCC signed, dated November 30, 2010. Permanent Road Easements and Temporary Construction Easements for Petty Creek Road project with: 1) Perry/Agnes Wachs (1550 Petty Creek Rd) – Parcels 011 and 013, compensation \$50; and 2) David/Toni Goggs (2246 Petty Creek Rd) – Parcels 20 and 21, compensation \$5,450. Originals to Steve Niday/Surveyor.

Letter – BCC signed, dated November 30, 2010 to Vivian Hammill (Chair) and Members of Restoration Trustee Council, Helena, supporting Resolution by UCFRB 2010 Advisory Council for adoption of Long Range Restoration Priorities and Fund Allocation Guidance Plan to allow funding of restoration along main stem of Clark Fork River and areas impacted by former Milltown Reservoir.

Letter – BCC signed, dated November 30, 2010 to Chris Froines, County Sheriff's Search & Rescue Association (MCSSAR), transmitting MOU outlining duties/responsibilities of County and MCSSAR in providing search and rescue services. MOU must be approved/signed/returned to BCC office by Friday, December 3, 2010.

Request for Records Disposal/Transfer Authorization – ML signed. 21 boxes – PHC files (Dental/patients charts; deceased records) 1/99-12/04. To Records.

Request for Records Disposal/Transfer Authorization – ML signed. Misc. Election files (2006-2009). To Records.

Additional discussion item(s): None.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated December 1, 2010:

- 1) Denying request from Laurence DeMott, Missoula, to transfer motor vehicle taxes/fees paid for one motor home to another; BCC has no legal authority to do so.
- 2) Denying request Joanne Goldsmith, Lakewood, CO to refund of motor vehicle taxes/fees paid early for Vehicle #206944; BCC has no legal authority to do so.
- 3) Approving request from Mark Sheets, Thompson Falls, to remove the Seeley Lake Refuse District from his real estate taxes.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: DECEMBER, 2010

BCC = BOARD OF COUNTY COMMISSIONERS

ML = Commissioner Michele Landquist, Chair

JC = Commissioner Jean Curtiss

BC = Commissioner Bill Carey

The following Claims Lists were signed during the month of DECEMBER 2010:

Date Signed	Claims List Date	Who signed	Amount
December 1, 2010	December 1, 2010	BCC	\$7,957.79
			\$25,818.93
December 1, 2010	December 1, 2010	BCC	\$36.02
			\$16,409.73
December 7, 2010	December 2, 2010	BCC	\$1,004.92
			\$327,770.40
December 7, 2010	December 6, 2010	BCC	\$580.69
			\$105,830.71
			\$2,086.20
December 7, 2010	December 7, 2010	BCC	\$56,631.05
			\$204,726.33
			\$8,859.68
			\$18,464.99
			\$1,297.75
			\$46,724.62
			\$3,147.61
December 8, 2010	December 8, 2010	BCC	\$2,003.25
December 9, 2010	December 8, 2010	BCC	\$17,620.50
December 10, 2010	December 9, 2010	BCC	\$206.16
December 13, 2010	December 13, 2010	BCC	\$16,378.86
		BCC	\$39,514.42
		BCC	\$14,680.91
December 14, 2010	December 14, 2010	BCC	\$35,681.91
		BCC	\$34,314.90
		BCC	\$52,735.31
		BCC	\$929,511.11
December 15, 2010	December 15, 2010	ML, BC	\$130,186.68
		ML, BC	\$38,076.98
		ML, BC	\$7,932.28
		ML, BC	\$7,937.46
		BCC	\$55,564.14
December 16, 2010	December 16, 2010	BCC	\$22,286.74
		BCC	\$56,196.93
		BCC	\$24,072.00
December 17, 2010	December 17, 2010	BCC	\$2,358.68
December 20, 2010	December 20, 2010	BCC	\$3,594.95
		BCC	\$80,713.54
		BCC	\$18,815.61
		BCC	\$876.79
		BCC	\$17,284.03
December 21, 2010	December 21, 2010	BCC	\$1,572.14
		BCC	\$103,025.17
		BCC	\$96,566.01
		JC, BC	\$6,698.26
		BCC	\$68,373.46
December 22, 2010	December 22, 2010	BCC	\$53,254.20
		ML, BC	\$67,668.68
		ML, BC	\$1,623.73
		ML, BC	\$137,747.05
December 28, 2010	December 28, 2010	ML, BC	\$134,610.35

December 29, 2010	December 28, 2010	BCC	\$55,856.50
		BCC	\$3,758.00
		BCC	\$27,919.11
		BCC	\$12,296.12
		BCC	\$30.25
		BCC	\$24,965.22
		BCC	\$30,898.10
December 29, 2010	December 29, 2010	BCC	\$9,174.85
		BCC	\$1,685.10
		BCC	\$123,082.36
		BCC	\$18,571.11

All Claims Lists were returned to the Accounting Department.

WEDNESDAY, DECEMBER 1, 2010

BCC met in regular session; all three present.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending November 30, 2010.

CHIEF ADMINISTRATIVE OFFICER MEETING

Documents and Resolution – BCC approved documents and ML signed Resolution No. 2010-146 authorizing issuance of \$4,097,500 Industrial Development Revenue Refunding Note, Series 2010A, for Rocky Mountain Elk Foundation Headquarters Project (to refinance bonds in order to take advantage of low interest rates). [Closing Documents signed December 21, 2010].

Request – BCC considered/responded to following questions re: County Boards: Missoula Consolidated Planning Board: 1) Yes - Jennifer Clary to be "grandfathered in" and allowed to finish her current term to 2012; 2) Staff to advertise for one (1) member who resides outside the City limits but within the Urban Growth Area; and 3) Jerry O'Connell reappointed to a new 3-year term to 12/31/13 (as member who resides outside the UGA). Tax Appeal Board: Per County Attorney, Natalie Carlson should resign by December 31, 2010; a new member will be appointed January 1, 2011 to replace her.

Additional discussion item(s): 1) Letter from County Attorney's Office re: Bud Wilson; refer to DOR; 2) Natalie Carlson's position on Tax Appeal Board; 3) Update on bankruptcies.

PUBLIC MEETING – DECEMBER 1, 2010

1. CALL TO ORDER

Chair Landquist called the meeting to order at 1:30pm

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey

Staff Present: James McCubbin, Deputy County Attorney, Greg Robertson, Director of Public Works, Steve Smith, Public Works, Tony Hollaway, Public Works

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Phyllis Jamison: I would like to make a comment that may be of interest to any resident in Missoula County that may have participated in an abandonment proceeding or may be considering one. The preprinted petition forms that Missoula County passes out do not meet the requirements of the law. I won't go into detail here but the statutes are pretty clear but they violate Montana Code Annotated 7-14-2601. In one respect this form leaves off the required list of dissenters off of the petition form for an abandonment of a road. So anyone who is signing the petition form does not have an accurate view of what's going on and they can't contact or are not aware that there may be dissenters, it's a requirement of the law. Also in addition to the form being false and not complete and not compiling with the law, Missoula County does not require that people who fill out a form pass in and submit a petition that they don't require be even that be done correctly. It can be approved by the County even though the interested parties are left off of the form that is a requirement of the law. It says the names and addresses of the land owners affected by the abandonment must be listed. And you have to have a list of the name of the land owners who consent to the abandonment and those who do not consent. I'm reading this from your own papers here, this is Missoula County's submission on your procedures for abandoning roads, exhibit J6. Further Missoula County does not follow the legal requirements necessarily of processing a petition for abandonment. One of the legal requirements is that the county surveyor be present on the site viewing meeting. Ms Jamison asked if Steve Nyday is now the County Surveyor, Commissioner Curtiss stated he is not. Ms Jamison said Chair Landquist told her he was, Chair Landquist stated that Ms Jamison asked who was in charge of the department and wanted specific titles. Steve Smith, registered plan I and surveyor in the State of Montana. Ms Jamison asked Mr. Smith for his exact title – Assistant Public Works Director, examining Land Surveyor. Ms Jamison asked who the county surveyor is; Commissioner Curtiss replied that the elected county surveyor is

Vickie Zeier but she delegates her authority to the public works dept where we have registered land surveyor such as Steve, we have several land surveyors. Ms Jamison understood this stopped being an elected position, the County Surveyor. She asked wasn't Charles Wright appointed to Assistant Director of Public Works rather than running for County Surveyor? The residents of Missoula County may be interested to know that there may not be very many legally filed abandonment forms in the courthouse today. They should check their petitions, if they use the preprinted form or use that as a guide, likely it is not legal because it, for one thing, does not include the required list of dissenters.

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List - \$1,206,093.92
Commissioner Curtiss made a motion that the Board of County Commissioners approves the weekly claims list in the amount of \$1,206,093.92. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.
- b. Chair Landquist wanted to add that now winter is here and things are getting cold, the 316 Mission is looking for contributions to their clothing boutique. They have a day center where they sell used furnishings to raise money for their mission but they also have a day center that they make available for people that are needy and homeless located on Toole Avenue, that is also where they would like some donations dropped off in the way of some warm coats and boots and things like that to help the people in need during this cold stretch. So if anyone out there can help, it would be nice to give some people a hand.

5. BID AWARD (Larchmont Golf Course)

- a. Irrigation Project – Pumps
 Parties Present: Bill Galiher, Dan Smith, Scott Reagan
 Proposed Bids: Franz Witte, Boise ID for \$243,737.00
 Rexius, Eugene, OR for \$265,000.00
Bid Documentation
 Mr. Galiher asked the Commissioner to accept the bid from Franz Witte

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners rewards the bid to Franz Witte in the amount of \$243,737.00. Commissioner Curtis seconded the motion. The motion carried on a vote of 3-0.

6. DECISION (from November 10, 2010 Hearing)

Petition to Abandon a Portion of Fourth Street from Mullan Road to Alley between Block 3, Lot 7 and Block 4, Lot 1 – East Clinton Addition

Steve Smith read the viewers report.

Public Comment

Phyllis Jamison: I'm not clear, are you saying you want to abandon part of...I don't understand what you want to abandon. You're not recommending abandoning something; I'm trying to follow what's going on here.

Chair Landquist: "The recommendation was to abandon the whole road and after viewing the site, the portion that's pretty much being used right now, which is the more Southerly. Chair Landquist asked if she has her directions correct. Steve Smith is showing them the map that was submitted with the petition, enlarged. He explains what they are requesting is the South half of the road right-a-way to be abandoned, leaving still as a public right-a-way the North half. So you have a 60 foot right-a-way; 30 feet recommended to be abandoned, the North 30 feet still remaining as public right-a-way.

Ms Jamison: First of all that's not realistic even if that were the case, that's a 60 foot wide road there that's free and clear. Yes, there may be grass growing on it, there's also encroachments on it. What did you recommend about the encroaching tent?

Chair Landquist: "It wouldn't be an encroachment with it being abandoned."

Ms Jamison: "I'm opposed to it. You mention that the alleys not improved at all that there's weed and debris and it prevents passage so that turns it into a dead-end alley as far as fire vehicle prevention access.

Chair Landquist: "They can get out the one way but they can not get out the other way because of the cliff, it's a dead end."

Ms Jamison: "Concerned that this needs to go through a whole total separate new procedure. It needs to have a current survey map. That tent that's encroaching now is that what you are saying is existed on that property in 2001 when this was drawn."

Commissioners said "no, they are not saying that".

Ms Jamison: "That's what they said last time."

Chair Landquist: "This is a time for comments not interrogation. Feel free to make your comments and they will do their best to address what they think they need to do, they're doing their do diligence here."

Ms. Jamison: "This is a public hearing and I was asked questions during the other public hearing and rearranged my agenda, whole comments to fit their schedule and how I could come back and took one minute do my notes and rearrange my notes, you opened up a road microphone and let them have at so I couldn't even review her notes. And I was told so that I could rearrange and fit into the schedule and how I could come back and make comment at another time. My comment includes questions just like Deputy Attorney James McCubbin asked me questions."

Commissioner Curtiss: "Ms Jamison, I think what you don't understand is that this map shows something that was on there in 2001, that's what they are talking about now. What they are saying is that if the area that Mr Smith is pink if we abandon that even though that drawing may not be exactly where the tent type structure that is there now sits, it would still be within that 30 feet so it doesn't matter exactly where it fits, if we choose to abandon it, its not an issue anymore. So, I guess what your comment should be is whether or not leaving that 30 foot right-a-way that connects to the 20 foot right-a-way in the alley still gives public access to your property, which it does."

Ms Jamison: "No that's not all I'm concerned about; I'm concerned about emergency vehicle access and fire suppression access and that's not adequate."

Commissioner Curtiss: "They only require 20 feet of access in all of our subdivision rules. Ms Jamison; when they get to the end of that where do they go? They have to have it all drivable weather conditions and that he just has stated is not, it's Lake Clinton down at the other end of the alley because the garbage trucks run back and forth on it. All of the fire trucks say they need to be within 150 feet because they have that much hose."

Ms Jamison: "Well I'm just saying what Pat Clinch, the Deputy Fire Marshall told me, the Deputy State Fire Marshall told me, it needs to be all weather conditions drivable and that's not, the alleys not, it isn't now."

Ms Jamison agreed. But, first of all I have filed a petition for rehearing, I'm hopefully there will be a positive result but if there isn't, there will be no...due to an unintentional mix up there's going to be no access to her property what-so-ever from the other direction, none...coming in through this way, zero, zilch as it stand now unless she is successful in getting it over turned, none. The only access as it stands now is coming in off 4th Street. Now, you said these alley dead ends into debris and a cliff, just like the back of my house dead ends into a cliff and the side of my house dead ends into a cliff and a gully. The only access to my house is this way.... (Looking at map) where I can bring in groceries has a steep hillside, Clinton is built on layers. Steep hillside coming down this way (looking at map) I has access this way for walking, for driving, for going places but not for unloading groceries or other things. I cannot go down that hillside even in the summertime going up and down carrying stuff, let alone its way too steep for winter (I have pictures of that).

Chair Landquist: Ms Jamison, explain if you have on the 4th Street portion drivable, walkable access.

Ms Jamison: "I'm coming to that but I need to finish my thought. I'm establishing that I have no emergency vehicle access coming thorough, they could put a fence across that road, and they can do whatever they want to, legally now as we speak if it's not over turned. I have filed that...I'm trying. No access there of any kind, emergency or whatever, they can put a concrete fence across there if they want to. So that's out. This is the only way then for fire suppression access, let's talk about that for a minute. They can't go this way (looking at map) it's a drop off, they're not going to drive into a dead end and they can't go this way because it's not all weather conditions drivable. It's 20 feet wide, it has to be a minimum of 20 feet wide, it's got that, pretty close to it, I actually haven't measured it but it probably does. This is Lake Clinton here - we had to walk around it and it was very deep and in the spring time it gets much worse. There could be a pile of nails under there. The fire truck can't drive through on the way to a fire. They won't go through something like that and nobody would ask them to. These people should be concerned, everybody on the...well that's another issue but...so they can't drive down here because of the...and the garbage trucks comes back up and gauge that all the time. Okay. The county does not maintain alleys. So, this is a dead-end, that's not all weather drivable where they gonna go."

Commissioner Curtiss: "Where they gonna go now?"

Ms Jamison: Laughs and says good point. "That's why I got a law suit going because I don't have access like all my neighbors do. This is a 60 foot, yes she's got grass on it but those fire trucks can drive on it in an emergency."

Chair Landquist: "And they will."

Ms Jamison: "And they will and they will help her but they sure won't go over here."

Chair Landquist: "In and emergency I'm pretty confident they will do what they need to do to get the job done, ma'am."

Ms. Jamison: "I'll take the word of Deputy State Fire Marshall, Pat Clinch."

Chair Landquist: "Okay, would you like to make some..."

Ms Jamison: "Another thing I want to clarify here and I asked it be put in the report, it wasn't. Is that I was asked by McCubbin here last time did I have garbage service before my fence was up and I needed to clarify, the fence was the first thing I put in before I even painted the inside of my house. I didn't have garbage service before the fence was up because the fence was the first thing I did for a number of reasons. So, I'm opposed to that. Not only that – this is a 60 foot wide street, there's not – this is the only one in Clinton, all of Clinton that's 60 foot wide. All of these people should be concerned about their fire suppression access coming in from this way in case the fire trucks needed to come back in that way. But, in any case, for that reason alone but also for the fact as I said last time, this is a gate here and area for a gate for me to...I couldn't unload groceries or anything else but I could park a vehicle here or something and go out in some kinds of weather, at least I wouldn't have to go up and out that way.

Chair Landquist: I think your – the boundary lines as I understand it - the blue line there is your boundary line that lines up just fine for with what we're planning on leaving as a road. Ms Jamison: "I see a lot of blue lines here, I don't know what you're talking about – the blue line is my boundary line."

Steve Smith: "May I help?"

Chair Landquist: "Mr Smith, could you please assist?"

Steve Smith: "The question that comes about is; there's various colors on this drawing. According to the legend that's over here, we have a fence wire, where my finger is, that's your fence, wire fence that was located by the field crew back in evidentially late 2000, early 2001. And I believe on our observation, Ms Jamison also pointed out, it would be right about here, where my finger is, where there's an opening or a future opening to have access to their property.

Chair Landquist: "Yea, that's the way it lines up..."

Steve Smith: "Hang on a second; just hang on for a second. Can you hold this for a second? What we have here is an aerial photograph, I'm sorry a photograph taken by the petitioners, by the petitioners and presented to our office. What we have here would be East Mullan Road and we're looking this way, so actually it's – the photograph is from here looking back or to the West. So, here's the travel surface and it was a scanned image, sorry for the quality. But, this point right here where my finger is would be this corner of the property and thank goodness there's a little snow because you can see this fence going across the rail and some sort. And then probably right there where my finger is - is a future opening for a gate and that would be approximately right there. So basically in line, most likely in line with the 30 foot right-a-way if the decision is made to just abandon half of it.

Chair Landquist: "Which lines up nicely for Ms...to access Ms Jamison's property in the back there."

Steve Smith: "I call it a straight shot, right in. And then here's the surface as mentioned earlier – this is lawn. Okay?"

Chair Landquist: "Thank you very much, nice job."

Ms Jamison: "Actually that's incorrect. This fence post here is marked – goes over to the corner of my property."

Chair Landquist: "That's what you said"

Ms Jamison: "That's right, to the corner of my property."

Chair Landquist: "Right."

Ms Jamison: "First of all, this is a brand new hearing...here I come again unprepared."

Chair Landquist: "It's not a brand new hearing it's a continuation ma'am. Don't take your frustration out on us; we're doing the best we can."

Ms Jamison: "This is a brand new...set of...situation here, this is instead of abandoning – what this is Yellow, it's now pink. That's different."

Commissioner Curtiss: The law allows us to do a partial abandonment of a proposed abandonment."

Ms. Jamison: "Without any further..."

Commissioner Curtiss: "yes, doesn't let us make it any bigger but we can make it smaller."

Ms. Jamison: "Well, that's not right that I'm not prepared, I can not be prepared to respond to this."

Chair Landquist: "Okay."

Commissioner Curtiss: "And that's your house in the background there, right?"

Ms. Jamison: "Yes"

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Commissioner Curtiss: "So you can see that the portion that we propose to not abandon or that the viewers have proposed to not abandon is that road and it goes right to your house." Ms. Jamison: "First of all, see there are all kinds of reasons that it's not going to work. These are all encroachments here, all the things that they have here. They have lots more displays and all kinds of stuff in their busy season. In addition to that, they have cars pulling in – they said they have a parking problem. They have cars pulling in every which way and they park every which way. My suggestion was to remove this encroaching fence. Now she claims that this is a Costco tent that was there when this fence...when this was drawn, according to the scale, that's false. This is a building, its mark by blue."

Commissioner Curtiss: "Ms. Jamison, we're not talking about the encroachments today, that's a whole another process, if they ask for that... (Ms Jamison is speaking away from the microphone, I can't understand what is being said)...so all we're talking about is abandoning a portion of the road."

Chair Landquist: "Is there any other public comments, anybody else that would like to make a public comment about this road abandonment?"

Charles Drinville: "I live on...adjacent to Phyllis, down over the hill on Woodville Avenue...well no I'm told it's Montana Avenue but whatever. As you look there it's a reasonable approach what you're doing, very reasonable. Owner of Jamison house there, if you look down that road there that's in the street and that was abandoned by you, by which-a-call-it, which to her liking, which I have no problem with that but and I have no problems with what your doing so, I support you 150% so."

Chair Landquist: "Thank you very much."

James McCubbin: "May I ask Mr. Drinville a couple questions?"

Chair Landquist: "Sure"

James McCubbin: "Mr Drinville, are you familiar with the properties involved that are affected by this proposed abandonment?"

Charles Drinville: "absolutely."

James McCubbin: "How are you familiar?"

Charles Drinville: "I've been out there 40 years."

James McCubbin: "Okay."

Charles Drinville: "I built the house over there adjacent to Phyllis – to the North, right on 3rd and Woodville. I built that house; I bought the two lots right next door there. Verna Bugsby lived there and I sold one to Verna and I kept one, so that gave me four lots and there's where Rich Weekley(?) lives at. My Mom and Dad owned the ones down over the hill where Jack and Dena live at."

James McCubbin: "The Lunds?"

Charles Drinville: "Right."

James McCubbin: "Are you familiar with Phyllis Jamison property?"

Charles Drinville: "Absolutely"

James McCubbin: "How are you familiar with her property?"

Charles Drinville: "I built the fence around it."

James McCubbin: "Okay."

Charles Drinville: "When she first moved in there, I was helping her, I have a tractor with a post pounder and when we moved the fence around there I came back to her piece of property, I said the back of your house is in the street, how do you want to do it? She said, put the fence out in the street, so that's what I did and then she wanted it moved, so...after I put it in she wanted it moved."

James McCubbin: "Can you share with us anything more on your impression on whether the partial abandonment that's discussed in the viewers report will affect access to any properties, I mean including Ms Jamison's because she's expressed concerned, but any other properties - Would it effect anybody's access?"

James McCubbin: "It won't affect any other people's access, the kid Jim down over the hill from her, that's...you come in on 5th Street for that, that's the people that are across 4th Street to the South and there's no access down through there because it's all brush and that. He's got access in through 5th Street. As far as a fire truck, a fire truck can go down that road down there, it's a 30 foot Street they can down there take a right and go back up the alley. They've got 4-wheel drives, they have a 4-wheel drive truck in the Clinton fire department so that's really not an issue and they do like you say, they do have a 150 feet to 200 feet of fire house so that's not an issue neither, in my opinion."

Chair Landquist: "Is there anybody else that would like to make a comment about this road abandonment?"

Debbie Lorenzo: "I just wanted to clarify one thing, at the last hearing she claimed that emergency vehicles could not get down for the person that had the problem when she was taking trees out. It's a matter of public record, they did come down 4th, went right up the alley, that fence was not there when she was taking those trees out and they treated him right there in the alley and went out on 3rd so we already know that they can make it through."

Chair Landquist: "And I think, just also to make the record clear, the comment last time was made that the ambulance couldn't find the place but you told me on site there that in Clinton it's usually the first responders that come and that would be from the fire department or rural fire and then they call and give appropriate directions to ambulance?"

Debbie Lorenzo: "If they need an ambulance, correct. As far as I remember an ambulance didn't come on site, it was the quick response and the fire truck."

Chair Landquist: "Okay, thank you for clearing that up. Is there anyone else that would like to make public comment?"

Ms Jamison: "If 9-1-1 records go back that far it will be on the record and it was the Clinton ambulance, whatever it was they put him in the ambulance and took him off. It will be...I imagine they keep those records, it will be there."

Chair Landquist: "Okay, thank you."

Ms Jamison: "I mentioned the greenhouse thing, going to their credibility. Here this is the credibility in again the issue here, which is my right to bring that up because this is false."

Chair Landquist: "Okay, thank you."

Ms Jamison: "I would like to finish what I was saying, last time she claimed that...I'm gonna catch my breath for just a minute. Totally unprepared as usual for these meetings because I'm not given information, I would of liked to have this report in advance so I could prepare. Going back to the credibility of the Lorenzo's, last time they claimed that Costco tent was on the property when that map was drawn, that's on the record. Actually what's there as I said it was - a building, they denied it was a wood-framed building, that's on the record. We're looking at the credibility here. It was a wood-framed building."

Chair Landquist: "That's why we do site visit though, ma'am. We listen to people's testimony but we do site visits and I don't think this hearing has anything necessarily to do with someone's credibility. Again, you were warned last time at the last hearing; I'd be careful if I were you to not be crossing the line into saying that could get you in trouble for slander."

Ms Jamison: I didn't cross any lines.

Chair Landquist: Just throwing that out there for ya.

Ms Jamison: I have a comment about that. When Missoula County is the one that pits neighbor against neighbor by the negligence of the way you handle your roads, it really isn't appropriate for you to comment to me about how to handle the dispute. When it's basically your issue, your problem, which you've caused. This is a 40 foot by 20 foot building.

James McCubbin: Correction let me just step in...

Ms Jamison: That's an interruption...

James McCubbin: Ms Jamison, why don't you just complete your comments as they are. However the Commissioners are not here to answer your questions. If you have questions that you think they should look into, you can mention that, that's part of your comments. If you think there's a credibility issue that relates to information that's been presented to the Commissioners, you can comment on that but that doesn't necessarily mean your comments are true either. So, in other words, this is your opportunity to present your comments and then the Commissioners will address them with further inquiry if they feel it's necessary but it really isn't a dialog, it's your opportunity to present what you have to present.

Ms Jamison: And that's what I'm trying to do but I keep getting interrupted but I would appreciate it. This is a 40 foot by 20 foot greenhouse, labeled as a greenhouse. If it were a tent it would be labeled as a tent, just as a wood pile is labeled as wood pile, a utility pole is labeled as a utility pole, etc. Further a greenhouse lets light through and a Costco tent doesn't so we're looking at a credibility issue here.

Commissioner Curtiss: We really don't check people's credibility before we take comment, it's not our job.

Ms Jamison: Once they make comment, it's good to have that in mind, for instance, over the ambulance issue. And, as far as the fire suppression access, they aren't going to be able to have it at all; I won't have any at all down here. Another thing here that I object to this is an illegally submitted petition...

Chair Landquist: You covered that.

Ms Jamison: Are you going to interrupt me again in the middle of my sentence?

Chair Landquist: Ma'am, when you've already covered some of the things that...

Ms Jamison: I haven't raised this particular petition up at all. This is the first time I have and you're interrupting me every time I try to speak...and then when I get rattled I can't think so thank you very much. And if you're concerned why I'm in a not such a rosy mood, I'm being encroached in and hind in and abandoned in on every side of me. And completely hind-in now to this, you're saying 30 foot there when they've got there, by your own pictures, this is in winter time here...they've got all this out, even here. In the summer this is all displays, clear out here and people parking over here and in every which...nobody could drive through there. And, further like as I say, Deputy State Fire Marshall Pat Clinch would never let any one of his trucks go down this way or this way. Another reason why this is an illegal, wrongly submitted petition; First of all, the petition itself is false, it doesn't have a place to list the dissenters. It doesn't have a place to list...it's false also even in the way it's filled out, its supposed to have...at least the county does have a place for the name and mailing address of the people, the owners effected by the abandonment. Everyone on this alley is affected by the abandonment and there's no other names besides the Lorenzo's on here. Everyone signing this petition had the false impression that there's no objections to this petition. Further, the Lorenzo's falsely state, they sign there name here...I don't even see their signature on it, okay well I guess they have it on here, yeah they have it on here....no just their singing the...they filled this out saying that we have connected the above name landowners and the following landowners consent, they didn't contact me. If they...and you know, whoever else is an effected landowner on here, evidently they didn't contact them maybe they contacted some of them, you just don't know. But, they have filled out...this does not meet the requirements of the law. Further, Vickie Zeier, you're saying who has no experience as a Surveyor, it is a requirement of law that the County Surveyor be on site. The County Surveyor, not the Manager, the Surveyor. You said Vickie Zeier is the Surveyor now, that's her Title.

Commissioner Curtiss: By Title.

Ms Jamison: By Title, so the County Surveyor Vickie Zeier should have been out there, by law." My uh...you haven't...I'm opposed to this, there's just too many encroachments, there's too much to typography. There's too much problems with the typography going down hill into my house to get access. There's too much problems with typography on this side of my house without it getting access. There's problems in the summertime with their fat traffic going in every which way, this won't be travelable and they can't go down here anyway. It's not a safe idea, it's not safe for me, and it's not safe for anybody in that neighborhood. This is your opportunity Missoula County to start treating your roads responsibly instead of negligently. To stop trying to give them away and to do the responsible thing, that needs to be left open for all kinds of access for not just myself but for the neighbors and for the future. This was platted, that road, before 1907 and it's the only one in Clinton that has a 60 foot wide road there, and it needs to be left as a road. They can certainly have their...they have their customers park on the grass now anyway, up and around in here. They can have them park along these greenhouses here and park them right along here and then there will be room to go through. If this 60 foot width is not left the cars will continue to go every which way, this way they can park in here and there will be room to go through. That road needs to be completely left open, that's according to Deputy State Fire Marshall Pat Clinch.

Chair Landquist: Thank you. Is there any other public comment about this proposal we have before us? Okay James I do have a question for you, I don't know if I should close the hearing first and then ask a question or do I ask a question of James? Okay, so at this juncture since there's no other public comment the deliberations are up to the Commissioners, I think I'll close this portion of the hearing to the public and we'll go through our deliberations and if I may start with first asking you to clarify - is this application that we've been using do you consider that to meet the interpretation of the law?

James McCubbin: I do think this is a legally valid petition and actually I just gone through and rechecked the statue to insure that's my opinion and it is my opinion. Another couple comments, I am familiar with the pending petition to abandon to partially abandon the portion of Woodville Avenue used to access Ms Jamison's house and it is my opinion that she will continue to have legal and the same physical access that she now if and when that abandonment - that partial abandonment is completed. And that she had noted for the record that she agreed in writing to that partial abandonment.

Chair Landquist: So that was an abandonment with an easement through it or something?

James McCubbin: No it's just a partial abandonment so the part that's used will continue to be there as a public access. Another thing that occurred to me might be useful information to you. It appears that from this survey that there have been encroachments in the South part of 4th Street in the sections since at least...when was that Survey Steve, 2001?

Steve Smith: I have not checked the records to absolutely sure but my guess is the survey was done in approximately 2000 maybe early 2001. The drawing is dated February 2001.

James McCubbin: Okay. So I guess we have the convenience of having Greg Robertson, Public Works Director present with us and I think an interesting question would be - has there ever been a complaint about the encroachments on this stretch of road that have been there for some 9-10 years?

Greg Robertson: The one on 4th Street?

James McCubbin: Correct

Greg Robertson: No

James McCubbin: No? Okay. So that's all I have

Chair Landquist: I have a couple other questions for ya. Do you consider the fact that Steve Smith who's a County Surveyor, Licensed Surveyor and can represent Vickie Zeier; do you consider that to meet the law, intent of the law?

James McCubbin: Yes, it's my understanding that she has delegated that to staff. I'm not familiar with how exactly that was done but there's nothing inappropriate to her delegating that to someone that's under her oversight ultimately.

Greg Robertson: Title 7-4-2801 deals with office of the county surveyor specifically the section, section 1 deals with qualifications; one must either be a registered land surveyor or a registered professional engineer to hold the office of County Surveyor. Section 3, when the office of county surveyors consolidated with another county office, which that was done in this particular case when Horace's position was retired, it was consolidated with Vickie Zeier in the Clerk and Recorder and Treasurer, I think. When the County Surveyor is consolidated with another County Office within the County the requirements of subsection 1 are waived. Meaning Vickie is qualified under this particular section to hold that office. Unless the office holder has the qualifications prescribed in subsection 1, the officer shall with the approval the governing body, which did happen in this case, contract for the services of a person with those qualifications. That's what's been done and I am the one that the requirements have been turned over to - back in 2003.

Chair Landquist: My final question for you then James, do you consider the site (inaudable) that we did meets the intent of the law?

James McCubbin: Yes

Chair Landquist: You don't foresee anything that we've done in going through this hearing as unlawful?

James McCubbin: No, I think it's abundantly clear from the maps and photos that have been presented in the discussion that there clearly was an investigation of the area and actually went well beyond just 4th Street; they investigated the whole area so I think that is a valid viewer. We have appropriate report of that - that's been submitted into the record and it was read in full, it's my understanding from Steve and from reviewing the written record was read in full verbatim by Steve Smith earlier in this preceding today.

Steve Smith: I'll just add that the background was not read, as I pointed out during this hearing that Commissioner Landquist basically covered the background.

Chair Landquist: Fellow Commissioners do you have any questions or concerns regarding this petition before us today?

Commissioner Carey: No

Commissioner Curtiss: I have just one to clarify - one item that Ms Jamison brought up was that the petition didn't identify people who dissented and I believe that's what the public hearing process is about to tell - have people tell us whether or not they're in favor or against. Do you believe that they need to write on the petition, the people who are against? We've never had that before.

James McCubbin: There's not a requirement that you list people that don't consent.

Chair Landquist: Without any other questions for our deliberations, fellow Commissioners I would appreciate it if a motion would be made or if you want me to make it and you guys can second, we can still vote on it - that you go with the recommendations that Steve and I, as the viewers, have come up with to abandon a portion of it, but not the full request.

Commissioner Carey: I think the road viewers report is reasonable and practical. I think I'll (in audible) for an improved, improved conditions of those particular roads and so on.

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners accept the road viewers' recommendation to not abandon the 4th Street as requested by the petitioners, but instead, in its place recommend that the South half of 4th Street be abandoned. Commissioner Curtiss seconded. The motion carried on a vote of 3-0.

Commissioner Curtiss added that the unique thing is that Clinton the typography in Clinton just various a lot, as it was stated earlier the town of Clinton was laid out in a very nice grid many years ago but as we seen over the years, many of those legal right-a-ways are not physically accessible by vehicles and I think that one such of those roads is the section of the 60 foot section of 4th Street that goes past Ms Jamison's house towards Mr Drinville's house that we abandoned previously because it wasn't a very physically usable road. Because of the typography that James has identified that this petition is legal and continues to provide access to the alley and to Ms Jamison's house. Emergency vehicles can response either they...when we do subdivision review 20 feet is what they request, this is 30 feet so I don't think we're jeopardizing public health and safety, we're recognizing more what's on the ground and still maintaining that public access. I think it's a good decision.

Chair Landquist moved that we have a motion, we have a second. The motion carried on a vote of 3-0.

Steve Smith: I'm looking at James McCubbin, now I believe all owners in this situation that coincide with the abandonment that's been granted, which Lot 1 is owned by David and Debra. Debra signed the petition, do we need her approval since David signed it do we need Debra's approval, granted we've testimony from her but as a matter of the paperwork? Is it necessary to have some sort of acknowledgment by Debra?

Chair Landquist: In writing you mean? Like by her signature?

Steve Smith: Well signature, yet at least through testimony I believe in the past we've acknowledged testimony.

James McCubbin: I think to the extent we require consent that's been clearly stated on the records. We're fine.

Steve Smith: Okay, just wanted to clarify. Thank you.

Chair Landquist: You'll be getting a letter and you're here at the hearing so - what we decided and why.

James McCubbin: One thing probably worth noting, Greg Robertson is the one who addressed about the intersection there if you're going to improve that, I think you mentioned that last time, he still requires some kind of an encroachment permit likely. Right Greg?

Commissioner Curtiss: Through Public Works?

Greg Robertson: Yes, yes that would be correct.

Chair Landquist: Yes, we've checked with them too so for being able to make the improvements that you wanted to be able to do for...cuz I understand the incline of stuff you just need to get an encroachment permit before doing any work there. As well as you might share that with your neighbor too because I know he wanted to play around with some alley work and stuff even though the county doesn't maintain alley's, he still might need to check with Public Works and get an encroachment permit first.

Ms Jamison: I would like to have a letter too if you're on the list of effected parties you automatically get a certified letter at the end and that's one of the things I wouldn't be getting because I'm not on that list. I would like to get the certified letter. I'd also like to get, where there any other public comments that were made that were mailed in or sent in of any kind what so ever? I'd also like to have a copy of the petition that they provided of how wonderfully they keep their property that they submitted last time, may I have a copy of that please?

Commissioner Curtiss: Didn't we give you a copy of that?

Ms Jamison: No, not that copy no not that. Was that a yes answer? Can I have the certified mail – the copy of the final thing?

Chair Landquist: Well we would certainly mail you a copy of whatever we mail....

Ms Jamison: Yeah, it would be automatic if I had been listed on as one of the effected parties. I've gotten them in the past when I was an effected party.

Commissioner Curtiss: Yes, we'll make sure you get a copy.

Chair Landquist: Thank you Steve, I appreciate your work on this.

7. HEARING

Resolution to Adopt Regional Plan for Water System Expansion in the Wye Area. Staff Report

Greg Robertson: with me today is John Gass of WGM Group who will give you a short presentation on our findings as a matter of history or matter of background. During the conception of developing the Wye Area Sewer Project a collective of land owners was interested in also developing a regional water authority or establishing, at least a water system to serve the Wye Area. At the time the cost were considerable to do both and the decision was made back in mid 2000's to forgo the water system notion and focus on providing sewer to the area. The sewer work has now been completed and we told this consortium of land owners that we would revisit the issue at a later date and so WGM was hired earlier this year to assist Missoula County and evaluating alternatives for development of a regional water system for the area that included looking at the expansion of Mountain Water System, also independent systems with some sort of (in audible) powers authority to manage its operation. So, I think before we go further it would be helpful to have John do his short presentation and give you an overall presentation of the issues we looked at and what we came to the conclusion.
John Gass – power point presentation

Public Comment: None

Executive Session

Commissioner Curtis made a motion that the Board of County Commissioners sign the resolution to adopt this regional plan for a water system expansion in the Wye Area. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

RECESS

There being no further business to come before the Board, the Commissioners were in recess at 3:00. We will continue at 4:00pm with the next hearing regarding the Review of Pre-Disaster Mitigation plan.

8. HEARING

Review of Pre-Disaster Mitigation Plan

Chair Landquist called the meeting to order at 4:05pm

Bob Reid: Missoula County has what's called a Pre-Disaster Mitigation Plan and it's in some ways a qualifying document for funding sources at some point. It's also a formal way for the county and the city to assess a variety of hazards and risks that we face and come together with a strategy on how to deal with those. The plan that we have now has been in effect since I believe 2004 and it's required to be updated periodically and so we were engaged in the update at this point. This project began last spring when we hired a consulting company here in town PBS&J and the person named Charlie Vandam to be our contractor to do this work and he's drafted the revision and among the requirements the process requirements are that we hold public meetings and get public comment on that and so that's what brings us here today. With that I'll turn it over to Charlie with PBS&J.

Charlie Vandam, Water Resource Planner with PBS&J: I'm currently under contract to do not only Missoula County but also Ravalli County and Mineral County and I also have another contract doing work on the Yellowstone County Pre-Disaster Mitigation Plan. I have a **PowerPoint** I'm gonna go through. I will be going through just some highlights of the update, I'm not gonna go through the whole update, the intent here is to update what we did in 2004. Some of the information in the plan is...was put into the original plan and we've just carried that forward. I think it's important to be able to update relevant information especially related to any reason hazards. What the purpose is, as Bob mentioned, what we're trying to do is find ways to mitigate hazards before they happen.

What I'm looking for today - one of the objectives is try to get some feedback on the PDM Plan and specifically what kind of projects the community, both the city and the county needs to take on to try to mitigate some of the hazards that threaten the community. (Passed out cards for comments, questions) He asks that everyone list hazards that most threaten our community.

Commissioner Carey: You said you worked in Ravalli County - Is that lab down there in (inaudible) to potential hazard?

Charlie Vandam: We did not look at Hazardous materials, toxic materials, and biological materials as being something we want to address in their plan. There was...we talked about that in 2004 whether we should address hazardous materials but there's environmental regulations or safety regulations that are intended to mitigate those hazards and at that time in 2004 we decided it wasn't the place for this plan to address that. Also, in the State update, when the State just finished their mitigation plan they kept it all on national hazards on what the threat is from National Hazards related to a man-made facility or a chemical facility or hazardous materials facility.

Commissioner Carey: It just strikes me that if somebody were to blow up that biological lab and the wind was coming from the South we'd have a problem too it seems.

Charlie Vandam: I'm glad you brought that up because the thing is what we want to be able to do is identify where we can mitigate national hazards. There are all sorts of things to do as far as response and we have an EOP that's intended to response, how do we respond to an incident like that. But, we could look at...there could be a number of ways that there could be a terrorists attack that could cause damage and threaten the community, whether it's through dam failure, blowing up a dam. In 2004 and again this...for this update we're not looking at trying to address those types of hazards.

Commissioner Curtiss: Are the labs required to have their own disaster plan? We always say that everybody should have a disaster plan but thought maybe because of the materials they have, they have to have some sort of reaction plan.

Charlie Vandam: They do and I know that like if we take the University they have to have their own Pre-Disaster Mitigation Plan because their actual a safe facility. But as far as a private facility they're not required to have a PDM plan but they do have plans in place for releases; what's going to be the extent of the release and how much of an area that's going to be impacted and what kind of response they have to be...how they have to response to that sort of release.

I think maybe it has to do to some extent with disaster nomenclature. A number of organizations are required to have response plans and they do those so they know how they're going to react to things when they occur. As Charlie said, this plan deals primarily with natural hazards in the...based on the belief that the things that could be done to mitigate all of these other man caused things are handled through other regulatory measures that are already in existence.

Charlie Vandam: The emergency operations plans intended for response, the PDM Plan is intended for mitigation and as I said a lot of the fixed facilities are regulated on what they can handle on how, hopefully they can mitigate potential hazards.

One thing that we tried to do a little bit different in this plan update is to approach each hazard and try to come up with a semi-quantitative way to determine the risk between the different hazards. And what I'll talk about through-out as I'm addressing some of the major hazards is annualized lost. We can think of it simply as being if we have a 100 year flood and we have ten million dollars in damage, if that flood only occurs once, is a 1% chance or once every 100 years then our annualized lost is one hundred thousand dollars. We're just trying to look at things at...trying to compare apples to apples so as I go through these hazards I'm trying to relate things to annualized losses, what we could expect on a average, what the losses would be. Now the event may occur once every 50 years or it could be like wind storms that occur every year when there's damage every year. That's what I've done a little bit differently on this plan and just tried to come up with an annualized lost for all the hazards. I'm gonna try to go through some of the major ones, more significant hazards and what kind of exposure there is. (PowerPoint slides)

Bill Coldwell: As I read the information there was property loss for home loss in the Blackfoot and the bridge loss that's information that you gathered independently then of the other data sources?

Charlie Vandam: Yeah, that was gathered from Missoulian Articles or I can't remember Bill what source. That's not included under this – those losses were included under the ice jam.

Commissioner Curtiss: So you reflected somewhere in the report those losses but they're not in these charts, is that what you're saying?

Charlie Vandam: Well, I'm covering some of the highlights, I'm not going through every hazard – I wanted to point out some of the more significant hazards that affect the county. I'm gonna summarize it in the table, covering all the losses - what our estimated annualized loss is.

Chair Landquist: Charlie, the resources that you were using to go back to try to find the damages you use the acronym for them but what is [the] acronym?

Charlie Vandam: You would me that! I have it in the plan and if you give me a second I'll tell you exactly what it means, I just don't have that...didn't roll off the tip of my tongue.

Chair Landquist: I still find it kind of curious that there wasn't anything recorded from '96 because that was a pretty crazy year for disasters that happen within the county.

Charlie Vandam: It's compiled by the University of South Carolina it's the spatial hazard events and losses data base. And it's been the standard what they use for most of this work and trying to assess what kind of losses there could be. Now the one thing it does do is...and I don't know how they generate some of the data but they do estimate losses where I couldn't find any source for it. I'm not sure how they generate some of that data, how they generate some of those losses. In periods where we don't have any records even in a nice national climatic data center or anything that I'm familiar with, they identify losses. I think some of that is statistically generated based upon a type of hazard that occurs.

Public Comments:

Commissioner Carey: I wonder in suggesting that we'll have a significant wildfire event every twenty-five (25) years, what would be the difference if we said no it's every five (5) years, does it have any real impact of what we do?

Charlie Vandam: I'm sure we've...especially looking at recent history we've had quite a few wildfire and we almost have wildfires every year. But, in looking at when we have losses granted a lot of the resources are put into fighting wildfire to protect structures and a lot of times at the expense of actually fighting wildfire. But, if you look at when we've had losses there hasn't been that many in recent history in the last 20 years. So that's what I looked at Bill and when I looked at...sure we have fires almost every year but significant ones where we actually have structural lost.

Commissioner Carey: what about the cost of fighting those fires though? I mean if you're going to fight a significant wildlife fire every five (5) years instead of every twenty-five (25).

Charlie Vandam: And that is again, I'm looking at what are we doing for mitigating what kind of structure loss we have and not in a cost for actually responding and fighting fires. It gets to be kind of a hard number to figure in on what the local cost is because a lot of resources come from state and federal money for fighting fires sure there's cost at the local level but for trying to assess this and come up with a number I didn't factor that.

Commissioner Curtiss: So one of the goals that you had on there was to limit tree equipment or something to look for a warning system on Rock Creek Dam, how expensive is something like that? And then does it connect to our 9-1-1 system or reverse 9-1-1, how do they work to notify people?

Charlie Vandam: I can't answer that question Jean. I don't know what the cost would be and I don't know if Bob would have an idea how it would connect.

Bob Reid: I don't know either. Another variable in that of course is that although Missoula County might bare the effects of that, the source of is in another county and so it would be a question of which county would bare the costs or the initiative to get it done.

Comment: As far as copies of the plan, my thought was that after we had gotten through this meeting and knew what comments or significant changes we might have to make to the graph as a result of this. Once that's done we'll go ahead and put that on the counties website with an avenue for online comments like we've done with the ELP as well.

Chair Landquist: I think that's a great idea. How long do you think it'll be before that's on there and then when will this come out of draft form?

Charlie Vandam: I don't see a lot of changes to the draft come out of today. I think within two to three weeks we could have it up there.

Commissioner Curtiss: Do we have a required comment period time?

Charlie Vandam: There's not a required comment period time. But what I'd like to do is see about getting comments identified here December 17th but if we wanted to have it available on a revised form then perhaps we should have it open until the beginning of the year anyways, at least the first or second week in January.

Chair Landquist: I think that's a great idea to leave the comment period open till maybe the first of the year also and since this is going to be on MCAT – MCAT does a fantastic job of replaying the program a number times so perhaps there's some way to make the comment cards available easier on our website so that anybody that's seeing it at home can go on our website and get a comment card easy, if they want to fill that out. The other thing to remind people is even if you're not in the MCAT viewing area, if you look at a channel guide, or I think MCAT's even got a thing online where you can see the programming, they stream this online on the computer when their showing it on the television, so that even those people that aren't in the Bresnan viewing area to see MCAT can look at it that way too.

Charlie Vandam: I would add in that again for the MCAT audience, although we're in a county meeting today it is a City-County document and so city residents should feel free to comment on that, I encourage that.

Chair Landquist: And have you already done a presentation to the City Council?

Charlie Vandam: No we haven't done that.

Chair Landquist: Are you planning on doing something like that? It might be a good idea.

Charlie Vandam: Well we hadn't planned on it. We had...the idea was to have a public forum and have everybody invited to it, not necessarily specific to your audience but just have it available to anybody. I guess that would be something to entertain, whether we want to do that when we revise the plan. We've been involved with city officials and had input from them on this and so I'll certainly take that up with them across the street as how they want to address it.

Chair Landquist: I think that the viewing audience and the people that come to there meetings, they have them in the evening and may get more people involved, more public process there and there's twelve (12) significant minds, critical minds, thinkers and the Mayor. I just think this is a city-county thing we should definitely check with the city side.

Commissioner Curtiss: well the other thing is I think it's really important that we some how make a link on their website, I know you can work with their folks to do that because folks within the city are much more in tune with the city's website then they are ours.

Chair Landquist: The city has a lot of public followers, a lot of the people that live in the city zoom in on things from the city council perspective things and sort of just think that we're handling things from a larger perspective that doesn't really concern them so that's a really important point that you made Bob that this is a city-council plan.

Pam Walzer, Missoula City Council and LEPC: I think it would be helpful to have whether it's a public hearing or just have an informational meeting. We do have a lot of folks that do pay attention and a lot of very talented citizens who can offer a lot of ideas and expertise, although I do know that Bob's work well with our staff to have it available and I can work with Bob to see if we can at least get it linked through the city's website because it is important for our community. And if we want to refer this to Public Safety and Health we can get that on a committee agenda and then have a public hearing at night.

Charlie Vandam: We're in the process of working with the City on setting up briefing schedules for the emergency operations plan or disaster plan for them so it might be an easy fix to just put this on the same channel, I can talk about it all at once too.

Chair Landquist: We're calling this a hearing and normally we open hearings and we close hearings but this doesn't seem like it's that kind of hearing, is it? Where we need to open necessarily and close it or do we? Yes? OK

Bob Reid: Charlie and I could go ahead and close the hearing and then he and I can stay here and be available if anybody happens to show up between now and 5:30 or so that may be expecting a second session. We'll be glad to talk through this and take comments from them as well.

Chair Landquist: Thank you, is there any other public comments?

Dan Corti: I just have a couple observations. 1) I think the current plan is a great compellation based on available data of severity and frequency of risks. One of the things is currently lacks though is an

evaluation component so it would be possible in the next five (5) year review to look back and see what mitigation measures have been put in place based on the current plan as it's going forward. Absent that, it becomes just a really nice document that catalogs risks but I think it should serve as a template for what direction the community wants to take to actually mitigate some of those risks.

Commissioner Curtiss: Dan are you saying that there should be a way in there to say are we meeting any of these goals?

Dan Corti: Exactly. I think the document meets the federal requirements now, if I'm correct, in that it does catalog the severity and frequency. But, to be really useful at the local level it would be very helpful to actually look back and see what we have done in regard to those.

Charlie Vandam: Let me address that before you leave Dan. As part of the requirement is to go through and look at what was identified before and what action has taken place. There is a section that does look at...review all those projects and determines; was it completed? Is it going to be carried forward? Is it going to be eliminated? There is a table in there that does address those projects. There is an annual requirement to review these plans and I think it's typically been put on the shoulders of the LEPC to take it up and look at the plan, open it up and say okay where are we going, what have we done, and be able to identify progress. I think it's important that they put that on the regular agenda that they do annual review of the PDM Plan.

Commissioner Curtiss: Seems like it might be a good follow-up to that then to have someone from LEPC give an annual report to the City Council and the Commissioners just as to what the review showed.

9. OTHER BUSINESS

None

10. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 5:05pm.

THURSDAY, DECEMBER 2, 2010

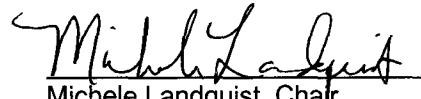
BCC did not meet in regular session. ML/JC/BC attended Bleiker Training all day, held at Fairgrounds.

ADMINISTRATIVE MEETING - CANCELED

FRIDAY, DECEMBER 3, 2010

BCC did not meet in regular session. ML/JC/BC attended Bleiker Training all day, held at Fairgrounds.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, DECEMBER 6, 2010

BCC met in regular session; quorum present. Late afternoon: ML/BC attended Missoula Community Leadership Team/Missoula Legislators Community Conversation, held at UC Center. JC in Helena at MACo Board of Directors Meeting.

Replacement Warrant - ML signed. Cody Gion, Missoula, Principal for Bonner School District #14 Warrant #9427 issued November 10, 2010 on County Payroll Fund. Amount/\$174.91 (for sub teaching). Warrant not received in mail; no bond of indemnity required.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending November 30, 2010.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending November 30, 2010.

Planning Status Meeting - BCC/OPG Staff. 1) Public Comment; 2) Claiborne Shoreline (*canceled*); 3) OPG Director's update.

Rural Initiatives Update - BCC/RI Staff. Agenda: 1) Public Comment; 2) Channel Migration Mapping/Upcoming presentations; 3) Aquatic Invasive Species prevention; 4) All Community Council Meeting update.

Resolution No. 2010-139 - BCC signed, dated December 2, 2010. Adopting a Regional Plan for Water System Expansion in the Wye area.

Request for Records Disposal/Transfer Authorization - ML signed. From Cerese Parker: Exhibit Wontor-Jordan (10/2/78-6/1/81). To Records.

TUESDAY, DECEMBER 7, 2010

BCC met in regular session; all three present. Morning: JC attended Best Place Project meeting, held at Missoulian.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 25/CY2010 - Pay Date/December 3, 2010. Total Payroll/\$1,234,444.69. To County Auditor.

Contract – BCC signed, dated December 8, 2010. Between County and Franz Witte Landscape Contracting for pumps for the Larchmont Golf Course Irrigation System. Amount/\$243,737. Term/December 8, 2010-April 1, 2011. One original to Mr. Witte.

Contract – BCC signed, dated November 25, 2010. Between County and Brett Lloyd dba Spartan Consulting to manage full scale exercise at Missoula International Airport in Spring of 2011 (tentatively May). Amount/\$12,500 (\$6,250 reimbursable from EMPG program). Term/October 15, 2010-June 30, 2011. One original to ES.

Letter – BCC signed, dated December 3, 2010 to Delbert Krum, Missoula, stating his complaint of August 3, 2010 regarding a neighbor is beyond the scope of both the Community Decay Ordinance and Junk Vehicle laws, and we cannot cite this citizen for no violations at this time.

Letter – BCC signed, dated December 3, 2010 to Gordy Sanders, Resource Manager, Pyramid Mountain Lumber, congratulating him on receiving the BLM's Missoula Field Office "Excellence in Stewardship" award.

Letter – BCC signed, dated December 7, 2010 to Dick King, MAEDC, stating their interest in redevelopment of the Bonner Millsite for continued use as an industrial/light industrial site. BCC looks forward to working with MAEDC on this.

Additional discussion item(s): None.

WEDNESDAY, DECEMBER 8, 2010

BCC met in regular session; all three present. Morning: JC attended Best Place Project meeting, held at Missoulain.

CHIEF ADMINISTRATIVE OFFICER MEETING

Contract – BCC signed. FFY 2011 Section 5303 Contract #105445 between County/OPG and MT DOT for Federal Transit Administration program to fund MPO and Mountain Line planning functions. Amount/Federal: \$111,147 (80%); Local: \$27,787 (20%). Term/October 1, 2010-September 30, 2011. Original to Ann Cundy/OPG for further signatures/handling.

Contract – BCC signed, dated December 20, 2010. Between County and Sankey Pro Rodeo, Inc. for PRCA Rodeo at 2011 Western MT Fair. Amount/\$45,500. Term/August 10-12, 2011. One original to Steve Earle/ Fair.

Contract – BCC signed, dated November 30, 2010. Between County and Will Rasmussen, for Pro Rodeo Announcer services at 2011 Western MT Fair. Amount/\$3,800. Term/August 9-12, 2011. One original to Steve Earle/ Fair.

Contract – BCC signed, dated December 2, 2010. Between County and Sankey pro Rodeo, Inc. for Tough Talk Rough Stock Invitational at 2011 Western MT Fair on August 9, 2011. Amount/\$15,000. One original to Steve Earle/ Fair.

Board Appointments - BCC made following appointments (all 3-year terms unless noted otherwise)

:

Airport Authority (5-year terms)	
Larry Anderson (2 nd Alt)	Reappointed: 1/1/11-12/31/15
Stephen Powell, MD (1 st Alt)	Reappointed: 1/1/11-12/31/15
Gerald McConnell	Reappointed: 1/1/11-12/31/15
Animal Control Board (2-year term)	
Lynn Gontarek-Garberson	Reappointed: 1/1/11-12/31/12
Florence-Carlton Cemetery Dist. Board	
Robert Porch	Reappointed: 1/1/11-12/31/13
Health Board	
Teresa Henry	Reappointed: 1/1/11-12/31/13
Impact Fee Advisory Committee	
Kevin Mytty	Reappointed: 1/1/11-12/31/13
Local Emergency Planning Cmte	
Thomas Russell	Reappointed: 1/1/11-12/31/12
Philip Russ	Reappointed: 1/1/11-12/31/12

Lolo Mosquito Control Board	
Dale Wisby	Reappointed: 1/1/11-12/31/13
Jean Belangie Nye	Reappointed: 1/1/11-12/31/13
MUTD (4-year term)	
Dick King	Reappointed: 1/1/11-12/31/14
Planning & Zoning Commission	
Dick Ainsworth	Reappointed: 1/1/11-12/31/12
Seeley Lake Refuse Dist. Board	
Dusty Brown	Reappointed: 1/1/11-12/31/13
Tax Appeal Board	
Michael Nave	Reappointed: 1/1/11-12/31/13
Jim Fairbanks	Appointed: fill unexpired term to 12/31/12
Historical Museum Board	
Bob Tutskey	Reappointed: 1/1/11-12/31/13
Don Spritzer (2 nd Alt)	Appointed: fill unexpired term to 12/31/12
Larchmont Golf Course Board	
Craig Rawlings (1 st Alt)	Reappointed: 1/1/11-12/31/13
Sam Warren	Reappointed: 1/1/11-12/31/13
Janet Dean (2 nd Alt)	Appointed: 1/1/11-12/31/13
Weed Board	
Dennis VanderMeer	Reappointed: 1/1/11-12/31/13
Stan Lucier	Reappointed: 1/1/11-12/31/13
Robin Innes (was 1 st Alt)	Appointed Reg. Member: 1/1/11-12/31/13
George Hirschenberger (was 2 nd Alt)	Appointed 1 st Alt: 1/1/11-12/31/13
Jennifer Drewitz (new 2 nd Alt)	Appointed: 1/1/11-12/31/13
Zoning Board of Adjustment (2-year terms)	
Robert Braach	Reappointed: 1/1/11-12/31/12
Chris Nygren	Reappointed: 1/1/11-12/31/12
Nate McConnell	Appointed Reg. Member: 1/1/11-12/31/12
Lawrence Reichelt	Reappointed 1 st Alt: 1/1/11-12/31/12
Mark Kobos	Appointed 2 nd Alt: 1/1/11-12/31/12

Memorandum of Agreement – ML signed, dated November 30, 2010. Between County Parks Board and Upper Linda Vista Homeowners Assoc. for Capital Matching Fund Program/Fall FY11 grant money for park development. Amount/\$2,222. Funds must be spent by November 30, 2012. Two originals to Lisa Moisey/Parks for further signatures/handling.

Request – BCC approved canceling December 15, 2010 Public Meeting. December 22nd Public Meeting has already been canceled. BCC will reevaluate need for December 29th Public Meeting.

Additional discussion item(s): None.

PUBLIC MEETING – DECEMBER 8, 2010

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENT** – Peggy Morrison, on behalf of Target Range would like to thank the Commissioners for the opportunity to take a look at the records on the Maclay Bridge. It was very educational and sometimes funny, just in terms of how things were looked at back then in the 20th Century. So, once again thank you very much for the opportunity to do that.
No further comments.
4. **ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS**
 - c. Weekly Claims List - \$795,573.95

Bill Carey made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$795,573.95. Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.
 - d. Public Announcements – Commissioner, Michele Landquist reminded everyone of the emergency # for anyone needing help, call 211 for food, shelter and gasoline, the phones are manned 24 hours a day.

5. HEARINGS

Proposal to issue some special limited obligation recovery zone facility bonds for the Garlington, Land & Robinson Project

Chair, Michele Landquist opened the hearing.

Andrew Czorny, Chief Financial Officer. This is a modification of an application that was approved by the Commissioners on September 10th in the amount of \$980,844.00. The application at the time was an estimate by Garlington, Lund & Robinson for their furniture, fixtures & equipment. The Actual bids came in a little bit higher at \$1,100,480.00; they re-applied to the State for some increased capacity and received approval from the State on November 17th for the \$1,100,480.00. Today concludes the process for the public hearing, we've noticed it and have gone through all the reiterations that need to be gone through and we're recommending that the Commissioners go through and approve the attached resolution authorizing the \$1,100,480.00 in funding. The GLR folks have First Security Bank underwriting the loan, they've qualified and met all the expectations for the loan and staff recommends approval.

Comment from Commissioner Jean Curtiss: This is just a pass through of tax exempt borrowing capacity to this private business and they will be paying the debt to the lending institution. It's not free money it's just cheaper money.

Executive Session

Commissioner, Jean Curtiss made a motion that the Board of County Commissioners approve the resolution relating to this project on behalf of Garlington, Lund & Robinson PLLP and the issuance of a revenue bond to finance the cost thereof, under Montana Code Annotated Title 90, Chapter 5, Part 1 as amended, proving the project authorizing issuance of bond therefore and allocating a portion of the County's authority to issue these recovery zone facility bonds. Commissioner, Bill Carey seconded. The motion carried on a vote of 3-0.

Commissioner Curtiss commented that she heard on NPR this morning what the US Congress is up to right now and this is one of the things at this point and time haven't decided to reauthorize, the person talking about it on the radio said it took 10 months for Federal Government to figure out how to do this, therefore we've had a really short time. In Missoula County we have used this for over \$7 million in projects, these are all local projects, local businesses expanding. It's been great for the economy here and for those businesses to be able to do these projects and save money so maybe we should all give our senators and our representatives a call. Michele also commented on how this money has been instrumental on keeping a lot of people here working, suppliers and allowing local businesses to grow and expand. Michele offered to make available the projects it funded for us, where they're located and what it did for Missoula County.

Public Comment: Gary Chumrau commented that there's two other programs that haven't been renewed either that are before congress right now. The New Market Tax Credit Program and also the Build America Bonds Program which are very similar and have really helped a lot of communities, including Missoula and several in Montana. These were not included in the current package either so if the County is going to be talking to and has any clout with our Congressman, we (I) as a member of the community would like you to also support the other two programs because they have really been beneficial.

6. OTHER BUSINESS (No other business)**7. RECESS**

There being no further business to come before the Board, the meeting was recessed.

Resolution No. 2010-140 – Following Public Meeting, ML signed, dated December 8, 2010. Relating to \$1,100,480 project on behalf of Garlington, Lohn & Robinson and issuance of Revenue Bond to finance costs thereof; approving the project; authorizing issuance of Bond therefore; and allocating a portion of County's authority to issue Recovery Zone Facility Bonds. Four originals to Dorsey Whitney.

THURSDAY, DECEMBER 9, 2010

BCC met in regular session; all three present. ML attended HRC Holiday Luncheon, held at Holiday Inn. Evening: ML attended Fair Planning Committee Meeting, held at Fairgrounds.

Replacement Warrant - ML signed. Dayspring Restoration, Missoula, Principal for Financial Services/ Elmar Estates Warrant #163592 issued November 16, 2010 on County 8923/Elmar Estates Fund. Amount/\$1,231.24 (for 16101 Emergency cleanup). Warrant not received in mail; no bond of indemnity required.

ADMINISTRATIVE MEETING

Resolution No. 2010-142 – BCC signed, dated December 9, 2010. Budget Amendment for OPG reflecting Revenue/Expenditure of EPA National Clean Diesel Assistance Program grant funds in amount of \$1,130,001. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Resolution No. 2010-141 – BCC signed, dated December 9, 2010. Budget Amendment for Open Space City establishing revenue/expenditure line items to facilitate Bonner Hill Open Space land purchase in amount of \$25,000. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

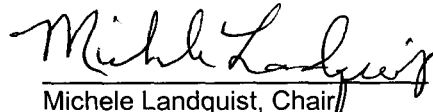
Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated December 8, 2010. Amount/\$19,719.48. Document to County Auditor.

Additional discussion item(s): 1) Legislative update; 2) December 15, 2010 Public Meeting is canceled.

FRIDAY, DECEMBER 10, 2010

BCC met in regular session; all three present.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, DECEMBER 13, 2010

BCC met in regular session; all three present.

Indemnity Bond – ML signed. Darin Job, Missoula, Principal for AP/Claims Warrant #27-220352, issued September 8, 2010 on County General Fund. Amount/\$36 (for football technical services). Warrant lost.

Planning Status Meeting – BCC/OPG Staff. **CANCELED**/No agenda items.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Reflections on Channel Migration Mapping Meetings; 3) Seeley Lake Media Coordinator; 4) Letter to TNC/DNRC re: access issues; 5) Lolo Community Council/meeting invitation and agenda; 6) RI Director's Update.

TUESDAY, DECEMBER 14, 2010

BCC met in regular session; all three present. Late afternoon: BCC attended Big Sky Branch Library Grand Opening, held at Big Sky High School.

ADMINISTRATIVE MEETING

Grant Form – ML signed Direct Deposit Form for Mountain Home Montana, Inc.'s Grant from MT DOC for CDBG funds (\$450,000). Originals to Jean Harte/OPG for further signatures/handling.

Request – ML signed IT request to access Streaming Video over the Internet. Original to Jim Dolezal/IS for further signatures/handling.

Resolution No. 2010-143 – ML signed, dated December 14, 2010. Authorizing execution and delivery of \$1,100,000 Economic Development Revenue Note (Recovery Zone Facility Bonds) and documentation for Garlington, Lohn & Robinson PLLP Project. Four originals to Dorsey Whitney.

Resolution No. 2010-144 – ML signed, dated December 14, 2010. Authorizing execution and delivery of \$3,800,530 Economic Development Revenue Notes (Recovery Zone Facility Bonds) and documentation for K&T Associates LLC Project. Four originals to Dorsey Whitney.

Letter – BCC signed, dated December 14, 2010 to Mike Ferriter, Director, MT Dept. of Corrections, Helena, addressing the issue of reverting MASC program to a regional prison, and stating the MASC program at the Missoula County Detention Center will be retained in its current iteration.

Additional discussion item(s): Subdivision Improvements Agreements and Bonding.

WEDNESDAY, DECEMBER 15, 2010

BCC met in regular session; quorum present. Afternoon: BC/ML attended Retirement Parties for Judge Harkin and Vaun Stevens. JC out of the office all day.

CHIEF ADMINISTRATIVE OFFICER MEETING

Resolution No. 2010-145 – BCC approved Petition for Inclusion/signed Resolution December 15, 2010. For inclusion into RSID No. 901 Lolo Water and Wastewater District; requested by Tim Meinzen, Jr. for five parcels of land off Lewis & Clark Drive.

Board Appointments – Per new Library Board Bylaws (revised 7/21/10), Trustees will now hold positions for five (5) years. BCC extended current terms on the Board by 18 months for all members, as follows:

1. Margaret Wafstet (Alt) and Christine Prescott – from 12/31/10 to 6/30/12;
2. Brenda Jackson and Neal Leathers – from 12/31/11 to 6/30/13; and
3. Rita Henkel – from 12/31/12 to 6/30/14.

Contract – BCC signed, dated December 8, 2010. Between County (PHC) and Joseph Faircloth to serve as Health Information Technology Director at PHC. Amount/\$50,000 yearly. Term/November 15, 2010-June 30, 2012. Two originals to PHC.

Contract – BCC signed, dated December 15, 2010. Between County (PHC) and Patterson Dental for delivery/inspection/installation of dental equipment at PHC. Amount/\$62,245. Term/December 6, 2010-February 15, 2011. Two originals to PHC.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated December 14, 2010. Amount/\$3,538.73. Document to County Auditor.

Letter – BCC signed, dated December 15, 2010 to Alex Burkhalter/Sparrow Group, Missoula, supporting application to MT Board of Housing for Low Income Housing Tax Credits for their senior housing project, Aspen Place.

Letter – BCC signed, dated December 15, 2010 to Dick King/MAEDC, Missoula, in support of MAEDC's grant request to the Big Sky Economic Development Trust Fund program for 1:1 match ratio funding for Missoula Yogurt Company.

Letter – BCC signed, dated December 15, 2010 to Dick King/MAEDC, Missoula, in support of MAEDC's grant request to the Big Sky Economic Development Trust Fund program for 1:1 match ratio funding for Sustainable Building Systems, Inc.

Letters – BCC signed, dated December 15, 2010 to Dick King/MAEDC, Missoula, in support of Targeted Brownfields Assessment Application for Western MT Mental Health Center.

Additional discussion item(s): 1) Grant Creek Trail; 2) Consider letter of support for Clean Water Act.

PUBLIC MEETING – CANCELED (No Agenda Items)

THURSDAY, DECEMBER 16, 2010

BCC met in regular session; all three present. Noon: BCC attended final breach at former Milltown Dam site.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated December 16, 2010. Between County and Professional Consultants, Inc. to build roundabout and design landscaping for medians at intersection of Airway Boulevard/Expressway in MDP. Amount/\$117,300. Term/December 15, 2010-December 15, 2011. Two originals to Barb Martens/Projects.

Amendment #1 – ML signed. To Contract #10-331-74107-0 between County and DPHHS (Addictive/Mental Disorders Division) for continuation of HB 130 funds (for padded cells at Detention Center). Amendment extends term (expires 12/31/10) to June 30, 2011. One original to Kim Campbell/OPG.

Agreement – BCC signed, dated December 16, 2010. Between County and YWCA Missoula for Community-Defined Solutions OVW grant partnership; for liaison at Pathways Shelter between clients and County Crime Victim Advocates. Amount/\$3,584 for two fiscal years. Term/September 1, 2010-August 31, 2012.

Contract – BCC signed, dated December 16, 2010. Between County and National Coalition Building Institute for Community-Defined Solutions OVW grant funding. Amount/\$6,000 for two fiscal years. Term/September 1, 2010-August 31, 2012.

Contract – BCC signed, dated December 13, 2010. Between County and Collins Planning Associates, Inc. for Subdivision Regulations Assessment Project. Amount/\$18,500 (+ optional item of \$1,750). Term/December 17, 2010-March 31, 2011.

Contract – BCC approved/signed, dated December 13, 2010. Between County and Ecosystem Research Group, LLC to update the Missoula County Profile as Chapter 2 of the County Growth Policy. Amount/\$15,563. Term/December 17, 2010-June 30, 2011. [Eight proposals received].

Option Agreement – BCC signed, dated December 16, 2010. Between County and Pimlico Studios, Inc. for purchase of Lots 1-6, MDP – Phase 5C, as recommended by MDA. Potential sale proceeds/\$3,000,000. Option in effect until December 31, 2011.

Letter – BCC signed, dated December 15, 2010 to MT Legislators (c/o Senator Jim Peterson and Representative Mike Milburn), asking them to pass legislation to fund an Aquatic Invasive Species program to proactively address Montana's situation.

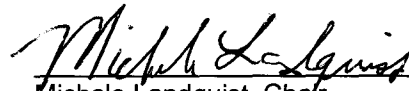
Additional discussion item(s): Bonner Millsite; letter to MT DEQ signed December 21st.

FRIDAY, DECEMBER 17, 2010

BCC met in regular session; all three present. Afternoon: ML spoke at DUI Task Force Holiday Meeting – held at St. Patrick Hospital.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated December 16, 2010. Amount/\$11,048.39. Document to County Auditor.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, DECEMBER 20, 2010

BCC met in regular session; all three present.

Replacement Warrant - ML signed. First Interstate Bank, Missoula, Principal for Public Works Warrant #163504 issued November 12, 2010 on County Claims 2110/2394/8901/5411 Fund. Amount/\$1,476 (for credit card statement). Warrant not received in mail; no bond of indemnity required.

Planning Status Meeting - BCC/OPG Staff. 1) Public Comment; 2) OPG Director's update; 3) McMath Shoreline Permit [see January 7, 2011 Journal entry].

Rural Initiatives Update - BCC/RI Staff. Agenda: 1) Public Comment; 2) Seeley Lake Media Coordinator; 3) Letter to TNC/DNRC re: access issues; 4) rural issues meeting; 5) Zoning Request process; 6) RI Director's Update.

Closing Documents - BCC signed execution copies of Agreements/Certificates/Affidavit, etc. for the following Economic Development Revenue Notes, for the following:

- 1) \$1,100,000 Recovery Zone Facility Bond (Series 2010) - Garlington, Lohn & Robinson, PLLP Project; and
- 2) Recovery Zone Facility Bonds (Series 2010A/B/C/D & E) - K and T Associates, LLC Project.

All originals to Dorsey/Whitney to return for recording after all signatures gathered.

Closing Documents - BCC signed execution copies of Loan Agreement/Assignment/Endorsement, etc. for the \$4,097,000 Revenue Refunding Note (Rocky Mountain Elk Foundation Headquarters Project), Series 2010A. All originals to Dorsey/Whitney to return for recording after all signatures gathered.

TUESDAY, DECEMBER 21, 2010

BCC met in regular session; all three present in morning. Afternoon: JC attended Trustee Restoration Council Meeting, held in Helena.

ADMINISTRATIVE MEETING

Contract - ML signed. #2011-02-02-01 between City-County (Health Department) and MT DOT, State Highway Traffic Safety Bureau, for Lonie Hutchison (Health Promotion Division) to serve as state-wide DUI Task Force Facilitator. Max. amount/\$40,000. Term end date/September 30, 2011. Two originals to Julie Mohr/Health Dept.

Reimbursable Agreement - ML signed. With Federal Highway Administration to upgrade railroad crossing on Petty Creek Road. County share/\$11,375 (from previous agreement w/MRL). Three originals to Greg Robertson/Public Works for further signatures/handling.

Contract - BCC signed, dated December 7, 2010. Between County and Dennis Lower Construction, Inc. for finish work (approx. 3,200) at PHC Creamery Building. Amount/\$353,762. Term/Completion Date 104 days after commencement of contract. Four originals to PHC for further signatures/handling.

Letter - BCC signed, dated December 21, 2010 to Richard Oppen, Director, MT DEQ, in support of continued removal of PCB contaminated soil pursuant to Administrative Order on Consent for Stimson Mill Cooling Pond cleanup.

Additional discussion item(s): New Weed posters will be hung in hallway outside of BCC Office.

WEDNESDAY, DECEMBER 22, 2010

BCC met in regular session; all three present.

Indemnity Bond - ML signed. Sunset Funeral Home, Missoula, Principal for Auditor's Office Warrant #162530, issued October 21, 2010 on 1000 Fund Claim #105098. Amount/\$250 (for D. Schmautz Burial Benefits). Warrant lost.

CHIEF ADMINISTRATIVE OFFICER MEETING

County Payroll Transmittal Sheet - BCC signed. Pay Period: 26/CY2010 - Pay Date/December 17, 2010. Total Payroll/\$1,272,157.11. To County Auditor.

Letter of Agreement - ML signed. With Western MT Fair/Rodeo and Missoula Stampede Rodeo for Wrangler Ticket Promotion. Max. of \$7,500 worth of vouchers. Term/August 10, 11 and 12, 2011. [Original contract signed 11/28/10 and voided]. Two originals to Steve Earle/Fair.

Contract - BCC signed, dated December 22, 2010. Between County and Univision Computers for Fair website re-design/employee training. Amount/up to \$2,000 & \$1,500 in-kind. Term/December 27, 2010-May 1, 2011. One original to Steve Earle/Fair.

Contract – BCC signed, dated December 22, 2010. Between County and Bonner Milltown Community Council for portion of FY 2011 funding from County. Amount/\$600. Term/July 1, 2010-June 30, 2011. One original to Steve Earle/Fair.

Contract – ML signed. STEP Contract #2011-02-06-27 between County and MDT for FY 2011 Selective Traffic Enforcement Program (overtime pay for impaired driving/occupant protection laws). Amount/\$18,000. Term/to December 31, 2010. Two originals to Willis Hintz/Sheriff's Office for further signatures/handling..

Resolution No. 2010-148 – BCC signed December 22, 2010. Establishing the Missoula County Fairgrounds Advisory Committee and describing its powers.

Request – BCC authorized CAO to finalize termination of horseracing lease with Montana Racing LLC. Settlement amount repaid to Fair fund/\$4,960. Original to CAO Dale Bickell.

Letter – BCC signed, dated December 22, 2010 to National Register Coordinator/MT Historical Society, Helena, supporting nomination of Target Range Elementary School to National Register of Historic Places.

Letter – BCC signed, dated December 21, 2010 to Eagle Scout Jace Holyoak, Lolo, supporting his idea to build/erect a "Welcome to Lolo" sign on Highway 93 at north end of Lolo.

Additional discussion item(s): None

PUBLIC MEETING – CANCELED (No Agenda Items)

THURSDAY, DECEMBER 23, 2010

BCC met in regular session; quorum present. Afternoon: BC/ML attended Retirement Party for Greg Hintz; they also swore-in new Sheriff's Deputies. JC out of the office all day.

ADMINISTRATIVE MEETING - CANCELED

Expiration of Buy-Back Agreement – BCC signed, dated December 23, 2010. Stating Revised Agreement of June 24, 2009 between the County and Slade Properties, Inc. for Lot 1A, Block 10, MDP – Phase 2 expired September 28, 2010. County acknowledges it has no further rights under the Revised Agreement. Original to Barb Martens/Projects. [Approved at 9/23/10 Administrative Meeting].

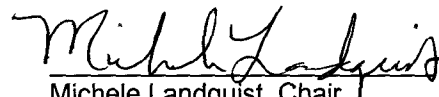
Letter – BCC signed, dated December 22, 2010 to DPHHS, supporting application from Missoula City-County Health Department (Health Services Division) to obtain funding to add a new home visiting component for children with asthma. Original to Kate Siegrist.

Request for Records Disposal/Transfer Authorization – ML signed. From Attorney's Office. Criminal Files Pre-1996; 67 boxes. To Records.

FRIDAY, DECEMBER 24, 2010

COURTHOUSE CLOSED IN OBSERVANCE OF CHRISTMAS DAY HOLIDAY


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, DECEMBER 27, 2010

BCC met in regular session; quorum present. JC out of the office all day.

Planning Status Meeting – BCC/OPG Staff. **CANCELED**

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Community Council communications; 3) Kona Park Fishing Access Site – seasonal closure; 4) Director's update.

TUESDAY, DECEMBER 28, 2010

BCC met in regular session; quorum present. JC out of the office all day.

ADMINISTRATIVE MEETING

Memorandum of Understanding – BCC signed, dated December 28, 2010. Between County and County Sheriff's Search & Rescue Association outlining duties/responsibilities of County and MCSSAR in providing search and rescue services. One original to Carl Ibsen/Sheriff.

Road Inventory Forms – BCC signed Forms for the following:

1. #2010-2: Commercial Lane. Improvements completed as part of West End Industrial Development Subdivision.
2. #2010-3: Duckshack Lane. Improvements completed as part of River Estates Subdivision.

3. #2010-1: El Way. Improvements completed as part of Alpine Addition Subdivision.

Originals to Greg Robertson/Public Works.

Form – BCC authorized/ML signed State of MT Information Technology Services Division Filter Request in order to lift the comment function filter on blog that County elected officials/staff use to communicate about bills in the 62nd Legislative Session. Original to Anne Hughes/BCC Office.

Contract – BCC signed, dated December 28, 2010. Between County and Missoula Electrical Coop for use of microwave sites and provision of electrical power to PT 118. No cost to County. Term/20 years. Three originals to Larry Farnes/Maintenance.

Contract – BCC signed, dated December 28, 2010. Between County and 4G Plumbing & Heating for County Detention Center Boiler Retrofit. Total cost/\$139,860; County EECBG/\$88,000; Detention Center/\$51,860. Term/December 28, 2010-April 30, 2011. Two originals to Chase Jones/OPG..

Letter – BCC signed, dated December 28, 2010, to DNRC, Helena & Missoula, and The Nature Conservancy, Missoula, commenting on portions of Bear Creek Road/Potomac area used by public through prescriptive use. BCC believes the road can be made safer for the public, as well as lessen impacts to the Wills Cattle Company.

Letter – BCC signed, dated December 28, 2010, to Jim Lynch/MDT, Helena, thanking MDT and Phillip Inman of CTEP Bureau for assistance with the Bonner Pedestrian Bridge Project.

Additional discussion item(s): Cartage Road/Highway 93 Intersection improvements.

WEDNESDAY, DECEMBER 29, 2010

BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Contract – BCC signed, dated December 29, 2010. Between County and Linda Stoll for continuation of legislative services. Amount/\$17,000. Term/January 1, 2011-April 30, 2011. One original to L. Stoll for signature/return. [Returned January 3, 2011].

Resolution No. 2010-147 – BCC signed, dated December 29, 2010 [approved at 12/1/10 Public Meeting]. Abandoning south half of Fourth Street adjoining/coinciding with Lot 1, Block 4, East Clinton Subdivision.

Additional discussion item(s): None.

PUBLIC MEETING – DECEMBER 29, 2010

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENT** (no public comment)
4. **ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS**
 - a. Weekly Claims List (\$2,277,679.94)

Commissioner, Bill Carey made a motion that the Board of County Commissioners approved the weekly claims list in the amount of \$2,277,679.94. Commissioner, Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

5. SWEARING-IN OF ELECTED OFFICIALS

Judge Harkin swore in the following elected officials:

Karen A. Orzech, Justice of the Peace, Dept 2
 John E. Odlin, Justice of the Peace, Dept 1
 Bill Carey, County Commissioner, District 2
 Vickie M. Zeier, County Clerk & Recorder/Treasurer
 Carl Ibsen, County Sheriff/Coroner
 Fred VanValkenburg, County Attorney/Public Administrator
 Erin Lipkind, County Superintendent of Schools
 Barbara Berens, County Auditor

6. OTHER BUSINESS (no other business)

7. RECESS

There being no further business to come before the Board, the meeting was recessed.

THURSDAY, DECEMBER 30, 2010

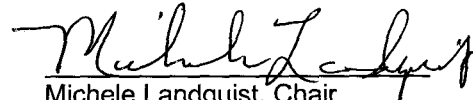
BCC met in regular session; all three present. Afternoon: BCC attended Retirement Parties for Mike McMeekin, Susan Hintz and James Loewen.

ADMINISTRATIVE MEETING - CANCELED

FRIDAY, DECEMBER 31, 2010

COURTHOUSE CLOSED IN OBSERVANCE OF NEW YEAR'S DAY HOLIDAY


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: JANUARY, 2011

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner, Jean Curtiss Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of JANUARY 2011:

Date Signed	Claims List Date	Who signed	Amount
January 3, 2011	January 3, 2011	BCC	\$17,764.37
		BCC	\$3,439.75
January 4, 2011	January 4, 2011	BCC	\$1,025.99
			\$1,154.17
			\$39,514.03
January 5, 2011	January 5, 2011	BCC	\$34,048.93
			\$32,635.27
			\$183,913.56
January 6, 2011	January 6, 2011	BCC	\$12,591.56
			\$22,105.56
January 6, 2011	January 7, 2011	BCC	\$57,879.24
			\$818.94
January 7, 2011	January 7, 2011	BCC	\$7,764.09
	January 10, 2011	BCC	\$923,082.77
January 10, 2011	January 10, 2011	BCC	\$20,932.28
January 10, 2011	January 11, 2011	BCC	\$44,550.06
			\$31,799.38
			\$12,667.28
			\$9,982.04
			\$450.10
January 11, 2011	January 11, 2011	BCC	\$81,185.29
			\$9,296.90
January 11, 2011	January 12, 2011	BCC	\$20,876.14
January 12, 2011	January 12, 2011	BCC	\$48,490.33
January 13, 2011	January 13, 2011	BCC	\$99,709.43
			\$6,736.20
			\$28,845.92
			\$3,547.99
January 14, 2011	January 18, 2011	BCC	\$61,390.77
			\$1,542.56
			\$11,356.93
January 18, 2011	January 18, 2011	BCC	\$830,289.43
			\$31,320.95
			\$2,439.80
January 19, 2011	January 19, 2011	BCC	\$3,333.64
			\$3,996.41
			\$9,905.19
			\$106,581.92
January 20, 2011	January 20, 2011	BCC	\$30,614.73
			\$88,037.05
			\$1,456.11
January 21, 2011	January 24, 2011	JC, ML	\$978.42
January 24, 2011	January 24, 2011	JC, ML	\$2,290.44
January 24, 2011	January 25, 2011	BCC	\$4,489.92
January 25, 2011	January 25, 2011	BCC	\$13,519.55
			\$52,135.00
			\$89,301.38
			\$2,275.00
January 25, 2011	January 26, 2011	JC, BC	\$22,900.00

			\$116,392.40
January 26, 2011	January 26, 2011	JC, ML	\$1,428.22
			\$23,424.26
			\$44,027.89
			\$55,282.43
			\$48,475.59
January 27, 2011	January 27, 2011	JC, ML	\$3,148.17
			\$221,859.06
			\$2,258.35
			\$34,595.79
			\$69,178.92
January 28, 2011	January 28, 2011	JC, ML	\$52,123.33
			\$132,283.75
January 31, 2011	January 31, 2011	JC, ML	\$752.61
			\$250.62

All Claims Lists were returned to the Accounting Department.

MONDAY, JANUARY 3, 2011

BCC met in regular session; all three present. Afternoon: BCC attended Robing Ceremony for District Court Judge Karen Townsend.

Planning Status Meeting – BCC/OPG Staff. 1) Public Comment; 2) OPG Director's update; 3) McMath Shoreline Permit.

TUESDAY, JANUARY 4, 2011

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Request – Jean Curtiss was selected Chair of the County Commissioners for 2011.

Contract – BCC signed, dated January 4, 2011. Between County and UofM Curry Health Center to partner with Forum for Children/Youth to use STOP Grant funds to provide substance abuse prevention strategies on campus and in the community. Amount/\$4,340. Term/October 1, 2010-September 30, 2011. One original to Peggy Seel/OPG.

Contract – BCC signed, dated December 28, 2010. Between County (PHC) and Abdallah Elias, MD for Physician's Assistant services to Ryan White Program clients at PHC. Amount/flat rate of \$500 per hour. Term/January 1, 2008-June 30, 2010. Three originals to Brenda/PHC. [Note: Contract re-signed/re-recorded on February 4, 2011; dates on contract incorrect. Correct Term: January 1, 2011-June 30, 2011].

Resolution No. 2011-001 – BCC signed, dated January 4, 2011. Budget Amendment for Records Management in amount of \$6,467 (from Temp Salaries & Fringe) to hire temp technician for approx. 12 weeks to work on Electronic Content Management System RFP. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Vendor Invoice – JC signed. Claim form to State of MT DEQ for FY 2011 allocation of funds for State Junk Vehicle Program. Amount/\$133,273. Original to Jim Carlson/Health Dept.

Resolution No. 2011-002 – BCC signed, dated January 4, 2011. Adopting the Seeley Lake Regional Plan Update with Revisions as an amendment to the County Growth Policy.

Memorandum of Agreement – ML signed, dated November 30, 2010. Between County Parks Board and Mount Jumbo West Little League for Capital Matching Fund Program/Fall FY11 grant money for completion of dugouts/bleachers. Amount/\$4,000. Funds must be spent by November 30, 2012. Two originals to Lisa Moisey/Parks for further signatures/handling.

Additional discussion item(s): 1) Missoula Economic Partnership (aka Best Place Project). CAO to continue to develop an MOU; 2) County Organization Chart. BCC approved new direction proposed by SLT

WEDNESDAY, JANUARY 5, 2011

BCC met in regular session; all three present.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending December 31, 2010.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending December 31, 2010.

Monthly Report - JC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending December 31, 2010.

CHIEF ADMINISTRATIVE OFFICER MEETING

Easement – JC signed, dated January 5, 2011. Grant of permanent easement with Grantor Delbert Erickson to accommodate a sidewalk on Iowa Avenue in East Missoula Addition. Will allow County to maintain portion of sidewalk outside of current right-of-way. Original to Greg Robertson/Public Works.

Request – BCC did not appoint only applicant to the Missoula Consolidated Planning Board; asked staff to re-advertise for vacant position. Applicant must live outside the City Limits but within the Urban Growth Area.

Additional discussion item(s): 1) Seeley Sewer update; 2) Lolo Community Council Meeting.

PUBLIC MEETING – January 5, 2011

1. CALL TO ORDER

Chair Curtiss called the meeting to order at 1:30pm

Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

Staff Present: Todd Kleitz, County Deputy Attorney James McCubbin, County Attorney Marnie McClain

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

None

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

a. Weekly Claims List (\$371,135.03)

Commissioner Landquist made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$371,135.03. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Commissioner Landquist reminded everyone that we have a 2-1-1 helpline for anyone needing help of any kind; housing problems, food problems, heating, daycare. There's a hotline to help you get plugged into a lot of services that are available in Missoula County.

I also want to let you know about the Missoula City-County Health Departments public health visiting nurse program 258-4298. If there's a baby in your future and you have nutrition questions or want to talk about the physical and emotional changes or parenting classes, there's a wealth of community resources and referrals that they can also plug you into and it doesn't cost a dime.

5. Hearing (Certificate of Survey)

Looney (Bernice) Family Transfer – Staff Report

James McCubbin: This is a family transfer request by Bernice Looney, she submitted her request to create – actually the Request for Commissioner Action says 1 parcel but then goes on to explain the number of parcels...to create 3 partials for transfer to her children and to keep a remaining fourth parcel for residential purposes as well. The current parcel is approximately 26.44 acres in size, located in the Rattlesnake Valley. Further details regarding the application and the property identification are included in the Request for Commissioner Action.

Public Comment:
None

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners approve the request by Ms Looney to create three additional parcels by the use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Landquist seconded the motion. The motion carried on a vote of 3-0.

6. Hearing

Floodplain Permit Variance Request (Talarico-Clearwater River) - Staff Report

Todd Kleitz: Tom & Denise Talarico are requesting approval of a floodplain variance request to allow three residential structures constructed without floodplain permits to remain at 1830 Snowmass Drive on a State Lease Lot near Seeley Lake. The variance requested are; 1) to allow floodplain construction when alternative locations are available outside of the floodplain. 2) To allow the main cabin crawlspace to remain beneath the base flood elevation. 3) To allow the bunkhouse lowest floor to remain lower than two feet above the base flood elevation. 4) To allow the non-engineered fill place

for the bunkhouse to remain. 5) To allow the unauthorized well to remain. #5 was added and I'll explain as we go further. The lot is legally described as Lot 13 of COS 5140, Section 4, Township 60N, Range 15W.

Testimony from Talarico's Representative:

Bill Weikel: Professional Engineer and Professional Land Surveyor, I've been assisting the Talarico's in preparing this variance request and they have asked me to talk on their behalf here today. I think for the most part Todd laid out all the ground work, all the background. I would like to address a couple of things that Todd pointed out that I'm not exactly certain or clear. He addressed this earlier meeting with Denise to where he said at that time that he informed her of the floodplain, I think she was...from what she's telling me is at that point she was coming in to find out if she could put sanitary facilities in the old cabin, which was the one that Todd showed down toward the river and at that point he says "No, you can't install them there because they're within the floodplain". I think as a lay person Denise's mind just went to, "okay I can't do that there" she didn't register on I need to know where the floodplain is or what all the rules are surrounding the floodplain on this site, maybe that didn't get across to her at that time. I know I've been in the engineering survey profession for 40 years and I still make oversights because I'm not totally familiar, I do that in the advantage that I'm going to go ask more questions than they might ask at the time. So, I think even though he may have said something to her at that time I think it's something that didn't register that she needed to look at from the stand point of their new structures.

As far as the buildable area I came into this after the fact, just as Todd and most other persons did and saw the site after the buildings were substantially completed and some grading had been done on the site but based on what I could see on the adjacent properties and on the maps that were created and what the Talarico's were telling me on the site, the land area this is to the West, although buildable was a laymen out not look at that right off the bat and say this is where I should build is over here. There was a minor ridge, very minor, maybe a foot above the highest point and maybe a foot above the land to the West. The land to the West is kind of a...I think at one point he said some individuals said it was a wetland, that their filling in wetlands, I don't really believe it was a wetlands. It's an area that in the spring because of the way the water runs off the hill and the ground is flat in that area for a certain number of weeks or months in the spring and into the summer that area stays fairly wet, especially at the time the heavy timber cover on that side of the property, actually on the whole property it was fairly heavy timber cut early on. Within that the area that was outside of the flood fringe there were a number of utility lines buried which not only went to the Talarico's property but additional properties to the North. There's no question that it would have been feasible with additional expense, additional effort to relocation some of the utility lines, to mitigate the hillside runoff and place the structure outside the flood fringe. At the time they were I guess, unaware of what they were doing, you know, of the implications of where they were building the structures, they looked at the site not only through their eyes but through the eyes of a person from the sanitary...the county sanitation, the person from the State Lands and they said this little higher spot is the area to build. Unfortunately it was within; you know, within the flood fringe, a good portion of it. It was mentioned in regard to the old bunkhouse not being on the 2005 photos from the State Lands, according to the Talarico's that building got hit by a falling tree sometime prior to that. They've held the lease since 1982. The tree came down on top of that structure and so they removed it at that time.

In summary, I don't feel that the Talarico's were trying to bypass anything. I think that they were making, in their minds, good logical decisions on how or where they should create their structures and they just unfortunately had an oversight on getting all the information that they needed.

Commissioner Carey: So if I'm clear on this, you don't challenge any of the facts here by the flood administrator?

Bill Weikel: Some of it came to me blind sided because I hadn't seen some of it before but other than this total context of this issue of Denise maybe being alerted ahead of time that their structures could possible end up falling within a flood fringe – it's just been an interpretation of what might have transpired at the meeting. And the build ability of the site on the property to the West, I think giving enough money and enough engineering and enough design you can build anywhere. But, in their mind logically the place to build at the time that they were standing there on the site was right essentially where they built.

Commissioner Carey: I was referring to his briefing, you don't seem to challenge other than that they may have had a conversation which she doesn't recall precisely or?

Bill Weikel: She recalls to some certain extent having that conversation but not triggering her mind because the conversation she had was not going in to ask – can we build here. She was going in to ask can I put in a sanitation facility in this old building, which was within the flood fringe or which was actually within the flood way. And to address a question that came up earlier as far as the structures up there it's very correct almost all the structures are in the flood way, they were all built prior to the whatever year it was that they did this flood study. Moving there's back got it, even though it did end up on paper being within a line on a map, to a certain extent. That was their best bet.

Chair Curtiss: Is there anyone who would like to submit testimony on the request from the Talarico's?

Chair Curtiss: Okay, I guess I have a few questions that I'd like to ask the Talarico's if one of you would like to come to the mic. (**Denise Talarico** came to the mic.) So Ms Talarico, a couple things that aren't in the report are when exactly the house, the bunkhouse and the garage were built, I'm assuming they weren't all finished at the same time, do you know what years they were all done?

Denise Talarico: We started the garage first; I'm thinking it was 2004 or 2005.

Chair Curtiss: Then you built the house or what?

Denise Talarico: The we started the cabin right after that; I can't remember the exact dates it was before the building permit thing, we did get that all situated with the Building Dept. and we had started those projects prior so we didn't have to have a building permit. We did get the electrical, the septic and all that kind of stuff.

Chair Curtiss: So you got the drainfield approved, it was in the report that Todd gave us you originally came in January of 2006 but in September of 2008 is when you go the septic permit?

Denise Talarico: That's when we got the permit but we had all the perc testing done in 2004. To make sure that we...and no place on our property passed for the perc test to put the drainfield within the boundaries of our lot so it's about close to 300 feet West of our property up by the main road that comes down into our...

Chair Curtiss: So it's actually on some other property?

Denise Talarico: It's on other DNRC property.

Chair Curtiss: Okay. And the septic permit that Todd showed us stated that it was to replace the privy or the outhouse but that was true, that was all you had for facilities at that time.

Denise Talarico: Yes, that's all we had for facilities.

Chair Curtiss: Even though you built the house before 2008 you hadn't hooked it up to anything?

Denise Talarico: Correct because we were doing...this was a project that we were doing all the work ourselves, it was a very loooong project, in fact the bunkhouse is not complete because since we got this notice from Todd we ceased everything at that point. It takes a long time when you're doing it yourself and you're running low on money.

Chair Curtiss: I can relate to that one. Do any of you have questions?

Commissioner Carey: I just want to make sure...on March 12th the Floodplain Administrator viewed the parcel and saw the three residential structures but those structures were built before the county had a permitting process?

Denise Talarico: They were all started before that, yes.

Chair Curtiss: Before our building codes.

Denise Talarico: Before that May something or other in 2006, they were all up or at least the bunkhouse, yes the bunkhouse had been started at that point and the other two had already been up.

Commissioner Carey: And so you didn't know they were in the floodplain?

Denise Talarico: You know when Todd said that I was in there in January, well he originally told me I was in there in 2003 or 04 and then when we get the papers it says 2006 so he obviously had it documented. I don't specifically remember what date it was, I have to take his word for that but I only went in...from my recollection...I only went in there asking about putting a bathroom in our old bunkhouse...our old structure because we thought it was there, we didn't have to remove it and so we were considering well maybe we could use that as a bunkhouse, instead of moving it. But then when we couldn't put a bathroom in there then we decided we would end up removing that and putting a bunkhouse back further near our other cabin, the new cabin. I hope this makes sense. But that's the only thing I can remember about the conversation with that, we were in the floodway with that old green cabin, way up there by the river so we had no options as far as adding on to that structure and adding a bathroom and/or another bedroom or something like that.

Chair Curtiss: So, then when you came in then you already had plans or had begun building the new cabin?

Denise Talarico: Oh, our garage was up and the new cabin was up, it wasn't plumbed or anything like that at that point. But the framing was all done, yes.

Chair Curtiss: Are there any other questions?

Commissioner Landquist: Yes, so the DNRC...you had to go to them to get the variance or permission and they granted it and they have to come before us before we take notice that Todd we see here that you're recommending denial of the first four requests which would mean you'd actually have to move those structures if we go along with your recommendations?

Todd Kleitz: That's correct, rules and regulations of Missoula County require that if there's alternative location outside of the floodplain that's where the development most occur, by regulations. They can seek a variance from you for that and I'll give you the variance sheet here in a moment but one of the

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decisions that you have to make your determination on is; a determination that a reasonable alternative location outside the floodplain is not available. So those are things that we both, as far as issuing permits have to consider.

Commissioner Carey: And there's no dispute that there is this alternative site?

Todd Kleitz: Correct and the alternative site has been altered and fill brought into that area too so as far as leaving it in it's native state where with except the runoff previously where it was wet from runoff or from whatever purposes, that area hasn't also been filled and additional drainage culverting been done to try to skirt the water off of the property. So, it was filled, it could have easily been filled, if it has already been filled, it could have been filled for the structures.

Chair Curtiss: You're saying the piece that is the alternative location has had fill put on it too?

Todd Kleitz: Correct.

Commissioner Carey: Question for the County Attorney. Do we need findings of fact and conclusion of law in this process? Apparently we don't.

Attorney McClain: It's my preference that we have them but we can certainly once we work through this process we can come back to the hearing conversation and write those. Are you saying have those before?

Commissioner Carey: This reminds me of the situation the county was in shortly before I came to this office some 13-14 years out on Mullan Road where there was...we allowed a number of homes to be built in the floodplain, I understand. Are there any similarities to this here, or?

Attorney McClain: Yeah, I'm not sure I do, that was a subdivision and there was some incorrect information presented to the county during the subdivision review process that led the county to make the decision that it did about approving the subdivision. But, what we saw after that was a lengthy and expensive process to try to correct the development that occurred and mitigate the impacts from flooding, which we're still engaged in. Then the of course the other thing that happens is you start out with the original owners of the property understanding that there might have been flood issues associated with the property they own, it then gets transferred to somebody else that doesn't have that same awareness so that is a concern for us. It's not just the present owners but (inaudible).

Todd Kleitz: And if I could address that just briefly, one of the primary differences between here and what happen on Mullan Road is that Mullan Road, most of those parcels were shown as being outside of the floodplain where this one has been shown as being inside the floodplain.

Commissioner Carey: Does the county have any liability in your view if we okay this kind of thing where we know they know their in the floodplain and...because it's probably not a matter of if, it's when it's going to flood.

Commissioner Landquist: That's why I get perplexed that it's against the DNRC purposes it an improvement to their property so what do they care and I guess their not charged with health, welfare and safety like we are, so I find it perplexing.

Chair Curtiss: They must weight it against different criteria then we do. Do you know what their criteria is Todd?

Todd Kleitz: No, they have the alternative rules; alternative locations rule is strictly from the ARMS, the administrative rules in Montana. Politically the DNRC does not want to be the decision maker for a variance hearing; they want to allow local governments to do that. That's how they are now, years ago when the DNRC rules were written they wanted to be kind of like the first run on the ladder of trying to get a variance, so they put it in the requirements and their requirements and that the requirements that locals had to adopt. That all variances whether they were variances from their rules or variances from even our rules that go above their rules that all variances had to be approved by the DNRC first. Since then they've had a change of administration and they really don't want to be considered the bad cop anymore, they want to let the local people handle those decisions. But in the DNRC letter there are several conclusions that they make as to things that have happened out there but ultimately they know that they prefer that the locals make that decision so that's why they gave positive action so that it could be heard by you and still be in compliance with their requirements that it be approved by the DNRC first.

Chair Curtiss: Todd, do you have an extra one of these variance things so that they can understand what were weighing in today? And we should probably make sure Robin has one for the file.

Todd Kleitz: Sure.

Chair Curtiss: Mr. Weikel did you have something that you wanted to add?

Bill Weikel: A couple things; one is kind of to answer Mr. Carey questions as far as the sequencing of construction of everything. You know it was like any good home owner remodeling project as it took to date, it's been a process of five years. They got a lot of the structure of the cabin up but still have the old cabin in place because that's what they were using for essentially summer home, vacation spot and then finally when they reached the state where they had sanitation in that newer facility that's when

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they moved into it. And then it's still an ongoing process because the bunkhouse has not been completed at this point, they essentially stopped all construction at the time they received Todd's letter. And then as far as...and maybe Todd can tell how this would work, I don't work with this a lot but the floodplain and the flood fringe lines that are on the map are created by across section down the river, a cross section up the river of the river and the adjacent land then they take the elevation of their flood elevation at those cross sections and they determine a point where that cross section would cross that elevation and then they draw a line in between and they aren't following a contour along they're just drawing a generalized line because it's too intensive to create the whole line. It's possible that at the beginning of this time or at the beginning of their project if they had gone out there and they had seen this site and they said this is the best place to build, then at that point they would of come in and asked...proceeded in the variance process and if it got denied they could have changed. They could of also, if I understand correctly, they could look at a letter of map revision, is that the correct terminology Todd?

Todd Kleitz: A letter map amendment is what's used to remove a parcel from the floodplain if the natural elevations are shown to be incorrect on the floodplain map. A letter of map revision is when someone brings in fill after all the permits have been issued and elevates their property to get it above the 100 year flood elevation.

Bill Weikel: Okay, so the initial one if they had come in here on site when I look at this topel map that we have and I assume you have one provided there, and I look at the 402 contour 4002 contour which is the flood elevation in that area on the Northerly portion of that site that is pretty much original ground, okay and if I follow that across to where it would come out on the other side of the property, at that point the 4002 contour would leave the garage completely out of the flood fringe and would leave at least probably a half or more of the house out of the flood fringe. So, the implications of what's been done here, as far as being within the flood fringe is from an elevations standpoint is very minimal.

Chair Curtiss: So Todd if you could clarify, I know that you stated this when you were giving your report, but when you showed those forms that showed elevation you told us what buildings were in and out according to that, could you state that again?

Todd Kleitz: Those elevation certificates document the current elevations on the property. All of the structures now are out of the floodplain based on the fill that has been brought in. The bunkhouse, if they were to have gotten a floodplain permit or variance for the structures, those structures require a 15 foot perimeter fill to the 100 year flood elevation. Where the fill was brought in for the bunkhouse they did not carry that out for the full 15 feet around the perimeter of the home...bunkhouse. The elevations of the crawl space are too low for FEMA standards, they're not low by much but they will considered to be a basement and the bunkhouse does not meet – the first floor requirement does not meet the two feet required by Missoula County and the State of Montana.

Chair Curtiss: The garage does?

Todd Kleitz: The garage is fine.

Chair Curtiss: The garage is probably on a concrete slab?

Todd Kleitz: Yes, the slab for a garage we allow those to be at the 100 year flood elevation.

Chair Curtiss: And are there any – maybe Mr. Weikel can answer this but are there mechanicals in the crawl space of the house.

Bill Weikel: No, they're all above ground; they're all above the main floor.

Chair Curtiss: So, would another option for these folks be to, since they brought in fill, I guess they'd have to do a LOMR?

Todd Kleitz: Letter of (?) based on fill, they could qualify for one but their buildings would have to be in compliance with the requirements to be two feet above the 100 year flood elevation and crawl space is at the 100 year flood elevation.

Chair Curtiss: So the house still doesn't quite meet it?

Todd Kleitz: The house first floor meets it but the house crawl space doesn't meet it. We don't have compact(?) results but I think Bill was, were you comfortable with (in auditable)

Bill Weikel: Yeah, just looking at it after the fact and talking with the Talarico's it's basically they went in there and they built the houses at grade or there about and then they did some filling around there so they essentially did not fill under the structures. Those structures...the fill is around the structures. Based on...I haven't gone up and physically excavated adjacent to the structures to try to determine how deep that is but based on what I can see of the original contours on the site, on this Topol map and the existing contours is within the vicinity of the garage I would say that there was next to nothing for fill. Within part of the house the South Easterly portion of the house there was maybe a half of a foot of fill. And around the South Easterly portion of the guest house or bunkhouse there was may a foot or so of fill but to my understanding there's no fill under the structures themselves, they weren't built up in order to put foundations on top of a fill.

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Chair Curtiss: We all know that the FEMA maps are estimations; I don't know if Mr. Weikel explained it so with exact elevations they may be able to do this although you're saying the crawl space probably wouldn't make it. So would you have to fill the crawl space?

Todd Kleitz: For a letter of map revision to be granted they have to be in compliance with all the rules and regulations of the State of Montana and Missoula County. So that the crawl space and the first floor of the bunkhouse would have to be raised and there would have to be a 15 foot perimeter fill placed around the bunkhouse...For it to qualify for a letter of map revision.

Chair Curtiss: And of course we all took elementary school science so we know that we know that the more things you put in the water you raise it up to other places, so that is one of the questions on our list. Determination of granting of this variance will not increase flood heights, present additional threats to other people so the more you put in the floodplain the more you're going to push the water to someone else.

Bill Weikel: In the particular instance, if you look somewhere in that application process the 4002 elevation of the 100 year flood on this property is essentially the same as the 100 year flood on all of Seeley Lake. And so you're talking almost nothing as far as flow with the vertical movement and so anything on this property, anything that went into the floodplain on this property would be intermittent of trying to do a calculation on changing the level of the masses amount of acreage of Seeley Lake.

Chair Curtiss: So being an engineer do you think that a letter of map revision would...that you could present a case that FEMA might accept? I don't know if you've done them before.

Bill Weikel: I haven't done it before, you know I'd probably partially refer them to Landworks because they have done this and they did the elevation work on this.

Commissioner Carey: What comes to mind Commissioners that briefing we had before the Holidays where they showed how the Clark Fork had meandered and went into areas that people didn't think it would go into and we had at least one person that's on an island now in what used to be an expensive home. So I'm rather in awe of what rivers and lakes can do.

Bill Weikel: Right, and I'm also...I've lived in Missoula...I've watched the Rattlesnake Creek for 60 years nearly and I've seen things that...where I used to fish is now high ground, it's new channel. But, in this particular instance this portion of the river at some point and time in history was controlled by fill down near I believe adjacent to the bridge about a ½ or ¾ of a mile downstream. And so essentially this is, at this point, it's part of the lake and so there is, and you may correct me if I'm wrong, I don't believe there's any even in a high flood that there's any discernable water velocity in this particular area.

Commissioner Carey: It would just be rising water?

Bill Weikel: It's just rising water, yeah.

Commissioner Landquist: Is this just sort of part of the lake? Is that what I heard?

Bill Weikel: It is essentially at this point if you look at it, its part of the Clearwater River and because if you look on the maps I think maybe on that one photo we have might get up that far, I don't know Todd - where I had that one portion of that Topel map.

Todd Kleitz: The floodplain map shows the same thing, the flood elevation on the lake is the same as the flood elevation on the Clearwater River until you get to the Riverview Drive bridge where it then it starts to decrease.

Bill Weikel: Essentially at some point and time in history the river probably through there flowed with a gradient but at this bridge that's ½ - ¾ of a mile downstream from this property there was fill placed at some time, I don't know the history of it, it may have been an order to just create enough of a (?) to raise the level of the lake a little bit at one point. A lot of these things took place in the last 1800's, early 1900's. And so at this point that water in there is...if you go out to that water right now and or during the summer and you throw a stick in there if the winds blowing upstream the stick isn't going downstream, it's gonna go upstream. There is movement on a quite day you can see something thrown on the surface move but it's vertically nothing for velocity.

Chair Curtiss: So I think the piece that we have to follow is our own regulations. Our regulations state that variances shall only be issued on...do we have to say I to all of these? It's so...that's what we have to comply with, I guess the option that would be out there would be if we can't say I to these all which I don't think there's any way we can, that you could visit with Territorial and others and see if a LOMR is an option that might bring us back to the point where we could say I. We have regulations that we have to follow, we have to follow them the same for whoever comes before us. We don't see too many of these but we've seen them before, we've seen them on this river. So, I think that we'll take more testimony if there are others who want to give testimony but it seems like we need to look at each one of these questions and see if we can answer it. The one question I would have for our Deputy County Attorney is the piece that says undue hardship - is finance a hardship by our definition or not?

Marnie McClain: Well I think expense is always a reasonable hardship to consider. I think the thing that is a counter weight to that is that is this been self induced?

Commissioner Carey: And that the extraordinary public expense could be, for example a lawsuit, we'd have to defend if someone sued us over this.

Marnie McClain: Well that's a potential, I think in the context of this consideration it's more fundamentally what might we have to do to mitigate damage that would be caused by the flooding so if stuff gets swept downstream and causes harm or damage to someone else, what floodplain efforts or mitigation might be (in auditable).

Chair Curtiss: Is there any more public comment? Anything else the land owners would like to add?

Bill Weikel: One thing that we'd like to make sure that we get across as far as the conditions at the time that this went in. What we're trying to get across is that this line right here (looking at the map) 100 year flood and this line here is the presumed flood fringe which would be at the 102? I'm getting it confused. The existing 4002 today is this one right here that comes around and like this right?

Chair Curtiss: But some of that's based on fill

Bill Weikel: That has some fill in it, yes. Looking at it after the fact and understanding how natural grades work I look at this and I suspect that this right here was probably pretty close on original ground. When I go here I've got another contour coming around here and so at the time this two made it come across here, in this area and correct me if I'm wrong Todd, if they were to have gone back in for a LOMR ahead of time they could of got anything outside of that particular line, they would be okay?

Todd Kleitz: Yeah, FEMA would of approval of LOMR based on the natural controversy existed at the time.

Bill Weikel: and it would be anything outside of the 4002 contour?

Todd Kleitz: Well the FEMA master 3998 (in audible) 29 and it converts up to a different elevation that it's referenced here. Yeah, anything that would be above the 100 year flood elevation at that site would be determined by FEMA to be out provided that it wasn't fill and that they had that done prior to all the (in audible) and all the fill.

Bill Weikel: And so that's the problem that we get into is that we in theory could have gone in and done this LOMR and got everything behind the line somewhere in here designated as being outside of that floodplain and buildable. And so their kind of caught with...obviously ideally they would like to be able to not have to move anything, their menial to doing what needs done but kind of caught in the squeeze play of what do they do at this point because now that it's all over you can't go back to this, you know...And so how to proceed?

Commissioner Landquist: And that's kind of where we're at to, we don't like being the meanies and I can understand why the DNRC does what they do they don't want to be the meanies.

Chair Curtiss: I need to have Todd clarify the record that I didn't have all the facts right on how they can apply for a LOMR. So Todd could you clarify that in order to apply for a LOMR they have to have all the permits in place including permit from us to put fill in the floodplain?

Todd Kleitz: Correct, a letter of map revision based on fill for FEMA, obviously it's based fill so in order to fill in the floodplain you have to have a permit and go through the permit process first and again the reason the reason that they're before today is that they could not obtain a permit for this through the administrative process that they go through with me. They would not be able to obtain a letter of map revision based on fill without the authorization of the County Commissioners and without all of these structures being in compliance with the requirements. Two feet above the 100 year flood, crawl space at the 100 year flood, 15 foot perimeter of fill.

Chair Curtiss: Okay so let's pretend there's nothing there and they're coming in. So if they came in for a permit to put fill in the floodplain then we would of figured out...they'd have to show all of the elevations and is there any way to make that...the bunkhouse I'm afraid is gonna have more trouble than anything else but the house because it's below elevation we'd have a hard time getting any kind of permit.

Todd Kleitz: The first floor does meet the requirements for two feet above the 100 year flood, the crawl space is low by just about 4 inches and they could alter that with the addition of materials such as pea gravel or wash rock in a foundation provided that would continue to meet the building code requirements if the building requirements had to be met and again that would be something Steve would have to answer. That along with the 15 foot perimeter being above the 100 year flood elevation along with the granting of the variance by the County Commission to have it in the floodplain to begin with would enable them to have a letter of map revision based on fill.

Chair Curtiss: Okay so if they wanted to do this then what would be their steps?

Todd Kleitz: First they need a variance from you to have buildings constructed in the floodplain when alternative locations exist.

Chair Curtiss: So we'd have to meet the criteria we've talked about today.

Todd Kleitz: correct.

Chair Curtiss: Even before they could pass the (in auditable)?

Todd Kleitz: Well they could have done what's called a conditional letter of map revision based on fill which is where they show their proposed plans to FEMA and if FEMA concurs, FEMA will grant what's called a 'CLOMR' Conditional Letter of Map Revision that's not valid until it's actually completed and certified by an engineer that they did that.

Chair Curtiss: And remind me again, the garage does meet?

Todd Kleitz: No, the garage is fine from the elevational requirements.

Bill Weikel: Basically what he's trying to get across is there's a requirement within the floodplain that you have the main floor or any usable floor be two feet above the floodplain elevation. Any crawl space needs to be above the flood elevation, there are spots at or above. There are spots within this crawl space to where they are, it's variable – when you go into luck it's variable but they are zero to a foot let's say and so it's a funny thing in regulations is that they can go in there and put pea gravel in, which is an open graded gravel and that meets the requirements, it doesn't change a thing about what water transpires inside that structure but it does meet a requirement. It's a doable thing, I've done it on structures, I always call it a warm fuzzy because then if the water comes up to that flood elevation you look in your crawl space and you don't see the water, its still there but you just don't see it, and it's just a warm fuzzy feeling.

Chair Curtiss: Do we have anything else that we want to add to the testimony before I close the hearing?

Seeing none, I'll close the hearing so the Commissioner can look at what's required of us here.

Chair Curtiss: So as Todd said the Floodplain Administrator is not allowed to approve these variances, he has to deny administratively then it comes to us. Then we have to meet the criteria that's listed in our regulations.

- a) I think the one thing that we can say Aye to is there's good and sufficient cause they have buildings that's in the floodway.
- b) The determination that refusal of a permit would because of exceptional circumstances cause a unique or undue hardship on the applicant or the community involved. As Marnie said, there's the expense. They did it...it isn't like they...like the old cabin that grandma built or who ever, somebody previous to them.

Commissioner Carey: Can we go back to the first one? Marnie, from a legal point of view, if somebody has a showing of good and sufficient cause but it's because there was a lack of due diligence. Does the law address that at all?

Marnie McClain: I think that in considering because it's something...or what their reason is, certainly their reason is that the buildings presently don't meet regulations but there is more to the situation then that. The reason they don't meet the regulations is because of not going through the permitting process first. I think when you consider whether someone has brought you a showing of good and sufficient cause; you have to consider the whole background of the facts. That is a fact, that's an element.

Commissioner Carey: So we have to say no to that one I think.

Chair Curtiss: Any other comments on a or b?

Commissioner Landquist: It's hard because we're looking at hardship on the applicant or the community involved but there's two things right there. I'd say Aye for the applicant but when I look at **community** involved in thinking of what Bill reminded us of as far as floodways and rivers moving and think of the community and then I'd have to go no.

Chair Curtiss: c) is the determination that the granting of the variance will not result in increased flood heights present additional threats to public safety. Be an extraordinary public expense, create nuisances, cause fraud, victimizes the public or conflicts with existing State and Local laws.

Commissioner Carey: I'm curious about the staff's position on this. Is it that the variance would not result in increased flood heights or would in fact the flood height be increased?

Todd Kleitz: As Jean indicated, every time you put fill in the floodplain it does divert water some place else. Bill Weikel had mentioned that he did not believe that this would cause an increase in flood heights due to the flatness of the river gradient through there. They could in order to prove a positive for that particular one they could go through a no-rise certification by an engineering firm that would do the hydraulics to demonstrate that there is no rise there. Again, Bill did allude to that in his comments that he didn't believe there would be a rise there.

Commissioner Landquist: I think one other thing we could weigh in here is the location of these homes is as was pointed out is better than where the old cap was. Now it's an increased volume of size however and not square footage. The fact that the old cabin and the old...the other buildings aren't there anymore probably reduces it to some degree, not extensively.

Todd Kleitz: Just to clarify, there is no difference in elevation between the floodway and floodway fringe, it's all considered part of the hundred year floodplain. So whatever flood storage you take out of the floodway put back into the flood fringe, you still are losing that storage.

Commissioner Carey: So I'm having just a bit of a hard time maybe Marnie you can help me again here. If in fact, an extraordinary flood event occurs and rises up and takes away the cabin and it floats down...is that the kind...what do they say victimize the public or the ramifications of a cabin or a garage or shed or whatever blowing into...

Marnie McClain: That's the reason for these regulations, to protect the public from impacts that occur when there is an extraordinary flood event and things in what we know is the floodplain are swept away and that could cause damage to the downstream property owners.

Chair Curtiss: It's the additional threats to public safety.

Chair Curtiss: d) is the determination that the proposed use would be adequately flood proofed. The determination that a reasonable alternative location outside the floodplain is not available. The determination that the variance requested is the minimum necessary to afford relief considering the flood hazard. An approval of the Dept of Natural Resources Conservation required to...we do have that one.

Todd Kleitz: If I may the FEMA regulations are to mandate that the lowest floor be at the 100 year flood elevation. It's Montana and local standards that require them to be two feet above and so as far as the other determination that a proposed use would be adequately flood proofed...

Chair Curtiss: So we're talking about the building being flood proof.

Todd Kleitz: Correct.

Chair Curtiss: So we could say Aye to that one.

Todd Kleitz: For the most part, I believe you could.

Chair Curtiss: So I think...because the regulations are real strong about share only be issued upon showing of these items I don't think that we can grant a variance. I think however, that Todd and Mr. Weikel may have figured out some things next steps that they could do to see if there are others. They could come back I guess if some other things were happening? I don't know that all of these could ever be. We might be able to grant a permit for fill for the garage? There was another house in the similar area that they had to move it. It was in the floodway.

Commissioner Landquist: So if the proper permits were obtained could the cabin part of this actually be raised up and fill brought in? Could they apply for something like that?

Todd Kleitz: I think most of these issues could be resolved the one issue that would not be able to be resolved administratively by me is the alternative locations outside of the 100 year floodplain. That is a concern again, I bring it back to you, they could always raise the buildings, they could add fill of the crawl space but because they're still within the 100 year floodplain that is where administratively I cannot issue the permit to allow them to do that. That is where they had to seek the variance from you or obtain the variance from you to have the construction in the 100 year floodplain and then I could work with Bill and the applicants to raise the structures and bring in the fill but again you and I are both caught under the alternative locations outside the 100 year floodplain.

Chair Curtiss: So it would be pretty hard for us to meet.

Tom Talarico: I realize what Todd is saying about that alternative site. We looked very, very hard at that alternative site before we started to build. If fact, if you bring up that map one more time Todd. If you look where the road is coming in from our property, we were planning on building our garage right in that lower left hand corner. We were planning on building this garage right here and with the ditch going through we always had water coming through there during the months of end of May and June and it would be continuous flow. Not only was it coming from the ditch, it was coming off the mountain side here so when we looked at this with a gentleman from the DNRC and also a gentleman, Ed Zuleger when he came and did the septic system. They said I would be insane to put that garage right there because of the water that would go through, I understood that and that's why I put the garage here. Another thing is we had perc tests done all in here and they failed, that was another main reason that I looked at not being able to put the cabin there. Also in this section just to let you know what this ground is like this ground is like a peat moss where you can put a back hoe over it and it would be like a sponge running up and down and in fact, a couple times, we've gotten stuck in there as well. For them to say that this is a alternate or the main place to put this, I just totally disagree with that and I've already mentioned that to Todd a couple times. The reason we put this six inch pipe in here was for the flow in May and June so it would dry out. Now since we did that, this year in May and June all this was still wet from water in the month of May and June, even with the pipe in. I'm trying to explain that the amount of water coming from the ground the soil content almost looked like a peat moss and if it doesn't pass a perc test tell me why you would put your house there?

Chair Curtiss: Could you explain a little bit more, is it like a natural ditch, it's not an irrigation ditch right?

Tom Talarico: Well, this property from left to right slants down at an angle and then from the river to the back is a mogul and then it dips way down in here. When we did this fill we did this fill after these

structures were up. We didn't do it right away so I hope that answers your question. But, what I'm saying is this area here was the highest point and the safest point for us to put our cabin. There is...I totally disagree that this area would be a place to put your house or cabin and if you talk to my neighbors who have been there for years, they would say I'd be insane to put that there.

Commissioner Landquist: So you have somewhere in your files that I imagine I'm sure the Health Department has them, copies of those perc tests?

Tom Talarico: We have them here.

Chair Curtiss: Marnie, technically I closed the hearing and now we have new information.

Marnie McClain: You can add it as clarification concerning the perc tests, purpose of the perc test to tell you whether or not or where's the suitable location in relation to the septic.

Chair Curtiss: Right, but I think the additional piece that he was asking us to put on the record is that while it failed the perc test it also might not be the best place to put a house.

Tom Talarico: What I'm trying to get at Mrs. Curtiss is that where we put the cabin and we dug a hole there was little water. Where we put and tested to put our...the sauna tubes, when we dug for the sauna tubes you couldn't go down a foot without hitting water so that's what I'm saying. We are in a place where it comes from the left, the drainage comes from right and it comes from the back and that's why we thought that this was the highest area, the driest area and talking to the DNRC supervisor who we worked with for four years and never had a problem, unfortunately he, it's beside the point and also working with Ed Zuleger who was great. When he said that that septic system had to go there and the drainfield had to go there and it's in your records, and then we thought if we put that house where it is now it would be the best thing. Also for the electrically that's going across, if you look at that electrically line and a telephone line we considered having that line moved and when we talked to REI, Missoula Electric, he said that would be impractical not only because of moving that electrical line through our property, they would have to go back to the lots to the right and back to the lots to the left because there's all kinds of trees and you just can't bend the line like that. So that was just another reason why we felt that that was the most logical place because even if we went behind the electrical lines we I do not feel can get our cabin approved because we will be too close to the electrical lines and the telephone lines. We took all these into consideration, I guess you have to see the lot but the most important thing is you have to remember the lot in the middle of our lot, is the highest point and it goes from left to right and it also sits on a mogul and where that cabin is - is the highest point of the place. When we're talking three inches, and I understand regulation and I can accept that, swallowing my pride, when we're talking about the bunkhouse it's not all sides, its one side that isn't feathered out 15 feet, one side. The garage is not a concrete floor, it just has gravel and if we're going to level that all out why would I not raise the bunkhouse up two feet if I was going to do it correctly. So, it's a natural contour from left to right and I really felt and thought that I was doing the proper thing but we all make mistakes and that's the story.

Chair Curtiss: So with the additional information it sounds to me like that we could probably make a determination that there might not be a different alternative location and we have one down by Lolo same kind of thing it was technically you could get there if you built a road kind of thing.

Commissioner Carey: Can I get a staff's response to that?

Todd Kleitz: This is the magic FEMA floodplain line. This is the foot print of the structures that they choose to build, there's adequate room for these structures to be built behind this line on this lot. That is why they could not get an administrative permit from me to build in the 100 year floodplain. As far as floodplain permit its not whether you can get... there's alternative locations but you have to this, this, this and this, that's a decision that you can make, the alternative location is, is there outside the 100 year floodplain for the proposed development and there clearly was.

Chair Curtiss: Can we have Mr. Talarico show us where the utility lines are, please?

Tom Talarico: Showing on the map...this road and I don't know if Todd looked into this or not but that road is not where that road should be, that road goes right to...and it is a circle, my next door neighbor has a circle driveway where he comes in from the right side of that telephone pole and then circles and comes out so all this is an easement that I cannot do anything with. Also, again if you look at the lines that are coming in I'm going to have to move these electrically lines, I'm gonna have to move these telephone lines, I'm gonna have to move all these electrically lines plus probably pay for the other one lots or two lots to the right and one or two lots to the left because we're talking about cutting down trees. I don't know how that is going to...I could never afford that I just could not do that, I would have to sell my place. So that's a true hardship.

Chair Curtiss: Marnie, did you have anything that you would like to add.

Marnie McClain: What I'm going to add is a lawyer thing and that is when we apply regulations we have to read what the words of the regulations are and the words of the regulation are: a determination that a reasonable alternative location outside the floodplain is not available. So what we're talking I think here is the difference between what is available and what is maybe desirable or more convenient to use. And one of the principals of regulatory interpretation is that we read what it says, we don't insert or omit words.

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Chair Curtiss: Would however land that has high groundwater, now I'm not saying that its all land that has high groundwater, that you couldn't put a foundation in that would not be a reasonable alternative on that piece of land if there's is some that's encumbered that way?

Todd Kleitz: The whole State of Florida is high groundwater and there's a couple houses down there. So yes you can build in high groundwater areas.

Chair Curtiss: But however, you're going to end up with moisture under your house.

Todd Kleitz: Depending on how you build. When people do build in the floodplain they bring in fill to the 100 year flood elevation so you're not going to have groundwater implications associated with that and you're not gonna have overflow for flood waters associated with that, you're building above that. So that's just a...regardless of the floodplain whether you or not you build in the high groundwater areas that's part of your construction method.

Chair Curtiss: I guess 'reasonable' to me is the subjective word.

Tom Talarico: Yes Mrs. Curtiss, putting that drain pipe in was...I tried to be a good steward to our property and to the DNRC, we lease from them we don't...we'll never be able to buy that property. I did that just to be a good steward I wanted it to drain properly, if I move that cabin back there I'm gonna have to move that drain pipe, I don't how I'm going to move that or how, there's just not an answer for that. That whole area dropped off probably 2 1/2 to 3 feet before we put fill in there, that's how low the area was. We got the approval from the DNRC to get fill and to put it in there, we didn't do it at night, we did it openly and tried to make it look presentable. We did what we thought was right.

Chair Curtiss: So you're talking about the fill around the building?

Tom Talarico: No, I'm talking about the fill by the pipe we put in.

Chair Curtiss: You put fill in around the drain pipe?

Tom Talarico: yes

Chair Curtiss: And where does that drain to, the neighbors?

Tom Talarico: No that drains through our property and it comes out on the right hand side and then we have a ditch it drains right through to the river. We tried to get the road moved...the driveway moved if you looked at Mr. Bascoons letter but they wouldn't let us do it. So that was just another thing of saying an alternative site and the DNRC does not and would not approve us to move that road so again, we're just limited, not moving the road of the culvert of the perc test of the soil of the drainage. I don't know what else to say, that was the reason why we did it that way.

Todd Kleitz: In relationship to the comment about everything being approved by the DNRC – here's DNRC's letter, turn it around and read the 2nd paragraph there (dated 12/8/10).

Tom Talarico: There's a very good explanation for this – first of all the gentleman that Todd is talking about is the gentleman that I've worked with very closely for 4 1/2 years in building the structure of my cabin – Steve Wallace, and he's retired. Also, we were supposed to go talk to Steve Wallace when we started to build and we met with Steve Wallace, we explained to him exactly what we would like to do and he gave us the okay and stated as long as we are 100 feet back from the river, this would not be a problem. If you measure from the river to my cabin I'm about 120-125 feet back. Again, I tried to go above and beyond making sure that things were done correctly. The problem lies is that if Steve Wallace would have mentioned Liz Mullan to me, to go see her, we would never be here today. He never said I needed a permit, he never stated any of this and then approximately a month and a half or two months ago they wanted me to fill out a variance and they would approve it. And they did not even know the DNRC did not even know that I had a sewer permit and they did not believe me and I said "what are you talking about here? I got this approved by Steve Wallace and the County Health Department." Thank God that I asked Steve Wallace to write me a letter to give me approval to have the drainfield on State lease land, if I hadn't of done that the DNRC would of never believed me. So, did the DNRC drop the ball? I don't know all I know is that I was one person away from doing everything correctly.

Commissioner Landquist: Who's Steve Wallace again?

Tom Talarico: Steve Wallace was at that time the head of the Clearwater Ranger Station who over saw the cabin sites and he was the one that we were supposed to talk to if we're doing construction. And then Liz Mullan asked him why he didn't sign it or why didn't he give us the application. The gentleman had cancer at the time so I'm not going to say anything; Steve Wallace is a very good person, a very professional person. Ed Zuleger was absolutely great to me, he helped me out a lot, he gave me solid advice, he's been the type of a guy that's been working for you people very hard and he's very good at what he does and I took his advice. I don't know what else I could have done; well I could have talked to Liz Mullan I guess.

Chair Curtiss: So you don't have a letter from Steve Wallace though saying anything about 100 feet back – go ahead or anything?

Tom Talaricio: Nothing, no.

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Bill Weikel: Excuse me, the normal high water and normal low water in that area are in the one foot range for horizontal dimensions, essentially a three to four deep channel and it only comes out into this area that's defined as a floodplain is if you get into a flood situation and then it's running up on a slope of 3%.

Commissioner Carey: This is obviously a very unfortunate situation and we try to accommodate citizens in Missoula County as much as we can but I don't think our regulations allow us to grant these variances, it's pretty clear.

Commissioner Landquist: I'm having a rough time with this because I went through these questions again based on some of the other information that was presented to us and I can answer yes to darn near every one of these. I know some of this was being built prior to our building regulations our local county building permit process, a really good case for why Missoula County should have some sort of coordinated review process so that mistakes like this and oversights like this wouldn't have been...and people wouldn't invest monies on properties and end up with hardships. And I agree with what Commissioner Carey just said we like to try to really work with the people and find solutions and I just still am trying to find a way to maybe send this back to the drawing board to have you guys find a solution but you'd still need that darn variance from us in order to do that. I'm just really torn.

Tom Talarico: Is there anyway that we can sign some type of a waiver?

Chair Curtiss: That doesn't meet our regulations.

Commissioner Landquist: And that wouldn't cover in case you ended up giving up your lease and somebody else assumed it we'd end up in the same predicament we did else where when owners sold their homes and didn't advise people of the flood risks and stuff.

Chair Curtiss: I've looked at this pretty hard as all of us have but I think...I don't see there's anyway we that we can grant this based on our regulations grant a variance. There could be that you could bring back enough information to show there's not a reasonable alternative because of lots of things on your land and that will be the only way you will be able to get any kind of variance, I guess. I just can't see how we can grant this, it's unfortunate that...it's one of the reasons that we decided to go with building codes in the County. I don't think that the county made any mistakes on this. There was an application for a septic permit, there was referral to the floodplain administrator that's why your septic system is now located on a different piece of property because there wasn't a place on this piece that met that. Possibly if you'd applied for a building permit because our building code department was established maybe some of this could have been prevented. I don't see that we made any mistakes some lessons in life our hard and the one here that I hope you learn is somebody's telling you something isn't as good as having it written on paper because it sounds like Mr. Wallace didn't give you the best advice and also I think the thing that Todd pointed out in the beginning was that unfortunately DNRC does not show floodplain on the maps that everybody relies on which is unfortunate.

Executive Session

Commissioner Carey made a motion to the Board of Commissioners to deny the variance requests 1-4 listed on the Staffs Request for Commission Action dated January 5, 2011. Commissioner Landquist seconded. The vote carried on a 3-0 vote.

Commissioner Carey made a motion to the Board of Commissioners to approve the variance request #5 also listed in the Staffs Request for Commission Action provided the well head is demonstrated by a licensed surveyor to be a minimum of 18 inches above the basic flood elevation as required by the administrative rules of Montana. Commissioner Landquist seconded. The vote carried on a 3-0 vote.

7. OTHER BUSINESS

None

8. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 3:40pm.

THURSDAY, JANUARY 6, 2011

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Request – BCC approved expenditure of up to \$600 from County's Poor Fund Contingency Account for 2011 Project Homeless Connect event to be held at First United Methodist Church. Funds to be used for cleaning fee and costs associated with IDs/Driver's Licenses/Birth Certificates. Original to Melissa Gordon/OPG.

Amendment – BCC signed, dated January 6, 2011. To Contract between County and Western MT Addiction Services/Turning Point (of 10/14/2010) for alcohol/substance abuse prevention/intervention/treatment services. Amendment increases amount from \$132,106 to \$144,280.57 (one-time only Alcohol Tax Payment). One original to Peggy Seel/OPG.

Letter – BCC signed, dated January 5, 2011 to Missoula At-Risk Housing Coalition, supporting the Coalition's 2011 Project Homeless Connect event. Original to Melissa Gordon/OPG.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated January 6, 2011. Amount/\$9,638.81. Document to County Auditor.

Additional discussion item(s): Legislative priorities.

FRIDAY, JANUARY 7, 2011

BCC met in regular session; all three present.

Indemnity Bond – JC signed. WalMart, Missoula, Principal for Hellgate Elementary Warrant #16847, issued December 16, 2010 on County Claims Fund. Amount/\$3,120 (for employee certificates). Warrant lost in office.

Indemnity Bond – JC signed. Quality Supply, Missoula, Principal for Claims Warrant #15752483, issued September 30, 2010 on County Claims Fund. Amount/\$100 (for gift certificates). Warrant lost.

Replacement Warrant - JC signed. First Interstate Bank, Missoula, Principal for Western MT Fair Warrant #163692, issued November 18, 2010 on County 2160 Fund. Amount/\$980.97 (for credit card statement). Warrant not received in mail; no bond of indemnity required.

Planning Status Meeting – BCC/OPG Staff. 1) Public Comment; 2) Mill Creek Meadows Subdivision Phasing Plan Amendment; 3) Sawyer Creek Lots Subdivision Condition Amendment; 4) McMath Shoreline Permit; 5) Clearwater Meadows Ranch Subdivision (*info*); 6) OPG Director's update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Mapping Capabilities; 3) Big Sky Park; 4) Subdivision Regulations Assessment Update; 5) Community Council communications; 6) Director's update.


Letter – BCC signed, dated January 13, 2011 to Nick Kaufman, WGM Group, conditionally approving phasing plan amendment for Mill Creek Meadows Subdivision (subject to amendment of COA #21 – updates to weed condition).

Letter – BCC signed, dated January 19, 2011 to Mark Huber, Eli & Associates, Inc., approving amendment to COA #11 (re: COS overlap) for Sawyer Creek Lots Subdivision.

Shoreline Permit – JC signed. #11-05 for Applicant Bob McMath to reconstruct wood dock at 4227 Hwy 83 North, Lake Inez/Seeley Lake. Original to Mitch Doherty/OPG.

Request for Records Disposal/Transfer Authorization – JC signed. From Accounting. 2005 1099 Tax Forms and W-2 Forms. To Records.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, JANUARY 10, 2011

BCC did not meet in regular session. BCC traveled to Helena for luncheon with Missoula's Legislative Delegation, held at State Capitol.

TUESDAY, JANUARY 11, 2011

BCC met in regular session; all three present. Evening: BCC attended meeting of Lolo Community Council.

ADMINISTRATIVE MEETING

Agreement – BCC signed. 2010-2012 Collective Bargaining Agreement between County and I.U.O.E. Local 400/Butte Teamsters Union Local #2 I.A.M. and A.W. District 86/Local Lodge 88. Eight originals to Jean Shannon/HR.

Easements – BCC signed following permanent and/or temporary road easements for Petty Creek Road project (#5866):

- 1) Parcel 72 – James & Violet M. Barr (\$7,500);
- 2) Parcel 3 – Tom & Marcia Scheidecker (\$150);
- 3) Parcel 4 – W.J. & Joyce Montreuil (\$150);
- 4) Parcel 5 – Sally Beall (\$200);
- 5) Parcel 7 – Lawrence Rausch (\$2,700);
- 6) Parcel 12 – Ralph & Mary Vesel (\$200);

Originals to Steve Niday/Surveyors.

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Request – JC signed Guaranty Agreement with First Security Bank for Montec's loan for renovations to the facility. Agreement extends loan for six months to June 3, 2011; outstanding balance/\$877,928. One original to First Security.

Additional discussion item(s): Legislative update.

WEDNESDAY, JANUARY 12, 2011

BCC met in regular session; all three present.

Replacement Warrant - JC signed. Hal R. Matthew, Missoula, Principal for Library Warrant #30123190 issued September 16, 2008 on County 2220 Fund. Amount/\$14 (for book refund). Warrant not received in mail; no bond of indemnity required.

Replacement Warrant - JC signed. Gary Peterson, Missoula, Principal for PHC Warrant #30136204 issued June 11, 2009 on County 2274 Fund. Amount/\$1,330 (for Physician services). Warrant not received in mail; no bond of indemnity required.

CHIEF ADMINISTRATIVE OFFICER MEETING

Board Appointment – BCC considered applicant and chose not to appoint anyone at this time as 3rd Alternate on the Zoning Board of Adjustment.

Request for Records Disposal/Transfer Authorization – JC signed following from:

- 1) Sheriff – Copies of booking records, Inmate medical/dental records (prior to 12/31/2000).
- 2) Sheriff - Copies of juvenile arrests sealed (DOB 1982 or prior).

To Records.

Additional discussion item(s): 1) Update guidelines for submitting road vacation and alteration petitions and review fee to process petitions; 2) TPCC briefing; 3) Legislative update.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated January 12, 2011:

- 1) Approving request from Gerald Posthumus & Rachelle Elliott, Seeley Lake, to refund 2009/2010 Seeley Lake refuse fees for Taxpayer ID #5829388.
- 2) Approving request from C. Daniel Lessnau, Clinton, to refund penalty/interest for Taxpayer IDs #5856563 & 6147105 (tax bills mailed to incorrect address).
- 3) Denying request from Ruth Ann Duperron/Bitterroot Valley Bank, Lolo, to waive penalty/interest for Taxpayer ID #344203; BCC has no legal authority to do so.
- 4) Denying request from Le Etta Petersen, Missoula, to refund motor vehicle fees paid on '84 Dodge ¾ Ton van.
- 5) Approving request from John Bennett Law Office, Missoula, to refund motor vehicle fees paid in error for 2010 Mercedes-Benz; contingent on proof of sale of vehicle.
- 6) Approving request from Amy Lake, Frenchtown, to waive penalty/interest for Taxpayer ID #5842300 (tax bill mailed to incorrect address).
- 7) Denying request from Karyn Moltzen, Missoula, to refund motor vehicle taxes paid because AniMeals is a 501(c)(3) non-profit agency; BCC has no legal authority to do so.
- 8) BCC on 1/12/11 denied request from William Knight/Loren Zerr, Missoula, to refund motor vehicle taxes/ fees paid for Title #E991848. Renewal period for vehicle expired 8/31/10, (vehicle was registered 9/22/10); BCC has no legal authority to issue refund.
- 9) Approving request from Sherene Petersen, Missoula, to refund motor vehicle taxes/fees, contingent on proof of vehicle being totaled.

PUBLIC MEETING – January 12, 2011**1. CALL TO ORDER**

Chair Curtiss called the meeting to order at 1:30

Commissioners Present: Commissioner (Chair) Jean Curtis, Commissioner Bill Carey, Commissioner Michele Landquist

Staff Present: James McCubbin, Deputy County Attorney, Greg Robertson, Public Works Director, Tim Worley, OPG Planner

2. PLEDGE OF ALLEGIANCE**3. PUBLIC COMMENT**

none

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS**a. Weekly Claims List (\$1,485,703.25)**

Commissioner Landquist made a motion that the Board of County Commissioners approved the weekly claims list in the amount of \$1,485,703.25. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

5. Hearing (Certificate of Survey)

Almquist (Heather) Family Transfer

James McCubbin read the staff report.

Commissioner Landquist: It just seems sort of unusual that you're transferring it to your husband yet the two of you are going to reside on the 20 acres where the house is without this looking like it is an invasion of subdivision review. Are you doing this for the purpose of the future, looking ahead for estate planning or something like that?

Heather Almquist: I would like to clarify - the reason we're doing this, one reason, we want to refinance our house. When I bought the property the lending laws allowed us to do a division for mortgage purchases only, because you can't get a residential mortgage even if it's just a residence, you can't get a residential mortgage on a partial that's over 40 acres. It was fine but when I went to refinance 6 years later after the changes in the lending laws, they no longer allow that for mortgage purposes only designations, they said it actually had to have it separately platted. We don't want to subdivide, we don't want to sell that property, we don't want to development it, it's beautiful. Its part of our life everyday, we walk our dog up there everyday and I don't want anything to happen to it but I do really want to refinance. You may have more people coming your way who are in this situation.

Chair Curtiss: I didn't realize they changed that.

James McCubbin: We do still have a mortgage exemption - you can create a property description for mortgage purposes only under the subdivision platting act.

Commissioner Landquist: Without going through the subdivision process?

James McCubbin: Correct and it's a similar exemption, it doesn't actually create a partial, it just creates it for mortgage purposes. This is the first I've heard of lenders saying they want it separately platted but doesn't particularly surprise me given the finance changes that there's been. That does still remain I think a legally viable option, but there's certainly banks that might prefer to have it a separately platted parcel.

Public Comment:
None

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners approve the request by Heather Almquist to create one additional parcel by use of the Family Transfer Exemption based on fact that there does not appear to be an attempt to invade subdivision review. Commissioner Landquist seconded the motion. The vote carried on a vote of 3-0.

6. Hearing

Clearwater Meadows Ranch Subdivision (59 lots on 199 acres) – East of Missoula, South of Seeley Lake on Hwy 200

Staff Report

Tim Worley: PowerPoint presentation.

Summary: The recommendations from resource agencies are to reduce the total number of lots in this location from 59 to approximately 20. They have particular locations that they feel are inappropriate for residential lots and that those lots could be relocated, perhaps to the Southern portion of the property. After reviewing these recommendations, staff felt that this subdivision could not be conditioned without effectively creating a new subdivision with a new road network to serve the new lot layout. Of course, you would have new wildlife and wildlife habitat impacts with that new lot layout that need to be review distinctly. And we felt that the other review criteria would need their own distinct review as well. So Staff's recommendation was for denial of the subdivision. This went before Planning Board in December; they affirmed the Seeley Lake Regional Plan's residential recommendation for a density of about one home per 10 acres, which amounts to roughly 20 dwellings on this property. They were concerned that the 59 lots with their wells and septs would cause problems with water quality and quantity related to Blanchard Creek. They concurred with staff's findings and conclusions on natural resource impacts and wildlife and wildlife habitat impacts caused by the subdivision. And they felt the proposed design was an (in auditable) one and not really appropriate for this landscape. So planning board's recommendation was also for denial. That's all I have today and I'll be available for questions.

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Chair Curtiss: I have one question for you Tim. When you're showing the....can you go back to the slide. Looks like Lot 55 was left out.

Tim Worley: Yes, that was a miss on my part.

Chair Curtiss: Any questions for Tim before we take the developer's testimony?
Is there someone here to represent the developer?

Ron Ewart with Eli & Associates: John Richards had a prior commitment and couldn't be here today so I'll go through my slide show and discussion and then I do have a memo that John wanted me to read into the record, that I'll do at the very end.

PowerPoint presentation.

Now there are some criteria of course to be reviewed for compliance with State Law and County Subdivision Regulations. I would like to state that this property is unzoned and we're meeting all requirements of the subdivision regulations. We're not requesting any variances to the regulations. And the main reason for recommending denial is due to effects on wildlife and we have sought professional research and judgment which states that these lots are within an appropriate level, but of course, what is an appropriate level? I think a lot of that has to do with personal judgment and future human activity. We proposed very strict covenants and comprehensive covenants and we're willing to work with Fish Wildlife & Parks (FWP) on any wording what-so-ever. We're willing to allow FWP to help enforce the covenant. The applicant has also proposed a fine system; we can make this a model as far as people doing the right thing to keep the interaction of wildlife to a minimum. We've done many, many things since we first started this process to try and mitigate the various comments and concerns that we received. I think you are very familiar with the last 59 lot proposal, we have redesigned this particular proposal from earlier proposal, it has the same number of lots. Importantly, as I mentioned earlier we've removed the lots on the East side of Blanchard Creek, therefore we don't need to move the road over as we earlier proposed. We've increased the area of the Blanchard Creek common area, which is also the riparian resource area, up to 14 acres, so that was quite a change. We've already created the 1.5 acre fire department lot and we've come to an agreement with fire department. The fire station and its water resources for fire fighting will help the entire area not just this particularly subdivision. We've also created a 10 plus acre common area in the North West corner area of the property because that was also a big concern of FWP due to the forested hillsides. And the Western part of the loop roadway, if you can remember the big loop roadway, we moved that back from the foothills up to about 200 feet, that was another concern of FWP. Getting back to Blanchard Creek...the lot boundaries now go to the top of the bench where as before they were down to the bottom of the bench and we have a 50 foot buffer on the lots from the edge of the bench back. So we'll have reference monuments set at the intersection of the buffer and the lot line and that 50 foot buffer will be treated just like the rest of the riparian area and common area. Again, the riparian management plan and the rehabilitation plan will be worked out with FWP and other experts. Again, the property is unzoned; of course the guiding plan as Tim mentioned is a 2002 Regional Land Use Plan which basically pulls in the 75 plan into it. The 75 plan does encourage preservation of resources such as forestry and agriculture and the preservation of steep slopes, which we are doing. Regarding agriculture, I hope that people will understand that this subdivision would help to reverse some of the things that were done in the past, like the livestock grazing and devastation of the Blanchard Creek riparian corridor. And the commercial dumping of raw sewage across the property, that ended as soon as John bought the property. 75 plan (in auditable) conserve forestry resources, I don't think we're going to have to cut down any trees. Again, with the riparian area management plan we'll be protecting all sensitive areas for development to include the no-build zones. So as we look through the criteria that this will be weighed - seems like the main criteria on that has been given for denial has to do with wildlife. We feel that we've mitigated wildlife concerns; we met with FWP several times, of course some may feel that the best thing to do is to leave the property alone. There are already several houses in existence on the property and there are many human activities that have been going on in the area for many years. There are several positive aspects that can be achieved by this development, such as the creation of jobs and moderately priced homes and lots in a needed location. Myself, I can't think of a better place to build a housing development between Seeley Lake and Bonner, I mean if you imagine driving from Seeley Lake down to Hwy 83 to Hwy 200 all the way to Bonner, this seems like THE location. If one thing, it's impossible because of the land ownership for another there's really no better location that I can think of.

That concludes my presentation except I need to read a letter that John has written. At the end of the letter is an email shared with Rick Reed, the Attorney - it's between Mack Long, FWP and Bill Schenk, Attorney for FWP in Helena.

For the record, Ron read a letter submitted by the land owner John Richards. PDF of Letter.

Chair Curtiss: Mr. Ewart I have one question for you, on page 10 of the packet in which you report, it's a report of the neighborhood meeting in the 2nd from the bottom paragraph - it talks about how each drainfield needs to be specifically engineered for the conditions that you've learned through the groundwater testing and soils testing, so what does that mean? What do these soils tell you?

Ron Ewart: As you know, any time that you install a drainfield you have to do a soils test right in that location because you can have varying soil types in one location to another. Depending on the rock content of the soils, how dense the soils are, clay content, all that would depend on how long your drain lines are or whether you have to do a pressure dose system. There are a lot of advances in drainfield technology and of course all of that has to go through the Health Department, DEQ so they make sure that the drainfield design is site specific.

Chair Curtiss: So you're just saying that as a general rule not on the fact you've tested every spot and know that they all need to...

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Ron Ewart: That's true, we haven't tested every spot. We do know there's some variation.

Chair Curtiss: So the other is since you've done quite a bit of soil testing and we know that Blanchard Creek is a losing stream, doesn't that usual equate to the fact that water moves quickly through this type of soil so therefore so would effluent from a drainfield?

Ron Ewart: It's true that the more gravelly, the more permeable the solids are going to be. I think what we say they're rockier than your prime soils are. I mean they're good soils for drain fields, there's a lot of dirt content and there's some gravel in it too.

Chair Curtiss: Okay thank you. Are there any other questions for Mr. Ewart at this time?

Commissioner Landquist: One quick question, how deep are the wells? You said there are wells on the properties now, how deep are they?

Ron Ewart: I have to look that up...

Commissioner Landquist: Are these done in production some how, I'm concerned also with the water even though I realize the Health Department, DEQ regulates all that stuff. If you have a losing stream and your wells in the area, how productive can the people that...suppose to be separate wells, separate septic systems or drain fields and septic systems for individual houses so how predicable would those 59 wells be?

Ron Ewart: As far as the DEQ review, our engineer would have to put together models and the science needed to prove to DEQ that there's adequate groundwater available and if DEQ doesn't believe that, then we wouldn't get the approval.

Chair Curtiss: And those are all things that happen...

Ron Ewart: Subsequent to preliminary site approval.

James McCubbin: So we've received an objection to the contents of the record - John Richards through the memo that was read into the record and so I would just like to clarify this and Ron I don't know if you can address this or not, but if you can that would be helpful. The 4th tab in the application packet is titled 'Wildlife Reports' and that includes, as far as I can tell, all reports that were prepared in connection with the prior subdivision proposal and those have been incorporated into the current application, is that correct?

Ron Ewart: Right, there was the Joe Elliot paper and Pete Feigley; we reintroduced it into the record through the new revised packet.

James McCubbin: So at this time you're objecting anything that was prepared or made in connection with the prior proposals except the things that you're submitting?

Ron Ewart: Right, this is a new submittal. We paid the new fees, went through new process so whatever's in the packet is the new submittal.

James McCubbin: Okay, so are you objecting to comments that have been referenced by commenting agencies that were prior comments that they're referencing now? And if you are objecting to that, are you proposing to withdraw the prior materials that John Richards is referencing? Do you understand my confusion?

Ron Ewart: Yes I do and I don't really feel qualified to answer that except to answer that whatever's in the new packet is the information to be reviewed. Even though it was created before.

James McCubbin: So I guess just for the Commissioners - its my opinion that if anyone has referenced prior materials and ask that it be included or referred to in the records for this subdivision, that it is appropriate to refer to this material and I know that the applicant himself has done that.

Chair Curtiss: Thank you. This is a public hearing, is there anyone who would like to make comment?

Public Comment:

Willis Curdy: Is this the first of two public hearings? Does the public have time for comment part to the Commission to make a decision? Is this the only hearing on this subdivision?

Chair Curtiss: This has been to the Planning Board already, they had a hearing. They recommended denial and now it's come to us. Unless there's a bunch of new things that happen today we expect to make a decision today. We could continue it if we feel we need more information.

Willis Curdy: Okay, thank you.

Commissioner Landquist: Does that prohibit you or make it complicated for you to say something? Had you wanted to say something about this Willis?

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Willis Curdy: I'm just coming here for this time, couple weeks, and I assumed that with other discussions about public hearings you had two hearings to make comment, so it's different between subdivision and other types of public hearings that the board conducts, correct?

Chair Curtiss: Usually the one that we know we're going to have two on is if we're asked to do road abandonment because we have to do a site visit between.

Willis Curdy: Okay, are you planning on making a decision on this today?

Chair Curtiss: Yes, unless there's something new comes up that the Commission wants more information.

James McCubbin: Another factor that goes into the number of meetings or hearings Commissioners will have on a proposal like if we're amending regulations or things like that, they'll tend to have multiple meetings to invite as much comment as possible. We're restrained on subdivision review by Statutory Timeline so that it affects the ability to do that. So one of the things you may be used to in some of the other proposals I think we've seen you involved in, tend to have more meetings – we don't have the time under the deadlines to do that kind of process.

Willis Curdy: Well then I'm gonna make one comment. I have a number of things I'd like to make comment on but I'm gonna make one comment. As some of you may know...enter this in the record, I've been for many, many years Air Technical Group Supervisor with the US Forest Service and other Inter-Agency Wild Land Fire Agencies. That job asks me to sit in an airplane above a fire incident and I coordinate all the air traffic over fire; helicopters, lead planes, retardant planes, media, law enforcement, hospital rescue aircraft and alike. I've had the opportunity to do this work in a number of places, in fact, in 2000 I was flying airplane that during the time when we had to make a recommendation to the ground to evacuate this town of Los Alamos, New Mexico over 256 homes burnt in that incident. In my experience of doing this and of course being a smoke jumper and wild land fire fighter for years, I do have a concern about putting in 59 homes in this type of situation and then this area has a little more...where it's located, a little more prone to human caused fires because of the human activity in the area. And, also you have natural ignitions. My concern is you're putting 59 homes out here by itself, right up against a woodland...you're creating another larger urban interface situation and of course, along with that comes the cost of fire protection. I can tell you right now that many places where I've had to drop a load of retardant to protect homes from fire, you're looking at immediately a \$10,000 bill for one plane load and when you start adding this up with a 59 unit subdivision, the cost of fire protection ramps up dramatically. And again, you're putting this relatively large subdivision in an area...even though they're out in the middle of a field, will be impacted by wild land fire, there's no question about it. So I just wanted to introduce that into the record, it was never addressed any place here.

Commissioner Landquist: Willis, I really appreciate you bringing that up for the record because I'm not quite the expert that you are, but that was one of the things that was going through my mind as I was looking at the aerial photos from this and even when we looked at this even in Admin, and why I'm asking some of the questions I am about the water is because it does look really dry and arid and I was wondering about...I know Mr. Richards wants to create an affordable subdivision and so I was wondering if the purpose for him dedicating that fire lot for the fire department and the holding tanks that they would have there would then mean that those homes wouldn't have to have residential fire sprinklers, was going to be one of my questions, if that's mitigating that. And I also looked at that as a real hazard for the urban interface fire purposes. Thank you very much for offering that kind of knowledge to our public record today.

Chair Curtiss: And we need to be clear that our regulations require us to have...that they need to have some sort of fire suppression but it's geared toward residential fire not...I mean it would definitely get used if there was a wild land fire, for example sprinklers are meant for residential use.

Sara Canepa, Rural Landscape Scientist with Rural Initiatives: Our concerns also have focused on the impacts that this proposal would have to local and regional wildlife population. And one of the things that we've been primarily concerned with is the opportunity to maintain wildlife connectivity across the landscape because it is such a sensitive area for wildlife and there's such a density and diversity of species in this area. All development that occurs within this area needs to take into consideration the ability for wildlife to move across the landscape. Montana FWP did outline some very specific areas, as did Rural Initiatives, that are critical for wildlife movement in the letters that we submitted earlier and again I'd like to reiterate that some of those areas of concern are the Blanchard Creek riparian area which has the opportunity to serve as a natural corridor for wildlife and again the forested steep slopes on the more Northwest corner of the property. That kind of ties into earlier it was mentioned in John Richards letter that there was a possibility of installing wildlife proof fencing around the subdivision or the property and wildlife proof fencing would essentially eliminating the opportunity for wildlife to utilize the property and in no way are we insinuating that John Richards property should be managed as a park for the benefit of the public, but we definitely want to find a way in which humans can live with wildlife and develop in a matter that allows for wildlife to continue to use the critical habitat, not just on the property but surrounding the area. Some of the other concerns we would have with wildlife fencing is one; it's not necessarily a solution for all animals. It doesn't eliminate the concerns of wildlife attractants and bears or other predators having an interest in those wildlife attractants in the subdivision they would likely have the ability to climb a fence if it was not electrified. I guess this kind of expands is having a large electric wildlife proof fencing in a rather rural community somewhat defeats the rural character of the landscape that the residents have expressed the desire to maintain. So we definitely recognize the development...that development could occur on this property

but our concerns lie more with the density of development that is being proposed and the impacts on both wildlife and water quality for the future and would support the density that has been suggested. The one unit per 10 acres as a reasonable density would allow wildlife managers an opportunity to work with residents so they can understand how to avoid wildlife problems and may perhaps, and I will admit I'm not the water quality expert but address some of the water quality concerns about quantity and quality of this level of development. So thank you for the opportunity to provide my comments and I'll be here for questions if you have them.

Chair Curtiss: Any other public comment?

I think it's important to state that...so I'm thinking about some of the things that were pointed out in Mr. Richards letter that was read into the record that FWP's charge is to worry about wildlife management and their habitat management, the Commissioners goes beyond that but they also don't approve subdivisions so while Mr. Richards has continued to try and talk to them about their issues which is a good idea, that's their concern. Our concern and our responsibility goes beyond that, we have additional criteria to address that relate to public health and safety and welfare. We rely on experts such as FWP, Rural Initiatives and folks who have experience fighting fires to give us comments so we can make a good decision because we need to look at how the people who live there and the wildlife that interacts with them all fit together and I think that the Planning Board has really looked through that. I too don't think that most folk's idea of a gated community is a big electric fence to keep the bears out so I've never heard of fencing a subdivision that has mitigation offer it, I thought it was kind of interesting. Also Mr. Richards talked about the fact that wildlife...either he or Ron I forget, that wildlife don't hang out by the highway - many times in our meetings going to Seeley we've almost had to stop for the elk that were swarming around on the highway there, right near Clearwater Junction, so it's their habitat that we've moved into and I think it's important to respect that, especially with the Game Range being so close. One of the new things that Ron referred to the fact that because they're not going to allow fencing of each lot, that those fences apparently were seen as something to stop wildlife movements so therefore they don't need building envelopes but to me it just means all the things that you accumulate on your place can spread even further. I actually think that building envelopes are a good thing even if there isn't a fence.

Any other comments from the Commissioners?

Commissioner Landquist: I was really surprised and I think it's really unfortunate that the timing of this was submitted after all the years that the Seeley Lake Land Use Plan had been worked on and was going through the public review process. The fact that this has already been denied and in litigation once, I'm looking at it with really fresh eyes but I was really optimistic, that especially seeing some of the miracles that you've done before (Ron) with some other controversial and sensitive areas for subdivisions. Mr. Richards never

in any of the hearings that we had mentioned this property and tried to advocate for a larger density. I sat here and did a little math in looking at this guide and it says that the Missoula County Regional Land Use Guide is the growth policy document that applies to this subdivision and so that was quite some time ago. And then Mr. Richards bought the land 6 years ago, would be in 2005, I know the Missoula County Land Use Guide was in existence and used longer than that and that guide recommends a density of one dwelling for 40 acres. The Seeley one goes a bit further and is more current and we've just adopted it and it recommends one dwelling for 10 acres in this location, and it says it represents the County's best thinking on the appropriate land use even though state law limits the scope in which a growth policy can be used. Mr. Richards had plenty of opportunity to advocate for this piece of property, as many other people did in the Seeley area based on historical uses future economic developments, etc, etc and he didn't take that opportunity, so I find that really disappointing and really unfortunate. I also have to agree with the statement that was brought up by FWP is that the number of 59 units here is too large to communicate living with wildlife and the educational opportunities that go along with that in just regulating someone by their covenants. I have lived out in the country for over 30 years, I know a 92 lot subdivision that went in across the street and one of the first things that happened within the first six months was a perfectly good mountain lion had to be destroyed because it killed a deer and was dragging it around trying to cash it, which is exactly what mountain lions do. The fact that 30 years later - now they've come back and killed some of my sheep, I'm not real happy about it but the point remains that...and some of the things that the residents there wanted to do was build...and they've got all the living with wildlife recommendations and in their convenience etc they wanted to build permanent BBQ stands, there was a lot of in house fighting among the people in that home owners association because they just didn't get the get of it so I can really appreciate what Fish Wildlife & Parks is up to and all land managers the work they have to do to try to educate people when you want to live in a special area like this you've got to have your wits about you and I'm surprised that when I look at the lay of the land I see this as a really awesome opportunity to have some affordable homes but done more in more I think safer clusters or something, but I'm not a planner and I'm not going to try to redesign this particular subdivision. I just really think it's unfortunately that this owner has missed the boat and is trying to blame the system when we're looking at health, welfare and safety for the public who would end up living there and the wildlife. I don't accept the blame that Mr. Richards is trying to point to us.

Commissioner Carey: Well you both said it pretty well. In reading the Staffs Report, it Findings and Fact and Conclusions of Law, it's clear to me at least, that this proposal's just too dense to mitigate the impacts on wildlife, water resources and other things.

Chair Curtiss: Is there any other public comment?

Executive Session

Commissioner Carey made motion that the Board of County Commissioners deny the Clearwater Meadows Ranch based on the findings and facts in the staff report. Commissioner Landquist seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: I think one of the things that I'd just like to point out but is in part of the comments in the staff report today, a comment by Mr. Vannoy who is the original owner - who is the original owner of the land that sold it to Mr. Richards. His comments about water because I think while most of our focus has been on wildlife and how are we going to mitigate all of that. The carrying capacity of this land to me is pretty fragile when he talks about...I'm sure if you use this to grow hay for many years and had these other 8 houses on there he's looked for water and I find his comments as credible and significant in saying there isn't a lot of water that's available. I think just the fact that the creek goes dry every year shows how fragile this land could be if you tried to put that many homes on it. So, I think that the carrying capacity of the land is probably almost as important as the wildlife issues here.

James McCubbin: So Commissioner Landquist has referenced Mr. Curdy's comments today and you're referencing Mr. Vannoy's comments, I haven't memorized the staff report, but do you feel the need to amend or add any finding or facts regarding those factors or anything else obviously? I'm just asking that because you've pointed those comments as something that seemed to influence your consideration. I don't know, Tim if you could help guide us in the finding maybe.

Commissioner Landquist: The fact the Mr. Curdy was able to add some real credible testimony to that I guess it's a point well taken because he saved me from having to ask a bunch of other questions that I was wondering about when it came to fire mitigation so perhaps that is worth adding as findings of facts because I would have brought it up anyways.

Chair Curtiss: Tim, we know you wrote...pulled this all together so if we go to your section under - with the fire comments, it'll be under 'Fire Department'.

Tim Worley: I think you can probably put that under 'Public Health & Safety' for wildland and urban interface and just a couple with...

Chair Curtiss: So if we're going to make any changes, we have a motion on the table that's been seconded we haven't voted on should we....

James McCubbin: You can amend the motion.

Chair Curtiss: Okay so Page 23 in the packet, that's the staff report.

Tim Worley: I believe any where within the Public Health & Safety heading you could add what Mr. Curdy spoke to as far as the wildland urban interface challenges on this property. Which by the way, there's also old Board of County Commissioners minutes that are part of your packet where Steve Wallace, retired DNRC Forestry comments on that very same issue in this context so just as an aside there but I think we could put Mr. Curdy's comments under Public Health & Safety.

James McCubbin: So what you should take look at are both the findings of facts and the conclusions of law which are based on the findings.

Chair Curtiss: Okay so the finding could be a new number 13 that refers to Steve Wallace's previous comments and Mr. Curdy's comments today, regarding placement of this many homes in a wild land urban interface. Is that enough direction that staff can then write that up for the final report?

James McCubbin: I don't think we need specific languages as long as you give them the gist of it. My understanding is you're saying you find those comments to be credible and a concern.

Chair Curtiss: And part of what we're weighing our decision on.

James McCubbin: So then what is your conclusion of law that you're reaching from that? What's your conclusion of law, I mean your conclusion with regard to the effects of the subdivision, the ability to mitigate those facts do you have a conclusion you're reaching from that?

Commissioner Landquist: Well my conclusion is that we're providing appropriate emergency services and safety against the wildland, the chances of wildland fires in this area could be significantly hampered, I guess, based on the availability of what other fires are in the area, I mean based on a number of things. Protecting the people in the subdivision.

Chair Curtiss: So could your conclusion be as simple as saying that placement of 59 homes in this area would - in the wildland urban interface would be harmful to...say it James.

James McCubbin: I've got ideas but I don't want to phase it for you.

Chair Curtiss: We all don't want to put houses there where we're going to endanger the life of folks.

James McCubbin: I think that's clear to me, is that clear enough to you Tim to draft that.

BOOK 110 PAGE 0314

Tim Worley: I think that's clear.

Chair Curtiss: So is there an amendment to that?

Commissioner Carey: Yes, I would support an amendment.

Chair Curtiss: Okay, so is there a discussion on the amendment?
None

Executive Session

The Board of County Commissioners made motion to accept the new amendment. The vote carried on a vote of 3-0.

Chair Curtiss: The other one was the caring for water which is the same area, I guess.

Tim Worley: Yeah it's my opinion that's probably a Public Health & Safety heading as well. There's also a Water and Sewer Systems heading but that's more the logistics of punching wells and installing septics so I would probably direct toward Public Health & Safety. So it could be under the same heading of what you just did.

Chair Curtiss: Okay, so it will be new number 14. To state the based on Mr. Vannoy's comments and the packet it seems that the carrying capacity of the land to provide adequate water and wastewater disposal is not sufficient for 59 homes. It's kind of a statement and it takes in the conclusion almost to. Does that work, is it enough?

James McCubbin: So you would have the finding of fact and a conclusion of law similarly stated on that?

Chair Curtiss: yes

James McCubbin: I think that's clear enough. Tim is that clear to you.

Tim Worley: Yes, I would also...I just had sort of a revelation that maybe that could go under Natural Environment Wildlife and Wildlife Habitat, I think it could go either way but I don't know, James what's your opinion on that?

James McCubbin: You know water affects so many things you could really put it in any number of places, multiple places if you choose.

Chair Curtiss: Well Mr. Vannoy's comments were more towards it sounded like more like the drinking water.

Okay, so is there a motion to have that a finding and fact conclusion of law?

Executive Session

Commissioner Carey made motion that the Board of County Commissioners accept the new amendment. Commissioner Landquist seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: Okay so now we'll vote on the amended motion total motion, so it's to deny was adding those two new findings of facts and conclusions of law. Any further decision?

Executive Session

The Board of County Commissioners made a motion to accept the two new amendments to the Findings of Facts and Conclusions of Law. The motion carried on a vote of 3-0.

7. OTHER BUSINESS

Winter Carnival held by Missoula County 4-H ambassadors. Feb 27th 2:00-5:00 Missoula County Fairgrounds, Home Arts Building; games, great prizes and food. And a world famous pie auction.

8. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 2:59pm.

THURSDAY, JANUARY 13, 2011

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Amendment – BCC signed. To Contract between County and A&E Architects for services at County Administrative Building/199 W. Pine. Addendum states hourly rates/expenses for 2011 remain same as 2010; project to be completed on a Time/Materials basis – not to exceed \$28,000. One original to A&E.

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Bylaws – BCC approved/adopted Swan Valley Community Council Bylaws, dated January 13, 2011 (as approved by the Council on September 21, 2010). Two originals to Laurie Hire/RI for further signatures/handling.

Resolution No. 2011-003 – JC signed, dated January 13, 2011. Relating to \$399,332 Limited Tax General Obligation Note (County Historical Museum T-1 Building Project), Series 2011. Resolution approves Project and re-funds same. Four originals to Dorsey/Whitney.

Request – BCC approved expenditure of approx. \$175 for provision of internet for 4-5 months per year in home of Tax Appeal Board Secretary Cyndie Aplin; CFO to determine line item/funding.

Letter – BCC signed, dated January 11, 2011 to Ella Barrick, Missoula, stating Allied Waste is a private company and is not associated with, nor run by, the City or County of Missoula. However, her concerns about trash and the attraction of bears will be passed on to Allied Waste.

Additional discussion item(s): 1) Lolo 901 Wastewater Plant Interim Improvements Plan. Public Works to present this info at future Lolo CC meeting; 2) Seeley Lake Sewer update.

FRIDAY, JANUARY 14, 2011

BCC met in regular session; quorum present. ML out of the office all day.

Replacement Warrant – JC signed. Benjamin Foods, Philadelphia, Principal for Detention Center Warrant #30162582 issued October 25, 2010 on County 2301 Fund. Amount/\$16,074.86 (for food purchase). Warrant not received in mail; no bond of indemnity required.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, JANUARY 17, 2011

THE COURTHOUSE WAS CLOSED FOR THE MARTIN LUTHER KING, JR. HOLIDAY

TUESDAY, JANUARY 18, 2011

BCC met in regular session; all three present.

Planning Status Meeting – BCC/OPG Staff. 1) Public Comment; 2) Airway Fleet Fuel Rezoning (*info*); 3) D Firm (*info*); 4) OPG Director's update.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated January 13, 2011. Between County and Abatement Contractors of MT for vermiculite in attic and removal of courtroom ceiling tile at Historical Museum. Amount/\$21,495 (from HB 645 Stimulus Funds). Term/January 15, 2011-February 28, 2011. Two originals to L. Farnes/F. Mngmnt.

Road Inventory Forms – BCC signed following forms, dated January 18, 2011 for improvements completed as part of River Pines Estates Subdivision: 1) #2011-2: Grebe Court; 2) #2011-3: Kingfisher Place; 3) #2011-1: Blue Heron Lane. Originals to Greg Robertson/Public Works.

Resolution No. 2011-004 – BCC signed, dated January 18, 2011. Amending Section 6.07, Missoula Development Park Special Zoning District Regulations. Public Hearing held October 6, 2010.

Additional discussion item(s): Legislative update.

WEDNESDAY, JANUARY 19, 2011

BCC met in regular session; all three present.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Community Council communications; 3) Director's update.

CHIEF ADMINISTRATIVE OFFICER MEETING

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated January 18, 2011. Amount/\$34,343.91. Document to County Auditor..

Additional discussion item(s): 1) Public Works departmental update; 2) Legislative update.

PUBLIC MEETING – January 19, 2011**1. CALL TO ORDER**

Chair Curtiss called the meeting to order at 1:30pm

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Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

Staff Present: James McCubbin, Deputy County Attorney, Janet Rhoades, OPG

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

None

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

a. Weekly Claims List (\$1,146,546.45)

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$1,146,546.45. Commissioner Landquist seconded the motion. The motion carried on a vote of 3-0.

b. Commissioner Landquist would like to let everyone know about the Winter Story Telling Series at the Travelers Rest State Park in Lolo. On the weekends they have different Tribal members or elders and history folks come and tell various about the Native American History. One of the reasons why this is done in the winter is because its Tribal Traditional, winter time is story telling time and so there's a whole series of these. You can find out more about this on their website at www.travelersrest.org. The next planned one is January 22, 2011 (11:00-12:00) - The Salish Geomythology with Tim Ryan a Salish Tribal Member. The cost is free to members, Adults \$3.00, under 18 free. It's an enjoyable presentation.

5. HEARING

Airway Fleet Fuel Rezone (from Unzoned to C-C2 'General Commercial') – 8448 Highway 10 West. Staff Report.

Chair Curtiss: Is there anyone here that would like to speak for or against this zoning proposal?

None

Chair Curtiss: So this has already gone to planning board?

Janet Rhoades: Yes

Chair Curtiss: And they were recommended for approval?

Janet Rhoades: Yes, correct

Chair Curtiss: Any questions for Janet?

Commissioner Landquist: So this is precisely what the owners are requesting of us? And they realize it will be conditional they're in the business of gas so obviously they understand the rules and regulations?

Janet Rhoades: Yes and if they want to expand they'll need to do conditional use review then and to my knowledge they have been notified and they do understand that.

Chair Curtiss: If there's no public comment then I move to close the hearing.

Executive Session

Commissioner Landquist made a motion that the Board of County Commissioners approve the request to zone the unzoned property legally described as lot 3 of West Field Center located in Section 21, Township 14N, Range 20W to C-C2 General Commercial based on the findings in the Staff Report today. Commissioner Carey seconded. The motion carried on a vote 3-0.

6. OTHER BUSINESS

None

7. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 1:37.

THURSDAY, JANUARY 20, 2011

BCC met in regular session; all three present.

Replacement Warrant - JC signed. Mina Miessner, Missoula, Principal for PHC Warrant #30121579, issued August 21, 2008 on County 2274 Fund. Amount/\$10.00 (for travel settlement). Warrant not received in mail; no bond of indemnity required.

ADMINISTRATIVE MEETING

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County Payroll Transmittal Sheet – BCC signed. Pay Period: 01/CY2011 - Pay Date/January 14, 2011. Total Payroll/\$1,330,600.65. To County Auditor.

Form – JC signed Exhibit 4-F/Project Progress Report/CDBG Request for Funds Form for Contract #MT-CDBG-09HR-02, on behalf of Mountain Home Montana, Inc. Amount requested/\$273,742.24. Original to Jean Harte/OPG. [Mistake made on form; ML re-signed on 1/28/11].

Amendment – BCC signed, dated January 20, 2011. To Contract between County and The Salvation Army (of 11/9/2010) for Emergency Winter Shelter Plan. Amendment increases amount from \$25,000 to \$35,000 per request from Emergency Shelter Committee. One original to Peggy Seel/OPG.

Additional discussion item(s): 1) Public meeting agendas; 2) Commissioner representation on Boards/Commissions; new schedule distributed; 3) 9-1-1 issues; 4) Legislative update.

FRIDAY, JANUARY 21, 2011

BCC met in regular session; quorum present. ML out of the office all morning.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, JANUARY 24, 2011

BCC met in regular session; quorum present in morning. BC ill/out of the office all day. ML out of office all afternoon.

Planning Status Meeting – BCC/OPG Staff. 1) OPG Director's update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Open Lands Committee; 3) Bond Project Summary; 4) Parks/Trails Plan Update-Survey; 5) Land Management MOU Agenda; 6) Community Council communications; 7) RI Director's Update.

Indemnity Bond – JC signed. Heather Tone, Missoula, Principal for Accounting Warrant #31312704, issued January 14, 2011 on Payroll Fund. Amount/\$342.82 (for wages). Warrant lost.

Request – BCC approved/signed Memorandum of Agreement, dated November 30, 2010, between County Parks Board and Hellgate Lions Club for \$4,000 Fall FY11 Matching Grant funds for replacement of fascia & outside light replacement/insulation at the Den at Hellgate Lions Park. Funds must be spent by November 30, 2012. One original to Lisa Moisey/County Parks.

Resolution No. 2011-005 – BCC signed, dated January 24, 2011. Resolution of Intent to zone unzoned property known as 8448 Hwy 10 W. to C-C2 (General Commercial). Public Hearing held January 19, 2011.

TUESDAY, JANUARY 25, 2011

BCC met in regular session; all three present. Afternoon: ML/BC toured Nutritional Laboratories.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated December 10, 2011. Between County (PHC) and Alison Forney-Gorman, M.C. for physician clinical care services at PHC. Amount/\$136,500 yearly. Term/July 1, 2010-June 30, 2012. Two originals to Brenda/PHC.

Contract – BC (Acting Chair) signed. #11-07-4-51-017-0 between County (PHC) and DPHHS for HIV prevention services for period January 1-December 31, 2011. Amount/\$28,163. One original to Kim Campbell/OPG.

Letter – BCC signed, dated January 25, 2011 to Evaro-Finley-O'Keefe Community Council, Evaro, responding to request for speed study. MDT reps advised that concerns are being addressed.

Additional discussion item(s): 1) County provision of sewer/water services; 2) Legislative update.

WEDNESDAY, JANUARY 26, 2011

BCC met in regular session; quorum present. ML ill/out of the office all day.

Replacement Warrant – JC signed. Lynn Shoup, Condon, Principal for Weed Warrant #135990 issued June 4, 2009 on County 2840 Fund. Amount/\$52.50 (for weed grant). Warrant not received in mail; no bond of indemnity required.

Replacement Warrant – JC signed. Barbara Denman, Missoula, Principal for Justice Court Warrant #30133276 issued April 16, 2009 on County 1000 Fund. Amount/\$16.40 (for jury duty/mileage). Warrant not received in mail; no bond of indemnity required.

COMBINED CAO and COUNTY ATTORNEYS MEETING

Agreement – BCC signed. Lease Agreement/With Option to Purchase between County (Buyer) and GLR Properties I, LLC (Seller) for facility at 199 West Pine. Term: 10 years after Commencement Date. Annual Basic Rental/\$280,000 per year. Originals to Amy Rose/Public Works for further signatures/handling.

Request for Records Disposal/Transfer Authorization – JC signed following from:

- 1) Judge Harkin - 1 box Court Notes (6/5/2000-12/28/2000).
- 2) Sheriff - 1 box Day Book Sheets (5/1/2002-11/30/2002).
- 3) Treasurer – 12 boxes misc. (Balance sheets/bank statements/vouchers/reports, etc. (7/1/2002-12/31/2008).
- 4) Motor Vehicles – 21 boxes misc. (Balance reports/correspondence/receipts/voids/mail, etc.) (1/1/200-1/9/2009).
- 5) Treasurer – 19 boxes/114 books misc. (Tax bills/abatement/lists/registers/receipts, etc.) (1895-2000).
- 6) Justice Court - 2 boxes (Receipts/Trust Accounts) (1/1/1996-10/4/2002).
- 7) Justice Court 1 - 12 boxes misc. (Civil/Criminal/Small Claims/Tickets) (12/15/1999-1/2/2001).

To Records.

Additional discussion item(s): 1) Departmental Meeting/County Attorneys; 2) Legislative update.

PUBLIC MEETING – CANCELED (no Agenda items).

THURSDAY, JANUARY 27, 2011

BCC met in regular session; quorum present. BC on vacation through Tuesday, February 1st.

ADMINISTRATIVE MEETING

Request – BCC approved expenditure of \$3,500 from Milltown Historic Preservation Trust to be used as matching funds for MT State Historic Preservation grant for interpretive planning for Milltown State Park (to hire design consultant). Staff directed to prepare Budget Amendment.

Library Board – BCC extended terms of all members by 18 months, per amended Library Board Bylaws defining terms for five (5) years (vs. three years; consistent with State Law). New term ending dates are:

- Margaret Wafstet and Christine Prescott – June 30, 2012;
- Brenda Jackson and Neal Leathers – June 30, 2013; and
- Rita Henkel – June 30, 2014

Letter – BCC signed, dated January 26, 2011 to MT FWP, Trails Coordinator, Helena, supporting Missoula Snowgoers' request for a Federal Recreational Trails Grant to groom trails mainly in Lolo Pass/Garnet areas.

Additional discussion item(s): 1) New Milltown State Park Manager/Mike Kustudia; 2) Legislative update; 3) County bridges.

FRIDAY, JANUARY 28, 2011

BCC did not meet in regular session. BC on vacation through Tuesday, February 1st. Morning: JC attended Economic Outlook Seminar, held at Hilton Garden Inn.



Vickie M. Zeier
Clerk & Recorder



Jean Curtiss, Chair
BCC

MONDAY, JANUARY 31, 2011

BCC met in regular session; quorum present. BC on vacation through Tuesday, February 1st.

Planning Status Meeting – BCC/OPG Staff. 1) Public Comment; 2) OPG Director's update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Planning Board Check-in; 3) Community Council communications; 4) Director's update.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: FEBRUARY, 2011

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of FEBRUARY 2011:

Date Signed	Claims List Date	Who signed	Amount
February 1, 2011	February 1, 2011	JC, ML	\$207,473.46
			\$56,351.00
			\$3,090.91
February 2, 2011	February 2, 2011	JC, ML	\$7,956.86
			\$23,904.78
			\$1,864.23
			\$2,953.65
			\$2,682.12
February 3, 2011	February 2, 2011	BCC	\$36,089.21
February 3, 2011	February 3, 2011	BCC	\$1,549.25
			\$16,917.04
			\$838.46
			\$89,835.65
February 7, 2011	February 7, 2011	BCC	\$5,708.33
February 8, 2011	February 8, 2011	BCC	\$10,284.04
			\$14,672.13
			\$2,017.94
			\$28,119.29
			\$23,656.89
			\$20,289.03
February 9, 2011	February 9, 2011	BCC	\$4,803.65
			\$12,037.58
			\$121.85
		JC, BC	\$6,913.69
			\$98,477.05
February 10, 2011	February 10, 2011	BCC	\$33,261.13
			\$43,537.02
			\$1,271.88
			\$1,508.97
			\$121,014.57
			\$53,189.85
			\$845.35
February 14, 2011	February 14, 2011	BCC	\$18,509.58
February 15, 2011	February 15, 2011	BCC	\$1,230,999.41
			\$3,750.11
			\$62,588.40
February 16, 2011	February 15, 2011	BCC	\$36,674.53
February 16, 2011	February 16, 2011	BCC	\$27,858.22
			\$19,710.19
February 17, 2011	February 17, 2011	BCC	\$35,686.41
			\$831.73
			\$108,331.92
			\$50,021.84
			\$152,978.89
		JC, BC	\$43,000.00
			\$344.67
			\$12,859.75
			\$4,045.09
			\$3,927.25
February 23, 2011	February 22, 2011	BCC	\$4,331.86
			\$16,394.36
			\$677.25
			\$7,422.48

February 23, 2011	February 23, 2011	BCC	\$75.00
			\$8,308.55
			\$20,895.30
			\$45,125.41
			\$195,063.99

All Claims Lists were returned to the Accounting Department.

TUESDAY, FEBRUARY 1, 2011

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 02/CY2011 - Pay Date/January 28, 2011. Total Payroll/\$1,202,974.88. To County Auditor.

Task Order – JC signed. #11-07-4-11-045-0 to Missoula County Unified Gov't Master Contract between County (MCCHD) and MT DPHHS for period July 1, 2005-June 30, 2012 (Tuberculosis Program). Renews annual grant for January 1, 2011-December 31, 2011. Amount/\$4,000. Three originals to Julie Mohr/Health Dept.

Resolution No. 2011-007 – BCC signed, dated February 1, 2011. Budget Amendment for Health Dept., establishing line items in amount of \$4,300 from CJ Foundation SIDS Grant. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Grant Documents – JC signed Grant Application/Certifications/Assurances/Lobbying Form for \$50,000 to provide MUSAP support (as part of Missoula Forum for Children/Youth) for substance abuse prevention strategies. Original to Peggy Seel/OPG.

Amendment – BCC signed. Lease Agreement Amendment #3 between County and MT FWP for construction/management of fishing access site at Kona Ranch Bridge. Section 3 (Responsibilities) amended as follows: "6) Manage the site as a day-use only Fishing Access Site and establish daily hours of operation and seasonal closure dates." Two originals to Lisa Moisey/Parks for further signatures/handling.

Resolution No. 2011-006 – BCC signed, dated February 1, 2011. Budget Amendment for 9-1-1 establishing line items in amount of \$6,000 for writing of Operations Manual for 9-1-1 centers (funded by reimbursement grant from State of MT). For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County. BCC also authorized Bob Reid/ES Director to sign grant agreement.

Additional discussion item(s): 1) Presentation: PRAXIS report on homelessness/housing instability in Missoula; 2) Legislative update.

WEDNESDAY, FEBRUARY 2, 2011

BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Agreement – BCC signed. 2010-2012 Collective Bargaining Agreement between County and The Federation of Missoula County Employees. Two originals to Jean Shannon/HR.

Agreement – JC signed. Special Use Agreement between County and U.S. Forest Service for the Barber Creek Pit for storage of road materials. Permit terminates in five years. Originals to Amy Rose/Public Works for further signatures/handling.

Resolution No. 2010-008 – BCC signed, dated February 2, 2011. Budget Amendment for Health Dept., establishing revenue/expenditure line items in amount of \$107,680 for WIC additional funding (#10-07-5-21-014-0). For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Resolution No. 2010-009 – BCC signed, dated February 2, 2011. Budget Amendment for Health Dept., establishing revenue/expenditure line items in amount of \$24,439 for MT State Diabetes Prevention Grant. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Resolution No. 2010-010 – BCC signed, dated February 2, 2011. Budget Amendment for OEM, showing VFA/RFA pass-through grant in amount of \$21,210.46 for equipment for Rural Fire Districts (\$21,233). For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Resolution No. 2010-011 – BCC signed, dated February 2, 2011. Budget Amendment for 9-1-1, showing revenue in amounts of \$13,898.61 and \$13,898.62 (State Public Safety Services Bureau reimbursement grant and 9-1-1 participation) for equipment for Backup 9-1-1 Center at County Airport (\$27,797.73). For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Letter – BCC signed, dated February 1, 2011 to Growth Through Agriculture Committee, Helena, supporting Cooper Burchenal's request to reapply for funding for his innovative beef-based product.

Letter – BCC signed, dated January 27, 2011 to Charlie Rehbein/Aging Services Bureau/DPHHS, Helena, strongly supporting Option #1 for State Aging Plan Re-Designation. County wishes to remain with Area XI Agency on Aging as designated provider of aging services. County supports Missoula Aging Services.

Additional discussion item(s): 1) Parking lot maintenance/Swan Community Center; 2) Legislative update.

PUBLIC MEETING – February 2, 2011

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

None

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

a. Weekly Claims List (\$1,504,211.52)

Commissioner Landquist made a motion to the Board of County Commissioners to approve the weekly claims list in the amount of \$1,504,211.52. Chair Curtiss seconded. The motion carried on a vote of 2-0.

b. Public Announcements

5. HEARINGS (CERTIFICATES OF SURVEY)

a. Jette (Stephen) Family Transfer and Boundary Relocation

Executive Session

Commissioner Landquist made motion for the Board of County Commissioners to approve the request by Stephen Jette to create two (2) additional parcels by use of the family transfer exemption and a boundary relocation for twelve (12) acres based on the fact that there does not appear to be an attempt to evade subdivision review. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

b. Koch (Dave) Family Transfer

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the request by Dave Koch to create one (1) additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Chair Landquist seconded. The motion carried a vote of 2-0.

6. HEARING

Petition to Abandon a Portion of a GLO Road from Trumpeter Court to Airway Boulevard (Lot 1A, Missoula Development Park - Phase 2, Block 10)

Executive Session

Hearing in recess. The Board of County Commissioners. Site visit Friday, February 4, 2011 at 1:00pm. Hearing to be continued at the next public meeting Wednesday, February 9, 2011 at 1:30pm.

7. OTHER BUSINESS

None

8. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 2:03pm.

THURSDAY, FEBRUARY 3, 2011

BCC met in regular session; all three present.

Certificate of Survey – ML/JC signed. Last parcel needed to create Milltown Overlook Park; 6.36 acres. Owners/Burlington, Northern, Santa Fe Railroad.

Replacement Warrant - JC signed. Shane Kirby, Hamilton, Principal for PHC Warrant #30136234, issued June 11, 2009 on County 2274 Fund. Amount/\$32 (for patient refund). No bond of indemnity required.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending January 31, 2011.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending January 31, 2011.

Monthly Report - JC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending January 31, 2011.

ADMINISTRATIVE MEETING

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Budget Transfer – BCC signed, dated January 7, 2011. Control No. 11-002 for Health Dept. in amount of \$3,600 for line item to purchase County Motor Pool car.

Resolution No. 2010-013 – BCC signed, dated February 3, 2011. Budget Amendment for Health Dept., establishing revenue/expenditure line items totaling \$43,178 showing new EPA Riparian/Wetland grant to Water Quality District FY 2011 budget. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Resolution No. 2010-012 – BCC signed, dated February 3, 2011. Budget Amendment for Health Dept., establishing revenue/expenditure line items totaling \$15,819 showing funds received for H1N1 clerical activities FY 2011 budget. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Addendum – BCC signed. Between County and A&E for Records Management Center. Addendum relates to design/construction/management for conversion of Earnest Street warehouse, and provision of sprinklers for entire facility. Amends AIA B101 and AIA B101 Exhibit A. Amount/\$68,680. One original to A&E.

Contract – BCC signed, dated February 3, 2011. Yearly contract between County and Collection Bureau Services, Inc. for collection of Justice Court fees/fines. Term/February 3, 2011-December 31, 2013. One original to J. Ingraham/Justice Court.

Grant Application – BCC approved submission of application for Justice/Mental Health Collaboration Program Grant (for Co-Occurring Treatment Court). 4th Judicial District Court seeks \$200,000 over two years. Brenda Desmond to submit clean copy.

Letter – BCC signed, dated February 3, 2011 to Sue Hadnot, Chair, Lolo Community Council, setting forth BCCs decision to dissolve the Lolo RSID 901 Advisory Board.

Letter of Intent – BCC signed, dated February 2, 2011. To DPHHS/Addictive/Mental Disorders Division, Helena, to apply for additional HB 130 funding for FY11 (for salaries and cell retrofitting at Detention Center). Total amount requested/\$86,933. Original to Kim Campbell/OPG.

Additional discussion item(s): Legislative update.

FRIDAY, FEBRUARY 4, 2011

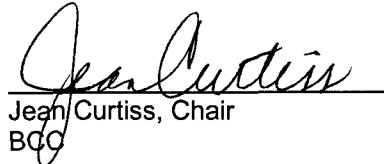
BCC met in regular session; all three present.

Site Visit - BC accompanied Steve Smith on site visit to GLO Road, Missoula Development Park.

Request for Records Disposal/Transfer Authorization – JC signed. From Justice Court 2: End of month reports (2002). To Records.



Vickie M. Zeier
Clerk & Recorder



Jean Curtiss, Chair
BCC

MONDAY, FEBRUARY 7, 2011

BCC met in regular session; all three present.

Planning Status Meeting – BCC/OPG Staff. *Canceled (No agenda items)..*

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Bighorn Sheep Management; 3) Community Council communications; 4) RI Director's Update.

Request for Records Disposal/Transfer Authorization – JC signed. From Cerese Parker: 2 boxes/Court Notes (4/22/2000-12/13/2000). To Records.

TUESDAY, FEBRUARY 8, 2011

BCC met in regular session; all three present. BCC attended *State of Missoula* luncheon, held at DoubleTree Hotel (from 11:30am-2:00 pm). JC delivered *State of County* address.

ADMINISTRATIVE MEETING – No action items. Mid-Year Budget Review only.

Additional discussion item(s): None.

Request for Records Disposal/Transfer Authorization – JC signed. From Justice Court 2: 12 boxes/Civil JP/Criminal JP2/Tickets JPS (5/4/2000-12/31/2000). To Records.

WEDNESDAY, FEBRUARY 9, 2011

BCC met in regular session; all three present in morning. Noon: JC attended Missoula Business Women's Network Luncheon, held at Holiday Inn. ML out of office all afternoon.

Indemnity Bond – JC signed. Danielle Slate, Missoula, Principal for AP-Claims Warrant #27-227060, issued January 20, 2011 on Payroll Fund. Amount/\$117.60 (for student transportation). Warrant lost.

CHIEF ADMINISTRATIVE OFFICER MEETING

Resolution No. 2010-014 – BCC signed, dated February 9, 2011. Budget Amendment for Health Dept., establishing revenue/expenditure line items in amount of \$2,500 (from grant) to increase spending authority for Milltown Redevelopment Historic Preservation Trust. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Board Appointments – BCC re-/appointed the following as members of the Marijuana Initiative Oversight Committee (all for new 3-year terms February 7, 2011-February 7, 2013):

1. Joe Swanson (County Resident);
2. Craig Shannon, Esq. (Criminal Defense Attorney);
3. Kelly Larsen (Harm Reduction Advocate) new 3-year term;
4. Katherine Orlowski (County Resident) –
5. Kevin Merkley (Medical Marijuana Patient) - .

Additional discussion item(s): Legislative update.

PUBLIC MEETING – February 9, 2011

1. CALL TO ORDER

Chair Curtiss called the meeting to order at 1:33.

Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey

Absent: Commissioner Michele Landquist

Staff Present: James McCubbin, Deputy County Attorney, Steve Smith, Surveyor Public Works, Greg Robertson, Director Public Works, Kim Cox, Clerk of Recorder

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

None

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$289,338.90)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the weekly claims list of \$289,338.90. Commissioner Landquist seconded the motion. The motion carried on a vote of 2-0.

- b. Public Announcements

The Western Montana Fair is still collecting cowboy boots.

5. HEARING (CERTIFICATE OF SURVEY)

Hines (Frank and Anita) Family Transfer

Staff Report

Tim Wolfe Letter

Public Comment

None

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners approve the request by Frank and Anita Hines to create one (1) parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

DECISION (HEARING ON FEBRUARY 2, 2011)

Petition to Abandon a Portion of a GLO Road from Trumpeter Court to Airway Boulevard (Lot 1A, Missoula Development Park-Phase 2, Block 10)

Viewers Report

Supporting Emails

Exhibit of Lots 1a and 2a

Public Comment

None

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners approve the petition to abandon a portion of the GLO Road from Trumpeter Court to Airway Boulevard (Lots 1A and 2A, Missoula Development Park-Phase 2, Block 10). Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

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7. **HEARING AND DECISION (POSTPONED FROM OCTOBER 10, 2007)**
Petition to Abandon a Portion of Woodville Avenue (South of Third Street in Clinton)
Staff Report

Public Comment

James McCubbin: Charles Drinville, who's a Clinton resident, who had testified in one of the prior hearings or maybe both sessions contacted me this morning and asked if it was necessary for him to appear to have his comments in the record. He had some concerns about travel because the roads from Clinton are snowy and so forth. I let him know that I would inform you that he maintains an interest in this and wants to reiterate the comments that you've already got on the record.

Chair Curtiss: So we'll make clear that all comments that were made in 2007 on the record are still part of this record.

Phyllis Jamison: Many of the legal claims that I'm raising against this proposed abandonment are similar to the claims that I raised to another recent abandonment around my property because we do need to put this in context of...I'm probably the only resident in Missoula County that has all these abandonment's going on around them. Closing down the access and most especially the fire suppression access has been closed down to my property. That other abandonment should never have happened, there's so many statutes that were broken on that one that I did file a lawsuit, you probably noticed I haven't served it yet, anticipating I'll probably need to amend it after today's proceeding. On the other lawsuit that I filed January 3rd numerous statutes were broken as well, the petition should never have been accepted for that one because the first statute on that one was violated for that type of abandonment, all of the land owners need to approve it. That should never have gone to a first hearing; it should never have taken up tax payers' money and everybody's aggravation to a first or a second hearing or a site viewing visit. There's a lot of hostility in that neighborhood right now because of all these proceedings, there's a lot of hostility in the neighborhood and violence because of these proceedings. Charles Drinville who gave you all the...he comes to all these meetings with a happy little smile on his face. He's lived in most of these areas where the encroachments have taken place; he's left a little trail of disaster behind him everywhere he lives. And he's always real happy when he's at these meetings, he seems to come to the them and make his little comments and then just leaves and doesn't accept any responsibility for himself - never mentions that he's created these hazards, some of them hazardous abandonment's - hazardous encroachments, excuse me. In particular, the other person that you've have had written notice from, making comments about me, extremely viscous, he's also made very viscous comments about me, defaming me almost as badly as the county has on the first page of the newspaper. Wheatley's encroachment is the one that Drinville built; he admitted that in the last hearing on the other abandonment. That denies me out of a 60 foot width of Woodville Avenue; it denies me the 20 foot width that is required for fire suppression access. Now if he were to move that...he's in a place in his fence where he's replacing his fence, he stopped right at the point or very, very close to the point where when he finishes his fence replacement is where he cuts into Woodville Avenue. Now I've been asking for that to be his fence...when he does the rest of the replacement to be set back on his own property line, that's the one the Drinville built. He puts everything in the middle of the street, sheds and fences, whatever. I'm asking that Wheatley be required to put his fence, when he builds the rest of his cedar fence, on his own property line so I have fire suppression access like all my neighbors do. All my neighbors not only have more, they have 60 foot and more around them, I have 7 ½ feet, out of 60 feet by your county map, that's not enough for fire suppression particularly when - now you've got abandoned the only other access to my property on 4th Street. And when you close down the roads, you think it's so easy just to close them down and give them away, that doesn't leave any leeway for anything to maybe go wrong, like a car parked someplace extra...like Jack Lund now. It's not enough for him to have three major abandonments around their house and a fence sitting outside that needs to be taken down, that's deceptively written in there, that's 35 feet outside the property line - the new abandoned property line if this gets passed. That free standing fence is not next to the proposed abandonment line, its 30 feet out, it needs to be taken down because even that's not enough for him. He parks his Eagle Satellite van at the top of the hill and by the way, he couldn't get out either now, he gets a flavor of what I have to go through without having mine snowplowed anymore. No snowplow service. This all goes back to the discrimination; I've been treated this way by Missoula County ever since I started speaking on highly controversial issues 10 years ago, until you shut me up. So, most of this winter I've had his Eagle Satellite van sitting at the top of my hill and not too long ago I had to have somebody help me carry all the groceries down...this was dark at night...on a slippery, icy road. We had to stop...he said I'm not driving past that car that big Eagle Satellite van, my little roads already (in audible) in he parked it in more. He said I'm not driving past that, I'll hit it, I'll slide. These are little things you leave me - 7 ½ feet does not leave room for me or anybody else to drive on a slippery little road downhill, especially when that Eagle Satellite vans parked there. Now, on the other abandonment you've already done, that's also been closed off for me this winter. If I had an emergency that I had to call I wouldn't have any emergency vehicle at all to my property this winter. Because on the other one as David Lorenzo said and Debra Lorenzo said at two separate meetings, that alley which is supposedly now my fire suppression access that the counties forcing me to use on that side, both Lorenzo's has said, well David has said, it's impassable many times of the year, especially in winter. Debra Lorenzo said at the other meeting, the other abandonment, the alley was blocked when the ambulance tried to get through it and it had to come through 4th street. That's not an in and an out for fire suppression access for me, that's too much abandoning me going all the way around especially with that extra 35 foot fence.

Section 7.14.26.16.1 Missoula Code Annotated. The County Commissioners may discontinue a street or alley, or any part of a street or alley, in an unincorporated town or town site, upon the petition in writing of all owners of lots on the street or alley, if it can be done without detriment to the public interest. This proposed abandonment is definitely not in the public interest so much so that Missoula County has created a false map that it attached not only to the petition that was signed but the false

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map was referenced in the false ...therefore false 92707 bureaus report. The false map was also reference in various notices of hearings that were published. One can be deceitful by omission as easily as by co-mission. Left off the county's map that was (in auditable). The Lund's have three (3) major abandonment's around their house.

Chair Curtiss: You need to speak in the mic – it isn't that we can't hear the TV guy needs to hear too.

Phyllis Jamison: I do notice that every time I get to the mic, like I get...excuse me, I'll get to you in a minute – you're interrupting me.

James McCubbin: Ms Jamison, if you don't speak into the microphone your comments may not end up being in the records.

Chair Curtiss: Because we record them all.

Phyllis Jamison: I just noticed the last meeting you didn't keep talking to get everybody else on the mic and I could still hear it on the DVD. I had to buy the DVD player because I was never given the minutes to the meetings, even going back to November yet. So, I had to buy a DVD player. I noticed nobody else had trouble getting picked up on the mic. I noticed that's one thing, every time I went to one of the maps to point out falsities or other problems on the maps, that it kind of maybe...I was hitting a nerve here and showing...pointing deceits and various things like that – like this, then I get a lot of interruptions.

Chair Curtiss: The TV fellow just told us that he can hear you okay, so we're good.

Phyllis Jamison: I'm sure he can. I'm glad you're not going to interrupt me then. I hope you'll save your questions or comments till the end. It's not only disrupting to me, it upsets me so I can't even carry a train of thought through the rest of my presentation. So if you keep interrupting me while I'm trying to talk and don't hold your comments till the end, I'm gonna actually leave like I did last time in the middle, when I got interrupted over and over and over again...I got furious and I left and if I have to do that again this time, the hearing won't count. You're forcing me out by the constant interruptions; you don't do that to the others...more discrimination...claims I'm going to be rising as well. Because look at this...that's left off and not only is it left off but this is a deceit by co-mission as well because they've drawn a line around here that makes it...that bolded line indicates a right-of-way. This is darker then the other lines, those lines represent...and there's a key that says so on one of your other maps. That shows...this is the way it is legally. 3rd Street's been vacated totally – 60 foot of it. Then I attended, with a prior neighbor that lived there, he'd asked me if I'd come and talk, he described his situation and sure, I'll go speak so that if a similar situation...apparently the abandonment that just appeared for the gentleman that was here, needed it for his (in auditable) go through escrow. I said sure, I understand you need (in auditable). As a matter of fact, he was having car trouble, I brought him down here and sat right here and talked for him and helped him and dropped him off at the car shop and drove home. That four (4) foot was to get that house out of the street, fine; it didn't need to come down here though. It didn't need to go up there but he got all this extra too. Then now they encroached here...I'll get to most of that a little bit later. They put their septic in the street knowing that it was the wrong thing to do, knowing it was in the middle of the street. It's not only not in the public interest, it's to the public detriment that...and to the extent as I say that it's to the public detriment, to the extent that the county made this false map and circulated it with the petition. Circulated it with the petition, referenced it in the viewers report, referenced it in all the public notices, no one – no member of the public, no one signing the petition was aware of all the land that's already been abandoned around the Lund house. And the reason is because; gee somebody might say, hey that's too much land, what's going on here? That was deceptively left off. By the way, not only can deceit be by omission as easily by as co-mission but the maximum falses in uno, falses in omnibus, couldn't be more apt here. Because falses in uno, falses in omnibus; false in one, false in all. False in one respect, false in all respects. And that's very apt here in this abandonment proceeding because there's numerous deceptions by the Lund's in this proceeding on their paperwork and there's numerous ones by the county. As far as it not being in the public...actually it's into the detriment of the public, it's not just that it's not in the public interest; it's also to the detriment of the public, which is against the law on this type of abandonment. This access here (pointing to the map) is one that I used when I still was doing my home based business. I'm thinking about starting up my home base business again because I have to, everything seems to be broken right now at home and I've taken care of stuff, but I need to get working again. At the time I stopped doing massage therapy business and I stopped in about 2001, I was kind of surprised all my clients, almost virtually all of them followed me from Missoula to Clinton when I purchased my home there because for one thing I use the Edgar Cayce treatment oils and formulas and I'm the only therapist in Missoula, that I'm aware of, that uses those treatments exclusively, I don't use anything else. Some of the therapists do and they don't even know it, they may use one of two of the oils or something but there's no one that I know of that uses lots of products. I sold lots of his products, he was a physic back in the 30's & 40's and world known and a lot of his methods really truly...he channeled information from the higher rounds and it was quite phenomenal, this stuff really does work. I've been getting calls; several doctors referred people to me. A lot of my clients at least had severe physical problems; nerve damages of all kinds and arthritis severely that they were taking gold shots at the hospital and things like this. So I couldn't have people like that driving down to see me or even people who are just coming in for sports, or for relaxation, or for whatever, coming in to see me if then on the way in or out they have to deal with a road that's too narrow, that takes right off because it's too narrow or because it's blocked by the neighbors truck. I've taken pictures of that, it's gonna have exhibit numbers on it and stuff to show to the court. I've also mentioned, in case I'm not allowed to speak after you close the hearing, that I will be appealing this to the District Court, if need be, because numerous statutes have been violated here. I can't have these clients of mine, if I decide to start my business up again - #1, I've stopped it two times so...especially people with severe medical problems, I can't start it up again unless I'm gonna commit to staying with it for at least a few years because they get to depend on you. I can't have these people coming down

and flipping off the road and I also need fire suppression access. One of my clients, he's passed away now but he was a retired Admiral in the Navy, and he you know, like others brought his pills with him and he wore nitroglycerin around his neck and stuff. These people have the kinds of problems that may need...I need to have the knowledge that medical access can come through and a lot of this winter they could not have, not unless they're willing to take a chance in busting up with Lund's van.

Oh, I think I got a little side tracked...the other road you've abandoned too narrowly because now...sitting there right now, anybody can go look at it, there's a HUGE berm of snow there. That's the only access of (inaudible) if I cut my gate or cut my fence, like I did before for the ambulance to get back in the back of my property. I couldn't do that; it wouldn't even work to do that because there's a HUGE berm of snow. Like David Lorenzo said, that alley's impassable a lot of the time and so somebody got their car stuck and somebody else came along and unplowed them and pushed the snow up everywhere and it's all blocking...where that entrance...where an ambulance could get to the back of my property. It's too narrow...all my neighbors have 60 feet or more, 20 feet or more, I have none of that and I'm being abandoned in AND I'm being abandoned in...I have none of that AND I'm being abandoned in, on all sides of me. Section 7.14.2602.6 Montana Code Annotated, the petition must set forth the necessity for an advantage of the petitioned action. We'll take all four (4) of them here:

#1 – Well first it says the heading over #1, The Abandonment of this County Road is Necessary and Advantageous for the Following Reasons. First of all, neither of those is true, it's not necessary or advantageous. But anyway...#1 – the portion of the road to be abandoned is not needed for any public person...this is a false statement, but I'll get to that...the portion of the road to be abandoned is not needed for any public purpose nor can it be reasonably be anticipated to be useful for any public purpose in the future – false. First of all, too much encroaching is never enough for an encroacher. All of this, plus all of this little strip here to get the house out of the street - oh and by the way, when I came in to speak for that I asked Attorney Sehestedt at the time, now is that all you need - be sure because I don't want to come in here for any more abandonment's. That was shortly after you all cut off my snow plow service, so you were a little cautious of being careful not to cut me down too much, although you were. But I said sure go ahead and let him help do that. Then, now they've taken this and too much encroaching is never enough...is where he parks his...right here where I can't...there's always a snow berm you come around the corner here and you leave these big berms. I come up this slippery hill, icy hill and I can't get over the berm, now I can't get past Lund and his Eagle Satellite truck. Also, most of this, a lot of this, probably at least half of this is not necessary. Not necessary to cover the septic, not necessary for any reason, it's just...and this particular part here is detrimental to the public as well, it goes over the center line...over the center line of the easement so that the Lund's can have these pretty trees that are standing in the center line of this easement. Actually, they're leaning and they're pine trees, they're all dying, they're a hazard. Eventually they will all die, they're all turning brown but those need to be cleared out, that's a detriment to the public. And this down here, I have photographs that show none of the septic is down below...down South of the house, that needs to be...you're giving, giving, giving to the neighbors so they can have pretty trees, but I can't have fire suppression access that which is there. But here's what Pat Clinch told me, Deputy State Fire Marshall Pat Clinch, when I talked to him and this is in writing and he also faxed it to me. In a property like mine, where you don't have a 20 foot width, that's what I'm asking here for. First of all, he won't come down at all without 20 foot, no matter what. That's some things and he told me what he can be discretionary about and what he can let his drivers do, what he used to do when he drove a truck, he told me about that and I'll let you know in a minute but he said that you have...no matter what with discretion, you can use he said, the 20 foot is absolutely firm. He said no matter what type of road it is, no matter whether it's a rural road, or an urban road, or an urban rural interface road, no matter what kind it is, he made it very clear, he said it several times; it has to have 20 foot width. That's why Wheatley's fence is coming down in here, it's not showing on this map, it is on some of your others, coming in here and cutting off. If Wheatley's fence, when he finishes that construction...if he puts that on his own property line, I'll have my 20 foot width, they will come down. That's a safety issue definitely. Now even when we get the 20 foot width going and I'm thinking of my clients here that wear nitroglycerin around their necks, some of them, well he did and then others have other special needs. So, with the 20 foot he'll keep it on his property line then with the 20...and I'll have to have somebody, even if the county won't do it, I'll have...I know an excavator who does...who has beautiful equipment, lots of it, and he'll come down and take care of that, leveling that down enough to get that so I can drive on it. I wouldn't ask the county to do that necessarily at all, but I need the space to do it in and I need these trees to come down in the center line because this isn't...but anyways once I get the 20 feet. I also need these trees, at least these trees taken down here, then in the back on my mine I'm asking - if this goes to court I'm gonna ask them for this whole thing to be overturned and there's a lot more statutes that were broken and other problems too. It was an adhesion contract that's where my signature came from but, I'll get into that a little later. In the back of my mind there's always a thought at some point, maybe we can reach some kind of a compromise, I know I think that's where your other Attorney and I were trying to get to...I won't go into all that but I'm always open minded and always flexible on those lines. But, not on safety issues I'm not (in auditable) can't be, not when I'm talking about other peoples life's coming in and I'm serving them. I can't say bye-bye, best of luck on the hilly hillside that's icy, snowy, slippery hillside - I hope you make it up to the top or good for you, you made it on down. And then send them off in an anxious hurry and then wonder what's gonna happen to them. Okay, so those trees and all need to come out of there, that needs to be...not their property it needs to be moved back so it covers only the septic, whatever. If this goes to court I'm not gonna be in the mood to talk about any of that but anyway that's it...it's in the back of my mind. So after we get the 20 foot established then the reason we need these trees out of here Pat Clinch told me on the phone, he said that 20 foot is firm, no matter what but he said what he used to do when he used to drive a truck and he'll let his men do it too, if it looks good to him, that's what he said firmly several times, if it looks good to him, he said he would back into an area, if it looks good to him and come down past here (looking at map) and come down and serve me and anyone else who's here.

By the way, if my property's in danger of fire so is theirs, so this is something for everybody to consider, it is a public detriment. So he said he would back in if it looked good to him, now he's not going to think it looks good to him if there's (in auditable) and there's a gully over here that's heavily

wooded in back of all of our homes. If anything there caught in this so he said if it looks good to him, it's not going to look good to him if he sees all these tall pine trees in here burning or tall pine trees in there period that could burn.

Now, #2 says here the other reason that it's supposedly necessary...by the way, so that means there's...that's not...that doesn't make it...there's no necessary reason for the Lund's to have all this land here with the trees, there's no necessary reason for them to have this land here. I have photos that show the septic isn't on here - south of the house at all. There isn't any necessary or advantageous reason what-so-ever for them to have this, they already have all this and I'm being squeezed down to 7 ½ feet of a 60 foot wide road. Well, the Lund's have been pretty excited though about all this because boy they are sure getting a lot of land, a lot of land including what they already have. Now, the County was not communicating with me in any way shape or form when all this petitioning was going on back and forth but they sure were with the Wheatley's and the Lund's. This one says from Jack and Deana to James D McCubbin - it says, "Hi James, I was just going to write you and let you know I got a little over excited and just realized that we didn't have a survey map yet. Sorry for being so eager, I hope you understand." This is the email. "I'll let you both know when we receive the survey map and when we get the signatures." Okay and down at the bottom is a note from McCubbin to the Lund's saying, "Jack and Deana, please do not circulate the petition until you hear back from Chuck and have both attachments with the petition." That's the copy of the agreement and the signatures gathered and the map that was - the two attachments, the map, this false map. McCubbin says, "Any signatures gathered without the attachments may be void." That's how important the attachments were, that's how important this false map was that has a heavy bold here indicating this is a right-of-way deceit by omission. Omnibus in uno, omnibus...excuse me, I can't say that...false in one, false in all - false in one, false in all. There's a lot of deceit here.

Now, we're on the emails, we might as well stay with them for just a minute. This is an exhibit here, a piece of evidence that shows that there was collusion going on, I could never call it that before this email, it's collusion between the Lund's and Missoula County to keep me out of the abandonment process and only let the others be included in communications like emails, phones - all my phone calls were unanswered, never returned that I made to James McCubbin asking for information, asking for what was going on. Never would talk to me, never did. Oh but here, they're going Jack & Deana are going "James, we received your email today, thank you, we will get this done this weekend and mail it to you next." But this is the one where McCubbin...it states in here somewhere that he's drafted their petition for them - Gee that's nice. He also made exhibits for the Lorenzo's - Gee that's nice. And you were also communicating with the Lorenzo's, obviously not with me; I came unprepared to that meeting. I do appreciate you sending me stuff this time, for this one so I could be a little more prepared. That's the first time I've ever received all the materials on time for any meeting of these abandonment's. But anyway, they're going in here, they're going; "James, we received your email today, thank you and then thanks again, Jack & Deana Lund." Then, this is from McCubbin; "Jack & Chuck attached is my initial draft of the petition," you must of meant Jack & Deana, I guess. Okay, "attached is my initial draft of the petition, before this gets circulated for signatures I want to confirm the legal descriptions with Chuck and we also need to get Chuck's survey depicting the area to be abandoned. Both a copy of the agreement and the survey map need to be physically attached to the petition when gathering signatures." Again, he's emphasizing how important this map is that people have an opportunity to look at it, they only got to see the false map. "And should be marked exhibit A & B respectively...and by the way, sometimes on these papers, exhibit A is the agreement, sometimes exhibit A is the map. Yea, here (pointing to exhibits on the wall) this time it's exhibit A, this time it's exhibit B and it's on all these different notices and things it gets very confusing, it's what they are, whether you're referencing an agreement or a map. You change your exhibit numbers around all the time on them. "The Lund's and the Wheatley's will all need to sign the petition, however given here waiver in the agreement there's no need for Ms Jamison's signature." Again, trying to exclude me from the process. Legally the way it's signed there you didn't have to have my signature but legally the way it's signed there I was to be given an opportunity to sign it and if I did not then I waive it, I was never given that opportunity because I was being kept out of the process - verbally and in every other way...in writing. Oh here, they're getting real friendly here they'll help them out in every way, like the Lorenzo's - Gee that's nice. "Jack in addition to the draft of the petition I'm also attaching a description of the procedure for a road abandonment, you need a total of at least 10 and on." Alright, now presumably this is also part of the petition and presumably this was also in McCubbin's draft he says it's his draft but this obviously shows up in the final one though - the signatures are on it, where again...breaking the law. It states in the law that my name and address has to be on the petition, it's not. My name is, property's there, property description but even though the addresses are listed for the other affected parties the address is not listed for me. It's not just so I can receive notices, that's very important - notices of meetings and notices of final conclusions of the meeting and all of that but it's on the petition so the petitioners can contact me if they want to. I may have one of the few abandonment's in the Missoula County Courthouse that is legal because I went above and beyond when the County Commissioners asked me what to do when I abandoned my house in the back of 4th Street. I went beyond what the Commissioners asked me to do, which didn't seem right to me, there should be more information on the petition form I felt. But, I also went beyond even what...as I read the statutes now, I didn't know it at the time but I went back beyond what the statutes requires too. And, I included things...addresses so that we did have communication back and forth, I didn't ask people out in Frenchtown about it, I know legally you don't have to ask your neighbors and all but I asked all the people around me. I started in a radius and worked around on my petition to abandon my road. Debbie Lorenzo said that I asked her and she said yea, sure. Well yea, I asked her, well when you ask people and talk to them you get a different response a lot of times. But anyway, that's what the addresses are for...one of the reasons is that...for instance even with Taylor, he was out of town and he was renting his properties; he's on that street too. You've come across him on the Lorenzo's petition on the other road that you're abandoning out around me and (inaudible) in completely. And, Taylor was in Las Vegas at the time his house was being rented out and even still I contacted him, I got the address from neighbors and contacted him and he talked to...he didn't know me because I just moved into the area so he talked to the other neighbors, blah, blah, blah. And we got a lot of problems solved and settled and eventually everybody either went along with it, only one person didn't raise an

objection that had objected prior. That was the Heath's in the yellow house, they said that's fine, go ahead and do it as long as it doesn't effect us. They didn't approve of it but they wouldn't object to it. I have that all in writing, all of their stuff it's what I submitted, it's probably about the only legal abandonment in the courthouse. Section 7-14-2603. Montana Code Annotated. The Investigation of the Request Concerning Road Shall be Sufficient to Properly Determine the Merits or Demerits of the Petition. Missoula County did not include in its report Jamison's concern that the abandonment fails to provide adequate fire suppression access to her property. Exhibits...and that goes back to that the Lund's have over the center line of the easement on top of everything else, these trees standing there. Those all need to be taken down and the abandonment moved back. If it goes to court it's all going to be taken out because there's too many things that are wrong with this. Missoula County did not include in it's report Jamison's concern that the abandonment fails required adequate fire suppression access to her property. Exhibits D, E, F G & H & I show that the abandonment violates the Missoula County Public Works Departments own policies, as well as Deputy State...all of the little diagrams that I submitted with the Lorenzo, my papers with that apply here. I had listed numerous diagrams of different ways that a turn around area can work and none of them would work here because there isn't either, basically because there isn't enough space even with taking the shed down. Now that's not anybody's fault but when that's the way the topography is, then you do the best you can with what you have left over. You use the land in the best, wisest way you can which isn't crossing the center line to take away. It also...another demerit of this petition is that it contradicts the Deputy State Fire Marshall Pat Clinch's December 23, 2008 faxed letter to me that fire department access roads need to be 20 feet wide and all weather driving capabilities. Further, Fire Code 18.2.2.5.2, that Deputy State Fire Marshall Pat Clinch faxed to me states, "Fire Department access codes shall be designed and maintained to support the enclosed loads of fire apparatus and shall be provided with a surface suitable for all weather driving capabilities." Which is this, it's been brought up to county standard. Logging trucks have gone...there isn't one ounce of a hint of a rut in any of this road going through here because it's all been brought up to gravel standard, contrary to what some of the county says. It's very much...it has not one ounce of a rut in it anywhere; logging trucks and everything has gone up and down it for years. Also, Governor Schweitzer announces on television at the start of each season that you need to have two ways into your property; a way in for fire suppression vehicles and another way out. So, if you don't have that...well, you've already taken that away from me on the other end. Now, at the road viewing report...at the road viewing meeting where you were supposed to list the demerits as well as the merits, according to the law that I just read and the Statute that I just quoted. I wasn't even allowed to participate in that even though it was right on my property. They had their 'No Trespassing' signs up, I have photographs of that and I'll be submitting that to court as well, where I was excluded. Excluded from the site viewing meeting so I didn't get to give my input as to what demerits would be for the viewers report. I was left out of that process entirely. Here again in the viewers report, we're referencing there again, that's what the county referenced. Described in exhibit A to the petition which would be the agreement presumably, although your A & B's changed around and shown on exhibit B to the petition. The reason that A & Bs getting mixed up matters is a lot of times I don't ever see one of those exhibits in the mail and presumably the other petitioners haven't received everything either, then I don't know...maybe you're just discriminating against me again. Here's a little note from Wheatley, just pretty much defamatory. He's one...I should mention too in connection with this, did you get any other comments by the way, than Wheatley's on this abandonment coming in outside of the meeting itself, in other words, have you gotten any more written comments or anything coming in on the phone?

Chair Curtiss: Not since 2007. Except Mr. Drinville's call today.

Phyllis Jamison: Well, then this would be the other one...is from before I guess or I don't know when he mailed this in but he goes on criticizing all kinds of things about me that are...I'm not going to read this letter it will be sent to court, whatever. He's gonna be slandering and a lot of that stuff is gonna be charged against them. No wonder why they say stuff like that, they're one of the big encroachers, I warned him to stop encroaching he was also shooting hunting arrows into my back yard – hunting arrows, using my back yard as a target practice, well the target was in his yard, I was the back drop. Arrows have whizzed by me. I've warned his to stop the encroaching he's 20 feet, taking away my 20 feet safety zone there on Woodville Avenue already. He's made further encroachments when he built his fence. I had warned him not to make anymore encroachments on my property so when I saw him making more encroachments while he was building a cedar fence down the hole along side between our properties, I took pictures of it because I didn't want him saying later – "Oh, I had my workers do that and I told them not to do that but, they're doing it anyways". No I wanted to take pictures of Theresa Wheatley and Richard Wheatley encroaching yet again. Dumping huge big buckets of cement on my land and fence posts on my land again, that's not something I would ever necessarily...that in itself bring to anybody, even the Commissioners attention or mention it in court, but I'm going to because he'd been warned not to after all his other encroachments. While I was taking the picture, Teresa...and this was after I had...this is the violence that is caused by Missoula County and all these discords that you allow with these abandonment's, too many abandonment's, too many encroachments. I had a fractured...my medical records will show that just two or three days before...Teresa Wheatley threw...I had a fractured cheek bone that just a couple days before she took a huge bucket of water, and I have photographs of this, it's in the Sheriffs Report. Took a huge bucket of water and threw it at close range directly at my face. I was already on pain pills, I can't...for the fractured face, I can't tell you how much pain that was in my face. And I can't tell you how much it hurt my neck because I already have neck problems anyway and back problems. They're getting better, they're getting a lot better, that's one reason why I'm thinking about starting my business up again but actually I'm healing, I truly am healing I'm not...but I'm saying I was in a lot of pain and that was violence. This is what you're causing Missoula County, a lot of hostility from the neighbors to me and I'm not the one that's encroaching and I am a little upset.

So anyway, here are the signatures and here's my address left off of it, even though I was able to correspond and talk to a lot of people to sign my petition that wasn't possible, nobody could contact me that might have questions about it.

James, the little coughs and deep breaths and all are a little distracting; I'd appreciate it if those are impatient jesters, you just seem to be doing a lot of that. #2 says that the other reason that it's supposedly necessary and advantageous for the following reason is it says; the abandonment will be in the public interest by allowing an optimal placement of a wastewater treatment plant...wastewater treatment system on this one property. No, it's actually to the public's detriment. The codes require that there be 100 feet, that's the guidelines, 100 feet between a well and a septic. This is the map that the Lund's submitted, the false map they submitted with their septic application permit. That's an enlargement of the map. There's many false things on this map, this is their house...for starters now, they're trying to create in anybody's imagination a longer distance between the septic and the well than actually exists. Now, false in one, false in all. According to the County's own survey map, the longest distance on either side of the Lund's house is 35 feet, not the 33 to 39 feet that they are saying here...35 feet. They're also claiming that there's a distance here of 38 feet between this area between the well and just this end of the house. The well is tucked right...butts the house, it's almost right next to it, it's because this is a steep hill here, they had to put the well right up close to the house, they had to for well servicing. The truck has to drive in close enough that it can drop a hook down on top of the well house and lift it up, what do you call it, a little round hook, a little round thing, I forget what you call them but they (in audible) with the top of that well, top off and pull the well up to service it...pull the pump up, excuse me and service it. They couldn't do it if it weren't right up close to the house because right a way you go down a steep set of stairs, down to the floodplain below. So these numbers are all false...the numbers here. I have a photograph that shows that there's not 5 feet here between this and whatever they're claiming. I'm not gonna go into all the details and all the numbers except to say they're all false. They forget the false impression in that there's what...100 feet here? There's barely 50 feet, I estimate it roughly about 45 feet, maybe less, maybe a little more, no more than 50 feet at most from the well to the septic...the new septic. That's definitely to the public's detriment because if they put in a different type of system which the Health Department said they could when they were out there. They could of put in a seepage pit and there's room for them to put in a seepage pit on their own property right over here (pointing at map). Now, part of that area that they could have put it in they have gone ahead and put a concrete pad over it to kind of...that's what a true encroacher will do, they build. Now on this case he's building on his own property but they know if they build the court or anyone else is reluctant to have them move it. So I asked their attorney at the time, "hold off on building that garage or shop or whatever it is, hold off on that until all the proceedings are done". And believe me they're not done yet and the Supreme Court isn't gonna sit well...well, I don't want to get into that. But, you didn't get free leeway to break a lot of statutes. That's not what the Court decided. Oh and by the way, I should mention that I did talk to Eagle Satellite owner about that truck because I felt that since he was the owner he should and I wasn't getting results otherwise from just hoping that they'd stop it. If I have to I may just call him again, I may just call a tow truck, one or the other. He asked me to call him again, I guess I would honor that, if I have to call Eagle Satellite again, I want everyone to know it's at the owner's request. He said if it happens again, if he parks there in your area again, let me know. If he doesn't park where I am and blocking me he parks in the intersection though, blocks the intersection so the snow plows can't push the snow out of the way, out of the intersection. We're getting there. This also goes with the false map that the Lund's submitted has this attached; this is part of their map presumably. Presumably this is their well - way off here, way off in the 38 feet away, no try 4 or 5 feet, right next to the house. By the way, I was friendly with the neighbor that lived there before so I'm familiar with the property. There's other things that are quite false on this application that the Lund's filled out, as I said this is a very apt maximum for this particular abandonment because false in one, false in all. You don't even have to assume false in all, it's easily provable, the rest of what they say is also false. This is...they say this is an existing there...any existing structure or sewage disposal facilities, yes they create one that didn't exist and don't disclose one that does exist on their property. They claim, falsely claim that the existing septic tank shown on the map, this is what they claim was dug out that they are replacing. But they actually replace and I have pictures of this, it's a little 4ft x 4ft pit lined with river rock. A very primitive pit, a little hole in the ground lined with river rock. That Drinville, Chuck Drinville spent several months with them trying to hand dig it out and it was clogged by tree roots and so they spent months trying to hand dig it out, that little pit filled with river rock. Until they finally gave up and the Lund's went ahead and encroached or I guess they filed all this false. This should have not gone on information required for sewer permit application, it should have gone onto a new construction permit and gone through all the procedures through that office. Then if it had and you've done all your due diligence and seen that all this information on here is false. If they had gone through that process then you would know how close that well is to their septic and that's to the public's detriment when their well gets contaminated especially because their well is on the floodplain. It will contaminate not only other wells but it will contaminate the floodplain and the waters that run underneath that. This is not to the advantage of the public; this abandonment is to the detriment of the public - that septic needs to be moved. Further, they are saying that's the only septic on the property - wrong. There is a sewage treatment on the property, there's also a treatment system for grey water in the back of their house on the other side - they don't disclose that. What else is false about this map, deceitfully so, is they put Woodville Avenue over here (looking at map) where this dotted...this has to be marked from a spiral notebook but it shows that Woodville - it's along this...would be the more less the center line of Woodville Avenue but Woodville Avenue starts, they say way over here according to this...no. In reality the survey stakes were still up and I have pictures of this also that the survey stakes were still up when they put this...all the time they were digging and all the time they were installing this septic that was falsely applied for, all the time these survey stakes were Steve Niday's, he was a Chief Surveyor at the time, Survey Party Chief. These stakes were right here (looking at the map) less than 4 feet from the house because the whole point was to get the house out of the street. So they're very clear when you're standing here and they have their septic here. The Woodville Avenue doesn't start where they say it is over here, Woodville Avenue on the outside...they're claiming all this is their own property falsely on the map where their supposed septic system was which they didn't have an old one. And then the new one they're also falsely claiming in on their own property and that Woodville Avenues over here, it's not it's less than 4 feet from their own property and they know it. Not only do they know it by the survey stakes but they know it because they pay taxes every year.

Under the Subdivision Block Lot section of their taxes on East Clinton, Lots 1-4 it says and partially vacated 3rd Street – the whole street has been vacating but of course they have their half coming down here (looking at map) and the Westerly 4 feet of Woodville Street so that's right here on every tax form they get every year they read that. They knew they were putting it in the street yet they still persist on giving false impressions to Missoula County. The County at this point is starting to get a little suspicious when they come and take a look and say hey, that doesn't look like it's on your property that looks like it's in the middle of the street. Linda Ito, Environmental Health Specialist from the Missoula City-County Health Department wrote a letter to the Lund's and in this letter – this is what she writes; "Dear Mr. Lund, I apology for the delay and response to the situation regarding the replacement septic system located at 200 3rd Street, Clinton Montana at the time of the inspection it was brought to my attention that the property boundary was in dispute, not until the inspection" – I guess they trying to hope they wouldn't have one – "as such I could not approve the septic system without insuring that it was on your property." So this is not something that's necessary or advantageous, the Health Departments looking to get that out of there. I will say this too, that when Steve Niday talked with me he said when he found out the typographers were out there and watching the trenches being dug for the septic and standing by it, I have a picture of the typographers actually watching that going on, and when Niday found out about it he told me it's serious, he said to tell them to yank it. He said, I told those officials that needs to be yanked out of there, yank it, referring to the one septic that they knowingly and intentionally put in the street. I said, Steve I know it was intentional, look your survey stakes are still up I said, I've got pictures of them. So I got the pictures and he took them downtown to Sehestedt to look at. Then she goes on, "I received your phone message indicating" (this is Linda Ito of Environmental Health talking to Jack Lund, writing a letter to him) "I received your phone message (from Jack Lund) indicating that approximately half of the replacement system is located on Missoula County property reserved to build Woodville Avenue." So now they're sliding into a different position, now the Lund's are sliding away from saying - oh, it's entirely on our own property. Now they're sliding into saying just half of it is on their property, more deceit. Then she says, "You indicated that per a conversation with Commissioner Carey that Woodville Avenue is yet to be projected to be developed." Well that doesn't take into consideration necessarily fire access needs, fire prevention access with taking down these trees and leveling some of the land so that I can have my 20 foot and 20 foot clear of all this encroachments. By the way, also a septic system, especially with poor drainage and this one has poor drainage and had to have sand and things put in it. It's no place, a septic it's no place to put it at the base of a road, a narrow little road at that. At the base of a road like that it's just gonna cause problems and the ground will weaken over time; it's not the place for it. She concludes with this final paragraph, Linda Ito does in her letter to Jack Lund; "Because your system is not on your property we can not approve it until you either get an easement from Missoula County giving you permission to have your septic system on their property or have the street formally vacated and that portion of the street deeded to you. A third option is to replace your septic system wholly on your property and this will require a new septic permit." Obviously she recognized theirs was quite false so it needed a new one and also it would have to if it was going to be really (in auditable). I'm not saying its necessary or advantageous we have to have it this way, the County's saying get it out of there so those are false statements that were given to...that were given in the Public Notices the advertisements saying it's necessary and advantageous. Those were false statements that were made in the viewers report and those were false statements that are made on the petition. It's not necessary and advantageous; it's detrimental to the public. Over time the road may give away because of all the septic stuff there.

#3, all conditions of the agreement attached as exhibit A have been satisfied, well there again the agreement was signed under duress and I didn't have any chance...he wouldn't answer any of my phone calls, he was communicating with everybody else, McCubbin was your Deputy County Attorney, D James McCubbin refused to communicate with me in any manner, shape or form. Refused to even return my phone calls and yet I was forced to sign it that same day or not have that shed taken down, not have any access at all. Well, that shed should have come down without my having to sign anything because the shed was a health hazard, a safety hazard in the street, preventing adequate fire suppression access. I shouldn't have to do anything with this abandonment, should never of happen. Like Linda Ito said, like Steve Niday, Missoula County Survey Party Chief, Steve Niday said, it needed to be yanked out of there. And then it says; "adequate access to all effected properties will be preserved as provided for in the agreement in attached is exhibit A." Well, that's not adequate when you've got a free standing fence that can be moved anywhere, that's to the publics detriment. It's already way too close to my property and he's already shown that by abusing where he parks, nothings enough for him or her, evidently. Further, there's not one thing in the agreement itself that was attached in some cases as exhibit A, some people got it, some people didn't, I know I didn't, even though it was supposed to be there I'm not saying I didn't get it this time, this one last time I got my complete set, thank you, I appreciate that. Like everybody else has had all along. But there's nothing in this agreement anywhere that says that this is necessary or advantageous, this abandonment or that the septic is necessary, that it's necessary to move the septic and all that, that it's necessary for the public or that it's not a detriment to the public, none of that's in here. All they're saying in here, in this agreement, is what actually happened, that the reason the agreement existed was not as stated in the notices and on the petitions. It was not for an optimal placement of the Lund's septic, it was so that just to cover up all the wrong doing and the deception by Missoula County and the Lund's in processing this is papers. Because the statement here, I'm reading from the last paragraph here – Lund's, all parties understand that is Missoula County is not given noticed delivered to Chuck Wright in the Surveyors Office and so on prior to such a date to September 1, 2007 but the conditions set forth above for removal of shed and trees have been met, then the Lund's will be required to move their sewage septic system out of the Woodville Avenue right-of-way. The County has previously agreed to reimburse Lund's up to the expense of installation of their current septic system, if the County requires relocation of the septic system. That's the last part of the agreement. The County acknowledges they didn't do their due diligence; they're willing to pay money to get out of it, to get out of their wrong doing - to get out it having it come back on them, or something. That's the point of the agreement, is to cover up the wrong doing and the petitions don't know this, the public doesn't know this but the wrong doing of the Lund's in the false way they applied for that septic, the false way they made comments to Linda Ito even after she discovered that it wasn't on their own property, they continued to lie and say

half of it was and that the county didn't catch all of that or even any of it sooner. Especially when their typographers were standing there watching the digging going on with the survey and with Missoula County Party Chief, Steve Niday's survey stakes still up less than three feet from their house. Starting right at the top of this agreement and all throughout, there's more deception by Missoula County by omission, deceit by omission. Now, Missoula County has tried to distance itself, it's made considerable effort to distance itself from this illegal abandonment and illegal placement of this septic system by taking Missoula County's name off of the abandonment, title of the abandonment even though Missoula County wrote the agreement and signed it, they even notarized it. Now instead of being called the Missoula County Lund, Jamison, Wheatley Agreement as would be correct and honest, Missoula County is giving the false impression to everyone who signs the petition and to everyone who reads the agreement and to everyone...giving the false impression to everyone who reads all of the different notices that have been printed in the newspaper, all are getting false impression. That it is the Missoula County...it is not that Missoula County had no part and was not a party to this agreement; it is just a matter between private property owners, that's false. Leaving that name off is deception, deceit by omission. Section 7, and by the way, I'm almost finished here. Oh, on the mentioning of the hillside...that's not safe for that hillside to remain there, the way the septic is located at the foot of the grade there, supposedly the drainage is so bad there they were supposed to put in truck loads and a whole bunch of sand and all they did...and I have a photograph of this too, was dump on little piles of sand on the property and they sprinkled that in the bottom of the ditch. They were supposed to have a pile of it, like a foot or so underneath the entire septic that wasn't there, they were supposed to have a foot of sand up along each side of the septic that wasn't there. I watched this being installed and took photographs along the way. There's a little dribble of sand, little sprinklings on the bottom, that's it, so I'm doubly concerned about the drainage, the lack of drainage right under the road that I'm...the only access to my property. Especially starting my business up again, I'm concerned about that, I can't start it up and stop it every two minutes, people get used to some treatments and they want to depend on it. I'm gonna take care of these three statutes and then I'll come back and wrap up the loose ends. Section 7-14-2603.2 MCA. No more than one member of the Board and the County Surveyor shall make the investigation. Missoula County violated this statute because Commissioner Jean Curtiss stated on the minutes that Vickie Zeier is the elected County Surveyor, even though Curtiss stated Zeier has no experience surveying, yet Vickie Zeier failed to meet her obligations to perform the investigation as required by law. Now, the Director of Public Works, Greg Robertson said that they can delegate things, she can delegate things out, but I don't know...I would like to know her reasoning on delegating it out in that case. The part that was...the statute where that she could delegate things out stated she could, it's very clear in the legislatures in some of these items that says that she can delegate the responsibilities out specifically and on others it doesn't say that at all. In this item here, the County states the County Surveyor shall make the investigation, presumably that means whatever delegating she's done, she needs to be responsible for and get out there and take a look. Section 7-14-26152 MCA. An order to abandon a county road is not valid unless preceded by notice and public hearing. I wasn't prepared for the other meetings but my objection here at this point is that none of the notices gave the date the decision was supposed to be made, except the one that you just recently sent to me. But, none of the public notices...because it was in a separate letter that you mentioned it but none of the public notices, nothing that was sent out that way. Excuse me, the notices that were sent to people who are affected parties or who were somehow on your mailings lists did not receive a date, the decision would be made in their notice and as well, none of the various advertisement for this abandonment because this has one on for a while now, there's several of them. None of them give a specific date that the decision is gonna be made, that's required by law. One more statute then I'll go back to tying up some loose ends.

Section 7-14-26154 MCA. The Board may not abandon a county road or right-of-way used to access private land if the access benefits two or more land owners unless all of the land owners agree to the abandonment. Before I get into that a little bit here I want to address this as far as it goes to the Lorenzo abandonment which I am sure will be overturned by the court because I've listed about eight different statutes she broke on that abandonment, it's very clear that they were broken as well as fire codes that were broken, as well as your own policies. Public Work policies were violated that this one in particular that this statute I'm saying here in the case of the Lorenzo's petition particular should of caused that petition to be pulled. It should have never reached the stage of a hearing, it should have never reached the stage of a site viewing and it should have never reached the stage of second hearing. And Missoula County you caused a lot of unnecessary and dissention amongst the neighbors, it's building, building because of that. Those meetings when you knew you were breaking statutes to try and ram that through. Alright so all the land owners have to agree if it's used to access private land. Okay, I signed my name to it because I was under duress, I said that previously in your meeting a number of times, I explained the details on it, I'm not gonna go into that again but this violation of this statute alone makes this abandonment illegal. Because it was a contract of adhesion because I had no opportunity to negotiate the terms and in your own court papers you stated that I didn't have even over night to look it over and all this time I was not being communicated, even my address was left off so people couldn't reach me that might want to write. It was a contract of adhesion because I had no opportunity to negotiate the terms and it was unconstitutional and not within my reasonable expectation. At the time I signed that contract Missoula County was well aware you need 20 feet of fire suppression, 20 feet wide for fire suppression access and that I don't have this. Now, I should have...if Missoula County was truly being due diligent in caring about my fire safety and my access like they care for everybody else's and I'm gonna get statistics on this, by the way. How much have people ever been (in auditable) and how many abandonment's are going around, am I the only one? I'll bet that I'm the only one that has all these abandonment's going on all around them. And in any case, even if there are a lot more, even if there are a lot more of other residents that have the same problem I do, of being abandoning all around their property they should know, and I'm saying this for them, you need 20 feet and if the County isn't giving it to you their not doing their due diligence and they may be discriminating against you. In that respect alone but in other ways also the agreement was unconscionable Wheatley at that point, if Wheatley was involved in the agreement, Wheatley's were signed parties to the agreement would have been a perfect time to say - okay, hey its time to move your fence back on your own property line and let Phyllis have her 20 feet. Wheatley's got access to her property from three sides - from the alley side, from the 3rd Street side, I mean good

easy access, flat land access from the alley side on his property, from the 3rd Street side onto his property coming in this way and down the Woodville side, of course that ones not as good, that's the one I'm complaining about but he's got 2 – 2 1/2 accesses. He's got 2 good, complete accesses. Lund's also have in and out on 3rd Street, right at the intersection where there's plenty of room in and out. Not for me. would also make mention here that the Wheatley's even...the Wheatley's had written a letter with the only ones that apparently the Lorenzo's could come up with that approve the way that they deposit their debris in the street and across the road in Mullan Road, over there. The Wheatley's were saying how beautifully they keep up their yard, well their front yard yeah because they dump all their garbage in the alley and along Mullan Trail. Their Mullan Trail of garbage up there but the Wheatley's wanted to send a little note of approval for how they keep their lawn, okay that's fine but you have to keep in mind that the Wheatley's live two blocks away from the Lorenzo's and they live on the opposite side of the alley from the Lorenzo's, two blocks down and they also their house is on the farthest house away. Lorenzo's pointed to their two closest lots to the debris but actually their house sits the farthest away, clear on the other end of the block and it faces 3rd Street so hardly anyone would be going past the debris smells everyday or even every month. Those are my comments and that's why I oppose that there's been too many statutes that have been broken just as there are on the others and those are the reasons why I oppose it. And too many statutes being broken and too much deceit by both Missoula County and the Lund's.

Chair Curtiss: Thank you Ms Jamison.

James McCubbin: Ms Jamison, would you like your exhibits entered into the record or do you want to keep those? We can maintain them in the Commissioners record if you'd like.

Phyllis Jamison: I would like to ask you though since I gave you...well not because I gave you them, you're happy to have my exhibits but I would like to have, if I may, the oversized exhibits of the Lorenzo's petition that you created exhibits for them. Nobody offered to make mine but Steve said he got in talking with Debra, which he in the meantime, which he never did talk to me but he talked...that's one reason I was unprepared for the last meeting but he did talk with Debra, and he got a photograph, and he enlarged it, and then brought in the aerial photograph as well, and I'd like to have that, the photograph of the Lorenzo's...whatever you had up here last time, may I please have copies of those?

Chair Curtiss: We can make sure we get copies to you.

James McCubbin: There's public documents available on paying the cost of reproduction.

Chair Curtiss: There will be a cost to reproduce them but we'll get them to you.

Phyllis Jamison: Did the Lorenzo's pay a cost of reproducing?

Chair Curtiss: They never took them out of the building. Steve made those copies for the Commissioners to be able to see things and make decisions; he didn't give copies to them.

Phyllis Jamison: Well if he was doing that he might have been nice to ask me if I wanted to have anything made too.

Chair Curtiss: He didn't make them for them he made them for us. Thank you for your comments.

Is there anyone else who would like to make comments on this proposal? Seeing no one come forward, I'll close the Public Hearing.

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners approve the petition to abandon a portion of that certain County Roads specifically described as a portion of Woodville Avenue located in the South East Corner of Section 27, Township 12 N, Range 17W being that portion more specifically described "Lund, Jamison, Wheatley Agreement for abandonment of a portion of Woodville Avenue in Clinton, Montana". Among the findings are that I'm basing this motion partly on the viewers report, partly on the fact that the portion to be abandoned has not and never been used to access property and that all effected property owners have consented as shown on the signed agreement in our packet. In addition all the conditions of the foresaid agreement have been met. Chair Curtiss seconded the motion. The motion carried a vote of 2-0.

8. OTHER BUSINESS

None

9. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 3:31pm.

THURSDAY, FEBRUARY 10, 2011

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Request – BCC approved expenditure of \$455.65 from County Poor Fund Contingency Account for 2011 Project Homeless Connect event to subsidize purchase of IDs/Driver's Licenses/Birth Certificates/ Original to Melissa Gordon/OPG.

Task Order – JC signed. #11-07-3-01-083-0 to Missoula County Unified Gov't Master Contract between County and MT DPHHS for period July 1, 2005-June 30, 2012 (MT Cardiovascular Disease/ Diabetes Prevention Program). Renews annual grant for January 1, 2011-June 30, 2012. Amount/\$37,500. Original to Julie Mohr/Health Dept. for further signatures/handling.

Task Order – JC signed. #11-07-4-51-024-0 to Missoula County Unified Gov't Master Contract between County and MT DPHHS for period July 1, 2005-June 30, 2012 (HIV Prevention Services). Renews annual grant for January 1, 2011-December 31, 2011. Amount/\$5,000. Original to Julie Mohr/Health Dept. for further signatures/handling.

Task Order – JC signed. #11-07-4-31-031-0 to Missoula County Unified Government Master Contract between County and MT DPHHS for period July 1, 2005-June 30, 2012 (Immunization Program). Renews annual grant for January 1, 2011-December 31, 2011. Amount/\$37,120. Original to Julie Mohr/Health Dept. for further signatures/handling.

Resolution No. 2011-015 – BCC signed, dated February 10, 2011. Budget Amendment for Fair/BCC/ Sheriff/Central Services in amount of \$3,451 (from Copy Costs to Copier Revenues Central Services) for departmental charges for copiers not set up on intercap loans. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Request for Records Disposal/Transfer Authorization – JC signed. From Lois Williams. 1 box Court Notes (8/4/1999-9/11/2000). To Records.

Letter – BCC signed, dated February 10, 2011 to Rep. Denny Rehberg, Washington, DC, congratulating him on election as Chair of Subcommittee on Labor/HHS/Education & Related Agencies Appropriations, and asking that no budget cuts be made to Senior Corps Programs.

Additional discussion item(s): 1) Petty Creek Road right-of-way update; 2) Legislative update.

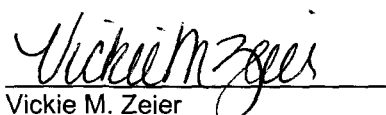
Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated February 11, 2011:

- 1) Approving request from Jamie Bachuss, Clinton, to refund motor vehicle taxes/fees paid in error for VIN #F14HRY42578 (after tabs are returned to County).
- 2) Approving request from Bennett Law Office, Missoula, to refund motor vehicle taxes/fees paid in error for VIN #JHLRE347C019560;
- 3) Approving request from Bennett Law Office, Missoula, to refund motor vehicle taxes/fees paid in error. Refund #1801120 for 1997 BMW;
- 4) Approving request from Waunda Bravard, Missoula, to refund motor vehicle taxes/fees paid in error for Title #G069375 (contingent on proof of sale);
- 5) Approving request from Taunya Servant, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #1247275 (contingent on proof of sale).
- 6) Denying request from Kim Fulks, Missoula, to refund motor vehicle taxes/fees paid for Vehicle #WVWPD63B73E377886;
- 7) Approving request from Shauna Miller, Missoula, to refund penalty/interest for Taxpayer ID #4611023;
- 8) Approving request from Steven Ripley, Bremerton, to refund overpayment for Taxpayer ID #1638809;
- 9) Approving letter to Bonnie Saxton, DOR, Missoula, stating BCC instructed Treasurer to notify new owners of mobile homes as to delinquent tax status. BCC cannot waive taxes as they were billed correctly; payment is private matter between owners and Campbell Homes;
- 10) Approving letter to Peter Koeckritz, Missoula, informing him that 2005 Liberty mobile home has delinquent taxes for 2nd half of 2009. BCC has no legal authority to waive these taxes.
- 11) Approving letter to Lucinda Hodges, Missoula, informing her that 2004 Liberty mobile home has delinquent taxes for all of 2009. BCC has no legal authority to waive these taxes.
- 12) Approving letter to Jennifer Therriault, Missoula, informing her that 1979 Gallatin mobile home has delinquent taxes for all of 2009. BCC has no legal authority to waive these taxes.
- 13) BCC reviewed letter from Deputy County Atty Dori Brownlow to Stacy Lockhart, Missoula, returning her Application for Property Tax Reduction, which is the incorrect application (or which is filled out incorrectly). Ms. Lockhart asked to submit new application or provide more info.

FRIDAY, FEBRUARY 11, 2011

BCC met in regular session; all three present. Morning: JC participated in MCCC Conference Call at Aging Services.

Closing Documents – For closing on February 15, 2011, BCC signed Officers' Certificate and CFO Czorny signed Certificate with Respect to Satisfaction of Condition Precedent for Issuance of Note for \$399,332 Limited Tax General Obligation Refunding Note (Missoula County Historical Museum T-1 Building Project), Series 2011. Four originals to Dorsey/Whitney for further handling.


Vickie M. Zeier


Jean Curtiss, Chair

Clerk & Recorder

BCC

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MONDAY, FEBRUARY 14, 2011

BCC did not meet in regular session; JC and ML out of office all day.

TUESDAY, FEBRUARY 15, 2011

BCC met in regular session; all three present. Morning: JC attended North Western Energy Project Open House. Early evening: JC attended Friends of Missoula County Public Schools Meeting, held at 1111 E. Broadway.

Planning Status Meeting – BCC/OPG Staff. 1) Public Comment; 2) D Firm Adoption [BCC signed Resolution 2/17/11]; 3) Clearwater Meadows Ranch BCC written statement (*action*) [BCC sent letter 3/11/11]; 4) Stenerson Subdivision Extension (*action*); 5) OPG Director's update.

Letter – BCC signed, dated February 15, 2011 to Stenbro, LLC (c/o Nick Kaufman, WGM), approving one-year extension of final plat approval deadline for Stenerson Subdivision (subject to weed statement). New deadline is March 4, 2012.

ADMINISTRATIVE MEETING

Grant Application – JC signed signature page/BCC signed cover letter (dated February 15, 2011) for VOCA application to the MT Board of Crime Control for funds for continued implementation of Missoula Crime Victim Advocate Program. State grant/\$191,124 (+ local 20% match/\$47,781). Originals to Shantelle/ OPG for further signatures/handling.

Amendment and Resolution – BCC signed, dated February 15, 2011. To Contract between County and PHC (signed 9/30/10). Amends total value of agreement from \$237,000 to \$242,000. Add'l funds to be used for co-pays of prescription drugs for Interim Assistance Program clients. Also signed: Budget Amendment (Resolution No. 2011-016) showing Revenue of \$242,000 from Poor Fund and expenditure of \$646,250 for PX drugs. For total disclosure, expenditures included in formal FY11 Operating Budget/ Revenue Estimates for County. Two originals to K. Mansch/PHC.

Contract – BCC signed, dated February 15, 2011. Between County Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) to revise Pre-Disaster mitigation plans for Missoula/Mineral/Ravalli Counties (previous contract expired before project completed). \$3,566 of contracted amount remains unspent. Term/February 9-June 30, 2011. Two originals to Bob Reid/ES.

Letter – BCC signed, dated February 15, 2011. To MT's Congressional delegation (Baucus/Tester/ Rehberg), Washington, DC, in support of establishing a Family Medicine Residency program in Western Montana.

Letter – BCC signed, dated February 15, 2011. To C. Finley, Bureau of Indian Affairs, Pablo, re: Alvin McClure's application for acquisition of his real property by US Dept. of Interior. BCC has no objection.

Additional discussion item(s): Legislative update.

WEDNESDAY, FEBRUARY 16, 2011

BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Certification Letter – BCC signed, dated February 16, 2011 to Greg Gifford, PE, Federal Highway Administration, Vancouver, WA, stating right-of-way has been acquired in accordance with FHWA directives for Petty Creek Road Project (necessary to proceed with Base Schedule). Original to Greg Robertson/ Public Works.

Agreement – JC signed, dated February 16, 2011. Between County and MDT for reconstruction of portion of Tyler Way in Lolo (US 93 Intersection). Original to Greg Robertson/ Public Works for further signatures/ handling.

Agreement – JC signed, dated February 16, 2011. Between County and MDT for reconstruction of portion of Cartage Road in Wye Area (Highway 93 North). Two originals to Greg Robertson/ Public Works for further signatures/ handling.

Application – BCC signed CTEP Project Application for Frenchtown Bike/Ped Pathway for construction Summer 2012 & 2013. Approx. cost/\$869,500 (\$753,413 from CTEP; \$116,087 local match by County). Original to Jeff Seaton/Public Works.

Bid Award – BCC awarded bid to NorMont Equipment Co, Black Eagle, MT for one injection patching machine ("Durapatcher") to fix potholes throughout County. Amount/\$61,380. NorMont was only bidder.

Request – BCC approved use of Mullan Road Transportation Mitigation Funds to signalize Flynn Lane/Mullan Road intersection and illuminate/signalize pedestrian crossing in vicinity of Mullan Trail Subdivision. Original to Greg Robertson/ Public Works.

Improvements Agreement/Guarantee – BCC signed, dated February 11, 2011; extension of Agreement signed November 8, 2010 for Mace Subdivision. Improvements to be completed described in Exhibit A. Completion date/no later than November 10, 2011. Estimated costs/\$128,167; guaranteed by Letter of Credit from First Security Bank in amount of \$173,026 (expires February 10, 2012).

Request – BCC approved temporary detour of traffic on short segment of Tower Street to accommodate large wedding event on July 31, 2011. Original to Greg Robertson/ Public Works.

Letter – BCC signed, dated February 15, 2011. To Steve Kuzma (Fort Worth, TX) and Barbara Ranf (Helena), BNSF Railway Co., thanking BNSF for generous donation of land located downstream of former Milltown Dam (site of new Milltown State Park Bluff Overlook).

Letter – BCC signed, dated February 15, 2011. To Rob Collins, Natural Resource Damage Program, expressing gratitude for hard work done to successfully complete restoration at Milltown site and land acquisitions for the State Park.

Additional discussion item(s): 1) Public Works Dept. update; 2) Grant Creek Trail follow-up; 3) Legislative update.

PUBLIC MEETING – February 16, 2011

Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Michele Landquist, Commissioner Bill Carey

Staff Present: James McCubbin, Deputy County Attorney, Greg Robertson, Director Public Works, Deb Evison, Public Works, Kim Cox, Clerk of Recorder, Steve Smith, Surveyor Public Works

1. CALL TO ORDER

Chair Curtiss called the meeting to order at 1:30.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

None

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$1,692,830.09)

Executive Session

Commissioner Landquist made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$1,692,830.09. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

- b. Public Announcements
None

5. HEARING (POSTPONED TO MARCH 2, 2011)

Rezone Missoula Development Park – Block 4, Lot 1 (from Neighborhood Commercial Subdistrict to Light Industrial Subdistrict)

6. HEARING

- a. **Request to Change Private Road Name (Crawford Court to Aubrey Ann Court)**

Deb Evison with Public Works read the staff report.

Chair Curtiss: Just for a background, road names whether private or public in the County go through the public works department. There's a couple purposes; one is so that we can make maps and the other is so that we can be sure emergency responders can find the streets. So usually what we do is look at whether or not there's a similar named street in the county and in this case there's not.

James McCubbin: I have a quick comment. You do have a resolution 81-44 from 1981 that this Board passed, none of you, saying the Board of County Commissioners will not change road names except for the following reasons. So I recommend that you either find that one of the reasons applies or either amend or rescind that resolution because it's certainly within your power. But it's probably best not to take an action that's not consistent with an outstanding resolution of the Board.

Chair Curtiss: So how about #6 it says we've determined special conditions exist to make it beneficial to the public.

James McCubbin: Sure, if you make a finding to that fact. I just think if we're doing road name changes we want either acknowledge and act within that scope for that resolution or get rid of it.

Chair Curtiss: So does the Commission agree that there's a special condition? It was originally named after the family that developed it and none of them live there anymore.

Commissioner Carey: I would recommend we make that finding.

Commissioner Landquist: I concur.

The Commissioners agreed on a special condition for the road name change, it carried a vote of 3-0.

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners approve the resolution to change the private road name from Crawford Court to Aubrey Ann Court at the owners' request. Commissioner Landquist seconded the motion. The motion carried on a vote of 3-0.

b. Petition to Relocate a Public Utility and Drainage Easement – Spring Meadows Addition, Lot 53
Staff Report
Plat Maps

Kim Cox, Assistant Chief Deputy Clerk & Recorder verified signatures on the petition as required by law.

James McCubbin: A little background on this, it started with a boundary line relocation that I processed. So there was a request, basically there was construction that unintentionally is my understanding, interfered with a boundary line and with the easement that's in question here. So the request has been to relocate the boundary line, to remedy that and there's an agreement with the neighbor. And now the follow-up is to amend the easement to follow that new boundary line because as I pointed out during the boundary line proceedings that changing the boundary line didn't change the easement. I think the main issue here is to make sure that because this is a drainage easement as well as a utility easement, that it physically works, which is why it's good that Greg is here.

Chair Curtiss: Is there someone here from the family requesting this easement being moved?

Steven Inabnit with Eli & Associates is representing Mrs. Carlson:

Chair Curtiss: Would you like to add anything to James' briefing?

Steven Inabnit: I believe there was also a zoning set back issue with the house so that's part of the reason for the boundary relocation, so that's just one other problem that is solves. And there were no utilities within that easement.

Chair Curtiss: So the easement exists but there's no utilities being used at this time?

Steven Inabnit: Correct.

Commissioner Landquist: So what kind of drainage easement is it? Is it a drainage basement or is it just a space reserved for drainage if there's a problem in the area for like drainage files or something?

Steven Inabnit: There's a natural drainage, a swell that's to the North of the boundary that handles storm water but I would image that maybe in the design of the subdivision, maybe they just labeled it as a drainage swell but topography doesn't allow it so it doesn't really function as a drainage swell. But I can't say because it wasn't our subdivision, it's a rather old one.

Commissioner Landquist: Do you know how much snow there is on the ground out there right now? Is it really covered with snow, would it be hard to get the lay of the land on a viewers site visit?

Steven Inabnit: I was up in that area yesterday and I think it's probably bare. Yesterday it was probably bare ground but there might be an inch or two now.

Chair Curtiss: So the existing drainage easement would have the drainfield and maybe part of the house in it, that's why you're proposing to move it?

Steven Inabnit: Yea, the drainfield.

Chair Curtiss: Okay, thank you.

Public Comment:
None

Chair Curtiss: We've determined that we need to do a site visit like we do with a right-of-way road easement.

James McCubbin: Yes and we don't actually have an abundance of really clear law on this point. It is my opinion that it's within the power of the County Commissioners to address and control public easements that are otherwise under anybody else's jurisdiction when their in the county and so the best procedure for doing that is to follow the same procedure we have for road abandonment's. So I would recommend that you just follow that process including a site viewing.

Chair Curtiss: And the site viewing would be to determine if it was being used or needed for drainage mostly, I guess.

James McCubbin: In these circumstances, yes.

Commissioner Landquist: There's adequate room for both I suppose?

James McCubbin: There could be other reasons why it may or may not be appropriate to move the utility easement too. I think you should just go out and have an open mind.

Chair Curtiss: So it's all being proposed those to be with the new boundary, not on somebody else's property right? That's the way I read it. If we move the boundary we're just moving the utility easement to be within the outside 20 feet.

Commissioner Landquist: Looks like that by the way the dotted line continues to follow that new jag.

Chair Curtiss: So Greg, do you think that we could see enough now or do we want to wait until spring?

Greg Robertson: I think we can do it now. What I should do prior to that viewing is review the original construction plans for the subdivision to find out what, if I can determine what the purpose of the easement was for. We can do our site visit; I don't think it will be a problem.

Steven Inabnit: In your packets there's an aerial photo that shows the property and then it shows the natural drainage to the North of it. It might help you a little bit. That doesn't tell you anything about the subdivision and why they labeled it a drainage easement.

Chair Curtiss: So Greg, you'd like to review the original drainage plans?

Greg Robertson: Yes.

Chair Curtiss: Steven would you like to join us when we do the site visit or do you care?

Steven Inabnit: I don't think I need to just to keep Mrs. Carlson's costs down.

James McCubbin: Does Mrs. Carlson want to join? Or be notified?

Mrs. Carlson: Yes I will go ahead and be there and try to answer any questions. This home we bought it and it was 10 years old when we bought it, had no idea the house was built in this easement so I don't know if I can help, but I'll be there.

Site visit scheduled for Friday, February 18, 2011 at 3:00pm with Chair Curtiss and Greg Robertson and owner Linda Carlson.

Hearing in Recess. Hearing will be continued next week with a decision.

Correction: The Public Meeting next week has been canceled, we will continue the Hearing with a decision March 2, 2011.

7. CONSIDERATION

Update Guidelines for Submitting Road Petitions

James McCubbin: Background of changes. The idea here is to clarify what we're already doing. So really it's just updating informational materials for the public and the form we use for petitions. The petition form, where I've been most actively involved, I also reviewed the procedure language and we all kind of worked together on these. The biggest changes are on the petition form, hopefully with the goal of clarifying and making this easier. We've added some sections to have consent for abandonment's right in the petition forms so people know up front if their, particularly relocating a road easement that they need to get the recipient property owners – all of their permission. In addition, if we're doing abandonment and it affects access to multiple private properties then we have to have consent from all those property owners. There have been times in the past where we've abandoned roads when the Commissions has given a decision of abandoning a road but contingent upon getting consents and then that ends up putting the burden on essentially we kind of fell to the survey office to make sure that those consents were required. If they haven't been required then where does that leave us in terms of county records? I think it will be a lot better to address this up front and I don't think it's a huge deal for the petitioners, I think it will just make it a cleaner process. The petition form is also intended to be more of a universal form in the past we've had a separate form for abandonment's and for alterations and so forth. This is basically just kind of a generic application. All of the statutory elements are in there and we tried to just do it in a way that makes it as easy as possible for people to fill it out. And there is also at the bottom of the first page of the form a section that allows people to add in more information and additional sheets, whatever they want so hopefully there's a little bit of flexibility there as well.

This isn't the end all, be all. If we get a petition that addresses all the statutory elements and they're not using our form we would still process that. The idea is to make it easier.

Chair Curtiss: So mostly what we're trying to do is save a step by making sure that you had all your neighbors that would be affected sign the form so that we knew that they knew about it and agreed to it.

Public Comment

None

Commissioner Landquist: On the first page James, there's two boxes, like the Commissioners are requested to do and choose one of the following, it says; 'Abandon the describe section of road' and the other one says 'alter the road as follows.' The part for alter the road as follows would be if we weren't going with the exact requests that the petitioner had in mind but were altering part of that request.

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James McCubbin: Well this would actually be for the petitioners to fill out so if they're asking you to move a road or alter a road, then they would mark the box that says alter the road and say move the road to follow property boundary instead of cutting through the middle of partial. They could just spell that out and that's why there's kind of a blank space because an alteration is going to need some kind of description to know what we're even talking about.

Commissioner Landquist: The one above that is actually what I had the question on, 'Abandon the described section of road'. I keep thinking it makes more sense to say 'Abandon the section of road as described' instead of 'Abandon the described section of road'. I don't know if it makes sense to do either one I'm just wondering which one makes the most sense to the most people filling out this form, thinking of people that aren't lawyers. Does it make sense to everybody else the way it reads now?

Chair Curtiss: I'm fine with swapping it around – say it again. Abandon the section of road as described.

Steve Smith: If you're looking to make it consistent with the 2nd line, 2nd line says "alter the road as follows" maybe try to say "alter the road as described above" or something like that, perhaps? Abandon the road as described above or previously described...

Also with this change in looking at the procedures this petition will be available at the County Surveyor Office, not necessarily at the Clerk & Recorder. So hopefully what the desire is to have the individuals come to us first so therefore if they have any questions as they're reading it in front of us, we can assist them right then and there.

Chair Curtiss: I think it might be good to say 'as described above' because that clarifies as to where you describe it.

No further discussion.

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners accept the new petition for abandoning roads as we just reviewed and changed. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

8. HEARING

Consider Adoption of Fees for Processing Petitions for Roads and Special Districts

Chair Curtiss: Current resolution is dated 1977, we haven't changed these fees since then. Right now it's \$75.00. We had asked staff to go through and tell us how much time it takes and come up with an average because some take longer, some take more site visits and sometimes we drive 90 miles to get there.

Debbie Merseal, Chief Deputy, Clerk & Records Office read the staff report.

Public Comment

Charles Wright
Willis Curdy

Executive Session

Commissioner Carey made motion that the Board of County Commissioners, given the fact that its been since 1977 we've had any increase in this fee, approve a fee of \$300.00 but that we also a year from now, review that fee and in the mean while try and determine the true cost of this work and perhaps change our fee next year accordingly. Commissioner Landquist seconded the motion. The motion carried on a vote of 3-0.

9. OTHER BUSINESS

None

10. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 2:24pm.

Following the public meeting BCC signed Resolution No. 2011-017.

THURSDAY, FEBRUARY 17, 2011

BCC met in regular session; all three present until mid-afternoon. Late afternoon: BCC attended Seeley Sewer District Meeting, held in Seeley Lake.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Land Managers MOU Meeting Agenda; 3) Community Council communications; 4) RI Director's Update.

ADMINISTRATIVE MEETING

Resolution No. 2011-018 – BCC signed, dated February 17, 2011. Adopting Revised Preliminary Flood Insurance Rate Maps #3 as flood information until such time better information is provided. Open meeting held February 15, 2011.

Contract – BCC signed. Between County and Monte Dolack for 2011 Western MT Fair Artwork for Posters and Graphics. Amount/\$12,000. Term/January 24-May 1, 2011. One original to Staff/Fair.

Contract – BCC signed. Between County and Fast Track Entertainment, Inc. for 2011 Western MT Fair Kid's Pedal Tractor Pull. Amount/\$5,450. Term/August 9-August 14, 2011. One original to Staff/Fair.

Contract – BCC signed. Between County and Wylie and the Wild West to be Opening Act for 2011 Western MT Fair. Amount/\$5,000. Date of event/August 13, 2011. One original to Staff/Fair.

Agreement – BCC signed. Between County and DJ&A, P.C. to provide negotiation/right-of-way acquisition services for Upper Miller Creek Road Reconstruction Project. Amount/\$17,772. Two originals to Public Works.

Request – BCC approved variance to Contracts & Purchasing Policy bid requirements to allow purchase of secure evidence storage equipment utilizing Nat'l Joint Powers Alliance contract. Original to Barbara Berens/Auditor.

Resolution No. 2011-020 – BCC signed, dated February 17, 2011. Budget Amendment for Library, allowing expenditure/reimbursement of Broadband Technologies Opportunities Grant in amount of \$132,000 (for mobile lab/computers/supplies/consulting assistance). For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Resolution No. 2011-019 – BCC signed, dated February 17, 2011. Budget Amendment for Health Dept., allowing expenditure/reimbursement for HIV Prevention Services in amount of \$2,500 (to continue testing 7/1/10-12/31/10). For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Letter – BCC signed, dated February 17, 2011 to MT's Congressional Delegation (Baucus/Tester/Rehberg), asking them to request that Congresswoman Marcy Kaptur withdraw proposed amendment to H.R. 1, cutting PILT funding for FY 2011 by 75%..

Additional discussion item(s): 1) Wye Area sewer litigation; 2) Legislative update.

FRIDAY, FEBRUARY 18, 2011

BCC met in regular session; quorum present. JC at Mental Health Board/CDC Meeting, held at MACo (9:00 am-2:00 pm).


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, FEBRUARY 21, 2011

THE COURTHOUSE IS CLOSED FOR THE PRESIDENTS' DAY HOLIDAY

TUESDAY, FEBRUARY 22, 2011

BCC met in regular session; all three present. Late morning: BCC conducted Annual Licensing Inspection of County Detention Facility. BC out of office all afternoon. Evening: BCC attended Presentation of Study on Homelessness & Housing Instability in Missoula, held at the City Council Chambers.

Planning Status Meeting – BCC/OPG Staff. 1) Public Comment; 2) Dan Mahn Shoreline Permit; 3) OPG Director's update.

Shoreline Permit – BC signed. #11-07 for Applicants Dan/Andrea Mahn to stabilize home's foundation and reinstall dock for stabilization at Lot #3/Owens Shore Lots, Lake Inez. Original to Todd Kletz/OPG.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 03/CY2011 - Pay Date/February 11, 2011. Total Payroll/\$1,200,653.12. To County Auditor.

Letter – BCC signed, dated February 22, 2011 to MT's Congressional Delegation (Baucus/Tester/Rehberg), in support of CDBG Program as it is a vital resource to our community.

Letter – BCC signed, dated February 22, 2011 to Bitterroot Valley Bank, Lolo, requesting closure of County's account for RSID #901, and asking for return of \$462 balance to County Public Works Dept.

Letter – ML signed, dated February 22, 2011 to Warren "Rocky" Healey, Frenchtown, regarding homelessness in Missoula and setting forth opportunities for Salvation Army to become involved.

Letter – BCC signed, dated March 14, 2011 to Captain Kowalski and Sergeant Evans, County Detention Center, praising staff in all areas as a result of tour/inspection by MCDC by the BCC on February 22, 2011. [Letter mailed March 17, 2011].

Additional discussion item(s): Legislative update.

WEDNESDAY, FEBRUARY 23, 2011

BCC met in regular session; all three present.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Streamside Protection Program/Landowner Recognition; 3) Subdivision Regulation Revisions; 4) Revisions to OLC Bylaws; 5) Community Council communications; 6) RI Director's Update.

CHIEF ADMINISTRATIVE OFFICER MEETING

Financial/Operating Plan – JC signed. Between County (Sheriff's Dept.) and U.S. Forest Service, Lolo National Forest (under provisions of Cooperative Law Enforcement Agreement executed 5/26/06), extending provisions from December 31, 2010 to December 31, 2011. Amount/up to \$21,000 to Sheriff's Dept. Two originals to Dawn Seaton/Sheriff's Dept. for further signatures/handling.

Letter – BCC signed, dated February 23, 2011 to Seeley Lake Sewer Board, thanking them for opportunity to attend their public meeting, and offering BCC's assistance with Board's goal of water quality protection and economic growth in Seeley community through development of sewer system.

Additional discussion item(s): Legislative update.

PUBLIC MEETING – CANCELED (No Agenda items)

THURSDAY, FEBRUARY 24, 2011

BCC met in regular session; all three present. Morning: JC attended BPP Leadership Team Meeting, held at Community Medical Center.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated February 18, 2011. Between County and Third Signal LLC, for a Network and Continuity manual for 9-1-1. [BCC signed SLA 2/1/11 with State of MT to have manual designed]. Third Signal is also working with Flathead/Granite/Ravalli/Mineral Counties. Term/March 1, 2011-December 31, 2011. Amount/up to \$6,000. One original to Chris Lounsbury/ES.

Lease Renewal – BCC signed. Between County and Plum Creek Timberlands for Blanchard Communications site. Rental amount/\$2,375 for term October 1, 2009-December 31, 2011.

Additional discussion item(s): Legislative update.

FRIDAY, FEBRUARY 25, 2011

BCC met in regular session; all three present. Afternoon: BCC attended retirement celebration for Bob Reid/Director of Emergency Services.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated February 23, 2011. Amount/\$64,843.96. Document to County Auditor. Two originals to Dave McGinnis for further signatures/handling.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, FEBRUARY 28, 2011

BCC met in regular session; all three present. Noon: JC attended Leadership Montana Luncheon, held at First Interstate Bank.

Planning Status Meeting – BCC/OPG Staff. 1) Public Comment; 2) MDP, Block 4, Lot 1, Rezone; 3) OPG Director's update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Subdivision Regulation Revisions; 3) Streamside Protection Program/Landowner Recognition; 4) Legislation update for MOU meeting; 4) E Newsletter/visits to Community Councils; 6) Community Council communications.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: MARCH, 2011

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of MARCH 2011:

Date Signed	Claims List Date	Who signed	Amount
March 2, 2011	March 1, 2011	BCC	\$254,304.38
			\$472.20
			\$1,254.54
			\$23,333.33
			\$6,617.04
March 3, 2011	March 2, 2011	BCC	\$6,955.00
March 2, 2011	March 2, 2011	BCC	\$164.75
			\$842.46
			\$35,730.65
			\$2,823.85
			\$67.78
			\$4,041.83
March 3, 2011	March 3, 2011	BCC	\$2,726.07
			\$1,017.42
			\$9,786.17
			\$2,239.77
March 4, 2011	March 4, 2011	JC,BC	\$16,490.61
March 7, 2011	March 7, 2011	BC,ML	\$149.78
			\$4,919.03
			\$10,343.43
			\$37,713.86
			\$1,672.14
			\$1,588.74
			\$943.00
			\$837.33
			\$143.36
March 8, 2011	March 8, 2011	BC,ML	\$14,149.36
			\$478.68
			\$584.22
			\$1,480.73
			\$47,090.60
March 9, 2011	March 8, 2011	BC,ML	\$7,528.97
			\$1,466.63
March 9, 2011	March 10, 2011	BC,ML	\$2,494.07
			\$200.00
			\$5,936.91
			\$1,300.04
			\$3,733.77
			\$93,300.96
March 10, 2011	March 10, 2011	BC,ML	\$894.27
			\$1,154.50
			\$340,204.17
			\$2,651.87
			\$2,975.26
March 11, 2011	March 11, 2011	BC,ML	\$14,471.67
			\$117.35
			\$121.29
			\$16,144.17
			\$13.50
March 14, 2011	March 14, 2011	BC,ML	\$8,806.34
			\$2,077.57
March 15, 2011	March 7, 2011	BC,ML	\$49.99
March 15, 2011	March 14, 2011	BC,ML	\$16,840.55
			\$143.00
			\$282,097.38
			\$1,094.73
			\$304.92

March 15, 2011	March 15, 2011	BC,ML	\$70,201.65
			\$2,949.26
			\$19,369.13
			\$61,676.28
			\$725.41
			\$18,004.63
			\$8,028.32
March 16, 2011	March 15, 2011	BC,ML	\$9,663.67
March 17, 2011	March 16, 2011	BC,ML	\$51,402.42
			\$10,189.75
			\$916,816.32
			\$13,450.31
			\$3,674.82
			\$209,826.17
March 22, 2011	March 17, 2011	JC,ML	\$30,553.43
March 22, 2011	March 18, 2011	JC,ML	\$125.00
			\$5,330.17
			\$1,981.61
			\$129.30
March 22, 2011	March 21, 2011	JC,ML	\$616.57
			\$28,161.17
			\$7,604.60
			\$8,127.80
			\$15,404.19
			\$1,629.66
			\$1,452.49
March 22, 2011	March 22, 2011	BC,ML	\$52,301.41
			\$84,987.06
			\$739.79
March 23, 2011	March 22, 2011	BCC	\$750.00
March 23, 2011	March 23, 2011	BCC	\$6,679.50
			\$35,069.41
March 24, 2011	March 23, 2011	BCC	\$20,491.49
			\$748.29
			\$35,314.68
			\$162.00
March 24, 2011	March 24, 2011	BCC	\$174,974.63
			\$2,790.24
			\$215.60
			\$4,656.24
March 28, 2011	March 24, 2011	BCC	\$30,401.20
March 25, 2011	March 23, 2011	BCC	\$375.33
March 25, 2011	March 24, 2011	BCC	\$5,967.14
			\$7,777.67
March 28, 2011	March 28, 2011	BCC	\$4,249.03
			\$47.00
			\$11,045.67
March 29, 2011	March 28, 2011	BCC	\$31,943.91
			\$218,323.12
March 29, 2011	March 29, 2011	BCC	\$4,121.87
			\$54,764.62
		JC,BC	\$2,059.00
March 29, 2011	March 16, 2011	JC,BC	\$862.00
			\$1,453.38
			\$54,764.62
March 30, 2011	March 29, 2011	BCC	\$27,151.52
			\$38,796.35
			\$8,960.00
			\$251,655.47
			\$10,558.70
			\$17,536.70
			\$2,458.82
			\$6,967.25

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March 31, 2011	March 30, 2011	BCC	\$108,770.42
			\$9,665.56
			\$38,925.59
			\$344.65
March 31, 2011	March 22, 2011	BCC	\$12,835.64

All Claims Lists were returned to the Accounting Department.

TUESDAY, MARCH 1, 2011

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Board Appointment – BCC appointed Jennifer Long to the Consolidated Planning Board to fill a vacant term. Ms. Long's term begins immediately and runs through December 31, 2013.

Grant Application – JC signed signature page for JABG application to MT BOCC for \$80,194 (90%) of funds to carry out programs/services provided under JABG program (personnel and contract w/Habitat for Humanity). Originals to Brenda Johnson/District Court for further signatures/handling.

Board Appointments – BCC appointed the following as members of the new Fairgrounds Advisory Committee:

- 1-year terms to September 30, 2012: Jeremy Keene, Paul Filicetti, Tim Winger, Chris Behan
- 2-year terms to September 30, 2013: Chris Nygren, Diane Beck, Jason Shearer, David Miller
- 3-year terms to September 30, 2014: Rod Austin, Bob Homer, Eric Gabster, Jon Wilkins, Jason DeCunzo.
- Ex Officio Members: One representative each from the County Commissioners and County Extension Office.

Letter/MOU – BCC signed Letter of Non-Supplantation and MOU for FY11 and FY12 County *Community of Care Program* grant application (\$400,000) submitted to OVAW/Office of Justice Programs. Originals to Shantelle Gaynor/OPG for further signatures/handling.

Request for Records Disposal/Transfer Authorization – JC signed. From PHC. 28 boxes: Adult dental charts/deceased records/patient charts/Ryan White records (1/1/2000-12/31/2005). To Records.

Additional discussion item(s): Legislative update.

WEDNESDAY, MARCH 2, 2011

BCC met in regular session; all three present.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending February 28, 2011.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending February 28, 2011.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 04/CY2011 - Pay Date/February 25, 2011. Total Payroll/\$1,206,409.51. To County Auditor.

Easements – BCC signed following permanent road easements/temporary construction easements for Petty Creek Road project #MT PFH 71-1(1):

- 1) Parcel 006 – Drue Linton;
- 2) Parcel 008 – David/Elaine Hill;
- 3) Parcel 010 – Ralph/Mary Vesel
- 4) Parcel 025 – Cooper Life Estate/Darrell Cooper;
- 5) Parcel 082 – Karl/Louise Joost.

Total amount/\$12,600. Originals to Steve Niday/Surveyors.

Bylaws – BCC approved/signed revisions to West Valley Community Council Bylaws, dated March 2, 2011. Due to changes in voter precincts, Bylaws no longer require Council members to reside in a specific precinct, and eliminates precinct boundaries. Two originals to Laurie Hire/RI for further signatures/handling.

Letter – BCC signed, dated March 1, 2011. Richard Opper, MT DEQ, and Steve Bullock, Attorney General, Helena, regarding environmental concerns at the Smurfit-Stone Frenchtown Mill that may restrict future economic use of the property/cause impacts to human health and environment.

Additional discussion item(s): 1) Kearsley Big Rigs Transport Project; 2) Legislative update.

PUBLIC MEETING – March 2, 2011

1. CALL TO ORDER

Chair Curtiss called the meeting to order at 1:33.

Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Michele Landquist

Absent: Commissioner Bill Carey

Staff Present: James McCubbin, Deputy County Attorney, Janet Rhoades, OPG

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Dale Wisby from Lolo came to the public meeting to introduce himself; he had sent the Commissioners a letter regarding his property in Lolo and would appreciate any help they could offer.

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$794,564.69)

Executive Session

Commissioner Landquist made a motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$794,564.69. Chair Curtiss seconded the motion. The motion carried a vote of 2-0.

- b. Public Announcements

Animal Controls "Big Fix" for cats through the month of March. Flyer

5. PROCLAMATION

March for Meals Month by Missoula Aging Services, Meals for Wheels Program. Proclamation

6. HEARING (Certificate of Survey)

Greil (Elva) Family Transfer – Staff Report

Public Comment

None

Executive Session

Commissioner Landquist made a motion that the Board of County Commissioners approve the request by Elva Greil to create three additional parcels by using the family transfer exemption based on the fact that there does not appear to be an attempt to invade subdivision review. Chair Curtiss seconded the motion. The motion carried a vote of 2-0.

7. HEARING (Postponed from February 16, 2011)

Rezone Missoula Development Park – Block 4, Lot 1 (from Neighborhood Commercial Subdistrict to Light Industrial Subdistrict) – Staff Report

Janet Rhoades - Staff Report (ppt)

Public Comment

None

Executive Session

Commissioner Landquist made a motion that the Board of County Commissioner approve the request to rezone Missoula Development Park – Block 4, Lot 1 from Neighborhood Commercial Subdistrict to Light Industrial Subdistrict of the Missoula Development Park special zoning district be approved. Chair Curtiss seconded the motion. The motion carried a vote of 2-0.

8. OTHER BUSINESS

Follow-up on the Petition to Relocate a Public Utility and Drainage Easement

Chair Curtiss mentioned that an item was left off the agenda; The Petition to Relocate a Public Utility and Drainage Easement – Spring Meadows Addition, Lot 53 Initial hearing was held February 16, 2011. Site visit was done February 18th by Chair Curtiss and Greg Robertson. This item will be added to tomorrow's Administrative Meeting. No public comment has been received. Viewers Report

Public Comment

Sue Hadnot, Lolo Community Council thanked the Commissioners for attending their meeting and listening to the items on the agenda. They did receive the Commissioners letter regarding the Lolo RSID 901 Advisory Council, they look forward to working with Greg Robertson on update on the sewer and water district. She will be suggesting to all the council members this coming Tuesday to setup a meeting with Jason to tour the facility and get more education on the Lolo RSID 901 Sewer and Water Board. Thank you again for coming to our meeting.

Chair Curtiss: We enjoyed coming and Rural Initiatives is now in the process of trying to schedule so that we make it to all of the Community Council Meetings at least once and hopefully twice a year, maybe not the whole Commission but at least a Commissioner.

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9. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 1:52pm.

THURSDAY, MARCH 3, 2009

BCC met in regular session; all three present.

Indemnity Bond – JC signed. Diane Beck, Missoula, Principal for Hellgate Elementary Warrant #16956, issued January 3, 2011 on Claims Fund. Amount/\$468 (for travel). Warrant lost.

Replacement Warrant - JC signed. Audrey Collins, Clinton, Principal for Clinton School Dist. #32 Warrant #20019150 issued October 5, 2010 (payable to Clinton Education Assoc.). Amount/\$815.25 (for payroll deduction/dues). Warrant not received in mail; no bond of indemnity required.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated February 21, 2011. Between County and Rob Quist/Mission Mountain Wood Band for headline show August 13, 2011 at Western MT Fair. Amount/\$12,500.

IRS Form – JC signed Form 8879-EO for FY 2010 County Comprehensive Medical Benefits Plan. Total Form 990 Revenue: \$79,836.70. Original to Hal Luttschwager/Benefits.

Request – BCC appointed BC as Acting Chair while Chair JC is out of the office for knee replacement surgery (for at least two weeks beginning March 7, 2011).

Letter – BCC signed, dated March 3, 2011. To Linda Carlson, Clinton, confirming approval of her Petition to Relocate a Public Utility/Drainage Easement along northerly boundary of Spring Meadows Addition, Lot 53.

Letter – BCC signed, dated March 3, 2011 to Jim Lynch, Director MT DOT, Helena, re: Kearsley Module Transport Project (and any other similar projects). BCC asked for further info/potential changes to KMTP proposal relating to use of Interstate highways for transport vs. use of Highways 12 and 200. BCC supports reduction of modules size and use of Interstate system for transport.

Additional discussion item(s): 1) Limitation on undeveloped Public Road easements (staff to draft cover letter/send to neighbors who use road; BC will return call); 2) Legislative update.

FRIDAY, MARCH 4, 2011

BCC met in regular session; all three present.



Vickie M. Zeier
Clerk & Recorder



Jean Curtiss, Chair
BCC

MONDAY, MARCH 7, 2011

BCC met in regular session; quorum present. JC out of office for knee surgery through March 18th.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Six Mile Qualifying Resolution; 3) Subdivision Regulation Revisions (*tentative*); 4) PLACE Project Website/Contract Amendment; 5) CFLRP Funding; 6) Community Council communications; 7) RI Director's Update.

TUESDAY, MARCH 8, 2011

BCC met in regular session; quorum present. JC out of office for knee surgery through March 18th.

Monthly Report - JC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending February 28, 2011.

ADMINISTRATIVE MEETING

Letter – BCC signed, dated March 8, 2011. To Jim Lynch, MDOT, Helena, introducing Walt Muralt to Mr. Lynch, and providing information about his community service over the years.

Memorandum – BCC reviewed/signed Grant Creek Trail Project Update, dated March 4, 2011, serving as follow-up from January 18th meeting with BCC/Jeff Seaton/Greg Robertson/James McCubbin, et al. BCC looks forward to a completed trail in the future.

Additional discussion item(s): 1) Pending SLR Legislation (County Attorney will draft position paper for Linda Stoll to read into record); 2) Seeley Lake Sewer Board issues; 3) Legislative update.

WEDNESDAY, MARCH 9, 2011

BCC met in regular session; quorum present. JC out of office for knee surgery through March 18th.

ADMINISTRATIVE MEETING

Grant Documents – BC and ML signed Grant Application for FY11 extension of funds (\$91,294.48) for existing projects funded by HB 130 to benefit County's crisis response to those with mental illness and divert them from detention center as statute allows. Original to Kim Campbell/OPG for transmission.

Additional discussion item(s): 1) Family Medicine Residency Program; 2) Legislative update.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated March 10 and 29, 2011:

- 1) Approving request from Jackie Mumm, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #1749762;
- 2) Approving request from H. Wilson/Action Services LLC, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #2633994;
- 3) Denying request from Jolynn Dennis, Missoula, to refund motor vehicle taxes/fees paid for VIN #214GP54L36R690363;
- 4) Denying request from William Schall, Bonner, to refund penalty/interest for Taxpayer ID #297107 (unless he can prove request for address change on this parcel);
- 5) Approving request from Daniel Bennett, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #640838;
- 6) Denying request from Bill Zader/Western MT Realty Group, to refund penalty/interest for Taxpayer ID #3905607. Also, DOR will review property for an incorrect appraised value; letter will be sent in April with decision.
- 7) Approving request from John Baker, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #2633994;
- 8) Approving request from Daniel Bennett, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #2321850;
- 9) Approving request from Jacob Barrow, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #1955416;
- 10) Denying request from Ralph Clark, Missoula, to refund motor vehicle taxes/fees paid for sold 1988 Honda Civic;
- 11) Approving request from Stacy Jo Moore, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #1955416;
- 12) Denying request from Kevin DePuy, Missoula, to refund motor vehicle taxes/fees paid for sold Matrix AA0718791;
- 13) Approving request from James Goudzwaard, Seeley Lake, to refund SL Refuse fees for Taxpayer ID #1510006 in amount of \$125;
- 14) Informing Cary Larson/Missoula Nissan Hyundai, Inc., that DOR will review appraisal for Taxpayer ID #863802 as to condition parcel was in as of 12/31/10; BCC have no authority to remove parcel from tax rolls since it was not demolished until after 1/1/11.
- 15) Informing William Wilson, Condon, that BCC has again reviewed his request for a refund; BCC has no new info to support request. Refund was denied.

PUBLIC MEETING – CANCELED (No Agenda items)**THURSDAY, MARCH 10, 2011**

BCC met in regular session; quorum present. JC out of office for knee surgery through March 18th.

Replacement Warrant - BC signed. Leslie Ursich, Missoula, Principal for MCPS Warrant #190343 issued December 19, 2008 on MCPS Payroll Fund. Amount/\$69.26 (for wages). Warrant not received in mail; no bond of indemnity required.

ADMINISTRATIVE MEETING

Easements – BCC signed following permanent and/or temporary road easements for Petty Creek Road project (#5866):

- 1) Parcel 018 – Michael Schmaus (\$650);
- 2) Parcel 019 – Michael Schmaus (\$900);
- 3) Parcel 030 – Edward Gallagher (\$400);
- 4) Parcel 061 – The Nature Conservancy (\$300);

Originals to Steve Niday/Surveyors.

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Resolutions – BCC signed, dated March 10, 2011, canceling May 2011 Special District Trustee Elections (and electing by acclamation parties who filed nominating petitions for open positions) for the following:

- 1) #2011-023/Big Flat Irrigation District – No petitions received for one 3-year position; new member to be appointed.
- 2) #2011-024/Bonner Community Council – Donald Felton elected by acclamation for new 3-year term.
- 3) #2011-025/Clinton Irrigation District: No petitions received for one 3-year term; new member to be appointed.
- 4) #2011-026/East Missoula Community Council – Rick Stephens elected by acclamation for new 3-year term; Dick Ainsworth elected by acclamation for unexpired 2-year term. Vacant terms to be appointed: one unexpired 2-year term and one unexpired 1-year term.
- 5) #2011-027/East Missoula RFD – Carole Boulter and Carolyn Risher elected by acclamation to new 3-year terms.
- 6) #2011-028/Evaro-Finley-O'Keefe Community Council – Paul Heihn elected by acclamation for new 3-year term. One vacancy to be appointed for new 3-year term.
- 7) #2011-029/Frenchtown Irrigation District – Gyla Steiner elected by acclamation for new 3-year term.
- 8) #2011-030/Greenough-Potomac Fire Service Area – Leslie Iverson and Darryl Mariucci elected by acclamation for new 3-year terms.
- 9) #2011-031/Lolo Community Council – No petitions received for two 3-year position; new members to be appointed.
- 10) #2011-032/Missoula Irrigation District: Robert Cole and Elizabeth Johnson elected by acclamation for new 3-year terms.
- 11) #2011-033/Missoula RFD– Larry Hansen elected by acclamation for new 3-year term. One vacant unexpired term to 2012 to be appointed.
- 12) #2011-034/Seeley Lake Community Council – Steve Johnson and John Richards elected by acclamation to new 3-year terms.
- 13) #2011-035/Seeley Lake/Swan Valley Hospital District – Jeffrey Aresty and Mary Ann Morin elected by acclamation to new 3-year terms. One vacant unexpired two-year term to be appointed.
- 14) #2011-036/Swan Valley Community Council – Tony Quadros elected by acclamation for new 3-year term.
- 15) #2011-037/Swan Valley Fire Service Area – No petitions received for one 3-year position; new member to be appointed.
- 16) #2011-038/West Valley Community Council – Colbert Howell and Jimmie McKay elected by acclamation for new 3-year terms. One unexpired two-year term to be appointed.

Agreement – BC signed. Continuum of Care Grant Agreement between County and HUD for Western MT Mental Health Center/Turning Point SHARE House Project. Amount/\$147,498. Term/January 3, 2011-January 2, 2012. Three original to MW Gordon/OPG for further signatures/ handling.

Amended Contract – BC signed. Between County and A&E Architects for Courthouse Renovation Project (7/22/10). Amendment is for design/development portion to be used to develop construction documents. Amount/ \$220,800. One original to A&E.

Request – BCC approved request from OPG for distribution of BNA contingency funds to following: 1) Poverello to replace beds infested by bed bugs (\$2,000); 2) Salvation Army for rental assistance through end of March (\$3,000); 3) WORD for rental/1st month's security to end of FY (\$5,000). Original to Peggy Seel/OPG.

Letter – BCC signed, dated March 10, 2011 to Ron Ewart, expressing deep appreciation for his service as a member of the Missoula Development Authority.

Letter – BCC signed, dated March 10, 2011 to R. Oppen/Director, MT DEQ, Helena, commenting on proposed design of on-site waste repository/declaration of restrictive covenants for PCB wastes at former Stimson Mill/Bonner. BCC prefers that PCB contaminated waste be removed from site.

Request for Records Disposal/Transfer Authorization – BC signed. From Sheriff. Concealed weapon permit applications (<2007). To Records.

Request for Records Disposal/Transfer Authorization – BC signed. From Sheriff/Detention. Sheriff & Detention Payroll Timesheets (2003-2006). To Records.

Resolution No. 2011-022 – BCC signed, dated March 10, 2011. Resolution of Intent to rezone property legally described as Lot 4 of Block 1 of MDP-Phase 1, located in Section 35, T 14 N, R 20 W, PMM, Missoula County, from the MDP Special Zoning District "Neighborhood Commercial" Subdistrict to MDP Park Special Zoning District "Light Industrial" Subdistrict. Hearing held March 2, 2011.

Additional discussion item(s): 1) CBO Program (postponed); 2) Legislative update.

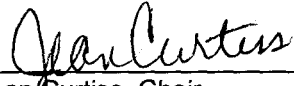
FRIDAY, MARCH 11, 2011

BCC met in regular session; quorum present. JC out of office for knee surgery through March 18th.

Letter – BCC signed, dated March 11, 2011 to John Richards, Seeley Lake, denying Clearwater Meadows Ranch Subdivision (for reasons in Findings of Fact/Conclusions of Law). Mr. Richards can appeal if he so chooses.

Letter – BCC signed, dated March 11, 2011 to Glen Morin/Seeley Lake Sewer Board, confirming County's offer of assistance in obtaining a sewer system. However, concerns about the Board's current direction must be addressed before assistance is provided by the County.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, MARCH 14, 2011

BCC met in regular session; quorum present. ML attended City Club Luncheon, held at Holiday Inn. JC out of office for knee surgery through March 18th.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Subdivision Regulation Revisions; 3) City Open Space Projects Update; 4) Community Council communications; 5) RI Director's Update.

Resolution No. 2011-039 – BCC signed, dated March 14, 2011. Abandoning portion of Woodville Avenue (described in "Lund-Jamison-Wheatley Agreement for Abandonment), located south of Third Street between Block 3/Block 14 of East Clinton Subdivision, situated in Section 27 of T 12 N, R 17 W, PMM, Missoula County. Public Hearings held in 2007, and again February 9, 2011.

Resolution No. 2011-040 – BCC signed, dated March 14, 2011. Abandoning portion of a General land Office road located within MDP/Phase 2/Block 10/Lots 1-A & 2A subdivision plat, situated in Section 1 of T 13 N, R 20 W, PMM, Missoula County. Public Hearings held February 2 and 9, 2011.

Resolution No. 2011-041 – BCC signed, dated March 14, 2011. Altering a 20-foot wide public utility/drainage easement located within Lot 53 of Spring Meadows Addition, situated in Section 22 of T 14 N, R 20 W, PMM, Missoula County. Public Hearings held February 16 and March 2, 2011.

TUESDAY, MARCH 15, 2011

BCC met in regular session; quorum present. Afternoon: ML/BC attended Joint TPCC/TTAC Meeting, held at City Council Chambers. JC out of office for knee surgery through March 18th.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated March 15, 2011. Between County and 4G Plumbing/Heating for water-cooled centrifugal chiller for Detention Center. Term/February 18-May 27, 2011. Amount/\$175,675 (\$85,000 from Grant funds). Two originals to Larry Farnes/Maintenance.

Grant Application – BC signed. Application to DPHHS (under SAMHSA Drug Free Community Support Program) on behalf of Frenchtown Community Coalition. Requested/\$105,000 for 5-years. Originals to Peggy Seel/ OPG for further signatures/handling.

Sub-Grant Application – BC signed. Application to MT BOCC for training/coordination of JDAI for term July 1, 2011-June 30, 2012. Requested/\$22,640. Originals to Peggy Seel/ OPG for further signatures/handling.

Grievance Response – BCC reviewed/denied County Employee grievance dated February 13, 2011. BCC determined there was no contract violation. Original to Steve Johnson/HR.

Resolution No. 2011-021 – [BCC re-signed, dated February 22, 2011. Re-recorded March 7, 2011 to correct Section/ Township/Range listed in error on original resolution.] Renaming Crawford Court to Aubrey Ann Court. Correct verbiage: Section 25, T 15 N, R 22 W, Missoula County. Hearing held February 16, 2011.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated March 14, 2011. Amount/\$7,350.27. Document to County Auditor.
Additional discussion item(s): 1) TPCC overview; 2) BC and ML will attend MAEDC Annual Meeting; 3) Legislative update.

WEDNESDAY, MARCH 16, 2011

BCC met in regular session; quorum present. JC out of office for knee surgery through March 18th.

Replacement Warrant - BC signed. Courtney Wahlberg, Missoula, Principal for Hellgate Elementary Warrant #31848 issued February 18, 2011 on County Payroll Fund. Amount/\$188.70 (for wages). Warrant not received in mail; no bond of indemnity required.

ADMINISTRATIVE MEETING

Water Rights Purchase Agreement – BCC signed, dated March 11, 2011. Between Buyer County (Public Works) and Roy P. Handley (Trustee of Roy A. Handley Trust), and Roy P. Handley, individually, for RSID 8496 Lewis & Clark Water System. Amount/\$10,000 for total of 6 acre-feet. Original to Greg Robertson/Public Works for further signatures/handling.

Amendment #1 – BCC signed. To Agreement between County and DJ&A, PC (2/17/11) for right-of-way negotiation/acquisition services for Upper Miller Creek Road Reconstruction project. Amendment increases amount by \$5,364.64 for same services for one additional parcel (funded through FHWA). Two originals to Greg Robertson/Public Works for further signatures/handling.

Purchase Agreement – BC signed, dated March 7, 2011. Between County (Road Dept.) and CHS for 80 tons of CRS-2 Emulsified Asphalt. Amount/\$479 per ton; total/\$38,320. Term/April 1-October 31, 2011. Two originals to Jeff Seaton/Public Works for further signatures/handling.

Improvements Agreement/Guarantee – BCC signed, dated March 8, 2011. For Windsor Park Subdivision. Relates to Common Area improvements/sidewalk fronting/stripping/maintenance of SWPPP covered in contingency. Completion date/no later than December 10, 2011. Estimated costs/\$93,343; guaranteed by Letter of Credit from First Security Bank in amount of \$107,344.45.

Resolution No. 2011-044 – BCC signed, dated March 16, 2011. Revokes Resolution No. 81-44. Puts in place procedures for all road name changes (public and private), as shown in County Public Works Manual adopted in 2010. Administrative Public Meeting held March 16, 2011.

Resolution No. 2011-043 – BCC signed, dated March 16, 2011. Repeals Resolution No. 82-100. Eliminates RSID No. 901 Board of Advisors. BCC reserves option to re-form the board of advisors in the future if determined warranted.

Additional discussion item(s): 1) Public Works Department update; 2) Legislative update.

PUBLIC MEETING – March 16, 2011 – CANCELED (No Agenda items)**THURSDAY, MARCH 17, 2011**

BCC met in regular session; quorum present. JC out of office for knee surgery through March 18th.

Indemnity Bond – BC signed. Chad Chestnut, Huson, Principal for Payroll Warrant #26072064, issued March 10, 2011 on Frenchtown School District #40 Fund. Amount/\$425.91 (for salary). Warrant lost.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 05/CY2011 - Pay Date/March 11, 2011. Total Payroll/\$1,222,101.39. To County Auditor.

Contract – BCC signed, dated March 17, 2011. Between County and Suzanne Julin for historic preservation consultation/services to assist OPG while Historic Preservation Office is absent for extended sick leave. Amount/\$3,000. Term/March 21-May 15, 2011. One original to Ms. Julin.

Easements – BCC signed following permanent road easements/temporary construction easements for Petty Creek Road project #5866:

- 1) Parcel 016 – Jay King;
- 2) Parcel 023 – Walter/Susan Max;
- 3) Parcels 027 & 028 – Edward Gallagher;
- 4) Parcel 031 – David/Margaret Lake;
- 5) Parcels 032 & 033 – John/Patricia Davies.

Total amount/\$16,600. Originals to Steve Niday/Surveyors.

Resolution No. 2011-042 – BCC signed, dated March 15, 2011. Reimbursement Resolution qualifying purchase (\$350,000) of conservation easement on approx. 892 acres of land owned by Keith/Linda Ward in Sixmile area as a "Qualified Open Space Project" for expenditure of 2006 Open Space bond funds.

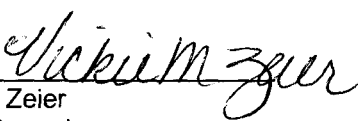
Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated March 16, 2011. Amount/\$10,227.71. Document to County Auditor.

Letter – BCC signed, dated March 14, 2011. To Captain Kowalski/Sergeant Evans, Detention Center, Missoula, re: inspection by BCC of facility on February 22, 2011. Inspection of Detention Center found that safety/security is well planned and executed, and recreation is adequately provided. BCC also noted staff provides excellent treatment of inmates.

Additional discussion item(s): Legislative update.

FRIDAY, MARCH 18, 2011

BCC met in regular session; quorum present in morning. ML out of office all afternoon. JC out of office for knee surgery through this date.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, MARCH 21, 2011

BCC met in regular session; quorum present. ML out of office all day at Biomass to Biochar Symposium, held in St. Regis.

TUESDAY, MARCH 22, 2011

BCC met in regular session; all three present. BCC attended MAEDC Annual Membership Luncheon, held at Hilton Garden Inn. Evening: ML attended Upper Linda Vista HOA Annual Meeting.

Planning Status Meeting – CANCELED.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) FY 2012 Park Board Project Priorities; 3) Parks/Trails Projects; 4) DNRC/CSKT Land Exchange; 5) Sixmile Bond Project Staff Report; 6) Community Council communications; 7) RI Director's Update.

ADMINISTRATIVE MEETING

Memorandum of Understanding – BCC signed, dated March 22, 2011. Between County (Sheriff's Office) and CSKT concerning care/custody/transportation of offenders charged to custody of Juvenile Probation in and for the CSKT. Detention per diem daily rate/\$225. To Sheriff Ibsen for further signatures/handling.

Amended Contract – BCC signed, dated March 7, 2011. Between County and DTM Consulting, Inc. (original date 4/22/09) for PLACE Project Web Mapping. Amendment will fund/develop interactive web mapping tool based on current County Elections Map. Amount/\$15,000. Term/March-September 2011. One original to Sarah Canepa/RI.

Request – BCC approved request from Detention Center to remove 240-hour max donated sick time for Sgt. Greg Zinke.

Agreement – BCC signed, dated March 22, 2011. Between County and Christian Lounsbury to serve as Interim Manager/Office of Emergency Management. Amount/\$75,000 yearly. Term/February 6-August 7, 2011.

Change Order #1 – BCC approved/JC signed. To Contract between County (Larchmont Golf Course) and The Land Group, Inc./Franz Witte Landscape Contracting for portion of Larchmont Irrigation project. CO adds two check valves inadvertently excluded in original bid. Amount/\$2,123 added to existing \$243,737 contract. Two originals to Lisa Moisey/Parks for further signatures/handling.

Grant Agreement – JC signed. Health Dept. (Water Quality District) U.S. EPA #CD-97868701-0 (Award Date: 2/18/11); Wetlands Grant – Evaluation of Areas of Riparian Resource under Subdivision Regulations adopted in 1995. Budget/Project Period: February 18, 2011-December 31, 2012. Amount/\$43,178. Original to Peter Nielsen for further signatures/handling.

Request for Records Disposal/Transfer Authorization – JC signed. From Finance/Accounting. Payroll Records/Time Sheets (CY06). To Records.

Letters – BCC signed, dated March 24, 2011, notifying current/interested recipients in CBO Program (Child Day Care/General/Mental Health) of availability of County funding, and enclosing County Funds Application for FY 2012. Letters to: 1) Community-Based Organizations; deadline/April 27, 2011; and 2) Community Councils; deadline/May 25, 2011. Amount in FY12 Budget/\$500,000. Originals to Jean Harte/OPG.

Additional discussion item(s): 1) Discuss CBO Program eligibility/spending parameters for FY12 (cont'd from 3/10/2011); 2) Article for RI April Newsletter; 3) Adair Property; 4) Legislative update.

WEDNESDAY, MARCH 23, 2011

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated March 23, 2011. Between County (PHC) and Paul Odegaard for On-Call Staff Pharmacist services at PHC. Amount/\$42 hourly. Term/January 5, 2011-June 30, 2012. Two originals to PHC.

Contract – BCC signed, dated February 7, 2011. Between County (PHC) and Terry Delgadillo for PHC Operations Coordinator/Compliance Officer. Amount/\$23 hourly. Term/December 1, 2011-June 30, 2012. Two originals to PHC.

Reimbursement Resolutions – BCC signed, dated March 23, 2011. To reimburse County for expenses incurred prior to bond issuance. Relating to space needs initiative and contract with A&E Architects/Design Projects for:

- 1) No. 2011-046 – For County Administrative Building Design Project; amount/\$28,000.
- 2) No. 2011-045 – For County Records Center Design Project; amount/\$69,000.

Letter – BCC signed, dated March 22, 2011 to Bob Sandman/DNRC NW Land Office, Kalispell, supporting proposed land exchange between DNRC and CSKT. BCC sees this as excellent opportunity for State and Tribes to work together on matters of mutual interest.

Letter – BCC signed, dated March 23, 2011 to Members of the RSID No. 901 Lolo Sewer/ Wastewater District Board (Tom Cook/William Maart/Melanie Miller/Crystal Montgomery-Kaler), explaining reasons the Board was dissolved and thanking them for their service on the Board over the years.

Additional discussion item(s): 1) Transfer Site Renovation Project; 2) Seeley Lake Sewer (see 3/24/11 journal entry); 3) Legislative update.

PUBLIC MEETING – March 23, 2011

1. CALL TO ORDER

Acting Chair, Commissioner Carey called the meeting to order at 1:31.

Commissioners Present: Commissioner (Acting Chair) Bill Carey, Commissioner Michele Landquist
Absent: Chair, Jean Curtis

Staff Present: Martha McClain, Deputy County Attorney, Kim Cox, Assistant Chief Deputy Clerk and Recorder

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

None

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$2,924,603.78)

Executive Session

Commissioner Landquist made a motion that the Board of County Commissioners approve the weekly Claims List in the amount of \$2,924,603.78. Acting Chair, Carey seconded the motion. The motion carried a vote of 2-0.

- b. Public Announcements
None

5. HEARING

Petition to Annex Properties into Seeley Lake Rural Fire District (2233, 2320, 2779 & 3139 Cahoon Ranch Road) – Staff Report
Clerk and Recorder Certification Letter

Kim Cox made note that the Request for Commission Action (RCA) has an error. The RCA reads “the properties to be annexed into the Missoula Rural Fire District”. This should be corrected to say “the properties to be annexed into the Seeley Lake Rural Fire District”.

Kim also verified signatures on the petition as required by law.

Public Comment

None

Executive Session

Commissioner Landquist made a motion that the Board of County Commissioners approve the request for 4 parcels on Cahoon Ranch Road be annexed to the Seeley Lake Rural Fire District. Acting Chair, Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

6. OTHER BUSINESS

None

7. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 1:34.

Resolution No. 2011-060 – Following Public Meeting, BCC passed/adopted. Dated March 23, 2011. Annexes to the Seeley Lake Rural Fire District following parcels of land: 2779, 2233, 3139 and 2320 Cahoon Ranch Road. Public Hearing was held March 23, 2011. [BCC signed on May 17, 2011].

THURSDAY, MARCH 24, 2011

BCC met in regular session; all three present. Late morning: BC/ML participated in March for Meals Campaign by delivering Meals on Wheels to Seniors.

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Plat – BCC signed. Owners-Green Bench Gardens LLC. Green Bench Gardens – a 2-lot subdivision of Lot 2/Orchard Home Company's Addition #6, Lots 1, 2 & 3, located in the NW¼ of Section 35, T 13 N, R 20 W, PMM, Missoula County. Total area: 1.00 acres each for (Lots 2A and 2B).

ADMINISTRATIVE MEETING

Contract – BCC signed, dated March 15, 2011. Between County and Rob Smets for Bulls and Broncs Announcer at Western MT Fair August 8-10, 2011. Amount/\$2,000. One original to Steve Earle/Fair.

Contract – BCC signed, dated March 24, 2011. Between County and D Lower Construction to install Wheelchair Lift at T-1 Building. Term/March 25-June 30, 2011. Amount/\$31,668. Two originals to Larry Farnes/Maintenance.

Contract – BCC signed, dated March 24, 2011. Between County and Grizzly Fence to install cedar fence at LaLonde Ranch/MDP. Amount/\$4,950. One original to Barb Martens/Projects.

Latecomers' Agreement Settlement Releases – BCC approved settlement/signed Releases between County and Lolo Vista Apartments LP ("LV") and Summit Housing Group Inc. and Huson Trouthouse LLC ("HT") for claims relating to miscalculation by Public Works of sewer hookup fees to RSID 901. (Original Agreement established with Mustang Holdings LLC – now assigned to HT). Risk Management will pay \$15,000 and \$2,059 in fees collected by Public Works to be released to HT. LV to also pay additional \$20,000 directly to HT. Originals to Sue Stanley/Attorney's Office for further signatures/handling.

Letter – BCC signed, dated March 23, 2011 to Mary Bair/MT Board of Housing, Helena, commenting on/supporting two Missoula projects applying for Low Income Housing Tax Credits - Aspen Place Apartments and Palace Apartments.

Letter – BCC signed, dated March 24, 2011 to Jim Lynch/MDOT, sharing safety concerns with Walt Muralt about planned improvements in vicinity of Highway 93 North and Cartage Road (west of Missoula near Muralt's Travel Plaza). BCC requests a safety audit two years after completion of project.

Letter – BCC signed, dated March 23, 2011 to Seeley Lake Sewer Board, confirming County's offer of assistance in bringing a sewer to Seeley Lake area. BCC suggests drawing up an Interlocal Agreement for this purpose.

Additional discussion item(s): 1) Legislative update; 2) Seeley Lake Refuse District. BCC determined Bylaws need amending to reflect 2009 changes in MCA & BCC Board Resolution, and Public Works needs to rework contract with Dan Larson.

FRIDAY, MARCH 25, 2011

BCC met in regular session; all three present.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, MARCH 28, 2011

BCC met in regular session; all three present. JC attended Leadership Montana Luncheon, held at First Interstate Bank.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Blue Heron Addition Subdivision Phasing Plan Creation; 3) Glacier Creek Meadows Subdivision (info); 4) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Subdivision Regulations Assessment; 3) Community Council communications; 4) RI Director's Update.

TUESDAY, MARCH 29, 2011

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Request – BCC considered/approved joining litigation other parties re: Kearsy Sands Transport Project. Original to J. McCubbin/County Attorney for further handling.

Amendment #1 – JC signed. Between County and PCI for Upper Miller Creek Road Reconstruction Project (9/2/10). Amendment adds \$9,000 (for total contract amount/\$222,090) for additional geotechnical services with sub-contractor NTL Engineering to complete Full Depth Recycle. Two originals to Greg Robertson/Public Works for further signatures/handling.

RSID 8496 Lewis & Clark Water System Project – JC signed following required by DNRC: Applications for Water Use Permit/Change Water Right, and Ownership Update Divided Interest forms for purchase of Roy Handley water rights. Originals to Greg Robertson/Public Works for further signatures/handling.

Resolution No. 2011-047 – BCC signed, dated March 29, 2011. Zoning unzoned property (Airway Fleet Fuel LLC property) to C-C2 (General Commercial), located at 8448 Highway 10 East. Resolution of Intent first publication: January 27, 2011.

Letters – BCC signed, dated March 23, 2011 to Jim Gouaux and Doug McCoy, thanking them for their service on the County Open Lands Citizens Advisory Committee.

Additional discussion item(s): Legislative update.

WEDNESDAY, MARCH 30, 2011

BCC met in regular session; all three present. Morning: BCC attended City Council Conservation Committee Meeting, held at City Council Chambers.

CHIEF ADMINISTRATIVE OFFICER MEETING – No Action items.

Additional discussion item(s): 1) Transfer site renovation project (cont'd from 3/23/11); 2) ClimateWise Workshop/Steering Committee; 3) Sustainable Business Council Annual Lecture (ML will attend); 4) Legislative update.

PUBLIC MEETING – March 30, 2011

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

Staff Present: James McCubbin, Deputy County Attorney, Tim Worley, OPG Planner, Greg Robertson, Director Public Works

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Tom Alsaker, 11600 Mullan Road - Big Rig Lawsuit Comment

Earlier in the week I had indicated in stuff I was reading that you guys were not sure what you were going to do and I thought I would come here today and try to convince you not to enter into that lawsuit. And actions you took yesterday that is gone at the same time I would like to ask you a question, I don't want an answer right now but before I sit down I would. I didn't know how this could maybe happen without some kind of an informational hearing. There seems to be hearings about virtually everything that you do and I would like to of at least...maybe I missed it, if you had one, I missed it. To that end, you may think this is over the top but I expected the protestors to be out there to watch this happen through Missoula County, I probably spent as much time or more out there as these rigs traveled through Missoula then any of them. I watched them from when they come over the hill to when they came down Lolo Creek, till they maneuvered the corner at Lolo Road and 93, through Missoula and on out to their departure of our County at Beavertail Hill. I wanted to see them, I wanted to see for myself what they encountered along the way and how they encountered it, how they dealt with it. And I will say I some good, some bad and a little ugly. A little ugly was that first day coming through Lolo and I had been in Lolo for approximately since 1:00 in the morning with some other folks for a ring-side seat and nothing happened there till late in the night or early morning. The comments made by everybody there was that there was no traffic. Along about 3:00 a lot of logging trucks started heading towards Darby, a few but the significant of traffic was nothing. I could not believe it when I looked up the road after they had negotiated the corner there at Lolo and 93 and there was nothing but headlights probably back to Stevensville, I don't know that. That was caused by a mistake they made on their part, they left too late. The next load that came through - none of that, it was taken care of. I watched them negotiate those corners there, the ones at North Reserve and 90 and on out off the off-ramp at Clinton, maybe one driver was a little better than the others but they all negotiated them, I thought in my eye very okay and were not an impact, maybe an inconvenience yes. I can tell you I have sat in road construction projects and seal coatings for a lot longer time and never seemed to be no issue with that. I guess again the bottom line is I'm very disappointed that you entered into this thing, I've looked at 'all against the hauls' website as recently as this morning, they have indicated that they have 3000 people and earlier on I've seen where they indicated they have 3000 on a petition, by their own numbers on their website they have less than 2000 by a couple hundred this morning. I'm hoping that you weren't brought into this by a very vocal minority and I do think that the amount of money that's dispense on this project, hear how's it's a benefit to our community and I fault the people that have been doing it because they haven't told you yet, they haven't said enough about how much money has come into Montana as a result of this thing. And to that end I am disappointed if you've joined in the lawsuit and I would...if there's any way that you can bail-out I would hope that you'll look at it and I would like to know...I don't know what you're allowed to do or not allowed to do with public hearings and I guess I'd like an answer to that.

Chair Curtiss: Mr. Alsaker, we're writing a letter to the editor to explain our position that will be in the paper later in the week. Unfortunately the county, as one of our previous County Attorneys has told us, "A ham sandwich can sue the County". So we are engaged in lawsuits a lot and James I think you can quickly address this. We don't usually answer questions during Public Comment but whether or not we're required to hold a hearing before we decide to file a lawsuit.

James McCubbin: Well there's no hearing requirement for that, there was a Public Meeting that was on the Commissioners Agenda.

Chair Curtiss: We've had a lot of meetings, they weren't public hearings, the only difference between a public meeting and public hearing is the amount of notice.

Tom Alsaker: Okay, before you got into this was there any kind of a figure of money thrown out as to what this endeavor was going to cost us?

Chair Curtiss: We'll be addressing that in the letter to the editor.

Tom Alsaker: Okay, thank you very much.

Commissioner Landquist: I'd like to add one thing. Again, it's really not our policy to address or answer questions brought up during this public comment process, but since you did bring it up Tom, I want to thank you for coming and asking those questions of us and expressing your views and let you know that we did not protest the Conoco loads. We view the Conoco loads as being different because they have said there are only four (4) loads. They're not planning on making any permanent changes to the travel corridor compared to the Exxon loads that are planning and would need to make permanent changes to the travel corridor, and there's a more appropriate route being that of the interstate, and the questions that have not been answered that the county has asked a number of times of MDOT and that's why we're filing the lawsuit. It's not against the Conoco ones that aren't planning on making permanent changes to the travel corridors that we have, it's questioning the changes that would need to be made for those other large loads when there are other roads that have been built for that purpose. There's always more than the information that makes it to the press and stuff.

Tom Alsaker: Okay you bring up a point of – is anybody aware of a large contingent of big loads that went up the interstate earlier this week? Eight (8) or nine (9) that took up a lane and more of the road, I didn't see it myself, I heard about them. Is this part of the project?

Commissioner Landquist: We don't know, we haven't been able to get answers to that, I saw some a couple weeks ago. There again, the Interstate Commerce has predominately been what that interstate was built for.

Tom Alsaker: Thank you very much.

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$710,007.64)

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$710,007.64. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

- b. Public Announcements

Commissioner Landquist: A couple dates regarding the Historical Museum at the Fort Missoula. April 17th, people may want to mark their calendars for a temporary exhibit called, "When Art and Army Met", a debut of original 1877 Fort Missoula map book. Forestry Days is coming up April 30th, with competitions, demonstrations, food and fun. Cost is \$3.00 for Adults, \$2.00 for seniors, \$1.00 for Students and as always children under 6 yrs old and members of the museum are free.

5. HEARING (postponed to April 20, 2011)

Sixmile Open Space Bond Project

6. HEARING (postponed from March 16, 2011)

Glacier Creek Meadows Subdivision (20 lots on 98.36 acres) – adjacent to Styler Drive and Remicks Road, West of Highway 83 in Condon. Staff Report

Public Comments received in writing

Tim Worley - PowerPoint Presentation

Dale McCormick, PCI - PowerPoint Presentation

Health Department Groundwater Monitoring

Chair Curtiss: James, just to be clear because this is a little bit different then was presented to Planning Board and has gone through the public process so far. At this point does the Commission need to agree that this, even though there are some material changes that it's substantial the same and we can go forward?

James McCubbin: The way the Subdivision Regulations read is for amended applications that determination is actually delegated through our regulations to planning staff.

Chair Curtiss: And they gave us a memo.

James McCubbin: And they gave you a memo. If you disagreed with that, you could over-ride and basically reverse staffs determination. But at this point I think it's been adequately addressed and that is in the record, so I think you can just proceed unless you disagree with staff.

Chair Curtiss: So as people make comment today, then if you would make comment on the proposal today that is two (2) lots less than was previously shown.

Chair Curtiss: There's no time limit on your comments unless you talk too much, then we have a trapped door (laughing). Just remember there's a room full of people and that we do also have your comments that you've sent us written. We also have read the Planning Boards responses and your comments you made there, so you don't have to elaborate and you can say ditto.

Public Comment

Tom Cook: Missoula Resident, last 10 years my family has owned a 2-½ acre parcel west of the proposed subdivision. I'm going to be brief because I want to leave and go home and make supper. I'm here to support OPG's recommendation and to support the Planning Boards decision of a few weeks ago. My concerns continue to be the sheer number of buildable lots and quite honestly I still agree with my observation when I testified before the Consolidated Planning Board, that if you look from above it looks like a hand closed around the 98 acres that are proposed to be subdivided. But an additional concern that I have, and I know that you can't invent issues, but I bring this up because my concerns are addressed in Findings of Fact 55-59 in the staff report. My concerns are Tracts E & F which were removed from this subdivision, I think in 2009. I guess Fish, Wildlife and Parks described my concerns because I think their feeling is that, any wildlife issues that are addressed by clustered development can be quickly negated by any future development in tracts E & F and for some reason they were removed. So you try to get some insight into what the thinking might be in developing those tracks in the future. I have to add that when ownership changed a few years ago, one of the first things that happened was an internal road was created off of the corner that our place is near on Styler Drive, so it gave you a sense that something was going to happen in there. At any rate, as part of the application, Glacier Creek Meadows also has a declaration of confidence and in the section entitled annexation of adjoining properties, there's a brief quote that the declarant may, and I think that means Glacier Creek Meadows, without the consent of the owners, add to the real property to which this declaration pertains, adjoining real properties which they may develop. And once again, I point that out because it does give you some insight into what may happen in the future and I understand that they have a right to develop that but it gets right to the concerns that were identified in the findings of facts 55-59, which I feel pretty strongly about. That's it for me, thank you very much.

Rodger Thomas: Picture DVD (on file) – and script to go with DVD.

Additional comments; if you notice that first house with the trash that was spilled, I believe that was in Dale McCormick's pictures there that he showed us, it's the first house as you come on to Remicks Road. But, again I just wanted to repeat that all of the wildlife in the video were in fact filmed near that property. They were from my house, the one bear and this bear was from a Styler house and within less than a quarter mile of the property. At the Planning Board meeting they talked a lot about the fact that there's...the existing houses are in a crowded cluster, well I just wanted to point out that clearly mistakes were made in the 1960's with the Remicks Subdivision. Their thought was, squeeze as many properties together as we can. Half of the lots are even unsuitable for building because of being on the Swan River floodplain. Clearly all done for the sake of profits! If mistakes were made in the past, do we continue down this road? This particular piece of property lies between two major streams is well documented how the bottom wetlands are crucial for wildlife. It is noted by Fish, Wildlife and Parks that being in between Glacier Creek and Swan River make this a critical linkage zone for wildlife movements. At what point does our saturation of housing squeeze out the wildlife? Sure the present economy is squeezing all of us; I mean their big issue is jobs. I work in construction, I might benefit from this but do I trade everything I moved here for in the first place just for a job so that I now hate the very place in which I live? I might as well move to the city. Do we trade our prestige lands for subdivision and temporary jobs? If the Swan Valley was located east of the Mississippi River it would most certainly be designated a national park. I believe if it were five (5) miles outside of Missoula City limits that it would be adamantly protected. In the book Crown of the Continent by Ralph Walt, the Author stresses how crucial the Swan Valley is to wildlife in this great ecosystem, words from his book, less than two centuries ago almost every acre of land west of the Mississippi River was wilderness. An avalanche of human engineered change has transformed the landscape, yet despite all of this there is still hope for not all of the wild lands of the American West have been tamed. There is still one place where a great wild ecosystem exists with nearly all of its original parts intact including a full compliment of its native predators; this place is the crown of the continent. While the bulk of the lands on the crown are in public hands, 17% are held privately, and it is the preservation of these low elevation lands that is most crucial today. These valley bottoms represent critical habitat and linkage zones for far ranging creators and each year the window of opportunity to protect these lands inches shut. Their fate, whether they are developed or left rather pristine, will ultimately decide the fact of the entire ecosystem. He goes on to point out the largest and densest grizzly bear population in the lower 48 states, reside within the crown, stressing why this ecosystem linkage for genetic interchange is so important. He then stresses raising awareness of this significance and need to protect it, stating the crown ecosystem is under serious threat from many sources, and he states several sources but he includes rural subdivision, which is what we are discussing here today. You have the choice, do we want to protect this critically important area or do we want another subdivision? I strongly feel that approving this city-style subdivision will open the door and pave the way for others to follow, which will ultimately erode this great ecosystem.

Ann Dowell: Thank you for the opportunity to comment. I'm a neighbor on Styler Drive and I want to make it clear I'm not speaking for the organization I work for, that organization doesn't have an opinion. I want to say that I'm glad I'm not a County Commissioner, without zoning and without planning you guys have a really ugly decision. Some people will go home very sad today and I don't think anyone in this room feels good about that so I know how tough this is. I sent a letter and in the letter I had a recommendation and about three (3) concerns. I'll start with the recommendation and try to support it very briefly with the concerns. I after a lot of thought recommended an 8-unit townhouse and the reason for that is we need some entry level accommodations and we need to consolidate the footprint of the development to allow for the maximum of wildlife movement. I'm also concerned about the water quality, despite what we've heard the water table apparently is very shallow, only 7 or 8 feet deep in one

place and we know there are springs in the area, down stream just a short distance, and I'm worried about 20 additional septs. So if we had a smaller compact development all of that could be contained in an appropriate septic system. I want to add to what Rodger Thomas was just saying about the wildlife. The partial itself isn't wildlife habitat, it used to have pretty good wildlife cover but over the years that's been taken off. The problem is that Remicks Road development is in the Swan River essentially, right down on the edge of the river and animals traveling the river for the cover that doesn't exist elsewhere now can't help but walk right out into the yards of people as they move through the valley. And all those bears that you saw and many more that you didn't see are now habituated to human people and the Remicks Road people are doing a good job of trying to prevent them from becoming food conditions but of course that happens. If we have 20 more units in the area, we're going to double the population and double the problem. So I really recommend a smaller unit of some kind. The final concern which is maybe less important but important because I ride my bike, is that it's already too dusty on Styler Drive to ride your bike in the summer and so that's a concern. So it's water quality, the wildlife travel and the potential for habituation and the dust. Thank you.

Diane Erickson: (Plat Map) I live on Remicks Road; I've owned property there since 1983. Bless Rodgers heart he took a lot of my comments and elaborated much better than I did and I really appreciate that. The way I said it was that because the crown was...the Swan Valley was part of the crown, there was not an ordinary piece of real estate in it...on it, which ever preposition you prefer. The office of Planning and Grants staff report also noted that the Swan Valley is part of the crown of continent and I'm very grateful that that is part of everybody's consideration. I would like to talk about another component of our national environment in the Remicks, Styler area and actually in the Swan Valley. And that is to share our neighborhoods natural environment and I'm not sure how familiar Michele and Bill are with the Remicks, Styler Road and it's not a flat piece of clear-cut ground where we live. We live in the forested areas all around that and so we have some pictures here hopefully that I can speak while they are going. They are just quick shots, a professional photography would be terrified of these, they have no content quality of all. They are quick shots of our houses in the Swan on the Remicks Road and so while that's happening let me say this; it's my observation that our neighborhoods been mistreated since the 1960's and Rodger referred to that and this quarter section was logged by the land owner, Plum Creek Timber or Burlington-Northern - this is since my time living there in the late 1980's and again in the late 1990's or early 2000's and again it was logged just before it was sold in 2005 and then it was cleared up after it was sold, which would have been 2005/2006, somewhere in there I'm not sure of the exact time line. A lot of wildlife shelter and cover and snow shed has been removed and its not the faults of the quarter section. I do not...I believe it would be correct to say that some of this removal has been for scenic views and solar energy. When we returned from teaching in Alaska in 1998 the area had already started, had been given the name 'the sacrifice area' by certain groups in the valley. And I don't have to tell you after spending eight (8) of teaching in the artic that so that we could expand our cabin there that learning that we were living in a sacrifice area was a bit of a disappointment. Now that sacrifice area, you saw pictures of it already has become a reality, this areas natural environment is little importance it seems. It's extremely important to the 12 full-time residents that live there and most of the six seasonal residents that live there. We and the local wildlife are extremely grateful for a buffer of trees that has been left along Remicks Road, however the timber on the ends of that buffer did not survive but we'll see those in some pictures later, perhaps. In a conversation that I had, John and Dale will have to help me with some of the dates and chronology here. In conversation I had with John about 2005 he was talking about the fact that there were going to be 1 thought he said 8 lots but I've been corrected about that several times so there were a small number of lots that were going to be put over on this quarter section and that...let's see...he was going to have a local logger come in and clean up the area, he was thinking about leaving a buffer along Remicks Road and Styler Road. Those were just some of the details I remember and that plat that I have passed around is the plat that was recovered from internet advertisement of Glacier, you know, some land sale on that quarter section and so the neighbors and I got the impression that gee you know, there's going to be a small development of 5,6,7, 8 houses there and they leave the trees you know so we're weren't looking right out on this clear cut and that's how it all started, in our minds. Then we started as we moved towards...the dates on that plat and the advertisement for the 23 acres on the next page again are off of the internet, the dates on those are 2007. Then we got into public...I guess at sometime after that we went into subdivision mode, you know, the bigger numbers.

Tim Worley: If I could ask Diane just a second. I'm not seeing any data on this disk actually.

Diane Erickson: That's the way I do computers. It had really nice pictures of our homes. Thank you Tim for your patience and for working with that. What I want to refer to and I'm sure you've been through this thick document much more thoroughly then I have but that sequence of meetings that we've in 2006 there was a pre-meeting. There's nothing there about what was going on in 2007, I guess because at that time it wasn't being considered subdivision but those are the dates on those documents. So, that June 17th meeting in the application, I forget how Dale explains it, but they did take comment and those comments are listed in that section and it's just a blank piece of paper with a column of comments and there's nothing in my reading of that that would encourage anybody to put in a 30 unit subdivision. We were all going, what are you going to do on this land? Or what are you going to do here? This is going to really affect us. So I just wanted to make that comment if our position seemed inconsistent. To continue the thought on what's happening to our natural environment, what I was going to show you is about a dozen pictures of houses, of all kinds shapes and descriptions nested in some what fuels mitigated timber. The other thing that we wanted to show you and I think Tim will try another...while you have that up here we'll look at this a minute, okay here we have some aerial photos. Can we turn that light off now cuz it's hard to see the timber changes. You can see the dark green border around the north end of the subdivision and that was the buffer that was left. I'm confused by these slides because they are dated 2002, 2003, 2005, 2009 and Tim was that the first one that came up? Let's see all of them, the 2003...okay maybe this isn't the aerial photos. I would never make it in digital photography. Let's go back to that other one then, please. If we can find the aerial photos, the 2003 shows the area from that road that you see cutting from east to west that parallels the buffer. It's all timbered in 2003 so I guess it was the cut that Plum Creek made before they sold the land that

cleared it to this degree. I just hope that you can see that there is a lot of timber that we're living in a lot of timber, you see all those little white spots along Remicks Road between Remicks Road and the river and we haven't cleared our places off, some of them naturally had views because of there river bottom location. Okay, enough of that and thank you for trying to imagine, we've got some other photographs, we'll try...Tim, let's try...we'll try the roads photograph in just a second or disk and see if that comes up. So let me finish up by saying that we feel that we are now being asked to tolerate even more destruction to the area and if this area for example were left alone it would be timbered again in 30-40 years and this hardly seems the way to manage a piece of the crown. How many more 'meadows' will be needed in this valley or allowed? Until adequate plans and regulations are in place, you, our Board of Commissioners are the guardians of this landscape. And here I would like to add that the more people you have in an area, the more regulations that will be necessary and I never seized to be amazed by my residents in the Swan Valley who use this as an example of increasing control over their rights. Sighting the fact that people in Missoula can't burn wood and now Seeley Lake is having to face wood burning regulations and you better watch it because next thing you know Swan Valley's gonna have burning regulations. And it seems as though it never occurs to some people that these regulations are a direction result of population density and local geography. I've lived in Montana since 1970 and this has been my experience and I've been in the Missoula/Condon area all that time except for those years of teaching in the winter in the arctic. But now back to the natural environment, one last thing. Especially important is the need to protect the Swan Valley from unplanned and improperly planned developments by people that seem to not have any understanding of why we live here in the first place. We must figure out how and where to develop without destroying the natural environment. Examples of lack of environmental sensitivity to me, and I look at that subdivision plan, and I know that Dale and John are trying to figure out what the wording of the regulations and so on what will work, but when I look at it I just see a bedroom community of Missoula, or a subdivision out by Frenchtown. I don't see anything rural about that, to me rural and natural environment landscapes are synonymous. One last thought; in the summer of 1998 my husband and I attended a series of work shops in Sun Valley, Haley Idaho. The topic of most of the sectionals was local history, but the sectional that I remember the most was the sectional about the future of the valley, of Sun Valley. A woman in a bright, crisp, white shirt, red bandana at her neck and a long fashionable, light blue denim skirt, spotless clean cowboy boots, said that we must realize that we've destroyed the very reason we moved here, we moved here to live in a rural setting, to live in the country. To me there's a connection, as I said a minute ago, between rural landscape and natural environment, to me one implies the existence to the other and our future plan must be to maintain this. Thank you for listening.

Larry Clawson: I live in Missoula but have some recreational property I inherited from my father when he passed away on Glacier Creek Road. The question I have is right now the traffic is fairly dense on Glacier Creek Road because we see it all the time and there's no much police protection up there and some people go, quite fast and I'm worried about increase in the amount of people up there and the amount of traffic on Glacier Creek Road. The other thing I think about is the thing of jobs is raised and the development of several of those homes up there will provide short term, many several years of jobs but after that then you're stuck with that subdivision. I concur with the wildlife concerns because we've had grizzly bears in our next door neighbor's yard. One thing I haven't heard much about is, if you build the subdivision and build the buildings, that would probably be fine but as soon as you stick people in there, then as those people live there over the years they develop different habits or they come with different habits. Brings to mind the West Riverside concerns with bears because you have lots of folks who don't control their garbage very well and you're just compounding the problem. The other thing I thought about is that it said in the presentation there were urban wild land interface guidelines used, well that's for a certain period of time that's from day one. You say we've instituted these guidelines but as time goes on people plant trees or they...or the brush grows up around their houses. We've already seen articles in the newspaper where the forest service is saying we may not protect these areas anymore and so you've got problems with more people in an area, more incidents of fire cause that is man made. Then my other concern that I didn't hear anything about is, is there a second way out of that area? I don't know what the rules apply for density for one road but the Crazy Horse fire that was up there several years ago was a fast moving fire, every fire in the Swan Valley has been pretty fast moving and if you have a whole bunch of people trying to get out of an area on one road, that might be a concern. The other thing when we're talking about wildlife, when you go into an area and start building homes you're disturbing the land which increases noxious weeds and I think that issue needs to be addressed too and how you keep noxious weeds from expanding into an area where wildlife winter and all of a sudden they have no natural forage because it's all noxious weeds. So these are some of the concerns. I've just heard about this development because we were in Arizona for a couple months and just got back, we were up there this weekend and heard about this so we just have some concerns about the road, about all these things I explained. So if there's things that haven't been considered, I'd just like you to look at them and that's our concern.

Michael T. Lake: Citizen of Swan Valley, my family has been involved in Swan Valley since the early 1930's. I was on the Planning Committee for the current 1996 Swan Valley/Condon Comprehensive Plan Amended. During the development of the 1996 plan we discussed several issues and objectives. Wildlife winter range was a major consideration; the primarily white tail winter range is on the east side of Hwy 83 and ranges from the Falls Creek Road north to Lion Creek in Lake County. Mule deer winter range extends along the lower 1/3 of the Swan Range with a large group of mule deer congregating in the barber buck spook ridge area on the east side of the swan hwy. So far there's been no winter range in the development area. There is a sizable moose herd that occupied the area from Craft Creek on the west side of the development area and they run from anywhere from the summit all the way to Swan Lake, again they do not winter range in the development area, they do go in it but they don't winter range there. The ever enlarging elk herds range from Pine Ridge Road south to Salmon Prairie in the North and tend to parallel the Swan River between Elk Creek, Cold Creek area; again they're not in the development area. Depending on which predator is chasing this group they will move down into the developed area along Scenic Drive north, south and into the development area for a short period of time to escape predators, those are the pictures you saw, my mom had three (3) elk in the year three days ago, that's a quarter mile south of the development. Those elk then move down south to Pine

Ridge and evidently when pushed will move over onto the Gordon Ranch. There are elk also on the east side of the highway. They range basically from Lion Creek all the way back up to Holland Lake, again not in the development area. The grizzly bears, the grizzly bear linkage zones border Glacier Meadows subdivision on the NE and the SW; it is not in a linkage zone. The bears use the valley bottom extensively, as depicted on that map and they could care less whether there's home there or not, they don't read the map, they go where they want to go. For the most part people co-exist with the bears without causing serious human-bear conflicts, yes there have been some but when you consider the number of bears transferring across this valley and the fact that there are 570 permanent residents in the valley, those conflicts are pretty minor. The housing goals and action strategies included the following objectives; safe building construction, easy uptake and maintenance. Development should promote diverse housing size and variable cost in the current needs. Outdoor storage should be neat and uncluttered. Use of conservation easements, covenants and no-build areas were recommended to reserve open resource lands. Development should occur in areas where infrastructure is already in place, county roads, electricity, telephone, Glacier Meadows meets this requirement. The landscape analysis will show that the recommended 1-10, 1-40 recommendations for open resource lands where the desire of the Plum Creek member of the Planning Committee so that corporate lands would remain unencumbered. The cluster development concept was introduced to the planning committee by an Oregon planner who was brought in to present new land use concepts. The 5 and 10 acres ranchette was going out of style because it had a tendency to turn into a Brownfield because of the horses or a weed patch because they couldn't maintain it. Current realities for development in Swan Valley have been heavily influenced by the Montana legacy project. There is approximately 25,000 acres in private ownership in the Swan Valley. When development restraints are considered this acreage is severely impacted. Large areas of the valley bottom are riparian or in floodplain. There are conservation easements as designated by the red stripes on many of the parcels stopping any subdivision. Wildlife winter range critical habitat types and wildlife corridors all constrict all development possibilities in Swan Valley. Any development has to consider the wildland fire possibilities; I was the fire manager for DNRC in 1994. There needs to be multiple accesses for ingress and egress particularly when evacuation becomes necessary. You have Styler and Remick Road with a choke point on Styler Road and a choke point on Glacier Road, less than a mile in link. Fuel loading has to be considered, well you've seen the pictures, there's not much fuel left. Most wildland fires are wind or slope driven, there's not much slope in Glacier Meadows. There is access to large amounts of water, both Glacier Creek and Swan River in the proximity of the development area for fire protection and that meets the requirements of the fire protection goals for Missoula County and the Swan River in the Swan Valley. Because of the location of Glacier Creek Meadows, the rural cluster design of the project and the prospect of more affordable housing choices, I support this project. Thank you for listening to me.

Valerie Bigley: I own Liquid Louie's Bar and I speak as a business owner and those people that are trying to make a living in the Swan Valley are having trouble doing so, the possibility exists that they may have to move. Consider this – if they do who's going to be our volunteer fire department? We need more people, we need more young people. The school is losing population. I have a lot more to say but that sums it up.

Melonie Parker: 1051 Buck Creek Road in Condon I'm the Executive Director of Northwest Connections. I amended some comments that I provided earlier so I'm gonna go ahead read from them so I don't lose my train of thought and I will indicate something on the map here in a minute. So Northwest Connections is a community based conservation and education organization located in the Swan Valley, we've been working for the last 14 going on 15 years to combine science and local knowledge to map, monitor, conserve and restore wildlife linkages in the Swan Valley and across the surrounding landscapes. We did help author the wildlife connectivity chapter of the upper Swan Valley landscape assessment earlier cited. And we have worked hard on a number of interrelated conservation projects in the Swan Valley on private, on public and on corporate lands. I'm here today to affirm Northwest Connections long held assessment that the full 160 acres located in the SW quarter of Township 20N, Range 17W, Section 01, which includes the 98 acre proposed Glacier Creek Meadows Subdivision are generally suitable for development and at this point, we're talking about this section here (pointing to the map) I want the Commissioners to zoom you're focus back out and note that we talking about a proposed subdivision in the very middle of what I would call the overall foot print of the human environment and habitat of Condon Montana. This is not a proposed subdivision out here, out here, out here or even on the periphery of the footprint – it is right smack in the center of the private lands foot print of Condon, Montana. So keep that in mind. Well it is true that this partial is important grizzly bear habitat, it is true and it is within core elk winter range. The same could be said for nearly every private land partial in the Condon area. Surely we do have the capacity to sight higher density developments on partials like this that are A) surrounded by private land B) clustered with the main development envelope in the upper Swan Valley C) adjacent to develop the road and power infrastructure and D) in areas with relatively - and in the Swan Valley this is a big comment – relatively low wildlife values. Yes, the entire Swan Valley is high wildlife habitat, we all know that. In our opinion this partial could have supported even a higher density of houses which would have resulted in lots and homes that would have been even much more affordable. Several of the letters of concern regarding this proposed subdivision site the fact that this partial was designated in the 1996 comp plan amendment as "open resource lands". We are Northwest Connections respectively recommend a reevaluation of that plan, the same map shows partials surrounded by public lands in remote portions of Elk Creek and South Cold Creek receiving a designation of rural low density residential which is a 1 per 10. The 1996 comp plan is outdated, _____ I would say. Given all of the new information we all in this room have regarding natural resource values and the many changes in land tenure and ecological conditions since that plan was written. It is our hope that the current discussion about this subdivision under scores the need for Missoula County to support our community in developing an updated Condon area comp plan or its equivalent, whatever that tool is. Northwest Connections further believes that a vibrant healthy community can coexist with wildlife. One aspect of keeping our community healthy is providing access to home ownership for people of diverse means, currently there's a dearth of small acreages available. Preventing young families as well as older people on fixed incomes from entering the housing market in Condon, this inhibits our ability, and now I'm putting my school board hat on, it

inhibits our ability to recruit and retain high quality teachers at our school and high quality employees at business like our own. We have this very dynamite at Northwest Connections. Beyond the scope of our current decision we would like Missoula County to support our community in planning for additional small affordable lots to provide for our needs, we're not hanging it all on this subdivision, we can see the handwriting on the wall in terms of the further need and I will indicate to Commissioners...well you know what? I skipped a paragraph in my map pointing and I want to go back to it to illustrate a point. Northwest Connections helped conduct several multi-stake holder assessments of the conservation values on all of the Plum Creek lands in the Swan Valley beginning in 1997 of the 80,000 acres of corporate timberland that we assessed, two partials were identified as readily suitable for development. One is the one that is in question today and the other is a smaller partial along Holland Lake Road in Section 5. Those are the two that we way back in the day sold Plum Creek. If you're going to develop somewhere those are the ones that make the most sense not all these other places up in the foothills. Okay, back on task. Please do not misunderstand Northwest Connections position on this matter; we are deeply invested in the conservation of the Swan Valley. We are not here today to claim that the Glacier Creek Meadows Subdivision is wholly [bonine] with regard to wildlife. We are here to assert that this particular location – particular location is probably one of the best in the entire watershed for a higher density development and that denying this proposal solely on wildlife concerns connotes that such developments will never be supported anywhere in Condon, Montana. We would likely be commenting – I would be standing on this very podium commenting against this exact same configuration were it being proposed in the upper reaches of Barber Creek, in the mouth of Cooney Canyon or on the slopes above Elk Creek. The Swan Valley is an amazing place but that does not mean that we cannot accommodate some level of growth in the human population in some places such as the partial in question. While the Board of County Commissioners may have other – other compelling reasons to deny this proposed subdivision we ask that you do not do so solely on the concerns for wildlife and wildlife conductivity. Northwest Connections understanding of these matters would not support such a conclusion and the impact to community moral and community support for wildlife would be substantial. Thank you.

Roger Donald: 1056 Grass Creek Road in the Swan Valley and I was one of the original councilmen in the Swan Valley Community Council as was Mike Lake. As impressive as various Government agencies concerns with our wildlife, which as they will point out, is flourishing. There seems to be a terrific lack of concern about the human community, which in my opinion is in very deep trouble in the Swan Valley. It is having a terrific shift in its age distribution, we are a very old community, not only that but we have terrible unemployment and we have a dearth of housing for middle or low-income folks. This has a terrific effect upon the valley and particularly the services that the community requires. I'm going to site some numbers here which you actually have in your packets but that's because at the Planning Board one of the opponents of the development said were exaggerated figures and were misinformation. The figures I'm about to give you about our school come from the Office of the Superintendent of Schools for Missoula County and these figures are the October counts, it's the history of the October count days, which are the official days which dictate the funds that go to the school fund from the county from the state from the feds. In the decade of 1990 (1990-1999) the average annual enrollment in the Swan Valley elementary school was 85 and there were 7 children being education of the elementary school age being educated at home or in private schools. In 2010 (October count) in the school was 30 and there are 12 children being educated at home or in private schools, we have a new _____ community school and that's drawn some of them. But, we go from an average number of elementary school children in 1990's of 92 down to 42 - that is a 54% drop in the population of our elementary school children. What's worse is the October count is no longer in effect, depending on who you talk to the school (Melonie may know this) we're down to either 24 or 26 children. We're facing mill levy vote in May, if it doesn't pass we stand the possibility of losing one of our teachers. If we lose that teacher, we will also lose – because she will find work elsewhere – she is married and married to a man who runs his own business, which is very mobile business, we will lose him. He happens to be a member of our volunteer of fire department and we will lose their two children. We're the tipping point in this school. This is also true of our volunteer fire department. Two years ago we had 23 – a staff of 23, in the last 16 months we have lost 3 people, these are people who have left the valley because of unemployment. We also have got an age problem there, of the 20 remaining people, 3 are drivers and administrative work, 17 are considered physically fit enough to fight fires of that group 14 of them are over 50 years old. That is 70% of our fire department is over 50 years old. Not only that, the Chief of our Fire Department has told me, and I do not want any exaggeration here, that there's a possibility of losing more of the fireman because 6 of his firefighters are either unemployed or under-employed, not one of them has said they want to leave the valley or that they intend to leave the valley but it is quite possible that we will lose some, possible even all of those firefighters. Our Quick Response Unit (QRU) has a staff of 11; six of them are over 50, that's 54% of our emergency health group is over 50. We need to bring more people into the valley, particularly young people, which means we need affordable housing. Will this development answer these problems of aging of underemployment or non-employment? Of course not, however, it is a start and if we don't start somewhere, where are we going to start? When are we going to start? And how are we going to do it? Thank you.

Dick Ainsworth: I must admit after sitting here this afternoon through this hearing, I don't miss at all being here on a regular basis and confirm that retirement is a pretty good place to be. When I retired four (4) plus years ago and had been working with John Keller on the initial start up of this project and turned it over to Dales capable hands I had no idea that I would be here nearly five (5) years later commenting on this proposed development. I think what that says is just how long Dale and John had been working at trying to refine this plan in an effort to come up with an acceptable plan to the various reviewing agencies and I think Dale did a good job of going through where they've been. I submitted a letter to you and the Planning Board on February 14th that I assume you've had a chance to read and that its part of the record. I was unable to attend the Planning Board Meeting because I was out of town. This is a well thought out plan and as stated earlier has been many years in the making. The developers hired numerous consultants and resource specialists to assist them in the design and redesign and redesign and redesign of the project. However it seems that no matter how many

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changes they've made to address the concerns by various wildlife agencies such as US Fish and Wildlife Service, Fish Wildlife and Parks that the two County reviewing agencies, Rural Initiatives and OPG are not satisfied in the period to be (in auditable) on seeing this proposal denied. One of the questions that received a great deal of attention during the four plus year long consideration of the Seeley Lake Regional Plan, which I sat through most of over those years, was how and where are we going to provide affordable growth in our outline rural and semi-rural areas. Those discussions centered specifically around Seeley Lake because it was a Seeley Lake plan but those same exact problems exist in the Condon area. There is no question that the wildlife resources in this valley are significant and you've heard repeatedly that today and they need protection. However unless you decide that this valley should be dedicated in total to the wildlife you simply must find places for people to live and they can live in harmony with wildlife if developments are properly designed. This property is in an ideal area to locate a much needed workforce housing in the Condon area and one of the main goals of wildlife agencies, OPG and Rural Initiatives should be to try to help determine where those limited areas are in this valley that are suitable for development and then to support good, well thought out development in those areas. I understand the Fish Wildlife and Parks has gone on record that this proposal is not a cluster design and I think OPG has said that as well. This is simply not an accurate statement, you can look at the maps and see that that's not true. This project is a well thought out cluster design and I just like to highlight a few of the areas that are listed within the subdivision regulations about cluster development standards. One is to provide efficient use of the land while substantially preserving wildlife habitat, viable agricultural land, historical features, open space, scenic views, natural drainage systems and other desirable features of the natural environment which enhances our quality of life. This plan certainly does that. Allow housing to be concentrated on sites that are outside of sensitive land areas, this does that as well. Encourage innovation and promote flexibility economy and creativity in development, again this meets that criteria. Provide open space for conservation for Ag purposes or passive indoor active recreational use by residence of the development and/or specified in a larger community. The range of structure so as to avoid adverse affects of shadowed noise, traffic on the residence of the site. Reduce infrastructure and service costs. I could go on and on but this plan as designed meets virtually all of the standards listed in the county cluster development regulations. I'd like to hit briefly and Dale discussed these again but some of the more salient features on this that point out how this plan means those standards. The latest proposal is 18 lots on just over 98 acres, that's a density of one home for about five and a half acres. Of the 98 acres nearly 72½ acres or 74% of it has been set aside as open space or common area, ¾ of it is set aside as open space. There average lot size is a little over an acre and a half and designated building area would encumber less than 17% of the allotted area. So the 98 acres site, buildings, homes, out buildings will be allowed to only occupy 4.1 acres or 4% of the total 98 acres. When you throw in the road easements that could occupy another 2 ½ acres and of course the road wouldn't take up the whole easement, that's another 2 ½ acres. So the total site only 6.4 acres or about 6 ½ percent of it could be disturbed by construction. I think part of Tim's report somewhere in there, there was a number of 27 percent of the sight would be disturbed. I don't get anywhere close to that same number, it's less than 10. This proposal clearly meets the intent of the cluster development standards as spelled out in Missoula County subdivision regulations. We have a group of developers who clearly want to do a responsible development and unlike some of the developers that come before you all too frequently, they and their consultants in several years trying to work with the various reviewing agencies to try to create a well thought out low impact development that can hopefully provide places for 18 average Montanans to live, hopefully many of them close to their work and all of them in harmony with wildlife. If the response to a proposal such as this is always going to be no then I sincerely believe that in the future there will be fewer and fewer investors who will be willing to even attempt to develop land in these outline areas because the risks are simply too high and the likelihood of success too low. Although this could be exactly what these agencies would like to see, I would hope this is not the case. Please give Glacier Meadows Subdivision a thumbs up, it is a fine, well thought out and much needed development in the Condon area and it deserves your support. Thank you.

Roberta Stroden: Full time resident on Remicks Road for 18 years. Since the wildlife issue has been well covered I wanted to address the contention that this will subdivision will provide affordable housing. There by attracting young people and seniors on fixed income, I'm a senior on a fixed income, I couldn't afford to live there. This is preposterous because the cost of the lot at approximately \$100,000 it'll attract people who are purchasing second summer homes. It will not provide volunteers to emergency services nor higher enrollments in schools. Average Montanans will not be able to afford living in this subdivision. Thank you.

Jim Carter: I live on Remicks Road and I'd like to comment on the Quick Response Unit (QRU), I'm a member of the QRU. There are some young people on the QRU in their area, however, we probably average two (2) calls a month and us old folks can handle it just fine, thank you very much. And as far as the wildlife, we have a lot of wildlife and I was just wondering how many grizzly bear and elk herds you have in the City of Missoula? We don't want the City of Missoula in our area. Thank you very much.

Mike Childs: I live on Remicks Road, directly to the North of the proposed subdivision and if we can get this video up we're going to look at some variations in landscapes showing terracing, I believe. Well we're waiting for that I just want to ask, will we have a chance for rebuttal today or not?

Chair Curtiss: You have the opportunity to speak when everybody's done giving public comment, we'll close the hearing and it will be the Commissioners time to talk.

Mike Childs: Okay, thank you. Played DVD (on file) I've heard some comments that with all due respect to the people that made them, well we'll continue after we look at some of the...what this set of slides or video is showing is the variations in slope. It's not a flat place; it goes right from one level to another. And what we're hoping to show is that the water can move from one level to another.

Chair Curtiss: Mr. Childs all these ones that have the big drop off, those are the ones that are part of the Remicks Subdivision that are down by the river, right?

Mike Childs: Yes. And yet there's a definite slope to the North as well. Our driveway goes up to the proposed subdivision. Since my subject is possible water pollution this variation in slope becomes significant here in a minute but first a couple points of rebuttal. The reason that the economy in the Swan Valley is suffering is that logger have been leaving the area. We're getting older and no longer have children. The Forest Service has left, that was a big impact. The log yard that was so populated a while ago is shut down. There's a lot more home schoolers at home and so that's where our school kids are going, there not...there families have moved out and it doesn't look like the economy's going to be uplifted in the near future. The comment I have, is whose fault is that? We've seen speculators drive up the prices in the Swan Valley to the height, like Roberta said; nobody can afford it anymore that's on an average income. These homes are going to be for retired people, there going to be second homes, there really not needed because as Mr. Gary Lazarouski said in our previous meeting a few weeks ago; there are 48 properties between one and five acres for sale in our area. We are actually, if you look at it this way, we are hurting the economic opportunities of somebody else by giving permission to these people to have their own economic opportunity. There's a lot of different way to look at what's going on here. With all due respect to Mike Lake, I've never seen him in our area. There have been between 30 and 40 deer living in and around that tree border to the north end of the proposed subdivision; they've been there all year. This has been kind of a heavy snow year, that's not anybody's particular fault, we've got global warming going on. We've got wolves and those deer are looking for the safest place, which is apparently these wooded areas and homes in our area. Okay, who's going to benefit from this area? In the recent past as somebody noted earlier, the Forest Service and others have suggested that Westerners should quit placing dwellings in forested areas. That's not just subdivisions, that's dwellings period because it's costing the State and other entities such as Missoula County too much to protect them from wildfires. Trees could possibly grow back here but...and there is presently only one way out in case of fires or other dangers. But like the recent fire at Hungry Horse Reservoir showed those flaming brands can travel many miles, even over lakes and fires can be started just about anywhere. If this subdivision is allowed to progress there's going to be increased pollution in our area. Dust is already a major problem where we're at and if we have to pay to mitigate that dust, that's a problem for the residents of our area. There's going to be more noise pollution, people are already sighting in their guns on their places around our area. People already have dogs in our area; we're going to double the amount of them. There's going to be more light pollution, more smoke, more traffic and the problems I'm talking about are going to have to be endured by the 12 permanent residents that live there and the others. The value of our properties is going to go down because who wants to pay pre-subdivision prices for an area that's subdivided. So we are going to be paying with our quality of life, the county may be paying with having to deal with fires, police, more road work and other problems. The Fish Wildlife and Parks will certainly be paying because they will have to deal with more grizzly bear problems or wildlife conflicts of other natures. We do not enjoy or appreciate being a designated a sacrifice zone for the valley. We already have a subdivision there and we're all very happy to be living there, not a member of our subdivision that I know of, have signed that petition to succeed from Missoula County. We're pretty quiet people and we don't have a problem but we do have a problem with being picked out for "punishment". My neighbor is Ernie Mancenni a geologist who spends part of each winter in Alabama, his place is directly across Remicks Road from the NW corner of the proposed subdivision. As Director of the Alabama Geological Survey for 14 years he dealt with many issues associated with the quality of quantity of Alabama's groundwater supplies. Since he heard about this proposed subdivision he wanted to find out information about our area and he said "we were able to find in visiting the Montana Bureau in Butte...we were unable to find in visiting the Montana Bureau in Butte any comprehensive study on the aquifer system or systems in the Condon area". He found some data on groundwater resources but was unable to find detail analysis of this data. He says, "Thus we can conclude that not much is known or has been published on the geohydrology of the Condon area. Without detailed and comprehensive study's it is very difficult to make sound decisions and assessments that are based on scientific observations and analyses, interpretations and conclusions regarding what impact building some 20 new houses in addition to the existing homes in the area may have on the future quantity and quality of the groundwater resources of the Condon area. Considering how precious groundwater supply's are to all of us in Condon, building without basic knowledge and/or a plan to acquire critical information appears to be of high risk". He goes on...and this is where the videos that I presented comes in, he said "a series of gravel and sand terraces built many years ago from geological processes are dominant in this area. The construction area rests on what appears to be a higher terrace. Our home is on a lower terrace. What is the lateral and vertical connection and communication among the terraces? Are there beds that serve as aquifers or will waste water disposed in a higher gravel sand terrace result in contamination of the groundwater associated with the lower gravel and sand terraces?" Now these are serious concerns, one solution that has been suggested is providing a sequence batch reactor or a community water system for this proposal. But, I don't think I've heard that that is not been suitable. Thank you.

Georgina Staggs: I'm a resident/citizen of Swan Valley since 2003 and I live on Guest Ranch Road about a ¼ mile south of...in fact I can see the very edge of that subdivision in the SE part, that part has been cleared where the elk are just coming through. Wednesday those three elk that were at Mrs. Lakes house; they were there when we came back from town, as we went into our driveway. On Friday, I'm coming back home, went to the post office and right at about Rumble Creek Road eight elk cross the highway, in front of me, I had to come to a screeching halt. There was seven cows and one bull. These elk were not being chased by any other...by a predator, they were heading to where they're feeding somewhere in that winter pasture that doesn't exist or feeding ground, it's not a pasture, that doesn't exist in that subdivision area. There were eight and that was last Friday, I haven't been counting but I have a lot of photos. Sometimes as many as fifteen elk, eighteen elk coming through our property and grazing and staying there for ½ hour, 1 hour – to me that's grazing, that's not transiting through. So this is important wildlife area and that's the reason we moved to the Swan Valley because we were chased away by subdivisions. In Wyoming where we had retired to and we thought we were going to live the rest of our lives. I would love to be able to live the rest of my life in the Swan Valley

without being chased away and having threats of contamination of my water. And I'm retired, obviously and I do stain glass just because it's fun but it certainly doesn't make a living. I doubt that this subdivision is gonna add very many jobs other than a few construction jobs during the construction process but it's gonna be more of these transient type people that come spend the summer here, have a good time, they leave and then we have all the other problems that are left behind. I'm a full-time resident, I do not...the most I ever go is, we're getting to leave on one months vacation during mud season. We love the winter because it's the most precious time, we don't have to worry about the bears and the elk are absolutely wonderful and it is a fantastic place for wildlife. Its unfortunate that the economy has been hit so hard but its happening, you know, we are...it's not happening only here, it's happening everywhere in the Nation and it is difficult I'm sure it is and its more difficult when your Medicare supplement goes up and everything goes up, and I don't see any working people being able to afford these lots and you have to put in septic, you have to drill your well and then you have to build a house. And so I don't see working entry level people being able to afford these lots and much less being able to afford on what they could make from building those houses, what do they pay their mortgages with? They're not going to have a job once the houses are built so I think that's a _____, and that doesn't mean I don't sympathize with the working people, I was a working person once and so was my husband. Thank you very much for allowing me to speak.

Tim Worley: I just want to speak really briefly to the issue of relevance and creditability, let's just call it that because we had to sort through lots of wildlife related findings from a number of sources and I interacted with James in this regard. Really we're charged to come up with findings and then sort through them as to how they're relevant and creditable to the subdivision at hand. There may have been a suggestion that we were disparaging those findings that we didn't support but we just had to ferret through that which we felt were the best comments from agencies. I think we were backed up by Planning Board in this regard because we had an accounting agency a State agency and a Federal Agency all being relatively on the same page in regard to wildlife related issues. We weren't trying to disparage counter findings necessarily, we just have to sort through them.

James McCubbin: Ultimately it's the County Commissioners that need to consider all the evidence that you've received and weight that and where you have conflicting evidence you ultimately do have to make the credibility call. So I have recommended to staff that they give you proposed findings and analysis that does that, you obviously don't have to agree with that or except it, it's ultimately your call but I think that is appropriate for OPG.

Dale McCormick with PCI: Just wanted to quickly address Mr. Child's comments about the terracing and wanted to reference in the submittal packet on tab 11 there's in the sanitation section of the subdivision, the grading and drainage plan. You can see there's basically a ridge that runs SE and NW through the property that is designated by a darker line and that's the high point on the property and its probably in the middle there by where it says drainage area two is 2731 and it drops down about 12 feet to the west and not quite as much to the east. So it is in relative terms over the expansive land, I would say it is relatively flat but it is not totally flat and it does have a ridge and that's why there's two basins and as I was describing earlier there are two existing low areas, you can see one that's off of Remicks Road near the corner that's a natural low lying area that would collect water from the eastern side of that ridge. Then on the western boundary next to Styler Drive is a basin that's a natural low lying area that would collect drainage from the western slope of that ridge, so just wanted to clarify that graphical feature of the property

Michael T. Lake: I'd just like to comment briefly on the elk. There's approximately 70-100 head of elk that maintain themselves on the west side of Swan River between the Elk Creek/Crack Rick Road area and they do move from the Gordon Ranch all the way down into the Glacier Road area depending on what is pushing them into there, whether its hunters or some other predator. They don't winter there as a herd and being in there just to graze for two or three hours doesn't make that winter range. Thank you.

Rodger Thomas: I would also like to comment on that well issue and that here in the City of Missoula you're on City water so you don't have these issues. Here where we've got private wells, private septic systems, our properties that were shown in the slides are all below elevation with a couple of steps down to get to it...to get to the Swan River and also it steps down into Glacier Creek and then it steps down continues to step down to Styler Road as the slides may or may have not shown but anyway that was the purpose of the slides. We are concerned as homeowners that ours waters which are very shallow wells, many of the 50-80 feet deep, they might become contaminated. We have no protection like city water. Thank you.

Chair Curtiss: So just to be clear, the Commissioners do not make decisions based on wells and septic. That is all done through DEQ and the Health Department and if they come in and there's been a lot platted that cannot meet the criteria needed to protect the well waters from septic water, doesn't perc right and all of those things, the sanitation would not be lifted by the Health Department so that's a separate process. The people...that's not our expertise that's their expertise and that's what they're charged with so if there's a lot that gets platted that can't meet that, it just doesn't get built a pond in the future.

James McCubbin: A couple things to add there, the comments that have been received here will be forwarded and taken into account during the review so it's not that your comments are irrelevant. The ultimate result there if it didn't pass sanitation is no final plat could be filed so the subdivision although approved for preliminary plat review would not get a final plat review if they can't pass sanitation requirements.

Chair Curtiss: So that's a risk that the developer takes and as he said your comments will be forwarded on.

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Mike Childs: One more comment about possible pollution in the area. Montana - State wide has a problem with Radon and we have people in our area that have devices in their homes to mitigate high radon levels, I haven't heard anything about that possible pollutant in this study of the proposed subdivision.

Chair Curtiss: It's actually in the proposal, the Health Department recommends that they check for and mitigate for Radon. It is in there.

Mike Childs: I'm sorry I didn't read that. Another issue that may come up, one thing that wasn't mentioned is that we do have shallow wells and it's been my experience that our well and possibly others will provide less water in a dry year. What's going to happen if we have 20 more wells in the same aquifer? We don't know where the aquifers are, what they're doing, what level they're at. If we have to go to our water rights, we all have superior water rights to the people that may be buying here, there's going to be a lot of dissatisfaction in our area and that's a very real concern because the wells are shallow and the water could be limited. Thank you very much.

Diane Erickson: In the packet that I handed out were two photographs of Glacier Creek and just real quickly if I didn't get to that but the one shows that Glacier Creek flows as coming out of the Mission Mountain, of course, and there is a lot of private land that Glacier Creek is going through and we don't know what the future of that private land is going to be, that's one of our concerns. Both as the wildlife habitat concerning the bull trout and then also concerning our own quality water and that's what I was trying to show with that map. I won't stay longer on that right now. The other one with the nice green, yellow and red rectangle shows those of us that have recently within the last 12 months have had our water tested and it also shows the levels of our wells. Not everyone was there to do that or wanted to do that but that's what that map is about. Thank you.

Mike Childs: I'm not trying to dominate here but I want to point out that I wasn't quite being fair when I mentioned that the only reason that our property values have risen is because of speculation. The very uniqueness of our area and the people seeking isolation and rural values has upped that price astronomically and that's probably one of the reasons and I think if we're gonna let the market, the free market system proceed, I don't think anybody in this room has room to criticize what's going on unless you do not believe in capitalist values and so it is what it is. Like I said before, what about those 48 properties that aren't being sold up there? If this subdivision is approved that might provide some, you know, more competition, more...which would be just fine but there are...there's no economic need for this subdivision.

John Keller: A minority partner in this project, the Senior Partner passed away at an early age and his heirs or major partners or general partners. I did want to clarify the current real estate market in the Swan Valley. Mike indicated that there are 48 small acreage partials available for sale, in fact there are 25 partials currently on the market in the Swan Valley. The average size is 25 acres. I can think of four or five small partials that are currently on the market, it's a very unusual situation in the Swan Valley. I can tell you the 10 years I've been in the real estate business that anytime we get a small parcel for sale in generally would sell within 6 months and so the 25 partials that are for sale are overwhelming anywhere from 12-65 acres. The four or five parcels that are small, three of them are on the Swan River and they're currently priced at \$175,000 each. There are a couple of smaller ones down by Holland Lake and one just south of the Swan Valley School that are priced in the \$60,000 range but the average and medium prices for bare land in the Swan Valley today is between \$400,000 and \$500,000. The average and medium price for residential properties in the Swan Valley today also are in the...more like the \$450,000-\$550,000 price range and the average parcel size of the current residential properties for sale also average 25 acres. I don't think I have all of that detail in my brief case with me today but I can provide that from the Missoula County multiple listing service data base. Thank you.

Rodger Thomas: Three elk crossed their driveway this morning. I know this is probably isn't something that won't figure into your decision making but I bought our property in 1986 and at that time the property in question was heavily timbered and owned by Plum Creek. We had no idea this would ever happen, if I then what I know now, would I have bought this property? I think not. We covet our rural life style, that's why we moved here. How does this make me feel? It is not fair that the long time residents do not have a say in how it will destroy our quality of life and how after investing our life savings into our homes with a thought that this property would never change hands, then having the rug pulled out from under us. A person gives up a lot to live 80 miles from town and there is little advantage to living here if it means living in a city style subdivision. I believe it was for this reason that the people who put together the Swan Valley comprehensive plan suggested a 1 and 40 restriction for these company timbered lands to protect people against the unforeseen future sale of Plum Creek lands that would explain the reason for the unusual discrepancy between privately owned lands being designed 1 in 10 and yet this former Plum Creek land designated 1 and 40. Will it bring jobs? It'll bring a few jobs. Will it boost Condon's economy to where it's a bustling city? There's going to be temporary jobs, 10 years maybe. Is it going to help our economy that much? I think not. Being a realtor Mr. Keller should have known about the 1 and 40 designation in the comprehensive plan. He surely would have known that this subdivision would not be very popular before he purchased the property.

Mike Childs: I stand corrected by Mr. Keller, I was going on testimony by Mr. Lozerousky at our last meeting and apparently that's an error. But I did talk with Lynn Copolinski another realtor in the area and he said the best bargains in the Swan Valley right now are places with homes already on them because you don't have to go through the home building, the well and so forth. He said those prices are going down and a lot of them that are getting more and more affordable every year. So this idea that there's no place to live is erroneous and the thing that I'm going to leave you with is we have a lot of homesteaders in the area, started out with 160 acres or more and I know seven or eight of them but I don't know any of them that chopped up their land and subdivided it even though they could have made

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millions of dollars doing so. Some of them set a side an acre or two for their kids, some of them might of sold off a place or two. You have to think about that – what kind of value led them to not take the money and run?

John Keller: It's my belief that we've tried very hard to respect both the open space and the rural quality of life with this subdivision effort. If you look at the whole of the Swan Valley that is in Missoula County and that would be from the Summit divide north to the Lake County line. This private land in here represents slightly less then 10% of the total land in the plan area. The ratio of developed sites to open space was an important objective for us and it's our belief that we're retaining close to the same ratio of open space on the private property that we have in the rest of the valley. The lot sizes were specifically selected to provide enough slide lot separate, that you'd have a feeling of some privacy. The views predominately are across the open space in the south aspect, east view and a west view, where we thought that people that had these small parcels could feel like at least part of the time...part of the day that they are living in a larger open space area. Again, land pieces, not my fault, I'm accused of it often times but land prices in the Swan Valley have increased from about \$1,000 an acre in the 1990 time frame to about \$16,000 an acre today. Even a lot of the Plum Creek land is selling in large wholesale parcel sizes, some of those transactions are in the multiple listing service database and those in again large acreages with no infrastructure, some cases not even roads, some cases not even a decent forest service road sold for as much as \$10,000 an acre. So I just wanted to leave one thought is that we were trying to fit in to the larger landscape if we've failed in that effort then I'd like to apologize.

Public portion of the Hearing Closed

Commissioners Comments

Commissioner Carey: For me the scale is just too much, it's just not wildlife it's about roads and fire and water quality and so on. Affordable housing...if it's \$16,000 an acre or there about even, the medium income, I think, for a family in Missoula is around \$36,000 a year, I think. That puts them out of range of purchasing property in the Swan, I think. So, my sense is – it's just too much and needs to be scaled back.

Commissioner Landquist: It's unfortunate that I don't share your views and its not everyday I don't take it lightly that I go against staff's recommendations or the Planning Board. I feel badly because something Ann Dowell said at the very beginning about being a County Commissioner that some people are going to leave this meeting feeling very disappointed and at this juncture with Commissioner Carey and I being on different sides of the fence, I don't know who out there is going to be leaving disappointed. I think that this does fit for that area; I think this development does fit. The cluster development design and regulation I think it does consider the open space, I think it's innovative. Some of the stuff I read last night, the developer even tried to figure out the best location for the building envelopes so that if people choose to they could integrate solar techniques and I think it's not everyday that you have a developer that's tried to work so darn hard to mitigate and mitigate and mitigate and I think there's a buffer zone. The tree buffered zone between the things that Plum Creek had to do when they logged it and the deed restrictions they put on the land and then the developer even strengthening those, I think it is close to infrastructure and the core of Condon development area. I think it no doubt has some wildlife going through it but I also see it with this type of cluster design that similar to properties when you follow the living with wildlife examples you have a transition zone so that the animals have an opportunity as they're moving through or coming out of the woods they see the people zones and kind of can make some choices of do I want to keep going this way or that way? I think this cluster design kind of offers the animals the opportunity to see a whole lot more houses at a time then seeing one in the woods on 20 acres or one in the woods on 40 acres so I think for safety sake I think it's got some things going for it there. And then some other things that I have highlighted here that I thought were worth mentioning was the covenants and that they require the streams set back distances for the roads and the structures and the drainfields and living with wildlife. The covenants that includes that the natural resource stewardship plan which would be implemented by a stewardship committee consisting of the officers of the HOA and three other members of the HOA who would be elected annually. The shared driveway from existing county roads and were to minimize the impact to the land in the form of new roads. Residential fire sprinklers proposed because it is in the wildland residential interface so those fire dangers have been met. Emergency services are less than a mile away. I think it's really impressive that they're offering two enclosed community storage areas so that recreational toys that people would own that live out in that area would have some place to store them and that more than 90 acres of this property is going to remain as open space. I think there's some amazing things here that need to be complimented and I realize none of us like change but the owner does have the right to some development and five years in the making going back and forth and trying to operate as transparent as possible, keeping everybody apprised of what they're working on and why and trying to please so many people and do right by the environment. I am in favor of this subdivision and I guess I'll just have to...I didn't list off enough maybe I'll have to work on proper findings of fact to support that but I'll do that.

Chair Curtiss: I too would like to thank staff and Planning Board for their thoughtful work and deliberations and for Fish Wildlife and Parks and Rural Initiative comments, it would be hard for staff to come up with any other recommendations. Those of you who don't know, I grew up in the Swan and when you look at....I had to laugh looking at tab 3, where it talked about how many houses were there in 1950 – there were 50, so I started counting on my hand and I think probably at least 1/3 of them were my relatives. I don't know that any of us, well there's probably a couple that had what would have been called a homestead but we came there to work. So things have definitely changed since the 1950's. I guess, I think people have put too much faith in the comprehensive plan which were only allowed to use as a guide and it does make a guide but I think if you look at just that 1 per 10 and 1 for 40 on there. If we're doing it today I think we would draw it much different. I think one of the interesting things is that we talk about clustering and we talk about how important it is to build where the infrastructure is, this

might not meet the technical rural cluster all of the criteria that are in there because of whether you decide whether the disturbed area is the building envelopes or the allotted area or whatever but its clustered close to county roads, close to houses that are there, the utilities are there, the roads are there. There's much more dense residential and I think that all of us would agree that if we were looking the Remicks Subdivision today we probably wouldn't approve it because its down in that river corridor, we would want it further away. I think it's designed to be away from the areas that were identified as the most sensitive, which is the Glacier Creek riparian area and the southern end that was more forested. If you look at our growth policy and Clinton and Frenchtown and Huson and some of our smaller communities we've drawn what we call activity circles, which are kind of a different concept but it's to say that you should put the density closer to this activity circle of a mile. So within a mile of this proposed subdivision is a grocery store and a wrecker and a gas station and an auto service center and the community hall and the library that has free wireless connection and a restaurant (I don't know if its open right now) the fire hall, the tavern that was mentioned, there's a basketball hoop and a playground and a moxi field and an airstrip. That is Condon. The only other thing that's up there is one other grocery store, one other gas station, the post office is a little further away, there's two more restaurants and a bar and a school. I mean, how much closer could you get to infrastructure, that's what planning is about is putting the stuff close to the infrastructure. The whole valley is winter range, we all know that. It gets used because they move around and I think for those of you that have lived there for more than 10 years you could say that the movement and where they hang out has changed. The 100 acres that I grew up on, the elk hung out in one corner, there was one black bear there when I was a kid and the deer wandered through. Now the cotton-pickin' elk are there all the time, they hang out close to the highway; they hang out close to where the houses are. My brother was one that shot a grizzly bear that was trying to get in his house. Things have changed and it isn't because people have built up here and they've moved down, it's just they've changed; they've gotten more use to us. I think the building envelopes protect more space from disturbance and I like building envelopes because you don't end up with things splattered everywhere. Property is fairly flat, there's a lot of common area. It's already protected with deed restrictions that Plum Creek put on it and I think the forest stewardship plan and the weed plans that are listed are good. We talked about water and sanitation, that's not our purview. It's interesting that they're able to offer smaller lots that still have use. There are conflicting opinions about wildlife concerns as has been mentioned but I don't think that we can say you can't have any development in the Swan because of wildlife, they are there. That map with the Blue and Yellow on it – to me – it shows that's how much we have left and the one thing you can be thankful for is the legacy project, I guess, unless you're a logger. Because that valley has changed and that is probably the biggest change that we look at in regard to that plan because it used to be, if you look at the other side of that map real careful, you can see the dots on there, you can see what used to be Plum Creek land. Now the development, it is in the valley, unfortunately if you look at all our valley that's where it all ends up and it's more appropriate then like some of these big yellow sections that are up Barber Creek, I would not look at in the same way as this one that's totally surrounded by existing residential use. These roads didn't use to be called Styler Road and Remick Road, you went through there to get to Mrs. Hoshess's and my uncle lived down Remick Road but that was like a new subdivision then and I don't think...there wasn't development there. I think sometimes we get so that we like what we see out our window so much that we forget that we used to be somebody's meadow, we used to be somebody's forest and so what's the impact of your place on wildlife? You have an impact too and we do have to be careful about the caring capacity of the land but I think that since most of this valley is now green, its forest service that we have to weight that in there. There is a need for smaller lots, I know \$100,000 sounds like a lot, I know that my nieces and nephews that live up there can't afford any of those big 25 acre lots. My one nephew did find a smaller space that he was able to buy and build his own house and it does take work and it takes some of your own elbow grease in there in order to bring their costs down but they were able to do that. It isn't our job to weight all the economic benefits of subdivision, it's important to think about, I think it's important to offer diversity of things that are available. I don't picture a townhouse as an option right here, talk about a plunk of the city in the middle of the country, I think that's what that would be. One of the other things that is in the 1996 comp plan and I appreciate Mr. Lake sharing his work on that plan is that goal for more affordable housing choices that are consistent with the rural character, I don't consider this city lots in a rural area and so I too am in favor of approving this subdivision. Now the one thing that we have to do is we have to make sure that we have findings to back up our – what we took out of all the public comments and all the commenting agencies and come up with Findings of Fact and Conclusions of Law to support a decision, whether it be the one that staff put forward, which they provide that for us or whether we go a different direction. So we will have to craft all of that, I know that I've gone through the book and marked where I think that we're okay and places that we'll need to change things in the Findings of Fact and Conclusions of Law but I think that it's always better for us not to try to do this at 5:00 and not do it in a good way, so I think that we will probably...I don't know if it's best to give staff some direction to help us write some of these Findings of Fact and then we come back and approve them? I mean we would recess the hearing rather than close it.

James McCubbin: Yeah so it does sound like we have a split on the Board for approval of the subdivision so I would like to clarify a couple things in terms of where you're going. If we can get an extension from the developer on the record and we could talk about how long that would be. I think it would be a good idea to have staff work with the developer's representatives to come up with a set of conditions as well as Findings and Conclusions. The Findings and Conclusions need to match your thoughts on this but then I'm assuming there will be probably some conditions that would be appropriate that probably even the developer would agree are appropriate so to put those folks, the planners, together. The couple things I think would be helpful and I'm sure Tim will have some questions for you too. First things I want to clarify, is that you are inclined to approve...my understanding is the amended proposal that you received this week that was primarily discussed today, so the 18 lot configuration so that's a head-nod yes for the record. I think it would be worth it for the two of you and Bill if you have thoughts, jump in but on what parts of the proposed findings and conclusions you disagree with or would modify and I'm not talking about nit-picky right now Jean. I think if you have comments to give those to Tim for him to work on, that would be great and Michele similarly for you because we will then come back reconvene in a public meeting. But what I'm talking about is - I think there are two areas

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particularly with respect to wildlife that it sounds like you may not agree with and I'm not sure totally which one it is, and that is the scope of the impacts of the subdivision in terms of; are the impacts upon wildlife as serious as is indicated in the Findings of Conclusion in the staff report? That's one possibility. Then there's an and/or - does the design of the subdivision, and whatever conditions we might have but, primarily the design adequately mitigate those impacts? So it's not necessarily one or the other. Wrapped into all that is the credibility discussion is - you do have conflicting evidence in terms of the impacts of this subdivision on wildlife and including some of the live testimony here tonight of course.

Chair Curtiss: I think too the biggest piece of what was brought out today and it is in the report. One is that the Wildlife Assessment - the landscape flow that shows kind of where the movements are and the other is the one that shows the winter range that Mr. Lake referred to and its in the report, it show kind of where the white tail hang out and where the elk do, I think those two support that the whole place isn't winter ranged, it might be traversed by all these animals. And even if it is winter range, all these other people are living in it too.

James McCubbin: So I'm taking that broadly from a very much inlayed person perspective on these issues to me that you're not seeing the impacts as being as significant as the proposed findings would have indicated.

Chair Curtiss: Right and I think that the reduction of lots and moving of that one also helps the mitigate movement.

Commissioner Landquist: I especially feel that way, that's one of the things that clinched it for me was the removal of those two lots and opening up those distances and those travel areas.

Tim Worley: I just wanted to get down to dates actually or at least a discussion of what dates might work.

James McCubbin: How are we on time on the developer's side? What kind of extension? How much urgency do we have? I'm not suggesting that we draw this out forever but I think allowing adequate time to get it right is probably worth doing this.

Developer: Now we're okay with an extension so long as we can put some reasonable expectations timeline around that. There's no urgency this month and Tim what's your expectation in terms of...

Tim Worley: What would be optimal for me and I'm a little unclear as to like the finding adjustment we need to do as a group, I guess. But April 27th was the date that we had anticipated if this had occurred, that would work best for me to meet again. Now would that be, would we keep the public hearing open to that time, James?

Chair Curtiss: Right, we would recess it.

James McCubbin: Right, it would be a continuation of this meeting. I think...we're not going to have further deliberations outside of the public eye. I think what we can have is if Tim comes up with a draft and then forwards that to the Commissioners and if you respond to him individually, don't copy each others, it's not a discussion. So he can take into account what your thoughts are and then when we come back together he can introduce that to the Board and...well he'll give you the document ahead time and then when we reconvene you can have a discussion about whether those are appropriate findings and conclusions and make amendments in that meeting if we need to.

Chair Curtiss: So would it be helpful for Michele and I since we're the two going that direction to list some of the things that we think maybe are reflecting (in auditable).

James McCubbin: Yeah and what I mentioned if you have notes that you've already made, give those to Tim but yeah if you want to write something up. But I would suggest that you not copy each other on that, ultimately that will all be part of the record once Tim has it. I don't think there's a problem between having individual contact with staff so that he can prepare that, but then we'll have a discussion in a follow-up public meeting to clarify exactly what your Findings and Conclusions are. And that will be consistent with what you've discussed today, I think we're just talking about refining.

Tim Worley: And I guess a question just about conditions of approval James, will we discuss those at that next - the reconvening of...

James McCubbin: Yeah, I'm hoping that one reconvening is all we need. I see Dale is up...

Dale McCormick: I just wanted clarification, if we set the 27th does that mean...or at least what I'm imagining is that Tim and I would be able to get together between now and then so that we could be in consensus or largely in consensus when we reconvene on the 27th. Is that the idea?

James McCubbin: That's what I'm anticipating is the idea for the two of you to work together in light of the comments we have from the Commissioners and maybe more comments they get from Tim on an individual basis to come up with Findings and Conclusions that match what the Commissioners want to decide, what they are deciding. And to attach conditions of approval that match those findings. Does that sound workable from a procedure point of view?

Chair Curtiss: So Mr. Keller then do you agree to an extension to April 27th? Okay, Mr. Keller agrees.

Executive Session

So we will continue this hearing and make the decision on the 27th of April and in the meantime staff will work with the developer to refine some of the Findings of Facts and Conclusions of Law and possibly some conditions.

7. OTHER BUSINESS

Mike Lake: For all of us to come in here to town today we ended up having to money in those parking meters anywhere from 12:30 on. They only give us credit for two hours and then you can get a ticket. I think the Commissioners need to get with the City and see if there's some way we can mitigate some parking out there to where we're not subject to get a ticket for a 5 hour meeting.

James McCubbin: Just for future reference there are all day meters a couple blocks further up and if you go up to Railroad Street (by the tracks) there's free parking, if you're willing to walk away or there's the parking garage where you can go all day too.

Chair Curtiss: If there's no more business we'll be in recess.

8. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 5:07pm.

THURSDAY, MARCH 31, 2011

BCC met in regular session; all three present. Afternoon: BCC attended retirement party Willis Hintz.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 06/CY2011 - Pay Date/March 25, 2011. Total Payroll/\$1,210,184.92. To County Auditor.

Grant Extension – JC signed MT DES EOP Award (DHS-09-GPG-067-1958), extending grant end date from March 31, 2011 to June 30, 2011. Added Amount/\$41,512.91. Two originals to Chris Lounsbury/ES for further signatures/handling.

Request – BCC approved revisions to Open Lands Advisory Committee By-laws in order to simplify bylaws and clarify group's roles/responsibilities as an advisory body.

Modification #3 – ML signed. To Contract 510040 between City-County Health Dept. and MT DEQ for public water supply inspections/testing for 2nd half of FY 2011. Amendment extends termination date from December 31, 2010 to June 30, 2011. Added Amount/\$15,055. Also amended, Section 2 (Services and/or Supplies), subparagraphs 3.6/3.7/3.8/3.9/3.10. Two originals to Julie Mohr/Health Dept.

Revision – JC signed acknowledgement letter from MT DPHHS noting error in FY 2011 WIC contract(s), with incorrect CFDA # on 1st page. Correct CFDA # 10.557 (as opposed to 10.577). Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Contract – BCC signed, dated March 31, 2011. Between City-County Health Dept. and County Sheriff's Dept. for DUI Task Force/education activities. Term/July 1, 2010-September 30, 2011. Funding from ½ of \$200 DUI license reinstatement fees collected. Two originals to Julie Mohr/Health Dept. for further signatures/handling.

Contract – BCC signed. Between County and City of Missoula for DUI Task Force/education activities. Term/July 1, 2010-September 30, 2011. Funding from ½ of \$200 DUI license reinstatement fees collected. Two originals to Julie Mohr/Health Dept. for further signatures/handling.

2011 Planning Grant Application – JC signed. Per MAEDC's request, application to MT DOC's CDBG-Economic Development program for design by Oz Architects of main floor/National Museum of Conservation & Forest Service History. Amount requested/\$25,000; total project estimated cost/\$150,000. County will apply for further grant funding from USDA RBEG program. Original to Cindy Wulfekuhle/OPG.

Contract – BCC signed, dated March 31, 2011. Between County and Spacesaver NW for high density storage units in Secure Warehouse at Detention Center. Term/March 29-July 1, 2011. Amount/\$186,459. Two originals to Larry Farnes/Maintenance.

Amendments – BCC signed, dated March 31, 2011. Amending contracts between County and following for distribution of BNA contingency funds (approved March 9, 2011):

- 1) To September 21, 2010 contract with The Poverello adding \$2,000 funding to partially offset expenses for new beds (new contract total/\$38,182);
- 2) To November 9, 2010 contract with Salvation Army adding \$3,000 for Emergency Shelter Committee funding (new contract total/\$38,000);
- 3) To November 9, 2010 contract with WORD/Family Basics adding \$5,000 for rental/1st month's security to end of FY (new contract total/\$30,000).

Original to Peggy Seel/OPG.

Letter – BCC signed, dated March 31, 2011, notifying current/interested recipients in CBO Program (particularly Poor Fund) of availability of County funding, and enclosing County Funds Application for FY 2012. Submittal deadline/April 27, 2011. Amount in FY12 Budget/\$800,000. Originals to Jean Harte/OPG.

Letter – BCC signed, dated March 30, 2011 to Allyn Ford/President/CEO of Roseburg Forest Products, Oregon, thanking her for attending MAEDC annual luncheon/congratulating her on C.P. Higgins award. BCC were able to take a tour of Roseburg (MT) plant last year.

Additional discussion item(s): 1) County collection at MAM; 2) Legislative update.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: APRIL, 2011

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of APRIL 2011:

Date Signed	Claims List Date	Who signed	Amount
April 4, 2011	March 31, 2011	BCC	\$1,608.03
			\$881.33
			\$3,006.35
April 4, 2011	April 1, 2011	BCC	\$1,207.78
April 4, 2011	April 4, 2011	JC, ML	\$1,283.78
			\$2,696.26
April 5, 2011	April 4, 2011	JC, ML	\$8,524.13
April 5, 2011	April 5, 2011	JC, ML	\$377.61
			\$115,444.22
			\$5,877.06
			\$65,593.50
			\$11,091.52
April 6, 2011	March 23, 2011	JC, ML	\$7,250.00
April 6, 2011	April 4, 2011	JC, ML	\$8,230.27
April 6, 2011	April 5, 2011	JC, ML	\$5,598.55
			\$11,091.52
			\$8,589.00
April 6, 2011	April 6, 2011	JC, ML	\$351.90
			\$3,094.34
			\$16,817.19
			\$750.00
			\$8,097.02
			\$9,965.60
			\$55,553.97
			\$1,047.28
			\$175.00
			\$15,728.91
April 8, 2011	March 31, 2011	JC, ML	\$466.03
April 8, 2011	April 6, 2011	JC, ML	\$27,607.99
April 8, 2011	April 7, 2011	JC, ML	\$4,856.22
			\$25,271.73
April 11, 2011	March 30, 2011	JC, ML	\$127.46
April 11, 2011	April 7, 2011	JC, ML	\$41,777.65
			\$4,989.32
			\$2,303.09
April 13, 2011	April 12, 2011	BCC	\$5,318.50
			\$752.41
			\$200.97
			\$92,676.12
April 13, 2011	April 7, 2011	BCC	\$5,415.73
April 13, 2011	April 13, 2011	BCC	\$25,058.38
April 15, 2011	April 12, 2011	BCC	\$19,535.82
April 15, 2011	April 14, 2011	BCC	\$14,821.80
			\$56,443.03
April 15, 2011	April 15, 2011	BCC	\$27,924.06
April 18, 2011	April 15, 2011	BCC	\$1,129,871.29
April 18, 2011	April 14, 2011	BCC	\$187,929.57
April 18, 2011	April 18, 2011	BCC	\$9,336.06
			\$14,260.91
April 19, 2011	April 18, 2011	BCC	\$27,818.44
			\$104,033.50
			\$7,662.32
			\$6,709.93

April 19, 2011	April 19, 2011	JC,BC	\$79,254.18
		BCC	\$10,067.30
		JC,ML	\$70.66
			\$89.78
			\$2,110.96
			\$3,381.59
			\$1,676.62
			\$397.23
April 20, 2011	April 19, 2011	BCC	\$8,018.23
April 20, 2011	April 20, 2011	BCC	\$25,196.66
April 21, 2011	April 18, 2011	BCC	\$59,416.39
April 21, 2011	April 19, 2011	BCC	\$76.00
April 21, 2011	April 20, 2011	BCC	\$54,744.16
			\$163,837.79
			\$9,242.02
April 21, 2011	April 21, 2011	BCC	\$144.04
			\$6,944.04
			\$24,621.79
			\$492.15
			\$28,700.11
			\$36,857.58
			\$52,381.70
			\$8,087.40
			\$12,083.71
April 22, 2011	April 19, 2011	BC,ML	\$557.94
April 22, 2011	April 21, 2011	BC,ML	\$4,565.29
			\$1,301.90
			\$11,222.20
			\$149.97
			\$5,999.46
			\$372.70
April 25, 2011	April 25, 2011	BCC	\$78,187.45
			\$134.97
			\$3,700.82
			\$6,000.00
April 26, 2011	April 25, 2011	BCC	\$548.97
April 26, 2011	April 26, 2011	JC,ML	\$5,105.00
			\$3,924.82
			\$906.34
		BCC	\$2,290.85
			\$15,265.30
			\$3,909.98
			\$2,500.00
			\$10,293.99
			\$4,861.15
April 27, 2011	April 26, 2011	BCC	\$2,056.50
			\$1,727.94
			\$3,384.05
April 27, 2011	April 27, 2011	BCC	\$4,856.16
			\$298.27
			\$751.80
			\$150,294.98
			\$30,131.67
			\$557.99
			\$10,517.58
			\$6,695.07
April 28, 2011	April 27, 2011	BCC	\$346.57
			\$1,306.86
April 28, 2011	April 28, 2011	BCC	\$45,327.15
			\$8,521.06

All Claims Lists were returned to the Accounting Department.

FRIDAY, APRIL 1, 2011

BCC met in regular session; all three present.

Joint City/County Proclamations – BCC signed following, dated April 14, 2011: 1) Miranda Tornatore Missoula Youth Volunteer Day; and 2) James McLean Missoula Volunteer Day, to exemplify spirit of volunteerism in Missoula.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, APRIL 4, 2011

BCC met in regular session; quorum present. BC at International Family Justice Center Conference in San Diego through Monday, April 11th.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending March 31, 2011.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending March 31, 2011.

Monthly Report - JC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending March 31, 2011.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Crown of the Continent Roundtable update; 3) Subdivision Regulations Assessment; 4) Community Council communications; 5) RI Director's Update.

TUESDAY, APRIL 5, 2011

BCC met in regular session; quorum present. BC at International Family Justice Center Conference in San Diego through Monday, April 11th.

ADMINISTRATIVE MEETING

County Benefits Plan Amendments – BCC signed Exhibit 8.18, dated April 5, 2011. 12 Amendments to Plan effective July 1, 2011, pertaining to Benefits Max/Sleep Apnea/Transplant Surgery/Durable Medical Equipment & supplies/Physical Therapy/Definition of Dependent/Pre-existing conditions/Fraudulent & abusive acts/Preventive Services/Immunizations/Appeals.

Easements – BCC signed following permanent road easement/temporary construction easement for Petty Creek Road project #5866: Parcel 022 – Corwyn Pendley. Total amount/\$550. Originals to Steve Niday/Surveyors.

Easement – BCC signed following temporary construction easement for RSID 8901 Lolo Water System/PRV Vault Project. Brandi & Lane Habets/128 Glacier Drive, Lolo. No fiscal impact. Two originals to Greg Robertson/PW for further signatures/handling.

Resolution No. 2011-048 – BCC signed, dated April 5, 2011. Reimbursement Resolution for Secure Storage Warehouse Project. Est. cost/\$186,459.

Additional discussion item(s): 1) JC will attend Sentinel Kiwanis Lyle Heath Awards; 2) JC/ML will attend Inauguration of Dr. Royce Engstrom at UofM on May 2nd; 3) ML will attend two upcoming Waterlaw Webinars; 3) Legislative update.

WEDNESDAY, APRIL 6, 2011

BCC met in regular session; quorum present. BC at International Family Justice Center Conference in San Diego through Monday, April 11th.

CHIEF ADMINISTRATIVE OFFICER MEETING

Loan Agreement – BCC signed, dated April 6, 2011. With Thomas & Patti Wolf, 202 Barclay, Lolo, property owners in Lolo RSID 901 for sewer/water repairs, as part of CDBG program income revolving loan funds to assist owner-occupied households who qualify as low- to moderate-income recipients pursuant to HUD/CDBG guidelines. Amount/\$4,196.40

Contracts – BCC signed three contracts between City-County Health Dept. and following for Reinstatement Fees/DUI Task Force Campaign to Reduce Alcohol-Involved Traffic Accidents:

- 1) With Six Pony Hitch to develop recommendations for new campaign. Term/ April 18-July 22, 2011. Amount/\$5,500.
- 2) With MT Highway Patrol for various support activities. Term/July 1, 2010-September 30, 2011. Amount/up to \$10,000.

- 3) With County Sheriff's Dept. for alcohol compliance checks. Term/ April 18-July 22, 2011. Amount/ \$4,000.

Two originals to Julie Mohr/Health Dept. for further signatures/handling.

Task Order – JC signed. #11-07-5-51-018-0 to Missoula City-County Master Contract between County (MCCHD) and MT DPHHS for period July 1, 2005-June 30, 2012 (Maternal and Child Health) for services at Western Regional Pediatric specialty Clinics. February 1-December 31, 2011. Amount/\$15,000. Three originals to Julie Mohr/Health Dept.

Task Order – JC signed. #11-07-3-31-087-0 to Missoula City-County Master Contract between County (MCCHD) and MT DPHHS for period July 1, 2005-June 30, 2012 (MT Asthma Home Visiting Project). March 1, 2011-June 30, 2012. Amount/\$29,828. Three originals to Julie Mohr/Health Dept.

Additional discussion item(s): 1) Transfer Site Renovation Project; 2) Legislative update.

PUBLIC MEETING – CANCELED (No Agenda items).

THURSDAY, APRIL 7, 2011

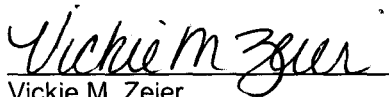
BCC did not meet in regular session. BC at International Family Justice Center Conference in San Diego through Monday, April 11th. JC at PHSI Task Force Meeting in Butte through Friday, April 8th. ML out of the office all day.

ADMINISTRATIVE MEETING – CANCELED (quorum unavailable).

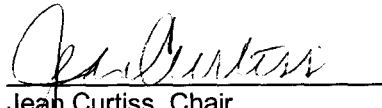
FRIDAY, APRIL 8, 2011

BCC did not meet in regular session. BC at International Family Justice Center Conference in San Diego through Monday, April 11th. JC at PHSI Task Force Meeting in Butte through Friday, April 8th. ML out of the office all day.

Replacement Warrant - JC signed. Kortney Foreman, Missoula, Principal for MCPS Warrant #209697 issued March 11, 2011 on MCPS Payroll Fund. Amount/\$465.73 (for wages). Warrant not received in mail; no bond of indemnity required.



Vickie M. Zeier
Clerk & Recorder



Jean Curtiss, Chair
BCC

MONDAY, APRIL 11, 2011

BCC met in regular session; quorum present. BC at International Family Justice Center Conference in San Diego through this date. Afternoon: JC participated in MT Disaster & Emergency Services panel discussion: *Agency Administrators Roles, Responsibilities and Oversight*, held at northern Training Center.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Invermere Phasing Plan Amendment (*action*); 3) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Animal/Plant Health Inspection Service Letter; 3) Thompson-Huff Bond Project Qualifying Resolution; 4) DNRC Lolo Land Sale EA; 5) Community Council communications; 6) RI Director's Update.

Letter – BCC signed, dated April 11, 2011 to Nick Kaufman/WGM Group, Inc., approving phasing plan amendment for Invermere Subdivision. BCC also waived \$200 amendment request fee. Plat approval expiration dates: August 4, 2015/Phase 2A, and August 4, 2017/Phase 3A.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 07/CY2011 - Pay Date/April 8, 2011. Total Payroll/\$1,247,109.27. To County Auditor.

TUESDAY, APRIL 12, 2011

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Change Order #2 – BCC signed. To Contract between County and Loken Builders to construct a step landing at LaLonde Ranch House. Amount/\$1,477.75; new contract amount/\$18,724.30. One original to Barb Martens/ Projects.

Grant Closeout Documents – BC and JC signed two (2) Final Closeout Certification/Final Draws, dated April 12, 2011 for following CDBG Projects between County and MT DOC: 1) #MT-DCBG-ED-05-03 and 03A (\$8,555.26) for Rocky Mountain Biologicals, Inc.; and 2) #MT-DCBG-ED-08-03 (\$13,999) for Pyramid Lumber. Originals to Cindy Wulfekuhle/OPG.

Agreement – BCC signed, dated April 12, 2011. July 1, 2010-June 30, 2012 Collective Bargaining Agreement between County and Detention Officers' Association of Missoula County. Two originals to Patty Baumgart/HR.

Bid Award – BCC (Public Works) awarded bid to Knife River for 10,000 tons of Asphaltic Plant Mix for FY 2011-2012. Amount/\$439,500. Original to Jeff Seaton/PW.

Resolution No. 2011-049 – BCC signed, dated April 12, 2011. Qualifying Reimbursement Resolution for Thompson-Huff Open Space Project (City portion). For purchase of approx. 6.28 acres on west side of Mt. Jumbo, and conservation easement on adjacent 20.57 acre parcel. Cost/\$9,810.

Letter – BCC signed, dated April 12, 2011 to Dale Wisby, Lolo, regarding his placement of a double-wide trailer on second parcel of his land (which violates current zoning laws).

Additional discussion item(s): 1) Agricultural Buildings Exemption/County Building Codes; 2) Dogtown State Lease Roads-Seeley Lake; 3) Legislative update.

WEDNESDAY, APRIL 13, 2011

BCC met in regular session; all three present. Morning: JC attended Missoula Economic Partnership Meeting, held at First Security Bank.

CHIEF ADMINISTRATIVE OFFICER MEETING

Contract – BCC signed, dated April 13, 2011. Between County and Clark Fork Maintenance for 2011 park maintenance at Cottage and Canyon View Parks. Amounts/\$950 for Cottage Park; \$1,400 for Canyon View Park. Term/April 15-October 31, 2011. Two originals to Lisa Moisey/Parks.

Form – BCC signed form designating following as State-Approved Chemical Dependency Service Providers to receive earmarked alcohol tax monies and/or State-Approval for alcohol prevention/intervention/treatment for FY2012: Western MT Addiction Services (89%) and Missoula Indian Center (11%). Amount/\$10,000. Original to Peggy Seel/OPG.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated April 12, 2011. Amount/\$31,865.96. To County Auditor.

Additional discussion item(s): 1) Space needs update; 2) Legislative update.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated April 14, 2011:

- 1) Memo to Annie Cathey stating BCC approved Mobile Home Auction date of September 15th since C&R Office is allowed to take partial payments on mobiles. BCC feels it is best to start the process early so C&R doesn't get behind.
- 2) Approving request from Alter Enterprise, Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #2652812.
- 3) Denying request from Dana Machain Bennett, Aiken, SC to refund motor vehicle taxes/fees paid for VIN #1J4GZ58S8SC641075.
- 4) Denying request from Bennett Law Office, Missoula, to refund re-registration for motor vehicle VIN #WDDHF7HB2AA087157. Vehicle was renewed after deadline.
- 5) Denying request from Pastor Flatau/Christian Life Center to refund motor vehicle taxes paid for Vehicle #2097291. CLC is a non-profit agency.
- 6) Denying request from Lance Hogan, Missoula, to refund motor vehicle taxes/fees paid for Title #G295412. Vehicle was sold.
- 7) Approving request from H.White/Envirocon, Inc., Missoula, to refund motor vehicle taxes/fees paid in error for Vehicle #1654640.
- 8) Denying request from Ouie Christiansen, Bonner, to prohibit an assignment to be taken on parcels 3989903 and 3990006. BCC has no legal authority.
- 9) Re: request from Richard Fifield, Missoula, to refund SID fees billed in error for Taxpayer ID #90429932. BCC asked C&R to research this request.
- 10) Re: request from Ailport Logging, Bonner for tax reduction for Taxpayer ID #80600407. A Public Hearing will be held with the BCC and School District on May 25th.
- 11) To Cary Larson/Missoula Nissan Hyundai, stating Wes Redden (DOR Area Manager) informed BCC that old Sound West Building will be taxed at 45% of value; value of building was lowered to \$275,800.
- 12) Approving request from K. McMullin/Garlington Lohn & Robinson, Missoula, to refund personal property taxes in error for Taxpayer ID #80796431.
- 13) Reconsidering/approving request from Bud Wilson, Missoula, for refund for Taxpayer ID #5865806. BCC asked DOR to adjust 2009 tax bill using new appraisal instead of estimated appraisal.

PUBLIC MEETING – April 13, 2011

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Willis Curdy: I would have had it today but unfortunately when I went to print it off, it disappeared, but I'm going to request the County Commissioners to review and revise the planning region map that Rural Initiatives had created in December 2010. I would like the area included Deep Creek, the west Deep Creek that is across from Harpers Bridge, Big Flat, Blue Mountain, O'Brien Creek, Hayes Creek, Deadman Gulch to be included in their own planning region and not be included within the Missoula planning region. I'll have my rational and justification for it hopefully next week or I'll email it to you or mail it to you but I wanted to let you know because I think this is a rural area and talking to the neighbors out there that they would rather see any type of neighborhood being created on the opposes of Rural Initiatives rather than Urban Initiatives.

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

a. Weekly Claims List (\$1,011,958.28)

Executive Session

Commissioner Landquist made a motion that the Board of County Commissioner approve the weekly Claims List in the amount of \$1,011,958.28. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

b. Public Announcements

Commissioner Landquist: Fort Missoula Historical Museum, Loggers Day is coming up and they have a new exhibit where Army meets Art, it's all about the different uniforms and the drawings that they have of the different uniforms. Whenever you can fit it into your schedule, go check out the going-ons at the Fort Missoula.

5. OTHER BUSINESS**6. RECESS**

There being no further business to come before the Board, the Commissioners were in recess at 1:33 pm.

THURSDAY, APRIL 14, 2011

BCC met in regular session; all three present. Morning: JC attended Sentinel Kiwanis Lyle Heath Awards, held at City Life Center.

ADMINISTRATIVE MEETING

Contract and Resolution – BCC signed, dated April 13, 2011. Between County and Sirius Construction for County Administrative Building (199 W. Pine Street) upgrade/remodeling. Term/April 15-June 15, 2011. Amount/\$181,780. Two originals to Larry Farnes/Maintenance.

Resolution No. 2011-050 – BCC signed, dated April 14, 2011. Qualifying Reimbursement Resolution for Administrative Building upgrade/remodeling. Amount/\$350,000.

CTEP Project Agreement – BC signed. Control #7664 between County and State of MT to develop/construct 3.4 miles Mullan Road Path-Frenchtown. Total/\$869,500 (CTEP funds/\$752,813; Local Match/ \$116,687). Construction dates/summers of 2012, 2013, 2014. Two originals to Jeff Seaton/PW for further signatures/handling.

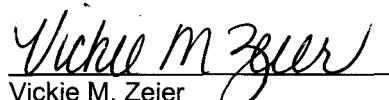
Consent – BCC approved/BC signed Letter of Consent to Assignment of Existing ATM Agreement from First Interstate Bank to new third-party providers (HK Partnership and ATM Sales and Solutions). ATM is located in County Courthouse. (Original ATM Lease signed March 12, 2003). Original to April Keller/FIB.

Additional discussion item(s): 1) FY2012 Mid-Year Budget update; 2) BC will attend Annual BID Ratepayers Breakfast; 3) Legislative update.

FRIDAY, APRIL 15, 2011

BCC met in regular session; all three present.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated April 15, 2011. Amount/\$21,948.38. To County Auditor.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, APRIL 18, 2011

BCC met in regular session; all three present.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) FEMA Levee Certification Act; 3) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Jacobs City Open Space Bond Project; 3) Six Mile Open Space Bond Project; 4) DNRC Lolo Land Sales EA; 5) Community Council communications; 6) RI Director's Update.

TUESDAY, APRIL 19, 2011

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Memorandum of Understanding – BCC signed, dated April 19, 2011. Entered into by all local/state/county and federal law enforcement agencies who participate in State of MT Internet Crimes Against Children Task Force. MOU formalizes working relationships between all parties. Two originals to Sheriff Ibsen.

Board Appointment – BCC reappointed Esther Farra to a new three-year term (May 1, 2011-April 30, 2014) on the Seeley-Swan Cemetery District Board.

Contract – BCC signed, dated April 6, 2011. Between County and Double D Livestock, LLC for Pig Wrestling event at Western MT Fair. Term/August 9-11, 2011. Amount/\$6,500. One original to Steve Earle/Fair.

Resolution No. 2011-051 – BCC signed, dated April 19, 2011. Qualifying Reimbursement Resolution for Jacobs Open Space Bond Project (City portion)/purchase of approx. 35 acres along Deer Creek Road SW of Bonner, to be owned/managed by MT FWP. Cost/\$80,000.

Letter – BCC signed, dated April 19, 2011. To Liz Mullins/DNRC Southwestern Land Office/Missoula, commenting on proposed DNRC sale of two parcels of School Trust Land located southeast of Lolo. BCC hopes DNRC will find a conservation buyer for property, and also request sale include restrictions limiting development/covenants regarding living with wildlife.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated April 19, 2011. Amount/\$17,571.21. Document to County Auditor.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated April 19, 2011. Amount/\$12,540.74. Document to County Auditor.

Additional discussion item(s): 1) Electronic Monitoring Grant/Youth Court; 2) Complete Streets/Active Transportation Plan; 3) Legislative update.

WEDNESDAY, APRIL 20, 2011

BCC met in regular session; all three present. Morning: JC attended *Feasibility Study for Missoula Vaccine Partnership*, held at Mayor's Conference Room. Afternoon: JC attended *Five Year Review of Milltown Superfund Cleanup* (Interview with Pacific Western Technology), held at Grant Creek Best Western.

CHIEF ADMINISTRATIVE OFFICER MEETING

Request – Per recommendation of Parks Board, BCC approved expenditure of \$150 from Parks Fund for "Leave No Weeds Program" to educate/ promote noxious weed awareness for 5th grade students (sponsored by City/County/State). County Weed District implements program. Original to Lisa Moisey/Parks.

Certificates – BCC signed, dated March 17, 2011. Certificates for following County employees that completed *Essentials of Management Program*: Makeba Andrews, Dawn Seaton, Alex Stokman, Wes Tanner, Bernadette Roy, Steven Roney, Reese Richter, Laval Means, Elizabeth Jonkel, Jodie Ingraham, Danelle Gjetmundsen, Joseph Faircloth, Terry Delgadillo, Jenny Daniel, Ann Cundy, Marc Cooke, Dawn Briggs, Michael Borges, Amy Blixt, Carol Bishop, and Katie Banks.

Contract – BCC signed, dated April 14, 2011. Between County and Gregg Potter for grounds maintenance at the Historical Museum/Fort Missoula. Term/April 15-October 15, 2011. Amount\$17,400. One original to Bob Brown/Historical Museum.

Request – BCC approved write-off of NSF checks more than five years old. Total amount/\$671.52. Original to Vickie Zeier, Clerk & Recorder/Treasurer.

Additional discussion item(s): 1) Public Works Dept. monthly update; 2) Legislative update.

PUBLIC MEETING – APRIL 20, 2011

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

Staff Present: James McCubbin, Deputy County Attorney, Nancy Heil, Rural Initiatives, Pat O'Herren, Rural Initiatives

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Robert Schweitzer: I live at 11905 Green Acres Road, I have a letter that I would like to present to you but I would like to read it into the record: Maclay Bridge Replacement Letter.

Chair Curtiss: Since I see a couple folks from Target Range area, we were given notice this morning that you'll probably see some traffic count equipment out in that general area. We do that periodically around the county and it's your turn to be counted so that counting is apparently happening out there – what did they say Big Flat, O'Brien Creek, in that area.

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$1,832,817.16)

Executive Session

Commissioner Carey made motion for the Board of County Commissioners to approve the weekly Claim List in the amount of \$1,832,817.16. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

- b. Public Announcements: - None

5. PROCLAMATION

Commissioner Carey read the Proclamation for Sentinel Kiwanis Volunteer Awards

Chair Curtiss: We didn't read this last week because it was a surprise and they got the award the next day.

Commissioner Landquist: We certainly offer them our congratulations.

6. HEARING (*Certificate of Survey*)

Ibey (Tim) Family Transfer - Staff Report

James McCubbin: This is a request to create a family transfer parcel by dividing a current approximately 5 acre tract. This is located out near the Wye, just north of the Wye, off of Buffalo Speedway Road. The request is from Tim Ibey the specifics of the legal description and location are in the application packet and the request for Commission Action should become part of your record. I'll leave it at that for the Staff Report and move into questions for Mr. Ibey.

Chair Curtiss: I have just one clarifying question Mr. Ibey. On Page 2 of your application you said that your mother transferred the property in 1996 and now you said 1995, so it's somewhere in there right?

Mr. Ibey: I looked it up when I filled the application out.

Chair Curtiss: Okay, we'll make sure the record reflects 1996.

Commissioner Landquist: James, you said something about we're not...I know we're not reviewing it for Road and access but he does state in here that it would use a private easement for access, it looks like and would be able to share the driveway and connect it to Buffalo Speedway County Water District in the future, so some of that stuff is lined out.

James McCubbin: We really don't just review for that. I mean depending on how sophisticated common facilities might be; it could be something indicating more along the line of a subdivision development.

Commissioner Landquist: Okay I just wanted to make sure you had some knowledge and then I have a question maybe one of my fellow Commissioners could answer or Rural Initiatives. Because Mr. Ibey you stated that you're hoping you don't ever have to really have it split, but you may need to borrow money for the business and that way just have a lien on the house with part of the property; as Family Transfers stand now, there's no expiration date on them, but are we...wasn't this one of the topics we discussed when looking at subdivision reviews and things like that and changing some of our policies that there may come a time soon where we decide to implement a timeline, a deadline associated with these? Is Family Transfers one of those that we discussed?

Mr. Ibey: It is and I sit on the Planning Board – we discussed that at length so.

Chair Curtiss: Hasn't been adopted yet but it wouldn't be retroactive.

James McCubbin: No, it wouldn't be retroactive although I know on this, if there's going to be a refinance of the home, if they don't file and do the family transfer before the refinance then basically it would be self defeating. So, it sounds like if it's going to be filed it would need to be done fairly soon.

Mr. Ibey: Right now I don't have to refinance my house.

James McCubbin: Oh okay, I thought you were talking about doing this now. But right now we have no expiration date on approvals for exemptions.

Commissioner Landquist: So this would not be applicable to that even if we do adopt, it wouldn't go back to the ones that have already been done?

James McCubbin: We could potentially do that, we could make a retroactive deadline but we'd have to put the recipients of those on notice.

Commissioner Landquist: Okay, I just wanted to make sure this was clear for the record.

Chair Curtiss: And we haven't decided that we are.

Chair Curtiss: This is a public hearing, is there anyone else that would like to comment? Would you like to add anything Mr. Ibey?

Mr. Ibey: No, thank you.

Chair Curtiss: See no one come forth, I'll close the hearing.

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the request by Tim Ibey to create one (1) additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Chair Curtiss: I think it needs to say – even though both their names are on here, it should say a request by Tim, right? Because he's requesting to give it to her. Am I right James?

James McCubbin: Yes, the application is actually from Tim Ibey.

Chair Curtiss: If you look at the motion on the bottom, it says Tim & Kate.

James McCubbin: Oh I'm sorry that just got carried over from parties involved. We're using a new form here.

Commissioner Carey: The request by Tim Ibey.

Chair Curtiss: Okay Mr. Ibey, you will get a letter from us and you can have folks start surveys if want to.

7. HEARING (postponed from March 30, 2011) Sixmile Open Space Project

Nancy Heil: This project proposes to use \$350,000 of Open Space Bond Funding towards the purchase of a conservation easement on approximately 890 acres of the Checkpoint Ranch, which is owned by Keith and Linda Ward in the Sixmile Area. The easement would be held by the RMEF. The Missoula County Open lands Citizens Advisory Committee met in October and voted to recommend approval of the project at a reduced funding level of \$300,000, you'll see their letter to you as attachment A to the staff report and there's also a member of OLC here to provide their comment to you as well. The property's comprised of six acres; the southern 80 acres of the southern most part of the property would not be included in the easement. The land is bordered to the north and east by residential parcels and there's a DNRC parcel located to the west. It's in an area that's identified as elk winter range and whitetail deer winter range and it provides unnaturally high elk concentration according to Fish, Wildlife and Parks (FWP) at a greater number then is recommended by FWPs management goals. The property provides habitat for other wildlife as well, including waterfowl and other bird species on the ponds and creeks that are on the property. There's a part of sixmile creek which provides some habitat for west slope cutthroat trout through part of the property and about a mile of Isaac Creek running through the property with a constructed lake and several other ponds. The properties not currently used as a working ranch, it was ranched in the past as part of the Schaefer Family Ranch and there are soils on it designated by NRCS as farmland soils of local important. Staff Report

Mike Mueller: Powerpoint presentation by Rocky Mountain Elk Foundation (RMEF)

I would like to give you a copy of a letter I just received yesterday, didn't even have a chance to get it to you Nancy, from Bryce Neiberg, a 12 year old boy with a thank you letter to the Ward Family for letting him hunt on the property. And it has a picture of him; he harvested a cow elk, which was nice. When you read the letter it's very touching. Letter (Mike also read the letter towards the end of this meeting.)

Checkpoint Ranch Elk Management Plan

Comments:

Mack Long, Regional Supervisor for FWP: We're real happy that this proposals kind of made it to the point that it has, it's always been a good habitat project, there's no doubt about that. It sits in a really valuable area, serves a lot of purposes. I won't be redundant and repeat a lot of this stuff that Mike said but it really does, it serves as an important movement area for wildlife. Our concern basically centered around that there was a lot of issues with the elk and over population of elk and we felt like we had the opportunity if we could work with the Wards and the RMEF that we could put together a real excellent plan that would address a lot of the elk related problems and issues and at the same time help preserve the ranch and we appreciate the willingness of both the Elk Foundation and the Ward Family to do that. We think we got to that point and we are very supportive of this and hope it does go forward. In the elk management plan that we put together we do talk about trying to get to objectives, it allows some flexibility in the future depending on what that elk population does. We certainly don't want to reduce it down to extremely low levels -that's not our goal. Our goal is simply to try to help the ranch and the elk population to fit in with the other Agricultural related operations in the area, the other neighbors that are there and try to maintain this elk population and proprietarily, that's our goal and

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because of their willingness to work on this and the fact that they got to the agreement where we're at now, we're very comfortable that that will happen in the future. Therefore, I'll be available to answer questions but we think this is a really good project and certainly hope you'll consider it.

Chair Curtiss: So is this agreement separate from the block management program?

Mack Long: It is. They're kind of tied together. What it is - they've agreed to basically work with us on reasonable reductions in the elk population. They have agreed to go into the block management program so we have a proposed block management agreement that I think you've got a copy of that basically will allow...our block management doesn't necessarily have to be wide open, just because you enter in block management doesn't mean everybody can go. There will be some controls put on that but a reasonable harvest and reasonable attempt to do that would keep enough pressure on those elk that it's not going to run them out of the country there but at the same time it will allow some distribution of those elk across other land where they can be hunted and primarily our goal is cow harvest in that area to reduce population number. Bulls are okay but we would like to see those numbers continue to build a little bit but, so most of our emphasis is going to be on reducing cows and antler less elk in the area.

Jim Brown: With Five Valleys Autobonds Society - I visited the property in latter March with another fellow named Terry M. who's a recently retired Ornithologist from Yellowstone Park and author of Birding Montana. We were very favorably impressed with that habitat and mostly because of the great diversity of habitat niches that are out there, not only the grassland and forest but the wetland component is very significant on that property and that would be probably the most important part in terms of tracking the diversity of bird life. It's a great piece of property for wildlife, just looking at that. The connectivity that's been well described is real, it's pretty impressive, the opportunity that this parcel makes to help bridge, the north from the south at least for large animals to move. There is some restoration opportunity in the property that would maybe be good for whoever owns this land to note, the shud component is pretty much gone from the riparian zone and that wildlife habitat could be greatly improved if you could recreate some patches of shrubs, which would require protection, of course. So just in short this property definitely merits protection for it with a conservation easement and we hope to encourage the Commissioners to support that.

Pat Sweeney: I live in the Ninemile Valley, not far from the Checkpoint Ranch. I'd like to help Mack out here and maybe reduce those elk numbers in the near future, if I'm lucky but that's not why I'm here right now. I'm the chairman of the Ninemile Wildlife Work Group and Organization whose vision is to promote connected landscapes and connected communities; I'm also a retired forest service wildlife biologist, my last job was working forest plan revision for Lolo, Bitterroot and Flathead National Forest. Much of that time was spent on wildlife connectivity within and between the National Forest and other large undisturbed tracks of land. Wildlife connectivity is more than just a road crossing or a travel corridor but rather it is a linkage zone which contains broad areas of seasonal habitat where animals can find food, shelter and security between islands of good continuous habitat. Linkage zones not only provide for ungulates, carnivores and other species but also allow natural processes such as fire to occur, creating and keeping the habitat that the wildlife has evolved with. Habitat fragmentation on the other hand results when continuous (in auditable) of habitat are broken into pieces and are separated by areas of unsuitable habitat. Concentrated development can hinder wildlife movement or even create impermeable barriers to wildlife passage. One reason habitat conductivity is important is because populations limited to habitat island are at increased risks of distinctions or local extirpation. Another reason is that enhances the quality of life we enjoy in Missoula County. The Checkpoint Ranch is within one of those rare wildlife conductivity areas between the vast and northern continental divide and the Bitterroot ecosystems, two of the largest wildlife areas in the lower 48 states. The Checkpoint Ranch is within the reach of this wild country as evidence by the presence of wolves and grizzly bears. If you look at a map displaying ownership you can see that contiguous federal and tribal lands comes closer together in the Sixmile and Ninemile area then anywhere else in Missoula County that enables wildlife the best opportunity to move between these two large wildernesses with a minimum threat of future development that would lessen that conductivity. One recent change; only about 15 miles to the west of Checkpoint Ranch is the Evaro Hill project on the Flathead Indian Reservation. They have built multiple wildlife crossings to enable safe passage for both people traveling in vehicles and wildlife where they intersect on Hwy 93. Another recent change is the legacy land exchange broken by the nature conservancy which also protects open lands in this linkage zone on former Plum Creek lands in the Mill Creek and Fish Creek drainages. The Confederate Salish and Kootenai Tribes and Nature Conservancy have invested much to save our wildlife heritage with Highway designs and open spaces to enhance, preserve conductivity and is up to us and to you the County Commissioners to help extend the value of that effort by supporting a conservation easement on Checkpoint Ranch. I have observed elk and numerous other wildlife species on and near the Checkpoint Ranch and have worked on remote sensing cameras surveys near there and within this wildlife linkage zone that displays how rich our wildlife diversity is. Eleanor is back here she started a lot of this camera monitoring and I picked it for a bit.

On behalf of myself, my family and the Board of Ninemile Wildlife Work Group, along with many of it's members I would like to thank the Ward Family for the vision and generosity to try to preserve this important wildlife habitat and to the Rocky Mountain Elk Foundation, especially Mike Mueller for the hard work that they put into bringing this project forward. It is important to note that once conductivity and open space is lost, it is nearly impossible to regain. I ask the County Commissioners to prove this project recommended by the open land Citizen's Advisory Committee and help preserve our wildlife legacy and quality of life. Thanks!

Jeannie Seigler: I and my family moved to the Sixmile Valley in 1978. We have written letters in support of the Ward property being included in the open space; I've also been a member of the Ninemile Wildlife Work Group and have seen first hand how important it is for an open space in our valley. There are over the last 30+ years there have been issues with subdividing and water quality and adequate water as well as transportation, road maintenance, school bus issues and so forth and to

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have the opportunity to include a large area like this and not have it subdivided is a very positive thing. I'd like to thank all the people who have worked on it and have you consider it.

Rick Oncken: I live in the Big Flat area, bit of an oddity, I actually have a conservation easement in Missoula County. If you look to west, the ridge above Big Flat Road is 517 acres that you allowed us to put a conservation easement on. It's very similar to Keith's, even though Keith's is much more diverse than my property, I've only got 178 elk on mine but I've got everything else he's got, even the nonexistent wolf that so far have allowed me to repair ¼ mile of fence that they mowed down this year. However, I don't have a block management program on my land, main reason I don't is safety. The property is completely surrounded by residential properties and because it's a ridge property and the range of a rifle, anybody in target range would be at risk. I do allow hunting up there as long as I'm along to direct what's going on, I do allow bow hunting up there to keep our elk herd in check, it's the O'Brien Creek elk herd. It's a herd that wanders from my property to Black Mountain to Blue Mountain basically, up and down O'Brien Creek. It's part of the landscape we gave up 18 home sites that were on the hill mainly because and it's blessed for me being rural realtor but I couldn't see putting houses on a ridge that everybody in Missoula could enjoy the lights from every evening. There is not much property left in this area that does allow for the wildlife to continue to move freely and have a place to go when they are getting shot up some place else. That's one of the reasons my wife and I decided to do it on our property and I'm pretty sure that's why Keith's deciding to do it on his property. We don't need more subdivisions, 5,000 lots is enough to keep us busy for quite a while. Thank you.

Elizabeth Oleson: My husband and I, Jim we did write a letter of support in favor of this of public funding for this conservation easement. We live in the upper Ninemile Valley and up there there's about 7 or 8 families who have private conservation easements on properties and we're fortunate to be one of those families. Several thousands acres are covered under those easements, in fact, I understand that roughly 40% of all the private land in the Ninemile Valley is under conservation easements but most of it is from mile six up to about mile 15 in the valley, up in the upper part of valley. And so we were thrilled to learn that the Ward Family was willing to parcel donate a conservation easement in the lower part of the valley as well and we are firmly in support of the public funding request for this particular conservation easement. I should also acknowledge that I do volunteer on the West Valley Community Council and Pat O'Herren is my boss.

Arnie Didier: I own a business by the name of Forest Business Network so I've been in the forest land management business for about 25 years and had the privilege of getting to hunt with my daughter on Keith's property last year, I had not been on the property before that, as a matter of fact, that picture of that young lady there, the blonde, unfortunately she looks more like her mom than her dad. So, I've walked a lot of pieces of property and I got the privilege of meeting Keith and then getting to walk the property and it's really a nice piece of property, it's very well managed, he's putting a lot of money into it and he let the opportunity of for my daughter, Emma to get to go hunting. We didn't get to take an animal but it was a great experience and its one that she really fondly thinks of and so do I, it was a great experience for me. So, I can't encourage you enough to make this happen, they're putting a lot into it and so are the people of the county and yourselves. I really support the project and it's a beautiful piece of property, hopefully it stays the same.

Diedre Howell: I too am in support of the Sixmile Open Space Bond Project along with Arnie, my 12 year old, actually had just finished up hunter safety in November and was able to hunt the property with his family. He actually just moved here from Boise with us and this is his first time spending time with his father so it's probably one of the most unbelievable and unforgettable experiences of his life. Just being out there with his dad and walking the terrain and he had a bunch of different encounters, it was just unbelievable and so like I said I'm just here to support the project. Thank you.

Marci Volaeo: On the Open Lands Committee. This was one of our more interesting projects; it's a beautiful piece of property. Certainly the importance of the wildlife corridor, the Ag value, the riparian values and I think the thing that was most telling to us was that high potential for development if an easement is not put on it. Those were the pluses on the project and we voted on this project in November so I think the elk were the biggest concern of the committee and the management of it and it sounds like that is on the way to being resolved. I think that the committee decided to recommend funding of the project because of the conservation values of the land itself and the ramifications obviously if the land is developed. So I would personally like to thank the Rocky Mountain Elk Foundation and especially the Wards for bringing this project. Thank you.

Chair Curtiss: We did have some questions and I left mine on my desk. Because we want to be really open in all the things that we do, we know that Mr. Ward serves on the Board for the Rocky Mountain Elk Foundation so we wanted to make sure that we had publicly talked about the conflict of interest was there, we sent a couple questions to you yesterday and if you could address those please.

Mike Mueller: Yes, I really appreciate you sending those questions to me and ahead of time. They're really important questions and I won't read the questions but I'd like to answer them this way. I don't think we need to really read the questions but the questions really pertain to the RMEF, this is a land trust, working with a current board of Director Member, Keith Ward and first I want to say that Keith Ward could have went to any land trust, we have so many good ones around here in Missoula County and we're really please that he came to the RMEF. I've known Keith for probably 20 years and I've never met somebody with more land ethic and conservation ethic in my life. He supports so many groups and he's very supportive of the elk foundation obviously and believes in our mission. I'd like to answer that question just by explaining a little about the RMEF's land trust business, we do have a very stringent, strict, conflict of interest policy. As a project comes to the RMEF it is reviewed by elk foundation staff and then it goes in front of our lands and conservation committee which are Board of Directors and volunteers. It goes in front other leadership, clear up to our CEO and it's reviewed by all the levels of the RMEF so when this project came to us I was so excited to take it on I didn't really even think about it at first but through the process it got vented very well in terms of looking at our conflict of

interest policy and if there was any. We followed our Conflict of Interest Policy from the start, all projects we feel really have to stand alone anyway, they have to have outstanding conservation values and purposes and pass the elk foundation mission test so this one did. So, we did determine through all that vetting that there wasn't any private inurement or _____ private benefits to a board member so we determined early on that there wasn't a conflict of interest for the elk foundation to work with Mr. Ward. Also I will just add that from the very beginning there was full disclosure to our board of Directors and all our leadership, as I said before it was reviewed by all the levels of the elk foundation in all of our documentation. Mr. Ward recused himself from discussion or any discussions or voting on this projects and we also feel it's really a good point to point out that this was a bargain sale conservation easement and it involved the values...we involved a very qualified appraiser to give us values so we knew that there wasn't any benefits going to Mr. Ward. In fact, this land owner, this family is donating value here and is not receiving much; he's donating over 1.5 millions dollars worth of value in this conservation easement. And I will say that the land owners agreed to pay like \$40,000 in cost that we require of the landowner to do this project so there really was no net benefit to the Wards. We were just very careful as we went through this project and I think one of the questions was about the danger of perception, it might have been from a statement that I made that it's probably a good thing that the elk foundation isn't putting cash into this project and first of all, I'll back up and say since there wasn't a conflict of interest determined with this and we went forward with it, whether we put cash in it or our staff resources it doesn't matter, it all could have been applied to this project. What I was most concerned about I guess as I was thinking with you, if cash was put towards this project there was definitely a chance or risk of perception in the public that if the elk foundation was paying for some of this, that there could be a perception out there that there would be a conflict of interest so I think I made a statement it's probably good that we didn't – so I would answer it that way and answer any other questions that you may have.

Chair Curtiss: One thing did come up. Mr. Brown mentioned and I know you pointed it out to us as we did the tour, was the shrubs and some of the riparian areas have been chewed on by deer and elk and other animals, do you think that the Ward Family might consider protecting some of those willows and putting in some additional growth or else just protecting them so they grow back?

Mike Mueller: Yes, and you know the bottom line to that question is that there's too many elk. But remember when we drove around the property and saw fences around the aspen and the other trees and just trying to protect some of those components with fencing, they're trying to do that. I'm really surprised that they...Jim didn't mention the over grazing by the geese too. It was funny, now we're bringing up over grazing by the geese along the waters edge because there are so many geese. Yea the Ward Family, they've done so many management enhancements and improvements out there and then they're dealing with a challenging situation but I think they would be interested, in fact, I forgot to tell them about their comment and I'll go back and do that. I can't guarantee it but one thing that's exciting about this is if we do get this project done, there are costure dollars to help them improve the land and do other things to, so maybe we can help.

Chair Curtiss: Cost from your organization?

Mike Mueller: From ours and Natural Resources Conservation Service and some of those entities that help improve the land, yes. I would like to read this letter from the 12 year old. Mike proceeded to read the letter.

Rick Onchen: In case those of you that were here before didn't remember, at the time I did my conservation easement I was on the Board at the Elk Foundation as well. It wasn't a problem then, I requested no funds from anybody for anything, which makes it a lot simpler and I just went through and IRS audit that blessed the project and said that they have not had any problems with anything that the elk foundation has done.

Commissioner Landquist: I appreciate the fact that you mention that Mr. Ward recused himself from having any part in the discussion because we're concerned with the hit on your organization and on Mr. Ward then it would be for us as far as reporting purposes and such. The tour of the properties is fantastic and speaks for itself.

Pat O'Herren: One question for Mack Long and then a comment, if I could? Mack the draft that we have of the elk management plan says draft and is not signed; I'm taking it there actually is a signed copy?

Mack Long: There is. We've got a couple signatures yet to finalize, but I signed it and I brought a copy that perhaps the elk foundation will consider signing now but I have the final here.

Pat O'Herren: Just a comment relative to this particular project and I think Marci mentioned it, that it's been an interesting one and I really want to make note that Fish, Wildlife & Parks has gone out of their way to help Missoula County make sure that the funds that are extended from the open space bond are valuable to the public and perpetuity because they are public dollars. So thanks to Mack Long and his staff and also to the RMEF for taking the issue of elk management and how it works or doesn't work and how complicated it can be to heart and working to resolve it so that we that got to what I think is a very successful public meeting, so again thanks.

Chair Curtiss: Any other questions for the elk foundation? Is there any other public comment? (none) Okay, I'll close the public comment portion.

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners authorize the expenditure of \$300,000 in general obligation bond funds for the purchase of a conservation easement

for the Sixmile 1 project. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

8. OTHER BUSINESS: None

9. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 2:38pm.

Resolution No. 2011-052 – Following Public Meeting, BCC signed, dated April 20, 2011. Expending \$300,000 of 2006 Open Space Bond Proceeds for purchase of conservation easement for SixMile 1 Open Space Project. Public Hearing held April 20, 2011.

THURSDAY, APRIL 21, 2011

BCC met in regular session; quorum present. Morning: BC/DB attended Annual BID Ratepayers Breakfast, held at Florence Hotel Governor's Room. Afternoon: JC participated in Best Place Project CEO interviews.

Indemnity Bond – JC signed. Kathy Riley, Missoula, Principal for Hellgate Elementary SD4 (Transportation) Warrant #16927, issued January 19, 2011 on Claims Fund. Amount/\$3,206.61 (for transportation). Warrant lost.

ADMINISTRATIVE MEETING

Resolution No. 2011-053 – BCC signed, dated April 21, 2011. Budget Amendment for 9-1-1 Services, moving \$10,270 from Participation to Equipment line to cover cost of replacing voter on Law Silver. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Grant Documents – JC signed FY2011/SFY2012 Emergency Management Planning Grant Application in amount of \$67,205 to help cover DES salaries/supplies. Original to Kim Campbell/OPG for transmission. Two originals to Chris Lounsbury/DES for further signatures/handling.

Contracts – BCC signed two contracts between City-County Health Dept. and Missoula Police Dept. for Special Project Funds/DUI Task Force Campaign to Reduce Alcohol-Involved Traffic Accidents:

- 1) For roving DUI patrols/roadside safety spot checks. Term/March 21-September 30, 2011. Amount/\$3,000.
- 2) For Cops in Shops Project. Term/March 21-September 30, 2011. Amount/\$2,000.

Two originals to Julie Mohr/Health Dept. for further signatures/handling.

Request - BCC reviewed/approved following as members of:

- 1) FY2012 CBO Review Team: Charlie Wellenstein, Michele Landquist, Marianne Moon, Bob Oakes, and Josh Kosar or Adam Ragsdale.
- 2) FY2012 Substance Abuse Mill Levy Review Team: Jean Curtiss, Jori (Frackie) Quinlan, Michelle Schaffer, Julie Serstad, Linda Green.

Original to Peggy Seel/OPG.

Bylaws – BCC adopted/signed new Bylaws of Missoula County Fairgrounds Advisory Committee, dated April 25, 2011. One original to Committee Chair/one original to Steve Earle/Fairgrounds.

Request - BCC reviewed/approved request to provide authority of Fairgrounds Manager (Steve Earle) to approve routine contracts under \$5,000 for 2011 Western MT Fair. Original to Steve Earle.

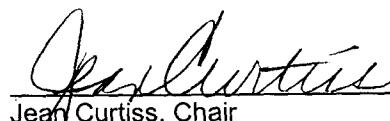
Memorandum of Agreement – BCC signed, dated April 21, 2011. Between County and Western MT Mental Health Center/Turning Point for SHARE House grant (using HUD Continuum of Care funds) for January 3, 2011-January 2, 2012. Amount/\$147,498. One original to Melissa Gordon/OPG.

Additional discussion item(s): 1) Update on Ada's Place Emergency Family Housing Program; 2) FY2012 Budget Parameters; 3) BC Letter to the Editor; 4) Legislative update; 5) Litigation update/strategy – County, et al vs. MDT (KMTP Litigation).

FRIDAY, APRIL 22, 2011

BCC met in regular session; quorum present. Morning: ML attended Clark Fork Coalition ClimateWise Steering Committee Meeting, held at CFC Office. JC participated in Best Place Project CEO interviews for most of day.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, APRIL 25, 2011

BCC met in regular session; all three present.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Glacier Creek Meadows Subdivision; 3) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Recognition of retiring Park Board members; 3) Community Council communications; 4) RI Director's Update.

TUESDAY, APRIL 26, 2011

BCC met in regular session; quorum present. For most of day, ML attended Clark Fork River Basin 2011 Water Outlook Meeting, held at DoubleTree Hotel. Evening: JC attended Annual Blackfoot Cooperators Dinner Meeting, held at Lubrecht Experimental Forest.

ADMINISTRATIVE MEETING

Resolution No. 2010-054 – BCC signed, dated April 26, 2011. Rezoning property legally described as Lot 1 of Block 4 of Missoula Development Park (Phase 1), located in Section 35, T 14 N, R 20 W, PMM, from MDP Special Zoning District "Neighborhood Commercial" Subdistrict to MDP SZD "Light Industrial" Subdistrict. Public hearing held March 2, 2011.

Emergency Proclamation – BCC signed, dated April 26, 2011. Predicted high water levels to exceed flood stage in and around Missoula County; emergency exists as of this date.

Contract – BCC signed, dated April 26, 2011. Between County and GCS Holdings, Inc. to develop/implement Enterprise Geographic Information Systems plan for County Public Works/Emergency Services/Information Services. Term/May 16-September 2, 2011. Amount/\$25,160. Two originals to GCS for signature.

Easements – BCC signed following permanent road easements/temporary construction easements for Petty Creek Road project #MT PFH 71-1(1):

- 1) Parcel 034 – Doederlein Family Revocable Trust;
- 2) Parcel 042 – John/Linda Dretha Harris;
- 3) Parcel 057 – Richard/Karen Fife;
- 4) Parcel 078 – Larry/Barbara Phillips;

Total amount/\$13,425. Originals to Steve Niday/Surveyors.

Revised Easement – BCC signed temporary construction easement for RSID 8901 Lolo Water System/PRV Vault Project on April 5, 2011 for Brandi & Lane Habets/128 Glacier Drive, Lolo. Signature lines for Brandi Habets as Power of Attorney were incorrect; previous Easement voided. New document corrects signature lines. Original to Greg Robertson/PW.

Resolution No. 2010-055 – BCC reviewed/signed, dated April 26, 2011. Clarifying/correcting road name from Junegrass Lane to Junegrass Way, located in Frenchtown/Hawthorn Springs..

Contract – BCC signed, dated April 22, 2011. Between County and Pierce Flooring for County Administrative Building carpet replacement. Amounts/\$49,816. Term/April 15-June 15, 2011. Two originals to Larry Farnes/Facilities Mngr.

Letter – BCC signed, dated April 25, 2011. To Paul Gawle, Seeley Lake, re: his request to pave or seal coat 600 feet of Frontier Drive. County plans to dust abate this section, but this year no paving/sealing is in the work plan or budget.

Additional discussion item(s): 1) Humble Road parking restrictions; 2) Maclay Bridge process timeline; 3) Legislative update.

WEDNESDAY, APRIL 27, 2011

BCC met in regular session; all three present. ML attended Sustainable Business Council Luncheon, held at MonTEC.

COMBINED CAO ADMINISTRATIVE / COUNTY ATTORNEYS DEPARTMENTAL MEETING – No action items/discussion only. AGENDA: 1) Litigation update/strategy (County vs. MDT/KMTP); 2) Legal issues relating to matters on BCC Weekly Public Meeting; 3) Public Comment on matters no on Agenda; 4) Other business; 5) Recess.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated March 16, 2011. Amount/\$808.65. Document to County Auditor.

PUBLIC MEETING – APRIL 27, 2011

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

Staff Present: James McCubbin, Deputy County Attorney, Tim Worley, OPG

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT – None

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

a. Weekly Claims List (\$652,642.87)

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$652,642.87. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

b. Public Announcements

Bike Walk Bus Week (2011 Commuter Challenge)
Other – Logger Days at Fort Missoula (this Saturday)

5. HEARING (*Continued from March 30, 2011*)

Glacier Creek Meadows Subdivision (20 lots on 98.36 acres) – Adjacent to Styler Drive and Remicks Road – West of Highway 83 in Condon

Public comment session has been closed.

Commissioners Discussion**RCA**

Tim Worley: This is a subdivision that was heard March 30, 2011 at that time an 18 lot version of the subdivision was presented to the Board of County Commissioners. The majority of the board expressed support for this design and charged the developer representative and planning staff with coming up with conditions of approval that would bring that subdivision layout in conformance with the subdivision regulation and we have done that. That was discussed with the County Attorneys Office and with Board of County Commissioners at the April 25th Planning Status Meeting. The conditions in question are Attachment A of the Request for Commission Action – there's three attachments that we'll be working with today.

Attachment A is the conditions of Approval.

Attachment B contains Findings and Conclusions that are consistent with these conditions of approval as well as these findings and conclusions express the sentiments of the majority of the board and going in the direction of approval of the subdivision.

Attachment C is an underline and stick out version of the findings and Conclusions that just allows the reader to see what is changed since the original staff report.

The blue memo dated April 27th, 2011 which addresses one condition in particular and I think I'll wait just a minute to address that, but it also addresses condition #11. I might just hit the highlights of the big conditions of approval this afternoon as opposed to going through them one by one. The big conditions address bringing the roads up to standard on the western edge of the subdivision and that would be Swan Vista Lane and on the Eastern edge of the subdivision that would be Mission Vista Lane. And then condition #2 you'll see just a specific verbiage that talks about bringing those roads up to county standards. There are no variances required with the subdivision because the original proposal...proposed roadways that met standards, those roadways have been altered slightly but we feel that condition #2 does the job as far as bringing all subdivision roadways at least the big ones on the western edge and eastern edge up to standard. Condition 3 is actually is more specific to Swan Vista Lane on the western edge of the subdivision. Condition #4 was a fairly late introduction from us, from planning staff; we felt that it was important that Swan Vista Lane and Mission Vista Lane be constructed prior to final plat approval of the appropriate phases, those phases being Phase 1 and Phase 3. In discussions with the developer and his representative at the planning status meeting we came to a compromise that I think will definitely work. And the compromise that's essentially in this condition is that Swan Vista Lane has to be constructed before building permit issuance for any building constructed on either lots 1, 2 or 3 within phase 1 of the subdivision. The developer can still avail himself of bonding or other type of security for Swan Vista Lane prior to the filing of the Phase 1 final plat in the instance that no home is constructed on phase 1, 2 or 3 or no building permit is issued around the time of the filing of that phase 1 final plat. So bonding can be allowed for Swan Vista Lane if there's no combustible construction essentially for any home reached by that lane prior to phase 1 final plat approval. The developer and his representative agreed that it was appropriate to have Mission Vista Lane constructed to county standards prior phase 3 final plat approval. So by the time phase 3 comes before you, Mission Vista Lane will have to be constructed to county standard whether there's a home constructed that's accessed by that road or not, at that time, at phase 3. Condition #5 regards roadways in access of 150 feet and it's a catch all condition that addresses primarily the roadways serving two lots within the subdivision. If those roadways happen to be in access of 150 ft in length, they will have to construct an appropriate turn around for fire apparatus and be built to a 20 foot unobstructed width as reviewed and approved by the county fire inspector. The developer and his representative have presented a new plat today that's in all manners pretty consistent with the 18 lot plat that was presented to you before March 30th. There are a couple exceptions, we talked about some minor improvements that should end up on this plat, and one is driveway access to lot 3. That driveway was shortened up and put in a more optimal location as showed with an easement off of Swan Vista Lane, in phase 1, and on the eastern edge of the subdivision there is legal and physical access shown for lots 14 & 15, which was absent on the March 30th lot 18 plat that was presented before you, and that's in essence what we were aiming for with condition of approval #6 on page 1 of attachment A.

I think I'll move now to the blue memo to condition #11 and we can discuss any condition, in any order you like after I'm finished, but condition 11 was one that the County Attorney alerted us to at the planning status meeting. The very last sentence is problematic so we're recommending that be

stricken. There is a utility easement, in all likelihood that will require formal abandonment by the Board of County Commissioners. James pointed out at the planning status meeting that if evidence of formal abandonment is required as its _____ in the condition, it might put the developer in an impossible situation should abandonment not be an ultimate requirement. So we recommend going ahead and striking that very last sentence of condition #11. Condition #13 regards three foot pathways throughout the subdivision, these will be native soil pathways and they'll be required to have a 7 foot wide boulevard or swale and be contained with an appropriate access easements or road right-of-way. The conditions, particularly condition #15 we felt was pretty important, we discussed with the developer options of retaining the 100x100 foot building envelopes within the subdivision, but allowing some flexibility should building plans end up slightly outside of the square building envelopes. So we're just recommending or allowing for within this condition the building envelopes to rotate on their centers, they still need to be 100 feet by 100 feet. They need to be established by bearings and distances by the final plat filing of whichever phase in question and there defined on the ground by onsite staking.

Commissioner Landquist: Can I ask a question about that? I think that's a great idea and I think of myself, who rearranged my property, I have buildings on my property and a lot of them are on skids and so what's to prevent that from happening? Once the building envelope is established then, is that on that particular lots plat so that then they're will know what their building envelope is for the rest of the property?

Tim Worley: That's correct. So the choice really is made between preliminary plat approval and final plat, for each of the three phases as to where those homes ought to be located and what their orientation will be and then it sat with the filing of each plat.

Chair Curtiss: Tim, one of the ones we talked about in planning status was #8, no parking, so that one is just if the Commission wants to bring it up, we can do that when you are done.

Tim Worley: That's correct. And I think it was also brought up, condition #25 B at the bottom of page 6, there was an error that if these conditions are approved by the Board, we'll make a correction. It says vehicle parking shall is permitted...shall be permitted in accordance with emergency access, etc. We'll make that correction.

Chair Curtiss: So if we change #8 there's some things in 25 we need to change.

Tim Worley: Yes, otherwise I think that does it for my summary. There are some findings we would recommend changing, Commissioner Landquist alerted me to one on page 18 of the Staff Report. The original Conclusion of Law at the bottom of page 18 says, the developer has submitted a plat which does not comply with the requirements of local subdivision regulations that ought to be changed to "complies". And also we think it's probably important to make reference to this plat so there are a couple of findings that make reference to the plat dated March 30th, 2011, some of those I think can stay but there are other reference that should be oriented toward this plat dated April 27th, 2011. I don't think it's fussy that we necessarily speak those into the record today but maybe I'll let James deliberate on that one.

Chair Curtiss: I will ask that the developers' representative to come to the mic to say that you've read these.

James McCubbin: yes, we are required on a conditional approval of a subdivision we're required to consult with the applicant regarding the conditions that are going to be opposed.

Chair Curtiss: So if you could please tell us what your client thinks.

Dale McCormick: I want to thank Tim for the real conscientious effort that he's made over the past month to work with us to find conditions that are acceptable. We, at this point, are fine with all of the conditions that Tim refers to, as amended, as of today. And we did talk about the sign...parking the sign requirement and still have some concern in that area but the conditions as they are presented today, are acceptable to the developer. Again, thanks for all the assistance along the way to get to this point because it's been quite miraculous that we can be all in agreement on this day. Thank you.

Chair Curtiss: Are there points that the commission would like to discuss?

Commissioner Landquist: I would like to discuss #8 on page 2, which is the plan for no parking sign installation. I just can't in my heart of hearts see having a nice rural subdivision and plastering it with signs. People that live out there are living out there for a reason; one of the reasons is to get away from signs and people telling them what to do. It's going to be enough that they're going to have covenants to live with and besides from the fact, I think it will be safer because a lot of time people in the county have a tendency to shoot signs. Let's make it a safer community and think about just taking the requirement and at least the conditions for the subdivision to have actual no parking signs installed but I don't see where on Page 7 when we're talking about the things that would be in the covenants why and again I don't think they need to have parking signs installed but I think it needs to be pointed out to them that it's required for the flow of traffic and access to emergency vehicles that road ways and access routes not be obstructed and that the owners of the properties assessed by shared access by shared road ways, their invitees may not park a vehicle or place any object on the road ways. I don't have a problem leaving the restrictions in there on the covenants for no parking but I don't we need the signage there personally. We're not posting it saying, "Remember, living with wildlife or remember this." I think it's a no-brainer and as much as I don't like covenants it's the best tool we have because we don't do zoning as we approve these things, I feel for people when it comes down to enforcing anything to do with covenants because it is up to the Home Owners Association and communicating effectively and efficiently and hopefully constructively with one another but it's the best tool we have because we can't go around spot zoning things either. That's my recommendation.

BOOK 110 PAGE 0385

Commissioner Landquist made motion to staff to delete condition #8 and the references to no parking signage on 25C, Page 7. Commissioner Carey seconded the motion. Motion carried a vote of 3-0.

James McCubbin: I think you can probably just direct staff to delete any other references to no parking signs that might appear anywhere else. I think that's probably just in 25B & C but you can make that just a blanket one in case another one is discovered.

Commissioner Landquist made motion to staff to please delete any reference to no parking signs in 25B & C or any other place it may appear. Commissioner Carey seconded the motion. Motion carried a vote of 3-0.

James McCubbin: I would note that because you removed a condition the rest of them would need to be renumbered after that.

Commissioner Landquist made a motion referring to the blue sheet to change the language for conditions #4 and #11. Commissioner Carey seconded the motion. Motion carried a vote of 3-0.

James McCubbin: Two other things, Tim had mentioned the conclusion of law on Page 18 under the compliance section. We should have a discussion as to whether the Commissioners agree with that change to Conclusion of Law that's been opposed.

Commissioner Landquist made motion to fix the language on Page 18, under Compliance, under Conclusions of Law, that #1 where it says; 'which does not comply', I move that we change it to 'which complies with requirement of local subdivision regulations'. Chair Curtiss seconded the motion. Motion carried a vote of 3-1.

James McCubbin: The final thing that I have to check off is that Tim had mentioned there maybe references to the March 30th version of the proposed preliminary plat that should really be changed to April 27th. Just to clarify that the one we're looking at is the one that has been and the one that you're conditionally approving is the one that has got those two driveway changes. I suggest that you just get staff approval to make those as they are essentially almost typo changes.

Tim Worley: If I could just make mention of...there's still a couple findings where the March 30 plat is mentioned more as a chronological marker, so we'll probably retain those but where we're dealing with approved plat we're always going to say April 27th, 2011 plat.

Chair Curtiss: So if we look at the approval motion and then if we said the 18 lot plat presented before the County Commissioner April 27th, does that cover it?

Tim Worley: Yes, I believe so.

James McCubbin: We're just going to have some very minor administrative changes and findings versus what you have in front of you right now.

Commissioner Landquist made motion to staff to do the appropriate renumbering and make any administration changes discussed today. Commissioner Carey seconded the motion. Motion carried a vote of 3-0.

Chair Curtiss: I guess because we didn't talk to each other about what things we sent to staff because we were told not to. On Page 12 of the conclusions, on top of the page #4, I'm assuming that came from you Michele so where you referring to where it says; Lack of trees on the property plus fire sprinkler requirements provide adequate fire safety on the property, so you're talking more about Wildland Urban stuff, right?

Commissioner Landquist: Yes.

Chair Curtiss: Okay, just wanted to clarify. Because the sprinklers really are designed to save you in a house fire not a wild land fire.

Chair Curtiss: Any other discussion from the Commission before we go to the last motion?

Commissioner Carey: Would this be a good time to state my reasons for opposing this? Well, I do oppose this development, in this place. We're talking about the Crown of the Continent here, we're talking about staff initially recommending denial, planning board 7-1 vote, recommending denial. Montana Fish Wildlife & Parks saying first off this is not a cluster design and I think importantly stating that this development will lead to further development. Our own Rural Initiatives could not support the subdivision. Chris Searven pointed out in his letter that some of the highest density grizzly habitat in the Swan Valley is right where this is proposed to be built. And the DNRC also raised the matter of wells and septs and would prefer to see a community water system instead of 18 new wells and new septs. So I think that's a lot...there's a lot of good reasons not support this. With your permission I'd like to read a short paragraph from a book called The Crown of the Continent, The Last Great Wilderness of the Rocky Mountains.

Commissioner Landquist: I'm ready to make the final motion for approval but I think it's important and I'm not trying to go one-for-one with you Bill, I respect what you've said and it certain speaks to my heart. But, as I said in the earlier hearing on this, I don't think one size does fit all when we're talking about cluster design and I do believe there's enough safe guards in place for this subdivision in this area between living with wildlife, that the stewardship committees, that the weed management plans that they'll have to have, the forestry stewardship plan that's already in place and the fact that it's made

more stringent by the developer and the kind of people that will be living there will naturally gravitate there because of those same features that they find near and dear to the area. So, I really do feel as though this is a special place but I think this subdivision has been designed with the up most care and consideration for that special place and that's why I can feel the way I do about moving to approve it.

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the Glacier Creek Meadows Subdivision as shown on the 18 lot plot plat presented before the County Commissioners April 27th, 2011 and be approved based on the Findings of Fact in the attachment B and subject to the recommended conditions of approval found in attachment A, including the blue memo and the amendments we made today. Commissioner Curtiss seconded the motion. The motion carried a vote of 2-1.

Chair Curtiss: I'd also like to say that I grew up in this valley; I grew up in the Crown of the Continent. I totally believe what you say there, I think the difference is that this subdivision is already surrounded by residential development and so it's one of the more appropriate ones to put limited development on, which I believe this is. There's so much of the valley now that is protected through the legacy project and through conservation easements and surrounded by wilderness. I think that the mitigation has been enough to protect the important things in the valley while allowing some development for some families to have homes there.

6. OTHER BUSINESS - None

7. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 2:10pm.

THURSDAY, APRIL 28, 2011

BCC met in regular session; quorum present. BC/ML attended retirement party for Christine Jorgensen, held at Public Library. JC participated in Best Place Project CEO interviews late afternoon/early evening.

Indemnity Bond – JC signed. Blue Mountain Veterinary, Missoula, Principal for Big Sky High School Warrant #27-225131, issued January 8, 2010 on Student Fund. Amount/\$118. Warrant lost.

Indemnity Bond – JC signed. Lindsay Harvey, Missoula, Principal for MCPS Warrant #195894, issued June 19, 2009 on Payroll Fund. Amount/\$109.78 (for wages). Warrant not received in mail.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 08/CY2011 - Pay Date/April 22, 2011. Total Payroll/\$1,261,988.28. To County Auditor.

Amendment #1 – JC signed. To MOU between MT DPHHS and Interim Assistance Provider Coalition (renewed through 9/30/11). Amendment deletes entire section on Page 4, entitled "Monitoring". One original to Peggy Seel/OPG.

Amendment – BCC signed. To Contract (#DIR-01-001-0-MCDF) between County (Detention Facility) and MT Dept. of Corrections. Amendment decreases rate of per diem for General Population offenders to \$56.24 per day (from \$56.75), retroactive to July 1, 2006. One original to Sheriff.

Contract – BCC signed, dated April 28, 2011. Between County and Earth and Wood for landscaping services on Lots 4, 6, 7 & 8 of MDP-Phase 3C. Amount/\$4,125.01. Term/April 28-May 11, 2011. One original to Barb Martens/Projects.

Amendment #2 – BCC signed. To Agreement (#DTFH70-10-E-00036) between County and Federal Highway Administration for Petty Creek Road Right-of-Way Project. Amendment assigns Jeff Place as new Contracting Officer Tech Representative for project. Original to Greg Robertson/PW.

Revised Policy – BCC approved adoption of revised County Purchasing and Contracts Policy #2011-April 28, 2011 (contingent on incorporation of public's cost to pay for copies requested). Updates needed to strengthen policy/incorporate aspects of procurement omitted from original. Original to Barb Berens/Auditor.

Letter – BCC signed, dated April 26, 2011 to John Boughton/National Register Coordinator/MT Historical Society, Helena, supporting nomination of Florence-Carlton Community Church to National Register of Historic Places. Philip Maechling, Missoula's Historic Preservation Officer, also supports nomination.

Letter – BCC signed, dated April 27, 2011 to Doug Moeller/MDOT, asking for speed study to potentially lower speed near intersection of Highway 93/Cartage Road (Wye Area Signal Project).

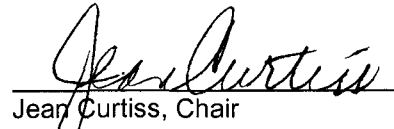
Letter – BCC signed, dated April 28, 2011 to Daniel/Lauri Schmidt, Missoula. Public Works feels Harper's Bridge Road is properly signed and their concerns are related to enforcement. Sheriff's Dept. has ordered increased law enforcement in the area. BCC also encourage the Schmidts to comment directly to MT FWP re: proposed fishing access project at Harpers Bridge Road.

Additional discussion item(s): 1) MACo District Chairs Conference Call; 2) ML will attend Operation 9-10-11; 3) Legislative update.

FRIDAY, APRIL 29, 2011

BCC met in regular session; quorum present. JC participated in Best Place Project CEO interviews for most of day.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: MAY, 2011

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of MAY 2011:

Date Signed	Claims List Date	Who signed	Amount
May 2, 2011	May 2, 2011	BCC	\$2,209.50
			\$7,800.00
			\$250.00
			\$2,651.03
			\$19,442.43
			\$894.36
			\$33,549.59
			\$180,244.66
May 3, 2011	May 2, 2011	BCC	\$16,820.14
May 4, 2011	May 3, 2011	BCC	\$73,021.64
			\$76,653.97
			\$4,926.15
			\$40,427.38
			\$41,759.84
			\$249,460.98
May 4, 2011	May 3, 2011	BCC	\$26,063.84
May 4, 2011	May 4, 2011	BCC	\$1,214.34
			\$71,769.84
			\$566.34
			\$22,268.54
			\$32,583.65
			\$6,400.84
May 5, 2011	May 4, 2011	BCC	\$1,748.17
			\$223.99
			\$561.27
			\$143.00
			\$13,432.78
May 5, 2011	May 5, 2011	BCC	\$5,405.29
			\$146.54
			\$5,422.30
May 6, 2011	May 5, 2011	BCC	\$2,183.95
			\$205.16
			\$14,934.47
May 10, 2011	May 6, 2011	BCC	\$397.88
May 10, 2011	May 10, 2011	BCC	\$19,124.99
			\$355,900.83
			\$4,408.77
			\$40,688.03
			\$14,080.26
May 11, 2011	May 10, 2011	BCC	\$164,457.65
May 11, 2011	May 11, 2011	BCC	\$1,532.06
			\$1,795.95
			\$3,069.15
			\$15,355.57
			\$1,102,281.47
			\$40,099.03
May 12, 2011	May 12, 2011	JC, ML	\$480.87
			\$4,824.70
			\$734.84
			\$70,150.61

May 13, 2011	May 12, 2011	BCC	\$625.00
			\$4,430.88
			\$1,565.45
			\$665.96
			\$10,994.80
May 16, 2011	May 13, 2011	BCC	\$15,942.54
May 17, 2011	May 16, 2011	BCC	\$177,709.67
			\$11,371.45
			\$79,894.52
			\$1,885.81
			\$1,568.67
			\$84,123.94
May 17, 2011	May 17, 2011	BCC	\$6,735.00
			\$41,641.33
May 18, 2011	May 17, 2011	BCC	\$4,692.48
			\$7,984.94
May 18, 2011	May 12, 2011	BCC	\$1,770.29
May 18, 2011	May 5, 2011	BCC	\$2,489.61
May 18, 2011	May 17, 2011	BCC	\$4,243.72
			\$6,874.95
May 18, 2011	May 18, 2011	BCC	\$8,857.49
			\$3,769.81
May 19, 2011	May 18, 2011	BCC	\$11,028.23
			\$9,127.04
			\$22,911.48
			\$7,791.51
May 19, 2011	May 19, 2011	BCC	\$28,899.60
			\$30,645.15
May 20, 2011	May 18, 2011	BCC	\$806.18
May 20, 2011	May 19, 2011	BCC	\$442.25
			\$6,286.62
			\$4,525.02
			\$933.43
			\$8,854.83
			\$619.99
			\$36,089.81
			\$991.84
May 23, 2011	May 19, 2011	JC, ML	\$17,454.03
May 23, 2011	May 20, 2011	BCC	\$6,423.45
May 23, 2011	May 23, 2011	JC, ML	\$1,636.10
			\$49,656.66
			\$51,596.18
			\$243,666.43
			\$2,544.01
			\$99.98
			\$79,995.75
			\$9,472.64
			\$7,980.19
May 24, 2011	May 18, 2011	BCC	\$70,830.16
May 24, 2011	May 23, 2011	BCC	\$5,678.01
			\$67.83
May 24, 2011	May 24, 2011	BCC	\$11,311.34
			\$276.70
			\$672.50
			\$85,720.71
			\$1,000.00
			\$83.38
			\$850.16
			\$236.57
			\$787.50
			\$72.00

May 26, 2011	May 25, 2011	BCC	\$1,575.41
			\$8,053.00
			\$3,412.43
			\$2,610.40
			\$37,613.31
			\$4,831.38
			\$206.40
			\$28,992.94
May 26, 2011	May 26, 2011	BCC	\$32,175.40
			\$8,077.89
			\$21,117.38
			\$624.48
			\$611.25
			\$425.75
May 31, 2011	May 25, 2011	BCC	\$17,418.75
May 31, 2011	May 26, 2011	BCC	\$9,486.73
May 31, 2011	May 31, 2011	BCC	\$32,515.62
			\$32,807.06
			\$5,410.38
			\$351.63
			\$14,983.48

All Claims Lists were returned to the Accounting Department.

MONDAY, MAY 2, 2011

BCC met in regular session; all three present. Morning: BCC attended Inauguration of Dr. Royce Engstrom as President of UofM, held at University Theater. Evening: JC attended meeting of Seeley Lake Community Council.

Monthly Report - JC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending April 30, 2011.

Planning Status Meeting - BCC/OPG Staff. Agenda: 1) Public Comment; 2) Kellie Acres Subdivision Plat Adjustment/BLR (*info*); 3) OPG Director's Update.

Rural Initiatives Update - BCC/RI Staff. Agenda: 1) Public Comment; 2) County Landowner Recognition Program; 3) County Subdivision Regs-Article 8 Revisions; 4) Rural Land Managers MOU Meeting Agenda; 5) Community Council communications; 6) RI Director's Update.

TUESDAY, MAY 3, 2011

BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Easement Agreement - JC signed, dated April 28, 2011. Between BSDI, LLC and Lolo Sewer/Water District for watermain extension for Lolo Vista Apartments to connect to RSID 901 water distribution system.

Easements - BCC signed following permanent road easements/temporary construction easements for Petty Creek Road project #MT PFH 71-1(1):

- 1) Parcel 053 - Barry/Pamela Roberts;
- 2) Parcel 054 - Wayne/Louise Ellingham;
- 3) Parcel 058 - Sandra Sue Goodman Revocable Trust.

Total amount/\$4,500. Originals to Steve Niday/Surveyors.

Board Appointment - BCC approved appointment of Dr. Tom Roberts to City-County Health, Air Pollution Control, and Water Quality Boards (per action of Health Board 2/17/11). Dr. Roberts fills remainder of late Dr. Gabster's term to December 31, 2012. To Ellen Leahy/Health Dept.

Contract - BCC signed. Between County and Probation and Parole/MT Dept. of Corrections to assist DUI Task Force Campaign to Reduce Alcohol-Involved Traffic Accidents. Term/July 1, 2010-September 30, 2011. Two originals to Julie Mohr/Health Dept.

Contract - BCC signed, dated April 25, 2011. Between County and Tom Campbell L.E.D. Digital Message Centers for Phase II of upgrade to message center at County Fairgrounds. Term/May 1-June 1, 2011. Amount/\$19,649. One original to Fair staff.

Contract – BCC signed, dated April 27, 2011. Between County and Glacier Ice Rink ("GIR") for joint use of message center located at County Fairgrounds. GIR to purchase Phase 1/County to purchase Phase II of upgrade to messaging center. Term/April 22, 2011-August 11, 2018. Amount/\$19,649. One original & copy to Steve Earle/Fair.

Letter – BCC signed, dated May 3, 2011. [On MPO stationery]. To Jim Lynch/MT DOT/Helena, requesting current level, continued distribution of Federal & State transportation revenue as part of ongoing transportation investment in Montana. To Mayor Engen for signature.

Additional discussion item(s): 1) BCC will attend Best Place Project CEO finalist reception; 2) Milltown field trips.

WEDNESDAY, MAY 4, 2011

BCC met in regular session; all three present. Noon: JC attended Smurfit Stone Press Conference. Evening: JC/ML/DB attended Best Place Project CEO Finalist Cocktail Reception, held at Holiday Inn.

CHIEF ADMINISTRATIVE OFFICER MEETING

Board Appointment – BCC appointed Traci Jasnicki to fulfill an unexpired term on the Seeley-Swan Hospital District Board until the Special District Election is held in 2013.

Board Appointment – BCC appointed Pat Byrne to a new three-year term on the Clinton Irrigation District Board until the Special District Election is held in 2014.

Agreement – JC signed. Between City-County Health Dept. and MMCAP (MN Multistate Contracting Alliance for Pharmacy) for purchase of reduced cost vaccines. Fee based on percentage of sales. Two originals to Julie Mohr/Health Dept.

Contracts – BCC signed, dated May 4, 2011. Two contracts between County and Missoula Correctional Services, Inc., to increase offender accountability through investigation/prosecution/corrections/monitoring as follows:

- 1) To monitor OVW Grant Award/fund positions. Term/ September 1, 2011-August 31, 2012. Amount/ \$44,784.
- 2) To operate Community Service, Misdemeanor Supervision, and Pretrial Supervision Programs. Term/July 1, 2010-June 30, 2011. Amount/\$390,211.

Contract – BCC signed, dated May 3, 2011. Between County and Organizational Insight, LLC for services to supervisors/staff of Animal Control to aid in team building. Term/May 3-July 31, 2011. Amount/\$1,350. Two originals to Jim Carlson/Health Dept.

Additional discussion item(s): Missoula RFD Board Trustee position. BCC will appoint May 5th.

PUBLIC MEETING – MAY 4, 2011

1. CALL TO ORDER

Commissioners Present: Commissioner (Acting Chair) Bill Carey, Commissioner Michele Landquist
Commissioner (Chair) Jean Curtiss joined the meeting at 1:40

Staff Present: James McCubbin, Deputy County Attorney, Karen Hughes, Rural Initiatives,

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Gary Botchek: I come before the Board of County Commissioners with a correspondence that I'd like to read into the minutes, the subject is the Maclay Bridge. Read letter from ad hoc Maclay Bridge Alliance Group – requesting for bridge to be removed.
(Letter)

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$1,016,885.32)

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$1,016,885.32. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

- b. Public Announcements: None

5. HEARING (Certificate of Survey)

New Family Transfer (Donald and Donna)

James McCubbin: Parties involved are Donald and Donna New. This is a requested to create a parcel for transfer from spouse to spouse, from Donald New to his wife. The current parcel is approximately 160 acres in the Gold Creek area and the proposal is to divide that in half into two (2) 80 acres parcels. The details on the property description and so forth, is all in the packet, which is part of the record. I could give you more if you'd like but I think the records are sufficient.

Acting Chair Carey: Mr. and Mrs. New would one or both of you like to come up and answer a few questions? Mr. McCubbin will ask you the questions we ask of every applicant in this matter, it's hopefully not too invasive; it's designed to help us decide whether or not you're attempting to evade subdivision review and that is a misdemeanor.

James McCubbin asked Donald New the standard subdivision review questions.

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the request by Donald New to create one (1) additional parcel by use of family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Chair Curtiss seconded the motion. The motion carried a vote of 3-0.

6. HEARING

Amendments to Article 8 of the Missoula County Subdivision Regulations
Staff Report - Karen Hughes:

Public Comment:

Colleen Dowdall: (handout) Youth Camp amendment

Steve Sann: Purchased youth camp by Clearwater (80 acre youth camp).

Chair Curtiss: Access to youth camp for delivery vehicles, families, etc.

Steve Sann: Working with Dr John Dimar in putting in a bridge. John Richards has been nice about cleaning the road during the winter and such.

Chair Curtiss: language for access

Steve Sann: not sure, we would have to ask Colleen that question.

_____: on behalf of Steve Sann, employer.

Bridge at Salmon Lake was taken out in 1982.

Commissioner Landquist: If camp went under and you needed to sell – Is there individual wells and septic or is it communal?

_____:

Brent Gyuricza: The need for youth camps. This camp is a gem of a camp particularly for its layout. Great location, great facility. Access to Elbow Lake.

Steve Sann: Camp is on 80 acres (1 lot), roughly 280 total acres – 2 lots, 3 family transfers (separate ownership).

Ken Jenkins: Commenting on Article 8, in favor of the planning board decision, not having a deadline. Asking to allow time for the community for lease or rent, nonresidential property, not just youth camps. Sanitation, no one is allowed to go out and build septic

Sterling Miller: (handout) Subdivision review for lease or rent.

Willis Curdy: 11208 Kona Ranch Road. Guest Ranches have been very important to our economy. One concern about the proposed bible camp up the Swan. This is a fire point area, where the camp is located.

Commissioner Landquist: How many acres do you have

Mr. Miller: Adjacent to DNRC land, pay for rights to ride on the land. DNRC receiving minimal grazing use fee, bid 10 times over what the current rate was.

Chair Curtiss:

Mr. Miller: We've been in this operation for 5 years now. We have yet to show anything over a loss.

Colleen Dowdall: Health Department is responsible for the annual inspection. Comment about bridge.

Chair Curtiss: Laws aren't made for people who are honest.

Colleen Dowdall: Health Department doesn't wait for a call, they have a list of inspections and a surprise visit is often

Michele Landquist:

Bill Bevis: Citizen not associated with any of these issues. Wife rides horses on guest ranch.

Chair Curtiss:

Commissioner Landquist:

Commissioner Carey:

Karen Hughes:

James McCubbin: I believe that you don't have legal right to add to State law. Subdivision and 504-review of subdivision application. Liability exposure if we let review go. Legislative status, still alive. Governor has on his desk.

Chair Curtiss:

James McCubbin:

Colleen Dowdall:

Chair Curtiss:

Colleen Dowdall:

Mr. Bevis: What is the law in which we're operating?

Brent Gyuricza: Missoula County is the only county that is taking the view of youth camps as lease for rent.

Mr. Miller: Failure to act

Hearing will be continued to May 25th.

7. OTHER BUSINESS: None

8. RECESS

THURSDAY, MAY 5, 2011

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Request – BCC approved \$125,000 CDBG RLF Loan request submitted by County and The Emergent Institute ("TEI"), which provides one-on-one training for Nuance voice recognition software. TEI will train/employ approx. 45 persons with disabilities. Original to Cindy Wulfekuhle/OPG.

Request – BCC approved request by Western MT Mental Health Center to use uncommitted balance of FY11 mental health mill levy funds (\$24,504) to partially fund architectural services for planned 38-bed inpatient addiction treatment center at historic Fort Missoula Hospital. Original to Cindy Wulfekuhle/OPG.

BCC also signed Resolution No. 2011-057, dated May 5, 2011, a Budget Amendment for Mental Health, providing \$24,013 in funding from projected year-end reserves in excess of the 5% requirement for Request set forth above. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Grant Drawdown #1 – JC signed \$17,325 CDBG Request for Funds Form for Poverello Center PAR. (50/50 match requirement to be paid by Poverello Center).

Resolution No. 2011-056 – BCC signed, dated May 5, 2011. Budget Amendment for Search & Rescue to expend funds (transfer of \$45,000/capital outlay of \$45,000) to Seeley SAR Unit for budgeted/unfunded prior year transfers from Missoula SAR Unit. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County. BCC also signed Budget Transfer Control No. 11-009, for Finance Dept. in amount of \$28,000 relating Budget Amendment set forth above (County contribution inadvertently omitted from 2010 budget).

Contract – BCC signed, dated April 28, 2011. Between County (Sheriff's Dept.) and Chuck Lee/Emergency Responders Support Services. Amounts/\$30,000. Term/July 1, 2010-June 25, 2013. Two originals to Carl Ibsen/Sheriff.

Improvements Agreement/Guarantee – BCC signed, dated May 4, 2011. With Wesmont Builders-Developers, Inc. for Canyon Creek Village Phase 12 Subdivision (Apartment Complex). Relates to sidewalk construction in right-of-way. Completion date/prior to April 1, 2012. Estimated costs/\$9,987.60; guaranteed by Letter of Credit from First Security Bank in amount of \$12,500.

Board Appointment – BCC appointed Ken Peers to fill an unexpired term on the Missoula Rural Fire District Board until the Special District Election is held in 2012.

Additional discussion item(s): 1) JC/ML will attend YWCA Centennial Luncheon on May 13th.

FRIDAY, MAY 6, 2011

BCC met in regular session; quorum present. BC out of the office all day. Morning: JC participated in Aging Services Conference Call. Evening: JC/ML attended Missoula Historic Preservation Award for Excellence, held at Florence Hotel Governor's Room.

Replacement Warrant - JC signed. Sarah Holden, Florence, Principal for Financial Services Warrant #31313336 issued April 8, 2011 on Payroll Fund. Amount/\$341.61 (for wages). Warrant not received in mail; no bond of indemnity required.

Vickie M. Zeier
Clerk & Recorder

Jean Curtiss, Chair
BCC

MONDAY, MAY 9, 2011

BCC met in regular session; all three present. Afternoon: BCC participated in conference call with Bill Walker re: megaloads.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Canyon Creek Village Subdivision Development Agreement/Weed Management Plan [signed 5/19/11]; 3) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) USFS Forest Planning Rule proposal update; 3) Parks/Trails Plan update; 4) OLC Agriculture discussion update; 5) Community Council communications; 6) RI Director's Update.

TUESDAY, MAY 10, 2011

BCC met in regular session; all three present. Morning: BCC canvassed School & Special District Election. Noon: ML attended *Stories from the Salvation Army*.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending April 30, 2011.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending April 30, 2011.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 09/CY2011 - Pay Date/May 6, 2011. Total Payroll/\$1,223,523.58. To County Auditor.

County Transportation Ballot – JC signed, dated May 10, 2011. FOR approval of transportation isolation status for student that lives on an unpaved road. Request is for 2nd semester only of 2010-11 school year.

State of MT Request for Proposal #1110027-JG – JC signed RFP and accompanying certifications/assurances issued by DPHHS/Dept. of Administration on behalf of MT Children's Trust Fund for child abuse prevention activities. \$14,528 would support Health Start Coordinator's position. Original to Peggy Seel/OPG.

Resolution No. 2011-058 – BCC signed, dated May 10, 2011. Budget Amendment for Technology Fund, providing \$25,160 budget authority for 4/26/11 contract with GCS for Enterprise GIS implementation services. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Interlocal Agreement – BCC signed renewal of existing grant: West Central MT Drug Task Force Local Drug Task Force Agreement for FY 2012 between Missoula, Ravalli, Mineral and Lake County Sheriff's Offices, Missoula Police Dept., Missoula County Attorney's Office, and Flathead Agency (Tribal Police). One original to Mike Dominick/Undersheriff; three partial originals to Sheriff's Dept.

Request – BCC reviewed memo/recommendation from County Fairgrounds Advisory Committee to create 5-year assessment/development strategy for County Fairgrounds as initial phase of overall capital improvement plan. Original to Steve Earle/Fair.

Resolution No. 2011-059 – BCC signed, dated May 10, 2011. Budget Amendment for Detention Center, transferring \$5,000 from Jail Construction Fund for additional security cameras. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Additional discussion item(s): 1) Meeting re: UofM Biomass Project; 2) Tour of Milltown restoration; 3) None of the BCC can attend Five Valleys Land Trust 17th Annual Banquet/Auction.

WEDNESDAY, MAY 11, 2011

BCC met in regular session; all three present. Afternoon: BCC toured Milltown Restoration Project. Evening: BCC attended Legislative Wrap-Up/Thank You with Legislators, held at Missoula Art Museum.

CHIEF ADMINISTRATIVE OFFICER MEETING

Amendment #1 – JC signed. To Contract 10-07-4-51-107-0 between County (PHC) and DPHHS for HIV Case Management (originally dated 4/1/10-7/31/11). Amended are: 1) Dates of Services to be provided, and Effective Date/Period of Performance (adding approx. one year of services); and 2) Compensation: total contract from \$45,000 to \$56,250; and allowable total for administrative expenses is \$4,875 (vs. \$3,750). Three originals to PHC for further signatures/handling.

Service Agreement – BCC signed, dated April 14, 2011. Between County (PHC) and Daphne Software Incorporated for computer software for MT Medicaid Health Improvement Program. Amount/\$34,500. Term/April 1, 2011-March 31, 2013. Two originals to PHC.

Contract – JC signed. #11-07-4-51-111-0 between County (PHC) and MT DPHHS for Ryan White Part B AIDS Drug Assistance Program Medication Dispensing Services. Amount/\$5.25 per px filled; \$6 per each mailed px for non-insured ADAP clients. Term/April 1, 2011-March 31, 2012. Three originals to PHC for further signatures/handling.

Budget Transfer – BCC signed, dated May 11, 2011. Control No. 11-010 for Capital Improvement Program. \$220,800 moved from Courthouse 2nd Floor Renovation to Courthouse Design (for contract with A&E for Courthouse/Annex).

Amendment #1 – JC signed. To WIC Task Order 11-07-5-21-014-0 (Master Grant) between City-County Health Dept. and DPHHS. Amendment provides additional \$6,000 for Nutrition Services. Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Board Appointments – BCC reappointed the following as members of the County Parks Board:

- Martha Yates – new 3-year term to June 30, 2014.
- Dan Morgan (formerly Alternate) – new Regular Member to serve unexpired term to June 30, 2011, as well as new 3-year term to June 30, 2014.
- Geoff Sutton – new 1-year term as Alternate to June 30, 2012.

Board Appointment – BCC appointed Ruby Chavez as a new member of the Big Flat Irrigation District Board of Trustees. Ms. Chavez will serve until Special District Election is held in 2014.

Letter – BCC signed, dated May 10, 2011. To Patty Lovaas, Missoula, regarding her allegations of illegalities/errors in the May Special District Elections. A review with other County agencies is in process.

Additional discussion item(s): BCC will attend Mountain Home MT Grand Opening/Ribbon Cutting.

PUBLIC MEETING – CANCELED (No Agenda items).

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated April 14, 2011:

- 1) Denying request from Phyllis Jamison, Clinton, to refund copy fees paid for incorrect litigation documents. Recording Office indicates copies received were correct, and Ms. Jamison also received \$54.75 worth of copied documents at no charge.
- 2) Memo approving request from Richard Fifield to refund portion of East Missoula Sewer fees assessed in error for 2007, 2008 & 2009.
- 3) Denying request from Shane McMahon, Missoula, to refund motor vehicle taxes/fees paid in error for 1993 Chevrolet.
- 4) Informing Pastor Russ Smith/Midtown Church, Missoula, that his request to abate 2009 taxes for Taxpayer ID #205255 will be researched by Wes Redden/DOR. BCC will then make decision in June of 2011.
- 5) Informing Thomas Ailport/Ailport Logging, Bonner, that his Application for Property Tax Reduction for Taxpayer ID #80600407 has been reviewed with Wes Redden/DOR. Hearing will be held May 25th with BCC and School District.

THURSDAY, MAY 12, 2011

BCC met in regular session; all three present. Evening: ML attended meeting of West Valley Community Council.

ADMINISTRATIVE MEETING

Grievance Response – BCC signed, dated May 12, 2011. To County Employee, denying his grievance because just cause provision of contract does not apply. Original to Human Resources.

Board Appointments – BCC re-/appointed the following as members of the Building Code Board of Appeals:

- 5-year term: Jennifer Anthony, PE.
- 4-year term: Steve Adler, Architect.
- 3-year term: Jim McDonald, Master Electrician.
- 2-year term: Don Garramone, Member at Large.
- 1-year term: Chuck Fulks, Master Plumber (new appointment).

Original to Steve Hutchings/Public Works.

Bid Award – BCC approved/awarded bid to WE Dust Control for 2011 Dust Abatement Program. WE submitted lowest bid of \$274,897.62. Original to Jeff Seaton/Public Works.

Letter – BCC signed, dated May 12, 2011. To Forest Service Planning DEIS/Bear West Co., Bountiful, UT, in support of efforts to improve land/resource management of public/private lands within Missoula County. BCC also commented/supports proposed USFS National Planning Rules.

Letter – BCC signed, dated May 12, 2011. To Gary Noah, Missoula, congratulating him on his retirement from Missoula County.

Additional discussion item(s): 1) Blue Mountain Field Work Plan/Schedule.

FRIDAY, MAY 13, 2011

BCC met in regular session; all three present. Noon: ML/JC attended YWCA Centennial Luncheon, held at Holiday Inn.



Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, MAY 16, 2011

BCC met in regular session; all three present. Afternoon: BCC/Cooperating Agencies held Rural Land Management MOU Meeting, held in Room 201, County Courthouse.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Canyon Creek Village Subdivision Condition Amendment & Development Agreement for Weed Management Plan; 3) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Law Clinic presentation on research; 3) RI Director's Update.

TUESDAY, MAY 17, 2011

BCC met in regular session; all three present.

BCC signed Resolution No. 2011-060, which was passed and adopted following the public meeting on March 23, 2011.

ADMINISTRATIVE MEETING

Request – BCC reviewed/approved Notice of Joint Public Hearing with Missoula City Council on June 13, 2011 at 7pm in City Council Chambers to consider adoption of Missoula Emergency Operations Plan. Original to Chris Lounsbury/DES.

Grant Documents – JC signed Sheriff's Office Sub-Grant Application Form for Regional Juvenile Detention Grant from MT BOCC (#11-L05-90855) which helps counties in Western region with detention costs. Amount/\$277,052 (\$86,927 to Missoula County). To Gary Elliott/Sheriff's Dept).

Budget Transfer – BCC signed, dated May 17, 2011. Control No. 11-011 for Public Safety Building Fund in amount of \$186,459 to move budget authority earmarked for transfer to CIP to Secure Warehouse Construction account for Spacesaver System.

Board Appointments – BCC appointed following:

- 1) To Evano-Finley-O'Keefe Community Council: Appointed Janet Stevens to new three-year term until Special District Election is held in 2014;
- 2) To Lolo Community Council: Appointed Tom Wolf to new three-year term until Special District Election is held in 2014;
- 3) To Aging Services Governing Board:
 - a. Reappointed Margaret McManus and Maureen Fleming to new three-year terms to 6/30/2014;
 - b. Appointed Tondy Baumgartner and Leslie Halligan to three-year terms to 6/30/2014;
 - c. Appointed Barb Blanchard to two-year term to 6/30/2013;
 - d. Appointed Karl Jones to one-year term to 6/30/2012.

Letter – BCC signed, dated May 17, 2011. To Dr. Royce Engstrom, thanking him for invitation to inauguration, and congratulating him as he assumes duties as new President of UofM.

Additional discussion item(s): 1) BCC will have rep at Grant Creek neighborhood Council General Meeting; 2) BC will attend Rattlesnake Creek Tour (Endangered Species Day); 3) BCC will attend June Weed Board Meeting (6/16/11).

WEDNESDAY, MAY 18, 2011

BCC met in regular session; all three present.

Replacement Warrant - JC signed. Erin O'Reilly, Missoula, Principal for MCPS Warrant #210578 issued April 20, 2011 on MCPS Payroll Fund. Amount/\$1,133.41 (for wages). Warrant not received in mail; no bond of indemnity required.

Replacement Warrant - JC signed. Scott Rasmussen, Missoula, Principal for MCPS Warrant #195596 issued June 12, 2009 on MCPS Payroll Fund. Amount/\$182.11 (for wages). Warrant not received in mail; no bond of indemnity required.

Replacement Warrant - JC signed. Mooring Tax Asset Group, LLC, Vienna, VA, Principal for County Treasurer Warrant #30156887, payable to Investments 2234, LLC. Amount/\$3,328.76 (for tax certificate redemption). Warrant not received in mail; no bond of indemnity required.

Indemnity Bond - JC signed. Multi Health Systems, Inc., North Tonawanda, NY, Principal for MCPS A/P Warrant #227427, issued January 27, 2011 on General Elementary Fund. Amount/\$600 (for 200 Connor's Online). Warrant lost.

ADMINISTRATIVE MEETING

Resolution No. 2011-061 - BCC signed, dated May 18, 2011. Budget Amendment for Health Dept. reflecting addition of \$7,779 for Public Health Nursing services/MT Asthma Home Visiting Project (from DPHHS task order #11-07-3-31-087-0. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Request - BCC reviewed/approved Bid Award for LiDAR Asset Survey to GeoNav, Inc. (lowest bidder), Great Falls, to conduct GIS resource grade survey of public assets in the ROW. Cost/\$50,278. To Jeff Seaton/Public Works.

Grant Amendment - JC signed FY10 Emergency Management Performance Grant (#2010-IP-EO-0015) Amendment in total amount of \$164,306 (50/50 match of \$82,153 from Federal & Local Jurisdiction) for Missoula County to host FEMA G290 Public Information Officer training course May 2011. Original to Kim Campbell/OPG for transmission. Original to Chris Lounsbury/DES.

Request - BCC reviewed/approved request from RI/Parks to expend up to \$2,500 RSID 902 funds for Verbenone Packets for Tom Green Natural Area (Rattlesnake area). Packets to be applied by members of Tom Green Advisory Committee. Original to Lisa Moisey/Parks.

Board Appointment - BCC appointed Vern Sharp to a new three-year term on the Swan Valley Fire Service Area Board of Trustees until the Special District Election is held in 2014.

Letter - BCC signed, dated May 17, 2011. To David Whitesitt, Seeley Lake, answering his question re: Seeley Lake Sewer District. There is nothing illegal about the District's decision to expend funds to perform detailed design on the new site. The County will assist Sewer Board with this project.

Additional discussion item(s): Public Works update (Missoula Marathon, projects, other business).

PUBLIC MEETING - MAY 18, 2011 (No Agenda Items)

1. CALL TO ORDER

Commissioners Present: Commissioner (Acting Chair) Michele Landquist, Commissioner Bill Carey.

Commissioner Absent: Commissioner (Chair) Jean Curtiss

Staff Present: None Present

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT: None

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

a. Weekly Claims List (\$2,500,749.31)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$2,500,749.31. Commissioner Landquist seconded the motion. The motion carried a vote of 2-0.

b. Public Announcements: None

5. OTHER BUSINESS: None

6. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 1:32 pm.

THURSDAY, MAY 19, 2011

BCC met in regular session; all three present. Late morning: BCC attended Flood Briefing with Governor Schweitzer and DNRC. Evening: ML attended meeting of Lolo Community Council.

ADMINISTRATIVE MEETING

Request – JC reviewed/signed Approval an Application for Classification as an Isolated School for Sunset Elementary School, in order to keep 100% direct state aid funding. Superintendent of Schools will forward to Office of Public Instruction for determination.

Resolution No. 2011-062 – BCC signed, dated May 19, 2011. Setting Veteran's Interment Allowance (\$250/interment and \$70/shipping/raising headstone).

Request – BCC reviewed/approved appeal of Auditor's decision and grant exception to Purchasing/Contracts Policy for seeking competition for County Detention Center (due to security issues). Original to Carl Ibsen/Sheriff.

Amendment #5 – JC signed. To Agreement between County and HDR Engineering (10/7/08) for services related to Lewis & Clark Water Line Rehabilitation Project. Increases budget by \$2,300 for services beyond those previously contemplated. Total contract cost/\$209,052.16. Two originals to Greg Robertson/PW.

Professional Engineering Services Agreement – BCC signed, dated May 19, 2011. Between County and WGM Group, inc. for Derby Drive Paving/Sewer Stub RSID Project. Amounts/\$44,945. Term/May-December 31, 2011. Two originals to Greg Robertson/PW.

Professional Services Agreement – BCC signed, dated May 19, 2011. Between County (PHC) and Missoula Correctional Services, Inc. for nurse salary to administer preventive care to residents of Pre-release Center. Amounts/\$31,000. Term/May 2011-June 30, 2013. Two originals to PHC.

Weed/Vegetation Management Plan Development Agreement – BCC signed, dated May 9, 2011 (approved 5/16/11). With Wesmont Builders-Developers, Inc. for Canyon Creek Village Subdivision Phases 12-16. [Improvements Agreement/Guarantee signed 5/5/11; Plat signed 5/23/11.]

Letters – BCC signed, dated May 19, 2011 to the following, thanking them for agreeing to serve as a Stewardship Selection Committee member for inaugural year of County Stewardship Award Program:

- 1) Lindsey Bona, County Weed District;
- 2) Mike Thompson, MT FWP Region 2;
- 3) Bob Schroeder, Conservation District Board;
- 4) Anne Dahl, Open Lands Citizens Advisory Committee;
- 5) John Rimel, Weed Control and Historical Museum Boards;
- 6) Meggen Ryan, OLC Committee and Evaro Community Council;
- 7) Marci Valeo, OLC Committee; and
- 8) Heather Wills, OLC Committee.

Resolution No. 2011-1 – ML and BC signed, dated May 19, 2011. Resolution for Transportation Policy Coordinating Committee of Missoula Metropolitan Planning Organization calling for continued distribution of federal and state transportation revenue, as part of ongoing transportation investment in Montana (and no reduction as result of rescission contained in H.R. 1473 as approved by Congress on April 12, 2011).

Letter and Noxious Weed Trust Fund Project Grant Agreements – BCC signed letter dated May 23, 2011 to Ron de Yong, MT Dept. of Agriculture, noting that following Agreements with DOA (and signed by JC) have revisions to Section 18 "Indemnity and Liability", relating to reciprocal indemnification on current/future contracts: [Note: Amounts listed below are Grant amounts, not total cost of projects]

- 1) Clearwater River Yellow Flag Iris Eradication Project (#MDA 2011-052). Amount/\$5,000.
- 2) NineMile Remount Cooperative Weed Management Area (#MDA 2011-042). Amount/\$12,000.
- 3) Lower Blackfoot Leafy Spurge Project (#MDA 2011-025). Amount/\$3,348.
- 4) Japanese Knotweed Initiative (#MDA 2011-026). Amount/\$5,779.
- 5) Missoula Conservation lands Restoration Research (#MDA 2011-027). Amount/\$8,908.
- 6) Research Project/Can Biological Control/Targeted Grazing Be Integrated to Suppress Spotted Knapweed (#MDA 2011-028). Amount/\$25,478.
- 7) Clearwater Watershed Weed Control (#MDA 2011-064). Amount/\$11,235.

One original to Jerry Marks/Weed Dept.

Additional discussion item(s): City/County Day at Silverwood.

FRIDAY, MAY 20, 2011

BCC did not meet in regular session. JC at Mental Health Board/CDC meeting most of the day in Libby. Late afternoon: BC attended Rattlesnake Creek Tour (Celebration of Endangered Species Day). ML out of office all day.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated May 19, 2011. Amount/\$18,456.62. To County Auditor.



Vickie M. Zeier
Clerk & Recorder



Jean Curtiss, Chair
BCC

SATURDAY, MAY 21, 2011

ML attended 3rd Annual Packing & Equestrian Skills Expo, held at Equestrian Park.

MONDAY, MAY 23, 2011

BCC met in regular session; quorum present. BC ill and out of office all day. Noon: JC attended Leadership MT Luncheon at First Interstate Bank. Evening: BCC attended Joint Public Hearing with City Council re: City Open Space Projects (Thompson-Huff and Jacobs).

Plat - ML/JC signed. Owners-Wesmont Builders-Developers, Inc. Canyon Creek Village, Phase 12, located in the NE¼ of Section 1, T 13 N, R 20 W, PMM, Missoula County. Total area: 1.20 acres (net). [BCC signed Improvements Agreement/Guarantee; see May 5th Journal Entry].

TUESDAY, MAY 24, 2011

BCC met in regular session; all three present.

Planning Status Meeting - BCC/OPG Staff. - **CANCELED**

Rural Initiatives Update - BCC/RI Staff. Agenda: 1) Public Comment; 2) Thompson-Huff City Open Space Bond Project; 3) Jacobs City Open Space Bond Project; 4) Hall Conservation Easement Conservation Trust funding; 5) MALT May 11th letter; 6) All Community Council Meeting; 7) Community Council communications; 8) RI Director's Update.

ADMINISTRATIVE MEETING

Contract - BCC signed, dated May 24, 2011. Between County and Electro Controls for 199 W. Pine Admin Building DDC Control Upgrade/Courthouse AX Soft JACE Upgrade. Amount/\$55,000. Term/May 25-August 25, 2011. Two originals to Larry Farnes/Maintenance. JC signed Resolution No. 2011-063, dated May 24, 2011. Reimbursement Resolution in amount of \$55,000 for said Electro Controls Contract.

Contract - BCC signed, dated May 24, 2011. Between County and PCI Electrical for 199 W. Pine Admin Building certified fire alarm system/phone and data cabling. Amount/\$45,000. Term/May 25-June 25, 2011. Two originals to Larry Farnes/Maintenance. JC signed Resolution No. 2011-066, dated May 24, 2011. Reimbursement Resolution in amount of \$45,000 for said PCI Contract.

Contract - BCC signed, dated May 23, 2011. Between County and DC Engineering for Courthouse and Annex energy modeling services-Phase 5 (to support design of mechanical systems/calculate energy rebates/LEED point/QECB financing). Amount/\$19,240. Term/May 24, 2011-May 24, 2012. Two originals to Larry Farnes/Maintenance. JC signed Resolution No. 2011-065, dated May 24, 2011. Reimbursement Resolution in amount of \$14,800 for said DC Engineering Contract.

Contract - BCC signed, dated May 23, 2011. Between County and DC Engineering for Courthouse and Annex remodel services-Phase 5 (to support design/construction of mechanical systems). Amount/\$81,900. Term/May 25, 2011-May 24, 2012. Two originals to Larry Farnes/Maintenance. JC signed Resolution No. 2011-064, dated May 24, 2011. Reimbursement Resolution in amount of \$81,900 for said DC Engineering Contract.

Agreement - BCC signed, dated May 24, 2011. Mutual Agreement between County and Sankey Pro Rodeo Company to terminate County Contract #201024721, dated December 8, 2010, for 2011 Western MT Fair Tough Talk Rough Stock Invitational (due to Professional Bull Riding requirements). New contract with changes forthcoming. One original to Steve Earle/Fair.

Contract - BCC signed, dated May 24, 2011. Between County and Sankey Pro Rodeo Company to produce 2011 Dickies NW Touring PBR Pro Division Event at Western MT Fair on August 9, 2011. Amount/\$19,500. One original to Steve Earle/Fair.

Request - JC signed, dated May 24, 2011. Local Govt's Request for Payment of Planning Grant Funds Checklist for Contract #MT-CDBG-09 PG-12 Drawdown #1 in amount of \$12,721.99 for Poverello Center PAR. [Total grant/\$17,325 with 50/50 match requirement from Poverello Center]. Original to J. Harte/OPG.

Amendment – BCC signed. To 2010/2011 Missoula TDM Planning (#CM 8199(98)-#3679) between MDOT, Missoula County and Missoula OPG. Amendment decreases Missoula in Motion FY 2011 budget by \$17,100, and increases MIM's FY 2012 budget by \$17,100 for Evaluation/Planning. Two originals to Alex Stokman/MIM-OPG.

Request – BCC approved road closures on July 10th in Blue Mountain/River Pines/Kona Ranch/Big Flat areas for Missoula Marathon.

Resolution No. 2011-067 – BCC signed, dated May 24, 2011. Reaffirming Seeley Lake Solid Waste District and defining its governing body under Title 7/Chapter 11/Part 10 of MCA.

Contract – BCC signed, dated May 24, 2011. Between County and Vannoy Enterprises, LLC for mowing services on County-owned land within MDP. Term/May 24-September 10, 2011. Amount/\$8,075. One original to Barb Martens/Projects.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated May 24, 2011. Amount/\$16,477.18. To County Auditor.

Letter – BCC signed, dated May 24, 2011. To Citizens Advisory Board/MT Fish and Wildlife Conservation Trust, Helena, supporting Hall-Camas Creek Project in Potomac Valley (as part of MT Legacy Project).

Letter – BCC signed, dated May 24, 2011. To DPHHS, supporting application from City-County Health Dept. (in partnership w/RiverStone Health/Yellowstone County) for funding through MT MIECHV program to implement Nurse-Family Partnership evidence-based home visiting model in five counties.

Additional discussion item(s): 1) Glen Eagle proposed RSID; 2) MACo Districts 10/11 Meeting; 3) UofM Biomass Project.

WEDNESDAY, MAY 25, 2011

BCC met in regular session; all three present. Morning: ML participated in MT Water Laws/Regulations Webinar. Evening: JC attended Grant Creek Neighborhood Council General Meeting, held at Grant Creek Inn.

CHIEF ADMINISTRATIVE OFFICER MEETING

Budget Transfer – BCC signed, dated May 6, 2011. Control No. 11-006 for Parks in amount of \$150 for costs associated with staff-related cell phone usage (specifically data plan reimbursement).

Resolution No. 2011-069 – BCC signed, dated May 25, 2011. Budget Amendment for RSID 902, providing \$2,500 budget authority for purchase of Verbenone Packets for Tom Green Natural Area. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Resolution No. 2011-068 – BCC signed, dated May 25, 2011. Budget Amendment for Park Fund, providing total of \$15,506 budget authority for 1) expanded community survey/County Parks & Trails Plan (\$2,423); and 2) unanticipated costs/East Missoula Lions Parking Lot repaving project (\$13,075). For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Budget Transfer – BCC signed, dated May 25, 2011. Control No. 11-007 for Parks in total amount of \$12,025 to provide project codes for following Spring FY11 County Parks Matching Grants: 1) Potomac Elementary School (\$3,800); 2) Piltzville Pedestrian Trail (\$4,000); 3) Mount Jumbo West LL (\$1,000); 4) E. Missoula Lions Park (\$3,225).

Grant Documents – JC signed FFY2011 Homeland Security Grant Program State Homeland Security Program (State EOD Program for Missoula/Helena/Billings) Application in amount of \$285,000. Original to Dave Ball/Sheriff's Dept.

Additional discussion item(s): 1) Public Meeting schedule; 2) UofM Biomass Project; 3) BCC would like to schedule MRFD (Bill Colwell) to present annual report at a meeting to be filmed by MCAT (possibly in June).

PUBLIC MEETING – MAY 25, 2011

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

Staff Present: Marnie McClain, County Deputy Attorney, Karen Hughes, Rural Initiatives, Greg Robertson, Director OPG

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

[To hear all the comments, please open the recording].

Carol Marsh: Congratulating the Commissioners for joining the lawsuit.

Bill Chandler: Against the lawsuit

Jeanette Zentgraf: Lolo Resident against the lawsuit (handout)

Bobbi Bartlett: Lolo Creek, Hwy 12 Resident thanking Commissioners for joining the lawsuit

John Ployhar: Potomac Resident against the lawsuit

Gloria York: Against the lawsuit. (handout)

Gary Matson: For the lawsuit

John Wilberson: Thank you to Commissioners for joining the lawsuit

Zack Porter: Coordinator for 'All Against the Haul' – thank you for joining the lawsuit

Sterling Miller: Dunrovan Ranch owner for the lawsuit

Celest River: Missoula resident for the lawsuit

Spider McKnight: Missoula resident thanking Commissioners for joining the lawsuit

Russell Hudson: Against the lawsuit

Commissioner Landquist: Clarifying that the Commissioners did not protest the Conoco loads because the Conoco loads were not proposing to make any necessary changes to turn-outs and so on, on the roads. Just we just want it on the records what we're talking about when we're talking about the loads.

Russell Hudson: It was about a week ago, there were two loads together coming down Reserve Street.

Commissioner Landquist: Those are the Conoco loads; we did not protest those because they didn't need to make permanent changes to the corridor. This lawsuit that we entered into was against the Exxon loads and it was because we needed more information. I just wanted to let the records be clear on what loads you were behind – that had nothing to do with the lawsuit that we were involved in.

Chair Curtiss: I think we can also put it on the record that Smurfit-Stone Container was making money when it closed, that had nothing to do with it closing here. It was a corporate decision.

Willis Curdy: For the lawsuit

Marilyn Hatch: Lolo resident against the lawsuit

Pauleen Dean: Against the lawsuit

Morgan Hartford: Beginning farmer in Lolo thanking Commissioners for joining the lawsuit

Duane Spethman: Potomac resident

Helene Haines: Oppose lawsuit

Susan Estep: Thanking commissioners for joining the lawsuit

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

a. Weekly Claims List (\$841,811.23)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the weekly Claims List in the amount of \$841,811.23. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

b. Public Announcements

Commissioner Landquist: The premium book is out for the Western Montana Fair and you can go online also – www.westernmontanafair.com – the fair is August 9th-14th. Everyone put your entries in, there's different due dates for getting your entries in. Some due dates start in July and go up to July 30th. Tickets are available now.

Chair Curtiss: Missoula County received the 2010 Drinking Water State Revolving Fund Award for sustainable public health protection. It was awarded to us because of the improvements we did to the water system at the Lewis & Clark Subdivision, which is a small subdivision in Clinton that had a water system that was not providing very much water pressure and had a lot of leaks. So this is for showing exceptional, creativity and dedication to public health protection and so Greg we would like to thank you on behalf of the county for overseeing that projects and making sure those folks had good drinking water.

Commissioner Landquist: The Governor has proclaimed a State of Emergency to exist in the State of Montana, including the reservations and Missoula County a week or two ago, May 11th put out a press release regarding what we can offer. We have an info line at 258-info (4636) for information that you may need about what to do if you're flooding or sandbags, what's available. That same information is available on our website for available sandbags, where to go and actually I think one of them has a demo on how to properly sandbag. If you think you're having a flood emergency and don't know what to do, when in doubt – call 9-1-1, they know what to do and will help you out and get you going in the right direction. Stay safe in this high water.

5. HEARING

Application for Property Tax Reduction (Ailport Logging)

Staff Report

This is allowed by law if you have equipment that's been sitting and not being used, you can ask for a property tax reduction. Is there someone from the Ailport Family here? NO, no one present.

I'm going to open the hearing to see if there's any public comment but the decision has to be made jointly with the school district, which in this case is the Bonner School District. And Missoula County Public Schools, the High School portion of that School Board, so it's the School Boards decision. Neither were available to come today so we will delay this to June 22nd.

Hearing in recess. **This Hearing will be continued on June 22nd.**

6. HEARING (continued from May 4, 2011)
Amendments to Article 8 of the Missoula County Subdivision Regulations

Chair Curtiss: Hearing reopened, it's a hearing on limited amendments to Article 8, in our Missoula County Subdivision Regulations, to clarify the use of exemptions and make minor revisions. We did take testimony last time and everything that was said the last time is still part of the record. I'll have staff give an overview and then we'll take more public comment.

Karen Hughes: This is a proposal to amend Article 8 of the Subdivision Regulations which has to do with exemptions to in some cases bring it into compliance with State law and to make changes to deal with application and review requirements. In addition to the comments that we received at the last public hearing, we received several additional comments which I believe have been all provided to the Commissioners but if not I will pass them around. One was from Mitchell Colbill, received on the 4th of May, that was by email and it was sent in after I had already come over here but I think it was sent to the Commissioners Office as well. Another from Wes Bowman on the 6th of May that was in regards to this that was sent directly to the County Commissioners as well. And I think one that the Commissioners forwarded on to our office came from ___ Larsen that I believe Commissioner Curtiss responded to. So if you need any of those to be passed around, I'm happy to do that. I did not bring a whole bunch of copies with me. I don't think I have anything to add at this point other than to note the additional comments received but I'm happy to answer questions when you're ready.

Chair Curtiss: One of the reason we delayed the decision last time was because the legislature had a bill that was on the Governors desk, so for the record the Governor did veto that bill. Which was in regards to Subdivisions for lease or rent. So we had delayed to continue the hearing for today.

Public Comment:

Colleen Dowdall: With Warden Thane representing Steve Sans. I just want to explain the documents that I gave to you. I had looked for the original memo that I had written when I was a Deputy County Attorney about Subdivision for Lease or Rent and Marnie found it in her files so I think she's probably provided that to you. The things that I've brought for you with the original, I had copies of what we have adopted in 1995 when we added lease or rent subdivisions just so you could see what the language looked like and then what the standards were for lease or rent subdivisions at that time. Early on minor lease or rent subdivisions was an administrative decision by the Office of Planning & Grants, it did not come to the Commissioners except for information purposes. I also came across some staff reports that were still on my computer that I thought were interesting examples of the type of review that we had attempted to do ~ that showed it was a review that was not a horrible nightmare kind of review. Then finally I had asked Nick Kaufman if he...I knew I had written to him at least a couple of times telling him that something...responding to him about whether something had to undergo lease or rent subdivision review and talking about the plumbed kitchens and such, so I included those also because he sent them to me. When we left Jean had suggested that perhaps the thing to do was to include youth camps in the definition section as something that in the definition of what a unit is for subdivision review, that youth camps would be excluded in that place instead of in the regulations. I think that's a good idea. The other thing I wanted to address and I provided Marnie with copies of all of the Montana Regulations about youth camps and many of the issues that concerned the Commissioners in the last hearing are covered by those regulations and I don't know if you've gone over those or not so then if you have I will sit down. Thank you.

Chair Curtiss: We did get a copy of them.

Amy Fisher: On behalf of the Missoula Organization of Realtors we just wanted to add our comments to section 8.6, to the exemption application and initial review. I believe planning board did make a recommendation to drop the existing time limits for filing for an extension. I think they had originally changed it from one year to three years and then it was three years and that was taken care of and I heard that Planning Board made a recommendation to drop that and we just wanted to support that recommendation.

Chair Curtiss: So you're supporting not having a timeline?

Amy Fisher: Yes, Thank you.

Sterling Miller: Dunrovan Ranch Owner and I'll restrict my comments to points that I didn't raise on May 4th, with one exception that I will reiterate. You're familiar with my background and issues, so I won't go into that again. I will remind the commissioner that we met personally with all three of you in June at which time the Commissioners, particularly you Commissioner Curtiss indicated that you would be proposing the bill to the Legislature to fix some of the problems associated with subdivision for lease or rent but no such bill was introduced by Missoula County. So absent our bill which we pushed through the legislature there was no proposal really to remedy the problems associated with subdivision for lease or rent. I also sent to the Commissioners in October a letter suggesting remedies that the Commissioners could adopt without legislative action and I've included a copy of that letter in the packet of materials I sent to you, these are things that could have been done administratively to resolve our problem but I received no response to that letter what so ever, either orally or in writing. Therefore, we were left with no alternatives but to propose a bill to the legislature which did pass the legislature so we all know that the legislature process is a convoluted one and I wasn't entirely happy with the bill that passed, however the Governor made it an amendatory veto of that bill which fixed many of the problems that existed in the original draft. Had that bill with the Governors amendatory veto came within one vote of passing during the last day of the session and it turns out that there's also

one...Senator Larson has told me that one of his colleagues mistakenly hit the red button instead of the green button and had that not happened, that bill would now be law. I've given you a copy of the Governors amendatory veto version that would now be law except for that one mistake. One of the things that I think that the Commissioner ought to seriously consider is adopting the Governors amendatory veto language of the bill as policy, it provides exemptions for certain classes of structures that I think would be a much better policy for Missoula County than the policy that currently exists in which subdivision for lease or rent is a pride arbitrarily and COM preciously and without any standards and also creates a lot of economic damage. Our bill would have eliminated subdivision for lease or rent which is being used in the county as a surrogate zoning tool. The Governor told me personally when we went in and talked to him, he recognized subdivision for lease or rent was bad public policy the way it's being implemented in Missoula County and that's why he proposed an amendatory veto. I also know first hand that he would have allowed that bill to become law without his signature and only on the very last day, Friday, that was his last day that he changed his mind and decided to veto that bill. It should be indicative that the fact that this past legislature it almost became law anyway without the Governors signature that there's something needs to change in the way subdivision for lease or rent is being implemented in Missoula County. This is an issue that won't go away, it's something that's been practiced in Missoula County since 1995 and it's causing severe damage in the county. We had a situation where a county tax assessor came to our property several weeks ago to raise our taxes because of the garage that we're not being allowed to build on our property and when we told him that we weren't able to get a building permit for that garage he informed us, so that they couldn't raise our taxes, he informed us that this is happening all over Missoula County, that people can't get authorization to build buildings because of subdivision for lease or rent and therefore the property tax basis is frozen, that has not only an adverse impact on businesses and private individuals but also it has an adverse impact on the property tax base. One of the things that I eluted to last time but I didn't clarify, although I did mention this in the meeting we had in January at the Lolo Town Meeting, that you were present at, is that subdivision for lease or rent when people from OPG, like Ms Hughes, classify a property as having an unauthorized subdivision on it. It completely destroys the value of that property, it makes that property of zero value. It's very easy for people to use terms like unauthorized subdivision like Ms Hughes did but I don't think she fully realizes the implications of those terms because what the means is that nobody could get a loan from a bank to buy our property and that's because a bank could not get lenders insurance on that loan, therefore our property...the only options we have for property like ours that has a 30 year old structure on it that is now being considered retroactively to be an unauthorized subdivision is either to burn down that structure or to sell it to a subdivider who has enough deeps pockets that he doesn't have to go to a bank to get it. Now that's clearly counter productive to what the county is hoping and intending to do with this law. Note worthy that in all the testimony that was before the legislature on subdivision for lease or rent all the testimony 100% was in support of reforming subdivision for lease or rent, except testimony that came from county officials across the State. Particularly all the testimony, particularly from private individuals but also some of the associations like the realtors and even the surveyors strongly supported reform of subdivision for lease or rent and there was some really heartbreaking testimony from individuals who are adversely affected on that and most of it came from individuals here in Missoula County who are adversely affected. So this is really an issue that is not going to away and I urge you to look at some of that testimony that was presented before the legislative committees; the local government committee and both the house and the senate become informed on some of the adverse impacts what this policy is having on citizens in Missoula County and also formatively at least in Ravalli County and I think it's also instructive to see what has happen in Ravalli County as a consequence of the very...these same kind of policies were implemented when some of the staff that are currently in Missoula County were operating in Ravalli County and I don't think that anybody that looks at the situation rationally can conclude that the process is now ongoing in Ravalli County is good for intelligence land use planning and it's a reaction to over reaching by the county authorities in Ravalli County and I don't think any of us will agree that that's a good thing. When I gave these presentations on subdivision for lease or rent around community councils here in Missoula County, as I've been doing as we're trying to get our legislation pushed...you saw some of this at the Lolo town meeting, the initial reaction of citizens is disbelief. They say, "what do mean, you have to go undergo subdivision review even though you're not planning on selling anything? Why would you have to undergo subdivision review from that?" Once they learn what the situation is, their response is anger. I would say that 99% of the people that were at the meeting to which I gave presentations ended up angry and you saw some of that yourself. I must admit I was surprised and dismayed at that Lolo town council meeting that all three of you were there, none of you decided to response to any of the things I said, or to any of the comments that were made and the questions that were asked by the members of the public that were at that meeting. I don't understand how elected officials can refuse to defend a public policy that their responsible for implementing, even Mike Barton was at a meeting that I made my presentation to in Frenchtown and he refused to support subdivision for lease or rent, he passed it off in most case except for new construction, he defended that but in most cases he passed this off to something that OPG was required to do because of the Attorneys in the County Attorney's Office, so even he would not defend it. The County Lobbyist during her testimony in front of the house legislative affair committee, she acknowledged ~ that's Linda Stohl, she acknowledge that this is a problem and so she testified not in opposition to the bill but rather as an expert witness, rather than taking a side. One of the things that I find interesting is some of the cases, one of the cases Commissioner Curtiss I believe, Mrs. Nelson in the Ninemile Area was a relative of yours, is that right?

Chair Curtiss: No, I'm not related to anybody in the Ninemile.

Sterling Miller: Oh, alright. I guess I misunderstood. There was a subdivision for lease or rent application that you told me that you were personally involved in, but that wasn't that one.

Chair Curtiss: No, I wasn't personally involved but I knew ~ it was in the Swan.

Sterling Miller: I'm sorry, well I won't give that. There is another example then of the Parkers up in Condon area who have a 100 year old structure on their property and their entire property is still in

conservation easement, yet nevertheless, they were still required to undergo subdivision for lease or rent.

Chair Curtiss: That's because they changed the use. I know the structure, it used to belong to Mr. Beck, they now use it to have people come and stay there on a regular basis, that's why.

Sterling Miller: And so what is wrong with that?

Chair Curtiss: We're just looking at impacts. There's a difference between having five cows in the barn and two people living in the house then there is having 20 people come and stay in your building on a regular basis. That's what we're looking at.

Sterling Miller: And so what is the problem with people having...let me just say, that's what happen in Ravalli County with the Rose case was here are some people who had an existing lot on 160 acres and Mr. McCubbin who was the County Attorney at that time, these people wanted to build four additional guest cabins of the kind...and I provided an example of those, some pictures of those outside in Glacier County...they wanted to add four new cabins so that they could expand the amount of rental space that they had available for people. This would bring more tourists, more industrial, more people spending money into Ravalli County and they weren't allowed to do that. Yet, these exact same kinds of buildings, that I show in those pictures that I put on there, exist all over the State. However, you can't do that in areas like Ravalli County or Missoula County because of the subdivision for lease or rent which is ignored by the under 53 remaining counties in the State. In fact, it's very important for the tourist industry to be able to do these kinds of activities. If you just say that people have to spend 10's of thousands of dollars in order to provide these kinds of facilities for tourists, you're just crippling the tourist industry in this State and that's exactly what's happening. It's happening with us and it's happening with the Skalkaho Valley Lodge and Steakhouse. And it also encourages subdivision. Commissioner Landquist mentioned just recently the Missoula County Fairgrounds and how important that is to Missoula County and I agree with her. I provided you an example of the letter that Missoula City Attorney, Jim Nugget wrote to the Attorney General about his pending opinion and if you look at #13, in the list of points that he raises there, he points out that the Missoula County Fairgrounds under the current status quote interpretation of subdivision for lease or rent are illegal, for exactly the same reasons. Now he may or may not be right about that but he's the City Attorney and that's not just my opinion, it's the City Attorneys opinion so it's very puzzling to me why given this letter from Jim Nugget and this long list of things that are vulnerable to subdivision for lease or rent that exist just in the City of Missoula, to say nothing of the county outside the city, why there isn't more a receptant approach toward trying to find some reform to this. One of the things that I've heard numerous times in my conversations with you and with others in the OPG is that it's very important to have emergency vehicle access to places like ours or places that have these extra buildings on there. I would just point out that if there's inadequate fire access here, I think the most appropriate way to deal with that is through the insurance programs. If we have inadequate fire protection in our place then our insurance rates will go up. I think it's very inappropriate for the county to adopt a paternalistic role that will say in essence that we're so concerned about your safety that we're going to destroy your business and we're going to destroy your property value in the name of creating a super highway to your property. I would much rather take a small, small risk of a little bit more increased fire danger than have my life savings, my life investment and my business destroyed. Particularly since there's perfectly adequate fire access to our property, if there's any problem with access to our property it's in...as Commissioner Landquist knows, it's on expedition, which two of the three of you authorized on Expedition Road which is a subdivision that leads to our property with a very narrow road. When you have cars parked on both sides of there it's hard to get my wife's horse trailer down Expedition, where as we never have any problem on our road getting our horse trailer down there. So the idea that some how we need more fire protection at our place is not ~ #1 not true and #2 inconsistent with the kinds of road access that you authorized in a major subdivision that was a real subdivision on Expedition Road, that's Orchard Park, Phase 2. One of the things that I mentioned that it encourages subdivision, what we talked to consultants about subdivisions for lease or rent they say that not only will it cost tens of thousands of dollars, but you might as well go ahead and do the platting on it because it's only a marginal additional cost to do the platting. As you know, the surveying, the platting is exempted by State statue from being required for subdivision for lease or rent but if you're going to do the subdivision, you might as well do the platting because that gives you more options. Essentially what that does is encourages subdivision. The other thing is that there's no stop to it, it's a sequential thing, every time a person would want to add another building, a business or to create an apartment for a child or a mother-in-law, you have to undergo subdivision for lease or rent again. It's just a moving target, you can't ever sort of just get to the point and so it's really, really to the point where you're done with it. You always have this sword hanging over your head. I mentioned and I put on the bottom the problems associated with businesses. And this is not just my opinion associated with over regulations that exist in Missoula County, I put in a quote there from the Mayor's best place in Missoula document that was issued last year. I don't have to read that but I'll just read three sentences on it; it said one of the things that needs to be done to make a more business friendly environment in Missoula, and this is just talking with the City of Missoula here, is as a whole the business community feels that Missoula public officials in particular the City Council and regulatory agencies such as Office of Planning and Grants, are tremendously anti-business in creating a hostile rather than fostering environment for businesses to succeed. Clearly in order for business attraction, expansion and retention to succeed elected officials and municipal staff must assume and promote a platform that is perceived as business friendly and facilitating, not obstructions. In this line, I just have to comment on something that James McCubbin said at the end of our meeting on May 4th. Essentially he tried to manipulate the Commissioners by telling them that they would be committing a crime if they provided exemptions to the businesses that were being requested them, in this case youth camps and guest ranches, I found that inconceivable that he would assert that. We were talking to legislatures about subdivision for lease or rent, one of the main reluctance reasons that they were reluctant to provide exemption in Title 76 was because they wanted to leave the discretion to do that to local authorities, I'm sure you are aware of that. The idea that somehow your legal counsel would be telling you that you would be

committing a crime if you provided such exemption, I'm just sure its absolutely inconceivable and very manipulative. I'm going to make one last point and this is the point that I made last time so I'm being repetitive here; as I pointed out last time there's language in Title 5051 that limits the kinds of regulations local authorities can impose on guest ranches, only three things out of that local authorities can impose on guest ranches and I provide that in your memo. The three things in Title 5051 103, part 3 are that in the department shall adopt rules; the rules must take into consideration the size, type, local and seasonal operating of establishment and may include only rules to A – insure that the establishment has safe drinking water and inadequate water supply. B – insure an adequate and sanitary sewage system and insure adequate and sanitary refuse collection and disposal and C - address food safety concerns such as adequate storage, refrigeration food handling. Now, those are the three things...now you can also establish licensing regulations. Those are the three things that...ONLY three things that local authorities are authorized to enforce on guest ranches. Well even though guest ranches is a narrow category, I don't understand where the legal authority comes from for the County Attorney to assert that he has the authority to require us to have a 50 or 60 foot easement to our property. I raised this appointment on May 4th and I'm wondering if you've received any legal advice on that point?

Chair Curtiss: So I think your confusion on this point is that Title 50 is in regard to Health Regulations, we don't do Health Regulations, the Health does Health Regulations or the State. So we aren't...subdivision for lease or rent isn't in this Chapter. So that isn't regulations that we're looking at.

Sterling Miller: Commissioner Curtiss, what is the purpose of having a 60 foot easement on the road to our house?

Chair Curtiss: That's in subdivision regulations.

Sterling Miller: No, No but why is it in the subdivision regulations? What is the rational for requiring us to have a 50 or 60 foot easement on the road to our house? And to have a 30,000 gallon water tank buried at the end of our road and to have an emergency vehicle turnaround at the end of our road, what is the purpose of that?

Chair Curtiss: Those are Public Health and Safety Regulations that are in the subdivision regulations.

Sterling Miller: Right and they're specifically precluded in Title 50 from you saying that.

Chair Curtiss: Title 50 is Health Codes; it's not regulations that we're responsible for. Those are two different regulations; this is to make sure people don't get sick from eating your food or sleeping in a bed that has bed bugs. That's what this is about, we're not talking about that, we're talking about the ability for your house to be protected if there's fire ~ that there's water. We have standard sizes of roads and road easements that we apply to everyone and that's where those come from.

Sterling Miller: Well, okay thank you for that answer. I don't agree with that answer and I talked to some lawyers who I think will dispute that answer as well. But any rate, thank you for your answer and thank you for your attention. My main request for this is that you provide an exemption as we requested last time for guest ranches and I also think it's inappropriate to provide an exemption for youth camps.

Chair Curtiss: And just to make sure the record is clear, Karen does not work in the Office of Planning and Grants, she works at Rural Initiatives.

Brent Gyuricza: Executive Director, City Life Community Center. I did have a chance to speak with the Governor's Office about HB 494. Initially there was the thought that there would be an immediate veto but when it was made clear to them that there was an opportunity for him to make amendments and actually that the congress and the senate would be open to those amendments, he did decide to do the amendment and send it back through the process. I spoke to him specifically about youth camps and they felt that the HB 494 would address those, however, upon further review he did feel like there was a reason to specifically word in the amendments that youth camps would be exempted from subdivision for lease or rent. It was unfortunate we went back to the house asked in a bipartisan way and then for it to tie in the senate was unfortunate, the word I heard was the Governor was a little ticked off because he had made some amendments and they were good, clarifying amendments and no one was opposed to them. The other word I heard was that it was because of MACO down there heavily lobbying all morning, all day and afternoon that some of the senators did change their votes. I would just like to encourage you to remember that the Governor did feel that there was specific reason to add the exemption as a line item in the amendments for youth camps from subdivision for lease or rent. And I do want to hopefully encourage you to consider doing the same, particularly as it comes to youth camps we have in Missoula County, as I mentioned last time, a number of issues that we are faced with that are real, true daily safety health risk issues and that's the fact that #1 our teens are 46% above the national average when it comes to under age drinking. Three years ago in a national survey we were #1 in the nation for binge drinking, we continue to sit at the top of the charts for teen suicides and the opportunity to build a great camp right here in our own back yard. I'd like to see that promoted, encouraged...see us even as a community, bend over backwards to make it happen and if we feel that there's other restrictions that we need to put on a camp like that then lets figure 'em out and lets figure out to make the county pay for them. Rather than the other way around putting the burden on a non-profit. We have big challenges meeting the needs of Western Montana youths and whatever we can do as a community to make and to meet those needs and to, as I like to say, we're not looking to go back to prohibition, we're not thinking that we can get every teen to stop drinking or doing drugs but if we could get ourselves on an average, if we could just get back to what the rest of the nation considers normal...that's a great thing and that should be something that we're going to work hard to make happen. I'd just like to encourage you again when it comes to youth camps, an exemption from subdivision for lease or rent would make a lot of sense. Thanks.

Brett George: I just want to encourage you to include youth camps as an exemption to subdivision.

Executive Session

Chair Curtiss: Since there are no further comments, I will now close the public comment portion of the hearing.

I think the Commissioners would all agree that youth camps and guest ranches in our county are good things and there are challenges with the subdivision for lease or rent laws at the State. However, I think our biggest issue is that the portion of the regulations that have been noticed and have gone to planning board and that we're really looking at today are really only Article 8. There's limited amendments that have been noticed to the public to clarify the use of exemptions and make minor revisions. We do have a process beginning to look at the rest of our regulations and Karen can you remind me of the timeline of where we're at with those?

Karen Hughes: I think the process for looking at the rest of the regulations (inaudible) the course of the next year. However I think we've anticipated that specifically looking at the subdivision for lease or rent issue is probably something that has been pushed ahead of the rest, given what happened in the legislature and that not being solved or resolved. That we anticipated starting as soon as we can stop doing this chapter.

Chair Curtiss: So we think that it's a bigger issue than what's been addressed and what's been noticed and that's our problem. Things like access for Public Health & Safety reasons also right now youth camps and guest ranches are in Title 50 and this is Title 76 so our subdivision regulations really are separate from those two things but we understand the concerns that you face as you build buildings that are going to be rented or leased. I think we've come to the conclusion with input from staff and attorneys that they probably can't be addressed in what we're doing here today. I do have a couple questions in regard to what we're looking at today. One is; in attachment A ~ I'm looking at the exemption about agricultural stuff, so its page 73 of the regulations, talks about lifting an agricultural covenant. Does this mean that if I have a partial and I put an Ag exemption on half of it, that I cannot sell my Ag lot currently? I can't sell my Ag lot to my neighbor to use for Ag? Because it's an exemption it only means that I can't build on it, it's got Ag uses.

Karen Hughes: If you create a lot using the Ag exemption with an agriculture covenant on it, I don't think there's anything that precludes you from selling it; it just is sold and used with those restrictions in play ~ subject to those restrictions. But if you wanted to remove the agricultural covenant such that you could place a building on it, such as residence then you would need to go through the subdivision process to undo the exemption and does a legal subdivision.

Chair Curtiss: Unless I merged it back.

Karen Hughes: Unless you merge it back and then you could keep it as one lot or if you had a legal exemption like a Family Transfer you could use that.

Chair Curtiss: So if I sold it to my neighbor he would have to go through subdivision for lease or rent, he couldn't merge it because it was never part of his parent parcel?

Karen Hughes: That's my understanding.

Chair Curtiss: The other one is on the condo regulations, in the first section 8.2. When it talks about item 2 there under condominiums, it says the sale, rent, lease or conveyance of one or more parts or other improvement. We're only talking about it because it's under the condo section; it's just saying that sale, rent or lease of those individual partials is anticipated, right? That's not subdivision for lease or rent on my 40 acres that I'm going to add a bunch of buildings. Is that right or not? Condo's we expect are going to be sold in pieces or rented or leased.

Karen Hughes: Right, these are standard exemption, subsection 2 and subsection 3 are both standard exemptions provided for in State law that are typically used for condominiums.

Denise Alexander: Office of Planning & Grants. I believe, and maybe Marnie could speak to it better than I can but I believe what this is saying is, if you have one building and it has multiple rooms that you're renting that does not constitute a subdivision. So we're only talking about one building on a piece of property and it has multiple rooms like a motel...then that is not considered a subdivision.

Karen Hughes: And the condominiums heading only applies to 1, 2 & 3 are separate. They're just standard exemption language.

Chair Curtiss: So the one other item I think that we need to discuss is the one planning board talked about, which is the timeline. I think we decided this is the appropriate venue but we're going to continue the subdivision for lease or rent soon.

Commissioner Landquist: We know it needs much broader dialog, that's for sure.

Chair Curtiss: And the reason is we know that the legislature looked at it this time, they've looked at it in the past, they've had study committees, it's not that easy. I think it's pretty easy for us to say it doesn't make sense for a youth camp to go through subdivision for lease or rent but what we plan to do as we look at these, is to look at different levels and have different things that we think need to happen. To me access really is an issue and it probably doesn't need to be a freeway going into a youth camp, but it probably needs some other reviews. So those are the kinds of things that we'll look

at, we would love to have input from people as we go forward as to how much review it would need. The Health Departments going to do its review, that's a whole separate kettle of worms.

Commissioner Landquist: I'm looking forward to the County looking at this as an opportunity to get it done right. It's been rustled with for a while now and I know that Missoula County's got a bit of a black eye for bringing it up and it became an issue at the State. And to answer...kind of address some of the things Sterling said about it, why Missoula County didn't carry the ball on this is because it seems like when Missoula County tries to carry the ball at something at the legislature the rest of the State figures...they come right out and say "if Missoula County wants it, it must be bad and we don't want it." And if Missoula County commits on something ~ oh, if Missoula County wants it or doesn't want it then we do or don't. Most of the rest of Montana seems to want just the opposite of whatever we want. So we just decided to lay low and see what happens, it's not like we weren't making comments and suggestions along the way but as far as us carrying something to the State, we decided not to take that route, Sterling, just so you know.

Colleen Dowdall: I just wanted to say we understand your concern and you don't want to do this at this time and I have done lease or rent subdivisions in other counties besides the three that have been mentioned, so I know there are other counties who do enforce this, typically with campgrounds or RV Parks or mobile home parks. But the county that wanted review to go away the very most was the county that was in the furthest NE corner of the State so it isn't just a Missoula County problem, it is a State wide problem and I hope we can resolve it in Missoula County and unfortunately I kind of wished I'd known two hours ago, three hours ago, that you had a discussion that resulted in this.

Chair Curtiss: We had it about three hours ago.

Colleen Dowdall: We understand and we will work with you to see what we can get adopted. Thank you.

Sterling Miller: You may not be aware from your comment that there was intense pressure put on Missoula County Democrats, in both the House and Senate by Missoula County Officials to oppose reform of subdivision for lease or rent. That's why I've talked to those legislatures, that's why every Democrat in Missoula County but one voted against the Governors amendatory veto version and they've said that was because of lobbying by Missoula County. And every Democrat in Missoula County voted against HB 494, in its original version.

Commissioner Landquist: Thank you Sterling. Back to the Planning Board.

Chair Curtiss: So it's the timeline of whether to do one year, three years or...

Karen Hughes: Attachment 4 on page 75.

Chair Curtiss: I think we talked about last time that there are things that can cause a delay like the cost of a survey, groundwater, lending institution but there's also things that can happen in three years, like zoning can change. So planning board recommended deleting the filing deadline.

Karen Hughes: Which is the way it currently stands.

Chair Curtiss: So if we accept planning board's suggestion, then it stays the same ~ that at least does.

Commissioner Carey: I think that makes sense.

Commissioner Landquist: I guess I'm kind of torn. It takes a lot of time and money to go through that process and then if you don't have the money to keep following through with it but you still want it there but I understand how some characteristics of the neighborhood or zoning, although we're not really big on zoning right now in the more board county areas. So it's hard to say whether things will change and if it's a certain subdivision that was approved it's still applicable.

Chair Curtiss: But these are always outside of subdivision. So in order to do an exemption for family transfer especially (in auditable).

Commissioner Landquist: I think things change; I think we shouldn't have a deadline for that.

Commissioner Carey: Seems like their interest was in just having some flexibility.

Commissioner Landquist: Yea, I could live with that.

Chair Curtiss: So I guess if we agree with that then we just would vote on whether or not to accept planning board's recommendation, right?

Commissioner Landquist: Right.

Commissioner Carey: I would so move.

Commissioner Landquist: I second.

Chair Curtiss: So Sterling just so you know, we do plan to attack the subdivision for lease or rent next and figure out how to deal with it. That will be next on our agenda ~ for staff to start working on that.

7. OTHER BUSINESS - None

8. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 3:27 pm.

Resolution No. 2010-070 – Following Public Meeting, BCC signed, dated May 25, 2011. Amending Article 8 of Missoula County Subdivision Regulations (Divisions of Land Exempt From Review). Public hearings held May 4 and 25, 2011.

THURSDAY, MAY 26, 2011

BCC met in regular session; quorum present. JC attended Substance Abuse Mill Levy Funds Review Team Meeting most of day.

ADMINISTRATIVE MEETING

Easements – BCC signed following permanent road easements/temporary construction easements for Petty Creek Road Project #MT PFH 71-1(1):

- 4) Parcel 020 – David/Toni Goggs (formerly Toni Grealy);
- 5) Parcel 055 – Edward/Victoria Pawliczek;
- 6) Parcel 059 – Voltaire, LLC;
- 7) Parcel 069 – Larry/Patricia Hayden, Trustees/Hayden Personal Trust;
- 8) Parcel 070 – Patricia Hayden;
- 9) Parcel 075A – Ryan/Tamara Tolleson-Knee;
- 10) Parcel 075B – Ryan/Tamara Tolleson-Knee;
- 11) Parcel 080 – Jack/Melissa Wilkinson.

Total amount/\$22,020. Originals to Steve Niday/Surveyors.

Additional discussion item(s): 1) Schedule for last week in June; 2) Upcoming events for BCC.

FRIDAY, MAY 27, 2011

BCC met in regular session; all three present.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, MAY 30, 2011

THE COURTHOUSE WAS CLOSED FOR THE OBSERVED MEMORIAL DAY HOLIDAY.

TUESDAY, MAY 31, 2011

BCC met in regular session; all three present. Evening: BCC attended Law Use Law Presentation, held at City Council Chambers.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) All Community Council Meeting; 3) Subdivision Regs Revisions; 4) O'Brien Creek Wildlife Issues; 5) Community Council communications; 6) RI Director's Update.

ADMINISTRATIVE MEETING

Request – BCC reviewed/approved request from Auditor to rescind County Policy #00-10, *Auction of Surplus Property*, which assigns Facilities Management Dept. responsibility for live auctions of surplus property and conflicts with newly adopted disposal of property. New policy designates responsibility to Central Services (or departments can conduct their own). Original to Barb Berens/Auditor.

Policy – BCC approved new County Policy #2011-02, dated May 31, 2011, *Disposal of County Surplus Property*. Authorizes department heads to dispose of surplus personal property, BCC only authority to dispose of surplus real property; use of interdepartmental transfers encouraged; public auctions required for all sales greater than \$2,500, etc. Original to Barb Berens/Auditor.

Contract – BCC signed. #11-11-2-01-010-0 to between County (PHC) and MT DPHHS for period May 1, 2011-September 30, 2011 for Healthy MT Kids Outreach. Amount/\$23,046. Three originals to PHC.

Additional discussion item(s): Action to suspend current Sandbag Policy/apply policy to provide sandbags to residents experiencing flooding. CAO will amend for BCC approval.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: JUNE, 2011
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BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of JUNE 2011:

Date Signed	Claims List Date	Who signed	Amount
June 1, 2011	May 31, 2011	BCC	\$8,222.97
			\$23,407.90
			\$10,746.30
			\$2,814.15
			\$151,082.00
			\$15,632.29
June 1, 2011	June 1, 2011	BCC	\$3,016.37
			\$6,969.98
			\$294.02
June 2, 2011	June 1, 2011	BCC	\$13,457.49
			\$135.16
			\$35,612.43
			\$2,025.00
			\$425.07
June 2, 2011	June 2, 2011	BCC	\$426.23
June 2, 2011	May 24, 2011	BCC	\$669.46
June 2, 2011	May 31, 2011	BCC	\$10,846.30
June 2, 2011	June 2, 2011	BCC	\$22,288.65
June 3, 2011	June 1, 2011	BCC	\$76.68
June 3, 2011	June 2, 2011	BCC	\$3,194.89
			\$845.55
			\$13,933.43
June 3, 2011	June 3, 2011	BCC	\$31,292.41
June 6, 2011	June 6, 2011	BCC	\$5,121.95
			\$2,576.96
			\$4,079.93
			\$13,178.96
June 7, 2011	June 6, 2011	BCC	\$2,751.48
			\$64,489.95
			\$15,369.41
			\$8,127.64
			\$393.66
			\$2,119.71
June 7, 2011	June 7, 2011	BCC	\$6,000.00
			\$1,014.00
			\$5,009.65
			\$4,556.40
			\$105,052.99
			\$418.99
			\$1,430.97
June 8, 2011	June 7, 2011	BCC	\$33,014.58
June 8, 2011	June 7, 2011	BCC	\$1,000.00
			\$352.61
			\$10,491.19
June 8, 2011	June 8, 2011	BCC	\$7,177.84
			\$19,226.88
			\$10,205.09
June 9, 2011	June 8, 2011	BCC	\$9,753.63
			\$591.50
June 9, 2011	June 9, 2011	BCC	\$1,642.86
			\$3,154.46

June 10, 2011	June 9, 2011	BCC	\$3,180.78
			\$23,142.58
			\$1,228,244.42
			\$114.26
			\$329.60
			\$14,018.20
			\$183.22
			\$1,153.85
			\$118.16
			\$113.28
June 10, 2011	June 10, 2011	BCC	\$28,941.83
			\$41,701.70
June 14, 2011	June 14, 2011	BCC	\$26,265.46
			\$941.17
			\$12,792.81
			\$457.20
			\$6,140.97
			\$1,600.53
			\$3,200.72
			\$11,884.30
June 15, 2011	June 14, 2011	BCC	\$144,504.55
			\$6,082.67
			\$4,831.51
June 15, 2011	June 15, 2011	BCC	\$3,024.98
		JC, ML	\$209.63
		BCC	\$1,054.81
June 16, 2011	June 15, 2011	BCC	\$37,001.88
			\$6,972.22
			\$36.25
			\$29,615.90
			\$25,928.71
			\$2,810.99
			\$10,667.72
			\$83,612.47
June 16, 2011	June 16, 2011	BCC	\$3,255.49
			\$324,797.32
			\$83.15
			\$2,221.99
			\$142,758.40
June 20, 2011	June 15, 2011	BCC	\$13,641.33
			\$3,786.74
			\$9,390.85
			\$11,899.31
			\$5,575.32
June 20, 2011	June 20, 2011	BCC	\$4,851.54
			\$15,399.15
			\$10,788.25
			\$8,714.21
			\$365.17
			\$521.88
			\$115,514.83
June 21, 2011	June 20, 2011	BCC	\$2,206.32
			\$1,645.14
			\$5,960.48
			\$30,381.58
			\$142.05
June 21, 2011	June 21, 2011	BCC	\$66,212.07
			\$1,818.00
			\$10,240.99
			\$35,780.95
June 22, 2011	June 20, 2011	BCC	\$41,547.99
June 22, 2011	June 21, 2011	BCC	

June 22, 2011	June 22, 2011	BCC	\$5,290.52
			\$7,697.67
			\$1,685.00
			\$3,177.90
			\$4,470.52
			\$435.98
			\$123.06
			\$645.36
		JC, BC	\$2,233.98
		BCC	\$25,761.67
June 23, 2011	June 20, 2011	BCC	\$5,701.28
June 23, 2011	June 22, 2011	BCC	\$12,335.70
			\$31,724.52
			\$9,071.79
			\$3,487.60
			\$106.08
June 23, 2011	June 23, 2011	BCC	\$22,788.00
			\$13,700.70
			\$447.99
			\$2,141.29
			\$2,516.84
			\$2,503.46
		JC, ML	\$834.00
		BCC	\$249.95
			\$1,500.00
			\$1,288.02
			\$1,140.64
June 24, 2011	June 23, 2011	BCC	\$6,737.46
			\$57,613.91
			\$4,201.74
			\$6,465.62
June 24, 2011	June 24, 2011	BCC	\$31,284.58
			\$159,297.28
June 28, 2011	June 23, 2011	BCC	\$4,038.77
			\$188.13
			\$1,457.26
June 28, 2011	June 27, 2011	BCC	\$870.95
			\$6,347.00
			\$72.50
			\$39.99
			\$400.00
			\$1,524.00
			\$4,856.16
			\$778.98
			\$949.00
			\$7,458.00
			\$10,390.20
			\$5,757.00
			\$113.68
			\$548,415.53
			\$541.22
			\$59.99
			\$28.89
			\$13,953.02
			\$1,694.64
			\$297.68
			\$11,336.18
			\$7,528.39
			\$25,619.16
			\$55,597.13
			\$128,043.64
			\$2,342.48

June 28, 2011	June 28, 2011	BCC	\$500.00
June 30, 2011	June 27, 2011	BCC	\$68.69
June 30, 2011	June 29, 2011	BCC	\$7,236.09

All Claims Lists were returned to the Accounting Department.

WEDNESDAY, JUNE 1, 2011

BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Contract and Resolution – BCC signed Contract between County and Western States [Interstate, Inc.] (low bidder) for renovation of Records Center Warehouse. Amount/\$650,000. Term/June-November 2011. One original to C&R and Larry Farnes. JC signed Resolution No.2011-071, dated June 1, 2011, relating to financing of said project.

Request – BCC ratified action to suspend current Sandbag Policy and apply Policy to Provide Sandbags to Residents Actively Experiencing Flooding. Original to Chris Lounsbury/ES.

Letter – BCC signed, dated May 25, 2011. To Kelsey Dalton/Historic Preservation Competitive Grant, Helena, enclosing amended budget/implementation schedule for Courthouse main floor restoration and HVAC/mechanical systems upgrade project. BCC requests amendment to scope of work/timeline for grant funds (HB645 funding).

Contract – BCC signed, dated June 1, 2011. Between County and GeoNav Group, Inc. for resource grade LiDAR survey of assets within County right-of-way. Term/June 6-15, 2011. Amount/\$50,278. Two originals to Jeff Seaton for further signatures/handling.

By-Laws – BCC approved/signed Revised Bylaws, dated June 1, 2011, of Seeley Lake Refuse District Advisory Board. Three originals to Jeff Seaton for further signatures/handling.

Additional discussion item(s): 1) Space Needs presentation; 2) MRFD Annual Report (will be scheduled for an upcoming Public Meeting).

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, JUNE 2, 2011

BCC met in regular session; quorum present. Morning: ML attended UCFRB Steering Committee Meeting in Deer Lodge. Evening: ML attended Fair Planning Committee Meeting, held at Fairgrounds.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending May 31, 2011.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending May 31, 2011.

ADMINISTRATIVE MEETING

Task Order – JC signed. #11-07-1-01-15 to Missoula County Unified Gov't Master Contract between County (MCCHD) and MT DPHHS for period July 1, 2005-June 30, 2012 (Community Health Assessment & Community Health Improvement Plan). One-time grant funds for June 1, 2011-September 30, 2011. Amount/\$14,000. Three originals to Julie Mohr/ Health Dept. for further signatures/handling.

Amendment – JC signed. #1 to Task Order #11-07-5-31-012-0 to contract between County (MCCHD) and MT DPHHS for FY2011 budget. Adds \$1,091.30 for PHHV services to be spent by June 30, 2011. Increases total reimbursement from \$85,076 to \$86,167.30. Three originals to Julie Mohr/ Health Dept. for further signatures/handling.

Agreement – BCC signed, dated June 2, 2011. Between County and Collins Planning Associates, Inc. to reorganize/revise County subdivision Regulations. Amount/\$25,000. Term/June 3, 2011-September 2, 2011. One original to Karen Hughes/OPG.

Board Appointments – BCC reappointed Jim Valeo and Chuck Keegan to new 3-year terms (July 1, 2011-June 30, 2014) on the Missoula Development Authority.

Letter – BCC signed, dated June 2, 2011. To Dale Wisby, Lolo, confirming OPG's response/alternative solution for lifting Agricultural covenant from his property.

Additional discussion item(s): Peter Nielsen will prepare letter of support re: EPA Clean Water Guidance.

FRIDAY, JUNE 3, 2011

BCC met in regular session; all three present. Late afternoon: BCC attended unveiling of "2011 Western MT Fair" print by Artist Monte Dolack, held at Dolack Gallery.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 10/CY2011 - Pay Date/May 20, 2011. Total Payroll/\$1,229,765.28. To County Auditor.



Vickie M. Zeier
Clerk & Recorder



Jean Curtiss, Chair
BCC

SATURDAY, JUNE 4, 2011

BCC accompanied FEMA Assessment Team and Senator Jon Tester for tour of Tower Street region to view areas affected by flooding.

MONDAY, JUNE 6, 2011

BCC met in regular session; all three present.

Site Tour - ML accompanied Pat Byrne on tour of Clinton Irrigation District.

Monthly Report - JC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending May 31, 2011.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Cory Shoreline Permit; 3) Mountain Acres No. 2, Lot 8, Subdivision (Final Plat Minor Adjustments); 4) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Aerial tour of conservation easements; 3) Crime data mapping; 4) Community Council communications; 5) RI Director's Update.

Shoreline Permit – JC signed. #11-08 for Applicants Jim/Nancy Cory to install new floating dock at Tract 37 of Diamond Bar L Ranch #2, Lindbergh Lake. Original to Mitch Doherty/OPG.

TUESDAY, JUNE 7, 2011

BCC met in regular session; all three present.

Site Tour – BCC accompanied Mike Barton, Philip Maechling, et al, on tour of Interpret Confluence of Blackfoot/Clark Fork Rivers location.

Indemnity Bond – JC signed. Monique Krebsbach, Missoula, Principal for Clerk of Court Warrant #40036680, issued May 5, 2011 on 7160-000-000-362000-000 Fund. Amount/\$1,250 (for child support). Warrant lost.

Replacement Warrant - JC signed. Robert M. Banks, Seeley Lake, Principal for County SL School Dist. 34 Warrant #23109067, issued April 12, 2011 on Claims Fund - payable to Blackfoot Feed & Supply. Amount/\$250 (for Cool Lite Egg Tester). Warrant not received in mail; no bond of indemnity required.

ADMINISTRATIVE MEETING

Budget Transfer – BCC signed, dated June 7, 2011. Control No. 11-012 for Capital Improvement Program in amount of \$14,122 (from 2nd Floor Courthouse Renovation to Admin Building Renovation) for additional costs to replace acoustical tile ceiling. Resolution No. 2011-072 – JC signed, dated June 7, 2011. Budget Amendment/Reimbursement Resolution relating to aforementioned Budget Transfer. For total disclosure, expenditures included in formal FY11 Operating Budget/Revenue Estimates for County.

Contract – BCC signed, dated June 7, 2011. Between County and Hyalite Engineers continuation of Fire Review Services (and supersedes June 7, 2010 contract). Amount/\$20,000 yearly. Term/two years, beginning June 11, 2011.

Contract – BCC signed, dated June 1, 2011. Between County and Barb's Best Cleaning for services at Detention Center. Amount/\$1,000 per month. Term/July 1, 2011-June 30, 2015. Two originals to Dawn Seaton/Sheriff's Dept.

Resolution No. 2011-073 – BCC signed, dated June 7, 2011. [Amending Resolution No. 91-067]. Regulating parking (amending parking district boundary), congregating, etc. on Maclay Bridge.

Request – BCC approved moving forward with public auction sale of County-owned Lot 38/Block 5/Cooks Addition (S. 2nd Street West, Missoula). Sale Date/June 28, 2011. Appraised price/\$5,000. Legal ad to be published June 16th and 23rd. Original to Barb Martens/Projects.

Letter – BCC signed, dated June 7, 2011 to Deborah Slicer/Steve Cummings, Missoula, responding to their recent correspondence re: Allied Waste Services' human-wildlife conflicts/bear attractants. All comments have been passed on to Allied Waste and Missoula Office, MT FWP.

Additional discussion item(s): Emergency Operations Plan Briefing (Joint Hearing w/City Council June 13th).

WEDNESDAY, JUNE 8, 2011

BCC met in regular session; all three present. Morning: ML attended ClimateWise Steering Committee Meeting, held at Currents. Noon: BCC attended Grand Opening/Ribbon Cutting for Transitional Living Apartments, located at 2620 South Avenue W.

CHIEF ADMINISTRATIVE OFFICER MEETING

Contract – BCC signed. Between County (Airport Authority) and City of Missoula for City Public Sanitary Sewer services at County Public Works Campus (as part of RSID 8489). One original to Jeff Seaton for further signatures/handling. [Note: Contract signed previously by BCC but misplaced by City staff].

Improvements Agreement/Guarantee – BCC signed. With Thomas/Jamie Phillips for Bridger Addition Subdivision. Extends Agreement expiration date to June 10, 2012. All other terms/conditions remain unchanged. Estimated costs/\$28,300; guaranteed by Letter of Credit from First Security Bank in amount of \$38,205 dated January 22, 2010. [County Attorney would not sign due to Exhibit not attached and improvements deadline precedes date]. [Original to Jeff Seaton. [BCC resigned; see July 26th Journal entry].

Contract – BCC signed. Between County and WE Dust Control & De-icing for 2011 Dust Abatement Program for County. [Bid accepted May 12, 2011]. Amount/\$274,897.62 for approx. 79.13 miles maintained by County (paid by County) and \$18,064.80 for approx. 5.2 miles of private roads (paid by landowners). Term/June 13-30, 2011. Two originals to Jeff Seaton for further signatures/handling.

Contract – BCC signed, dated June 8, 2011. Between County and Territorial Landworks, Inc. for engineering services related to bike/ped path from Houle Creek Road to Frenchtown Elementary. Amount/\$15,000 (CTEP reimbursement eligible). Term/June 8, 2011-June 30, 2012.

Easements – BCC signed following permanent road easements/temporary construction easements for Petty Creek Road Project #MT PFH 71-1(1):

- 1) Parcel 074 – Keith/Deborah Jutila (\$17,350);
 - 2) Parcel: Ed's Creek Water Company – Robert Anderson/Richard Bennett/Judy Bennett (\$43,820).
- Originals to Steve Niday/Surveyors.

Additional discussion item(s): Forest Jobs/Recreation Act.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated June 8, 2011:

- 1) Denying request from Dana Machain Bennett, Aiken, SC, to reconsider decision made on April 13, 2011, as BCC has no legal authority to refund fees paid on a vehicle.
- 2) Approving request from Meredith Pickett, Missoula, for refund of registration paid in error for vehicle #1822665.
- 3) Approving request from Shane McMahon, Missoula, for refund of vehicle renewal paid in error for vehicle #2038150.
- 4) Denying request from Seth Thomson, Missoula, to refund motor vehicle taxes/fees paid for Subaru Loyale.
- 5) Approving request from Arnold Olsen/MT Natural History Center, Missoula, for refund for overpayment of Taxpayer ID #599508 2009 taxes.
- 6) Approving request from Mary Ann Sutton, Glasgow, MT for refund for overpayment for Taxpayer ID #147909.
- 7) FYI to BCC re: Anne Shaw's (Missoula) request for extension to pay property taxes. Mrs. Shaw paid taxes on time.

PUBLIC MEETING – JUNE 8, 2011

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, and Commissioner Michele Landquist

Staff Present: Deputy County Attorney, James McCubbin

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT: - None

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$895,423.03)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the weekly claims list in the amount of \$895,423.03. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

b. Public Announcements: None.

5. JOINT CITY-COUNTY PROCLAMATION

"Healthy Start to a Healthy Summer" Day
Commissioner Carey read the Proclamation

6. HEARINGS (Certificates of Survey)

a. Piatt (Jodi) Family Transfer
Staff Report read by James McCubbin

Present: Joseph Meche and Jodi Piatt.

James asked Jodi Piatt the standard Family Transfer questions.

Public Comment: None

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the request by Jodi Piatt to create one additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

b. Marcella Boundary Line Relocation & Agricultural Covenant Amendment
Staff Report read by James McCubbin

Present: Heather Marcella, 3900 Sheep Camp.

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the boundary line relocation contingent upon expansion of the agricultural covenant to encumber the entire revised parcel, with language and documentation to be approved by the County Attorney's Office. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

7. OTHER BUSINESS: None.

8. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 1:51 p.m.

THURSDAY, JUNE 9, 2011

BCC met in regular session; quorum present. Morning: JC accompanied Senator Baucus on tour of Smurfit facility; ML attended HRC Board Meeting, held in Superior. Afternoon: BCC attended GIS Enterprise Implementation Kick-Off ceremony, held in the Courthouse. Evening: BC attended meeting of West Valley Community Council.

ADMINISTRATIVE MEETING

MOU – JC signed. Between Alexandra Sheller, MCCHD and Maternal/Child Health Information Resource Center for 2011 Graduate Student Internship Program/Home Visiting Program. Intern will work full-time June 20-September 9, 2011. No fiscal impact. Three originals to Julie Mohr/Health Dept. for further signatures/handling.

MOU – JC signed. Between Alison Doernberg, City-County Health Dept. (MCCHD) and Maternal/Child Health Information Resource Center for 2011 Graduate Student Internship Program/Breastfeeding Promotion. Intern will work full-time May 31-August 12, 2011. No fiscal impact. Three originals to Julie Mohr/Health Dept. for further signatures/handling.

Sub-Award Agreement – JC signed. #G-145-11-W3300 (Amendment #1) between City-County Health Dept. and MSU Office of Sponsored Programs for Missoula Regional Nutrition and Physical Activity Project. Provides additional \$5,000 for durable medical goods/incentives/supplies for promotion of breastfeeding in Missoula/Ravalli/Mineral counties. Three originals to Julie Mohr/Health Dept. for further signatures/handling. [Note: JC re-signed on June 14th; original document not received at Health Dept.]

Bylaws – BCC approved/signed revised and updated Bylaws for Lolo Community Council, in compliance with Resolution 2008-155. Two originals to Laurie Hire/RI for further signatures/handling.

Loan Documents – BCC signed. CDBG RLF seven-year Commercial Loan Agreement/Promissory Note between County and The Emergent Institute (previously approved May 5, 2011). Amount/\$125,000. Two originals to Cindy Wulfekuhle/OPG.

Cooperation Agreement – JC signed, dated June 9, 2011. Between USA (Army Corps of Engineers) and County for Flood Fight assistance (energy dispatcher and energy diversion).

Additional discussion item(s): City Club Membership; BCC declines.

FRIDAY, JUNE 10, 2011

BCC did not meet in regular session. ML & JC out of the office most of the day at MACo Districts 10 & 11 Meeting, held in Polson.

Letter – JC signed, dated June 10, 2011 to Army Corps of Engineers ("ACE"), Seattle, re: numerous complaints received from citizens adversely impacted by work performed in area of Tower Street/Missoula. County Public Works Director concurs ACE work does not meet intent of agreement. BCC requests ACE staff to return to project and assess its effectiveness. [Letter e-mailed June 10th; mailed June 13th].


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, JUNE 13, 2011

BCC met in regular session; all three present. Noon: ML attended City Club Luncheon, held at Holiday Inn. Afternoon: JC attended Veteran's Treatment Court Track Kickoff. Evening: BCC held Joint Public Hearing with City Council to 1) Adopt Emergency Operations Plan; and 2) Adopt Missoula Active Transportation Plan.

Indemnity Bond – JC signed. Dorothy Massey, Gulfport, MS, Principal for Clerk of Court Warrant #40036699, issued May 16, 2011 on 716000000036200000000000 Fund. Amount/\$300 (for child support). Warrant lost.

Indemnity Bond – JC signed. Charlie's Produce, Spokane, Principal for Sheriff/Detention Warrant #202203, issued May 3, 2011 on Detention Fund. Amount/\$236.11 (for produce). Warrant lost.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Miller Creek View Addition (Linda Vista 12th Supplement) Trust Indenture Proposal (*action*); 3) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Community Council communications; 3) RI Director's Update; 4) Budget.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 11/CY2011 - Pay Date/June 3, 2011. Total Payroll/\$1,257,587.27. To County Auditor.

TUESDAY, JUNE 14, 2011

BCC met in regular session; all three present. Late afternoon: BCC attended Retirement Reception for Dick King, held at First Interstate Bank.

ADMINISTRATIVE MEETING

Budget Enhancement – BCC approved. For District Court providing \$5,597.50 for cost of drug testing in FY 2010 for Missoula Co-Occurring Treatment Court.. Original to Brenda Desmond.

Contract – JC signed (BC approved/ML opposed). Between County and State of MT for Work Order with MT Interactive, LLC (#2A003) for development of online permitting system for outdoor burning. Amount/\$24,390. County would like service ready for use by September 2011. Three originals to Jim Carlson/Health Dept. for further signatures/handling.

Resolution No. 2011-075 – BCC signed, dated June 14, 2011. Expending \$80,000 from City's portion of 2006 Open Space Bond proceeds for Jacobs Project towards the purchase of approx. 35 acres in the Bonner area. [City Council passed Resolution 7621 authorizing same].

Resolution No. 2011-074 – BCC signed, dated June 14, 2011. Expending \$9,810 from City's portion of 2006 Open Space Bond proceeds for Thomson-Huff Project towards the purchase of approx. 6.28 acres in conjunction with conservation easement on adjacent 20.57 acre parcel. [City Council passed Resolution 7620 authorizing same].

Additional discussion item(s): None.

WEDNESDAY, JUNE 15, 2011

BCC met in regular session; all three present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Proclamation – BCC signed Proclamation proclaiming June 20, 2011 as UM Retirees' Day. Original to M. Coyle at Mayor's Office.

Easements – BCC signed following permanent road easements/temporary construction easements for Petty Creek Road Project #MT PFH 71-1(1):

- 1) Parcel 015 – Loren A. Harris/Elizabeth Ann Harris Family Trust [amount not noted on RCA];
- 2) Parcel 026 – Margaret Morgan Bailey (\$3,050);
- 3) Parcel 041 – Drew/Kathy Schmidt (\$500);

4) Parcel 060 – Janet Neal & Lisa Simon (\$4,300);

5) Parcel 063 – Gwen/Steven Piippo (\$2,500).

Originals to Steve Niday/Surveyors.

Contract – BCC signed. Between County (Weed District) and Mountain Valley Plant Management to treat leafy spurge/new invader species as part of Blackfoot/Clark Fork Noxious Weed Treatment Program. Term/July 1-September 30, 2011. Weed District to pay \$3,000. Other fiscal partners: The Nature Conservancy/FW&P/MT Noxious Weed Trust Fund. One original to Jerry Marks/Weed District.

Contract – BCC signed. Between County (Weed District) and Jed Dewey for Biological Weed Control Monitoring Project. Term/June 14-December 1, 2011. Weed District to pay \$1,000. Other fiscal partners: The Nature Conservancy/FW&P/DNRC. One original to Jerry Marks/Weed District

Contract – BCC signed. Between County (Weed District) and Native Solutions Restoration, LLC to control noxious weeds on County right-of-ways in Miller Creek Drainage. Term/May 30-September 30, 2011. Amount/\$3,500. One original to Jerry Marks/Weed District.

Contract – BCC signed. Between County (Weed District) and Monture Creek Land Management to control noxious weeds on County right-of-ways in Condon, MT (Swan Valley area). Term/June 1-September 30, 2011. Amount/ \$5,500. One original to Jerry Marks/Weed District.

Contract – JC signed. Contract #11-331-74089-0 for HB 130 funding for FY11 between County and MT DPHHS (Addictive/Mental Disorders Division) for increased mental health response/decreased wait times/completion of padded cells in County Detention Center. Term/February 28-June 30, 2011. Amount/ \$67,305.63. Letter – BCC signed, dated June 15, 2011 to MT DPHHS, Helena, submitting proposal for grant funding via HB 130/131/132 for FY2012. Total requested/\$166,254.25. Two originals of contract and original letter to Kim Brown/OPG for further signatures/handling.

Additional discussion item(s): Public Works Departmental update.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, JUNE 16, 2011

BCC met in regular session; all three present. Late afternoon: BCC met with County Weed Control Board at Extension Office.

ADMINISTRATIVE MEETING

Amendment – BCC signed, dated June 16, 2011. To Contract between County and YWCA Missoula Ada's Place (Emergency Shelter/Case Management), dated 10/20/10. Increases amount payable to YWCA from \$7,000 to \$10,320 (per request from YWCA). One original to Peggy Seel/OPG.

Letter – BCC signed, dated June 16, 2011. To Keith Large, Mine Waste Cleanup Bureau, MT DEQ, Helena, urging DEQ to uphold conditions of Administrative Order on Consent/Action Memo for Stimson Lumber Mill site cleanup. County requests all contaminated materials be disposed of off-site.

Additional discussion item(s): None.

FRIDAY, JUNE 17, 2011

BCC did not meet in regular session. JC in Kalispell most of day at Mental Health Board/CDC Meeting. ML out of office all day.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

MONDAY, JUNE 20, 2011

BCC met in regular session; all three present.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) OPG Director's Update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) North Fork Watershed Protection Act; 3) Subdivision Regulation Revisions; 4) Community Council communications; 5) RI Director's Update.

TUESDAY, JUNE 21, 2011

BCC met in regular session; all three present. Evening: JC attended meeting of Swan Valley Community Council.

Indemnity Bond – JC signed. Jolanda Hritsco, Missoula, Principal for Frenchtown School District #40 Warrant #26072603, issued June 10, 2011 on General Elementary Fund. Amount/\$490.75 (for salary). Warrant lost.

ADMINISTRATIVE MEETING

Affidavit of Correction – BCC signed, dated June 14, 2011. For Lolo Heights Subdivision. Change “remainder parcel” language in “Notes” on plat to conform to the law and in compliance with steep slope standards.

Contract – BCC signed, dated June 14, 2011. Between County and Missoula Independent for FY 2012 legal printing. Fee structure set forth therein.

Amendment – BCC signed, dated June 21, 2011. To MOA between County and MCPS School Dist. #1 (School Readiness Activities, signed 11/23/10). Extends term two additional months, from August 31, 2011 to October 31, 2011. Extension granted by funder. One original to Peggy Seel/OPG.

Resolution No. 2011-076 – BCC signed, dated June 13, 2011. Resolution of Intent to adopt Missoula Active Transportation Plan-2011 as an Amendment to Missoula County Growth Policy. Missoula Consolidated Planning Board recommended proposed draft by vote of 8-0. Joint Public Hearing with City Council held June 13, 2011.

Amendment #3 – JC signed. To Petty Creek Reimbursable Agreement (#DTFH70-10-E-00036: ROW Acquisition/Administration) between County and Federal Highway Administration, Vancouver, WA. Appoints Tom Massey as new COTR, effective June 9, 2011. Original to Jeff Seaton/Public Works.

Tri-Party Agreement – BCC signed. #US DOT 090449X between County, MT Rail Link, Inc. and MT State to upgrade RR Xing at Moccasin Lane. County will provide traffic control and widen/pave Lane 50 ft. either side of Xing. Three originals to Jeff Seaton/Public Works.

Grant Drawdown #1 – JC signed \$1,115.42 CDBG Request for Funds Form to reimburse County for funds loaned to Kelly Logging (\$150,000) and paid to MAEDC (\$1,115.42) for administrative services. Original to Cindy Wulfekuhle/OPG.

Bid/Notice of Award – JC signed. Awarded to Knife River for construction of Airway/Expressway roundabout and median landscaping. Amount/\$823,850. Original to Barb Martens/Projects for further signatures/handling.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated June 21, 2011. Amount/\$14,989.57. To County Auditor.

Additional discussion item(s): FEMA visit June 22, 2011.

WEDNESDAY, JUNE 22, 2011

BCC met in regular session; all three present.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 012/CY2011 - Pay Date/June 17, 2011. Total Payroll/\$1,262,966.97. To County Auditor.

Memorandum of Agreement (“MOA”) – JC signed, dated May 30, 2011. Between County Parks Board and Potomac Elementary School for Spring FY11 Capital Matching Funds Grant to replace recreation scoreboard/prepare construction plan for proposed athletic complex. Amount/\$3,800. Funds must be spent by May 30, 2013. Two originals to Lisa Moisey/County Parks for further signatures/handling.

MOA – JC signed, dated May 30, 2011. Between County Parks Board and Friends of Two Rivers, Inc. for Spring FY11 Capital Matching Funds Grant to install solar lighting at busiest portion of Piltzville Pedestrian Trail from fire station westward. Amount/\$4,000. Funds must be spent by May 30, 2013. Two originals to Lisa Moisey/County Parks for further signatures/handling.

CHIEF ADMINISTRATIVE OFFICER MEETING

[No Agenda items]

Discussion item(s): 1) Speed limit changes on South Avenue: BCC will send written response; 2) Potential meeting w/Rob Braach: BCC to discuss w/Attorneys; 5) Potential meeting w/Clinton RFD (possibly with County Attorneys).

PUBLIC MEETING – JUNE 22, 2011**1. CALL TO ORDER**

Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

Staff Present: Dori Brownlow, Sr. Attorney Civil

2. PLEDGE OF ALLEGIANCE**3. PUBLIC COMMENT**

McClay Bridge Concerns: Petition w/signatures

Fred Stewart: 4675 South Ave W
Bob Switzer: 11905 Green Acres Rd

Bob Kurtzer: 8061 Reed Ct
 Gary Botchek: 2500 Gunsight Ct
 Willis Curdy: 11280 Kona Ranch Rd
 Silke Jauck: 4540 South Ave W
 Helen Orendein: 2555 Blue Mountain Rd
 Laura Taylor: 3920 Sunrose Dr
 Willis Curdy: 11280 Kona Ranch Rd

Red Fox Road Property Concerns: Petition w/signatures

Priscilla Sherman: 412 River Dr (handouts)
 Sharon Coch: 205 Red Fox Rd
 Bill Sherman: 412 River Dr
 Terry Boston: 418 River Dr

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$2,604,587.96)
 Executive Session
Commissioner Carey made motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$2,604,587.96. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.
- b. Public Announcements
 Dates are coming up quick for entries into the Western Montana Fair, tickets are on sale for Rodeo, the bull-o-rama, demo derby and the concert.

5. PROCLAMATION

University of Montana Retirees' Day – June 20, 2011

6. HEARING (*continued from May 25, 2011*)

Application for Property Tax Reduction (Ailport Logging)

Dori Brownlow: In the proposed resolution it lists the equipment that you had described in your application for which you're requesting a property tax reduction. Is that a correct and complete list?

Jeannette Ailport: Yes

Dori Brownlow: When did you purchase the property? Approximately how long was it used and for what purpose?

Jeannette Ailport: Well, I didn't write that down, it was used for logging though. I don't know exactly when we purchased it.

Chair Curtiss: Did you acquire most of them as they were new?

Jeannette Ailport: No, we purchased the 1986 used ~ we purchased it first and then we purchased the other later and it was used too. I think we bought the 98 in like 2000 or something. We still have both.

Dori Brownlow: Have you quit operating this property that listed here?

Jeannette Ailport: Yea, we have the 1150's out at the Casteys and we're trying to sell it. The smaller one, we might keep the snowplow and stuff like that. The Revenue Department said that like typewriters and computers you can turn over to personal use. The things like equipment you can't just turn it over to personal use which...She said what could you use that for, for personal use. I said we can use it to plow our road, we can use it...we have some land in the hills; we can use it up there to clean the road up and fix the road.

Chair Curtiss: But you're not using it for logging?

Jeannette Ailport: Yea, it could be used for personal land, if you have other land. We have 90 acres up in the hills by Potomac, we can use it up there to clean up and fix that up a little bit. But they said they can't change it over to personal use.

Dori Brownlow: The other personal property, these last three are those being used?

Jeannette Ailport: We're not using the chainsaw right now or the welder no. We still have them, we could use them for personal use too like for firewood or welding.

Commissioner Landquist: Did the DOR look at this list? I mean I don't see how wrenches and a chainsaw and a portable welder can't be turned over for personal use.

Jeannette Ailport: They probably would do them but like the case, they don't think you could change it to personal use. So we would have to pay taxes the rest of our lives.

Commissioner Curtiss: I know you put it in your information but do you know what the value of the wrenches is? I know they said if things are less than \$20,000 you can maybe change it to personal use.

Jeannette Ailport: \$520.00. And hand tools, shop tools are over \$15,000. The welder only cost \$3,500.00 new and its 15 years old. We can work on that...getting that changed over to personal use once they (unaditable), I guess. With State Department of Revenue we have to work on getting that changed to personal use, I guess, later but we want to get the extension so we don't have to pay taxes on it now.

Dori Brownlow: So then I guess would be then do you intend to, your hope to use this for business use again, any of this property.

Jeannette Ailport: No, we have the big one up for sale right now and the small one we're going to use just for personal use. If we can keep it.

Dori Brownlow: I believe during correspondence you answered where the property was located during the time.

Jeannette Ailport: Yea, our house and then the 1998 is out at the Case on consignment right now.

Dori Brownlow: Have you previously applied for property tax reduction or a revised assessment with the Department of Revenue?

Jeannette Ailport: No, we didn't know about it. We would have done it last year too. Because I put on the assessment ~ "Not in business" and nobody answered us and all of a sudden we get a bill. Then it was too late, it was after April 15th. So then we couldn't do it.

Chair Curtiss: So you're not in the logging business anymore?

Jeannette Ailport: No, he's retired now.

Chair Curtiss: Okay. So we do have to have the agreement of the School District so we'll ask Mr. Ardianna.

Doug Ardianna: Bonner School District Supernatant. We had a board meeting on June 14th, at that board meeting our board voted unanimously to allow them to have their property tax reduction as requested.

Commissioner Carey: For the record, I told a call from a Mr. Pat McQue this morning, he's with the County Public Schools. He said their board also approved this.

Chair Curtiss: Are there further questions for Ms. Ailport from the Commission?

Commissioner Landquist: I'm satisfied. This exemption is good for what period of time again?

Chair Curtiss: Just for one year.

Commissioner Landquist: So then, what hoops do they have to go through to...I can see where the Case tractor can be used to plow the roads or work on their property? I know people that have heavy equipment that have retired, I don't know what their doing.

Jeannette Ailport: You don't want to sell it; you want to keep your assets.

Commissioner Landquist: Is that something that you....I would think declared on your personal property taxes.

Chair Curtiss: I would think one thing that you could do after today is to write us a letter. We once a month meet with the county Treasurer and often invite the Department of Revenue so we could have that discussion with him about how we could help you get that off that. Can't guarantee we can but we could sure try. Or we could just refer it forward I would guess, based on our conversation today so you don't have to do anything extra.

Chair Curtiss: Okay, I will close the public hearing

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the application of property tax exemption for Ailport Logging for commercial or industrial personal property reduction and sign the resolution. Property tax year of 2011. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

Jeannette Ailport noted that they were being taxed in the Potomac School District, she was honest and told them it was actually in Bonner. They were being taxed in the wrong district and wondered if she could go back and re-file their taxes in Potomac. She wrote them a letter explaining that they were out of business January 1st, 2010 and they still got taxed. The Commissioners requested that Jeannette Ailport bring a copy of the letter.

7. OTHER BUSINESS: None

8. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 2:43 p.m.

THURSDAY, JUNE 23, 2011

BCC met in regular session; all three present. Morning: JC attended Childhood Obesity Leadership Group Meeting, held at MDR Office. Late morning: BCC attended Groundbreaking Ceremony for Silvertip Apartments, 1311 E. Broadway. Afternoon: BCC attended Garlington Lohn Robinson's Open House for their new building. JC also attended Celebration for Protection in Missoula's North Hills, held at Grant Creek Inn.

ADMINISTRATIVE MEETING

Grant Agreement – BCC signed. Between County and State Historic Preservation Office and MT Historical Society (#PA IV 10-AP-005) to develop interpretive strategies for Confluence of Blackfoot/Clark Fork Rivers at Milltown State Park. Amount/\$18,000. Two originals to Philip Maechling/OPG for further signatures/handling.

Amendment – JC signed. #STMGF-60-HP-10-035B to contract between County and MT DOC (Historic Preservation Competitive Grant Program "HPCGP") signed 6/17/10; amended 10/8/10. Amends scope of work and extends deadline (to September 30, 2011) for Courthouse renovation project funded under 2009 HB 645. Original to Philip Maechling/OPG for further signatures/handling. BCC also signed Letter, dated May 25, 2011 to Kelsey Dalton/Program Specialist, HPCGP, Helena, amending budget/implementation schedule for said project and asking that DOC accept changes. BCC also stated cost of improvements over next four years will be approx. \$3,779,178.

Letter – BCC signed, dated June 23, 2011. To Senators Max Baucus and Jon Tester, thanking them for introducing S. 233 (North Fork Watershed Protection Act of 2011).

Letter – BCC signed, dated June 22, 2011. To Water Docket/U.S. EPA/Washington, DC, supporting draft Clean Water Act Guidance issued by EPA and Corps on April 27, 2011.

Letter – BCC signed, dated June 27, 2011. MT FWP/Trails Program, Helena, supporting Grant Creek Trail Association Recreational Trails Grant Application. [Discussion 6/23/2011; JC signed 6/27/2011].

Additional discussion item(s): 1) Briefing re: recent FEMA visit; 2) JC will attend Knife River/DEQ Mediation.

FRIDAY, JUNE 24, 2011

BCC met in regular session; all three present.


Vickie M. Zeier
Clerk & Recorder


Jean Curtiss, Chair
BCC

SUNDAY, JUNE 26, 2011

Afternoon: JC and ML attended Anniversary Celebration of Northern Rockies Heritage Center & Museum of Mountain Flying.

MONDAY, JUNE 27, 2011

BCC did not meet in regular session. BC on vacation through July 5th. ML attended ClimateWise Workshop, held at DoubleTree Hotel.

MOA – JC signed, dated May 30, 2011. Between County Parks Board and East Missoula Lions Club for Spring FY11 Capital Matching Funds Grant for general park maintenance (including mowing/weed eating/weed spraying). Amount/\$3,225. Funds must be spent by May 30, 2013. Two originals to Lisa Moisey/County Parks for further signatures/handling.

TUESDAY, JUNE 28, 2011

BCC did not meet in regular session. BC on vacation through July 5th. For most of day, ML attended Climate Wise Workshop, held at DoubleTree.

ADMINISTRATIVE MEETING - CANCELED**WEDNESDAY, JUNE 29, 2011**

BCC did not meet in regular session. BC on vacation through July 5th. JC at MACo Meeting all day. Late afternoon: ML attended Pimlico Studios Presentation, held at First Interstate Bank.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, JUNE 30, 2011

BCC met in regular session; quorum present in morning. BC on vacation through July 5th. Noon: JC/ML attended Retirement Get-together for Carol Regel, held at Health Department. Afternoon: JC attended *Community Housing Development Day* at Mountain Home Montana.

ADMINISTRATIVE MEETING

Grant Documents – JC signed (on behalf of County Weed District) MT Noxious Weed Trust Fund Grant Application and Agreement in amount of \$7,000. Funding to support Leave No Weeds educational program through schools of Missoula County (\$3,369); remaining funds (\$4,131) for New Invader project inventory work. Two originals to Weed Dist. for further signatures/handling.

Agreement – JC signed. Between County and MT DPHHS for enhanced Medicaid reimbursement for mental health center services (Stephens House/WMMHC Crisis Intervention Team). County to transfer \$165,000 to DPPHS. Term/July 1, 2010-June 30, 2011. Two originals to Peggy Seel/OPG for further signatures/handling.

Technical Submission – JC signed. To receive full funding (\$102,371) for YWCA/Ada's Place Continuum of Care Grant (HUD #MT003B8T001003) to provide transitional housing for homeless women/families of domestic violence. Original to Melissa Gordon/OPG.

Agreement – BCC signed. Annual renewal agreement between County, MT DOT and Missoula OPG for FY2011-12 funding for Missoula in Motion using Congestion Mitigation/Air Quality funds through June 30, 2012. Amount/\$186,100. Two originals to Alex Stokman/OPG for further signatures/handling.

Easements – BCC signed following permanent road easements/temporary construction easements for Petty Creek Road Project #MT PFH 71-1(1):

- 1) Parcel 043 – Richard/Judy Bennett (\$6,800);
- 2) Parcel 051 – Deborah Sonnenberg & John Walker (\$4,500);
- 3) Parcel 052 – Blackfoot Telephone Cooperative, Inc (\$300).

Originals to Steve Niday/Surveyors.

Resolution No. 2011-077 – BCC signed, dated June 30, 2011. Adopting the Missoula Active Transportation Plan-2011 as an Amendment to the Missoula County Growth Policy. [Contingent on Plan being identical to City's version].

Quitclaim Deed – JC signed, dated June 30, 2011. Between County and Gregory/Cindy Leary to complete sale of County-owned Lot 38/Block 5 of Cook's Addition. Sale price/\$3,500.

Amendment – JC signed, dated June 30, 2011. To amend contract between County and Vannoy Enterprises, LLC (May 2011) for mowing services on County-owned land within MDP. Adds \$300 to contract for additional mowing of approx. one acre. New total amount/\$8,375. One original to Barb Martens/Projects.

Addendum – BCC signed, dated June 30, 2011. To Agreement between County (Detention Facility) and Spectrum Medical Services. Amendment extends compensation and term for medical services to: \$124,680 for term July 1, 2011-September 30, 2011 (previous end date 6/30/11).

Request – BCC approved/denied multiple 2012 County Budget Enhancement Requests as identified by staff (per Matrix available for review in BCC office).

Additional discussion item(s): None.