

JULY 2, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a contract between the Missoula City-County Health Department and the Recovery Foundation for the purpose of coordinating comprehensive alcohol services, including outpatient care, preventive public education services, emergency care and consultation to residents of Missoula County, as per the terms set forth, for the period from July 1, 1990, through June 30, 1991, for a total payment of up to \$83,352.36 based on actual funds received.

Notice of Hearing

Chairman Stevens signed the Notice of Hearing on the proposed Missoula County budget for FY 1990-91, setting the final budget hearings for Wednesday, July 25th at 2:30 p.m.; Thursday, July 26th, at 7 p.m.; Friday, July 27th at 9:30 a.m.; and Monday, July 30th at 10:30 a.m., with the budget adoption set for Tuesday, July 31st, at 10:30 a.m.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Tom O'Neil for the purpose of obtaining up to 20,000 cubic yards of gravel from land located in Section 18, T. 12 N., R. 24 W., at the rate of 25 cents per cubic yard for a period of one year, as per the terms set forth in the Agreement.

Satellite Agreement - Ravalli County WIC Program

The Board of County Commissioners signed an Agreement between the Missoula City-County Health Department and the Ravalli County Health Department of Hamilton, MT, whereby the Missoula Department will perform administrative and supervisory responsibilities for program operations and fiscal management in Ravalli County as established in the WIC Program Regulations, and as per the mutual covenants and stipulations set forth in the Agreement, effective July 1, 1990, and terminating on June 30, 1991.

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

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JULY 3, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Agreement to Sell and Purchase

The Board of County Commissioners signed an Agreement to Sell and Purchase between Missoula County and Don D. and Cheryl Y. Agan for the purchase of Lot 9, Grantland #12, for a total purchase

JULY 3, 1990 (continued)

price of \$19,000.00, as per the terms set forth, and contingent upon the closing of purchaser's personal residence in Kalispell, MT and upon approval of purchaser's home by the architectural control committee for Grantland #12. The Agreement was returned to Jim Dopp, Operations Officer for further handling.

Addendum to Policy Statement

The Board of County Commissioners signed an Addendum to Policy Statement 88-A, the County of Missoula Travel Policy, revising the Policy as follows:

"For travel either in or out of State, all County employees shall be authorized the actual cost of lodging in a hotel which is the site of the conference or designated conference hotel. If the employee stays at a hotel other than the conference site, maximum reimbursement will be \$32 in state and \$57 out of state."

Agreement to Sell and Purchase

The Board of County Commissioners signed an Agreement to Sell and Purchase between Missoula County and Marie Michelle Westmoreland for the purchase of Lot 2, Grantland #13, for a total purchase price of \$22,000.00, as per the terms set forth. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Purchase Agreement

The Board of County Commissioners signed a Purchase Agreement between the Missoula Public Library and Dynix, Inc., a Utah Corporation, for the purpose of providing certain Equipment, Software, maintenance and related services for library automation described in the Proposal submitted by Dynix, Inc., as per the terms set forth, for a total contract amount of \$237,296.00. The contract was returned to the Library for forwarding to Dynix, Inc.

Other items included:

The Commissioners met with Hal Luttschwager, Risk Manager, and approved Arthur Gallagher & Company as the principal underwriter for property and bond insurance for the County.

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

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JULY 4, 1990

The Courthouse was closed for the Independence Day holiday.

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JULY 5, 1990

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

JULY 5, 1990 (continued)Audit List

Commissioners Evans and Stevens signed the Audit List, dated July 3, 1990, pages 7-35, with a grand total of \$1,451,186.37. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Patricia Kelly as principal for warrant #14481, dated September 21, 1989, on the Missoula County High Schools' fund in the amount of \$44.13 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a contract between the Missoula City-County Health Department and the Missoula Indian Alcohol and Drug Services for the purpose of coordinating comprehensive alcohol services, including outpatient care, preventive public education services, emergency care and consultation to residents of Missoula County, as per the terms set forth, for the period from July 1, 1990, through June 30, 1991, for a total payment up to \$8,243.64 based on actual funds received.

Other items included:

- 1) the Commissioners appointed Lois Anderson as a regular member of the Larchmont Golf Course Board to fill the unexpired term of Mike Anderson through March 31, 1993; and
- 2) a request from the County Tax Appeal Board to purchase new recording equipment for the 1990 hearings was approved as per the quote submitted from Radio Shack in the amount of \$69.95.

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

Quarterly Jail Inspection

In the afternoon, Commissioners Dussault and Stevens and Dan Corti of the Health Department conducted the Quarterly Inspection (April - June) of the Missoula County Jail.

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JULY 6, 1990

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Evans took a day of vacation, and Commissioner Dussault was out of the office all afternoon.

Monthly Reports

Chairman Stevens examined, approved and ordered filed the Monthly Reconciliation Reports for Justices of the Peace, David K. Clark and Michael D. Morris, for the month ending June 29, 1990.

*Fern Hart* by *Wendy Ross Cornwell* *Janet Stevens*  
 Fern Hart, Clerk & Recorder Deputy Janet Stevens, Chairman

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JULY 9, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a JTPA Meeting.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-059

The Board of County Commissioners signed Resolution No. 90-059, a resolution creating RSID No. 912 for the purpose of common area maintenance, fire hydrant maintenance, lighting maintenance, and road maintenance in West Central Square, a proposed subdivision in Missoula County, as per the terms set forth.

Certifications of Acceptance

Chairman Stevens signed Certifications of Acceptance for County Maintenance for the following roads:

- 1) Flo Drive, located in Section 12, T. 12 N., R. 20 W.,  
.053 miles;
- 2) Cathy Court, located in Section 12, T. 12 N., R. 20 W.,  
.036 miles;
- 3) Jack Drive, located in Section 12, T. 12 N., R. 20 W.,  
.264 miles; and
- 4) Linda Vista Blvd., located in Section 12, T. 12 N., R. 20  
W., .233 miles.

The Certifications were returned to the Surveyor's Office.

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

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JULY 10, 1990

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left late in the forenoon to attend a MT Tax Coalition Meeting in Helena in the afternoon.

DAILY ADMINISTRATIVE MEETING

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

Warranty Deed

Chairman Stevens signed a Warranty Deed from Missoula County to Barbara N. Cox and John M. Thurman for Lot 11 of Grantland 13, as per Exhibit A attached to the Deed. The Deed was returned to Jim Dopp, Operations Officer, for further handling.

Addendum to Employment Agreement

The Board of County Commissioners signed an Addendum to a Missoula County Employment Agreement dated February 1, 1990, and subsequent addendum to commence May 1, 1990, between Laura J. Millin and the Missoula County Board of Trustees for Museums, amending the Agreement as follows:



JULY 10, 1990 (continued)

## HOURS OF WORK

It is understood by both parties specified herein, and pursuant to Missoula County Trustees for Museum minutes of May 10, 1990, that the employee will be expected to work a full 40-hour week beginning July 1st and continuing through termination of contract.

Agreement

Chairman Stevens signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of providing local sanitary review of minor subdivisions, as per the terms set forth, for the period from July 1, 1990, through June 30, 1990. The Agreement was forwarded to DHES in Helena.

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

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JULY 11, 1990

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

Indemnity Bonds

Chairman Stevens examined, approved and ordered filed the following Indemnity Bonds:

- 1) naming Variable Annuity Life Insurance Company (VALIC) as principal for warrant #202699, dated May 25, 1990, on the Missoula County Deferred Compensation Fund in the amount of \$3,314.73 now unable to be found; and
- 2) naming Kathleen M. Teague as principal for warrant #5740, dated July 2, 1990, on the School District #34 Fund in the amount of \$966.94 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Acceptance of Grant

Chairman Stevens signed acceptance of Grant No. 9015913 awarded to the Missoula County Sheriff's Dept. by the Board of Crime Control in the amount of \$99,998.00 Federal funds and a guaranteed match of \$36,054.00, for a grant total of \$136,052.00, as per the terms and conditions set forth, with the project duration being from July 1, 1990, to June 30, 1991. The form was returned to Doug Chase, Undersheriff, for further handling.

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

WEEKLY PUBLIC MEETING

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

JULY 11, 1990 (continued)

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Kathleen Bartlett, Library, 22 years; Bev Hiday, Treasurer, 20 years; Dan Morgan, Youth Court, 14 years; Cereese Parker, District Court, 9 years; Connie Clark, Sheriff, 2 years; Byron Jacobson, Sheriff, 1 year; Glen Welch, Youth Court, 15 years; Lloyd Halgren, Sheriff, 16 years; Kelly Rinker, Attorney, 2 years; Roy Fyffe, Jail, 2 years; Richard Kushner, Road, 12 years; Richard Ellifritz, Road, 10 years; Cliff Gustafson, Road, 20 years; and Greg Oliver, Health, 9 years.

BID AWARDS: CONSTRUCTION BIDS, RSID NO. 436 - LOLO WATER SYSTEM IMPROVEMENTS: (1) BOLTED STEEL RESERVOIR; AND (2) PIPELINE INSTALLATION AND RESERVOIR SITE PREPARATION

Jim Dopp, Operations Officer, explained that the first item is a request for the award of the bid for the manufacture and installation of a bolted steel tank for RSID 436, Lolo Water and Sewer. Bids for construction of improvements to the system were opened on Monday, July 9, 1990. The following is a recap of the bids received for the manufacture and installation of a bolted steel water tank:

4-G Plumbing - \$134,800.00

R.H. Grover, Inc. - \$152,535.00

Staff recommends awarding the bid to 4-G Plumbing as the best and most responsive bidder.

Janet Stevens asked for the total amount budgeted for these two items. Jim Dopp said it was \$252,000. He said we have landscaping and tank refurbishment still to do, but that neither of these projects will be completed this year due to the delay in getting the tank installed, which won't be done until the close of the season. So he said next spring we will do the landscaping and tank refurbishment on the utility lot.

Jim Dopp explained that the second bid is for the installation of pipeline and for site preparation for the reservoir, that bolted steel tank. Bids were opened on Monday, July 9, 1990. Three bids were received as follows:

4-G Plumbing - \$69,575.00

Sentinel Mechanical - \$54,346.00

Bearstar Enterprises, Inc. - \$70,730.98

Staff recommends awarding the bid to Sentinel Mechanical as the best and most responsive bidder.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for the manufacture and installation of the bolted steel tank for RSID 436, Lolo Sewer and Water, to 4-G Plumbing in the amount of \$134,800.00 as the best and most responsive bidder. The motion carried on a vote of 3-0.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for pipeline installation and reservoir site preparation for RSID 436, Lolo Sewer and Water, to Sentinel Mechanical in the amount of \$54,346.00 as the best and most responsive bidder. The motion carried on a vote of 3-0.

BID AWARDS: REMOVAL OF ABANDONED VEHICLES AND REMOVAL OF OTHER THAN ABANDONED OR JUNK VEHICLES - SHERIFF

Janet Stevens explained that this is a request for two bid awards: one for a contract to remove other than abandoned vehicles and one for a contract to remove abandoned vehicles. Three bids were received in the following amounts:

JULY 11, 1990 (continued)

	Other Than Abandoned	Abandoned
Fred's Towing:		
bid price pick-up outside local area	\$11.50	\$20.00
plus rate per load mile	\$ .75	.75
inside storage	\$ 5.00/day	
outside storage	\$ 3.00/day	
Sparr's Towing:		
bid price pick-up outside local area	\$18.00	\$25.00
plus rate per load mile	\$ .25	\$ .75
inside storage	\$ 5.00/day	
outside storage	\$ 5.00/day	
Brown's Towing:		
bid price pick-up outside local area	\$25.00	\$25.00
plus rate per load mile	\$ .75	\$ 1.50
inside storage	\$ 6.00/day	
outside storage	\$ 5.00/day	

Staff recommends that Fred's Towing be awarded both bids due to their cost charges being the lowest.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award both the contract for removal of abandoned vehicles and the contract to remove other than abandoned vehicles to Fred's Towing because their cost charges were the lowest. Motion carried on a vote of 3-0.

ADOPTION OF MISSOULA URBAN AREA COMPREHENSIVE PLAN UPDATE

John Torma, Office of Community Development, said that this is the final action on the 1990 Missoula Area Comprehensive Plan update. He said the copy today has one change on Page 56, last paragraph. This is in regard to the Cultural Arts Commission, making it more generic in terms of local government supporting cultural aspects in the community, but not locking it into a specific entity. This is the only change from the June 6th manuscript. He thanked the scores of people who contributed to this effort, which has been going on for a couple of years, and all of their contributions to the creation of this update to the Urban Plan.

Janet Stevens thanked John for picking this project up in the middle and turning it around for them.

Ann Mary Dussault moved and Barbara Evans seconded the motion to adopt the 1990 Update to the Missoula Urban Comprehensive Plan as submitted. Motion carried on a vote of 3-0.

Resolution No. 90-060

The Commissioners then signed Resolution No. 90-060, a resolution to adopt the 1990 update to the Missoula Urban Comprehensive Plan.

CONSIDERATION OF PATTON ESTATES - SUMMARY PLAT

Barbara Martens, Office of Community Development, explained that Patton Estates subdivision consists of five single family residential lots on 24.1 acres. They range in size from 3.5 to 8 acres. The subdivision is located at the intersection of Stonehaven Avenue and Upper Miller Creek Road. Cash-in-lieu of parkland dedication will be given. The staff is recommending approval of the summary plat of Patton Estates subject to ten conditions:

JULY 11, 1990 (continued)

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. Cash-in-lieu of parkland shall be dedicated to the County and the amount shall be shown on the face of the plat.
3. All lots within Patton Estates Subdivision shall access onto Stonehaven Avenue.
4. The developer shall add the June 22, 1990 letter from Amy O'Herren, Rural Planning, as an addendum to the covenants to provide homeowners with knowledge regarding wildlife in the Miller Creek area.
5. The developer shall provide assurance to the City Zoning Officer that Lots 4 and 5 meet the minimum lot width requirement or that a variance shall be applied for and granted from the minimum lot width requirement, prior to filing the subdivision plat.
6. The developer shall dedicate to the County, by deed or appropriate statement on the plat, the right-of-way adjacent to the west side of Stonehaven Avenue. This statement shall be subject to the approval of the County Surveyor.
7. All driveways shall be paved a minimum of twenty feet (20') back from Stonehaven Avenue. The driveways shall be provided for at the time the lots are built on or in the covenants for each lot.
8. All lots shall be required to obtain an approach permit prior to construction.
9. The developer shall provide easements for utilities in the appropriate areas.
10. The covenants shall bear the certification of the attorney who reviewed or prepared them that such attorney is licensed to practice law in the State of Montana and that they contain the applicable provisions required by these regulations.

Barb said that this area is a nesting area for the bobolink, and the developer is willing to attach a copy of the letter from Amy Eaton O'Herren, Rural Planner, to the back of the covenants so that all purchasers of the lots in the subdivision will be aware of this. Two of the lots, Lots 4 and 5, do not meet the zoning requirement for lot width, so a variance would have to be obtained from Zoning. She then read a request from Eli & Associate in regard to Condition #3, as follows:

"It is the intent of the Developer to have the five lots created in this subdivision access onto Stonehaven Avenue. It should be noted that a suitable access point does exist on Miller Creek Road, and we have placed an easement along the west side of Lots 2 through 4 to allow the future development of a frontage road accessing onto Miller Creek Road. The lots being created are large enough to allow future development in line with the existing zoning, should services become available to support such development.

"We are in agreement with the staff report that the five lots being created at this time should access onto Stonehaven. However, we would prefer that Condition Number Three be revised to read: 'All lots within Patton Estates Subdivision shall access onto Stonehaven Avenue until such time that further subdivision of these lots occur and an approach onto Miller Creek Road is reviewed and approved by the County Surveyor's Office.'"

Barb Martens said that their rules stipulate that access has to be on the street of lowest classification. Condition #3 is to ensure that these five lots access onto Stonehaven versus Upper Miller Creek Road. The developer has provided a 60 foot private access easement on the Upper Miller Creek Road side along with one 6 foot wide access point. This is to facilitate the possibility that these lots may be split at some future time and to allow them to use the frontage road and this one access point

JULY 11, 1990 (continued)

where there is satisfactory sight distance. So this language would substitute entirely for Condition #3.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant approval of Patton Estates Summary Plat subject to the ten conditions listed in the Staff Recommendation with the substitution of the wording on Condition #3 as requested by Eli & Associate, finding it in the public interest to do so. Motion carried on a vote of 3-0.

HEARING: ANNEXATION TO FRENCHTOWN RURAL FIRE DISTRICT OF ROBERT A. JOHNSTON PROPERTY IN NINE MILE DRAINAGE

Janet Stevens explained that a petition has been received by the Clerk and Recorder's Office to annex various parcels of land located in Missoula County to the Frenchtown Rural Fire District. The petition for annexation has been checked and verified. The petition contains the signature of the owner of the privately owned land, a tax-paying freeholder, so it meets the requirements of 7-33-2125 MCA for annexation of adjacent territory. The area to be annexed is described as follows: Lots 9, 10, 11, 19 and S1/2 17, Plat B2, Section 36, T17N, R24W; Lots 7, 8, 21, and 23 in E1/2 SE1/4 Plat B1, Section 36, T17N, R24W; Lots 12, 16, N1/2 17 and W1/2 W1/2 NW1/4 NE1/4 Section 36, T17 N, R24W Plat B; Lots 5 and 7, Plat B, Section 25, T17N, R24W; and Lot 15, Plat B, Section 26, T17N, R24W.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify either for or against the proposed annexation. There being no testimony, the Public Hearing was closed.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the proposed annexation of the Robert A. Johnston property in the Nine Mile Drainage as described in the petition to the Frenchtown Rural Fire District. Motion carried on a vote of 3-0.

Resolution No. 90-061

The Commissioners then signed Resolution No. 90-061, annexing the Robert E. Johnston property to the Frenchtown Rural Fire District.

HEARING: CERTIFICATE OF SURVEY REVIEW - AGRICULTURAL EXEMPTION, RON DIONNE

Mike Sehestedt, Deputy County Attorney, explained that Ron Dionne has filed an affidavit requesting an agricultural exemption for Micro Book 2, Page 303. He states the intended use of the property is as follows: Tract 2: existing residence; Tract 1: property has a barn and pond and will be purchased by the adjoiner to the west, mainly for recreation. This is a seventeen-acre parcel located up Grant Creek. He will sell Tract 1, 5 acres with the structure; then sell Tract 2, the remaining 12 acres, to a neighbor for recreation use. Mr. Dionne has no record of previous exemptions.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify for or against this exemption. As there was no testimony, the hearing was closed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant the Agricultural Exemption requested by Ron Dionne based on the fact that there is no apparent attempt to evade the Montana Subdivision and Platting Act. Motion carried on a vote of 3-0.

JULY 11, 1990 (continued)Resolution No. 90-062

The Commissioners then signed Resolution No. 90-062 granting an Agricultural Exemption to Ron Dionne.

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

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JULY 12, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated July 11, 1990, pages 7-20, with a grand total of \$60,445.02. The Audit List was returned to the Accounting Department.

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JULY 13, 1990

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Stevens was out of the office all day, and Commissioner Evans was out of the office until noon. In the afternoon, Commissioner Evans participated in a presentation held on the Courthouse steps by the Chamber's Centennial Committee to the Gazebo Project.

*Fern Hart by Wendy Ross Cromwell*      *Janet Stevens*  
Fern Hart, Clerk & Recorder Deputy      Janet Stevens, Chairman

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JULY 16, 1990

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left for Helena at noon to attend a meeting of the MT Tax Reform Coalition.

DAILY ADMINISTRATIVE MEETING

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

Certification of Acceptance

Chairman Stevens signed a Certification of Acceptance for County Maintenance for the Lazy H Trail Road, Road No. 675, located in Section 15, T. 13 N., R. 20 West, a total of .249 miles. The Certification was returned to the Surveyor's Office.

Audit Contracts

Chairman Stevens signed Audit Contracts between Missoula County and Elmore & Associates, P.C. for the audit of fiscal year ended June 30, 1990, for a total contract price of \$47,500; for audits of the two fiscal years ending June 30, 1991, and June 30, 1992, for a total fee of \$45,000 for each year, as per the terms set forth in the contracts. The contracts were forwarded to Don Dooley in the State Department of Commerce, Division of Local Government Services, for signature and further handling.

JULY 16, 1990 (continued)Bond Closing Documents

Chairman Stevens signed the Closing Documents for the RSID No. 436 (improvements to the water system in Lolo) bonds. The documents were returned to General Services for further handling.

Other items included:

The Commissioners appointed Bob Peterson as the first alternate member, and Patricia Rawlings as the second alternate member to serve on the Missoula County Park Board through the first Monday in May, 1991.

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

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JULY 17, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending meetings of the Tax Reform Coalition Policy Committee and Board of Directors.

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing fees and collections made in Missoula County for month ending June 25, 1990.

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for month ending June 29, 1990.

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chairman Stevens signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of providing the services of the USDA's Special Supplemental Food Program for Women, Infants, and Children (WIC) to the residents of Missoula, Mineral, and Ravalli Counties, as per the terms set forth, for the period from July 1, 1990, through June 30, 1991, with the total payments by DHES for all purposes under this Agreement not to exceed \$218,769.00. The Agreement was forwarded to DHES in Helena.

Resolution No. 90-063

Chairman Stevens signed Resolution No. 90-063, a Resolution of Intention to create RSID No. 438 for the purpose of street paving and drainage improvements to Gleason Street, as per the terms set forth, setting the hearing date for August 8, 1990, at 1:30 p.m.

Agreement for Services

The Board of County Commissioners signed an Agreement, dated July 11, 1990, between Missoula County and Jim Meyer for the purpose

JULY 17, 1990 (continued)

of roadside mowing services on County maintained roads in the Seeley-Swan, Miller Creek Road, East Missoula, and Potomac areas, as per the terms set forth, commencing on July 11, 1990, and terminating on November 1, 1990, for a total amount not to exceed \$3,000.00.

Acceptance of Grant Awards

Chairman Stevens signed acceptance of the following grants from the Board of Crime Control, as per the terms and conditions set forth, for the period from July 1, 1990, to June 30, 1991:

- 1) grant no. 9015982, awarded to Missoula County for the anti-drug program, with \$18,000.00 Federal funds, and guaranteed match of \$6,490.00 for a grant total of \$24,490.00; and
- 2) grant no. 9015975, awarded to Missoula County for the victim assistance program, with \$46,000.00 Federal funds, and guaranteed match of \$11,500.00 for a grant total of \$57,500.00.

Quit Claim Deed

Chairman Stevens signed a Quit Claim Deed from Missoula County to Robert W. Parker for redeemed tax deed property described as Amended Lot 19, Lot 19I, Cobban and Dinsmore's Orchard Homes, for the sum of \$10,912.75 together with interest at 8% to date of payment.

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

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JULY 18, 1990

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

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming James L. Harkins as principal for warrant #PO35634, dated March 20, 1990, on the Missoula County High School Payroll Fund in the amount of \$953.10 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #13 (6/10/90 through 6/23/90) with a total Missoula County payroll of \$342,760.14. The Transmittal Sheet was returned to the Auditor's Office.

Fire Service Agreement

The Board of County Commissioners signed an Agreement entered into by the Frenchtown Rural Fire District and Lothrop-Petty Creek Fire District concerning the provisions of fire and emergency medical services by Frenchtown to the area included in Petty Creek, as per the mutual promises and covenants set forth



JULY 18, 1990 (continued)

in the Agreement. The Agreement was returned to Scott Waldron for signatures by the Frenchtown Rural Fire District Board.

Other items included:

The Commissioners approved a request from the Sheriff's Department to purchase eight computers plus stands for the Records and Detective Division at a total cost of approximately \$25,000 using drug forfeiture funds.

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

WEEKLY PUBLIC MEETING

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

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Pat Estill, Sheriff, 2 years; Bob Raffety, Sheriff, 16 years; Doug Chase, Sheriff, 2 years; and Mike Sehestedt, County Attorney, 14 years.

HEARING: VARIANCE REQUEST TO REMOVE FIVE TREES IN BITTERROOT MEADOWS SUBDIVISION

Zoe Mohesky, Office of Community Development, explained that Bitterroot Meadows is a subdivision located on the west side of Highway 93 and south of Mormon Creek Road in Lolo. Larry R. Kolb, Inc., the developer of the subdivision, has requested a variance from the original subdivision approved in 1983. As part of the original subdivision, Mr. Kolb proposed to plant two rows of evergreen trees along the eastern boundary of the subdivision to buffer the subdivision from the impacts of the highway. Two rows of trees were planted as proposed on the eastern edge of the subdivision, which is along Lots 1 and 25. Lot 25 is the subject of this request. Mr. Kolb is requesting a variance so that five of the trees along that lot adjacent to a garage can be removed. The request was prompted by the recent sale of Lot 25 to the Davises who wanted to have access along the eastern edge of their garage to the rear of the lot. Earth and Wood Landscaping pointed out that the trees next to the garage posed a problem to the structure, which was confirmed by Dan Rogers, the City Forester. Both recommended five of the trees adjacent to the garage be removed to avoid any damage to the structure. A letter was received from Kelly M. Wills of Garlington, Lohn and Robinson law firm, which represents the Bitterroot Meadows Homeowners' Association, saying the homeowners are in support of a variance to remove the five trees adjacent to the garage but only those five trees--they don't want to see any additional trees removed as suggested by the City Forester. The Planning Board held a Public Hearing on the request on July 10, 1990. Several people attended in support of the variance, but no one spoke in opposition. The Planning Board unanimously recommended that the variance request be approved subject to one condition: "That the Bitterroot Meadows Homeowners' Association is responsible for removing the trees and replanting them in another location along the eastern boundary of the subdivision or in the common area. Transplanting of these five trees will occur in the Fall of 1990 when the trees have gone dormant."

Janet Stevens opened the Public Hearing and asked if anyone cared to testify. As there was no testimony, the hearing was closed.

JULY 18, 1990 (continued)

Barbara Evans said they saw photographs and it was clear the trees would be too close to the eaves of the garage. She said it makes good sense to allow them to be moved.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant the request for a variance from the original plat of Bitterroot Meadows Subdivision to allow the removal of the five trees on Lot 25, with the condition that the Bitterroot Meadows Homeowners' Association is responsible for removing the trees and replanting them in another location along the eastern boundary of the subdivision or in the common area. Transplanting of these five trees will occur in the Fall of 1990 when the trees have gone dormant. Motion carried on a vote of 3-0.

HEARING: PROPOSED RESIDENTIAL ON-STREET PARKING PERMIT PROGRAM FOR THE MACLAY BRIDGE AREA

Amy O'Herren, Rural Planner, explained that last October the Commissioners received a petition from many of the residents in the MacLay Bridge area stating a lot of the issues and concerns they had in terms of public use in the area. The Commissioners directed her to put together a committee and hopefully come up with solutions that would address some of the issues that were outlined in the petition. The committee was formed and included four residents, the Sheriff, several individuals out of the Sheriff's Department, a member from the Commission, the Surveyor's Office, Justice of the Peace, Attorneys, the Risk Manager, and Youth Court. She said they sat for several months and went through the issues and tried to come up with some reasonable solutions. The main issues that came from those meetings were (1) late night partying; (2) littering and trash; (3) excessive parking on both Edward and North Avenues; and (4) congregating and jumping off the bridge. They then addressed possible solutions. They prioritized the main problems, late night partying being the most disruptive problem. When they looked at the solutions, they tried to break them down into workable solutions. She said it is apparent that there is no one solution, and that the area has been used as a parking/swimming area for many years, so one solution will not address all the situations that are going on out there. They looked at creating an on-street parking program that would begin at 10:00 p.m. and end at 6:00 a.m. The purpose of that time frame was that the residents felt that some of the recreation users such as fishermen should still have access to area. Ten p.m. was when the recreation users left and the more disruptive users started congregating at the bridge. The on-street parking permit was based on the University system. The parking program would encompass the area outlined in the attached map, basically both sides of the bridge. It would primarily encompass Edward, North Avenue, Riverside, and Bitterroot roads. It was felt that the area should be rather large so the parking would not just spread out into the neighborhood and mushroom into a problem for another area. They felt they had encompassed a large enough area to close up any parking for this night-time partying, hopefully accomplishing their goals. The program would be administered out of the Missoula Parking Commission Office, and that is where the parking and guest permits would be available. An annual fee of \$7.00 would be charged, which is per residence, not per vehicle. A guest package of 15 permits is also available to the residents. Thus, it would be possible to identify the legally parked cars as opposed to the night time partiers. Amy thanked Jack Gordon, Dale Dryer, Don St. Peter, and Collin Bangs for their assistance as residents, and Barbara Evans, Doug Chase, and Horace Brown for their contributions to the committee.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify for or against the proposed on-street parking program.

JULY 18, 1990 (continued)

Wesley Smith, 4612 North Avenue West, was against the proposal because he didn't want to pay an additional fee for his rights to be honored.

Don St. Peter, 4605 Bitterroot Drive, supports the parking proposal, stating the increase of patrolling by the Sheriff's Department and this parking program should decrease some of the problems.

Allen Hay, 4603 Edward, supports the parking proposal and read the following letter to the Commissioners, to be included in the public record: "Dear Sirs (sic), I have been a resident of 4603 Edward since September of 1980. In the past ten years, I have had the opportunity to observe numerous incidents of irresponsible, dangerous and illegal activities associated with the "recreationalists" at Maclay Bridge. Hopefully, after regaling you with some of these activities, you will be better able to formulate an opinion as to what you want to do with the area.

"I have observed much heavier use of the bridge area in the past two or three years, both during the day and late at night, especially after 1:00 a.m. when the bars have closed. Typical activities for a hot summer night include the yelling of obscenities, loud radios, speeding vehicles in the neighborhood, shooting off of cherry bomb and M-80 type fireworks, and the breaking of bottles. The following day, the roads immediately adjacent to the bridge are littered with beer cans, cartons, bottles, clothing, disposable diapers, etc. Usually, a resident of the neighborhood takes the responsibility to clean up the litter.

"This behavior is most frequent during Friday and Saturday nights, but is by no means exclusive to those two nights. This year, for instance, I have called the sheriff's office on a Wednesday and Thursday to report a loud party at the bridge.

"I estimate that in the past few years, I have had to make about 6 calls a summer to the police asking them to break up the parties. I have had mixed results with these calls; sometimes an officer responds within ten minutes, other times, nobody bothers to come out. I am under the impression that the county police do not hold this area as high priority on their list of problem areas. However, in discussion with some of the high school students that I teach at Big Sky High School, I have been informed more than once that Maclay Bridge is a veritable drug store for purposes of obtaining illegal drugs and alcohol. Perhaps more attention should be placed on this area if the county is interested in law and order.

"One might think that it would be a simple matter of looking the other way, that "kids will be kids" and nobody is being hurt by their actions. In my opinion, any time a person in his or her home is unable to sleep or carry on normal day-to-day activities because of the irresponsible, rude behavior of others, then it is truly a miscarriage of justice and common decency to allow such behavior to take place, no matter what time of day it occurs. While I applaud the efforts of this board of commissioners for their effort to prohibit parking near the bridge area from 10:00 p.m. to 6:00 a.m., I can only express dismay that the bridge hasn't been totally closed and made an off-limits area on a 24 hour basis. Justification for doing so would include the excess litter, the traffic congestion, danger to users (drownings and spinal/neck injuries) and passers-by, and the lack of enforcement in the area. Parking permits are a noble beginning, but the hazards and behavior of many people at the bridge will eventually require that it be shut down to public use all of the time."

Allen Gleason, 138 River Pines Road, supports the proposed parking but would like it extended from 12:00 noon to 6:00 a.m.

JULY 18, 1990 (continued)

David Fox, 4536 Edward, said he was neutral as he had space for 14 cars in his driveway.

Allen Gleason said 400 cars a day use the bridge, and he would donate \$1,000 to the County to help build a new bridge.

Mr. Phillips said he had just bought lots on the cul-de-sac off Edward. He supports the parking system but is more concerned with the garbage and litter problem. He added that he supported 24-hour no-parking.

Doug Chase, Undersheriff, explained the Sheriff's Department's position in regard to the bridge, citing lack of funds for personnel to patrol the area when more pressing situations arise as the main lack of patrols in the area. He explained that they had received \$2,000 to schedule 2 officers to work the Maclay Bridge area. He said they could alleviate the problems out there with proper enforcement, but that enforcement could not begin until the proper street signs were erected.

Janet Stevens said for that the request from the Sheriff's Office for additional funds is still under consideration and the final decision has not been made on that. She said they will not make that decision until July 31 when they adopt the budget, so there is still that consideration out there. One of the things they are waiting for is a cash balance to find out where they are. Secondly, this is not a new problem. She said it is not something that was created by I-105 or anything else, it's been there for 50 years, as far as she knows. So being short staffed both at this level and at the Sheriff's level has nothing to do with what started that problem, it started a long time ago before some of you (residents) were even out there.

Barbara Evans said that having served on the committee and heard the attitude of the folks who have worked with them on a continuing basis plus the folk that are here, her feeling is that the committee would not change their recommendation or disagree with 3:00 p.m. to 6:00 a.m. In fact, they would probably think 24 hours would be better. She doesn't think there would be any dissent on changing the time.

Don St. Peter said he agreed with Commissioner Evans and that the choice of 10:00 p.m. was to agree with the resources available for the late night parties. He said they would not find any objection to extending that to 3:00 p.m.

Wesley Smith agreed with the time change to 3:00 p.m. and said that with the passing of this resolution, the new signs in place, and the patrolling and issuing of tickets by the Sheriff's Department, it won't take very long for people to find other places to do their partying.

Ann Mary Dussault said they couldn't restrict use of a public roadway by the public. She asked when the resolution would become effective and when the Parking Commission would be ready to issue permits.

Amy O'Herren said the Parking Commission was ready to issue permits and guest packages.

Horace Brown, County Surveyor, said it would take a maximum of two weeks to make the new signs. He also said he did not support 24-hour parking restrictions because that would turn the area streets into private roads. He said he would support the 3:00 p.m. to 6:00 a.m. time frame.

JULY 18, 1990 (continued)

Diane Conner, Deputy County Attorney, said the Commissioners could stipulate any time for the resolution to take effect. If there is a conflict with statutes in doing so, the Commissioners could come back next week with an action to conform with the statutes.

There being no further testimony, the Public Hearing was closed.

Ann Mary Dussault moved and Barbara Evans seconded the motion to adopt a Resolution creating a residential on-street parking permit regulation program in the Maclay Bridge area as presented with the following amendments: that references to specific times be amended to read 3:00 p.m. to 6:00 a.m., and that the Resolution be effective two weeks from this date contingent upon final approval of that action by the County Attorney's office. Motion carried on a vote of 3-0.

CONSIDERATION OF ERICA'S LAND SUMMARY PLAT

Barb Martens, Office of Community Development, explained that this is the Amended Plat of Diamond "L" Bar Lakeshore Tracts, Lot 2, and consists of 2 lots and contains .78 acre and is located on the northeast shore of Lindbergh Lake. The staff is recommending approval of the summary plat of Erica's Land subject to six conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. A building restriction line shall be shown on the face of the plat fifty feet (50') back from the high water line.

This fifty foot setback for any residences including a deck was selected because it allows for a clearing of the vegetation to approximately a distance of 30 feet around the house for fire and safety purposes and also allows a twenty foot area from the high water line to maintain some of the existing vegetation on the shore line. There was one question that Gilbert Larson, the developer's representative, brought up in that they are proposing a pump house approximately twenty-five feet back from the high water line. She talked to Dan Corti at the Health Department and there is no adverse effects expected from an environmental standpoint on having the pump house in this location and there is no reason for this to be prohibited in the fifty foot setback. She suggested that condition #2 be revised to read "A building restriction line for the residences including decks shall be shown on the face of the plat fifty feet (50') back from the high water line."

3. Where roads or driveways cross property outside of this subdivision, easements shall be obtained.
4. The developer shall be required to remove the remains of the on-site building, which was destroyed by fire, prior to any construction.
5. The developer shall be required to develop covenants for this subdivision that are designed to preserve the environmental, ecological and aesthetic style and values of the property and shall be subject to the approval of the Board of County Commissioners.

Barb said there has been a recommendation to amend this condition and the developer is aware of this. The addition would be inserted after "Board of County Commissioners" and would read: "NOTE: It is not the function or responsibility of Missoula County to enforce covenants. Private landowner restrictive covenants are enforced by the landowner or homeowner themselves and not by the County of Missoula." Barb said she recommends this being inserted at the end of condition #5. This condition

JULY 18, 1990 (continued)

is suggested to address the issues regarding development that occurs adjacent to lakeshore property and also to address some of the concerns and issues that were brought up by the Department of Fish, Wildlife and Parks and Rural Planning. Her understanding is that the developer has no problem with the proposed set of covenants.

6. A drainfield easement shall be provided on the adjacent lot directly to the east of the proposed subdivision.

Ann Mary Dussault asked why, for aesthetic reasons, they don't want houses in the fifty-foot easement, but would allow a pump house.

Barb Martens said the pump house is a much smaller structure. The developer is willing to put the pump house in similar material to what the houses have, which will be of natural colors. Also, you can have a boat house along lake shores, and this would not have enough of an impact to prohibit it. The major concern was to not have someone putting a house or their deck hanging out over the lake, which would visually impact the rest of the people on the lake. She said the reason they have the fifty-foot setback and the covenants is to protect not only the developers but also current and future residents who decide to buy a lot on Lindbergh Lake. Part of the problems is that the County does not have lakeshore regulations that boat houses and other things would address.

Ann Mary Dussault said she has a lot of concerns on this, but doesn't feel she should thrust them on this proposal.

Gilbert Larson from Stensatter, Druyvestein & Associates said they concurred with all the conditions that are proposed. With regards to the pump house, there were a couple of special conditions with it - one is that the two residences will share a common water system, so they tried to position the pump house on a common easement between the two lots so both homeowners would have access to it. The Health Department will require filtering and chlorination and that's where part of the problem came in. They need 80' in length for the chlorination contact chamber in order to satisfy them. That's why they tried to allow some room to put that in. They've provided that information on the supplemental data sheet. They have tried to minimize the impact by hiding that as much as they can with a rock wall and the architect designing both the homes has agreed to hide this pump house as much as possible. It will be small, being only 8' x 10', and it won't be very noticeable from the lake. At 25' there will be some vegetation and screening as well. They would just like to address the dwelling units with the 50' requirement, so a boat house and this pump house could be constructed, but it is the developer's intent to not have a visual impact on the lake. Gilbert said there were covenants with the original Diamond "L" Bar Lakeshore Tracts, but they were never filed, therefore they are not binding. The developer is aware of them and does concur with them and will incorporate those same types of conditions into the binding covenants that will be filed with this subdivision. He said they also received a sample copy of covenants that were used on a similar development on Placid Lake that were recommend to them. They do concur with the intent and wording found in those covenants.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the summary plat of Erica's Land, the Amended Plat of Diamond "L" Bar Lakeshore Tracts, Lot 2 based on the findings of fact contained in the staff report and subject to the following six (6) conditions, with Conditions #2 and #5 revised as recommended, finding it in the public interest to do so: (1)

JULY 18, 1990 (continued)

Sanitary restrictions shall be lifted by State and local health authorities. (2) A building restriction line for the residences including decks shall be shown on the face of the plat fifty feet (50') back from the high water line. (3) Where roads or driveways cross property outside of this subdivision, easements shall be obtained. (4) The developer shall be required to remove the remains of the on-site building, which was destroyed by fire, prior to any construction. (5) The developer shall be required to develop covenants for this subdivision that are designed to preserve the environmental, ecological and aesthetic style and values of the property and shall be subject to the approval of the Board of County Commissioners. NOTE: It is not the function or responsibility of Missoula County to enforce covenants. Private landowner restrictive covenants are enforced by the landowners or homeowners themselves through civil process and not by the County of Missoula. Motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:50 p.m.

Conservation District Tour

Following the pubic meeting, the Commissioners participated in a tour sponsored by the Missoula County Conservation District of three irrigation diversion sites in conjunction with the District's application to DNRC for a Water Development Grant to study alternative irrigation diversions on dynamic river systems.

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JULY 19, 1990

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

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Kathleen Nerison as principal for warrant #5124, dated March 9, 1990, on the Missoula Area Special Education Cooperative Fund in the amount of \$1,352.55 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Larson Computer Consulting, an independent contractor, for the purpose of installing Word Perfect in the network system for Nursing and WIC in the Health Department, as per the terms set forth, commencing July 6, 1990, and to be completed by August 15, 1990, for a total payment not to exceed \$625.00.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Thomas L. Payne, an independent contractor, for maintenance of the Art Museum grounds, as per the terms set forth, commencing July 1, 1990, and concluding June 30, 1991, for a total amount not to exceed \$2,500.00.

JULY 19, 1990 (continued)Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Kathryn Kress, an independent contractor, for the purpose of general cleaning services and occasional exhibition installation and deinstallation assistance in the Art Museum, as per the terms set forth, commencing July 1, 1990, and concluding June 30, 1991, for a total amount not to exceed \$5,200.00.

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

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JULY 20, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated July 19, 1990, pages 7-18, with a grand total of \$48,666.98. The Audit List was returned to the Accounting Department.

Fern Hart by Wendy Ross Cromwell Janet Stevens  
 Fern Hart, Clerk & Recorder Deputy Janet Stevens, Chairman

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JULY 23, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chairman Stevens signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of providing services under the Maternal and Child Health Services Block Grant (MCH), as per the terms set forth, for the period from July 1, 1990, through June 30, 1991, for a total payment to the County by DHES of \$60,307.00. The Agreement was forwarded to DHES in Helena.

Professional Service Contracts

The Board of County Commissioners signed Professional Services Contracts in conjunction with the Missoula County Employee Benefits Plan - Vision Care with the following independent contractors to provide vision care for eligible Plan members, as per the terms set forth, effective July 1, 1990, and per the Contractor Fee Schedule attached to the Contracts, which will be reviewed at the end of June, 1991: Dr. L. M. Holt, Dr. Gary Eudaily, Dr. Roy G. Williams, Dr. John Barnett, and Thomas R. Ferguson OD. The contracts were returned to Hal Luttschwager, Risk Manager, for further handling.



JULY 23, 1990 (continued)Agreement

The Board of County Commissioners signed a Large Case Management Agreement between Missoula County and Health Incentives, Inc. for the purpose of providing large case management services on a voluntary basis to employees, retirees and dependents in accordance with the objectives set forth in the Agreement, for the period from September 1, 1990, through August 31, 1991, with Missoula County paying Health Incentives \$65/hour for nursing assessment and large case management, plus actual costs for travel and phone expenses if required.

Road Maintenance Schedule Revision

The Board of County Commissioners signed the 1990 Revision of Road Maintenance Schedule A to the Forest Development Road Cooperative Agreement of March 27, 1963, between Missoula County and the U. S. Forest Service, as per the items set forth. The Revision was forwarded to Bill Stine of the Swan Lake Ranger District in Bigfork, MT for further handling.

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

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JULY 24, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a Contract, dated July 20, 1990, between Missoula County and Sentinel Mechanical, Inc. for construction, installation, and completion of improvements to the Water System at Lolo, Montana, pipeline installation and reservoir site preparation (RSID No. 436), as per the terms set forth, for a total amount of \$54,346.00. The Contract was returned to General Services for further handling.

Contract

The Board of County Commissioners signed a Contract, dated July 20, 1990, between Missoula County and 4G Plumbing & Heating, Inc. for construction, installation, and completion of improvements to the Water System at Lolo, Montana, installation of a bolted steel reservoir (RSID No. 436) as per the terms set forth, for a total amount of \$134,800.00. The Contract was returned to General Services for further handling.

Resolution No. 90-064

The Board of County Commissioners signed Resolution No. 90-064, a Resolution creating a residential on-street parking permit regulation program in the Maclay Bridge area, as per the items set forth, and shall be in full force and effect in Missoula County on August 1, 1990.

Jurisdictional Agreement

The Board of County Commissioners signed a Jurisdictional Agreement granting the Missoula Housing Authority the

JULY 24, 1990 (continued)

Authorization to administer MHA's Section 8 Voucher Program throughout Missoula County to enable their voucher recipients a broader selection of housing within the County. The Agreement was returned to Cecil Barnier, Administrator of the Housing Authority, for further signatures and handling.

Other items included:

The Commissioners approved payment of the MACo dues for 1991, but did not approve the additional amount for the WIR (Western Interstate Region) dues.

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

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JULY 25, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated July 24, 1990, pages 7-31, with a grand total of \$79,426.02. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Terrie Sonju, an independent contractor, for the purpose of performing secretarial, clerical, and administrative duties required by the Seeley Lake Refuse Disposal District, as per the items and terms set forth, at an hourly pay of \$8.00 per hour. The contract was forwarded to Terrie Sonju for signature.

Professional Services Contracts

The Board of County Commissioners signed Professional Services Contracts with the following independent contractors for the purpose of providing professional nursing services as required to persons incarcerated in the Missoula County Jail, as per the terms set forth, for the period from July 1, 1990, through June 30, 1991, for payment not to exceed \$12.50 per hour (two hour minimum) or time and one-half for a second visit or legal holiday when requested: Mary E. Clover, Dianne Gitlin, Phillip H. Simon, and Christine S. Lyons.

Quit Claim Deed

Chairman Stevens signed a Quit Claim Deed from Missoula County to Robert W. Parker for the redemption of tax deed property described as Amended Lot 19, 19H, Cobban Dinsmore's Orchard Homes, for the sum of \$8,554.43 together with interest at 8% to date of payment.

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

JULY 25, 1990 (continued)WEEKLY PUBLIC MEETING

The meeting was called to order by Chairman Janet Stevens at 1:30 p.m. Also in attendance were Commissioners Ann Mary Dussault and Barbara Evans.

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Mike Sehestedt, County Attorney, 14 years; Alane Stickney, Printing, 4 years; Chuck Wright, Surveyor, 16 years; Don Bohne, Road, 18 years; Paula Stinger, Justice Court, 8 years; Geraldine Caluori, Treasurer, 13 years; George Denman, Road, 18 years; and Roxie Anderson, Health, 10 years. Roxie Anderson is retiring on August 10, and the Commissioners presented her with a 10-year pin and a special framed poster of Missoula by Monte Dolack.

CONSIDERATION OF PLACID LAKE, EAST SHORE TRACTS, PHASE I AND II, SUMMARY PLATS

Barb Martens, Office of Community Development, explained that what is being proposed are two summary plats each being two lots in size. There's one existing lot with a cabin on it that separates the two proposed subdivisions. Phase I consists of two lots on 2.02 acres, each lot being 1.01 acres in size. Phase II consists of two lots on 2.32 acres. The subdivision is located on the east shore of Placid Lake. Phase I is located west of the proposed Phase II with that one lot separation, and both phases are located to the west of Placid Lake campground. Barb said they received one letter of opposition to the proposed development late yesterday afternoon, which she wanted read into the record: "Dear Ms. Martens,

"I would like to address the issue regarding the notice posted on the Placid Lake road re: subdivision of lots.

"I would like to go on record opposing any more land development on Placid Lake.

"My father built our cabin in 1922 and we have seen many changes and have never been against growth, but with the growing number of cabins comes some major environmental problems.

"The garbage will become a problem as the landfill becomes overused. The noise and environmental pollution from the boats, jet skis, etc., will increase and diminish the beauty of the Lake and not help land values. There also have been some studies showing that human impact on land may have an immediate effect on climate.

"I would like to see no additional cabins built until a study can be conducted to show the environmental impact on the Lake and surrounding area." (Signed) Mary Mulligan, 3044 So. Teller, Denver, CO 80227.

The staff is recommending approval of both summary plats, subject to the same three conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The developer shall incorporate the following revisions to covenants: Article II, Section 9. Garbage and rubbish storage. Delete the last two sentences and add a new sentence. Section 9 shall now read "No lot shall be used or maintained as a dumping ground for garbage or rubbish. All garbage and rubbish shall be stored indoors or in bear-proof containers." Section 12. Animals and Pets. Add a sentence at the end, "Dogs shall not be allowed to roam off owner's property. Pet food shall not be allowed outside and shall be stored inside."

In addition, the following new sections were recommended: Section 14. Future landowners should be encouraged to engage in continual beautification of their homes be

JULY 25, 1990 (continued)

removing or concealing junk cars, equipment and buildings, as well as litter and noxious weeds. Section 15. Homeowners should be advised not to plant flowers, ornamental shrubs or gardens without fencing them to prevent damage caused by feeding deer and bear. Section 16. Potential perch/nesting trees (i.e. large ponderosa pine, larch and cottonwood) for bald eagles and other raptors should be protected. These were added per the recommendation of the Rural Planning Office.

3. Approach permits shall be granted by the County Surveyor for driveways accessing onto North Placid Lake Road.

Going back to the second condition, the developer has expressed some concerns in regard to condition #2, those being that restrictive covenants are meant mainly as rules that you should or should not do certain things. She discussed this with him and they came up with a possible alternative condition. They would keep Sections 9 and 12 the same, but would delete Sections 14, 15 and 16, which are advisory or suggestions, from the covenants. Mr. Ainsworth has indicated that he would be willing to provide the Seeley Lake Comprehensive Plan to any lot purchasers within the development, which brings up the issues and suggestions stated in Amy O'Herren's letter. Barb said they are also suggesting that Amy O'Herren's letter also be given to lot purchasers. This is a possible alternative to what was proposed in the staff report.

Dick Ainsworth, representing Placid Lake Properties and also one of the partners, said that one of his concerns is getting timely responses from the agencies that are asked to review it. In this particular case he got the response from Amy regarding the things proposed for inclusion in the covenants two or three days after the ten day review period. And so when he submitted it, he didn't have an opportunity to respond to those things. He said he read the letter as being comments that the Rural Planning Office was making; after some additional conversations with Amy, Barb felt that some of those should be included in the covenants, even though Amy's letter didn't suggest that, and he didn't know that was even a thought until Barb called him Friday afternoon. So here he is at the last minutes trying to take care of these responses that should have been taken care of some time ago. And it isn't just Rural Planning, it's other offices and sometimes they don't respond at all. When they respond late it present a problem for people working on project such as this. In regard to the conditions recommended: he doesn't have a problem with Number 1, sanitary restrictions; and he doesn't have a problem with Number 3, approach permits. There is an existing driveway to one of the lots now, and he realizes that he would have to get approach permits through Horace's office. So his comments relate to Condition 2, which are revisions of the covenants. As Barb indicated, they have a problem with putting things in covenants that they don't feel are appropriate. He said they wrestled with putting covenants on these lots at all. The only lots on Placid Lake that presently have covenants is their subdivision on the south shore of the lake. This development is surrounded by development, none of which has any restrictions at all--no set backs, and you can do anything you want with the lot other than have a commercial use, which is prohibited by Zoning District 8. He said they felt strongly that they should have covenants and so they took their covenants off the south shore virtually intact except for the language dealing with the homeowner's association that doesn't relate to these, and proposed them for these lots. He spent a lot of time working on those covenants and feels they are pretty comprehensive. He said the Board needs to keep in perspective the scale of this development. They're taking two lots and making four out of them, for a next gain of two lots. Again, the adjoiners have no restrictions whatsoever. He said that a lot of things that Amy

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suggested and pointed out are good for people to aware of, but they're informative and suggestive types of things as opposed to restrictive types of things that belong in restrictive covenants. He said he doesn't think the types of things outlined in her letter belong in covenants. He also doesn't think he should be required to put things in the covenants that are not reasonable or practical. Bear proof garbage containers is one issue that concerns him. He called Max Bauer at BFI and asked what a bear proof garbage container would be. Max said there is no such thing, as far as he knew, for a single family residence. Dick said it seems unreasonable to require it if you can't get one, or get one at some reasonable price. In regard to the condition that talks about dogs should not be able to roam off the owner's property: are you imposing a four lot leash law? Missoula County has no leash law, Placid Lake has no leash law, but these four people will have a leash law. He doesn't think that's reasonable. He said their covenants address cats and dogs, saying the owners should keep them in check and not let them harass the neighbors or wildlife. He feels that they've addressed that issue and doesn't think it's fair to require that. He suggested to Barb the idea of providing the Comprehensive Plan to the owners. He said they give all of their lot buyers a manual, which goes through everything you ought to know about your lot and about Placid Lake. He proposed to Barb that in the back of this they include the Seeley Lake Comprehensive Plan. That takes care of informing the people about the things that Amy suggested in her letter. He suggests that's sufficient and they don't need to amend their covenants as proposed, even by the amended suggestion of Barb. In essence, he said he would like the Board to delete Condition #2 with the exception of including the Comprehensive Plan in the lot owner's manual, and they don't have to require that because they would do that, anyway.

Amy O'Herren, Rural Planner, said that one of the things they need to look at as they get future development is that, when development took place in 1987, such as the original Placid Lake Subdivision, there was certain criteria and information they had at that time. As development continues in these areas, there is new information that comes up, especially after coordinating with different agencies. She said she thinks it's important that they continue to bring up the new information so that they continue to address the new issues and problems that may or may not occur. One of the most common things she's hearing about is the potentially serious problem, in terms of co-existence and interaction, between residents in developments and wildlife. In the particular instances of the Swan and Seeley Lake area, the Fish, Wildlife and Parks Department is having to respond to a lot more calls of residential conflicts with bears and mountain lions. She said hopefully we can start addressing some of these issues in a more pro-active than re-active measure. She said some of the conditions that were outlined in her letter were also addressed in the 1989 amendment that was adopted in the Seeley Lake area. At that time the residents also agreed they needed to start working more as co-existing with wildlife in that area. Some of this information was not available in 1987 but is available now, and they need to assess where this fits best in the development. She said there is a definite safety issue, and when we see bears and mountain lions being attracted to residential homes through the garbage or through outside dog or pet foods, the bear may be coming for that food but also might have an interaction with a child, pet, or something else while trying to get to that food source. If there's a way to provide or put it into something that the homeowners' are surely going to get, and if we can find an appropriate place to put this material, that's all she's suggesting.

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Janet Stevens asked Amy if she felt a lot of this was covered in the Comprehensive Plan, and would it make sense to require it to be a part of the packet, as Mr. Ainsworth has suggested.

Amy O'Herren said she hoped the owners would read it and realize that it is an important and valid part of the subdivision and the property they are buying into. They need to pick out the priorities, which she feels are the garbage and pet food storage issues.

Barbara Evans said that when she first started on the Commission, they were told they had nothing to say about the covenants. Now they're being told they not only have something to say about them, but they can tell them what to put in. Which is the status - we either have nothing to say about them or we have everything to say about them.

Mike Sehestedt, Deputy County Attorney, said neither is true. As Commissioners you are reviewing the subdivision against established criteria and ultimately determining whether or not the subdivision's impact on the environment, public services, etc., is or is not in the public interest. To the extent that you find an impact on the environment, specifically environment, that would be undesirable, you can--through covenants or other appropriate measures--mitigate that undesirable impact by requiring a covenant that says, for example, dogs shall not be allowed to roam at large, because you find that the dogs roaming at large can impact on the white tail deer population or other wildlife. In El Mar Estate, for example, where they have restrictive covenants on dogs, probably you couldn't have required that as a condition of plat approval because there isn't the wildlife issue. Where we get involved in requiring covenants is where we find the requirement of the covenant to be necessary to address one of our review criteria. If you were concerned about the impact on schools, you could require a covenant that said no kids. That's unlawful and facetious, but that's an example. One reason for doing it this way is it gives a direct remedy to the people most likely to be impacted directly by roaming dogs. This only comes on as an issue in areas sensitive to wildlife. The remedy is to argue for the restriction; the many different ways you having of getting at the problem, the better off you are. But that really comes down to a decision for this Board.

Dick Ainsworth said that the dog question is already addressed in the covenant. He says he thinks he's covered all of these things fairly well already.

Ann Mary Dussault said that it is her belief that some of these things should actually be a condition of subdivision approval. She said they have not evolved to the point where they have included those things in the subdivision regulations, particularly those things that have an impact on health and safety. In her view those include where garbage is stored and where dog or cat food is located. The problem is that they have not evolved to that point where they have been able to go through a process in order to include those in the subdivision regulations in the part where they talk about impact on wildlife and health and safety. So given that they're trying to address some of these things through covenants, she would suggest as a middle ground that they simply add the language that says "All garbage and rubbish should be stored indoors"; and leaving the part about roaming dogs to the other part of the covenant; and adding "All pet food will be stored inside." It seems to her that they have enough data to know that garbage stored outside or pet food stored outside constitutes a risk.

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Dick Ainsworth said he doesn't want problems with dogs harassing the wildlife or bears harassing the populace. He said he doesn't have any particular problem with what she's suggesting and would go ahead and include the Comp Plan in his packet. The more he can tell them about the area, the better.

Ann Mary Dussault asked if he would put a copy of Amy's letter in the packets, too, so those other issues are also addressed.

Dick Ainsworth asked how many letters needed to be put in there - does he put a letter from the Sheriff and a letter from the Health Department? He said he personally doesn't think those are all appropriate.

Ann Mary Dussault said it's a trade-off between what's in the covenant or whether he puts the letter in.

Dick Ainsworth said he did not want either one.

R. A. Crow, who lives at Placid Lake, said he agreed with Dick in that a leash law on four lots is going to be meaningless. If they could get an overall leash law, he'd be for it. He also asked about the ownership of the lot between the two subdivisions, and limitation on commercial development.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the summary plats of Placid Lake East Shore Tracts, Phases I and II based on the findings of fact and the conditions set out in the staff report with the following amendments: Condition #2, Section 9, delete "or in bear-proof containers" and in Section 12, delete "dogs shall not be allowed to roam off the owner's property" and also include in the owner's packet a copy of the Seeley Lake Comprehensive Plan and a copy of Amy O'Herren's letter. Motion carried on a vote of 3-0.

HEARING: A REZONING REQUEST FROM CHAMPION REALTY FROM C-A1 TO C-A3

Doris Fischer of the Office of Community Development said that Champion Realty Corporation has applied for a rezoning of 60 acres of property out Big Flat Road in south 1/2 of the NW 1/4 of Section 7, T13N, R20W. This property is about one and a half miles west of Kona Bridge. The land is currently zoned C-A1, Open and Resource Land, which allows single family residential development at a density of 1 dwelling unit per 40 acres. The rezoning request would apply C-A3 zoning to this land, which would allow one single family home per five acres. The rezoning request is consistent with the recently adopted Urban Comp Plan Update, which indicates that this area is suited for development at a density of 1 per 5 to 10 acres. The staff report which was prepared in June of this year recommended approval of this rezoning request as long as the applicant petitions to have this property included in the Missoula Rural Fire District, and she understands that the applicant has begun this process, whether or not the rezoning were to go through. At its June meeting, the Missoula Consolidated Planning Board recommended denial of the rezoning request based on adjacent property owner concerns regarding topography, flooding, and the potential for well contamination. Loss of access to Champion Timberlands and U.S. Forest Service lands was also a concern of the Backcountry Horsemen's Association. She said a protest petition has been submitted, signed by 7 of the 12 adjacent property owners. She's also received one letter of support from an adjacent property owner and the contents of the letter were recently reaffirmed to her in a telephone conversation. Champion Realty, in response to the recommendation to deny, hired Sorenson and Company to do a geohydrologic study and boundary survey and topographical

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mapping. This additional data is part of the packet and it appears to indicate that the 55 acres which lie at the toe of the hill immediately to the south of the property is suitable for residential development at a density of one per five acres. She said Nick Kaufman from Sorenson and Company will go into the study in depth. If the rezoning request is approved, the applicant plans to come back very shortly with a subdivision proposal for a 6-lot subdivision for much of the subject property. Review of such a subdivision proposal would enable the specific concerns regarding public access be addressed at that time. The staff of the Office of Community Development feels that the geohydrologic information provided by the applicant is a satisfactory response to the legitimate environmental concerns expressed at the Missoula Consolidated Planning Board meeting. They do recommend approval of 55 instead of the original 60 acres for rezoning with evidence of the Missoula Rural Fire District to be submitted to their office and they have prepared a resolution of intent to rezone.

Ann Mary Dussault asked if the proposed resolution reduced the area from 60 to 55 acres.

Doris Fischer said yes.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify.

Nick Kaufman, a Land Use Planner from Sorenson and Company, said he was appearing today in behalf of Champion Realty. The rezoning, as it was originally proposed and taken to the Planning Board hearing by Frank Williams, did receive a favorable staff report. However, when it got to the Planning Board meeting there were a number of neighborhood concerns brought up. They specifically asked that this meeting be postponed so they could look at those concerns and see if they were indeed valid or if there were extra mitigating things they had to do to address them. Since that time they have done a number of things on that property. In regard to open space, he said he thinks the opposition to the rezoning stems from the fact that the property has traditionally been open space owned by Champion Realty and the public has been able to use it for a variety of things. The least impact on the property has been horseback riding. The Backcountry Horsemen group actually improves trails and takes care of an area and feels a responsibility toward it. Hiking and cross country skiing have certainly made an impact. However, motorcycle racing in that area has created erosion. He showed an aerial photo of the area, and said they are requesting 55 acres on the flat area be rezoned. He said there is drinking on the property as evidenced by beer cans and bottles that litter the sight. He personally did the soil profiles, and the garbage, drinking and motorcycles are a great concern to Champion because the potential for forest fires, the potential of liability. He said they have some conflicting open space uses. He said they have seen the same kind of use on Blue Mountain and in Pattee Canyon but because those are public properties, they have developed management plans; some groups, because of the noise and garbage, are not allowed there anymore. Nick said that in this case, we're talking about private property and so he would like to see the open space aspect preserved for those uses which are low-impact. He said it is hard to separate out how you let a horse through a gate but not a motorcycle, or how you keep people from drinking on property that is open for horses and hikers and skiers. The approximately 25 acres on the hillside will not be developed, and will stay as open space but in private ownership. They talked about allowing an access at the southeast corner of the property. When they subdivide the property and bring in a 5 lot summary subdivision, Champion's intention is for



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approximately 7 home sites on the 55 acres. They have to give 30 feet of right-of-way from the center of that county road, and when they do that they can take that 30 foot right of way straight up the hill to Champion Timberland's property and that allows the Backcountry Horsemen or the recreationists or the adjoining property owners to then negotiate with Champion Timberlands on how they can manage the public use of the Champion Timberland property to the south. Andy Lukes from Champion Timberlands is pretty fed up with the situation and Nick said he is not sure that Champion Timberlands wants an access to their property at this location. That is not a zoning issue and will be addressed in the subdivision process. They surveyed the area and prepared a topographic map and found that there are 55 acres and have subsequently given a legal description to OCD amending their request from 60 to 55 acres. They hired a hydrologist to investigate the concerns raised by the public at the Planning Board meeting. Nick said he dug seven test holes on the site, one at each end, to the depths of 14 and 16 feet, respectively. The hydrologist concludes in his report that there is no geohydrologic reason for not granting the zoning. The depth of ground water on this property is approximately 14 to 16 feet, which is 1 to 2 feet greater than the depths to groundwater on adjoining properties. The hydrologist concludes there will be minimum impact on the groundwater from this subdivision; he notes that the swale at the base of the hill does fill seasonally with storm run-off, but because of the organic and sandy loam soils at the bottom, that is slowly released back through the permeable gravel soils and therefore doesn't hurt the water table, which would cause problems for this particular subdivision. He does state, however, in conformance with the Health Department regulations which require wells up to fifty feet, that in this area since they have a 20-40 foot layer of sands and gravel followed by another 20 feet of rather impermeable silty sands, the wells be drilled to 100 feet in this subdivision. A clay layer that was mentioned by a property owner at the Planning Board meeting, at least to depths of 14 to 16 feet in the holes he dug, does not exist. It's a very gravelly sand all the way down to depths of 14 and 16 feet. The hydrologist concludes that this clay layer at a depth greater than 16 feet will not pose concerns or hazards to adjoining wells because of septic systems on this property. With regard to groundwater, in the seven holes that he investigated, there was no evidence of oxidation or high ground water. Doug Kikkert from the Sanitarian's Office, visited the site with Frank Williams and prepared a memo regarding the fact that they would not be required to monitor ground water on the bench portion of the property. They gave all their information to the staff at OCD and they have not changed their recommendation, they still concur with the recommendation to do the rezoning. Nick said they sent letters to the adjoining property owners informing them they would be doing survey work and hydrogeology work on the property, and also informing them of the County Commissioners hearing, and last week he talked to Mr. Buster Lamoure and asked that he talked to his neighbors and if they would like to have a meeting, they would make themselves available. He hasn't heard back from Mr. Lamoure, but perhaps the best time for that meeting would be prior to the subdivision coming in. He feels they have a good proposal and that they've addressed the concerns of the adjoining property owners. Champion Realty had two options to develop the property in terms of adding density to this site. One is a simple transfer of development rights, which is done quite often in the C-A1 zone, where they preserve sensitive open space and cluster development on the land that is suitable for development. They could have taken 288 acres of Champion Timberland property, put it in open space, and taken those seven development rights and put them on this piece of property. What they chose to do, however, was the second option, which is the zoning change, which includes the

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public. Because of the inclusion of the public in that decision, the concerns came up which had some potential for validity, and allowed them to address those. The question at this point really is not whether the property will be developed, but how it will be developed; and when the subdivision comes through, that can be better addressed with the covenants and the character of that particular subdivision. He said he would like the staff report in its entirety entered into the minutes so that they have the findings of fact on record.

Buster LaMoure said he appreciated the offer of the meeting but was out of town at just got back last night. He said that Alan Brown and Will Bruner wanted to be here and asked him to relay their wishes to have their comments of the June meeting incorporated into this hearing and they will or have furnished the Board with a letter. There is a clay layer in his well at eleven feet, and it's right where his water level is and the man who drilled the well drilled right through the clay layer. He said it is Lake Missoula sediment. His concern is the water quality of the area and whether or not his well is going to be contaminated. He understands there is a hydrologic study and that he was offered the opportunity to view that on Monday or Tuesday of this week, but did not have an opportunity because he was out of town. He said he is a professional geologist and he believes that there is an opportunity, but if they can show him there is not, then he would not be opposed, because he is concerned with the potable, drinking water on his property as well as that of Mr. Dean and Hapland and the Wagon Wheel Trailer Court. Those are the ones he think will be affected if there is an effect. He said he doesn't think any of the other adjoining owners would be affected by any drainage from the sewer systems. There is a lot of wildlife use in the area besides the drinkers, bikers, and so on. There is a lot of deer, he's seen bears in the area right on the flat, and they enjoy watching them. They realize that if the houses are built in there, they won't see as much of that wildlife, as they probably won't come down through that area. He said it is a natural area for the wildlife to come across that property and they cross into Alan Brown's property to get to the water on the river and you can almost any evening go out there and watch the animals crossing that property going to the river to water. The aesthetic quality and visual quality of the area is very important to them, and it improves the value of their properties. He doesn't exactly like to see the old bed springs and keggars that have occurred, but he hasn't seen all that much going on back there. He thinks there's another alternative, and that would be one home per ten acres. The density back there is of more concern to them than anything else.

Wally Dean said he lived right across from the proposed developed and he said Martin Creek runs down through his place. He said it's sunk in about five feet. It's about 300 feet long and 100 feet wide. He said that's the only reason he's concerned about it. That would have an affect on what's coming down Martin Draw.

Dan Sullivan said he is purchasing one of the 40 acres out there. He said he thinks one of the major concerns of the people who live out there is access to the back country. When you put a house in, you're going to have some effect on the wildlife that is presently there. It's the same when those people moved out there. It wasn't one in ten when they moved out and it isn't going to change. He said he has a friend who lives out there with deer all over his place, and he has horses out there, but it's to the point where it doesn't affect them. He said that this spring was probably one of the wettest we've had in some time, and there wasn't any water that ran down the draw. The test that Sorenson did should be clear on that as far as whether it's suitable and whether it's going to bother the water out

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there. Any time that you have an open area like that which you've been able to use free when somebody else can move in, it's going to bother you. I talked to Andy Lukes at Champion Timberlands and he was the one that said it has been abused. You can see it - there's roads and trails all the way through there and it isn't everybody that does it, but it's a few. Andy has wanted to fence it off, but figured that fences would only be torn down along with the signs he's put up in the past, and he doesn't really think that's the issue here. He said we're dealing with private property that was transferred from timberlands to realty and he thinks they should address the issue on whether it is suitable for people to live there and drill wells and whatever it takes, as rest of it doesn't really come into account. It's a matter of ownership of private ground.

Gloria Curdy, representing the Backcountry Horsemen of Missoula, said their concern is access. They understand and empathize with the problem of private ownership but this is the last access to that area on the west side. She said they have cleaned up the trails, hauled cans out, and Andy Lukes' boss Bob Handley and she rode that trail last week on horseback and she showed him the problems and the need for access and she just wanted to express their concern about that problem.

Janet Stevens said that in her testimony to the Planning Board she talked about access to public lands.

Gloria Curdy said there are a lot of Forest Service lands behind with access up through Blue Mountain.

Nick Kaufman said he wanted to briefly address Buster's concerns. He said you can see in the hydrology report the map of the water table surface, and those contours generally move in a westerly direction, not in a northerly direction down toward the river, but with the flow of the river, which is a westerly direction. He then showed a recent aerial photo, showing the Wagon Wheel Trailer Park, and the density units come right behind those homesites. He said he is not arguing whether or not Buster found a clay layer at his well site, but that it doesn't surface on their property. The geologic hydrologist they hired doesn't seem to think it's a problem. There was some concern about the swales and the fact that they've deepened over the years. The hydrologist in his reports talks about it, "Ground water flow paths and sinking soils: several swales have reportedly formed on previously level land just north of the Champion property. A concern has been expressed that a development would exacerbate this situation and possibly these generally north-south surface topographic features could represent particularly open flow paths with concomitant increase chances for contamination of existing wells via sewer percolation posed new housing areas." Apparently this area was leveled for irrigation several years ago and natural surface channels were probably filled with whatever material was handy at the time. Subsequently, the fill material has settled, particularly recreating the original surface topography. Nick said he does not believe that any conceivable combination of housing on the Champion property could effect this phenomenon one way or the other; rather it is most likely on-site irrigation combined with leakage from the nearby Big Flat irrigation ditch that has caused the settling. There is a letter from Kenneth and Rachel Hayes who owned the property to the north which basically states the swale is the same today as it was when they bought the property some 20 years ago.

Barbara Evans said she wanted to enter into the record the testimony of Alan Brown, who called from Great Falls where he is on a union matter and therefore unable to be here. His

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opposition is based on the same things he stated at the Planning Board hearing.

As there was no further testimony, the Public Hearing was closed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt a resolution of intent to rezone 55 acres of Champion Realty land as described in the petition, subject to the condition that the owner petition the Missoula Rural Fire District to include the subject property in the Fire District. Motion carried on a vote of 3-0.

Resolution No. 90-065

The Commissioner then signed Resolution No. 90-065, a Resolution of Intent to Rezone 55 Acres of Land Located in the S1/2, NW 1/4 of Section 7, T13N, R20W, and Legally Described in Attachment A, From "C-A1" (Open and Resource Lands) to "C-A3" (Residential).

There being no further business to come before the Board, the Commissioners were in recess at 2:45 p.m.

HEARING ON FY'91 BUDGET

Chairman Janet Stevens opened the Public Hearing on the proposed Fy'91 budget at 2:30 p.m. Also present were Commissioners Ann Mary Dussault and Barbara Evans; John DeVore, Administrative Officer; Jan Ellis, Fiscal Officer; Horace Brown, County Surveyor; Rachel Vielleux, Superintendent of Schools; Fern Hart, Clerk and Recorder; and Dan Magone, Sheriff. No citizens attended; therefore no testimony was presented.

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JULY 26, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a Department of Commerce meeting.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated July 25, 1990, pages 7-30, with a grand total of \$106,761.53. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a contract between Missoula County and Fred's Towing Service for the removal of sheriff's vehicles, vehicles impounded as evidence, stolen vehicles when the owner cannot be contacted, and vehicles creating a traffic hazard in Missoula County, as per the terms set forth, and shall be in effect until terminated by either party, with Missoula County paying the Contractor for each pickup of a "vehicle" made by the Contractor at the request of the County at the rate established by the Contractor's proposal, provided that Contractor has been unable to obtain payment from the vehicle owner.

JULY 26, 1990 (continued)Agreement

Chairman Stevens signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of assisting Missoula County to conduct its own air pollution control program, as per the terms set forth, to be completed by June 30, 1991, for a total payment by DHES to Missoula County up to a maximum of \$36,710.00. The Agreement was forwarded to DHES in Helena.

Contract

The Board of County Commissioners signed a contract between Missoula County and Fred's Towing Service, the lowest and best bidder for the collection of abandoned vehicles in Missoula County, as per the terms set forth, to be paid at the rate established by the Contractor's proposal, and shall be in effect until terminated by either party. The contract was returned to Centralized Services for further handling.

Other matters included:

The Commissioners awarded the solicitation for fire extinguishers to Montana Safety & Fire Equipment, as per the recommendation of Jim Dopp, Operations Officer.

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

CONTINUATION OF HEARING ON FY'91 BUDGET

Chairman Janet Stevens continued the Public Hearing on the proposed FY'91 budget at 7:15 p.m. at the meeting room at the Public Library. Also present were Commissioners Ann Mary Dussault and Barbara Evans; John DeVore, Administrative Officer; Janet Ellis, Fiscal Officer; Rachel Vielleux, Superintendent of Schools; and Horace Brown, County Surveyor. No citizens attended; therefore, no testimony was presented.

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JULY 27, 1991

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

CONTINUATION OF HEARING ON FY'91 BUDGET

Commissioners Ann Mary Dussault continued the Public Hearing on the proposed FY'91 budget at 9:30 a.m. Also present were Commissioner Barbara Evans; John DeVore, Administrative Officer; Jane Ellis, Fiscal Officer; Horace Brown, County Surveyor; and Dan Magone, Sheriff. Patrick Hayes of Potomac testified in regard to the County Road Department budget. He had no questions on the budget or the mil value, but wanted to see new priorities established in the County Road Department, specifically in the area of dust abatement.

Fern Hart by Wendy Ross Cromwell      Janet Stevens  
Fern Hart, Clerk & Recorder Deputy      Janet Stevens, Chairman

\* \* \* \* \*

JULY 30, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-066

The Board of County Commissioners signed Resolution No. 90-066, a resolution amending Resolution No. 90-065, pertaining to intent to rezone 55 acres of land located in the S 1/2, NW 1/4 of Section 7, T. 13 N., R. 20 W., and legally described in Attachment A to the Resolution, from "C-A1" (open an resource lands) to "C-A3" (residential).

Tri-Party Agreements

The Board of County Commissioners signed Tri-Party Agreements between Missoula County, the State of Montana, acting through its Department of Highways, and Montana Rail Link, Inc., as per the terms set forth in the Agreements, to cover the following signal projects:

- 1) RRP 32(8) Frenchtown - Ducharme Street (Grade Crossing Signals, Gates with Flashing Lights & Related Circuitry) I.D. No. 091 410 X;
- 2) RRP 507-2(1)3 Alberton - 1.3 Mi. E (Grade Crossing Signals, Gates with Flashing Lights & Related Circuitry) I.D. No. 091 416 N;
- 3) RRP 263-1(8)15 Frenchtown - Mullan Road (New Gates) I.D. No. 086 304 E; and
- 4) RRP 32(9) Missoula - Butler Creek Road (Gates with Flashing Lights and Related Circuitry) I.D. No. 104 221 S.

The Agreements were forwarded to the State Department of Highways for signatures and handling.

Other matters included:

The Commissioners discussed the Training Budget Requests that were not initially approved, but merited further consideration, and decided that the Clerk & Recorder conventions would come out of current training dollars; the General Services request will be funded out of bond dollars; and the other requests can be done in-house. The decision was forwarded to the Personnel Department.

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

CONTINUATION OF HEARING ON FY'91 BUDGET

Commissioner Ann Mary Dussault continued the Public Hearing on the proposed FY'91 budget at 10:35 a.m. Also present were Commissioner Barbara Evans; John DeVore, Administrative Officer; Jane Ellis, Fiscal Officer; Horace Brown, County Surveyor; Dan Magone, Sheriff; and Rachel Vielleux, Superintendent of Schools. No citizens attended; therefore, no testimony was presented. Commissioner Dussault then officially closed the Public Hearing

JULY 30, 1990 (continued)

on the proposed FY'91 budget and the Commissioners were in recess at 10:36 a.m.

\* \* \* \* \*

JULY 31, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-067

The Commissioners signed the following Resolution No. 90-067, a resolution adopting a budget for Missoula County for Fiscal Year 1990-1991:

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 1989-1990, as required by law; and

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

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

IT IS HEREBY MOVED, SECONDED, AND CARRIED by this Board of County Commissioners that the resolution be adopted for Fiscal Year 1990-1991, as displayed in Attachments A, and B; and

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

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

WHEREAS, THE DEPARTMENT OF REVENUE has provided the County with a certified value of a mill in each taxing jurisdiction in the County;

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

NOW, THEREFORE, BE IT HEREBY RESOLVED by this Board of County Commissioners that the levies as detailed below be fixed and adopted for Fiscal Year 1990-1991, based on the value of a mill of \$112,420.00 County-wide, and a value of \$61,280.00 outside the city limits of Missoula.

IT IS HEREBY MOVED, SECONDED, AND CARRIED by the Board of County Commissioners "that the resolution be adopted, subject to the foregoing condition," for Fiscal Year 1990-1991 as detailed below:

<u>MISSOULA COUNTY-WIDE FUNDS</u>	<u>MILLS</u>	<u>ATTACHMENT</u>
General Fund	39.86	A and B
Bridge Fund	4.00	
Poor Fund	0.45	
Fair Fund	1.48	
Museum Fund	1.75	
Extension Fund	1.30	

JULY 31, 1990 (continued)

Weed Fund	0.68
Planning Fund	1.60
District Court Fund	7.21
Mental Health Fund	0.29
Developmentally Disabled	0.12
Aging Fund	0.79
Park/Recreation Fund	.98
Risk Management	2.74
Child Daycare	0.23
Special Transportation	0.16
Open Space	0.41
Library	4.37

<u>SUB TOTAL</u>	<u>68.42</u>
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MISSOULA COUNTY-WIDE DEBT SERVICE

RSID Revolving	.50
G O Issue (Computer)	2.28
Library Bond	0.23
Judgement Levy	1.00

<u>SUB-TOTAL</u>	<u>4.01</u>
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<u>TOTAL COUNTY-WIDE &amp; DEBT SERVICE LEVIES</u>	<u>72.43</u>
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Road Fund	13.83
Health Fund	7.30

<u>TOTAL COUNTY-ONLY LEVY</u>	<u>21.13</u>
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DATED this 31 day of July, 1990

Attachments are included on the original resolution filed in the Clerk and Recorder's Office.

Resolution No. 90-068

The Board of County Commissioners signed Resolution No. 90-068, a resolution relating to tax and revenue anticipation note, series 1990; authorizing the issuance and sale thereof to the Board of Investments of the State of Montana, fixing the form and terms thereof and authorizing the execution and delivery of documents related thereto.

Warranty Deed

Chairman Stevens signed a Warranty Deed from Missoula County to Gregory J. and Laurie D. Moore for Lot 21 of Grantland 13, subject to the items set forth on Exhibit A attached to the Deed. The Deed was returned to General Services for further handling.

Endorsement for MEDC

Chairman Stevens signed an Endorsement for the Missoula Economic Development Corporation (MEDC), whereby the Commissioners resolve to endorse the MEDC as the sponsoring organization for Missoula County, which became a Montana Certified Community in 1987, and authorizes it to complete recertification requirements on behalf of the community, as per the items set forth, realizing that failure to comply with recertification requirements established by the Montana Certified Communities Program will result in exclusion from preferential information and referrals from the Montana Department of Commerce. The Endorsement was forwarded to Ron Klaphake at MEDC.



JULY 31, 1990 (continued)

Termination of Agreement

Chairman Stevens signed a Termination of Agreement with regard to the Agreement to Sell and Purchase between Missoula County and Don and Cheryl Agan for the purchase of property in Streamside Court, cancelling and terminating said Agreement and refunding the earnest money in the amount of \$750 deposited with Gillespie Realty to the Agans. The Termination Agreement was returned to Scott Hollenbeck at Gillespie Realty.

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

\* \* \* \* \*

AUGUST 1, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office until noon because of illness; Commissioner Stevens was in the office briefly, but left for Denver, CO in the forenoon to attend a funeral and was out of the office through Friday, August 3rd.

Warranty Deed

Chairman Stevens signed a Warranty Deed from Missoula County to Marie Michelle Westmoreland for Lot 2 of Grantland 13, subject to the items set forth on the attachment to the Deed. The Deed was returned to General Services for further handling.

Quit Claim Deeds

Acting Chairman Dussault signed Quit Claim Deeds from Missoula County to Robert W. Parker for the redemption of the following real estate which had been taken for tax deed:

- 1) Amended Lot 19, Lot 19J, Cobban and Dinsmore's Orchard Homes for the sum of \$8,880.75 together with interest at 8% to date of payment; and
- 2) Amended Lot 19, Lot 19G, Cobban and Dinsmore's Orchard Homes for the sum of \$10,887.90 together with interest at 8% to date of payment.

The Deeds were returned to the Title Company for further handling.

Notice Inviting Proposals

Acting Chairman Dussault signed the Notice Inviting Proposals for RSID No. 437, construction of paved street improvements to St. Francis Drive, setting the bid award for August 29, 1990, at 1:30 p.m. The Notice was returned to General Services for further handling.

Resolution No. 90-069

Acting Chairman Dussault signed Resolution No. 90-069, a resolution of intention to create RSID No. 439 for the purpose of constructing a paved access street on a portion of Elk Ridge Road, as per the terms set forth. The Resolution was returned to General Services for further handling.

Satellite Agreement

The Board of County Commissioners signed an Agreement between the Mineral County Health Department and the Missoula City-County Health Department, whereby the Missoula Department will perform the administrative and supervisory responsibilities for the fiscal management and program operations of the WIC Program in Mineral County, as per the terms set forth, for the period from July 1, 1990, through June 30, 1991.

WEEKLY PUBLIC MEETING

Commissioner Ann Mary Dussault called the meeting to order at 1:35 p.m. Also present was Commissioner Barbara Evans.

EMPLOYEE RECOGNITION

Ann Mary Dussault explained that the Commissioners are giving special mugs to all County employees on the anniversary of their date of hire. This mug is in appreciation of their service to

AUGUST 1, 1990 (continued)

the County. Those employees receiving mugs today are Katherine Good, Sheriff, 12 years; and Mike McLean, Youth Court, 17 years.

BID AWARD: MULTIPLE CHANNEL AUDIO TAPING SYSTEM (GENERAL SERVICES)

Ann Mary Dussault explained that this is a request to award the bid for a multiple channel audio taping system for the 9-1-1 Center. Bids were opened July 30, 1990 at 10:00 a.m. with the following results:

Word Systems, Greeley, CO - \$31,169.00  
Stevens Communications, Chicago, IL - \$27,510.00  
TEAC America, Inc., Montebello, CA - \$23,220.00  
Magnasync Corp., Hollywood, CA - \$17,263.05

Staff recommends awarding the bid to TEAC America, Inc. for \$21,300 - this total representing the system without tapes. This includes a separate playback unit for 120 days of recording. This system uses VHS style cassettes which are smaller and less expensive than the reel to reel tapes. The tape change and tape playback operations are much less complicated on this system than on the reel to reel system. TEAC offers a 5 year guarantee on tape heads as opposed to the three year guarantee offered by Magnasync. Our technician feels both systems are mechanically and electronically sound, but believes the TEAC system will be easier to use, will save money in the long run, and will take up less space in the Center. VHS tapes are 1/3 the price of reel to reel tapes. This is within the budgeted amount of \$25,000.

Bob Schieder, General Services, said they wanted to go with TEAC, even though it was not the lowest bid, because their system required cleaning only once a week instead of daily; the specs stated a cassette system was preferred over a reel to reel; and the cost difference in tapes would make it cheaper in the long run. He said we could purchase the tapes from another source. The unit will arrive in three to five weeks.

Mike Sehestedt, Deputy County Attorney, said it was possible to accept the TEAC bid over the Magnasync Corp. bid as the most responsive bidder because the Supreme Court says we can take into account other factors, such as warranty, serviceability, etc.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for the multiple channel audio taping system for the 9-1-1 Center to TEAC America, Inc., in the amount of \$21,300. Motion carried on a vote of 2-0.

BID AWARD: PETTY CREEK BRIDGE - PC-2 SUPERSTRUCTURE (SURVEYOR)

Ann Mary Dussault explained that this is a request to award the bid on the Petty Creek Bridge Superstructure. Bids were opened on July 30, 1990 at 10:00 a.m. with the following results:

Trus Joist Corporation - Bid Bond - \$35,644.00  
Permapost Products - No Bid Bond - \$56,750.00

Staff recommends the award of the bid to Trus Joist Corporation for \$35,644. Delivery date to be after September 24, 1990 in conjunction with abutment construction. Permapost Products was not considered because they had no bid bond. We have \$44,000 budgeted for this item, so it will be within the budget parameter.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for the Petty Creek Bridge PC-2 Superstructure to Trus Joist Corporation in the amount of \$35,644. Motion carried on a vote of 2-0.

AUGUST 1, 1990 (continued)OTHER BUSINESS

Arlene Brown asked if Trail Street was in the Road Department budget for the coming year. She said there hasn't been anything done out there in the past 12 years.

Horace Brown, County Surveyor, said it will be graveled this fall.

There being no further business to come before the Board, the Commissioners were in recess at 1:45 p.m.

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AUGUST 2, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Evans was out of the office all day August 2nd and 3rd because of illness, but was available for signatures as needed.

Monthly Reports

Acting Chairman Dussault examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending July 31, 1990.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated August 2, 1990, pages 8-26, with a grand total of \$58,907.74. The Audit List was returned to the Accounting Department.

\* \* \* \* \*

AUGUST 3, 1990

The Board of County Commissioners did not meet in regular session.

Fern Hart by Wendy Ross Cromwell Janet Stevens  
Fern Hart, Clerk & Recorder Deputy Janet Stevens, Chairman

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AUGUST 6, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheets

The Board of County Commissioners signed the Transmittal Sheets for the following pay periods:

- 1) #14 (6/24/90 through 7/07/90) with a total Missoula County Payroll of \$341,514.32; and
- 2) #15 (7/08/90 through 7/21/90) with a total Missoula County Payroll of \$343,256.36.

The Transmittal Sheets were returned to the Auditor's Office.

AUGUST 6, 1990 (continued)Quarterly Report

Chairman Stevens signed the MCH Block Grant Quarterly Report for the fourth quarter (April-June) for the Missoula City-County Health Department. The report was forwarded to DHES in Helena.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Montana Safety & Fire Equipment for the purpose of performing all service work on all fire extinguishers owned by the County according to the State Uniform Fire Code, as per the terms set forth, with the service work being done between March 1st and May 31st of each year, effective for a period of one year, renewable at the option of the County, and the Contractor will be paid for services actually performed at the accepted price quoted in the solicitation. The Agreement was returned to Centralized Services for further handling.

Memorandum of Understanding

Chairman Stevens signed a Memorandum of Understanding in accordance with the terms of a special Cooperative Field Agreement between the Animal Damage Control program and the Montana Wool Growers Association, whereby Missoula County agrees to allocate \$150.00 for the protection of sheep from destructive animals, as per the terms set forth, for the period from July 1, 1990, through June 30, 1991. The Memorandum of Understanding was forwarded to the USDA Animal and Plant Health Inspection Service in East Helena for further signatures and handling.

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

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AUGUST 7, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement between the City of Missoula and the City-County Health Department and District 11 Human Resources Council, whereby the Health Department and District 11 agree to develop a pilot program to replace high emission wood burning stoves, as per the terms set forth, at a total cost not to exceed \$5,000.00, to be completed by June 30, 1991.

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

\* \* \* \* \*

AUGUST 8, 1990

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

AUGUST 8, 1990 (continued)Audit List

Commissioners Dussault and Evans signed the Audit List, dated August 8, 1990, pages 9-40, with a grand total of \$162,126.58. The Audit List was returned to the Accounting Department.

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of Sheriff Daniel Magone showing the items of fees and other collections on account of civil business in Missoula County for month ending July 31, 1990.

DAILY ADMINISTRATIVE MEETING

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

Notice of Sale of Bonds

Chairman Stevens signed the Notice of Sale of Bonds for RSID No. 437 in a total amount not to exceed \$25,000.00 for construction of a paved access street in the existing St. Francis Drive right-of-way, as per the terms set forth, setting the sale of August 29, 1990, at 1:30 p.m.

Other items included:

- 1) the Commissioners moved Mike Chandler from alternate to regular membership on the Weed Control Board of Supervisors to fill the unexpired term of Tom Maclay through December 31, 1990; and
- 2) the Commissioners approved paying dues as a non-profit organization to the Seeley Lake Chamber for the year.

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

WEEKLY PUBLIC MEETING

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

Employee Recognition

Employees recognized for service to Missoula County were: David Clark, Justice Court, 5 years; Melodee Shay, Sheriff's Office, 6 years; Brenda Vandenberg, District Court, 2 years; and Peggy Asbury, Clerk of Court, 3 years.

Fred Crisp, Project Engineer for Bridges, was presented a certificate of appreciation from the Pre-stressed Concrete Institute for creative design utilizing pre-cast and pre-stressed concrete in the design of the Mountain View Footbridge.

Hearing: Intent to Create RSID No. 438 - Street Paving and Drainage Improvements to Gleason Street

Information provided by Jesse Sattley, Administrative Assistant, indicated that a petition was received with 90% of the freeholders in favor of creating a RSID for paving and drainage improvements to Gleason Street.

John DeVore, Administrative Officer, indicated that all statutory requirements had been satisfied, and no protest letters had been

AUGUST 8, 1990 (continued)

received. He said that the staff recommendation was that RSID #438 be created.

The hearing was opened for public comment.

John Wilson said he had recently bought some property adjoining Gleason Street, and the RSID notices had been mailed prior to his purchase, and he was unaware of what the project entailed and the costs involved. He said that he had originally been quite excited about the street being paved until he realized that he would be paying for it.

John DeVore said that the cost of the project was \$26,000, which meant a charge of \$24.25 per foot of frontage, and the cost would be spread over a period of 15 years. He said the interest rate was unknown until the bonds were sold.

Tom Hanson, representing Professional Consultants, Inc., the engineer for the project, said that no curbs and gutters would be installed, the cost was for the paving only.

John Wilson indicated that he would not protest the RSID, as his neighbors had apparently indicated that they were in favor of the project.

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

Ann Mary Dussault moved and Barbara Evans seconded the motion to crate RSID #438, the paving and drainage improvements to Gleason Street. The motion carried on a vote of 3-0.

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

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AUGUST 9, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition.

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming IBM Corporation as principal for warrant #19781, dated June 29, 1990, on the Missoula County High Schools' fund in the amount of \$87,560.00, now unable to be found.

Agreement

Chairman Stevens signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purposes of establishing a testing, counselling, referral, and partner notification service center to assist in preventing the spread of the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), as well as conducting an AIDS community health education and risk reduction project, as per the terms set forth, to be completed by June 30, 1991, for a total amount paid to the County up to \$24,000.00. The Agreement was forwarded to DHES in Helena.

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AUGUST 10, 1990

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

AUGUST 10, 1990 (continued)Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing fees and collections made in Missoula County for month ending July 25, 1990

Fern Hart by Wendy Ross Cornwall      Janet Stevens  
Fern Hart, Clerk & Recorder Deputy      Janet Stevens, Chairman

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AUGUST 13, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Employment Agreement

The Board of County Commissioners signed a Missoula County Employment Agreement, dated July 16, 1990, between the Missoula County Board of Trustees for Museums and Laura J. Millin, who will serve as the chief administrative and executive officer in charge of the Art Museum and direct and coordinate the programs and activities of the Art Museum, as per the terms and duties set forth, and will receive an annual salary of \$24,000.00.

Contract

The Board of County Commissioners signed a contract dated August 7, 1990, between Missoula County and Trus Joist Corporation, the lowest and best bidder for fabrication and delivery of laterally stressed, laminated veneer lumber tee sections and rail posts, as per the terms set forth, for the Petty Creek Bridge project at a total cost of \$35,644.00. The contract was returned to Centralized Services for further handling.

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

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AUGUST 14, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated August 14, 1990, pages 9-34, with a grand total of \$85,410.34. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chairman Stevens signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for



AUGUST 14, 1990 (continued)

the purpose of inspecting and testing small public water supplies to ensure their safety, as per the mutual covenants and stipulations set forth, for the period from August 1, 1990, through June 30, 1991, for total payments by DHES for all purposes under this Agreement not to exceed \$4,815.00. The Agreement was forwarded to DHES.

Modification of Agreement

Chairman Stevens signed a Modification to the above Agreement between Missoula County and the Montana Department of Health and Environmental Sciences (No. 210027) concerning public water supplies modifying Section I(1)(b) to read as follows:

"(b) During or after each survey, provide the owner, operator, or manager of the system being surveyed with recommendations regarding any deficiencies in sampling, operation and maintenance, or system condition that were found during the inspection; a record of such recommendations must be kept and submitted to DHES, along with the survey, a written notation of the name of the person contacted, any questions that individual had, and, if the person refused to comply with the public water supply rules, a notation of that fact."

The Agreement Modification was forwarded to DHES.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Mary A. Trankel, Ph.D., an independent contractor, for the purpose of various tasks associated with the AIDS IV Drug Outreach Project as specified in DHES Contract No. 300255, as per the terms set forth, for the period from May 15, 1990, through December 15, 1990, for a total amount not to exceed \$1,500.00.

Resolution No. 90-070

The Board of County Commissioners signed Resolution No. 90-070, a resolution abating the 1984 and 1985 taxes on certain improvements on leased land (SUID No. 1936208) as they were erroneously assessed.

Replacement Bonds

Chairman Stevens signed Bond numbers R18 through R42, a total of \$2,250,000.00, for the County of Missoula Hospital Revenue Refunding and Improvement Bond, Series 1978 (Missoula Community Hospital Project); these bonds were exchanged for coupon bonds for the same total denominations and are registered to Cede & Co., for the Depository Trust Company. The Bonds were returned to Sue O'Neil at First Interstate Bank.

Other items included:

- 1) the Commissioners, with Commissioner Evans abstaining, appointed Allan Evans to the Lolo Mosquito Control Board through December 31, 1992;
- 2) the Commissioners appointed Geoffrey Sutton as a regular member of the Museum Board of Trustees to fill the unexpired term of Donna Heilman through June 30, 1991; and
- 3) the Commissioners voted to deny Jim Mickelson's request to abate or reduce either the taxes or the penalty and interest due on his recently acquired Goodan-Keil property.

AUGUST 14, 1990 (continued)

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

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AUGUST 15, 1990

The Board of County Commissioners met in regular session; all three members were present. The Commissioners left for Seeley Lake in the forenoon for a luncheon meeting with members of the Seeley Lake Community Council followed by the regular Weekly Public Meeting, which was held at the Seeley Lake High School Cafeteria.

DAILY ADMINISTRATIVE MEETING

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

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and Watson's Receiving Home for services for victims of abuse and neglect, as per the terms set forth, through June 30, 1991, for a total amount of \$20,000.00, contingent upon the receipt of Montana Board of Crime Control Grant Funds by Missoula County.

Agreement to Sell and Purchase

Chairman Stevens signed an Agreement to Sell and Purchase between Missoula County and Sylvia Van Dinther for Lot 37 of Grantland 13 for a total purchase price of \$23,000.00, as per the terms and special provisions set forth. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Other items included:

The Commissioners appointed Scott Willis as the second alternate member on the Larchmont Golf Course Board of Directors to fill an unexpired term through March 31, 1991.

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

WEEKLY PUBLIC MEETING

The weekly public meeting was held in the High School Cafeteria at Seeley Lake. The meeting was called to order at 1:35 p.m. by Chairman Janet Stevens. Also present were Commissioners Barbara Evans and Ann Mary Dussault. Commissioner Stevens introduced the Commissioners and explained that the purpose of the meeting was to discuss the Seeley Lake Refuse Board proposal to raise fees.

Byrl Thompson, Chairman of the Seeley Lake Refuse Disposal District Board, introduced members of the Board including Kent Brown, Dan Mizner, Sam Moore, and Jean Sticht. He then explained the necessity of re-negotiating the contract with the private refuse dump contractor. The original contract ran from August 1984 to August 1989 and was signed under EPA Title 2, with simpler criteria. The new rules, which are not yet in force, will require a lined disposal area monitored for groundwater pollution. The new agreement, retroactive to September 1989, is for \$34,032 and will last until June 30, 1991, when the new rules will probably go into effect; it will be extendable on a 90-day basis. Upon termination of the contract, the site must be closed within 18 months. Byrl said smaller refuse districts are

AUGUST 15, 1990 (continued)

consolidating to dump at large sites, such as BFI in Missoula. They are not yet negotiating for a transfer site. Mr. Kerry Drew, owner of the present refuse site, will have to be compensated for land costs and monitoring equipment when closing the site at the end of the use period. Byrl said the original estimate of an increase to \$90 per year will now only be \$41 a year to users, beginning November 1. The present cost is \$23 per year.

Chairman Stevens opened the Public Hearing and asked if anyone cared to testify.

Erban Gysler said he had been a member of the Board since 1982. He said the District was created in 1974 because people wanted a local dump, not just a transfer site, because an unattended site would be used by people out of the district. He was also worried about BFI increases in charges. He said a \$90 a year rate would probably result in a lawsuit on the validity of the rates. He also said that many people don't dump that much, some take garbage to Missoula.

Mildred Lux asked where the collection point would be located.

Byrl Thompson said that had not been established yet, but that it would probably be south of town, possibly on state land along the highway somewhere between Seeley Lake and the Placid Lake turnoff. They are trying to find a place away from private land and easily accessible.

Mildred Lux asked if someone would be there to keep the garbage in control.

Byrl Thompson said yes, the site would be manned three days a week from April through September and 2 days a week from October through March. The site would be closed and locked when the attendant was not there.

Mildred Lux asked who would be responsible for the liability at the transfer site, such as in the case where EPA comes in to say there is contamination of the site.

Marnie McClain, Deputy County Attorney, said there is no such insurance in existence, and a lawsuit would determine responsibility.

Byrl Thompson said that this would be a transfer site with sorted piles of recyclables, and no garbage would be left on site.

Mildred Lux asked if the Refuse District would own the land or if it would be transferred to BFI ownership.

Byrl Thompson said ownership would depend on if the property was leased or purchased. It would be subject to state regulations. He said the site would probably be leased, and the \$90 a month charge would also be used to pay for development of the transfer site.

Janet Stevens said the Refuse Board has held four hearings in Seeley Lake on this matter, and no written testimony was received. She said the Commissioners would take written testimony through September 5, 1990, and would make a decision on September 12, 1990. She said if 50% of the affected people wrote in to protest, the Commissioners would hold another hearing. There being no further testimony, the Public Hearing was closed.

There being no further business to come before the Board, the Commissioners were in recess at 2:30 p.m.

AUGUST 16, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending a JTPA Meeting; Commissioner Evans went with the Forest Service Museum Board to Helena for a meeting with Governor Stephens; and Commissioner Stevens attended a Mental Health Board Meeting in the forenoon.

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AUGUST 17, 1990

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Evans was out of the office until noon; and Commissioner Stevens attended a Mental Health Board Meeting and participated in the interviews for the new Mental Health Director all day.

*Fern Hart by Wendy Ross Cromwell*      *Janet Stevens*  
 Fern Hart, Clerk & Recorder Deputy      Janet Stevens, Chairman

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AUGUST 20, 1990

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left on vacation at noon.

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Diane L. Morin, who will provide the services of a Victims' Advocate in the Missoula County Sheriff's Office in conjunction with the Missoula County Victim/Witness Assistance Program, as per the terms set forth, for the period from July 1, 1990, through June 30, 1991, for total compensation not to exceed \$5,247.00.

Memorandums of Agreement

The Board of County Commissioners signed Memorandums of Agreement, dated July 1, 1990, between Missoula County and the following community-based organizations, as per the terms set forth:

- 1) Western Montana Comprehensive Developmental Center, for evaluation and treatment services for children and adults in Missoula County through June 30, 1991, for a total amount of \$12,350.00;
- 2) Missoula Youth Homes, Inc., for short-term crisis intervention for youth at risk in Missoula County through June 30, 1991, for a total amount of \$19,000.00;
- 3) Missoula Food Bank, for food gleaning and redistribution services through June 30, 1991, for a total amount of \$14,250.00;
- 4) Women's Place, for crisis intervention, counseling and advocacy services for victims of battering, sexual assault, rape and other types of domestic violence in Missoula County through June 30, 1991, for a total amount of \$10,000.00, contingent upon receipt of Montana Board of Crime Control Grant Funds by Missoula County;

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- 5) YMCA Battered Women's Shelter, for crisis intervention, shelter and related services for victims of domestic violence in Missoula County through June 30, 1991, for a total amount of \$13,000.00, contingent upon receipt of Montana Board of Crime Control Grant Funds by Missoula County;
- 6) Friends to Youth, for counseling services for victims of incest and their families through June 30, 1991, for a total amount of \$5,000.00, contingent upon receipt of Montana Board of Crime Control Grant Funds by Missoula County;
- 7) Missoula Child and Family Resource Council, for program coordination, advocacy and education services to benefit victims of child abuse and neglect in Missoula County through June 30, 1991, for a total amount of \$5,000.00, contingent upon receipt of Montana Board of Crime Control Grant Funds by Missoula County;
- 8) Child Care Resources (Training and Health), for technical assistance and training to child care providers to better meet the developmental needs of young children; and to protect, promote, maintain and improve the health of children in day care settings in Missoula County through June 30, 1991, for a total amount of \$26,079.00 (\$19,950. for the training portion and \$6,129. for the health care portion);
- 9) Western Montana Regional Community Mental Health Center, for mental health services for Missoula County residents through June 30, 1991, for a total amount of \$35,030.00; and
- 10) Missoula Area Agency on Aging for planning and coordination services of aging programs in Missoula County through June 30, 1991, for a total amount of \$95,500.00.

Declaration of Covenant

The Board of County Commissioners signed acknowledgement of a Declaration of Covenant made by Joseph H. and Amelia M. Miller stating that property described as Tract 42-A on their Certificate of Survey contains less than twenty acres and shall be used exclusively for agricultural purposes and that no building or structure requiring water or sewage facilities will be erected or utilized on said parcel.

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

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AUGUST 21, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was on vacation from August 21st through August 23rd; and Commissioners Evans and Stevens participated in the Western Montana Fair Parade in the forenoon. Commissioner Evans was out of the office all afternoon.

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AUGUST 22, 1990

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

AUGUST 22, 1990 (continued)Audit List

Commissioners Evans and Stevens signed the Audit List dated August 20, 1990, pages 7-36, with a grand total of \$150,428.96. The Audit List was returned to the Accounting Department.

Agreement

The Board of County Commissioners approved an Agreement submitted by Attorney Dennis Lind on behalf of the Grantland-Colorado Gulch Homeowners Association, whereby the County and the Homeowners Association agree as per the items set forth in the Agreement dated August 21, 1990, with respect to additional user hook ups to the delivery system constructed by RSID No. 430 and the allocation of costs to that RSID.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chairman Janet Stevens. Also present was Commissioner Barbara Evans.

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Brad Giffin, Sheriff, 1 year; Karen Rehard, Library, 15 years; Mike Kress, Office of Community Development, 13 years; Linda Barba, Superintendent of Schools, 9 years; Robert Matye, Road, 10 years; Michelle Baker, Health, 7 years; Joan Chaussee, Recording, 11 years; Denise Horning, Superintendent of Schools, 11 years; Marge Robinson, Motor Vehicles, 11 years; Cheryl Schoeneman, Health, 11 years; Yvonne Bradford, Health, 12 years; Julie Toenyes, Health, 10 years; Linda Price, Commissioners, 2 years; and Jan Stensland, Health, 2 years.

BID AWARD - 4-WHEEL DRIVE FRONT-END LOADER (SURVEYOR)

Janet Stevens explained that the bids were opened on August 20, 1990 at 10:00 a.m. with the following results:

Pioneer Equipment & Supply	NO BID
Tri State Equipment, Inc.	NO BID
Western Plains Machinery	NO BID
Adams Tractor Co.	NO BID
Modern Machinery	\$68,803.00
All West Tractor, Inc.	\$72,787.00
Triple W Equipment	1 - \$70,610 (used)
	2 - \$75,961.00
	3 - \$88,289.00
Sahlberg Equipment	NO BID
Great Northern Equipment	\$78,172.00

The lowest bid was \$68,803 by Modern Machinery; however, this machine does not meet the minimum specifications listed in the bid request. The next lowest bid is a used machine and it does not meet the minimum specifications. Therefore, County Surveyor Horace Brown recommends that the bid be awarded to All West Tractor, Inc. for \$72,787.00 as the lowest and best bid that meets the specifications. There is \$85,000 budgeted for this item.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for a 4-wheel drive front-end loader to All West Tractor, Inc. for \$72,787.00 as the lowest and best bid that meets the specifications. Motion carried on a vote of 2-0.

AUGUST 22, 1990 (continued)HEARING: FARM SHED CONSTRUCTION - ZONING DISTRICT #4

The Board of County Commissioners then recessed and the Planning and Zoning Commission convened. Members present included Janet Stevens, Barbara Evans, Fern Hart, and Horace Brown.

Doris Fischer, Office of Community Development, explained that this is a request from Howard and Susan Hickingbotham to construct a storage shed for farm equipment on their 5.73-acre property, located off Arnica Road in Pattee Canyon. The property is part of Citizen-Initiated Zoning District #4. Doris said that in 1980 the applicants sought and received approval from Missoula County to build a single-family home on the subject property. Although the Hickingbothams have not yet proceeded with their home building plans, they may still do so. Their current request for shed construction approval, therefore, must be regarded as a potential second structure on the subject site. Doris said that the subject property is currently in use as a Christmas tree farm. The proposed 16' x 20' shed would be constructed at the southeast end of the applicants' home building site, a level spot which formerly served as a logging truck turnaround area. Access to the site was established after the Pattee Canyon fire in order to harvest burnt timber. OCD staff analysis indicates that the proposed shed does not appear to conflict with the land use regulations outlined in Z.D. #4. These regulations specifically list "the growing and harvesting of timber" as a permitted use. Buildings needed to support "any agricultural, horticultural or stockraising enterprise" are also permitted. Further, given the flat character of the proposed building site, the relatively small character of the proposed structure, and the fact that former logging roads already exist to provide access to the site, the "natural physiography of the area" does not seem to be endangered by the shed construction proposal. Zoning District #4 regulations require that all development requests be reviewed by the Planning Board and the County Planning and Zoning Commission. The Planning Board held a public hearing on the proposal on August 7, 1990. No written or verbal testimony against the building request was received. Local review agencies have identified no problems with the request. Doris said the Planning Board recommends the Staff Report to the County Planning and Zoning Commission. Such recommendation reflects the determination that the proposed shed construction does not appear to conflict with the land use regulations outlined in Z.D. #4. Further, the recommendation includes the suggestion that the County send a written request to Pattee Canyon property owners that they take the initiative in clarifying some of the provisions of Z.D. #4. OCD will offer to draft such a letter on the Commissioner's behalf. They specifically would encourage clarification of two points: (1) the terminology "natural physiography, and (2) perhaps look into whether there may be minor development plans that do not need to come through this public review process and at what point a development proposal might become major enough to require this kind of closer scrutiny.

Janet Stevens opened the public hearing and asked for testimony.

Howard Hickingbotham introduced himself and his wife Sandy and said he was for the proposal, and was available to answer questions.

There being no further testimony, the public hearing was closed.

Fern Hart asked if some spokesperson from Z.D. #4 could attempt to determine what sorts of building plans should be reviewed or do we just simply state that this is something we wish would happen.

AUGUST 22, 1990 (continued)

Doris Fischer said that we should first check with legal counsel to see if it would be possible for a group like the homeowners association to run all Z.D. #4 development proposals through them first and if they're comfortable with a revised process, which would probably require an amendment to the zone chapter itself. Perhaps they could just serve as a sort of architectural review board or some kind of review board at that level to screen out minor building projects, but to pass major ones on to the County for public review. That would involve stating some standards that they would use in determining what constitutes a major development proposal that would require the public review process.

Horace Brown said that he has problems with passing these through homeowners. Somebody in the association who didn't like somebody else, that's the end of it, if they have the power to decide whether or not to accept the plan, whether they bring it before the Zoning Commission or not. He said he doesn't think that should be an option. Every plan should either be brought through the system, or if you're going to come to the determination that it doesn't need to, maybe the BCC should look at it, not the homeowners.

Janet Stevens said she had a problem with having the homeowners association making a determination about zoning compliance. She said if we were talking about something like design review like the Grantland Homeowners are doing, that's different than dealing with the zoning district.

Barbara Evans said that in addition to that they have had concerns over this "natural physiology" terminology for so long, and they have repeatedly asked the homeowners association to initiate amendments or changes to those ordinances, that rule, if they chose to do so. They haven't chosen to submit one single recommendation and she does not wish to continuously say to them, if you want to make some changes, please initiate some changes. Nor does she want to suggest to them that the Board come up with an amendment for them to use, such as we'll use you as a design review. Her feeling is they've had an opportunity to go before the Planning Board, they've had the opportunity to be here, and they certainly haven't been shy in the past. So if they have a problem, it isn't with this one.

Janet Stevens said that this is a result of the last Z.D. #4 issue that came before them, when the Planning Board asked them to do some clarifying on the natural physiography and a couple other issues in that district and they said that since it was a citizen-initiated zone, they (the citizens) should be doing that. We're the ones that directed this comment.

Doris Fischer said that she didn't know if a letter had actually gone to the property owners association, and whether that might trigger a response this time around. She said if the Board is comfortable with the process as it now stands, that's fine.

Fern Hart said that the process as it stands is not cost-effective, as has happened in this instance with the proposed construction of a shed.

Janet Stevens said she had no problem asking them about things like this shed that shouldn't have to go through this process, but not ask them to do the reviewing; ask them if projects like this need to be reviewed at all.

Mike Sehestedt, Deputy County Attorney, said the homeowners like the process just fine and would be here if they disagreed. He said he suspected that if the Board chose to delete or change the



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regulations, they would be here. He said he would like to see an appeal process incorporated in the zoning district, but that would require amendments to the zoning district regulations that would also have to go through a hearing process. This power is vested in this Board.

Janet Stevens said that she had no problem in sending a letter asking them to come up with a proposal or come up with a proposal ourselves for them to look at in regard to some projects, such as the construction of this shed, coming before the Board.

Mike Sehestedt suggested the Board ask the planning staff to compose such a letter.

Fern Hart moved and Horace Brown seconded the motion to accept the request of the Hickingbothams to construct a storage shed in Zoning District #4 based on the findings of fact contained in the staff Report. Motion carried on a vote of 4-0.

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

Barbara Evans moved and Janet Stevens seconded the motion to accept the recommendation of the Planning and Zoning Commission approving the request by the Hickingbothams to build a farm shed in Zoning District #4. Motion carried on a vote of 2-0.

HEARING: INTENT TO CREATE RSID NO. 439 - CONSTRUCTION OF PAVED ACCESS STREET ON A PORTION OF ELK RIDGE ROAD

John DeVore, Administrative Officer, explained that the residents of Elk Ridge Road are requesting the Commissioners to create RSID No. 439 to finance the paving of a portion of Elk Ridge Road. Sixty-one percent of the freeholders involved signed the petition requesting the creation of RSID No. 439. During the protest period, eleven letters were received. Three of the letters, or 23% of the freeholders, were from residents of the proposed District and the remaining eight letters were from residents who reside outside of the District but use Elk Ridge Road to get to their residences. Under the RSID statutes, it requires 51% of those involved in the RSID to protest to stop the RSID. The reasons given for protest range from safety issues (a feeling that gravel is safer than paving because of the grade), that the boundaries should be expanded to include all properties fronting on Elk Ridge Road (so that all residents would have a vote on the project), that paving will destroy the rural nature of the neighborhood, and a concern that some of the lots lack sufficient value to support the added debt. John said that in reviewing the protests, the most legitimate reason is the value argument. Documentation was provided which indicates that a building permit was denied and the property assessments were lowered for this reason. Under the principles governing RSID's, a property must receive a benefit in order to be included. Since the documentation provided makes the benefit questionable, staff is requesting the Board postpone its decision on the creation of the District to provide additional time to review this situation and to verify whether or not there are other lots within the proposed District which are similarly situated.

Gilbert Larson of Stensatter, Druyvestein and Associates said in 1986 they were contacted by some of the residents in the Elk Ridge area about creating an RSID. They put together a package that included improvements on all of Elk Ridge Road and included all lots as a part of the District. The petition was circulated, but they did not receive the necessary amount - at that time 60% - of freeholders' signatures and it was dropped. The main reason given was the safety and the dust problems in existence at that

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time. As they looked into it further, they found that the lower half of Elk Ridge Road was where the majority of the safety concerns existed. It is a County road, but it does receive County maintenance. It is not up to County standards at this time. They continued to get requests from some of the residents to at least improve the lower portion, and in reviewing the first petition found they did have a majority of supporters for that lower portion. In response, they revised the boundaries to include those lots that front the lower portion and also those lots in Georganna Addition that also use the lower portion of Elk Ridge for their primary access. This is the petition before the Board today. He said they are aware of concerns raised and protests. In establishing the boundary of the petition, they eliminated all those lots that would front on to the upper portion of Elk Ridge Road. They felt that it would be possible in the future to bring a second petition before the Board to improve those upper portions of the road, and those lots would be assessed at that time. Those lots included in the lower portion would not be reassessed at that time. They determined where the driveways were, which was the primary access point, and all those that access the lower portion are included in this first petition. There are safety concerns that exist at this time. It is narrow, steep, and difficult for two vehicles to pass. It is about 16' of driveable width, as an average. He said they would widen the street to 22' of pavement with a 2' shoulder. There are no drainage facilities on the road at this time. He said they would put culverts under the road, eliminating the flow across the road. After the road is paved, a coarse rock coating would be placed over the entire road to help with the friction and to help with winter conditions, which would mitigate some of the safety concerns. The road has a southwest exposure and very few trees, which will allow a benefit from solar heat melting, as well as the black top itself. The dust problem on the lower portion would be solved by the paving, as well. It appears the need for guardrails is on the borderline. As improvements are made, there may or may not be a need for them, but they will review with the County Surveyor's Office the need for guardrails on portions of the road. The road has several winding corners coming down, some of which are tipped toward the outside. They would use a super-elevated corner to tip the road to compensate for that curve and keep the vehicles on the road. They feel that the support is there from the residents who use the lower portion for the District to be created. They also feel that an engineered road that is wider and paved, and has modern technologies built into it that are now available, would be much safer than what is there now. It will still be a steep road and not as wide as they would like to see, but much better than what exists now. This is not an RSID that they went looking for - it is an RSID where several residents came to them, recognizing that they had a problem and wanting to get it solved.

Barbara Evans asked Gilbert to address the need for removal of trees.

Gilbert Larson said that there are only 3 trees in question, one deciduous and two larger coniferous trees. These three would need to be looked at and possibly removed.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify in favor of the creation of this RSID.

Mark Fisher, not in proposed District, was in favor because of safety reasons. He said he was not a road builder and had no vested interest in this project, but believed paving was safer than washboard. He also thought a speed limit sign would help. He said the property values would increase as a result of this RSID.

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Otto Klein, in proposed District, was in favor because of safety reasons. He has been forced off the road and has helped other people who have been forced off the road, and seen cars go off the hairpin turn. He felt drainage and washboard were real safety hazards.

Stan Wilson, in proposed District, said he and his wife were concerned about the safety of the road, which is a big issue with them because of their four small children. He sees a serious or even fatal accident in the near future. He also thinks the property values would improve with the creation of the District.

Art Dahlburg, in proposed District, said he moved into the Court two weeks ago and every statement made regarding the safety of the road is valid, and that it was more hazardous than he thought when he purchased the property. He said he strongly recommended the RSID go through.

Kathy Ogren, in proposed District, said she is the mother of four teenagers and is concerned about their safety in winter. She said there is no negative value in paving a road, and even with 4-wheel drive, the road is a hazard to drive. She also suffers from allergies, which are aggravated by the dust. She urges the passing of this RSID for safety reasons.

Sue Klein, in proposed District, said she is in favor of the proposed RSID for safety reasons. The school bus will not go up the road; she has to drive her children to the bottom of the hill to catch the bus, because she will not allow her children to walk the road.

Bob Precht, in proposed District, said he is new in the neighborhood and supports his neighbors, as he is concerned about the safety of the road this winter.

Marilyn Curtis, in proposed District, is in favor of the proposed RSID for safety reasons, as her family has also had close calls on the road, and said they no longer get milk delivery because of the road.

Kim Birck, not in District, said she lives up Grant Creek and since their RSID went through there is better winter maintenance, the visibility has improved because of tree removal, the drainage problems are completely gone, and there have been no complaints since the project was done.

As there was no further testimony from proponents, Janet Stevens asked if anyone cared to testify in opposition to the creation of this RSID.

Andrew McKane, in proposed District, was against the proposed RSID because he thinks it should be discussed by everybody who uses the road for access. He said that speed was the biggest issue and the road should be posted 15 m.p.h. for dust and safety reasons. If driven properly, there would be fewer accidents. He said he is not opposed to improving the road if it is done equitably for cost. He said fairness should not be arbitrary.

Noelle Naiden, in proposed District, said it is a good idea to pave the road, but the proposal is not the best way to go about it, as the upper section should be paved as well, since this is the only access for everyone up there. She said speed is a major concern and that she is not categorically opposed to the proposal, it just needs to be cleaned up.

Walt Graff, not in District, said he lives above on a private road, and that if dust is a problem, the road should be oiled.

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He said everybody on Georganna is for it and willing to pay for it.

Jack Stevenson, not in District, said he would like to see the whole road included in the RSID, as one SID would be cheaper than two or three. He said there are probably quite a few people for it.

David Jacobson, not in District, said that when Georganna Addition was proposed, the Board of County Commissioners said they would address the road prior to approval. He said it would be possible to have a road into that addition without any hill at all. He said the County Road Department does an excellent job on his road, even though it is a secondary road. He is concerned about the safety, and said it is a temptation for teens to speed on a black top road.

Walt Lewis, not in District, said that 22 families use the road as their sole means of access, and feels it should be discussed toward paving the whole road. He thinks the SID should involve all 22 families who are property owners.

Jim Hagemeyer, not in District, said they have an unsafe situation and the road needs to be widened and fixed, but wants the SID to include the whole road. He said the road should be fixed all the way.

Chris Field, not in District, said that black top even with chips would be very slippery under the trees, and they would have to remove a lot of trees for a solar effect. He said the velocity was the most important factor, not limited to just teenagers. He said this could be resolved if people drove more carefully and considerately.

As there was no further testimony, the Public Hearing was closed.

Barbara Evans asked Gilbert Larson to explain the grades on the road and also asked why Georganna Addition was not included in this proposed District.

Gilbert Larson said that Georganna Addition is already paved. He said the beginning is a steep hill. He said he agrees that the entire road needs to be done, but the need is greater on the lower portion. He said in 1986 a petition was circulated to improve the entire Elk Ridge Road. All residents were given an opportunity to participate, but the petition failed as residents in the upper portion were not willing to participate. He said they were willing to create another RSID or enlarge this RSID to include the upper portion. All safety concerns are centered in the lower portion. He said safety concerns raised can be addressed through new and innovative engineering techniques. He again said they did not solicit this job or try to create a project where none existed. They were contacted because of the concerns that were there. They first looked at including all areas of Elk Ridge Road including all lots. They had to decide what was fair. They feel what they have presented is the most fair by including those lots that would directly access onto this portion of the road. Even though some lots have frontage on the lower portion, they are not utilizing that and their primary access is on the upper portion of the road. These residents should be assessed when the remaining portion of Elk Ridge Road is improved. They felt the most fair and equitable way of assessing was by those that benefit through their access. There is a concern regarding Lot 14, and if can be built upon because of drain field problems. With improving technology, however, he doesn't know if it can be ruled out that it can't be built upon

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in the future. If it is determined that it can't be built on in the future, they would entertain removing it from the boundary.

Mike Sehestedt said in regard to RSID assessments, public improvements are put in at the cost of the property owners in the area, because they are a special benefit to the land assessed. The question has been raised if we can appropriately assess a lot which could not be built on. If a lot can't be built on, how would it benefit from the improvement it is being assessed for? He said he needs to do more checking into the validity under any circumstances of the assessment and some engineering questions as to what might be possible on the site. He would like to see the decision postponed one week while he researches these concerns, particularly since there are three lots that have building restrictions of some severity on them, Lots 15, 16 and 17.

Janet Stevens asked John DeVore to clarify the 61% and how he arrived at that.

John DeVore said Commission policy requires 60% of the freeholders to sign a petition saying they would like the Board to consider the creation of an RSID. A freeholder is defined as somebody who has an interest and is listed on a deed. The original submission listed 61% of the freeholders being in favor of the RSID. Last week while doing the record search, they found one property that lists an additional freeholder, who was not listed in the original petition. That additional freeholder then reduced the percentage to 57%. While it was noted that there was an additional freeholder listed in the deed, it was not felt that it would negatively impact the creation of the RSID. 51% is the statutory protest requirement in regard to cost. This doesn't have anything to do with freeholder; it relates back to how many dollars the individual is going to pay as a direct bearing on the level of protest that they have. The 60% was set as a gauge for the Commissioners; there is no legal reason for that 60%, it is simply a policy of the Board's as a way of determining if there is enough interest to proceed with hearings. All the costs are being spread equally. One freeholder owns two lots, so that individual would be assessed twice what everybody else is assessed, so that individual would have more of a say than a person who only has one lot; another owner has three lots, and that individual would be assessed three times the amount, and that individual would have more say if he chose to protest than somebody who only had one lot. All owners were contacted. There were 11 out of 18 voting; by adding the additional freeholder, it was 11 out of 19. Lots 15, 16, and 17 were notified but not objected.

Barbara Evans moved and Janet Stevens seconded the motion to postpone the final action on the creation of RSID No. 439 until next Wednesday, August 29, 1990. Motion carried on a vote of 2-0.

Barbara Evans said that she feels that any SID that is going to be assessed against the people who want it has to benefit those people who want it and therefore it is right that they be assessed. In this case there are many folks who will also benefit from this who are not being assessed. That concerns her, and she doesn't think that's fair. That doesn't mean that if the majority of the people who are in the district want it, and it appears that they do, that she would very definitely not vote for it because she went against what she really believed and did vote for the one in Grant Creek because she felt it was important and the folks who wanted it were willing to pay the additional money; but that the folks who would benefit from it but didn't want to pay didn't have to pay. She feels that it is not right to do that, she thinks that everyone who benefits from it, and it

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appears from the map that everyone who lives up above the entrance to that road will benefit if it is paved, should be assessed. She thinks it can be paved so that it will provide for the safety that those folks are concerned about. It will certainly take care of the majority of the dust, and that is a serious issue. She said the County does not dust palliative any roads because it is throwing money away that they don't have. She feels that the entire road should be done, and there may be enough folks along the entire road that will be willing to support doing this, and from a personal point of view, that is what is fair. That doesn't guarantee that she'll vote that way next week, but that is what she would like to see all of those folks do - re-do the RSID including everyone.

HEARING: COS - USE OF OCCASIONAL SALE - SOUTH WALL BUILDERS

Marnie McClain, Deputy County Attorney, said that this is a request by Southwall Builders for an occasional sale exemption from the Montana Subdivision and Platting Act. Southwall Builders has purchased Tract D of COS 3676 and proposes to construct one and possibly two national demonstration homes with alternative building materials. This tract was created in July 1989 by Ernest Bargmeyer using a family gift exemption. The gifted parcel was then purchased by Southwall Builders. The proposed tracts will be served by community road, sewer and water. She said she does not show any prior use of exemptions.

Nick Kaufman of Sorenson and Company said that the subject property is up on Lincoln Hills east and north of the switchback. It was formerly owned by Mr. Bargmeyer, who subdivided the property and gave a portion of it to Mountain Water Company for their water tank, and Misters Lentz and Logan purchased the southerly parcel. There is an easement across that parcel which will access Mr. Klapwick's property, if he ever builds. However, his property is very steep and it is doubtful if this will happen. What Misters Logan and Lentz wish to do is divide the property along that road easement and build the energy demonstration homes.

Janet Stevens opened the hearing and asked if anyone cared to testify. There being no testimony, the public hearing was closed.

Barbara Evans moved and Janet Stevens seconded the motion to approve the request for an occasional sale exemption by Southwall Builders, as there appears to be no attempt to evade the Montana Subdivision and Platting Act and there is no record of any previous request by the applicant, finding it in the public interest to do so. Motion carried on a vote of 2-0.

HEARING: COS - USE OF OCCASIONAL SALE - GEORGE O. DOHERTY

Marnie McClain explained that this is a request by Mr. Doherty to divide a 25-acre tract in the Big Flat area into one 5-acre parcel and one 20-acre parcel. He then wants to sell the 5-acre parcel to an adjoining landowner. Mr. Doherty has divided other property in the Big Flat area (and other areas) using the occasional sale exemption. Another way that this split could be accomplished would be by way of doing a boundary relocation, but Mr. Doherty's concern is if the buyer of the 5-acre parcel defaulted, what his risk would be and what would happen if he got the parcel back. He feels he would not be able to do anything with it without an occasional sale exemption.

Janet Stevens said if a boundary relocation was done and the purchaser defaulted, the question is what would happen to the property. She said she would rather see a boundary relocation

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because Mr. Doherty has been here many times, and she couldn't vote to approve this.

Frank Williams of Missoula Realty, representing Mr. Doherty, said he wants to do a boundary adjustment. The purchaser of the 5-acre tract would do a contract for deed, and what if there would be a default? He said according to legal opinion, the transfer of the property would not take place when the survey is filed, but when the deed is transferred out of escrow. If she defaulted, he didn't know what would happen to the property.

Janet Stevens said the answer would be a subdivision, which he apparently doesn't care to do. She said they are willing to do the boundary relocation but not willing to do the occasional sale.

Frank Williams asked if he could have a definite answer on what happens if the purchaser defaults.

Janet Stevens said that was something that needed to be worked out in the contract between Mr. Doherty and the purchaser. The purchaser could also subdivide her one acre piece from her purchased 5-acre piece.

Horace Brown, County Surveyor, said that if he sold the 20-acre parcel and it went back to him, it would be a lot, a parcel of land, all by itself. There are several ways he could then go to sell it, not necessarily through an occasional sale. He can sell either piece through a minor subdivision.

Barbara Evans said that the question is if the purchaser of the 5-acre tract defaults and Mr. Doherty gets the piece back, will he be allowed to sell it as an occasional sale without going through subdivision review, and the answer is no. The statutes say we can approve those kinds of things if there is no evidence to suggest that there is an intent to evade the subdivision act. He has a history of not using the subdivision act.

Janet Stevens said that this Board is not giving any advice to take back to Mr. Doherty because they don't have any advice to give him.

Barbara Evans moved and Janet Stevens seconded the motion to deny Mr. Doherty's request for an occasional sale exemption based on the prior occasional sale activity, finding it not in the public interest to do so. Motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 3:45 p.m.

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AUGUST 23 & 24, 1990

The Board of County Commissioners did not meet in regular session; however, Commissioners Evans and Stevens were available at the Fairgrounds both days. Commissioner Dussault was out of the office until noon on the 24th.

Fern Hart by Wendy Ross Cromwell Janet Stevens  
Fern Hart, Clerk & Recorder Deputy Janet Stevens, Chairman

\* \* \* \* \*

AUGUST 27, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #16 (7/22/90 through 8/04/90) with a total Missoula County payroll of \$358,237.51. The Transmittal Sheet was returned to the Auditor's Office.

Master Agreement

The Board of County Commissioners signed a Master Agreement between Missoula County and the International Union of Operating Engineers Local #400, the Butte Teamsters Union Local #2 and, Machinists Local #88 for the purpose of promoting harmonious relations between the employer and the union; the establishment of an equitable and peaceful procedure for the resolution of differences; and the establishment of rates of pay, hours of work, fringe benefits, employee safety and other conditions of employment, as per the Articles set forth, from July 1, 1990, through June 30, 1992. The Agreement was returned to John Pemberton, Personnel Director, for further handling.

Professional Services Contracts

The Board of County Commissioners signed Professional Services Contracts with Gregory G. Zell, Bonnie M. Gunter, and David G. Vainio, of Eyecare in Southgate Mall, for the purpose of providing vision care for eligible members of the Missoula County Employee Benefits Plan, as per the terms set forth, beginning August 1, 1990, with payment for services not to exceed the amounts specified in the Contractor Fee Schedule attached to the Contracts.

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

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AUGUST 28, 1990

The Board of County Commissioners met in regular session; all three members were present. Commissioner Evans left at mid-afternoon for Seeley Lake to attend an Airport Authority Meeting there late in the afternoon.

DAILY ADMINISTRATIVE MEETING

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

Quitclaim Deeds

The Board of County Commissioners signed Quitclaim Deeds from Missoula County to Missoula Valley Building & Development Company for the following tax deed property which has been redeemed:

- 1) Crestview Heights - Phase 1 - Common Area; and
- 2) Crestview Heights - Phase 1 - Private Road.



AUGUST 28, 1990 (continued)Quitclaim Deed

The Board of County Commissioners signed a Quitclaim Deed from Missoula County to Jay Clay Raser, Zane P. Raser, and Janie A. Tripp for the following premises in Missoula County and is being recorded due to an error in the legal description on the Tax Deed recorded in Book 308 micro Page 2002:

SUID #1853205 Tract in NW 1/4 Plat C-7 8-13-19 10.106AC  
Legal also known as: Tract in NW 1/4 Plat C-7 Sec. 8, T. 13  
N., R. 19 W., 10.106AC  
All according to COS 869 less COS 1118 & 1708.

Other items included:

The Commissioners approved \$2,000.00 for contracts in conjunction with the grant application for the Youth Roundtable Group.

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

\* \* \* \* \*

AUGUST 29, 1990

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

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Russell School - John Alonzo, Principal as principal for warrant #502645, dated June 20, 1990, on the Missoula County Fair Fund in the amount of \$75.00 now unable to be found.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated August 29, 1990, pages 7-42, with a grand total of \$963,704.22. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-071

The Board of County Commissioners signed Resolution No. 90-071, a resolution to rezone 55 acres of land located in the S 1/2, NW 1/4 of Section 7, T. 13 N., R. 20 W., legally described in Attachment A attached to the Resolution, from "C-A1" (Open and Resource Lands) to "C-A3" (Residential).

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Sheriff's Department and adopted it as part of the FY'91 budget:

No. 910001, a request to transfer \$1,500 from the Tires account to the Training account (part two of a two-part budget transfer which allowed purchase of extra tires in FY'90 freeing up these funds to transfer to Training for a Negotiations School in the fall of 1990).

AUGUST 29, 1990 (continued)Service Contract

Chairman Stevens signed a Service Contract between the Ravalli County Commissioners and the Missoula County Superintendent of Schools, who will perform the duties required of County Superintendents in Ravalli County for the period from September 15, 1990, to June 30, 1991, as per the terms set forth in the contract, for a total payment by Ravalli County to the Missoula County General Fund of \$2,000 for this contract period. The Contract was returned to Rachel Vielleux, County Superintendent of Schools, for further signatures and handling.

Quit Claim Deed

Chairman Stevens signed a Quit Claim Deed from Missoula County to John Charles Locke for the following real estate in consideration of the sum of \$126.00:

Any and all interest held in Mineral Rights on Tract B-10, COS #3014, located in the S 1/2 of the SE 1/4 of Section 4, T. 15 N., R. 22 W. The Deed was returned to Jim Dopp, Operations Officer, for further handling.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Marcia Howard, Health, 10 years; Colleen Terrazas, Extension, 15 years; Fran Kailey, PBX Operator, 1 year; Doug Burreson, Surveyor, 13 years; Richard Newlon, Sheriff, 2 years; Vaun Stevens, Library, 20 years; and Larry Weatherman, Sheriff, 19 years.

BID AWARD: CONSTRUCTION BIDS FOR RSID NO. 437

John DeVore, Administrative Officer, explained that this is a bid award for construction of RSID No. 437, paved street improvements to St. Francis Drive. Three bids were received:

Jensen Paving	\$25,307.40
Western Materials	\$24,881.00
American Asphalt	\$16,863.82

Staff recommends award of construction bid to American Asphalt as the lowest bid received.

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the construction bid for RSID No. 437, paved street improvements to St. Francis Drive, to American Asphalt in the amount of \$16,863.82 as the lowest and best bid. Motion carried on a vote of 3-0.

BID AWARD: BOND BIDS FOR RSID NO. 437

John DeVore explained that this is a bid award for bonds for RSID No. 437, paved street improvements to St. Francis Drive. Three bond bids were received:

AUGUST 29, 1990 (continued)

	<u>Net Interest Cost</u>
Earl Pruyn	8.27%
Ben Smith	8.37%
Sue Hoell	8.7%

Staff recommends award of bond bid to Earl Pruyn as the lowest bid received.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bond bid for RSID No. 437, paved street improvements to St. Francis Drive, to Earl Pruyn at 8.27% as the lowest bidder. Motion carried on a vote of 3-0.

BID AWARD: RUSSELL STREET UNDERPASS (SURVEYOR)

Janet Stevens explained that this is a bid award on the demolition of a portion of the Old Milwaukee Railroad Overpass, also known as the Russell Street Underpass. The bids were opened August 20, 1990 at 10:00 a.m. with the following result:

Western Materials, Inc.	\$53,495.00
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As only one bid was received and it was above the expected amount of \$35,000, the County Surveyor is requesting that the bid not be awarded and a new proposal be advertised.

Horace Brown, County Surveyor, said that several people will bid on the proposal next time, but that they didn't have time to bid this time because of projects already in progress. He said this project will start next spring, and that the bidding will be more competitive if it is readvertised.

Barbara Evans moved and Ann Mary Dussault seconded the motion to reject the bid received for demolition of the Russell Street Underpass as it was over the amount budgeted, and to readvertise. Motion carried on a vote of 3-0.

DECISION ON INTENT TO CREATE RSID NO. 439 - CONSTRUCTION OF PAVED ACCESS STREET ON A PORTION OF ELK RIDGE ROAD

John DeVore explained that staff had completed research on the question arising at last week's meeting, namely if all lots in the proposed District could be built upon. It was ascertained that Lots 14, 15, 16, and 17 cannot have homes built on them because of the soils, the slope, and the location of an irrigation ditch which does not allow septic systems to be installed. Because of that, they talked to the County Attorney's office in regard to two issues: one, the benefit issue, of whether or not these lots receive the same benefit as the other lots as a result of the paving project; and two, when you have debt service in the neighborhood of \$7700 to \$7900 and you have a lot which has a value of \$2200, the value is not there to support the debt. Therefore, staff recommends that those four lots be excluded from the RSID. Also, at last Wednesday's meeting there was discussion on support for a project which would involve all of Elk Ridge Road rather than just a portion of it. After discussing this issues, and in light of the fact that the County will have to go out and re-notice this RSID because the assessments have dramatically changed for the original participants because of the exclusion of the aforementioned four lots, staff is recommending that the Board consider two options. One would be a resolution of intent to create an RSID to pave all of Elk Ridge Road and notice that for public hearing and assess whether or not there is support for that project from the freeholders which use Elk Ridge Road. And concurrently, also notice of creation of another RSID for paving of just the lower portion of Elk Ridge Road at the revised assessment level. The

AUGUST 29, 1990 (continued)

idea is that if the proposal to pave the entire Elk Ridge Road is rejected by the freeholders within the area, then we could also find out whether or not those folks who originally petitioned the Board to create an RSID to pave the lower portion of Elk Ridge Road would still support the RSID, given the increased cost to them of the project. We would do both of those intentions to create at the same time.

Mike Sehestedt, Deputy County Attorney, said it was legal to do both at the same time. If the RSID petition to do the entire road was successful, the petition to do the lower portion would become moot. You're giving notice of intention to do something, and when the results are in and the protests are recorded, you can decide which way to go.

Barbara Evans said that this doesn't add any additional time to what it would have taken to construct the road, because it wouldn't have been constructed this year, anyway. The project would not have been constructed before this winter sets in, even if the RSID had passed at last Wednesday's meeting. There would not have been time for it.

Janet Stevens said she wanted to reiterate for the audience that the recommendation is that the Commissioners propose two intentions to create RSID's. The first one would encompass all of Elk Ridge Road, including the upper portion; the second would include just that lower portion as it was presented this time, but with the re-spread of those figures because of the exclusion of the four unbuildable lots. If the intent to create the RSID on the entire portion is supported, then the Commissioners would not proceed with the second one. If the RSID for the entire road had sufficient protest, then the Commissioners could still proceed with the second one, barring sufficient protest to kill that, as well.

Dr. McKane asked if the Commissioners have the authority to go ahead with this anyway.

Janet Stevens said the Board can present an intention to create but the District has the right to protest; and if the Board receives 51% or more in protest, they cannot proceed unless the County wants to bear the cost.

Mike Sehestedt said that residents of the upper end and not within the area that was going to be assessed in the original RSID wouldn't be expected to pay for the original RSID, so they won't get notice of it, either. The way the notice works for the intention to create an RSID is that all the property owners of record within the area to be assessed will receive written notice of the intention to create, which gives the detailed maximum amount to be assessed and a general statement of the character of improvements. In addition, it's posted one place within the RSID as well. There is a requirement that everybody to be assessed will receive a notice.

John DeVore said those properties bordering on the lower portion of the road but accessing off the upper portion of the road would not be assessed for the lower portion of the road. Only those properties with driveway access on the lower road would be assessed for the lower portion of the RSID. The people on Elk Ridge Court were initiating the petition, so their access point was not an issue. The access off the court is Elk Ridge Road.

Ann Mary Dussault asked what the time line would be. In regard to a notice of intention to create two RSID's, one notice would go to the upper residents and two notices would go to the lower residents along with a letter explaining what the Commissioners

AUGUST 29, 1990 (continued)

were proposing to do. She asked when it would be reasonable for those folks to see the notice.

John DeVore said that it would be about three weeks to a month from now because the whole road was engineered for paving in 1986 and we need to get some updated figures on the whole road. Once they receive the notice, the clock will start running on the time for protest. The cover letter that will go out will explain the protest period, including when it starts and ends, so people would know how the process works and what procedures they need to follow if they want to register a protest. The time of notice to the time of protest is 15 days. We would have a hearing on the larger project and if that failed, the next week we would have a hearing on the smaller RSID. We are looking at a two-month process.

Dr. McKane asked if the upper portion of Elk Ridge Road would still be maintained by the County if only the lower portion were approved. Horace Brown said yes, the County would still maintain the entire road.

Ann Mary Dussault moved and Barbara Evans seconded the motion to postpone indefinitely the decision on RSID No. 439 and to direct the staff to notice an intention to create two RSID's: the first to include all of Elk Ridge Road, the second to include only the lower portion of Elk Ridge Road--less those lots determined to be unsuitable for building--at a revised assessment level. Motion carried on a vote of 3-0.

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

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AUGUST 30, 1990

The Board of County Commissioners met in regular session; all three members were present in the forenoon. In the morning, the Commissioners attended the Missoula JTPA Alumni Awards Ceremony and Breakfast held at the Holiday Inn. Commissioner Dussault left at noon for Deer Lodge where she attended a BPA Counties Meeting.

DAILY ADMINISTRATIVE MEETING

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

Notice Inviting Proposals

Chairman Stevens signed a Notice Inviting Proposals for RSID No. 438 for the purpose of street paving and drainage improvements to Gleason Street and doing all work as may be necessary in connection with RSID No. 438, as per the items set forth, setting the bid award for September 26, 1990, at 1:30 p.m.

Notice of Sale of Bonds

Chairman Stevens signed the Notice of Sale of Bonds for RSID No. 438 in a total amount not to exceed \$26,000.00 for the purpose of street paving and drainage improvements to Gleason Street, setting the sale date for September 26, 1990, at 1:30 p.m.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and George A. Lake, concerning the payment of

AUGUST 30, 1990 (continued)

delinquent property taxes for 1986 and 1989 on Homevale Lots 4 through 6, Block 22 (SUID No. 0529207), which the Taxpayer wishes to retain and will pay the taxes as per the payment schedule set forth in the Agreement. The Agreement was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Contract for Payment of Belated Taxes

The Board of County Commissioners signed a Contract between Missoula County and Bryce Bondurant for the purpose of paying a belated tax bill for improvements on property described as School Five Acre Tracts, Tract A, Plat B', Lots 23 and 24, Block 18 (SUID No. 1722409), which had been inadvertently not included in the tax bill for the property, and which the Taxpayer has agreed to make payment without interest over a period of time, as per the payment schedule set forth in the Contract. The Contract was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Resolution No. 90-072

The Board of County Commissioners signed Resolution No. 90-072, a resolution setting the sale of a certain tract of land acquired by tax deed on August 24, 1990, for September 12, 1990, at 1:30 p.m., which land is described as Tract in NW 1/4 Plat C-7 Section 8, T. 13 N., R. 19 W., 10.106 acres, and more particularly described in the tax deed filed in the office of the Clerk and Recorder of Missoula County.

Declaration of Covenant

The Board of County Commissioners signed approval of a Declaration of Covenant made by Ron Dionne, owner of a tract of land in the NE 1/4, NW 1/4 of Section 15, T. 14 N., R. 19 W., Missoula County, PMM, and also being a portion of the property shown on deed exhibit No. 1847 filed in Missoula County, stating that the purpose of this division of land is to create a parcel of land to be used exclusively for agricultural purposes and that no structure requiring water or sewage facilities has been or will be erected or utilized on the parcel created; the covenant will run with the land and is revocable only by the governing body and the property owner that the land will remain in agricultural use and is exempt from review as a subdivision.

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

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AUGUST 31, 1990

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition, and Commissioner Evans was out of the office until noon.

Fern Hart by Wendy Ross Crowell      Janet Stevens  
Fern Hart, Clerk & Recorder Deputy      Janet Stevens, Chairman

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SEPTEMBER 3, 1990

The Courthouse was closed for the Labor Day holiday.

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SEPTEMBER 4, 1990

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

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing fees and collections made in Missoula County for month ending August 24, 1990.

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement between the University of Montana and the Reserve Deputy Unit of the Missoula County Sheriff's Department for the purpose of providing law enforcement, crowd control, and general security at University events or events conducted in University facilities, as per the terms set forth, for the period from September 1, 1990, through August 31, 1991, at the rate of \$11.00 per hour for concerts and \$9.00 per hour for all other events.

Resolution No. 90-073

The Board of County Commissioners signed Resolution No. 90-073, a resolution creating RSID No. 438 for the purpose of street paving and drainage improvements to Gleason Street in Missoula County, as per the terms set forth.

Resolution No. 90-074

The Board of County Commissioner signed Resolution No. 90-074, a resolution supporting a local well head protection program.

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

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SEPTEMBER 5, 1990

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Stevens were in Great Falls where they attended an Urban Counties Meeting.

WEEKLY PUBLIC MEETING CANCELED

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

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SEPTEMBER 6, 1990

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

SEPTEMBER 6, 1990 (continued)Audit List

The Board of County Commissioners signed the Audit List dated September 4, 1990, pages 7-31, with a grand total of \$107,253.68. The Audit List was returned to the Accounting Department.

Monthly Report

Chairman Stevens examined, approved and ordered filed the Monthly Reconciliation Reports of Justices of the Peace David K. Clark and Michael D. Morris for month ending August 31, 1990.

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Custodial Cascade Supply Company as principal for warrant #201218, dated April 30, 1990, on the Missoula County Library Fund in the amount of \$16.95 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Notice Inviting Proposals

Chairman Stevens signed a Notice Inviting Proposals for RSID No. 270 for the purpose of water main replacement in Wild Ground Lane and Harmony Circle and doing all work as may be necessary in connection with RSID No. 270, as per the terms set forth, setting the award date for October 3, 1990, at 1:30 p.m.

Other items included:

Board Appointment

The Commissioners appointed Roger E. Bergmeier as an alternate member of the Museum Board of Trustees through June 30, 1992.

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

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SEPTEMBER 7, 1990

The Board of County Commissioners met in regular session; all three members were present in the afternoon. Commissioner Evans was out of the office until noon. In the afternoon, Commissioners Evans and Stevens participated in the opening ceremonies and tour of the new Poverello Center located in the former Wayside Nursing Home location in the Rattlesnake.

Fern Hart by Wendy Ross Crowell      Janet Stevens  
Fern Hart, Clerk & Recorder Deputy      Janet Stevens, Chairman

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SEPTEMBER 10, 1990

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



SEPTEMBER 10, 1990 (continued)

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Steve Niday, an independent contractor, for the purpose of posting notices of pending tax deed issuance for dwellings without a proper mailing address as needed for total compensation not to exceed \$500.00.

Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Professional Consultants, Inc. for engineering services for the street construction and drainage improvements project on Gleason Street (RSID No. 438), as per the terms set forth, for total fees of \$4,000.00. The Agreement was returned to General Services for further handling.

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

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SEPTEMBER 11, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Warranty Deed

The Board of County Commissioners signed a Warranty Deed from Missoula County to Thomas N., Jr. and Sharon A. Threlkeld for the following real estate located in Missoula County in consideration of the sum of \$8,400.00:

A tract of land located in Section 17, T. 15 N., R. 21 W., PMM, being the easterly portion of Parcel 28, Certificate of Survey No. 63 (corrected).

Other items included:

The Commissioners approved the fiscal year 1991 budget for the Seeley Lake Refuse Disposal District as submitted by Byrl Thompson, Chairman of the Refuse Board.

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

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SEPTEMBER 12, 1990

The Board of County Commissioners met in regular session; all three members were present. In the forenoon, the Commissioners attended an I-90 Corridor Meeting held at the University of Montana.

SEPTEMBER 12, 1990 (continued)Audit List

Commissioners Dussault and Stevens signed the Audit List, dated September 12, 1990, pages 7-40, with a grand total of \$920,427.40. The Audit List was returned to the Accounting Department.

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Ken Seiben, Road, 15 years; Roland Wollschlager, Road, 15 years; Jim Carlson, Health, 16 years; John (Ted) McKinney, Road, 22 years; Steve Smith, Surveyor, 2 years; Shirley Gosselin, Justice Court, 13 years; Darr Ghaddar, Library, 7 years; Mark Harris, Sheriff, 4 years; Lonie Parson, Health, 8 years; Judy Johnson, Health, 9 years; Charles McQuire, Sheriff, 6 years; Ed Brannin, Sheriff, 11 years; Larry Jackson, Sheriff, 18 years; Billie Jette, Central Services, 13 years; Chue Vang, General Services, 7 years; Susan Hintz, Sheriff, 14 years; Bob Parcell, Sheriff, 8 years; Greg Burham, Youth Court, 13 years; Barb Martens, Planning, 12 years; and Jacquie Knight, Accounting, 10 years.

BID AWARD - THREE SINGLE AXLE DUMP TRUCKS (SURVEYOR)

Janet Stevens explained that this is a request from the Surveyor's Office for a bid award for three single axle dump trucks. The bids were opened on September 10, 1990 at 10:00 a.m. with the following results:

Grizzly Auto Center - \$125,999.97  
Missoula Truck Sales - (1) 122,683.41  
                                  (2) \$131,914.41  
                                  (3) \$124,726.41  
                                  AM/FM \$190 - Accessories  
                                  AM/Clock \$117 - Accessories  
DeMoris GMC - \$125,601.00  
                                  AM \$126 - Accessories

The three bids from Missoula Truck Sales represent three different models.

Staff recommendation is to award the bid to Missoula Truck Sales for \$122,683.41.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for three single axle dump trucks to Missoula Truck Sales in the amount of \$122,683.41 as the lowest and best bid. Motion carried on a vote of 3-0.

BID AWARD: FUEL FACILITY TANK UPGRADES (SURVEYOR)

Janet Stevens explained that this is a request for a bid award for fuel facility tank upgrades for the Road Department, County Surveyor's Office. Bids were opened August 20, 1990 at 10:00 a.m. with the following results:

Construction Service Company - \$12,380.00  
O & M Equipment - \$17,999.00  
Montana Tank Testing - \$13,385.00

SEPTEMBER 12, 1990 (continued)

Because all of the specifications in the bid are not required because of new regulations that went into effect after the call for bids, staff recommendation is that all bids be rejected so that a new proposal may be written.

Ann Mary Dussault moved and Barbara Evans seconded the motion to reject all bids because of new regulations that have come out since the bids were let, and to write a new proposal for fuel facility tank upgrades. Motion carried on a vote of 3-0.

DECISION ON PROPOSED CHANGES IN FEES FOR THE SEELEY LAKE REFUSE DISPOSAL DISTRICT

Marnie McClain, Deputy County Attorney, explained that the Seeley Lake Refuse Disposal District has proposed a rate increase from its current rate of \$23 per year to \$41 per year. This rate increase has been necessitated in part because the Seeley Lake Refuse Disposal District has determined it is not feasible to continue to operate a landfill in light of proposed EPA regulations affecting landfills. In accordance with the contract entered into with Kerry Drew in August, 1984 for the operation of the current landfill site, compensation retroactive to August 1989 has been negotiated, along with provisions to terminate the contract. Notice has been given in accordance with the applicable statutes and a public hearing was held on August 15, 1990 in Seeley Lake, Montana. A total of three letters of protest against the proposed rate increase have been received and one letter was received protesting the closing of the current landfill site. Since fewer than 50% of the family residential units in the district have protested the fee increase, the Board of County Commissioners does not need to hold further hearings and may adopt the proposed fee or a different fee.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the proposed rate increase to \$41.00 per year for the Seeley Lake Refuse Disposal District because fewer than 50% of the family residential users protested the proposed rate hike and therefore no further hearings will be held. Motion carried on a vote of 3-0.

Ann Mary Dussault thanked Mr. Melvin Kettland for his letter outlining his concerns in regard to the present refuse facility. She said a copy of his letter has been forwarded to the Seeley Lake Refuse District Board Chairman.

HEARING: PROPOSED ANNEXATION TO FRENCHTOWN RURAL FIRE DISTRICT OF JIM HEMSTREET PROPERTY

Janet Stevens explained that a petition has been received by the Clerk and Recorder's Office to annex various parcels of land owned by Nita and Jim Hemstreet and located in Missoula County to the Frenchtown Rural Fire District. The petition for annexation has been checked and verified. The petition contains the signatures of the owners of the privately owned land, so it meets the requirements of 7-33-2125 M.C.A. for annexation of adjacent territory.

The Public Hearing was opened. As there was no testimony, the Public Hearing was then closed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to annex the following property owned by Nita and Jim Hemstreet into the Frenchtown Rural Fire District: Plat C-10, C-9, C-17, C-18, C-15, C-16, C-14, C-13, C-12, C-2, C-11, C-3, C-7, C-4, C-8, C-5, C-6, and C-1 in Section 5, Township 14 North, Range 22 West; Plat C-11, C-12, C-10, C-9, C-8, C-7, C-6, C-5, C-4, C-3, C-2, C-13, C-14, C-15, C-16, and C-17 in Section 33, Township 15 North,

SEPTEMBER 12, 1990 (continued)

Range 22 West; Plat C-5, C-1, C-2, C-3, C-4, C-13, and C-14 in Section 32, Township 15 North, Range 22 West; and Plat B, B-3, and B-4 in Section 8, Township 14 North, Range 22 West. Motion carried on a vote of 3-0.

SALE OF TAX DEED PROPERTY

Fern Hart, County Clerk and Recorder, said she had received notice to pull this piece of property from sale until a hearing on September 24, 1990, as per a court order. Therefore, she is requesting that this item be postponed until after September 24, 1990.

Barbara Evans moved and Ann Mary Dussault seconded the motion to continue the matter of the sale of this tax deed property until after the hearing on September 24, 1990. Motion carried on a vote of 3-0.

HEARING: CERTIFICATE OF SURVEY REVIEW - USE OF AGRICULTURAL EXEMPTION - LAKE

Marnie McClain explained that James and Ona Lake propose to relocate a common boundary located between a tract located at Book 4, Page 1624-1625, and Book 13, Page 142. The parcel would then be sold to an adjoining landowner, Boyd Kessler. Mr. Kessler and the Lakes wish to have an agricultural exemption imposed on the new parcel. A letter from Mr. Kessler states that he wishes to place a storage shed on the property but did not provide any further information about the intended use of the property. This request is for an agricultural exemption only, not for a boundary relocation.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify.

Mr. Kessler said he is buying the property primarily so that nobody else buys it. He said he will put a small shed on it and use it solely for pasture/agricultural purposes.

There being no further testimony, the Public Hearing was closed.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the Agricultural Exemption for James and Ona Lake, finding no attempt to evade the subdivision regulations and that it is in the public interest to do so. Motion carried on a vote of 3-0.

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

\* \* \* \* \*

SEPTEMBER 13, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-075

The Board of County Commissioners signed Resolution No. 90-075, annexing the Jim and Nita Hemstreet property, located in Sections 5, 8, 32, and 33, Townships 14 and 15 N., Range 22 W., into the

SEPTEMBER 13, 1990 (continued)

Frenchtown Rural Fire District and are to be assessed a fire district levy along with other property already a part of said Fire District.

Resolution No. 90-076

The Board of County Commissioners signed Resolution No. 90-076, a resolution approving an increase in the monthly service fee for refuse disposal service in the Seeley Lake Refuse Disposal District from the current rate of \$23.00 per year to \$41.00 per year.

Resolution No. 90-077

The Board of County Commissioners signed Resolution No. 90-077, a budget amendment for FY'91 for the Sheriff's Department - Drug Forfeiture fund, including the following expenditures and revenue, and adopting it as part of the FY'91 budget:

Description of Expenditures	Budget
2345-350-420147-111 Personnel	\$76,891.29
-141 Fringes	21,085.44
-357 Travel	2,021.27
Description of Revenue	Revenue
2345-350-331121 Narcotics Grant '91	\$99,998.00

Contract

The Board of County Commissioners signed a Contract for Personal Services between Missoula County and Intertec-Helena - Keith L. Colbo, President, and Intertec - Robert J. Kelly, President, for the purpose of providing professional assistance to the County Commissioners of Missoula County and its appointed Port Authority Task Force in evaluating the feasibility of establishing a Port Authority in Missoula County, as per the mutual covenants and stipulations set forth, for the period from September 1, 1990, to December 1, 1990, for a total payment of \$15,000.00.

Resolution No. 90-078

RESOLUTION NO. 90-78  
FIXING TAX LEVIES FOR MISSOULA COUNTY  
FOR FISCAL YEAR 1990-1991

WHEREAS, the Board of County Commissioners of Missoula County, Montana, has approved and adopted the budget for Fiscal Year 1989-1990, as required by law; and

WHEREAS, budgets have been received from various taxing entities; and

WHEREAS, hearings have been held in compliance with State law and in reference to the number of mills to be levied; and

WHEREAS, the value of a mill has been determined as \$115,011 County-wide, and a value of \$69,901 outside the City limits, with other values as stated and certified by the Department of Revenue, State of Montana;

NOW, THEREFORE, BE IT HEREBY RESOLVED by this Board of County Commissioners that the Resolution be adopted for Fiscal Year 1990-1991 as moved, seconded and passed by the Board and as detailed below:

SEPTEMBER 13, 1990 (continued)MISSOULA COUNTY-WIDE FUNDSMILLS

General Fund	39.86
Bridge Fund	4.00
Poor Fund	0.45
Fair Fund	1.48
Museum Fund	1.75
Extension Fund	1.30
Weed Fund	0.68
Planning Fund	1.60
District Court Fund	7.21
Mental Health Fund	0.29
Developmentally Disabled	0.12
Aging Fund	0.79
Park/Recreation Fund	.98
Risk Management	2.74
Judgement Levy	1.00
Child Daycare	0.23
Special Transportation	0.16
Open Space	0.41
Library	4.37

MISSOULA COUNTY-WIDE DEBT SERVICE

RSID Revolving	.50
G O Issue (Computer)	2.28
Library Bond	0.23
Judgement Levy	1.00

<u>SUB-TOTAL</u>	<u>4.01</u>
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<u>TOTAL COUNTY-WIDE &amp; DEBT SERVICE LEVIES</u>	<u>72.43</u>
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Road Fund	13.83
Health Fund	7.30

<u>TOTAL COUNTY-ONLY LEVY</u>	21.13
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CITY OF MISSOULA	129.76
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MISSOULA COUNTY SCHOOLS	VARIOUS (SEE ATTACHMENT)
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STATE OF MONTANA	
UNIVERSITY MILLAGE FUND	6.00
STATE ASSUMPTION/COUNTY WELFARE	12.00
STATE SCHOOL FOUNDATION	40.00

SPECIAL FIRE DISTRICTS	
CLINTON RURAL	29.03
MISSOULA RURAL	35.70
ARLEE/JOCKO VALLEY RURAL	10.66
FLORENCE-CARLTON RURAL	16.63
EAST MISSOULA RURAL	12.79
FRENCHTOWN RURAL	6.50
SEELEY LAKE	17.91
PETTY CREEK	32.68

OTHER SPECIAL DISTRICT LEVIES	
SOIL CONSERVATION	1.45
S.O.S. HEALTH CENTER	7.00
CARLTON CEMETERY	1.34
MISSOULA URBAN TRANSIT	9.82
MISSOULA COUNTY AIRPORT	2.00

SEPTEMBER 13, 1990 (continued)

## SPECIAL ASSESSMENT DISTRICTS

LOLO MOSQUITO	VARIOUS (SEE ATTACHMENT)
JOCKO IRRIGATION	VARIOUS (SEE ATTACHMENT)
FRENCHTOWN IRRIGATION	VARIOUS (SEE ATTACHMENT)
MISSOULA IRRIGATION	VARIOUS (SEE ATTACHMENT)
FOREST FIRE PROTECTION ASSOCIATION	VARIOUS (SEE ATTACHMENT)
ELK MEADOWS WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
SEELEY LAKE REFUSE DISTRICT	VARIOUS (SEE ATTACHMENT)
BIG FLAT IRRIGATION	VARIOUS (SEE ATTACHMENT)
LORRAINE SO. WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
CLINTON IRRIGATION	VARIOUS (SEE ATTACHMENT)

## SPECIAL IMPROVEMENT DISTRICTS

VARIOUS (SEE ATTACHMENT)

All of the above attached, approved and ordered entered into the official minutes of the Board of County this 13th day of September, 1990.

The original resolution with signatures and attachments is on file in the Clerk and Records Office.

Agreement for Services

The Board of County Commissioners signed approval of an Agreement for Services between the Seeley Lake Refuse Disposal District and Kerry G. Drew, who agrees to operate and maintain the refuse disposal site at the SW 1/4 NW 1/4 of Section 33, T. 16 N., R. 14 W., PMM, as a Class II refuse disposal site licensed by the Montana Department of Health and Environmental Sciences in accordance with all applicable laws and regulations, as per the terms set forth and for the compensation specified in the Agreement, and shall be in effect through June 30, 1991, and may be continued on a month to month basis for up to 12 months at the sole discretion of the District.

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY 90-91 Budget:

- 1) no. 910002, a request from District Court Dept. #3 to transfer \$500 from the Printing and Litho account to the Copy Costs (\$100), Long Distance Phone (\$100), General Training (\$250), and Laundry (\$50) accounts to appropriate the money added back into the budget (all in one account in the interest of time) to the specific line items requested by the department head;
- 2) no. 910004, a request from the CBO Fund to transfer \$6,579.18 from the 2315-675-410440 (salary and fringe benefits) accounts to the 2315-675-420148 (salary and fringe benefits) accounts for the County portion (as match) of the anti-drug abuse grant;
- 3) no. 910005, a request from the Museum Board to transfer \$1,400.00 from the Termination Reserve account to the Dues (\$300), Common Carrier (\$650), and Meals, Lodging and Incidentals (\$450) accounts as per the memo attached to the original transfer in the budget files; and
- 4) no. 910006, a request from the Commissioners Office to transfer \$831.00 from the regular Commissioners accounts (supplies - \$481; basic phone - \$350) to the grant related Commissioners accounts (supplies - \$481; basic phone - \$350) to transfer from the regular activity to grant related activity as per the memo attached to the original transfer in the budget files.

SEPTEMBER 13, 1990 (continued)

Other items included:

- 1) the Commissioners appointed John M. Hulett as a member of the Lolo Water and Sewer Board (RSID No. 901) through June 30, 1993;
- 2) the Commissioners approved a six-month filing extension for the Rainbow Bend estates, Phase 2 Subdivision, making the new filing deadline May 19, 1991; and
- 3) the Commissioners approved ordering keychains to be given as employee incentives for the upcoming year.

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

\* \* \* \* \*

SEPTEMBER 14, 1990

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

Fern Hart by Wendy Ross Cromwell      Janet Stevens  
 Fern Hart, Clerk & Recorder Deputy      Janet Stevens, Chairman

\* \* \* \* \*

SEPTEMBER 17, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Lewistown attending a MACo Fall Board of Directors Meeting; and Commissioner Evans was on vacation the week of September 17th through the 21st.

\* \* \* \* \*

SEPTEMBER 18, 1990

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Dussault left for Helena late in the forenoon to attend a meeting of the Tax Reform Coalition Executive Committee in the afternoon.

Audit List

Commissioners Dussault and Stevens signed the Audit List dated September 18, 1990, pages 7-37, with a grand total of \$130,621.00. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #17 (8/05/90 through 8/18/90) with a total Missoula County Payroll of \$356,051.23. The Transmittal Sheet was returned to the Auditor's Office.



SEPTEMBER 18, 1990 (continued)Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Seeley-Ovando Swan Health Center, an independent contractor, for the purpose of public health nursing services, as per the terms set forth, for the period from July 1, 1990, through June 30, 1991, for payment not to exceed \$1,000.00.

Contract

Chairman Stevens signed a contract between the Western Montana Comprehensive Development Center and Missoula County for contracted nutritionist services from a registered dietitian, as per the provisions set forth, for the period beginning October 1, 1990, and ending June 30, 1991, for a total payment not to exceed \$403.00. The Contract was returned to the Health Department for further signatures and handling.

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

\* \* \* \* \*

SEPTEMBER 19, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a contract dated September 4, 1990, between Missoula County and American Asphalt, Inc. for the purpose of construction, installation, and completion of RSID No. 437, street improvements to St. Francis Drive, as per the terms set forth, for a total amount of \$16,863.82. The Contract was returned to General Services for further handling.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Charles A. III and Rosanne Barnette of Alberton, MT, whereby the County agrees to remove approximately 100 cubic yards of rip rap slope protection material, at a cost of \$2.25 per cubic yard from the Barnette Pit located in Tract "I" Certificate of Survey No. 113, NW 1/4 of Section 7, T. 14 N., R. 23 W., PMM, Missoula County, as per the terms set forth, for a period of three years. The Agreement was returned to the County Surveyor for further signatures and handling.

Budget Agreement

The Board of County Commissioners signed a Budget Agreement between the Montana State University Extension Service and Missoula County specifying the amounts to be contributed by Missoula County for the support of extension work in agriculture, home economics and related subjects for the period from July 1, 1990, through June 30, 1991. The Agreement was returned to Jerry Marks in the Extension Office.

SEPTEMBER 19, 1990 (continued)Agreement

The Board of County Commissioners signed a Water Connection Agreement between Missoula County, Horizon Development Corporation, and Springfield Landowners' Association in regard to Horizon Development Corporation's request to obtain service from the water supply and storage system constructed by RSID Nos. 395 and 430 to serve its subdivision known as Springfield Addition consisting of seven lots, as per the terms set forth in the Agreement. The Agreement was returned to John DeVore, Administrative Officer, for further signatures and handling.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chairman Janet Stevens. Also present was Commissioner Ann Mary Dussault.

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Rockie Howell, Road, 15 years; Rachel Villeux, Superintendent of Schools, 5 years; Barbara Dunn, Clerk of Court, 10 years; Anne Agner, Health, 1 year; Joe McNeal, Sheriff, 1 year; Steven Peterson, Sheriff, 10 years; Jean Weber, Justice Court, 21 years; Susan Leaphart, District Court, 7 years; Bonnie Leifer, Health, 7 years; Ken Kailey, Road, 18 years; Vicki Lawlor, Motor Vehicles, 2 years; Virginia Schuler, Data Processing, 8 years; and Janice Starr, Sheriff, 6 years.

HEARING - ZONING DISTRICT #4 BUILDING REQUEST - TAWNEY

The Board of County Commissioners recessed and the Planning and Zoning Commission convened. Members present included Horace Brown, Fern Hart, Ann Mary Dussault and Janet Stevens.

Doris Fischer, Office of Community Development, explained that this is a request by David and Jeanette Tawney to enlarge an existing bathroom and construct a deck off the northeast side of their home, located at 3600 Pattee Canyon Road in Citizen-Initiated Zoning District #4. The proposed construction represents a relatively small-scale home improvement and should not adversely affect the natural physiography of the area. The review agencies consulted have identified no problems with the building request, and the Pattee Canyon Landowners Association has indicated its approval of the project. OCD staff finds no conflict between the proposal and the land use regulations outlined in Zoning District #4. The Planning Board held a public hearing on September 4, 1990, and has recommended the Tawney's building request be approved.

Janet Stevens opened the public hearing and asked if anyone cared to testify. As there was no testimony, the public hearing was closed.

Fern Hart moved and Horace Brown seconded the motion to accept the recommendation of the Planning Board for the enlargement of an existing bathroom and construction of a deck at the Tawney residence at 3600 Pattee Canyon Road. Motion carried on a vote of 4-0.

SEPTEMBER 19, 1990 (continued)

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

Ann Mary Dussault moved and Janet Stevens seconded the motion to adopt the recommendation of the Planning and Zoning Commission approving the request to enlarge an existing bathroom and construct a deck at 3600 Pattee Canyon Road. Motion carried on a vote of 2-0.

HEARING: GUSTAFSON ADDITION III - PRELIMINARY PLAT

Barb Martens, Office of Community Development, explained that Gustafson Addition III is a resubdivision of Gustafson Addition II and consists of lot 5 being divided into six lots. The property is located just north of St. Thomas Drive in the Upper Miller Creek area. All the proposed lots are 1/2 acre in size except the proposed lot 5, which is approximately 1 acre in size. The property is zoned C-RR2, which allows a density of two dwellings per acre. The Community Development staff has received one letter in favor of the proposal and four letters and one petition with 42 signatures in opposition to the proposal. She said that when Gustafson Addition II came in, it was a 5-lot subdivision and was approved in 1988. At that time there were some concerns expressed by the Water Quality Bureau in regard to possible ground water contamination in the adjacent Linda Vista area. They were receptive to the concept of a five lot subdivision but they did recommend that future phases be submitted after a central sewer was available. This proposal came in with individual septs proposed, so the staff called Rick Duncan with the State Water Quality Bureau to discuss this. A memo dated August 7th is included in the packet, and discusses some of the issues. They have received the formal application, but have not had a chance to do a thorough review. He did state there was a hydrology study done by Howard Newman, but that it may require further study prior to their approval. He also discussed some possible mitigating issues or ways of dealing with potential problems that might surface. The staff has added the condition "provided that the sanitary restrictions are lifted by state and local health authorities" in regard to their recommendation of approval. At its meeting on September 4, 1990, the Missoula Consolidated Planning Board voted unanimously to recommend approval of the preliminary plat subject to five conditions: (1) Provided sanitary restrictions are lifted by State and local health authorities; (2) All lots shall apply to the County Surveyor's Office for approach permits; (3) All driveways shall be paved a minimum of twenty feet (20') back from the roadway. These driveways shall be provided for at the time the lots are built on or in the covenants for each lot; (4) Grading, drainage, erosion control and street plans shall be approved by the County Surveyor's Office; (5) All property owners within this subdivision shall connect to sewer when available and shall waive their right to protest annexation into the City.

Janet Stevens opened the public hearing and asked if anyone cared to testify in favor of the proposed subdivision.

Chip Johnson of Stensatter, Druyvestein and Associates said he was representing Cliff and Annette Gustafson. He said they concur with the recommendations of the Planning Board. He explained in depth the concerns regarding those people in opposition to this subdivision, specifically the impact on the water quality of the Linda Vista subdivision and ground water movement. He said that Howard Newman was hired to do some hydrogeological work to determine the potential impact of 11 or 12 lots in this area on the groundwater quality in that area,

SEPTEMBER 19, 1990 (continued)

which has been completed and submitted to the local health authorities and the State Health Department on July 7, 1990. This report states that the likelihood of degradation of the groundwater from these drainfields is non-existent. Also, Clark Fork Water has submitted a letter stating there is sufficient water in the area.

Howard Newman, Consulting Hydrologist, explained the results of 2 separate studies he did on the property. His opinion is that the area is very safe and there is no problem; and that if the subdivision is denied, it should be on other reasons than the groundwater.

There being no further testimony in favor of the subdivision, Janet Stevens asked if anyone cared to testify in opposition to this proposed subdivision.

Robert P. McCue, 6190 St. Thomas Drive, read the following letter and asked that it be entered into the public record:

"To the Missoula Board of County Commissioners, regarding Gustaffson (sic) III Subdivision:

"I am here on behalf of those who signed the petition stating they were opposed to the Gustaffson (sic) III subdivision. Many of the people who signed the petition were not able to be here because they could not get the time away from their jobs to attend this meeting.

"I want to make clear that as a group we are NOT opposed to seeing development on the property in question here today. However, we do want to see responsible development that will enhance the area rather than detract from it.

"We feel it is important that the county and state seriously consider the following issues before development of the property begins as proposed by Mr. Gustaffson (sic):

"1. There will be a drainage problem for April Lane. 2. The septic system as proposed does not mention a performance bond being posted by the developer should those new systems fail and contaminate the surrounding area wells. 3. Many of the surrounding neighbors complain about chronic water shortage from the local water company. Has the county really adequately studied this problem or do we have another problem waiting in the wings? 4. There has been a callous disregard by the developer towards the neighborhood concerning this increase in the number of houses proposed. This has created a lot of ill will and distrust toward the developer. 5. The lot lay out is confusing and will propose (sic) a drainage problem in itself. We find it interesting that one of the lots that the developer previously proposed to give to the county for park was rejected by the county planning staff last year. This building lot was deemed unusable for a park but it's now OK for a building lot?

"We would like to see more effort on the part of the developer to be a better neighbor to this neighborhood.

"Sincerely, (signed) Robert P. McCue."

He then gave the Commissioners a picture of the land after a rainfall on August 24, showing water buildup on the surface of the property.

Joan Harris, 6185 St. Thomas Drive, said she was opposed because of the water situation. She said water shortages from Clark Fork Water Company have occurred in the past, and wondered if there would be enough water to handle emergencies.

There being no further testimony, the public hearing was closed.

Ann Mary Dussault asked if Chip Johnson had information regarding the availability or non-availability of water.

SEPTEMBER 19, 1990 (continued)

Chip Johnson said several years ago an engineering firm had done an assessment on the water system and determined that the company would have no problem adding to the system and had sufficient water. There is a pressure adjustment valve on the water line that can be adjusted if more pressure is needed.

Janet Stevens had a question regarding condition #1 of the recommendation.

Barb Martens explained the application process from local to state and the review process each employs. This will include wells and drainfields. If the state determines adverse effect, they will not lift the restrictions and the subdivision cannot be filed. Also, condition #5 has been revised as per the County Attorney's recommendation, and should read: "All property owners within this subdivision shall connect sewer when available and in accordance with any requirements attached thereto."

Ann Mary Dussault asked Horace Brown, County Surveyor, his comments regarding the drainage issue.

Horace Brown, Missoula County Surveyor, said his office doesn't look at the lots themselves, but the road system drainage. He said they are interested in drainage to the road and away from the area, not one specific lot.

Ann Mary Dussault asked Chip Johnson to address future drainage problems.

Chip Johnson said he is required to submit a drainage plan to the county and to the Water Quality Bureau indicating how the drainage will be handled in the entire subdivision, including the lots. He said the soils are very porous and drain very well. Also, design and finish work on homes and landscaping will divert any surface water away from the area.

Janet Stevens said she recalled that in Phase I or II, these lots were already a part of the plat, yet some letters indicate surprise that this has been divided. She said she recalled those lines being on paper from the very beginning.

Barb Martens said that when Phase II came in as a 5-lot subdivision, the developer also supplied a supplemental data sheet which showed Lot 5 with dash lines, indicating a future subdivision, which was also addressed in the staff report for Gustafson II.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve Gustafson Addition III Preliminary Plat based on the findings of fact and the conditions set out in the Planning Board report with the revision of Condition #5 to read: "All property owners within this subdivision shall connect sewer when available and in accordance with any requirements attached thereto." The intent there is to delete the language that says they shall waive their right to protest annexation. Motion carried on a vote of 2-0.

Ann Mary Dussault then made several comments about this subdivision preliminary plat in regard to the attention that will now be given it by State Health and the Water Quality Bureau in regard to the drainage and water issues.

HEARING - PROPOSED ANNEXATION TO SEELEY LAKE RURAL FIRE DISTRICT OF THE LAKE INEZ RECREATIONAL SITES

Janet Stevens explained that a petition has been received by the Clerk and Recorder's Office to annex various parcels of land

SEPTEMBER 19, 1990 (continued)

located in Missoula County to the Seeley Lake Rural Fire District. The petition for annexation has been checked and verified and contains signatures of more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the tax paying freeholders within the area described, so they meet the requirements of 7-33-2125 M.C.A. for annexation of adjacent territory. The description of the area to be annexed is Lake Inez Recreational Sites, located in part of Fractional E 1/2, Sec. 25, Township 18 North, Range 16 West, PMM, Missoula County, Montana.

Janet Stevens opened the Public hearing and asked if anyone cared to testify. As there was no testimony, the public hearing was closed.

Ann Mary Dussault moved and Janet Stevens seconded the motion to annex into the Seeley Lake Fire District that area described as Lake Inez Recreational Sites, located in part of Fractional E 1/2, Sec. 25, Township 18 North, Range 16 West, PMM, Missoula County, Montana. Motion carried on a vote of 2-0.

HEARING - REQUEST TO VACATE PORTION OF OLD O'BRIEN CREEK ROAD (HORSESHOE)

Janet Stevens said a petition has been received to vacate a portion of Old O'Brien Creek Road known as Horseshoe, further described as being located in Sec. 28, Township 13 North, Range 20 West, from northeast corner of the horseshoe to southwest corner and further described in the Road Book of the Missoula County Surveyor as: Map reference #11-Township 13 North, Range 20 West, O'Brien Creek Road, declared public highway 9-24-1901 Comm. Journal Book H page 196, 207, 238, 240, and 268. The reason for this request is that the road is no longer used.

Horace Brown said part of a house is built in the middle of the right-of-way. This is only a piece of the horseshoe, not the entire road, because a portion of this road is the only access to some private property.

Janet Stevens opened the public hearing and asked if anyone cared to testify.

Lee Jensen said he just came to make sure it went smoothly for Mick, and that it looks like there's no reason to say anything.

Michael (Mick) Peterson said he submitted the petition, and was all for it. He said the building is actually a garage.

Janet Stevens explained that she and Horace Brown would go out to view the site during the following week, as per legal requirements, and would do a final action on the vacation request at the next public meeting on Wednesday, September 26, 1990.

There being no further business to come before the Board, the Commissioners were in recess at 2:25 p.m.

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SEPTEMBER 20, 1990

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

Resolution No. 90-079

The Board of County Commissioners signed Resolution No. 90-079, a resolution annexing the following parcels of land into the Seeley

SEPTEMBER 20, 1990 (continued)

Lake Rural Fire District and are to be assessed for said annexation a fire district levy along with other property already a part of said Seeley Lake Rural Fire District:

Lake Inez Recreational Sites, located in part of Fractional E 1/2, Sec. 25, T. 18 N., R. 16 W., PMM, Missoula County, MT.

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SEPTEMBER 21, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was in Hamilton attending a Mental Health Board meeting.

Indemnity Bonds

Acting Chairman Dussault examined, approved and ordered filed the following Indemnity Bonds:

- 1) naming William Lowney as principal for warrant #038932, dated August 16, 1990, on the Missoula County High Schools' Payroll fund in the amount of \$89.48 now unable to be found; and
- 2) naming Missoula Area Special Ed Co-op as principal for warrant #6270 on the School District #33 fund in the amount of \$335.00 now unable to be found.

*Fern Hart by Wendy Ross Cromwell* *Janet Stevens*  
 Fern Hart, Clerk & Recorder Deputy Janet Stevens, Chairman

\* \* \* \* \*

SEPTEMBER 24, 1990

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

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for month ending August 31, 1990.

DAILY ADMINISTRATIVE MEETING

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

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit, whereby Missoula County agrees to permit Walter J. and Nola E. Beier to encroach upon a portion of County right-of-way being along the alley in Block "E" Car Line Addition No. 2 in the SW 1/4 of Section 29, T. 13 N., R. 19 W., and shall be limited to the existing fence and building, effective for a period not to exceed ten years, renewable at the option of Missoula County.

Resolution No. 90-080

The Board of County Commissioners signed Resolution No. 90-080, a resolution stating Missoula County's concurrence in the

SEPTEMBER 24, 1990 (continued)

designation by the State Highway Commission of Mullan Road - East Section Road, also known as Federal Aid Secondary Route No. 263, in Missoula County for future construction of certain sections of the highway with State and/or Federal funds and agreement with the County's responsibilities during the project, as per the items set forth in the Resolution.

Professional Services Contracts

The Board of County Commissioners signed Professional Services Contracts (3) between Missoula County and Sandra Sheppard and Shopko Optical, both located in Missoula; and Bitter Root Optometric Group located in Stevensville and Hamilton, MT; for the purpose of providing vision care for eligible members of the Missoula County Employee Benefits Plan, as per the terms set forth and as per the fee schedule attached to the Contracts. The Contracts were returned to Hal Luttschwager, Risk Manager, for further handling.

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

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SEPTEMBER 25, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated September 24, 1990, pages 7-35, with a grand total of \$143,437.49. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement between Larchmont Golf Course, an enterprise fund of Missoula County, and Robert Schuyler, a golf course manager, who will contract with Larchmont and be responsible for the operation, management, maintenance, and supervision of the Course, as per the items and terms set forth, for a fee of \$24,000.00 per year plus additional fees as set forth in Section Three, effective for a period of five years commencing on March 15, 1991.

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

Site Inspection

In the afternoon, Commissioner Stevens accompanied County Surveyor Horace Brown for a site inspection on the request to vacate a portion of Old O'Brien Creek Road.

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SEPTEMBER 26, 1990

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



SEPTEMBER 26, 1990 (continued)DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Local Unit No. Three of the Montana Public Employees Association, Inc., representing certain Courthouse and Office of Community Development employees, for the purpose of promoting harmonious relations between the Employer and the Association, establishing equitable and peaceful procedures for the resolution of differences, and establishing rates of pay, hours of work, fringe benefits, and other conditions of employment, as per the items set forth, for the period from July 1, 1990, through June 30, 1992. The Agreement was returned to John Pemberton in the Personnel Office for further handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Keith Larson of Larson Computer Consulting, an independent contractor, for the purpose of installing Lantastic network in Health Education and Administration and manage all details as necessary up to point of use by staff, as per the items and terms set forth, for the period from September 20, 1990, through October 15, 1990, for a total payment not to exceed \$1,425.00.

Resolution No. 90-081

The Board of County Commissioners signed Resolution No. 90-081, a resolution granting an agricultural exemption for the purpose of facilitating and promoting agricultural uses of property to James and Ona Lake for a tract of land identified as Book 4, Pg. 1624, 1625 and Book 13, Pg. 142; the Lakes propose to sell the property to Boyd Kessler, an adjoining landowner, who proposes to use the divided land exclusively for agricultural purposes and that no structure requiring land and/or sewage facilities have been or will be erected or used on the land.

Other items included:

The Commissioners considered a request from the Road Department for a variance to increase donated sick leave to John Stolle, who because of a long illness has used all of his accumulated hours and the 160 allowed maximum hours donated by the Road Crew; and after consulting with Personnel, the Auditor, and County Fiscal Officer, authorized an extension of another 160 hours through this calendar year.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County.

SEPTEMBER 26, 1990 (continued)

Those employees receiving mugs this week are David Ball, Sheriff, 10 years; Dave Haverfield, RSID 901, 15 years; Sharon Evans, Treasurer, 6 years; Bill Harlan, Road, 6 years; Ty Evenson, Sheriff, 1 year; Mike Morris, Justice Court, 5 years; Peggy Carey, Accounting, 6 years; and Alan Egge, Sheriff, 4 years.

BID AWARDS: BOND BIDS AND CONSTRUCTION BIDS (RSID 438) - STREET PAVING AND DRAINAGE IMPROVEMENTS TO GLEASON STREET

Janet Stevens explained that there were no bids received for bonds. Bids for construction of improvements on RSID #438 were opened on Monday, September 24, 1990. The bids were as follows:

Jensen Paving Company - \$19,867.50

Western Materials - \$20,215.00

American Asphalt - \$21,905.00

Staff recommends award of the bid per engineers recommendation to Jensen Paving Company as the best and most responsive bidder. This award is subject to the sale of bonds for the project.

Ann Mary Dussault moved and Janet Stevens seconded the motion to award the construction bid for improvements on RSID #438 to Jensen Paving Company for \$19,867.50 as the best and most responsive bidder, contingent upon the sale of the bonds. Motion carried on a vote of 2-0.

DECISION: REQUEST TO VACATE PORTION OF OLD O'BRIEN CREEK ROAD (HORSESHOE)

Janet Stevens said that she and County Surveyor Horace Brown had visited the site on Tuesday, September 25th and it was her recommendation that they approve the vacation of this road easement.

Horace Brown, County Surveyor, said that one person was worried about access to private property on the back end of the horseshoe, but that part of the road would not be vacated and access to the private property would remain open.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the vacation request of a portion of the horseshoe, which is a portion of Old O'Brien Creek Road, based on the review by Janet Stevens and Horace Brown. Motion carried on a vote of 2-0.

HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION - EXTENDED FAMILY SERVICES

Cindy Wulfekuhle explained that the application for funding submitted by Extended Family Services (EFS) is primarily to allow them to renovate their facility so that it will meet State Building and Fire Codes. Improvements include a fire sprinkler system, installation of additional emergency exits, separation of living and classroom areas from the mechanical room, kitchen and emergency exits. Bedroom windows will be enlarged to meet ingress and egress requirements and fire-rated doors will be installed. These items are all required by the City Fire Department. Other work items include a new gas hot water heating system to replace electric baseboard heat and new exterior hardboard siding to replace deteriorating asbestos siding. Extended Family Services is a non-profit umbrella organization for Watson's Receiving Home and Jack and Jill Nursery. The Receiving Home is licensed to care for up to 12 children ages 0 to 12 years. The children served are generally victims of abuse or neglect. The Receiving Home is a place for children to stay while the family receives counseling or until a more long-term living arrangement can be developed. Watson's is the only receiving home in Missoula for children 12 years old and under. Jack and Jill Nursery and Day Care is licensed to care for up to

SEPTEMBER 26, 1990 (continued)

65 children ages 11 weeks to 11 years. Jack and Jill serves primarily low to moderate income households and has been identified as a protective child day care provider by the State. This means that children who have been identified as high-risk for possible child abuse within their families are placed in the day care program by the State to alleviate stress in the household. This is not to imply that all children at the facility are victims of abuse or are from low income households. Any child, within the age limits, may attend the day care. Families of all incomes are welcome. Daily rates are based on a sliding-scale fee based on family size and income. The total project cost is estimated to be \$194,378. This includes a 10 per cent contingency, contractor overhead and profit and professional fees. The request to the State DOC is for 80 per cent of that amount or \$155,502, plus \$11,998 for administration of the grant for a total of \$167,500. Funding the County hopes to receive from the State for the construction portion of the grant will be given as a grant to Extended Family Services. The block grant program requires a 25 per cent local match, amounting to \$35,876. This match is being met through a zero per cent loan from the City of Missoula for \$35,876, a \$2,000 grant from a local foundation and \$1,000 from a local service club. Submittal of the block grant application to the State will be made by Monday, October 1st. Missoula County will be competing for funding along with other communities throughout Montana. Only Billings and Great Falls are not eligible to compete for these funds as they are entitlement cities and automatically receive funding. Should Missoula County's application be funded, notification will occur by December of this year. Letters of support have been received from Hellgate Elementary School, Senator Mike Halligan, the Department of Social and Rehabilitation Services, School District #1, the Missoula County Sheriff's Office, Missoula Aging Services, Head Start, Dr. Henry Bugbee, Sally Moore, the Department of Family Services, the City Police Department, District XI Human Resource Council, the Poverello Center and the Missoula Indian Alcohol and Drug Service.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify in favor of or in opposition to the Community Development Block Grant application.

Those persons testifying in favor of this proposal were Henry Bugbee; Mrs. Henry Bugbee; Don Mormon, Missoula Sheriff's Department; Ken Brown, Director of the Western Montana Comprehensive Child Development Center; Mike Halligan, Missoula County Attorney's Office; and Dick Larson, City Fire Marshall's Office.

There being no further testimony, the Public Hearing was closed.

Commissioner Ann Mary Dussault said she was going to ask some questions and that she wanted everybody to understand that these questions do not reflect a judgement of the service. The County has been involved with Watson's Receiving Home for years and she thinks there is no question that they respect the work that Jan and her family does, and consider it an incredibly important service. But given that we are looking at requesting about \$167,000 basically in capital, it is her understanding that the facility is owned personally by Jan.

Rita Tucker, a member of the Board of Directors of Extended Family Services, said the building is personally owned by Jan Watson and EFS is currently leasing that building from her. One of the things that they will do if the grant comes through and they are able to do the renovation is renegotiate the lease and figure out something that makes it more palatable to both parties

SEPTEMBER 26, 1990 (continued)

because it is right now a non-profit corporation leasing the building from a private party.

Ann Mary Dussault asked how we would do that. She said it seems that we would be investing a substantial amount of money into a private facility leased to a non-profit, and we would want to insure that the facility is available for the services that it is being renovated for, for an extended period of time. She said she is wondering how to do that. Also, having just been involved in the building of some very expensive facilities that need to meet standards for residential services of developmentally disabled persons, for this amount of money you could almost build a facility.

Rita Tucker said they have looked into it and it would be twice as much money, probably over \$400,000, to build a facility and purchase the land. Here we are on about a half acre and have over 7400 square feet of space in the structure. Looking at the lease, the Board pays Jan Watson \$1200 a month; that comes to about 16 cents a square foot to lease that structure. We would expect a cost to build a structure that meets codes to be at least \$55 a square foot. Some of the things that happen if you build a new structure is handicap access and some of those other kinds of things. If you build a new structure you have to meet more stringent requirements than if you are doing renovation on an old structure. So building a new building gets you into a whole other perspective that we don't even have to deal with. This building is already handicap accessible.

Cindy Wulfekuhle said that Head Start did not own the building they were in, the District did. Head Start leased it for \$1.00 a year. Both parties had to agree. Head Start is actually making the payments on that loan. So what we would be doing is actually loaning the money to Extended Family Services. The lease agreement would reflect that Jan Watson is responsible for making the payments from the funds that she is paid with the lease and \$300 allotment that they allow each month for building repairs. Jan Watson is committed to this service. This is something that is going to be in existence for many years.

Janet Stevens asked if the lease agreement with Head Start had been worked out prior to the CDBG application, or during the process.

Cindy Wulfekuhle said their lease was for 10 years and they have first option to renew.

Janet Stevens again asked when they worked that out.

Cindy Wulfekuhle said it was already in existence. On that one they had to worry about a depreciation schedule of the improvements. If the district decides that they need that building for their own use to use as a school in case another one in town should burn down, then wherever the schedule is, the amount on the depreciation schedule, that's what they would have to pay Head Start for those improvements.

Janet Stevens asked if she saw a problem going in with a CDBG application where the contract isn't worked out.

Cindy Wulfekuhle said no because she doesn't think they can expect them to re-write a contract based on the possibility of getting grants.

Janet Stevens asked if they would just make it contingent upon this grant.

SEPTEMBER 26, 1990 (continued)

Cindy Wulfekuhle said yes, it would be written into the narrative and they would have a letter in the application from Jan Watson.

Rita Tucker said basically, you could say that there has already been a verbal agreement made between the Board and Jan that meets what Cindy was just talking about, a ten year lease with a renewable ten years. It's just that we haven't actually negotiated that contract yet.

Janet Stevens asked if she would state that in a letter.

Rita Tucker said yes. Jan would have been here today but she is sick at home with the flu.

Ann Mary Dussault asked Rita if, as a Board member, she was satisfied that this facility will meet the Corporation's needs for the next twenty years.

Rita Tucker said that was a pretty heavy duty question. Yes, she does. She doesn't believe that they need to have a bigger facility. Right now, the number of children that seem to be coming in their direction are anywhere from one or two a day to up to twelve a day. Last year they averaged 5.5 children per day. So, given that, she thinks they have a big enough structure and it meets their needs.

Ann Mary Dussault said that there has been a number of renovations of the facility over the past couple of years, and will this be, for all intents and purposes, the final renovation that will bring the facility to all health and safety standards.

Rita Tucker said yes, it will. One of the things this will do, right now they have to wait until they get a donation or they get a few bucks ahead to do some of the little projects they have been wanting to do for maintenance or to meet handicap access. Every year some little thing is done and they are hoping now with this major renovation it will be years before they have to do anything again.

Cindy Wulfekuhle said the list of work items was actually created in conjunction with the City Fire Marshall, Dick Larson, and Pete Mion of the City Building Inspection. They had an architect donate his time and services to go out there with them to come up with this, plus the staff at the receiving home and day care who are familiar with the building. So, she said, they believe that they have hit upon every item they are going to have to be concerned with, and this should be good for fifteen or twenty years, the standard time limit for improvements of this nature.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the submission of the Community Development Block Grant request for Extended Family Services. Motion carried on a vote of 2-0.

Janet Stevens said that she would like to state for the record that she appreciates the City offering the matching funds for the grant application.

Cindy Wulfekuhle said that without that, they would not have the project, that's for sure.

Resolution No. 90-082

The Commissioners then signed Resolution No. 90-082, a resolution of the Missoula County Commissioners authorizing submittal of a Community Development Block grant to the Montana Department of

SEPTEMBER 26, 1990 (continued)

Commerce to remodel the Extended Family Services, Inc. building located at 1130 South 4th West, Missoula, Montana.

HEARING: CERTIFICATE OF SURVEY - USE OF AGRICULTURAL EXEMPTION - RICHARD JOHNSON

Marnie McClain, Deputy County Attorney, explained that this request is being submitted by Cecil Owen, agent for Richard Johnson. Mr. Johnson is requesting an agricultural exemption. He has previously subdivided property using the Occasional Sale in 1984 and in 1989. This parcel is for sale and the buyer is interested in getting some additional property from this tract for pasture and possibly a barn.

Cecil Owen, Land Surveyor, said this parcel is 6 miles west of Lolo on the highway. This is a low-lying area not suitable for a dwelling. The sanitary restrictions have been lifted on the property.

A discussion followed regarding tax questions and the boundary relocation process.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the request for the Agricultural Exemption by Richard Johnson. Motion carried on a vote of 2-0.

HEARING: CERTIFICATE OF SURVEYOR - REVOCATION OF AGRICULTURAL EXEMPTION - DIANE AND JOHN EDWARDS

Marnie McClain, Deputy County Attorney, explained that this is a request to revoke an agricultural exemption. There is no history of COS or Subdivision activity.

Diane Edwards explained that she and her husband bought the property in 1985, which consists of 15.26 acres. This property adjoins their parcel of 21.5 acres which contains their home, and was purchased for pasture and hay land. They had the agricultural exemption put on it at the time they purchased it. Since then her husband was laid off from the University of Montana and took a job in Three Forks, Montana. They sold their home located on the 21.5 acres, but the purchaser did not wish to buy the additional 15.26 acres. They have people interested in buying the property and building on it, so they would like to have the agricultural exemption lifted. She said they are currently having Eli and Associates perform strata layer and perk tests.

Ann Mary Dussault moved and Janet Stevens seconded the motion to revoke the agricultural exemption on COS 3265 on the condition that sanitary restriction are lifted. Motion carried on a motion of 2-0.

There being no further business, the Commissioners were in recess at 2:25 p.m.

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SEPTEMBER 27, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition.

DAILY ADMINISTRATIVE MEETING

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

SEPTEMBER 27, 1990 (continued)Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #18 (8/19/90 through 9/01/90) with a total Missoula County Payroll of \$350,199.82. The Transmittal Sheet was returned to the Auditor's Office.

Resolution No. 90-083

The Board of County Commissioners signed Resolution No. 90-083, a resolution establishing a policy for the management of trees within the rights-of-way of County Roads, as per the items set forth in the Resolution.

Resolution No. 90-084

The Board of County Commissioners signed Resolution No. 90-084, a resolution giving preliminary approval to and providing for the giving of notice of a public hearing on the proposed project for Women's Economic Development Group and the issuance of revenue bonds therefor under Title 90, Chapter 5, Part 1 M.C.A.

Other items included:

- 1) the Commissioners appointed Leslie E. "Pete" Blouin as a member of the Board of Trustees of the East Missoula Fire District to serve until the next School Election on April 2, 1991;
- 2) the Commissioners approved a request from County Surveyor Horace Brown to use the money that is budgeted for conveyors to add to the money budgeted for surplus equipment in order to purchase a dozer to be used with the crusher; and
- 3) a request from Child Care Resources to use some of its CBO grant money to hire a part-time executive director, a newly created position within the organization, was considered; the Commissioners concurred with Cindy Klette's recommendation that a written request from Child Care Resources be solicited which specified the amount, purpose, and expected results of the proposed budget amendment.

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

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SEPTEMBER 28, 1990

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Stevens was out of the office all day, and Commissioner Evans was out of the office until noon. In the evening, Commissioners Dussault and Evans attended and participated in the dedication of the Gazebo, which was built on the Courthouse lawn with Centennial funds and contributions by members of the community.

Indemnity Bond

Acting Chairman Dussault examined, approved and ordered filed an Indemnity Bond naming Missoula Area Special Ed Co-op as principal for warrant #2573 on the Sunset School District #30 fund in the amount of \$106.00 now unable to be found.

*Fern Hart by Wendy Ross Cromwell* *Janet Stevens*  
 Fern Hart, Clerk & Recorder Deputy Janet Stevens, Chairman

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OCTOBER 1, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated October 1, 1990, pages 7-34, with a grand total of \$153,012.99. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chairman Stevens signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of updating Missoula County air pollution control regulations in order to make them consistent with the regulations of the State Department of Health and the U.S. Environmental Protection Agency, as per the terms set forth, to be completed by January 31, 1991, for a total payment to the County of \$5,360.00. The Agreement was forwarded to DHES in Helena.

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit, whereby the County agrees to permit Marie V. Porter of 12200 Pulp Mill Road to encroach upon a portion of County right-of-way being along the alley in Block "E" Car Line Addition No. 2 in the SW 1/4 of Section 29, T. 13 N., R. 19 W., PMM, as per the terms set forth, and shall be limited to the existing fence and effective for a period not to exceed ten years, renewable at the option of the County of Missoula.

Application Documents

Chairman Stevens signed the Application Documents and Certifications for Application for Missoula County's Community Development Block Grant application on behalf of Extended Family Services, Inc. to enable them to implement improvements that have been deemed necessary by the City Fire Department to meet State Building and Fire Codes. The documents were returned to Cindy Wulfekuhle in the CDBG Office for further handling and forwarding to the Department of Commerce in Helena.

Other items included:

- 1) the Commissioners approved a request from Sam Yewusiak, Fair Manager, to offer a gas powered ac/dc welder, purchased around 1984, for sale at the County/City/School public auction on October 27, 1990, as the Fair no longer has need or use for this item; and
- 2) the Commissioners approved a request from Margaret Borg, Public Defender, regarding her possible appointment to the State Parole Board, which would require her to be away from her office one or one and one-half days per month.

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

Quarterly Jail Inspection

In the afternoon, Commissioners Dussault and Stevens and Dan Corti of the Health Department conducted the Quarterly Inspection of the Missoula County Jail.



OCTOBER 2, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-085

The Board of County Commissioners signed Resolution No. 90-085, a resolution to vacate a portion of O'Brien Creek Road known as the Horseshoe, located in the NW 1/4 of the SW 1/4 of Section 28, T. 13 N., R. 20 W., PMM, as the right-of-way is not needed and the property will be added to Missoula County tax rolls.

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

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OCTOBER 3, 1990

The Board of County Commissioners met in regular session in the afternoon; all three members were present. In the forenoon, Commissioner Stevens attended the International Business Conference held at the Holiday Inn and participated in the Opening Ceremonies for the Japan Festival held in the Courthouse; and Commissioner Dussault attended a meeting of the MT Tax Reform Coalition all forenoon.

Plat

The Board of County Commissioners signed the Plat for Placid Lake East Short Tracts - Phase I, a subdivision of Missoula County, located in GLO Lot 1, Section 21, T. 16 N., R. 15 W., PMM, with the owners of record being R. A. Ainsworth and O. L. Turnbull of Placid Lake Properties.

Justice Court Audit

The Board of County Commissioners reviewed the audit submitted by the County Auditor's Office of the books and records of the Missoula County Justice Court for the period covering July 1, 1987, to June 30, 1990. The audit was forwarded to the Clerk & Recorder's Office for filing.

Exception to County Policy

The Board of County Commissioners approved an exception to the County Policy on Sick Leave Grants for Don Siweck, which will allow him to accept an additional 160 hours of sick leave benefit donations during this calendar year, as per the memo from Personnel Director John Pemberton, dated October 3, 1990.

WEEKLY PUBLIC MEETING

Commissioner Ann Mary Dussault opened the Public Meeting at 1:30 p.m. in the absence of Chairman Janet Stevens. Also present was Commissioner Barbara Evans.

EMPLOYEE RECOGNITION

Ann Mary Dussault explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Julie Keniston, Sheriff, 2 years; Bill Berg, Health, 5 years; Benita Jacobsen,

OCTOBER 3, 1990 (continued)

Health, 5 years; Tom Lewis, Sheriff, 3 years; Mary Matthiae, Central Services, 9 years; Judy Vernier, Health, 5 years; Bud Hettich, Planning, 12 years; Toni McOmber, Health, 6 years; Henry Bartlett, Library, 16 years; Ellen Leahy, Health, 7 years; Jim Philippi, Surveyor, 2 years; Pat Dontigny, Health, 14 years; Diane Bechard, Library, 3 years; Sam Gursky, Road, 10 years; Joan Schweinsberger, Health, 4 years; and Mao Thao, Health, 2 years.

BID AWARD: CONSTRUCTION BID - RSID NO. 270

Ann Mary Dussault explained that this is a request for an award of a construction bid for RSID No. 270, water main replacement on Wild Ground Lane and Harmony Circle. RSID No. 270 was created in 1977 for the purpose of extending water service to the Lincoln Hills #6 subdivision. A portion of the line which serves this subdivision is in need of replacement. Because of the potential for property damage, the water company, County Attorney, and the County's Risk Manager have all recommended to the Board of County Commissioners that time is of the essence. Based on this information, the Board of County Commissioners exercised their option under statute to correct the deficiency by reactivating RSID No. 270 and ordering the appropriate repairs. Two bids were received in response to the formal solicitation as follows:

American Asphalt - \$70,123.00

L.S. Jensen & Sons - \$61,697.70

Staff recommends award of the bid to L.S. Jensen & Sons.

Barbara Evans moved and Ann Mary Dussault seconded the motion to reactivate RSID No. 270 and award the construction bid to L.S. Jensen & Sons in the amount of \$61,697.70 as the lowest and best bidder. Motion carried on a vote of 2-0.

BID AWARD: BOND BIDS FOR RSID NO. 438 - GLEASON STREET

Ann Mary Dussault explained that no bond bids were received during the advertisement period for RSID No. 438. If no bond bids are received, the statutes provide for a negotiated sale of the bonds. During this process, one bond bid was received as follows:

Sue Hoell - 8.8%

There are two contributing factors relative to the interest rate: (1) the fact that this is a 15-year issue, and (2) the total value is \$26,000. Prior to making any recommendations to the Board, the project engineer polled the freeholders relative to the interest rate and there were no objections. Staff recommends award of the bid to Sue Hoell.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bond bid for RSID No. 438, Gleason Street, to Sue Hoell at 8.8%. Motion carried on a vote of 2-0.

HEARING: REQUEST TO VACATE PORTIONS OF WYOMING AND GARFIELD STREETS

Ann Mary Dussault explained that a petition has been received by the Clerk and Recorder's Office requesting that the following streets be vacated:

Portions of Wyoming and Garfield Streets located in Section 20, Township 13 North, Range 19 West a 19' strip from Catlin Street along Wyoming Street on the North edge of Block 22 to Center of Garfield Street then a 10' strip from center of Garfield to Northwest Corner of Block 21 then a 10' strip along north edge Block 20; also Garfield Street from Dakota to Wyoming Street between Blocks 21 and 22 and further described in Book 1 Page 23 Clerk and Recorder's Office known as Riverside Addition.

OCTOBER 3, 1990 (continued)

The reasons for this request are as follows: "The present right-of-way takes in the front part of trailers located on south side of Wyoming Street, also all of the property owners' fences and the fir tree hedge and part of the duck pond at corner of Wyoming and Catlin." The Clerk and Recorder's Office has verified that the ten signatures that appear on the petition to vacate are owners of real property in Missoula County as of the last Missoula County Assessment Roll. This petition has been received by the Clerk and Recorder's Office and has been noticed for public hearing.

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to speak in favor of the request.

Arnold Fairclough, 1801 Wyoming Street, said whatever happens there directly affects him. If Garfield is closed, the west side would go to the trailer court and he would get the east side. He said there are two parts to this petition. One is narrowing the road and the other is closing the road. He would be more than happy to pick up the ten feet on the Wyoming deal and has no objections to that at all. But he says they are asking for nineteen feet up to the middle of Garfield, and if they agree to this easement on Wyoming, he would like to have the Commissioners continue the 19 feet to the other side of Garfield because if Garfield is closed, he will be moving his driveway and mailbox and putting in a fence to maintain his privacy. He said if Garfield is closed and you allow the 10 feet on Wyoming, allow him the 19 feet across the other half of Garfield. He said he has no objection to Garfield being closed provided the road that will be put in there to serve the trailer court traffic is black-topped and not another sand and gravel road. The present trailer court traffic is on a 400' dirt and gravel alley from Catlin to Garfield. He said if Garfield is closed, it will stop the controversy that has been going on for years because of the dust problem caused by the traffic. He said if Garfield is vacated, people will travel on a dirt road to go out to Wyoming, which is a paved road. His request is that if this vacation is granted, do it with the condition that the vacated section doesn't become more dirt road, but that it be paved. He said he just got through paying the SID for paving of Garfield and doesn't want another 135' sand and gravel road put alongside his house. He owns lots 1, 2, 3, 4, and 5 of Block 21. He is only concerned about the alley to Wyoming, not the alley to Dakota. He would like to hear from the owner of the adjacent property to ask what he plans to do with that portion of the road that he will acquire if it is vacated.

Martin Behner, 1914 Wyoming, said he owns Blocks 16 and 17 directly across from Blocks 22 and 21, and also owns lots 8, 9, and 10 of Block 21. He said he is opposing 19 feet, but would go for 10 feet. He said that this would affect him all the way down to his property. He is also concerned about dirt roads because he has rentals there and is paying quite a price for black top, which he says is gold top. He would like it paved if it is vacated because of the dust problems. He said he talked to Jerry at City Electric and also Jimmy Scofield and they don't oppose Garfield.

Lee Shepard, 1717 Wyoming, said some of his trailers stick into the right-of-way, and he would like to straighten that out.

Barbara Evans asked why he wanted Garfield closed if the trailers are sticking out into Wyoming.

Lee Shepard said it was this way when he bought the trailer court.

OCTOBER 3, 1990 (continued)

Horace Brown, County Surveyor, said Garfield was already vacated to the south, so this is a request to vacate the norther part of Garfield. Also, the alley would be left open on the east side that goes the full length to Catlin, and this would be the access to the trailer court. The section of Garfield already vacated has no road on it, and is barricaded so there is no access available. The electrical company has their building there.

Lee Shepard said the trailer court faces onto Wyoming and the people come up either Wyoming or Dakota, go down Catlin, and go in the alley to reach their mobile homes. He said he sees no reason to blacktop the north portion of Garfield if it is vacated because nobody is going to use it.

Ann Mary Dussault said that it has been suggested that rather than vacating 19 feet, ten feet might be more appropriate.

Lee Shepard said the reason he asked for 19 feet is because the blacktop now on the street is paved way over to the north side and he doesn't think they will ever move that street back because they would have to move the telephone poles and everything to do that.

Ann Mary Dussault said she wanted everyone to understand the procedure of vacating a street. She said they would not make a decision on this today. After all the testimony is taken today, the County Surveyor and one member of the Board of County Commissioners will go out to view the site, and the decision will probably be made next week.

Leslie Berdine, 207 N. Catlin, said he owns from Catlin to Garfield all the way around Wyoming (Block 15, all lots except 1, 2, and 3). He said that if they do this, it is going to affect him at a later date.

Horace Brown said the way this would affect them is that the maximum amount to be vacated is 20 feet and this is an 80' right-of-way, so if 19 feet is vacated on the south side of Wyoming, that would only leave one foot that could ever be vacated on the north side. Sixty feet is all that is needed for the street. As you look further to the west on Wyoming, the street goes to the south and it is not possible to vacate 19 feet all the way across. It would be right out to the edge of the pavement, or close to it. He said that is something they would have to look at it, but he doesn't think they can do that.

Ann Mary Dussault asked and Horace Brown clarified the point that Mr. Shepard is asking to vacate the frontage of Wyoming in front of Blocks 20 and 21, and 19 feet in front of Block 22 because the street is set on an angle and by the time you get to Wyoming, the street is on the north side of the right-of-way.

Martin Behner said he objects to 19 feet between Blocks 22 and 15. Ten is fine, 19 is not.

Arnold Fairclough said that his concern is that if Garfield is vacated from the alley in Block 22 to Wyoming, that a dirt road will be put in for trailer traffic. That is why he wants that road blocked off, because he doesn't want all the dirt and dust from a gravel road.

Barbara Evans asked Mr. Fairclough who said there was going to be a dirt road put in.

Arnold Fairclough said he would like to hear from the owner what he is going to do if it is vacated. He said that traffic from the trailer court is using the alley in Block 22 to enter the

OCTOBER 3, 1990 (continued)

trailer court, then turning around at a small circle at the end of the alley in Garfield and exiting using the same route through the alley. He said his concern is that if Garfield is vacated, the owner of the trailer court will put in a private dirt road on his part of vacated Garfield for those persons in the trailer court to use as an exit. He wanted some guarantee or amendment to the vacation that if the owner of the trailer court does, in fact, put in a private road, that it will be paved and not just dirt and gravel.

Ann Mary Dussault asked Lee Shepard if he intended to route traffic from the trailer court off Garfield onto Wyoming if Garfield is vacated.

Lee Shepard said if he did put in a private road, he would pave it. At this point, he figured on just closing it.

Barbara Evans asked Marnie McClain if it would be legal to vacate this portion of Garfield with the condition that no traffic could be routed on that without being paved.

Marnie McClain, Deputy County Attorney, said she would do some research on the question, but that her initial impression is that it would probably be illegal because it would be private property and we would have no say over what is done with it.

Horace Brown said that everything but utilities would lose their rights.

Ann Mary Dussault and Barbara Evans asked Marnie McClain to research this question before the next scheduled meeting on this vacation; and how valid and binding a "promissory note" from Mr. Shepard would be.

Arnold Fairclough said that not too many years ago over on Montana Street there were some rental units put in. Montana was paved at that time, and they would not allow him to put the rental units in until he agreed to blacktop the whole area to take care of the traffic that goes in and out of there. He said that is all he is asking for here.

Barbara Evans said it is a difference in process.

Ann Mary Dussault said that was probably a subdivision process, and the County Attorney's Office will research the question as to whether they could put that condition on it.

Marty Behner said Mr. Shepard plans to sell this, so if you get a promissory note from him, is the successor going to have to live up to that promissory note, too?

Ann Mary Dussault said the County Attorney's Office will research this.

Arnold Fairclough said that if this goes through and he is not required to pave, what is his next step? Is there a dust control program in the area that could control this? With all the pollution problems, he said he doesn't see how the creation of another road could be allowed.

Barbara Evans said that there are various processes in County and City government. One is vacation of land, one is subdivisions of land, etc. The laws allow us certain latitudes per process. Vacating land doesn't give us the same rights as subdividing lands. So we can insist on things before we give permission on a subdivision that we may not be able to insist on in vacating a

OCTOBER 3, 1990 (continued)

piece of land. So that's why we have to find out what the latitude is in this process.

Ann Mary Dussault said they would continue this question until Wednesday, October 17, as she will be gone next week, and a decision will be made at that time. In the meantime, Horace Brown and one of the Commissioners will go out to look at the property, and they will have the opinion from the County Attorney's Office on the matters they have asked them to research.

There being no further business to come before the Board, the Commissioners were in recess at 2:15 p.m.

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OCTOBER 4, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Stevens attended the second-day session of the International Business Conference; and Commissioner Dussault was in Seattle October 4th and 5th where she attended a meeting of the Northwest Policy Leadership Council.

Indemnity Bonds

Acting Chairman Evans examined, approved and ordered filed the following Indemnity Bonds:

- 1) naming Missoula Area Special Ed Co-op as principal for warrant #30349 on the School District #14 Fund in the amount of \$6,373.08 now unable to be found; and
- 2) naming Missoula Area Special Ed Co-op as principal for warrant #30445 on the School District #14 Fund in the amount of \$1,656.23 now unable to be found.

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OCTOBER 5, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Evans attended the MACo District 10 & 11 Counties Meeting held in Polson.

Monthly Reports

Chairman Stevens examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending September 28, 1990.

*Fern Hart*  
Fern Hart, Clerk & Recorder Deputy

*Janet Stevens*  
Janet Stevens, Chairman

\* \* \* \* \*

OCTOBER 8, 1990

The Courthouse was closed for the Columbus Day Observed holiday.

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OCTOBER 9, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Billings attending a Job

OCTOBER 9, 1990 (continued)

Training Council Annual Planning Session from October 9th through October 11th; and Commissioner Stevens was out of the office all day because of illness.

Indemnity Bond

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Minette L. Ayres as principal for warrant #19117 dated September 27, 1990, on the Missoula County Trust Fund in the amount of \$1,000.00 now unable to be found.

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OCTOBER 10, 1990

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

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Missoula Area Special Ed Co-op as principal for warrant #6269 on the School District #33 Fund in the amount of \$767.50 now unable to be found.

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing fees and collections made in Missoula County for month ending September 20, 1990.

Audit List

Commissioners Evans and Stevens signed the Audit List dated October 10, 1990, pages 7-37, with a grand total of \$963,769.10. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #19 (9/02/90 through 9/15/90) with a total Missoula County Payroll of \$340,719.91. The Transmittal Sheet was returned to the Auditor's Office.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Local Unit No. Two (Nurses) of the Montana Public Employees Association for the purposes of collective bargaining with respect to rates of pay, hours and other conditions of employment, as per the items set forth, from July 1, 1990, through June 30, 1992. The Agreement was returned to John Pemberton in the Personnel Office for further handling.

Resolution No. 90-086

The Commissioners then signed the following Resolution No. 90-086, a resolution amending Resolution No. 90-078 fixing tax levies for Missoula County for Fiscal Year 1990-1991:

OCTOBER 10, 1990 (continued)

WHEREAS, the Board of County Commissioners of Missoula County, Montana, has approved and adopted the budget for Fiscal Year 1989-1990, as required by law; and

WHEREAS, it has come to the attention of the Board of County Commissioners after passage of Resolution No. 90-078, that there were certain changes in values of some Special Districts and School Districts;

NOW, THEREFORE, BE IT HEREBY RESOLVED by this Board of County Commissioners that the Resolution amending Resolution No. 90-078, Fixing Tax Levies for Missoula County for Fiscal Year 1990-1991 be adopted for Fiscal Year 1990-1991 as moved, seconded and passed by the Board and as detailed below:

MISSOULA COUNTY-WIDE FUNDSMILLS

General Fund	39.82
Bridge Fund	4.00
Poor Fund	0.45
Fair Fund	1.48
Museum Fund	1.75
Extension Fund	1.30
Weed Fund	0.68
Planning Fund	1.60
District Court Fund	7.21
Mental Health Fund	0.29
Developmentally Disabled	0.12
Aging Fund	0.79
Park/Recreation Fund	.98
Risk Management	2.74
Judgement Levy	1.00
Child Daycare	0.23
Special Transportation	0.16
Open Space	0.41
Library	4.37

MISSOULA COUNTY-WIDE DEBT SERVICE

RSID Revolving	.50
G O Issue (Computer)	2.28
Library Bond	0.23
Judgement Levy	1.00

SUB-TOTAL 4.01

TOTAL COUNTY-WIDE & DEBT SERVICE LEVIES 72.43

Road Fund	13.83
Health Fund	7.30

TOTAL COUNTY-ONLY LEVY 21.13

CITY OF MISSOULA 129.76

MISSOULA COUNTY SCHOOLS VARIOUS (SEE ATTACHMENT)

## STATE OF MONTANA

UNIVERSITY MILLAGE FUND	6.00
STATE ASSUMPTION/COUNTY WELFARE	12.00
STATE SCHOOL FOUNDATION	40.00

## SPECIAL FIRE DISTRICTS

CLINTON RURAL	29.03
MISSOULA RURAL	35.70
ARLEE/JOCKO VALLEY RURAL	10.66
FLORENCE-CARLTON RURAL	16.63



OCTOBER 10, 1990 (continued)

EAST MISSOULA RURAL	12.79
FRENCHTOWN RURAL	6.50
SEELEY LAKE	17.91
PETTY CREEK	32.68
OTHER SPECIAL DISTRICT LEVIES	
SOIL CONSERVATION	1.45
S.O.S. HEALTH CENTER	7.00
CARLTON CEMETERY	1.34
MISSOULA URBAN TRANSIT	9.82
MISSOULA COUNTY AIRPORT	2.00
SPECIAL ASSESSMENT DISTRICTS	
LOLO MOSQUITO	VARIOUS (SEE ATTACHMENT)
JOCKO IRRIGATION	VARIOUS (SEE ATTACHMENT)
FRENCHTOWN IRRIGATION	VARIOUS (SEE ATTACHMENT)
MISSOULA IRRIGATION	VARIOUS (SEE ATTACHMENT)
FOREST FIRE PROTECTION ASSOCIATION	VARIOUS (SEE ATTACHMENT)
ELK MEADOWS WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
SEELEY LAKE REFUSE DISTRICT	VARIOUS (SEE ATTACHMENT)
BIG FLAT IRRIGATION	VARIOUS (SEE ATTACHMENT)
LORRAINE SO. WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
CLINTON IRRIGATION	VARIOUS (SEE ATTACHMENT)
SPECIAL IMPROVEMENT DISTRICTS	VARIOUS (SEE ATTACHMENT)

All of the above attached, approved and ordered entered into the official minutes of the Board of County this 10th day of October, 1990.

Releases of Agreements

The Board of County Commissioners signed Releases of Agreements between Missoula County and 4 B's Restaurants, Inc., whereby the County releases their interest in Agreements recorded for the purpose of repayment of delinquent taxes for the following:

- 1) Lot 8, Block 5, in Mountain Shadows Subdivision No. 1;  
and
- 2) Lot 10, Block 5, in Mountain Shadows Subdivision No. 1.

Quitclaim Deeds

The Board of County Commissioners signed Quitclaim Deeds (2) from Missoula County to the following for tax deed property which has been redeemed:

- 1) to Patrick D. Mackin of Phoenix, AZ for Lot 17N of the Amended Plat of Cobban & Dinsmore's Orchard Homes, Lot 17, a platted subdivision in Missoula County; and
- 2) to Anthony F. and Mary Joyce Keast for Lot 5, Block 3, of Bitterroot Homes #1 Addition. a platted subdivision in Missoula County.

Other items included:

The Commissioners approved a request from Clerk of Court, Kathleen Breuer, to use funds remaining in the amount of \$2,305.00 after purchasing a micro-film reader for the purchase of 2 PC's for the Clerk's office.

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

OCTOBER 10, 1990 (continued)WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Karen Townsend, Attorney, 8 years; Leslie McClintock, Personnel, 8 years; Jerry Marks, Extension, 21 years; Cindy Klette, Commissioners, 5 years; Pat Taylor, Health, 2 years; and Karen Job, Sheriff, 9 years.

BID AWARD

Information provided by Doug Chase, Undersheriff, indicated that a bid was put out 9/23/90 for a 15 passenger one-ton van for prisoner transport. Bids received were:

Bitterroot Motors	\$21,499.50
DeMarois GMC	20,486.00
Grizzly Auto	19,988.00

His recommendation was to award the bid to Grizzly Auto Center in the amount of \$19,998.00, plus an additional \$153.00 for rear defrost for single rear door, making the total bid to be awarded \$20,151.00.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for a 15 passenger one-ton van to Grizzly Auto for \$20,151.00. The motion carried on a vote of 2-0.

HEARING: CERTIFICATE OF SURVEY REVIEW - USE OF OCCASIONAL SALE (JAMES AND SHARON KRUMVIEDA)

Information provided by Marnie McClain, Deputy County Attorney, indicated that James and Sharon Krumvieda purchased a 21.5 acre parcel in 1974. In 1976 they sold a 1.96 acre tract as an occasional sale filed as COS #936. In 1979 the applicants moved to Great Falls. They were unable to sell their property as it was and created a one-acre tract surrounding their house with COS 2112, which was also treated as an occasional sale in 1979. Thereafter, they sold the remainder. The buyers of the remainder apparently defaulted and the applicants got the property back in 1985. They have held the property since then. The applicants propose to create another 1.7 acre tract through another occasional sale. According to a letter received from Dick Ainsworth, which accompanied the occasional sale exemption affidavit, there are two possible building sites, one on each of the tracts which would be created if this occasional sale were approved.

The hearing was opened for public comment

Dick Ainsworth of PCI, representing the Krumviedas, was present to answer questions and indicated on a map the exact location of the property. He said that the Krumviedas were not subdividers, and that they understood that this was the last split that would be allowed on this property.

Bob Holm of the Surveyor's Office was asked if the current road was adequate and provided safe access. He said it was.

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

OCTOBER 10, 1990 (continued)

Barbara Evans moved and Janet Stevens seconded the motion to approve the occasional sale for James and Sharon Krumvieda, finding it in the public interest to do so, and finding no attempt to evade the Montana Subdivision and Platting Act. The motion carried on a vote of 2-0.

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

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OCTOBER 11, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Evans attended a Governor's Summit Conference on Economic Development in Helena on October 11th and 12th.

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OCTOBER 12, 1990

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

Quit Claim Deed

Acting Chairman Evans signed a Quit Claim Deed from Missoula County to Robert W. Parker for redemption of amended Lot 19, Lot 19C, Cobban and Dinsmores Orchard Homes, a platted subdivision of Missoula County, for the sum of \$8,540.48 together with interest at 8% to date of payment.

*Fern Hart*  
Fern Hart, Clerk & Recorder Deputy

*Janet Stevens*  
Janet Stevens, Chairman

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OCTOBER 15, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-087

The Board of County Commissioners signed Resolution No. 90-087, a budget amendment for the Historical Museum for FY'91, including the following expenditure and revenue, and adopting it as part of the FY'91 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2360-462-461454-946 - Capital	\$24,806
<u>Description of Revenue</u>	<u>Revenue</u>
2360-462-333111 - IMS Conservation Support Grant	\$24,806

OCTOBER 15, 1990 (continued)

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

Site Inspection

Commissioner Dussault accompanied County Surveyor Horace Brown for a site inspection on the request to vacate portions of Wyoming Street and Garfield Street.

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OCTOBER 16, 1990

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

Audit List

The Board of County Commissioners signed the Audit List dated October 16, 1990, pages 7-37, with a grand total of \$184,133.28. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

County Permit

The Board of County Commissioners signed a County Permit, whereby the County agrees to permit Troy Kurth of 4026 Sunrose Drive to use a portion of the Dedicated Park Parcel known as Roseland Park #2, located in the Roseland Orchard Tracts, Addition #2 in Section 25, T. 13 N., R. 20 W., Missoula County, for pasture, as per the items set forth in the Permit.

Other items included:

- 1) the Commissioners approved a \$23,500 expenditure for the installation of Law Enforcement Mutual Aid Frequencies during Fiscal Year 1991, as per the recommendation of the 9-1-1 Advisory Board; and
- 2) the Commissioners voted to award the bid for the Radio Telemetry Control System for the Lolo Water System improvements project to Goble Sampson Associates, Inc. of Salt Lake City, Utah as per their quotation dated October 1, 1990.

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

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OCTOBER 17, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was out of the office from October 17th through Friday, October 19th.

DAILY ADMINISTRATIVE MEETING

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

OCTOBER 17 1990 (continued)Contract

The Board of County Commissioners signed a contract, dated October 9, 1990, between Missoula County and Jensen Paving Company for construction, installation, and completion of street and drainage improvements on Gleason Street, RSID No. 438, as per the terms set forth, for a total amount of \$19,867.00. The contract was returned to General Services for further handling.

Resolution No. 90-088

The Board of County Commissioners signed Resolution No. 90-088, a resolution revoking the covenant stated on the face of Certificate of Survey No. 3265 that the land be used exclusively for agricultural purposes, and shall have the effect of crediting the owners, John A. and Diane L. Edwards, with an occasional sale exemption to define Certificate of Survey 3265.

Resolution No. 90-089

The Board of County Commissioners signed Resolution No. 90-089, a resolution granting an agricultural exemption to Richard Johnson for a portion of a tract of land described as Tract B-2 Certificate of Survey No. 3686, stating that the divided land will be used exclusively for agricultural purposes and that no structures requiring water and/or storage facilities have been or will be erected or used on the land.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Commissioner Ann Mary Dussault. Also present was Commissioner Barbara Evans.

EMPLOYEE RECOGNITION

Ann Mary Dussault explained that the Commissioners are giving special mugs to all County employees on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs today are John DeVore, Commissioners, 11 years; Eric Engdahl, Road, 6 years; Debra Roberts, Sheriff, 11 years; Sharon Tandberg, Information Services, 11 years; Cheryl Turner, Information Services, 6 years; Joy Brockway, 9-1-1, 2 years; Robin Lambert, 9-1-1, 2 years; Jane Richards, Historical Museum, 2 years; and George Bartlett, Road, 19 years.

BID AWARD: CONSTRUCTING CONCRETE FLOOR SLAB - SURVEYOR

Ann Mary Dussault explained that bids for 5,290 square feet of 6-inch thick concrete slab were taken on October 9, 1990 at 10:00 a.m. Only one bid was received. It was from Keeney Construction in the amount of \$16,822.20. The Engineer's estimate for this work was \$11,000. A seasonal rush has flooded the market with work. The Surveyor's Office intends to rebid this project at a later date with a more liberal construction period. Staff recommends the rejection of the bid and rebid the project in November 1990.

Barbara Evans moved and Ann Mary Dussault seconded the motion to reject the bid received and rebid the project in November, 1990. Motion carried on a vote of 2-0.

OCTOBER 17, 1990 (continued)

DECISION ON REQUEST TO VACATE PORTIONS OF WYOMING AND GARFIELD STREETS (CONTINUED FROM OCTOBER 3, 1990)

Ann Mary Dussault said that she and County Surveyor Horace Brown had gone out and viewed the site earlier this week and they also received an opinion from the County Attorney's Office.

Marnie McClain, Deputy County Attorney, said she was asked whether Missoula County could require an adjoining landowner to pave the road as a condition of vacating the road and her conclusion is that you cannot do that. When the public acquires the streets, they only acquire the right of way; and upon abandonment, that will revert to the abutting landowners. There is no legal support to attach conditions such as paving.

Ann Mary Dussault said she had some questions of both Mr. Shepard and Mr. Fairclough after having reviewed the site. She said it is clear that a number of the mobile homes are encroaching on County right of way. She asked for clarification on Mr. Shepard's intent to sell the property, and if he is trying to get clear title to the land the mobile homes sit on.

Mr. Shepard said he eventually will sell it and retire. He doesn't have any buyers.

Horace Brown, County Surveyor, asked Mr. Shepard if he rented those spaces or rented the trailers.

Mr. Shepard said part of them are his trailers.

Ann Mary Dussault said that if they vacated Garfield in the normal way, a portion of that property would revert to Mr. Shepard's ownership. She asked Mr. Shepard if he was intending to make that a driveway from the alley and around into Wyoming.

Mr. Shepard said no.

Ann Mary Dussault asked Mr. Shepard if he had any specific interest in retaining that property.

Mr. Shepard said that it's not being used so he thought he could pick up part of it and maybe eventually, down the road, it could be developed into something.

Ann Mary Dussault said that in terms of the public interest, it does not appear there is any reason not to grant the vacation on Wyoming, the 19 feet and the 10 feet and the 10 feet. The County still retains a 60 foot right of way throughout that area, and that's protecting our interests. However, in looking at the Garfield area, it seems to her that Garfield is for all intents and purposes Mr. Fairclough's yard.

Mr. Fairclough said that he is just cultivating the lawn and shrubbery and cleaning it up. He said he never figured he owned it. He agreed that it looked like part of his yard.

Ann Mary Dussault said that what they were talking about doing, and wanted to see if it was agreeable to Mr. Shepard and Mr. Fairclough, was to vacate the Wyoming Street property as requested if Mr. Shepard is willing to quit claim his interest in the Garfield property, that part that would revert to him, to Mr. Fairclough. So Mr. Fairclough would receive the full portion of Garfield to be vacated.

Barbara Evans said then they would also vacate the part on Wyoming that Mr. Fairclough wanted.

OCTOBER 17, 1990 (continued)

Horace Brown said the quit claim would have to be done before any action could be done on the vacation.

Ann Mary Dussault said that they are talking about the half of Garfield that goes from the alley to Wyoming. Essentially, Mr. Shepard would quit claim his interest in that to Mr. Fairclough and then they would vacate it. The portion of Garfield that would go on to Dakota, which has already been vacated, would revert half and half under the normal process. So half of it would go to City Electric. It would not be reasonable to have a driveway through that area. The use of the property has been a yard and front yard. If it is necessary to put in a roadway, there is sufficient property where there are no trailers to accomplish that.

Barbara Evans asked Mr. Fairclough if this would suit him.

Mr. Fairclough said yes, if it was agreeable to the other side.

Mr. Shepard said he could not answer right now.

Ann Mary Dussault said that the intent of the Commissioners is that this would be the only condition under which they would grant the vacations, including the vacation on Wyoming.

Barbara Evans moved and Ann Mary Dussault seconded the motion to postpone action on this vacation for two weeks, and if Mr. Shepard shows proof that he has signed a quit claim of that half of Garfield to Mr. Fairclough, the Commissioners would then take action on the vacation request. Motion carried on a vote of 2-0.

Barbara Evans said that would give Mr. Shepard two weeks to decide, and if he decided not to do that, the Commissioners would not proceed with the vacation request.

Ann Mary Dussault said that the County Attorney's office and Horace Brown could help with the legal description of that quit claim, if Mr. Shepard decides he wants to do that. Also, if Mr. Shepard would like to talk to the Commissioners further about this in the next two weeks, that is fine. It just seems to them to be the most reasonable way to resolve the actual situation, the reality of what exists out there.

There being no further business to come before the Board, the Commissioners were in recess at 1:45 p.m.

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OCTOBER 18, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. In the morning, the Commissioners attended a breakfast meeting with President Dennison and University personnel held at and hosted by the University.

Monthly Report

Acting Chairman Dussault examined, approved and ordered filed the Monthly Report of Sheriff Dan Magone showing the items of fees and other collections on account of civil business in Missoula County for month ending September 28, 1990.

DAILY ADMINISTRATIVE MEETING

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

OCTOBER 18, 1990 (continued)Plat

The Board of County Commissioners signed the plat for Patton Estates, a subdivision plat located in the NE 1/4 of Section 13, T. 12 N., R. 20 W., PMM, with the owners/subdivider being John D. and Vicki L. Greathouse, and the amount of \$3,717.11 cash in lieu of parkland received by the County Treasurer.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY'91 budget:

No. 910010, a request from the Medical Insurance Dept. to transfer \$750.00 from the permanent salaries account to the OT full-time salaries account as the enrollments of MDSC personnel and continued high benefits utilization have increased the claims processing lag time to the extent that additional hours are necessary to get back on the payment schedule for claims.

Other items included:

- 1) the Commissioners approved a request from Bill Carey of the Missoula Food Bank for \$100 from the County CDBG Program to help with the cost of his trip to Washington, D.C. to attend a housing conference, as per a memo from Cindy Wulfekuhle in the CDBG Office recommending that \$100 be expended for this purpose; and
- 2) Acting Chairman Dussault signed acceptance of a grant award from the Board of Crime Control to Missoula County/4th Judicial District/Youth Court in the amount of \$33,887.00 to be used for the Home Detention Project for the period from January 1, 1991, to December 31, 1991, as per the terms and conditions set forth.

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

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OCTOBER 19, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena attending a JTPA Meeting, and Commissioner Evans was out of the office until noon.

*Fern Hart by Wendy Ross Cromwell*  
 Fern Hart, Clerk & Recorder Deputy

*Janet Stevens*  
 Janet Stevens, Chairman

\* \* \* \* \*

OCTOBER 22, 1990

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

DAILY ADMINISTRATIVE MEETING

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



OCTOBER 22, 1990 (continued)Contract

The Board of County Commissioners signed a contract dated October 9, 1990, between Missoula County and L. S. Jensen & Sons, Inc. for construction, installation and completion of the Water Main Replacement at Wild Ground Lane and Harmony Circle (RSID No. 270), as per the terms set forth, for a total amount of \$61,697.70. The Contract was returned to General Services for further handling.

Agreement

Chairman Stevens signed a revised Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of updating Missoula County air pollution control regulations, as per the terms set forth, for a total payment to the County by DHES of \$5,360.00 and is to be completed by February 28, 1991. The Agreement was forwarded to DHES in Helena.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Shaun Gant, an independent contractor, for the purpose of video taping on Art Museum projects/business on a project by project basis as needed, as per the terms set forth, commencing August 21, 1990, for payment not to exceed \$8 per hour.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County, the Missoula Community Business Incubator, and Montana Womens Economic Development Group (WEDGo), whereby the County agrees to authorize funds in the amount of \$20,000.00 from Missoula County CDBG Economic Development Project income funds to provide funding for Missoula Community Business Incubator and Montana WEDGo staff to accomplish the work set forth in the proposal attached to the Agreement, as per the terms set forth.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Nancy Leifer, an independent contractor, for the purpose of developing a written application to the Office of Substance Abuse Prevention (OSAP) for a Community Partnership Demonstration Grant and providing technical assistance regarding the language, packaging, logical argument, and content of the application, as per the terms set forth, to be completed by November 12, 1990, for a total payment not to exceed \$2,700.00. The Contract was returned to Cindy Klette in the Commissioners Office for further signatures and handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Ruth Kornfield and Charles Gilman, d/b/a/ Rainbow Bridge Consulting, an independent contractor, for the purpose of technical assistance regarding the evaluation aspects and other activities listed in the proposal attached to the original contract in conjunction with the Community Partnership Demonstration Grant application, as per the terms set forth, to be completed by November 5, 1990, for a total payment not to exceed \$2,000.00. The Contract was returned to Cindy Klette in the Commissioners Office for further signatures and handling.

OCTOBER 22, 1990 (continued)

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

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OCTOBER 23, 1990

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

Audit List

The Board of County Commissioners signed the Audit List dated October 23, 1990, pages 7-36, with a grand total of \$158,120.52. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement between the City of Missoula and Missoula County, a public taxing body for the Countywide School Funds, whereby the City agrees to remit the unused portion of tax increment renewal monies to Missoula County for Fiscal Year 1990-1991 in the total amount of \$47,302.30, as per the terms set forth. The Agreement was returned to Chuck Stearns in the City Clerk's Office for further signatures and handling.

Other items included:

The Commissioners approved additional funding for the key chains to be given under the employee incentive program for the coming year.

\* \* \* \* \*

OCTOBER 24, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-090

The Commissioners then signed the following Resolution No. 90-090, a resolution correcting Amending Resolution No. 90-086 fixing tax levies for Missoula County for Fiscal Year 1990-1991:

WHEREAS, the Board of County Commissioners of Missoula County, Montana, has approved and adopted the budget for Fiscal Year 1989-1990, as required by law; and

WHEREAS, it has come to the attention of the Board of County Commissioners after passage of Resolution No. 90-078, that there were certain changes in values of some Special Districts and School Districts; and certain errors were made in Resolution No. 90-086;

NOW, THEREFORE, BE IT HEREBY RESOLVED by this Board of County Commissioners that the Resolution Correcting Amending Resolution No. 90-078 , Fixing Tax Levies for Missoula County for Fiscal Year 1990-1991 be adopted for Fiscal Year 1990-1991 as moved, seconded and passed by the Board and as detailed below:

OCTOBER 24, 1990 (continued)

<u>MISSOULA COUNTY-WIDE FUNDS</u>	<u>MILLS</u>	<u>ATTACHMENT</u>
General Fund	39.86	A and B
Bridge Fund	4.00	
Poor Fund	0.45	
Fair Fund	1.48	
Museum Fund	1.75	
Extension Fund	1.30	
Weed Fund	0.68	
Planning Fund	1.60	
District Court Fund	7.21	
Mental Health Fund	0.29	
Developmentally Disabled	0.12	
Aging Fund	0.79	
Park/Recreation Fund	.98	
Risk Management	2.74	
Child Daycare	0.23	
Special Transportation	0.16	
Open Space	0.41	
Library	4.37	
 <u>MISSOULA COUNTY-WIDE DEBT SERVICE</u>		
RSID Revolving	.50	
G O Issue (Computer)	2.28	
Library Bond	0.23	
Judgement Levy	1.00	
<u>SUB-TOTAL</u>	<u>4.01</u>	
<u>TOTAL COUNTY-WIDE &amp; DEBT SERVICE LEVIES</u>	<u>72.43</u>	
Road Fund	13.83	
Health Fund	7.30	
<u>TOTAL COUNTY-ONLY LEVY</u>	21.13	
CITY OF MISSOULA	129.76	
MISSOULA COUNTY SCHOOLS	VARIOUS (SEE ATTACHMENT)	
STATE OF MONTANA		
UNIVERSITY MILLAGE FUND	6.00	
STATE ASSUMPTION/COUNTY WELFARE	12.00	
STATE SCHOOL FOUNDATION	40.00	
SPECIAL FIRE DISTRICTS		
CLINTON RURAL	29.03	
MISSOULA RURAL	35.70	
ARLEE/JOCKO VALLEY RURAL	10.66	
FLORENCE-CARLTON RURAL	16.63	
EAST MISSOULA RURAL	12.79	
FRENCHTOWN RURAL	6.50	
SEELEY LAKE	17.91	
PETTY CREEK	32.68	
OTHER SPECIAL DISTRICT LEVIES		
SOIL CONSERVATION	1.45	
S.O.S. HEALTH CENTER	7.00	
CARLTON CEMETERY	1.34	
MISSOULA URBAN TRANSIT	9.82	
MISSOULA COUNTY AIRPORT	2.00	
SPECIAL ASSESSMENT DISTRICTS		
LOLO MOSQUITO	VARIOUS (SEE ATTACHMENT)	

OCTOBER 24, 1990 (continued)

JOCKO IRRIGATION	VARIOUS (SEE ATTACHMENT)
FRENCHTOWN IRRIGATION	VARIOUS (SEE ATTACHMENT)
MISSOULA IRRIGATION	VARIOUS (SEE ATTACHMENT)
FOREST FIRE PROTECTION ASSOCIATION	VARIOUS (SEE ATTACHMENT)
ELK MEADOWS WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
SEELEY LAKE REFUSE DISTRICT	VARIOUS (SEE ATTACHMENT)
BIG FLAT IRRIGATION	VARIOUS (SEE ATTACHMENT)
LORRAINE SO. WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
CLINTON IRRIGATION	VARIOUS (SEE ATTACHMENT)

SPECIAL IMPROVEMENT DISTRICTS                      VARIOUS (SEE ATTACHMENT)

All of the above attached, approved and ordered entered into the official minutes of the Board of County this 24th day of October, 1990.

WEEKLY PUBLIC MEETING

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

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Rita Maxwell, Surveyors, 1 year; Pat Reeves, Clerk of Court, 10 years; Duane Steinke, Sheriff, 14 years; Pam Barnhill, Health, 15 years; Lorraine Boyer, Motor Vehicles, 2 years; Jane Ophus, Health, 2 years; and Sylvia Hefty, Elections, 3 years.

PROCLAMATION: EMPLOYMENT OF WORKERS WITH DISABILITIES WEEK

Ann Mary Dussault read the following proclamation: "Whereas, disabled veterans and employees with disabilities have made important contributions to the economic health of this nation and Missoula County, Montana; and whereas, enlightened employers recognize that selectively placed disabled workers have fewer disabling on-the-job injuries than the able bodies, and have job performance and attendance records as good as or better than unimpaired workers, according to studies conducted by the U.S. Department of Labor; and whereas, Congress and the Executive branch have, by the passage of significant legislation, including the newly passed Americans with Disabilities Act, for disabled veterans and disabled individuals in the area of employment, expressed that qualified disabled veterans and employees with disabilities should be accorded affirmative action in employment or advancement therein, by U.S. Government agencies or departments and federal contractors; now, therefore be it resolved that the Board of County Commissioners do hereby proclaim the week of October 21-27, 1990 as Employment of Workers with Disabilities Week in Missoula County. All citizens are urged to support programs to advance the cause of the disabled, particularly employers who are requested to give special consideration to the employment and training of qualified disabled veterans and workers with disabilities.

Barbara Evans moved and Ann Mary Dussault seconded the motion to proclaim the week of October 21-27, 1990 "Employment of Workers with Disabilities Week" in Missoula County. Motion carried on a vote of 3-0.

CONSIDERATION OF LINDA VISTA FIFTH SUPPLEMENT, PHASE 5 - FINAL PLAT

Barb Martens, Office of Community Development, explained that this is a request by Lloyd Twite for approval of the final plat of Linda Vista Fifth Supplement, Phase 5, which contains fifteen

OCTOBER 24, 1990 (continued)

single family residential lots on 8.75 acres. The subdivision is located directly south of Linda Vista Fifth Supplement Phase 3 in the Linda Vista area. On February 10, 1988 the Board of County Commissioner approved the preliminary plat subject to several conditions. On March 31, 1988 the Board voted to amend conditions of preliminary approval. Two conditions remain to be satisfied. Condition #1: Sanitary restrictions shall be lifted by State and local health authorities prior to final plat submittal. If the State health authority requires any hydrogeological study as part of its review, a copy shall be provided by the developer to the Missoula City-County Health Department. If the state does not require the following information, the developer shall still be required to provide it to the Missoula City-County Health Department: (a) obtain copies of available well logs in all Linda Vista additions and compile a corresponding list of well depths and static water levels in wells in all Linda Vista additions that have individual water supplies and submit this information to the Health Department; (b) construct two test wells at locations in Linda Vista 4th Supplement at locations designated by the Health Department. The wells will be 40'2" casing; (c) do 17-20' soil profiles in key lots in the 5th Supplement as determined by the Health Department and supply the corresponding soils information to the Health Department. Condition #2: A park development and maintenance RSID shall be established for any dedicated parks. Barb said that with the platting of Phase 5, additional parkland dedication will be triggered. A portion of the parkland dedication will be satisfied through the common area, which presently exists. This Phase, to comply with state law, will require approximately 14,000 additional square feet of parkland dedication. Chip Johnson has asked that the additional 14,000 square feet of parkland be deferred until such time as Phase 6 is platted. State law clearly states when land dedication or cash requirements may be waived. With this phase, where additional land is required, it would not fall under the provision for parkland waiver or deferral. Both the OCD staff and the County Attorney's office say they would be concerned if the parkland area were to be deferred and the precedent that this may set. Also, there is a question if this could be done and still meet the requirements of state law. The staff recommended that either the total land area be given to satisfy the 1/9th parkland requirement prior to plat filing or the developer be required to give the necessary cash value to an escrow agent for a cash-in-lieu of parkland fund which would be returned to the developer at the time Phase 6 was platted and the required parkland dedicated. Timelines would have to be agreed upon by the developer and the County prior to plat filing for the duration of time the escrow agent would hold this cash amount before placing in the park fund or requiring that Phase 6 be submitted.

Chip Johnson of Stensatter, Druyvestein and Associates, said he was representing Lloyd Twite, owner and developer. On the lifting of the sanitary restrictions, as they have gone through each phase of this platting of the 5th Supplement, they have had to get a new certificate from both the local and State health authorities. That is a formality, since the water and sewer systems have been approved and are expecting to have the letter from the State Water Quality Bureau by next week. In regard to park development, Chip said that when they presented the preliminary plat of the 5th Supplement to the Board of County Commissioners, they showed a park area to be dedicated that totals about 5 acres in size. That acreage is far in excess of the requirement for Linda Vista 5th. It is their intent to plat all of that park area with Linda Vista 5th Supplement Phase 6, the next and last phase they will plat. They feel that rather than platting the park in small bits and pieces in a number of plats, they can do it all at once and it will be easier to track

OCTOBER 24, 1990 (continued)

in the records in the future and be more of an act of representation of what you have got. What they would like to do with regard to the dedication and the need for 14,00 square feet to satisfy the State law requirements is to set up an escrow account for cash value of the park. Jim Fairbanks will determine what that escrow amount should be, and Mr. Twite will deposit that. The Commissioners could then agree to release that escrow back to Mr. Twite at the time that the parkland in the next phase is platted. It will be platted in sufficient amount of area to satisfy the requirements of this phase.

Janet Stevens asked if there is a time line on this.

Chip Johnson said they would like to discuss this with the Board, but they are thinking of about 2 years. They would like to have the paper work drawn up once they have the figures from Mr. Fairbanks and would bring it directly to the Board. Another concern in condition #2 is the RSID for maintenance. He asked the Commissioners to strike the need to develop that RSID until they actually dedicate land and have a need for an RSID. Until the land is actually dedicated, there is nothing to maintain.

Janet Stevens asked if the Commissioners could just state that a park development and maintenance RSID shall be established for any dedicated parks at the time of dedication.

Chip Johnson said their intent would be to not go to the work of creating an RSID for lands that don't exist. He said they would have to do this when they file the sixth phase.

Mike Sehestedt, Deputy County Attorney, said that they could come to some language condition which would release the cash escrow and establish the RSID.

Chip Johnson said that a statement is put on each plat to waive the right to protest such an RSID, as the plat was filed. With the filing of Phase 5, the County is getting some parkland. The utility lot, a certain amount of square feet, is credited to Phase 5 and the remaining 14,000 will be coming out of the parkland when dedicated. When they dedicate the 5 acres when they file Phase 6, that parkland will then be used for future supplements of Linda Vista as the development goes up the hill.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the final plat of the Linda Vista Fifth Supplement, Phase 5, based on the findings of facts and the conditions set out in the staff report with this change in Condition #2: An escrow account shall be established by the developer; the developer shall deposit in that escrow account a sum equivalent to that determined by the County Assessor for cash-in-lieu of parkland; that escrow account shall remain for a period of 2 years; upon the receipt and approval of Phase 6 and the dedication of appropriate parkland in that phase, the escrow account shall be released; when the final plat of Phase 6 is submitted, a park development and maintenance RSID shall be established for the dedicated park. Motion carried on a vote of 3-0.

HEARING: KING RANCH SUBDIVISION - PRELIMINARY PLAT

Barb Martens, Office of Community Development, explained that this subdivision proposes 36 single family residential lots on approximately 27 acres of the 590+ Bud King Ranch. Approximately 18 acres will be lotted and 9 acres will be common area. The subdivision is located along Mullan Road, just west of Frenchtown. The owner, Bud King, also proposes to develop a golf course adjacent to the residential development. The project will be phased in three phases over a 5-8 year time period. One

OCTOBER 24, 1990 (continued)

resident spoke in favor of the proposed development, but did express concern over the possibility of reduction of the water table. Another concern expressed was the possibility of ground water contamination from septic systems. Staff recommends that the preliminary plat of the King Ranch be approved subject to the conditions, variances and findings of fact as follows:

1. Sanitary restrictions be lifted by State and local health authorities.
2. The developer shall include the following statement on the plat and in each instrument of conveyance: "The purchaser and/or owner of the lot or parcel understands and agrees that private road construction, maintenance and snow removal shall be the obligation of the owner or property owners' association and that the County of Missoula is in no way obligated until the roads are brought up to standards and accepted by the County of Missoula."
3. A developed pedestrian walkway shall be provided in the 25' private access easement located between the two cul-de-sac bulbs and also to the proposed common area.
4. The developer shall provide easements for utilities in the appropriate areas.
5. The developer shall vacate the subdivision plat of Lots 1 through 7, Block 2 of Sunset West, prior to the filing of King Ranch, Phase I.
6. Water supply for fire protection purposes shall be approved by the Frenchtown Fire Chief.
7. Floodplain permits shall be obtained when necessary.
8. The developer shall incorporate the following revisions into the covenants: Article V: Add a new sentence to the end: "Section 2. Buildings. ...from issuance of building permit. Homesites shall be properly addressed when built, with address numbers being a minimum of 4" in height." Add a new Section: "Section 16. Weed Control. The properties shall be maintained in accordance with the Missoula County Noxious Weed Management Act. This shall include maintenance of the common area."
9. Approach permits shall be applied for all access points onto the public right-of-way.
10. Lots 34, 35 and 36 of Phase II shall have a one foot (1') no access strip along Mullan Road and shall access onto the interior roadway.
11. The street name of Putters Court shall be renamed subject to the approval of the County Surveyor.
12. The intersection of the private roads with Mullan road shall allow for a sight distance of 450 feet and shall be subject to the approval of the County Surveyor.
13. The covenants shall bear the certification of the attorney who reviewed or prepared them that such attorney is licensed to practice law in the state of Montana and that they contain the applicable provisions required by these regulations.
14. A revegetation plan for the private roadways shall be approved by the County Weed Control board.
15. Grading, drainage, erosional control and road plans shall be approved by the County surveyors Office for the private roadways.

Further, two variances are requested:

1. A variance from Article 3-2(8)(c)(1) - Maximum length of cul-de-sacs not to exceed 1,000 feet - to allow 1,200 feet due to the fact that the fire district does not recognize any problem and the streets will be well marked.
2. A variance from Article 3-2(8)(c) - Minimum of 54' right-of-way (easement) width for cul-de-sacs... - to reduce the amount to 50' based on the recommendation of

OCTOBER 24, 1990 (continued)

the County Surveyor and the Frenchtown Fire Chief. In addition, it is requested that the Commissioners extend the preliminary plat approval period for a period of eight (8) years, as per staff recommendation.

Janet Stevens opened the Public Hearing and asked for public testimony.

Dick Ainsworth of PCI, representing the owner and developer, Bud King, said that with the exception of the adjoining property that will be part of the golf course, this is all the developable property that Bud has out of 600 acres. There is no additional ground that he can do further development with, other than right where his home is. He does intend to develop a 9-hole golf course, and ultimately has plans for an 18-hole golf course. The first 9 holes appear on the plat, although it is not part of the subdivision. He said they are in agreement with all the conditions.

There being no further testimony, the Public Hearing was closed.

Ann Mary Dussault asked if there were any significant changes from the staff recommendations to what the Planning Board adopted.

Barb Martens said no.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant a variance from Article 3-2(8)(c)(1) - Maximum length of cul-de-sacs not to exceed 1,000 feet - to allow 1,200 feet due to the fact that the fire district does not recognize any problem and the streets will be well marked; and a variance from Article 3-2(8)(c) - Minimum of 54' right-of-way (easement) width for cul-de-sacs... - to reduce the amount to 50' based on the recommendation of the County Surveyor and the Frenchtown Fire Chief. Motion carried on a vote of 3-0.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the preliminary plat of King Ranch Subdivision based on the findings of fact and subject to the conditions listed in the staff report, and to extend the preliminary plat approval period for a period of eight years from today's date. Motion carried on a vote of 3-0.

HEARING: PROPOSED PROJECT FOR WOMEN'S ECONOMIC DEVELOPMENT GROUP (WEDGo) AND THE ISSUANCE OF REVENUE BONDS

John DeVore, Administrative Officer, explained that in July of this year, the Montana Board of Investments issued a request for proposals stating its desire to invest up to \$100,000 in a loan fund targeted to microbusinesses. WEDGo, in concert with Missoula County, responded to this proposal which was approved by the Board of Investments in September. The purpose of this hearing is to provide an opportunity for the public to comment on both the merits of this project and the issuance of \$100,000 in revenue bonds to finance the project. This project involves the issuance of \$100,000 in revenue bonds which will be purchased by the Board of Investments. The proceeds will then be loaned to WEDGo, who will establish a loan fund targeted to microbusinesses on a state-wide basis. Staff recommend approval.

Kelly Rosenleaf from WEDGo said they provide technical assistance and capital access to microbusinesses throughout Montana, targeting women and low-income individuals. They are in their third year of full operation, and have been operating workshops for six years. They have been loaning money in the Missoula area using County and City CDBG payback money for about a year and a



OCTOBER 24, 1990 (continued)

half. Since 1987, they have served 166 clients around the state in both consulting and workshop format, and are reaching their target market. 71% of their clients are making less than \$10,000 a year individually, and in their family incomes, 46% are less than \$10,000. The bulk of their clients are women, although they have a lot of family-owned businesses. 28% of their clients either start or expand businesses, and another 21% stay in business as a result of on-going technical assistance help. 54% of their clients come from Missoula County, the remaining coming from around the state. They operate the joint development fund in conjunction with the Missoula Community Business Incubator. After the end of September, they made 37 loan guarantees and of those, 16 were WEDGo clients. They had a total at that time of \$440,828 out in loan guarantees in cooperation with First Security Bank here in Missoula. That resulted in 82 jobs created or retained in those businesses, and no defaults or delinquencies on those loans. They have several they are working quite closely with. Their default rate is much better than most banks in town. One of the issues in their provision of state wide services is a lack of capital access for business owners in other parts of the state. Many of their clients receive a very small amount of money to get started and it's not available through traditional lenders in these sizes of loans. Their loans are in the range of \$15,000. They would like to operate the state-wide loan fund in the same manner they operate the joint development fund, so they would use the existing loan review committee that now has a year and a half experience. They propose to work with banks around Montana and have talked to several of them, and they would like to set this fund up in the Bank of Montana because they have several branches around the state and are interested in working with them. The loans would be guaranteed, and they can leverage the money at a three to one ratio so they could made \$300,00 worth of guarantees. She said there are many banks that would like to be more liberal in their lending policies, but feel they are inhibited in their charter systems. They have sent a draft of an agreement to several interested banks. They have local service providers in other communities that can provide some of the technical assistance, and have clients they are unable to serve right now because they are beyond the bounds of their existing fund, but still working in the Missoula economic area but beyond the actual physical boundaries of their current fund. They feel they have lots of experience in providing technical assistance and more experience than anyone in the state operating an alternative loan fund and they are very thankful for the support the City and County have offered. She said they feel they are qualified to do this program and would like the Commissioner's support.

Barbara Evans said she appreciates First Security Bank's efforts in giving economic development type loans. She is concerned about the money they are requesting being placed in banks that don't have a very good record for giving these kinds of loans.

Kelly Rosenleaf said all the money will be here in Missoula at the Missoula Bank of Montana, sitting in a pool and drawing interest. The other banks will make the loans, but the guarantee funds will all sit here. We get the first approval of the loan, and then the bank has the second opportunity.

Barbara Evans asked Kelly to reassess at the end of the year whether or not that bank's other banks have given the loans and therefore deserve to have those deposits in their system. And if they don't, they she would ask that they put that in the bank that does the loans.

Kelly Rosenleaf said they would be happy to do that. She said one of the reasons they do guarantees rather than direct is so

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they can leverage more money, but also to encourage them to make these kinds of loans, and they can demonstrate they can do it, they will do a better job.

Barbara Evans said she would like to compliment their program on the jobs they have provided and the wide variety of things for which they have given loans, from pig farms to beauty shops.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify. There being no testimony, the Public Hearing was closed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to authorize the Chairman to take such steps necessary to issue and sign the papers necessary to issue the bonds for the Women's Economic Development Group based on a finding that these bonds and the WEDGo program are very much in the public interest. Motion carried on a vote of 3-0.

Resolution No. 90-100

The Commissioners then signed Resolution No. 90-100, a resolution relating to a project and revenue bonds under Title 90, Chapter 5, Part 1, Montana Code Annotated; approving and authorizing the Women's Economic Development Group project and the issuance of revenue bonds therefor.

HEARING: REZONING REQUEST - JAY C. AND HOLLY RASER

Zoe Mohesky, Office of Community Development, explained that this is a request from Jay and Holly Raser to rezone their property described as Certificate of Survey #2947 and Deed Exhibit #1260 for Tract "A", presently known as 2435 Mullan Road from "C-I1" (Light Industrial) to "C-C3" (General Commercial). The property contains approximately 3.5 acres. It is located on the south side of Mullan Road approximately a half mile from the Mullan Road, West Broadway intersection. Immediately adjacent to the property and forming its southern boundary is the Clark Fork River. Current use of the property is a single family residence and professional office. The Planning Board held a public hearing on this request on October 2, 1990. No public testimony has been received in opposition to this request. The Missoula Consolidated Planning Board unanimously recommended that the subject property be rezoned subject to three conditions and based on the findings of fact as set forth in the Staff Report. The Planning Board amended the second condition as proposed by staff. The three conditions of rezoning recommended by the board are: (1) that future structures constructed on this property be required to be set back a minimum of fifteen (15) feet from the upper edge of the river embankment; and (2) that the buffer between the upper edge of the river bank and future buildings be landscaped; and (3) that stabilization of the river bank occur prior to building construction, subject to obtaining the necessary permits, along the length of any parcel that has not previously been stabilized.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify.

Jay Raser said he was requesting the zoning change so that the property can better take advantage of the amenity that the river presents. He said he foresees a cluster of professional office buildings similar to what can be seen north of St. Patrick Hospital. He thinks the rezoning should be granted because it brings the property into compliance with the Comprehensive Plan that was recently revised, which calls for this property to be utilized as commercial. This would also allow the present uses

OCTOBER 24, 1990 (continued)

that are on the property to remain in the interim. Currently, he is in a non-conforming use. He said he is opposed to two of the proposed conditions. Condition #3, stabilization of banks, is inappropriate for consideration of re-zoning. Condition #1, the 15' set back, is not required of any other "C-C3" zoning, including the adjacent properties. He said he has no problem with condition #2.

Mark Bretz said he owns property east of this property. He requested that the Commissioners reconsider or strike the bank stabilization condition, as it would slow down building permits in the area. He said they attempted to construct a boat ramp, not bank stabilization, but he feels the process would be the same. They abandoned their plans because the process was so long and confusing, and took so much time.

Mike Ruby of Mountain Supply said he was against the 15' setback from the river because he feels this is an attempt to create a 15' river corridor. He said because of the location of their inventory, they have a concern with people going back forth along the riverbank behind Mountain Supply.

Ann Mary Dussault said this is simply a setback, not a corridor or easement for public access.

Mike Sehestedt said Light Industrial zoning has a 15' setback requirement. This is a rezoning but a continuance of the 15' setback from the river. If the zoning is not changed, there is still a 15' setback.

Warren Wilcox from John R. Daily Company, just west of the Raser property, was opposed to the bank stabilization condition. He said you can't get permission today to do that kind of work and this condition is not appropriate.

Jay Raser said in the Industrial zone the setback is from the property line, and if the property line and the property slopes way out into the river between high and low water, then you could say the property line is the high water mark. He said that is inconsistent with what they are wanting him to do. There is a 100-year flood plain designation on his property that is the high point, but he owns property beyond that out into the river, and even though this may be high and dry, he has to set his buildings 15' back from the high water mark on his property which is not the same that's required from an Industrial zone where they have to be 15' from the property line.

Zoe Mohesky said this condition does read from the upper edge of the property line, and the reason we put this in is because the bank is very steep and do you measure vertical feet or horizontal across. That is why they made it more specific from the upper edge and then back.

Barbara Evans asked for the rationale on 15' setbacks.

Zoe Mohesky said that different goals stated in the County inventory of conservation resources and also the Comp Plan point to the river corridor as being important to the community as a whole and how the value of that river corridor needs to be preserved. It doesn't give exact ways to preserve it, but one way they felt to preserve it and maintain the visual aspect of the river is to be able to push buildings back a little bit so they are not crowding the river and you don't have buildings straight up from the river, you have a little bit of a breakway which opens up the river corridor.

OCTOBER 24, 1990 (continued)

Janet Stevens asked about the 15' setback described in the Industrial zoning; from what point.

Zoe Mohesky said it would be from the property line. This one reads from the upper edge because of the bank's steepness.

Ann Mary Dussault said it might behoove them to amend the Industrial zoning so it's 15' from the bank.

Barbara Evans said she had a concern with the 15' setback in order to provide, in essence, public access to the river unless we are really going to say that is what we want to do.

Ann Mary Dussault said that is not what we are doing. It's not intended for public access, but for preservation of the corridor.

Barbara Evans said that a deck within that 15' setback is legal.

Zoe Mohesky said that it is legal if it is below 30" in height. Barbara Evans said that in essence he could still have a deck that extends out to or over the river and be totally within the proposed zoning, which does not do what you are saying, maintain the open visibility along the corridor.

Zoe Mohesky said this is not a two story building, it is a 30" structure. This is not as visually obstructive as a building.

Janet Stevens said the Commissioners had done something similar to this on Placid Lake. They required a setback, but that doesn't mean the public has access to that property. The docks and such could go right down into the water. So the Commissioners have done this in other zoning.

Jay Raser said he thought the purpose of zoning was to protect public health and safety and not preserve areas for aesthetic reasons. That is an opinion by the staff, that the river is more aesthetic if there is some open space there. There are a lot of places that have been built in close proximity to the river and have become a part of the river in the form of organic architecture that work together. If you are going to zone somebody for this, you should state that you are doing this for aesthetic reasons and it has nothing to do with the purpose of the zoning. He said if he has the 15' setback and the area is then zoned into the City, the City will take his property for part of the public riverfront corridor.

Janet Stevens said that the City has purchased the walkways.

Warren Wilcox said he wrote a letter when the Comprehensive Plan was adopted and asked that they be opted out because he says it eventually zones them out of operation. He said he had an extensive conversation with John Torma, who was very explicit with him in that one of the things they were trying to do was gain access between the two bridges. He told me that is what they wanted, they were attempting to put a corridor in on both sides of the river, if they could.

Janet Stevens said they have never had that discussion with John Torma.

There being no further testimony, the Public Hearing was closed.

Barbara Evans asked why leaving it heavy industrial zoning as it presently is would preclude them from doing the kind of office buildings they are suggesting.

OCTOBER 24, 1990 (continued)

Zoe Mohesky said office buildings are not permitted in the Light Industrial zoning, just retail and service facilities which are accessory to a principal use which is permitted. They are not conditional uses or special exceptions. There is no way to develop office buildings under this zoning.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the rezoning request of J.C. and Holly Raser from C-I1 (Light Industrial) to C-C2 (General Commercial) based on the findings of fact contained in the staff report and subject to the following conditions: (1) the condition for the 15' setback as contained in the staff report remain in place; (2) the language on the buffering be changed back to that in the original staff report (that a vegetative buffer between the river bank and future buildings be planted when the site is developed); (3) the third condition on the staff recommendation be dropped. Motion carried on a vote of 3-0.

Barbara Evans said she would like to see a change in the Light Industrial zoning to allow for the construction of office buildings.

HEARING: REZONING REQUEST - HELLGATE ELEMENTARY SCHOOL ON FLYNN LANE

Zoe Mohesky said this is a request from School District #4, Hellgate Elementary Board of Trustees, to rezone property described as a parcel of land located in the SW 1/4, SW 1/4 of Section 7, T13N, R19W, PMM, also known as 2385 Flynn Lane, from "C-RR1" (Residential) to "C-P1" (Public Lands and Institutions). The property consists of approximately 14 acres. A K-5th grade school and a 6-8th grade middle school currently occupy the site. These schools serve the Grant Creek area, El Mar Estates, Westview Park, Kona Ranch, and the general area of Mullan Road. In the past three years, the school district has sought to expand the schools through the Special Exception review process which required the Board of Adjustment approval. The School Board is requesting a zone change to "C-P1" so the school is a permitted use at its current location and future expansion projects on the 14 acre site do not require added review through public hearings. The Planning Board held a public hearing on this request on October 2, 1990. Two citizens spoke in opposition to this request and letters from four property owners were received opposing the zoning change. The Office of Community Development recommends that this rezoning request be approved subject to the following three conditions: (1) that the School District shall complete paving and striping on the on-site parking areas and obtain a zoning compliance permit prior to upgrading the parking areas; (2) that the School District shall discontinue use of the parking area fronting on Flynn Lane and label it for a loading area only; (3) that the School District shall install a visual buffer screening the access drive and parking area that abuts adjacent residential uses to the north of not less than 5 feet in height and width, which provides 75% opacity. These conditions would bring the property into compliance with the site development standard contained in the Missoula County Zoning resolution. On October 2, 1990 the Missoula Consolidated Planning Board unanimously recommended that the subject property be rezoned subject to the following two conditions and based on the findings of fact as set forth in the staff report: (1) that the School District shall include the cost of paving and striping of the on-site parking areas with the next bond issue and obtain a zoning compliance permit prior to upgrading the parking areas; and, (2) that the School District shall discontinue use of the parking area fronting on Flynn Lane and label it for loading area only. The Planning Board deleted the condition the staff recommended for screening/buffering of the site because the Board

OCTOBER 24, 1990 (continued)

felt that buffering was not necessary in this rural setting. In order to give the School District adequate time to complete the paving, the board inserted the wording, "as part of the next bond issue" into Condition #1.

David Theisen, Trustee of Hellgate Elementary School, presented the Commissioners with photographs of the site and spoke against having a five foot high fence as a visual buffer because it would be too difficult to keep track of children. He said they have 916 kids this year as opposed 740 kids two years ago, and they are currently building 2 more classrooms. They will probably have 50 more kids next year. He said the planning process for their school has been on-going for over 5 years. It was projected that they would need another building in 1995, but it appears they will be looking for a new a building in two to three years. He said they have significant parking problems on special events nights. He asked the Commissioners to drop the requirement in terms of the parking in front of the building. He said they bus 100% of their kids.

Craig Burlington, Superintendent of Schools at Hellgate Elementary, said he is in opposition to the conditions. He felt the loading zone only designation would change their bus zone and create safety problems, not alleviate them; and the paving and striping is cost prohibitive. He said the purpose of paving is for dust abatement, and there is no problem with dust because cars only arrive and leave, there is no continuous traffic. The buses are only on the asphalt. The cars are only there 183 days per year. Condition #3 was taken out of the final recommendation because of the rural character of the area.

Janet Stevens said the recommendation was that the paving and striping be included in the next bond issue.

Craig Burlington said if they have two bond issues, they would agree to that. They have to have a building and are currently negotiating with a landowner to do that. He said he doesn't want to gamble the entire school building over some parking areas that may not actually be necessary.

Don Spritzer, Chairman of the Board of Trustees of School District #4, said there are other things more important than paving, a computer for one of the classrooms, for instance. He just feels the money could be better spent. The parking lot is gravel, it is not a high density area, and there are other things the money could be spent on.

There being no further testimony, the Public Hearing was closed.

Ann Mary Dussault said what we are doing here is rezoning the current land. The land that you will purchase will not be rezoned.

Don Spritzer said that if they are able to purchase property, they will have to come back and ask for that.

Janet Stevens said they are concerned about other land than the 14 acres, mainly the airport. She said if they came back for rezoning of other property to this same kind of zoning, she would personally look upon it disfavorably unless it is not in the airport corridor.

Don Spritzer said that they are not in the decibel area of the airport. If they change the runways or alter something major, that may affect them.

OCTOBER 24, 1990 (continued)

Janet Stevens said there are plans for that in the future. If you are looking to buy land out there, you had better talk to the Airport Authority about their future planning as well. If you buy land and come in for rezoning, we may not do it.

David Theisen said the piece of property they wanted to buy is adjoining their current property, which is not in the air corridor. Because of the bussing issue, they want to construct close to the present school. Also because of special staff having to go from building to building.

Barbara Evans said they have had lawsuits from people who moved into the area after the airport was there and the County has lost, so they are really concerned with what goes on in the airport area.

Ann Mary Dussault said if they rezone today, that only applies to the property you currently own. Do not assume, based on that, that we think any further expansion beyond those properties ought to be in that location because at some point we are going to have to resolve the issues between the school and residences and an airport being in the same area. And that issue is going to get bigger as the airport grows and expands, and they will, and as the need for the school grows and expands. So just so you know, you may walk in here two years from now and we may say no.

Janet Stevens said the Trustees need to sit down with the Airport Authority and the residents and the parents of the students in the school.

Barbara Evans moved and Janet Stevens seconded the motion to approve the rezoning request of School District #4, Hellgate Elementary Board of Trustees, from "C-RR1" (Residential) to "C-P1" (Public Lands and Institutions) based on the findings of fact contained in the staff report, minus all the conditions recommended by the staff and the Planning Board. Motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 3:15 p.m.

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OCTOBER 25, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Replacement Bond

Chairman Stevens signed Bond #43 in the amount of \$10,000.00 and Bond #44 in the amount of \$5,000.00 for the County of Missoula, Hospital Revenue Refunding & Improvement Bond, Series 1978, the Missoula Community Hospital Project; Bond #43 replaces register Bond #3 and is registered in the name of Philadelphia Depository Trust Company, and Bond #44 replaces Coupon Bond #1672 and is registered in the name of Martha W. Jones and Rhonda J. Jaramillo, JTWR0S. The replacement bonds were returned to Mike Sehestedt in the County Attorney's Office for further handling.

OCTOBER 25, 1990 (continued)Proclamation

The Board of County Commissioners signed a Proclamation for the week of October 21-27, 1990, proclaiming it as "Employment of Workers with Disabilities Week" and urging all citizens to support programs to advance the cause of the disabled, particularly employers who are requested to give special consideration to the employment and training of qualified disabled veterans and workers with disabilities.

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

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OCTOBER 26, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Dussault attended an Employer Awards Breakfast at Community Medical Center in the morning, and then left for Helena to attend a JTPA meeting; and Commissioner Stevens attended a Mental Health Board meeting in Superior.

*Fern Hart by Wendy Ross Crowell*      *Janet Stevens*  
 Fern Hart, Clerk & Recorder Deputy      Janet Stevens, Chairman

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OCTOBER 29, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was out of the office from October 29th through October 31st because of illness.

Indemnity Bond

Acting Chairman Dussault examined, approved and ordered filed an Indemnity Bond naming Patricia Anderson as principal for warrant #7692, dated June 28, 1990, on the District Court II Fund for jury duty in the amount of \$51.53 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Warranty Deed

The Board of County Commissioners signed a Warranty Deed from Missoula County to James J. and Carol A. O'Neill for Lot 60 of Grantland 13, a platted subdivision in Missoula County. The Deed was returned to Jim Dopp, Operations Officer, for further handling.

Resolution No. 90-091

The Board of County Commissioners signed Resolution No. 90-091, a resolution fixing the form and details of up to \$25,000.00 bonds, as per the terms set forth, for street improvements to St. Francis Drive (RSID No. 437).

Resolution No. 90-092

The Board of County Commissioners signed Resolution No. 90-092, a resolution fixing the form and details of up to \$26,000.00 bonds,



OCTOBER 29, 1990 (continued)

as per the terms set forth, for street improvements to Gleason Drive (RSID No. 438).

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

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OCTOBER 30, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition.

\* \* \* \* \*

OCTOBER 31, 1990

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

Audit List

Commissioners Dussault and Evans signed the Audit List dated October 30, 1990, pages 7-42, with a grand total of \$967,195.14. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-093

The Board of County Commissioners signed Resolution No. 90-093, a resolution of intent to conditionally rezone property described as Certificate of Survey #2947 and Deed Exhibit #1260 for Tract "A", presently known as 2435 Mullan Road, from "C-I1" Light Industrial) to "C-C3" (Commercial).

Resolution No. 90-094

The Board of County Commissioners signed Resolution No. 90-094, a resolution of intent to rezone property described as a tract of land located in the SW 1/4 of Section 7, T. 13 N., R. 19 W., PMM., further described as Certificate of Survey #453A and parcels recorded as Book 47 (Micro), page 269, Book 38 (Micro), page 1284, Book 232, page 240, and Book M, page 357 from "C-RR1" (Residential) to "C-P1" (Public Lands and Institutions).

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Commissioner Ann Mary Dussault. Also present was Commissioner Barbara Evans.

POSITION STATEMENT: OPPOSITION TO CI-55

Barbara Evans read the following position statement:

"The Missoula Board of County Commissioners wishes to go on record in opposition to Constitutional Initiative 55 for the following reasons, agreeing with the position taken by the Montana Tax Reform Coalition, Governor Stan Stephens, the Montana League of Cities and Towns, the Montana Association of Counties, the Montana Taxpayers Association, the Montana State Chamber of

OCTOBER 31, 1990 (continued)

Commerce, the Montana AFL-CIO, and the Montana Democratic Party that:

"Constitutional Initiative 55 is a proposal to replace traditional forms of taxation with a 1% "trade charge" on all "financial transactions" in the state. True tax reform for Montana should result in a tax system that is fair, balanced and competitive. CI-55 fails on all these grounds.

"A high-quality revenue system should produce adequate revenue in a reliable manner that is stable, certain, and sufficient. No one, including the proponents of CI-55 or even the Montana Department of Revenue, can reliably predict what the impacts of CI-55 will be, because the word "transaction" is not defined. The wording leaves it up to the legislature to define "transaction" which could generate anywhere from \$1 billion to \$4 billion per year. Control of financing municipalities, counties, school districts and other special taxing districts will be taken from local residents and officials and transferred to the Montana Legislature which meets every two years. CI-55 is an untried experiment which promises to throw Montana government and public services in chaos. It is about as far away from the qualities of reliability, stability, certainty and sufficiency as can be imagined.

"A high quality revenue system should be equitable. Minimum aspects of a fair system are that it is not regressive and that it shields genuine subsistence income from taxation. CI-55 will do just the opposite. CI-55 contains no exemptions for basic necessities like food and medical care. It has no provision for rebates or deductions for low income individuals. Thus, CI-55 will be highly regressive and unfairly shift the tax burden onto low income individuals. A high-quality tax system for Montana would increase the progressivity and fairness of our tax structure, not reduce it.

"A high-quality revenue system should be understandable, raise revenue efficiently, minimize compliance costs for taxpayers, and be as simple to administer as possible. But CI-55 is not understandable. Its language is so vague and ambiguous that no one can definitely say what CI-55 will mean for Montana. It is impossible to determine the financial impact of CI-55; therefore, no credible estimate is available as to the amount of revenue which would be derived from the trade charge, and there is insufficient evidence to accurately predict that revenue would be sufficient to provide services to State and local government entities, or to pay the current debt services. And CI-55 is not easy to administer - the proposal fails to specify how the "trade charge" is to be collected, or even who is responsible for collecting and reporting it.

"Lastly, a high-quality revenue system should enhance Montana's ability to compete in today's national and global economy. The key to Montana's future growth and success is supporting the kinds of businesses that will bring value-added manufacturing jobs to our economy. While many businesses may be initially attracted by the quality of our state's work force and our recreational opportunities, CI-55 would be a red warning flag to all businesses, signalling loudly and clearly that Montana is "different", unpredictable, and to be avoided. CI-55 will deter business investment in the state, and it will also encourage businesses and individuals to move their financial transactions out of state to avoid the "trade charges" required under CI-55.

"While we fundamentally agree with the need for tax reform in Montana, CI-55 fails all of the tests for a high quality tax system. True tax reform should be responsible, competitive, balanced and fair - not vague words and empty promises.

"For these reasons, the Missoula Board of County Commissioners strongly opposes Constitutional Initiative 55, and urges all Missoula County voters to vote against passage at the November 6, 1990 General Election.

OCTOBER 31, 1990 (continued)

"Dated this 31st day of October, 1990. Board of County Commissioners."

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt the position statement in opposition to CI-55. Motion carried on a vote of 2-0.

DECISION ON REQUEST TO VACATE PORTIONS OF WYOMING AND GARFIELD STREETS

Ann Mary Dussault explained that this item has been pending while all issues have been resolved between Mr. Fairclough and Mr. Shepard. She asked if this had been accomplished.

Mr. Fairclough said that they have come to an agreement. Mr. Shepard would like an easement to use the turn-around that is already there, which also involves City Electric. He would also like a gate for access/exit of fire or emergency vehicles through Mr. Fairclough's driveway. He said they have not written up this agreement because they were unable to contact Marnie McClain in the County Attorney's Office.

Horace Brown, County Surveyor, said this agreement should be in place before the vacation is granted. The County Attorney's office can look at the draft and determine if it is legal. He said the Quit Claim should be filed before the vacation because you cannot attach or add requirements to a vacation.

Marnie McClain, Deputy County Attorney, said that from a liability point of view, she could not draw up the Quit Claim. She would be willing to look at the draft and make recommendations. She said the parties do not necessarily have to hire a private attorney to draw up the agreement. She said they could write it up themselves, and she would then look at it.

Barbara Evans moved and Ann Mary Dussault seconded the motion to postpone a decision on this vacation request for two weeks to allow the parties involved to file a legal agreement granting easements. Motion carried on a vote of 2-0.

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

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NOVEMBER 1, 1990

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

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing fees and other collections made in Missoula County for month ending October 19, 1990.

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the Plat for Placid Lake East Shore Tracts - Phase II, a subdivision of Missoula County, located in GLO Lot 1, Section 21, and the NW 1/4 of Section 28, T. 16 N., R. 15 W., PMM, with the owners of record being Placid Lake Properties.

Resolution No. 90-095

The Board of County Commissioners signed Resolution No. 90-095, a resolution in support of Brown Bear Resources, Inc., an organization dedicated to the preservation of the grizzly bear in North America, and encourage their continued operation on behalf of the grizzly.

Agreement

Chairman Stevens signed an Agreement between the Missoula City-County Health Department and Hydrometrics, Inc. for the purpose of allowing Hydrometrics to obtain the services of the Department in the implementation of the Missoula Aquifer Wellhead Protection Project, as per the provisions set forth, for the period from October 19, 1990, through January 30, 1991, at a total cost to Hydrometrics not to exceed \$11,635.00.

Addendum to Letter of Agreement

The Board of County Commissioners signed Addendum D to the Letter of Agreement between Missoula County and M.P.E.A. Unit #1, covering the period from 7/01/90 through 6/01/91, agreeing that the following employees be placed on the compensation schedule (Addendum A), Grade/Level and Step, effective December 31, 1990:

Mary S. Johnson, Para Professional/Level III, Step 5;

Donna Harsell, Para Professional/Level II, Step 10; and

Pamela A. Barnhill, Administrative Support/Level III, Step to be determined in accordance with pending arbitration decision.

The Addendum was returned to the Personnel Office for further signatures and handling.

Resolution No. 90-096

The Board of County Commissioners signed Resolution No. 90-096, a budget amendment for FY'91 for the Library, including the following expenditures and revenue, and adopted it as part of the FY'91 budget:

NOVEMBER 1, 1990 (continued)

<u>Description of Expenditures</u>	<u>Budget</u>
2220-410-460183-328 Contracted Services	\$15,160.
-284 Supplies	1,160.
-361 Training	2,200.

<u>Description of Revenue</u>	<u>Revenue</u>
2220-410-331214 "Read to Me Too" Literacy Grant - 91	\$18,520.

Resolution No. 90-097

The Board of County Commissioners signed Resolution No. 90-097, a budget amendment for FY'91 for the Library, including the following expenditures and revenue, and adopted it as part of the FY'91 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
2220-410-460184-328 Contracted Services	\$13,997.
-206 Supplies	2,455.
-361 Training Materials	1,475.
-364 Travel & Training	1,399.
-322 Phone	585.

<u>Description of Revenue</u>	<u>Revenue</u>
2220-410-331215 "Read on Missoula" Literacy Grant - 91	\$19,911.

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY'91 budget:

- 1) no. 910008, a request from the Library to transfer \$6,275 from the Personnel - 460110 (\$5,000) and Fringe Benefits - 460110 (\$1,275) accounts to the Personnel - 460184 (\$5,000) and Fringe Benefits - 460184 (\$1,275) accounts as the County match for the "Read on Missoula" Literacy Grant - 91;
- 2) no. 910009, a request from the Library to transfer \$6,275 from the Personnel - 460110 (\$5,000) and Fringe Benefits - 460110 (\$1,275) accounts to the Personnel - 460183 (\$5,000) and Fringe Benefits - 460183 (\$1,275) accounts as the County match for the "Read to Me Too" Literacy Grant - 91; and
- 3) no. 910011, a request from the Sheriff's Dept. (Drug Forfeiture) to transfer \$4,334.40 from the Personnel - 420147 account to the Operations - 420147 account as the Personnel savings will be used for toxic materials removal (grant money).

Other items included:

The Commissioners approved awarding the contract for the FY'91 Right-to-Know Work Program to the Missoula Rural Fire District, as per the terms set forth, for a total amount not to exceed \$8,750.00, beginning November 1, 1990, and concluding September 1, 1991.

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

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NOVEMBER 2, 1990

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

Fern Hart by Wendy Ross Chumwell  
Fern Hart, Clerk & Recorder Deputy

Janet Stevens  
Janet Stevens, Chairman

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NOVEMBER 5, 1990

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

Monthly Reports

Chairman Stevens examined, approved and ordered filed the monthly reconciliation reports of Justices of the Peace, David K. Clark and Michael D. Morris, for month ending October 29, 1990.

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Cathy Schwenk as principal for warrant #31049, dated October 10, 1990, on the Target Range School Payroll Fund in the amount of \$599.79 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Quarterly Report

Chairman Stevens signed the Quarterly Report for the MCH Block Grant covering the first quarter of Fiscal Year 1991 (July-September). The report was forwarded to DHES in Helena.

Certificate of Survey

The Board of County Commissioners signed a Certificate of Survey for Dr. John Browne for the purpose of creating three tracts of land for transfer to immediate family members; to denote a remainder parcel; to show the relocation of common boundary lines between several adjoining properties; to show the realignment of a portion of McDowell Drive, to create a parcel for conveyance to Missoula County for right-of-way for McDowell Drive; and to denote several private access easements and private and public utility easements, all located in the N 1/2 of Section 18, T. 13 N., R. 18 W., PMM, Missoula County.

Surplus Property Resolution

Chairman Stevens signed a Resolution for the State Property and Supply Bureau, authorizing the employees whose names and signatures appear on the document to acquire federal surplus property from the State of Montana for Missoula County. The form was returned to the Surplus Property Programs in Helena.

Declaration of Restrictive Covenants

The Board of County Commissioners signed a Declaration of Restrictive Covenants, dated October 12, 1990, made by James J. and Ona E. Lake, stating that Tract B of their Certificate of Survey will be restricted to agricultural use and that construction of any building on the property which requires

NOVEMBER 5, 1990 (continued)

sewage or water facilities will not be permitted, and such restrictions will be revocable only by mutual consent of the property owners and the Missoula County Commissioners.

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

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NOVEMBER 6, 1990

The Courthouse was closed for the General Election Day holiday.

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NOVEMBER 7, 1990

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

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners sent a letter to Jonathan Lew of the Daily Points of Light Program supporting Willis Hill's nomination for the project; and
- 2) the Airport Lease was discussed and referred to Mike Sehestedt, Deputy County Attorney, who will draw up a new lease.

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

WEEKLY PUBLIC MEETING

The meeting was called to order by Chairman Janet Stevens. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

PROCLAMATION: AMERICAN EDUCATION WEEK

Janet Stevens read the following proclamation: "Whereas, America's public schools serve all of the children of all the people; and whereas, the strength of a community is measured by the schools it keeps; and whereas, the schools of the 1990s need broad citizen support to meet the diverse needs of today's families and to help each student achieve his or her potential; and whereas, educational excellence is built on the involvement of the entire community, including parents, business leaders, elected officials, public service personnel, and senior citizens; now, therefore, we do hereby proclaim American Education Week, November 11-17, 1990. All citizens are urged to observe this week with appropriate activities and to renew their commitment to the education of every child, because educating everyone takes everyone!"

Barbara Evans moved and Ann Mary Dussault seconded the motion to proclaim the week of November 11-17, 1990 "American Education Week." Motion carried on a vote of 3-0.

The proclamation was then signed by Commissioners Stevens, Evans and Dussault; Mayor Dan Kemmis; Michael Kupilik, Chairman, District #1 School Board; and Leonard Landa, Chairman, Missoula County High School Board.

NOVEMBER 7, 1990 (continued)

There being no further business to come before the Board, the Commissioners were in recess at 1:45 p.m.

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NOVEMBER 8, 1990

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

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Keri Stetler as principal for warrant #'s 15762, 16265, 16843, and 17405 dated 11/27/88, 12/15/89, 1/19/90, and 2/16/90 on the Missoula County High Schools' Fund in the amounts of \$17.73, \$11.00, \$3.00, and \$19.00 now unable to be found.

Audit List

Commissioners Evans and Stevens signed the Audit List dated November 8, 1990, pages 7-30, with a grand total of \$88,981.82. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated October 1, 1990, between Missoula County and the Missoula Life Skills Pre-Release Center, whereby the County will purchase community service programs and provide a portion of the cash match to a grant from the Montana Board of Crime Control, as per the terms set forth, for a total amount of \$6,000.00, terminating on June 30, 1991, and is contingent upon receipt of Montana Board of Crime Control Grant Funds by the Pre-Release Center.

Option to Purchase

The Board of County Commissioners signed an Option to Purchase, whereby Sunlight Development Company of Butte, MT grants to the Missoula County Airport Authority and the County of Missoula an option to purchase certain real property situated in Missoula County, consisting of approximately 442.27 acres located in Section 1, T. 13 N., R. 20 W., P.M.M., and in Sections 35 and 36, T. 14 N., R. 20 W., P.M.M., Certificate of Survey No. 3858, as per the terms and conditions set forth, with the consideration for the grant of this option being \$5,000.00, payable in cash upon execution of the document, and expires at 5:00 p.m. on December 31, 1990. The Option was returned to Bill Wagner, Attorney for Sunlight Development Company.

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

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NOVEMBER 9, 1990

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



NOVEMBER 9, 1990 (continued)Election Canvass

In the forenoon, Commissioners Dussault and Stevens and Clerk of Court, Kathleen Breuer, canvassed the results of the General Election, which was held on November 6, 1990.

Fern Hart by Wendy Ross Cornwall  
Fern Hart, Clerk & Recorder Deputy

Janet Stevens  
Janet Stevens, Chairman

\* \* \* \* \*

NOVEMBER 12, 1990

The Courthouse was closed for the Veterans Day Holiday.

\* \* \* \* \*

NOVEMBER 13, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation from November 13th through Thursday, November 15th.

Monthly Report

Acting Chairman Dussault examined, approved and ordered filed the Monthly Report of Sheriff Dan Magone showing the items of fees and other collections on account of civil business in Missoula County for month ending October 31, 1990.

DAILY ADMINISTRATIVE MEETING

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

Replacement Bond

Acting Chairman Dussault signed Bond #45 in the amount of \$30,000.00 for the County of Missoula, Hospital Revenue Refunding & Improvement Bond, Series 1978 (Community Hospital Project), replacing register Bond #13 and is registered in the name of Philadelphia Depository Trust Company. The Replacement Bond was returned to Susan O'Neil at First Interstate Bank.

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

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NOVEMBER 14, 1990

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

Audit List

Commissioners Dussault and Evans signed the Audit List dated November 14, 1990, pages 9-29, with a grand total of \$107,813.70. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

NOVEMBER 14, 1990 (continued)Resolution No. 90-098

The Board of County Commissioners signed Resolution No. 90-098, resolving that Gerald and Lusie Weber be permitted to pay the 1989 taxes on SUID #1055852 without penalty or interest provided that such payment is made on or before November 30, 1990; as due to a communications breakdown, they were unable to obtain information on the 1989 taxes due.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Commissioner Ann Mary Dussault. Also present was Commissioner Barbara Evans.

BID AWARDS: TRACTOR/LOADER/BACKHOE AND TRIPLEX GREENS MOWER - LARCHMONT GOLF COURSE

Ann Mary Dussault explained that this is a request to award bids for a tractor/loader/backhoe (one unit) and a Triplex Greens Mower, both for Larchmont Golf Course. Bids were opened at 10:00 a.m. on Tuesday, October 13, 1990, with the following results:

	<u>Tractor/Loader/Backhoe</u>	<u>Mower</u>
Agri-Ford New Holland (Kubota)	\$10,000	No bid
All-West tractor (Case)	\$16,689	No Bid
Triple W Equipment (John Deere)	\$ 8,873	\$11,627
Midland Implement Co. (Toro)	No bid	\$13,405

Staff recommends both bids be awarded to Triple W Equipment for a total amount of \$20,500 as the lowest and most responsive bidder.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for the tractor/loader/backhoe and the Triplex Greens Mower to Triple W Equipment for a total amount of \$20,500 as the lowest and most responsive bidder. Motion carried on a vote of 2-0.

HEARING: PROPOSED ANNEXATION TO MISSOULA RURAL FIRE DISTRICT (PORTIONS OF BIG FLAT AREA AND RODEO RANCHETTES)

Ann Mary Dussault explained that a petition has been received by the Clerk and Recorder's Office to annex various parcels of land located in Missoula County to the Missoula Rural Fire District. The petition for annexation has been checked and verified. The petitions contain signatures of more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the tax-paying freeholders within the area described, so they meet the requirements of 7-33-2125 M.C.A. for annexation of adjacent territory. The legal description of the properties to be annexed are: Beginning at the section corner common to Sections 25 and 36, T12N, R20W and Sections 30 and 31, T12N, R19W, Principal Meridian Montana, Missoula County, Montana; thence westerly along the section line common to said Sections 25 and 36 to the center of the Bitterroot River; thence northerly and downstream along the center of said river to the section line common to Sections 25 and 26; thence northerly along the said section line to the section corner common to Sections 23, 24, 25, and 26; thence easterly along the section line common to Sections 24 and 25 to the northeast corner of that tract described in Book 253 Micro, Page 1104; thence southerly along the easterly boundary of said tract to the easterly bank of the Bitterroot River; thence southeasterly and upstream along said north bank to the west corner of that tract described in Book 172 Micro, Page 1052; thence northeasterly along the northwesterly boundary of

NOVEMBER 14, 1990 (continued)

said tract to the northerly corner of Lot 1, Rodeo Ranchettes Phase I, a recorded subdivision of Missoula County, Montana; thence southeasterly along the northeasterly boundary of said lot to the northwesterly right-of-way of Oral Zumwalt Way; thence northeasterly along said right-of-way to a point on the southwesterly boundary of that tract described in Book 82 Micro, Page 180; thence northwesterly along the southwesterly boundary, northeasterly along the northerly boundary and southwesterly along the southeasterly boundary of said tract to the northerly corner of Lot 2A, Crerar Addition, a recorded subdivision of Missoula County, Montana; thence southeasterly along the northeasterly boundary of said lot to the northwesterly corner of Lot 8, Block 2, Rodeo Ranchettes Phase 2, a recorded subdivision of Missoula County, Montana; thence easterly along the northerly boundary of said lot to the most westerly corner of that tract described in Book 111 Micro, Page 585; thence easterly along the northerly boundary, southeasterly and southwesterly along the easterly boundary and westerly along the southerly boundary of said tract to the southeasterly boundary of Lot 9, Block 2, Rodeo Ranchettes Phase 2; thence southwesterly along the said lot to the northerly right-of-way of Trails End Road; thence southeasterly, southwesterly and northeasterly along said right-of-way to its intersection with the projection of the northeasterly boundary of Tract A, Certificate of Survey Number 3742; thence southeasterly along said projection and boundary to the quarter corner common to Section 25, T12N, R20W and Section 30, T12N, R19W; thence southerly along the section line common to said sections to the point of beginning (Rodeo Ranchettes); and Lot 2 and the SE 1/4 NW 1/4 of Section 7, T13N, R20W, Principal Meridian Montana, Missoula County, Montana (Big Flat). No written protests have been received.

Ann Mary Dussault open the Public Hearing and asked for testimony. As there was no testimony, the Public Hearing was closed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to annex into the Missoula Rural Fire District the area as listed above and on the petition, as no written or oral opposition to this annexation has been received. Motion carried on a vote of 2-0.

Resolution No. 90-099

The Commissioners then signed Resolution NO. 90-099, a resolution annexing the Big Flat-Champion and Rodeo Ranchettes areas into the Missoula Rural Fire District.

There being no further business to come before the Board, the Commissioners were in recess at 1:45 p.m.

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NOVEMBER 15, 1990

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

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners reviewed and approved the audit of the records of the Clerk of District Court's Office for the period from January 1, 1989, to March 31,

**NOVEMBER 15, 1990 (continued)**

1990, as submitted by the County Auditor's Office; the audit was forwarded to the Clerk & Recorder's Office for filing; and

- 2) the Commissioners approved a draft Travel to Work Survey as submitted by John DeVore, Administrative Officer, and gave authorization to proceed with the survey of all County employees for the purpose of exploring ways of encouraging the use of public transportation in order to reduce the pressure on the County parking lots.

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

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**NOVEMBER 16, 1990**

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition. In the afternoon, Commissioner Stevens participated in the Inauguration Ceremonies of the new University of Montana President, George Dennison, which were held at the University.

*Fern Hart by Wendy Ross Crowmell*  
Fern Hart, Clerk & Recorder Deputy

*Janet Stevens*  
Janet Stevens, Chairman

\* \* \* \* \*

**NOVEMBER 19, 1990**

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

**DAILY ADMINISTRATIVE MEETING**

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

**Memorandum of Agreement**

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Seeley Lake Community Council for the provision of services to advance and promote the interests and welfare of the citizens of the Seeley Lake Community, as per the terms set forth, for the period from July 1, 1990, through June 30, 1991, for a total amount of \$1,000.00.

**Payroll Transmittal Sheet**

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #21 (9/30/90 through 10/13/90) with a total Missoula County Payroll of \$353,800.99. The Transmittal Sheet was returned to the Auditor's Office.

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

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**NOVEMBER 20, 1990**

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

NOVEMBER 20, 1990 (continued)Audit List

Commissioners Dussault and Stevens signed the Audit List, dated November 20, 1990, pages 8-34, with a grand total of \$171,126.71. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated October 1, 1990, between Missoula County and the Missoula Child and Family Resource Council, whereby the County will purchase child abuse prevention services for and on behalf of primary and secondary victims in Missoula County, as per the terms set forth, for a total amount of \$7,000.00, and terminating on June 30, 1991.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Missoula County Office of the Montana Highway patrol for the purpose of conducting Safety Spot Check operations, as per the terms set forth, for the period from November 1, 1990, through June 30, 1991, for a total amount not to exceed \$2,500.00.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated October 1, 1990, between Missoula County and the YWCA Domestic Violence Assistance Center, whereby the County will purchase drug abuse prevention and education services for and on behalf of primary and secondary victims of domestic violence in Missoula County, as per the terms set forth, for a total amount of \$7,000.00, and terminating on June 30, 1991.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between the Missoula City-County Health Department and the Missoula County Sheriff's Office for participation of Missoula County Sheriff's Officers in the Driving Under the Influence (DUI) Enforcement Team, as per the terms set forth, for the period from May 1, 1990, to June 30, 1990, for a total amount not to exceed \$4,480.00.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated October 1, 1990, between Missoula County and Women's Place, whereby the County will purchase alcohol and other substance abuse prevention and education services for and on behalf of primary and secondary victims in Missoula County, as per the terms set forth, for a total amount of \$4,000.00, and terminating on June 30, 1991.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Britt Finley, an independent contractor, for the purpose of the County, on behalf of the Missoula Roundtable on Children and Youth, to obtain the services of the contractor to provide technical assistance regarding the

NOVEMBER 20, 1990 (continued)

statement of need, workplan development, process design, and evaluation plan of the Roundtable's proposal to the Office of Substance Abuse Prevention (OSAP) Community Partnership Program, as per the terms set forth, until its completion on or before November 15, 1990, for a total payment not to exceed \$1,000.00. The contract was returned to Cindy Klette, Grants Coordinator, for further signatures and handling.

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

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NOVEMBER 21, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Certification of Acceptance

Chairman Stevens signed the Certification of Acceptance for County Maintenance for Saint Francis Drive, Road No. 0795, located in Section 12, T. 12 N., R. 20 W., a total of .051 miles. The Certification was returned to the Surveyor.

Agreement

Chairman Stevens signed an Agreement with Logistic Systems, Inc. for the Service, License and Maintenance of the CAD System in Missoula County, as per the terms, condition, and payment schedule set forth in the Agreement. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Other items included:

- 1) the Commissioners approved the Larchmont Golf Course budget for 1991 as submitted by the Larchmont Board of Directors; and
- 2) the purchase of a microfilm reader for the Clerk & Recorder's Office was approved, provided the savings from the carpets is enough.

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

WEEKLY PUBLIC MEETING

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

DECISION ON REQUEST TO VACATE PORTIONS OF WYOMING AND GARFIELD STREETS

Marnie McClain, Deputy County Attorney, said that the necessary papers had not been signed because not all parties to the agreement were available. This matter has been pending since its first appearance on the agenda of the Public Meeting of October 3, 1990.

NOVEMBER 21, 1990 (continued)

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the request to vacate portions of Wyoming and Garfield Streets subject to the receipt of the executed document by all parties. Motion carried on a vote of 3-0.

REVIEW AND DECISION ON PLAT ADJUSTMENT - TARGET RANGE GARDENS  
PHASE III SUBDIVISION - JOHN DIDDEL

Barb Martens, Office of Community Development, explained that John and Mary Jo Diddel request a Plat Adjustment for Recorded Plats for the purpose of establishing an acceptable drainfield replacement area for Lot 2 of Target Range Gardens Phase III. This plat adjustment is necessary in order to meet the requirements of the Missoula City/County Health Department and the Montana Department of Health and Environmental Sciences regulations. The original plans have changed as a result of the dwelling on Lot 2 being built closer to the private roadway, Sunlite Lane. A situation now exists where a three foot encroachment for the drainfield replacement area into the existing private access and public utility easement is necessary. Staff required the developer contact all of the agencies and residents who might be affected by this encroachment to assure no adverse effects would occur if this request were approved. All residents and agencies signed and no adverse effects are expected.

Wally Congdon, representing John Diddel, spoke about the drainfield and the easement meeting Health Department standards because there is a 3 bedroom house instead of the original 2 bedrooms. He said there was no deliberate attempt to fool anyone.

Janet Stevens asked Horace Brown, County Surveyor, if he saw any problems in regard to this, even though the property is on a private road.

Horace Brown, County Surveyor, said no, just a possible problem of putting utilities through it.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the plat adjustment on Target Range Gardens Phase III as presented. Motion carried on a vote of 3-0.

CONSIDERATION OF SUMMARY PLAT - VANGSTAD TRACTS

Barb Martens said that Vangstad Tracts is the proposed subdivision of 25.05 acres into five (5) single family lots, each slightly over five acres in size. The property is located in the Big Flat area, just west and south of Big Flat Road at the right angle turns. Individual sewage disposal systems and wells are proposed. The property is zoned "C-A3" (Residential), which allows a maximum density of one dwelling unit per five acres. The Office of Community Development Staff recommends that the summary plat of the Vangstad Tracts be approved subject to the following conditions and findings of fact as stated in the staff report: 1. Sanitary restrictions shall be lifted by State and local health authorities. Barb said the next condition is a waiver to the parkland requirement, which is legal if the proposed lots are five acres or more in size. 2. The developer shall enter a covenant to run with the land. This covenant shall be revocable only by mutual consent of the Board of County Commissioners and the property owner. The covenant shall state that the parcels in the subdivision shall never be subdivided into parcels of less than five (5) acres and that all parcels in the subdivision shall be used for single family dwellings. 3. Approach permits shall be obtained from the County Surveyor. 4. a one foot (1') no access strip shall be provided along Big Flat

NOVEMBER 21, 1990 (continued)

Road as required by the County Surveyor. Barb said she recommends this condition be deleted because they don't know where the homes will be located, and this concern can be addressed through the Approach Permit process.

Barbara Evans said she would like included in Condition #2 a statement in regard to the fact that if the covenant is ever revoked, they must pay the money for the parkland.

Nick Kaufman of Sorenson and Company explained their position regarding wildlife and the feeding of animals and different types of trees and shrubs, all of which have been incorporated into the covenants, somewhat similar to what they have used in the Rattlesnake area.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the summary plat of Vangstad Tracts based on the findings of fact and the staff recommendations, deleting Condition #4 and adding to Condition #2 the stipulation that if the revocation ever takes place, the park money that would have been paid at the time of cash-in-lieu would be paid upon revocation. Motion carried on a vote of 3-0.

CONSIDERATION OF SUMMARY PLAT - SWANSON ADDITION

Barb Martens said that Swanson Addition is a proposed three lot, single family subdivision. The total acreage is 3.38 acres. The property is located west of Reserve Street, north of Spurgin Road and south of Patty Ann Drive. One of the three lots as proposed would access onto Spurgin Road, and the remaining two lots would access onto Patty Ann Drive. The Office of Community Development staff recommends that the summary plat of Swanson Addition be approved subject to the following conditions, variance and findings of fact as stated in the staff report: Conditions: 1. Sanitary restrictions shall be lifted by State and local health authorities. 2. Approach permits shall be granted by the County Surveyor for any access points. 3. Cash-in-lieu of parkland shall be dedicated to the County and the amount shown on the face of the plat. 4. The developer shall provide a standard cul-de-sac at the southern end of Patty Ann Drive, which is a dead-end street. The minimum right-of-way of the turn-around radius shall be fifty feet (50') and the minimum pavement width of the turn-around radius shall be thirty-five feet (35'). Grading, drainage, erosion control and street plans shall be approved by the County Surveyor. 6. The County Surveyor, Missoula Rural Fire District, and Missoula Irrigation Ditch Company shall approve the plan for road improvements in the ditch area. 7. The developer shall include the following addition to the proposed covenants: Section 4. Animals and Pets. Domestic animals (especially dogs and cats) shall not be allowed to roam off owners' property, due to negative impacts on wildlife. All pet food shall be kept indoors. This will reduce conflicts with wild animals. All carcasses of dead animals shall be removed immediately. Variance: The Office of Community Development staff recommends that the following variance from Article 3-2 (8) (C) ROAD RIGHTS-OF-WAY AND SURFACING WIDTHS FOR CUL-DE-SAC STREETS be denied. The reasons for recommending denial are: 1) Currently, Patty Ann Drive is a dead-end street, which is prohibited in the subdivision regulations; 2) Patty Ann Drive has 12 existing homes. This subdivision will add two more additional dwellings; 3) A cul-de-sac turn-around will provide for safe maneuvering of fire apparatus, snow removal equipment, vehicles and pedestrians. Barb then discussed condition #5, including the fact that regulations prohibit dead-end streets and that there is no intention of extending Patty Ann Drive through to Reserve Street. She also discussed condition #7 regarding dogs and cats and the fact that we are demanding something that



NOVEMBER 21, 1990 (continued)

can't be accomplished. Ann Mary suggested the deletion of the words in parentheses--"especially dogs and cats"--and just stay with "domestic animals."

Tim Wolfe of Territorial Engineering spoke about the variance request and asked that it be approved.

Horace Brown said he approved of the cul-de-sac but didn't think only two lot owners should have to pay for it.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the summary plat for Swanson Addition subject to the conditions, variance, and findings of fact stated in the staff report less staff recommendation #5 and amending #7 by deleting the materials in the parentheses, "especially dogs and cats." Motion carried on a vote of 3-0.

CONSIDERATION OF SUMMARY PLAT - OTOUPALIK ADDITION

Barb Martens said that Otoupalik Addition is a proposed two (2) lot, single family subdivision, a resubdivision of Lot 5 First Amended Plat of Johnston Subdivision. The total acreage is 2.58 acres. The property is located west of Clements Street and just south of Spurgin Road. The property is zoned "C-RR1" (Residential), which allows a maximum density of one dwelling unit per acre. The Office of Community Development staff recommends that the summary plat of Otoupalik Addition be approved subject to the conditions and findings of fact as stated in the staff report. These conditions are: (1) Sanitary restrictions shall be lifted by State and local health authorities. (2) Lots 5A and 5B shall have a shared access within the existing private access easement. The access is subject to the approval of the County Surveyor. A one foot (1') no access strip shall be provided along the remaining northern boundary of Lot 5A. (3) The Missoula Irrigation District shall approve the easement locations and any construction plans for the irrigation ditches. (4) The irrigation ditch culvert shall be capable of supporting 40,000 pounds for fire apparatus access to Lot 5B and plans shall be approved by the Missoula Fire District. Barb said she would like to amend condition #4 to read "If an irrigation ditch culvert is necessary, it shall be capable of supporting 40,000 pounds for fire apparatus access to Lot 5B and plans shall be approved by the Missoula Rural Fire District" because the ditch ends at that driveway; hence, there may not be a need for that culvert.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the summary plat of Otoupalik Addition, a resubdivision of Lot 5, First Amended Plat of Johnston Subdivision, based on the findings of fact and the staff recommendations with a change in #4 to read "If an irrigation ditch culvert is necessary, it shall be . . ." Motion carried on a vote of 3-0.

HEARING: CERTIFICATE OF SURVEY REVIEW: FAMILY TRANSFER EXEMPTION - ROB DEMAROIS

Marnie McClain, Deputy County Attorney, explained that the applicant, Rob DeMarois, proposes to divide Tract A-1 of COS 3152 into three parcels. Two parcels would be gifted to minor children and the third would be a remainder. Mr. DeMarois divided this tract in 1984 using the occasional sale exemption. According to the affidavit submitted by the applicant, the minor children do not have separate bank accounts for disposition and management of the tracts, nor has a trust been established for them.

NOVEMBER 21, 1990 (continued)

Janet Stevens opened the Public Hearing and asked if anyone cared to testify.

Nick Kaufman of Sorenson and Company said this property is located up near the Mansion and the Golf Course. He said he didn't know about bank accounts, but what they would like to know is if they actually can do the Family Exemption to gift each of his minor children.

Barbara Evans asked if this was just a means for him to split up the land and then sell it.

Nick Kaufman said he didn't know.

Ann Mary Dussault said this is a classic example of an evasion, particularly without evidence that he has created a mechanism to actually put this land in trust for his children. She said that without this, she can't approve it.

Ann Mary Dussault moved and Barbara Evans seconded the motion to continue this item for one week and reschedule it for Wednesday, November 28, 1990. Motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess.

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NOVEMBER 22 & 23, 1990

The Courthouse was closed for Thanksgiving Day and for the Heritage Day holiday.

Fern Hart by Wendy Ross Cromwell  
Fern Hart, Clerk & Recorder Deputy Janet Stevens, Chairman

\* \* \* \* \*

NOVEMBER 26, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheets

The Board of County Commissioners signed the transmittal sheets for the following pay periods:

- 1) #22 (10/14/90 through 10/27/90) with a total Missoula County payroll of \$347,307.22; and
- 2) #23 (10/28/90 through 11/10/90) with a total Missoula County payroll of \$350,538.40.

The Transmittal Sheets were returned to the Auditor's Office.

Amendment to Memorandum of Understanding

The Board of County Commissioners signed an Amendment to the Memorandum of Understanding among Missoula Trails Project Cosponsors, amending the document to include the University of Montana as one of the cosponsors of the Missoula Trails Project,

NOVEMBER 26, 1990 (continued)

consistent with the terms set forth in the April 16, 1990, Memorandum of Understanding. The Amendment was returned to Amy O'Herren in the Rural Planning Office for further signatures and handling.

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

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NOVEMBER 27, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated November 27, 1990, pages 7-33, with a grand total of \$58,123.81. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-101

The Board of County Commissioners signed Resolution No. 90-101, a resolution relating to a project and revenue note under Title 90, Chapter 5, Part 1, MCA; approving the Women's Opportunity Resource Development, Inc. project and authorizing the issuance of an Industrial Development Revenue Note.

Quitclaim Deed

The Board of County Commissioners signed a Quitclaim Deed from Missoula County to Riverside Development, Inc. for property located in the SE 1/4 of Section 27, T. 12 N., R. 20 W. according to Certificate of Survey 2651, and for which the County has received payment in full for delinquent taxes.

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

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NOVEMBER 28, 1990

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

WEEKLY PUBLIC MEETING

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

PROCLAMATION: TUBACHRISTMAS DAY, 1990

Mayor Dan Kemmis read the following Proclamation: "Whereas, TubaChristmas concerts, as conceived in 1974 by renowned tubist Harvey G. Phillips, have become an annual holiday tradition in cities throughout the world; and whereas, TubaChristmas brings together tuba and euphonium players of all ages to present public concerts of traditional Christmas carols acknowledging their proud musical heritage; and whereas, TubaChristmas honors all

NOVEMBER 28, 1990 (continued)

great tuba and euphonium players through William J. Bell, born Christmas Day 1902 and all great composers through Alec Wilder, who passed away Christmas Eve 1980; and whereas, TubaChristmas concerts are presented free of charge to local public audiences for their enjoyment; and whereas, TubaChristmas Coordinator Gary Gillett, Director of Bands at Big Sky High School, has brought this unique holiday concert conducted by Gary Gillett to Missoula; now, therefore, we the County Commissioners of Missoula and the Mayor of the City of Missoula, do jointly recognize and proclaim December 1, 1990 as TubaChristmas Day, 1990. We furthermore bid all our citizens to attend and enjoy the TubaChristmas concerts Downtown and at Southgate Mall. (Signed) Janet Stevens, Ann Mary Dussault, Barbara Evans, Daniel Kemmis."

HEARING: REQUEST FROM WEST CENTRAL VILLAGE HOMEOWNERS ASSOCIATION TO POST "NO PARKING" SIGNS ON SOUTH SIDE OF STREET ON MOUNT AVENUE WEST OF EATON STREET TO MARGARET STREET

After some confusion, it was discovered that there is no Central Village Homeowners Association and the residents of the area did not request "No Parking" signs on Mount Avenue. Residents are concerned about accidents resulting from high speeds and the curve of Mount Avenue between Eaton and Margaret Streets. Horace Brown, County Surveyor, has offered residents a solution of putting "No Parking" signs on the south side of Mount Avenue between Eaton and Margaret Streets.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify.

Doug England, 2312 Mount Avenue, spoke of the accident history of the area including the four accidents that have occurred on his property resulting in damage to his home, damage to his vehicles, damage to his fence, and fear for the safety of himself and his family. He presented the Commissioners with photographs of the damage to his property. He explained that the re-sale value of his property has diminished as a result of these accidents, and expressed frustration with the proposed solution of "No Parking" signs. He stated that people no longer park on the south side of the street, since vehicles parked there in the past have been involved in accidents. Most accidents in the area stem from high rates of speed and alcohol, and most occur in the evening or later. He said he would like to see a permanent solution to the problem and asked the Commissioners to make Mount a one-way street from Reserve with east-bound traffic only.

Cecil Barnier, Director of the Missoula Housing Authority, had two requests: (1) Allow the Housing Authority to put 6" pipes filled with concrete in the County right-of-way to act as barriers; and (2) more law enforcement in the area, especially in the evening hours. He felt this would protect his clients in the apartment complex on the corner of Mount and Eaton, as well as his property. He did not feel "No Parking" signs would really be of much help in this situation.

Shelly Gilstead said she was a resident in the apartment building owned by the Missoula Housing Authority. She said her children were afraid to play in the fenced play area bordering Mount because they had witnessed an accident in the area. She said she has suffered health problems related to stress because of the frequency of accidents occurring in the area. She said she couldn't afford to move, and wanted the Commissioners to take appropriate steps to alleviate the potentially deadly situation. She didn't feel the "No Parking" signs would help much.

NOVEMBER 28, 1990 (continued)

Theresa McFarland said she lives on the corner of Eaton and Mount and her property has been damaged because of five different accidents. She was not in favor of "No Parking" signs because she felt it would not do any good. She said she would like to see a four-way stop sign erected at Eaton and Mount.

Ann Mary Dussault explained that there is a set-back requirement that won't allow barriers to be constructed in the County right-of-way because of liability purposes. She suggested putting barriers on private property. She said she was against a 4-way stop sign, as she felt this would give residents a false sense of security.

Barbara Evans asked Horace Brown if he would consider making Mount a dead-end street at Reserve. She said she would be willing to hold a public hearing on this in order to save lives.

Horace Brown said there would have to be a public hearing before he would consider it. He said he would be willing to put in stop signs on Mount and let Eaton be a through street.

Janet Stevens said she would favor a 4-way stop rather than a dead-end.

Barbara Evans moved and Ann Mary Dussault seconded the motion that Horace Brown put two stop signs on Mount Avenue, one on either side of Eaton, as soon as possible and "No Parking" signs on the south side of the road between Margaret and Eaton Streets. Motion carried on a vote 3-0.

Barbara Evans told the residents if their problems persisted, they were welcome to come back and perhaps the Board could do something different.

HEARING: COS REVIEW - OCCASIONAL SALE - GIZINSKI

Marnie McClain, Deputy County Attorney, explained that Mr. Gizinski proposes to divide Tract C2 of COS 2889 into two parcels using an occasional sale exemption and a remainder. This property is located to the north and west of Frenchtown. The tract shares a private road easement with other parcels and restrictive covenants may apply. There has been a considerable amount of COS activity in this area by other applicants, but according to the County Surveyor's Office, Mr. Gizinski has no previous history of COS activity.

Nick Kaufman of Sorenson and Company, representing Mr. Gizinski, said this property is located north and west of Frenchtown Pond. It is a parcel of 7.74 acres, which will be divided into two 3-1/2 acres tracts (approximate).

Janet Stevens opened the Public Hearing and asked if anyone cared to testify. As there was no testimony, the Public Hearing was closed.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the request for an occasional sale exemption on COS 2889, Tract C2 based on the fact that there is no apparent attempt to evade the Montana Subdivision and Platting Act and there has been no previous use of the occasional sale exemption by the applicant. Motion carried on a vote of 3-0.

HEARING: COS REVIEW - OCCASIONAL SALE - NIELSEN

Marnie McClain explained that the Neilsens propose to create two parcels out of the remainder of a previous occasional sale which they did in 1985 using an occasional sale exemption and

NOVEMBER 28, 1990 (continued)

remainder. Parcel C-2-B will be served by a road and water and sewer system presently planned for development by a property owner located to the west of these parcels. This property is located just beyond Marshall Canyon.

Dick Ainsworth of Professional Consultants, Inc., representing James and Agnes Neilsen, explained the terrain of the property, which precludes any further building on the parcel. He also explained the septic system which will be connected to Dr. Brown's adjoining property.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the request for an occasional sale exemption on COS 3169, Tract C2 based on the fact that the issues regarding siting and septic have been addressed through other transactions that have already occurred, and there is no apparent attempt to evade the Montana Subdivision and Platting Act. Motion carried on a vote of 3-0.

HEARING: COS REVIEW - OCCASIONAL SALE - KERR

Marnie McClain explained that Ferne Kerr seeks to divide COS 2988 into two parcels using the occasional sale exemption and a remainder. This parcel was created in 1984 also by use of the occasional sale exemption. The proposed division is contiguous to the previous division. According to the Count Surveyor's office, Mrs. Kerr used the occasional sale exemption once before in 1978. The property proposed for division is located in the upper Miller Creek Road area.

Dick Ainsworth, representing Mrs. Kerr, said this is the last parcel Mrs. Kerr owns, so she would never request another occasional sale. He reviewed the area of the proposed occasional sale and a history of the activity. He said she wished to go this route rather than a summary plat because the summary would cost about \$2,000 more and take at least 2 months longer.

Ann Mary Dussault asked Bruce Peterson, the party interested in buying the parcel, if he intended to build his house on the property and keep the two acres intact. Mr. Peterson said yes to both questions.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify. As there was no testimony, the Public Hearing was closed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the request for the use of an occasional sale on COS 2988, based on the fact that it appears to be an extension of the original subdivision, public improvements are already in existence and nothing would be accomplished by going through the subdivision process, and there is no apparent attempt to evade the Montana Subdivision and Platting Act. Motion carried on a vote of 3-0.

CONTINUATION: COS REVIEW - FAMILY TRANSFER EXEMPTION - ROB DEMAROIS

Janet Stevens explained that this request has been withdrawn and the applicant will go through the summary process.

There being no further business to come before the Board, the Commissioners were in recess at 2:45 p.m.

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NOVEMBER 29, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Certification of Acceptance

Chairman Stevens signed a Certification of Acceptance for County Maintenance for Morrison Lane, Road No. 1544, located in Sections 14, 15, 23, and 26, T. 13 N., R. 16 W., a total of .330 miles. The Certification was returned to the Surveyor's Office.

Quit Claim Deeds

The Board of County Commissioners signed the following Quit Claim Deeds to straighten out certain Certificates of Survey:

- 1) from Missoula County to John T. and Virginia G. Browne for Portion T, COS 3863, being a portion of the N 1/2 of Section 18, T. 13 N., R. 18 W., containing 3,065 sq. ft. more or less, being subject to all easements and right-of-ways as shown, existing or of record, and all according to plat;
- 2) from Missoula County to John T. Browne for Portion C, COS 3863, being a portion of the N 1/2 of Section 18, T. 13 N., R. 18 W., containing 2,349 sq. ft. more or less, being subject to all easements and right-of-ways as shown, existing or of record, and all according to the plat; and
- 3) from Missoula County to Martin J. and Dale M. Briggeman for Portion B, COS 3863, being a portion of the N 1/2 of Section 18, T. 13 N., R. 18 W., containing 79 sq. ft. more or less, being subject to all easements and right-of-ways as shown, existing or of record, and all according to the plat.

The Deeds were returned to the Clerk & Recorder's Office.

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

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NOVEMBER 30, 1990

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

Fern Hart by Wendy Ross Cromwell  
Fern Hart, Clerk & Recorder Deputy

Janet Stevens  
Janet Stevens, Chairman

\* \* \* \* \*

DECEMBER 3, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office December 3rd and 4th because of illness.

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement, dated October 1, 1990, between the Missoula Public Library and the Literacy Volunteers of America-Missoula for the purpose of administering and implementing the two federal LSCA Title VI literacy grants from the U. S. Department of Education, as per the terms set forth, for the period from October 1, 1990, through September 30, 1991.

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

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DECEMBER 4, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena where she participated in the MT Children's Alliance Legislative Workshop; and Commissioner Stevens attended the MT GIS Conference held at the Holiday Inn in Missoula.

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DECEMBER 5, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated December 4, 1990, pages 7-35, with a grand total of \$240,277.53. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Missoula Area Special Co-op as principal for warrant #5409 on the School District #34 Fund in the amount of \$997.05 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-102

The Board of County Commissioners signed Resolution No. 90-102, a resolution accepting an easement from John T. Browne for public road and all other public purposes as shown on Certificate of Survey No. 3863, located in a portion of the N 1/2 of Section 18, T. 13 N., R. 18 W., PMM.



DECEMBER 5, 1990 (continued)Resolution No. 90-103

The Board of County Commissioners signed Resolution No 90-103, a resolution to rezone property described as a tract of land located in the SW 1/4 of Section 7, T. 13 N., R. 19 W., PMM., the Hellgate Elementary School on Flynn Lane, recorded as Book 47 (micro), page 269, Book 38 (micro), page 1284, Book 232, page 240, and Book M, page 357 from "C-RR1" (residential) to "C-P1" (public lands and institutions).

Resolution No. 90-104

The Board of County Commissioners signed Resolution No. 90-104, a resolution to conditionally rezone property described as Certificate of Survey #2947 and Deed Exhibit #1260 for Tract "A", presently known as 2435 Mullan Road, from C-I1" (light industrial) to "C-C3" (commercial).

Acceptance of Supplemental Funds

Chairman Stevens signed acceptance of the supplemental MCH Block Grant funds in the amount of \$13,455.00, which are a result of DHES having unspent MCH Block Grant funds at the close of the State fiscal year on June 30, 1990. The acceptance form was forwarded to DHES in Helena.

Amendment to Loan Agreement

The Board of County Commissioners signed an Amendment to the Loan Agreement between Missoula County and Women's Opportunity and Resource Development, Inc. of November 27, 1990, amending Article 2, Section 2.01 (2) as follows:

"promote the public welfare by encouraging the expansion of a not-for-profit organization whose dba division WEDGo has as its primary purpose to assist small businesses to expand and become more viable within the Municipality and throughout the State, thereby improving employment opportunities of present and future residents, and promoting and stimulating economic activity within the Municipality and throughout the State."

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

WEEKLY PUBLIC MEETING

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

As there was no business to conduct, the Commissioners were in recess at 1:31.

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DECEMBER 6, 1990

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

Monthly Reports

Chairman Stevens examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending November 30, 1990.

DECEMBER 6, 1990 (continued)DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners met with personnel from the Elections Office regarding the newly created Mouth of Petty Creek Fire District Board, which will be elected by the residents of the District in April; and
- 2) the Commissioners notified Jane Ellis, Fiscal Officer, that until further notice, no transfers of taxes collected on behalf of the Airport Authority are to occur without written approval from the Commissioners.

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

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DECEMBER 7, 1990

The Board of County Commissioners met in regular session; all three members were present. In the forenoon, Commissioner Stevens spoke to classes at Paxson School; and Commissioner Dussault spoke to the Criminology Classes at Sentinel High School.

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing fees and collections made in Missoula County for month ending November 20, 1990.

*Fern Hart by Wendy Ross Cromwell*  
 Fern Hart, Clerk & Recorder Deputy      *Janet Stevens*  
 Janet Stevens, Chairman

\* \* \* \* \*

DECEMBER 10, 1990

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Billings to attend a MACo Workshop on the 11th.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-105

The Board of County Commissioners signed Resolution No. 90-105, a resolution authorizing and instructing the County Clerk & Recorder to make application to the County Treasurer of Missoula County tax deeds on the described lands (attached to the Resolution) which remain unredeemed in the Office of the County Treasurer on September 25, 1990, and for which notice has been properly made; and instructing the County Treasurer to cancel 1986, 1987, 1988, 1989 and the current year's taxes on the same.

DECEMBER 10, 1990 (continued)

Other items included:

The Commissioners approved the stationery for the Sheriff's Department with the corrections agreed upon.

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

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DECEMBER 11, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Billings attending the MACo Elected Officials Workshop.

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for month ending November 30, 1990.

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a Proclamation, whereby they and the Mayor of the City of Missoula jointly recognize and proclaim the week of December 9 through 15, 1990, as "Drunk and Drugged Driving Awareness Week" and urge the citizens of Missoula to help make this a safe holiday season by participating in this event with appropriate activities.

Other items included:

The Commissioners approved the settlement agreement on the 1984 CDBG housing rehab loan by Tim and Raewyn Stine in the amount of \$2,250.00, with Farmers Home Administration paying the back taxes, as presented in the memo from Cindy Wulfekuhle of the CDBG Office, dated December 11, 1990.

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

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DECEMBER 12, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated December 11, 1990, pages 7-38, with a grand total of \$94,699.15. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

DECEMBER 12, 1990 (continued)Resolution No. 90-106

The Board of County Commissioners signed Resolution No. 90-106, a resolution setting the Sale of Tax Deed Property, tracts of land acquired by Missoula County on December 11, 1990, by tax deed and described on the list attached to the Resolution, for 1:30 p.m. on January 9, 1991.

Resolution No. 90-107

The Board of County Commissioners signed Resolution No. 90-107, a resolution accepting an easement from the United States of America, acting by and through the Forest Service, Department of Agriculture, for public road and all other public purposes as shown on Certificate of Survey No. 3862 located in Section 35, T. 14 N., R. 19 W., PMM, Missoula County, to be used for the Sawmill Gulch Road.

Listing Agreement

Chairman Stevens signed a Listing Agreement between Missoula County and Scott Hollenbeck of Properties 2000 for lots owned by the County in Grantland 12 & 13, extending the Listing Agreement to December 31, 1991. The Agreement was returned to Scott Hollenbeck.

## Other items included:

The Commissioners set the date for the public hearing on the Resolution to Create a Port Authority for Wednesday, January 23rd, 1991, at 7:30 p.m.

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

WEEKLY PUBLIC MEETING

Chairman Janet Stevens called the meeting to order at 1:30 p.m. Also present were Commissioners Ann Mary Dussault and Barbara Evans.

CONSIDERATION OF SILVERHILL ESTATES - SUMMARY PLAT

Zoe Mohesky from the Office of Community Development explained that Silverhill Estates proposes five single family lots on 8.35 acres. The property is located to the east of Deschamps Lane and south of Roller Coaster Road. The lots vary in size from 1.45 acres to 2.16 acres. The property is zoned "C-RR1" (Residential), which allows a maximum density of one dwelling unit per acre. The lots will be served by individual wells and septic systems. Cash-in-lieu of parkland will be given to satisfy the parkland requirement. The Office of Community Development staff recommends that the summary plat for Silverhill Estates be approved subject to fourteen conditions, and approval of the variances with conditions, as per the findings of fact. The conditions are:

1. Sanitary restrictions are lifted by State and local health authorities.
2. All lots shall apply to the County Surveyor's Office for approach permits.
3. A statement shall be placed on the face of the plat and in the deed for each lot that driveway approaches shall be paved for a minimum of twenty feet when Copter Lane is paved.
4. Grading, drainage, erosional control and street plans shall be approved by the County Surveyor's Office.

DECEMBER 12, 1990 (continued)

5. Cash-in-lieu of parkland shall be dedicated to the County and the amount shown on the face of the plat.
6. The road sign for Copter Lane shall be installed by the developer, subject to the approval of the County Surveyor.
7. The developer shall place a one foot no access strip on the face of the plat along Roller Coaster Road, subject to the approval of the County Surveyor.
8. The developer shall place the following statement on the face of the plat: "Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future RSID for upgrading Roller Coaster Road and may be used in lieu of their signatures on an RSID petition."
9. The developer shall be required to annex into the Missoula Rural Fire District prior to plat filing.
10. The developer shall make the following revisions to the proposed covenants:
  - 1.) Section 2: Buildings - Delete "1970" and add "1976".
  - 2.) Delete Section 7. Timber.
  - 3.) Add the November 8, 1990 letter from Amy O'Herren, Rural Planning, as an addendum to the covenants to provide homeowners with knowledge regarding wildlife in this area.
11. The developer shall develop a Revegetation Plan to be approved by the County Weed Board.
12. The reconfiguration plan for Copter Lane, which will now provide access to each lot within Silverhill Estates, shall be subject to the approval of the County Surveyor, Missoula Rural Fire District, the City/County Health Department and the Office of Community Development.
13. The developer shall form a Property Owner's Association and provide a copy of the Articles of Incorporation and By-Laws with proof of filing with the Secretary of State for construction and maintenance of Copter Lane, until such time as Copter Lane is brought up to County standards and accepted by the County.
14. The Property Owner's Association Articles of Incorporation, Bylaws, Covenants and Restrictions shall bear the certification of the attorney who reviewed or prepared them that such attorney is licensed to practice law in the state of Montana and that they contain the applicable provisions required by these regulations.

The Community Development staff recommends that the following variances be granted, subject to the following conditions:

1. From the paving requirement for the private roadway and a minimum driveway paving requirement of twenty feet. The developer is proposing a 24' wide gravel surface with a 35' graveled cul-de-sac turning radius which would meet County gravel standards and would be installed within the two year timeline as allowed by the subdivision regulations.
2. From the criterion requiring county-owned off-site access to meet county standards before granting a paving variance. The reason for granting this variance is that the road is sub-standard only due to the absence of paving and this subdivision is required to share in the cost of upgrading Roller Coaster Road through waiver of a right to protest an RSID.

The Office of Community Development staff recommends that these variances be granted subject to the following conditions:

1. The interior roadway shall be paved at the time Roller Coaster Road is paved, OR
2. The interior roadway shall be paved at the time three lots within the subdivision are developed, whichever comes first.

DECEMBER 12, 1990 (continued)

3. The road right-of-way for Copter Lane shall be dedicated to the County. The developer shall also include the following statement on the fact of the plat: "The purchaser and/or owner of the lot or parcel understands and agrees that road construction, maintenance and snow removal shall be the obligation of the owner or Property Owners Association and that the County of Missoula is in no way obligated until the roads are brought up to standards and accepted by the County of Missoula."
4. A statement must appear on the face of the plat that the roadway is to be paved and brought up to County standards when condition #1 OR #2 is met.

Zoe said the staff recommends deleting the first sentence of Condition #3 of the variance requests, as this is addressed elsewhere. She said their office had received a letter from the Mastels on Deschamps Lane in opposition to this subdivision, and also received a phone call from Linda McCullough on Deschamps Lane. Both parties were concerned with the road, the availability of water, and the density of the proposed housing. Zoe explained that the zoning of the area allows one dwelling unit per acre, not one dwelling per 10 acres as the protestors stated; the road concerns will be addressed by the Surveyor through the subdivision process; and the water/septic concerns would be addressed by the Health Department through the subdivision process.

Andy Fisher of Eli & Associates said they agree with all the conditions. He said in regard to the water question, the owner had just drilled a well and hit water at 67 feet. He said in regard to the septic, this might be the best soil in Missoula--sixty feet of silt and clay before you hit water.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the Summary Plat of Silverhill Estates subject to the fourteen conditions set forth in the staff report; and to approve the two variances with the four conditions, deleting the first sentence in Condition #3. This approval is based on the findings of fact contained in the staff report, finding it in the public interest to do so. Motion carried on a vote of 3-0.

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

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DECEMBER 13, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Butte attending a meeting of the Clark Fork Coordinating Forum.

Indemnity Bond

Acting Chairman Dussault examined, approved and ordered filed an Indemnity Bond naming Marcella Dawn Tate as principal for warrant #041386, dated December 7, 1990, on the Missoula County High Schools' Payroll Fund in the amount of \$28.50 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

DECEMBER 13, 1990 (continued)Resolution No. 90-108

The Board of County Commissioners signed Resolution No. 90-108, a resolution vacating portions of Wyoming and Garfield Streets located in Section 20, T. 13 N., R. 19 W., PMM, as shown on the exhibit attached to the Resolution.

Resolution No. 90-109

The Board of County Commissioners signed Resolution No. 90-109, a resolution adopting amended Policies and Procedures for the administration of Neighborhood Rural Special Improvement Districts, as per the amended comprehensive policy attached to the Resolution.

## Other items included:

The Commissioners made the following board appointments:

- 1) Kent Brown and Byrl Thompson were reappointed to the Seeley Lake Refuse Disposal Board for three-year terms through December 31, 1993;
- 2) Charles Parker, Earl Lory, Vivian Miller, and Dorothy Curran were reappointed to the Missoula Aging Services Governing Board for three-year terms through December 31, 1993; and
- 3) Patricia Lifvendahl was reappointed to the City-County Animal Control Board for a two-year term through December 31, 1992.

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

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DECEMBER 14, 1990

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

*Fern Hart by Wendy Ross Cromwell*  
 Fern Hart, Clerk & Recorder Deputy

*Janet Stevens*  
 Janet Stevens, Chairman

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DECEMBER 17, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Certification of Rural Road Mileage

The Board of County Commissioners signed letter to the Planning and Statistics Bureau of the State Department of Highways, certifying that the rural road mileage in Missoula County, exclusive of the Federal-Aid Interstate and primary systems, amounts to 1,557.611 miles.

DECEMBER 17, 1990 (continued)Acceptance of Supplemental Funding

Chairman Stevens signed Acceptance of the supplemental MCH Block Grant Funds in the amount of \$6,904.00, which is in addition to the supplement offered on November 29, 1990, as a result of additional unspent MCH Block Grant funds at the close of the State fiscal year on June 30, 1990. The form was forwarded to DHES in Helena.

Other items included:

The Commissioners made the following Board Appointments:

- 1) Mike Chandler was reappointed to the Weed Control Board of Supervisors for a three-year term through December 31, 1993;
- 2) Betty Jo Johnson and Bill Nooney were reappointed to the Fair Commission for two-year terms through December 31, 1992; and
- 3) Stan Feist was appointed as a "regular" member of the Fair Commission for a two-year term through December 31, 1992.

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

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DECEMBER 18, 1990

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

Audit List

The Board of County Commissioners signed the Audit List, dated December 17, 1990, pages 9-37, with a grand total of \$88,535.72. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1990, between the Missoula City-County Health Department and Child Care Resources for the purpose of professional services related to providing a child care health program to identify and solve health problems which are unique to children and which may be compounded by grouping young children together, as per the terms set forth, for a total amount of \$6,140.00, through June 30, 1991. The Agreement was returned to the Health Department for further signatures and handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Mary Birch of the U/M Department of Social Work, for the purpose of providing project coordination for DHES Contract No. 300255 involving AIDS related education and research, as per the terms set forth, for the period from March 1, 1990, through December 15, 1990, for a total payment not to exceed \$1,000.00.



DECEMBER 18, 1990 (continued)

Other items included:

The Commissioners reappointed Wayne Van Meter to the City-County Health Board for a three-year term through December 31, 1993.

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

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DECEMBER 19, 1990

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

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Theresa A. Gianoulis as principal for warrant #174532, dated September 21, 1990, on the Missoula County Payroll Fund in the amount of \$20.78 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #24 (11/11/90 through 11/24/90) with a total Missoula County Payroll of \$351,000.38. The Transmittal Sheet was returned to the Auditor's office.

Amendment to Professional Services Contract

The Board of County Commissioners signed an Agreement to Amend the Professional Services Contract between Missoula County and Sally Mullen, dated October 3, 1989, and expires on December 31, 1990, amending the contract as follows:

- 1) the parties agree to extend the termination of the Agreement to June 30, 1991; and
- 2) the parties recognize and understand that all other terms of the original Agreement remain in full force and effect.

The Amendment was returned to John DeVore, Administrative Officer, for further signatures.

Other items included:

The Commissioners made the following Board appointments:

- 1) Richard Volinkaty was appointed as a member of the Missoula County Library Board for a three-year term through December 31, 1993; and
- 2) the Commissioners, with Commissioner Stevens abstaining, appointed Ed Dinges as an alternate member on the Missoula County Weed Control Board for a three-year term through December 31, 1993.

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

DECEMBER 19, 1990 (continued)WEEKLY PUBLIC MEETING

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

BID AWARD: OFFICE SAFE FOR TREASURER'S OFFICE

Wendy Cromwell explained that the Commissioners gave approval several months ago to purchase a new timelock safe for the Treasurer's Office. The lock on the old safe failed last spring, and is so old that it can no longer be reliably repaired. Bids were solicited in writing from Inter Innovation; LeFebure Safes; Spokane Safe, Lock & Alarm; and Art & Rays Lock Shop. Only one response was received, and that was from Spokane Safe, Lock & Alarm in the amount of \$4,095. Staff recommends awarding the bid to Spokane Safe, Lock & Alarm in the amount of \$4,095.

Ann Mary Dussault moved and Janet Stevens seconded the motion to award the bid for an office safe for the Treasurer's Office to Spokane Safe, Lock & Alarm in the amount of \$4,095. Motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:35 p.m.

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DECEMBER 20, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the City of Missoula Police Department for the purpose of participation of Missoula City Police Officers in the Driving Under the Influence (DUI) Enforcement Team, as per the terms set forth, for the period from November 1, 1990, through June 30, 1991, for a total amount not to exceed \$7,488.00. The Contract was returned to the City for further signatures.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Medical Insurance Department and adopted it as part of the FY'91 budget:

No. 910014, a request to transfer \$5,000 from the Excess Reserves - Claims account to the Capital Improvements (\$3,500) and Capital Office Equipment (\$1,500) accounts for the purpose of remodeling the office and purchase a work station to accommodate the additional staff position.

Lease and Option Agreement

The Board of County Commissioners signed a Lease and Option Agreement between Sunlight Development Company of Butte, MT and Missoula County, whereby in consideration of the recitals and the

DECEMBER 20, 1990 (continued)

covenants and stipulations contained in the Agreement, and in consideration of the payments made and to be made by the County, including the County's \$230,000 cash purchase on or before December 28, 1990, of easement rights to ten (10) acres for a freeway interchange and for connecting public roadway, Sunlight leases to the County the premises listed in the Agreement, subject to all reservations, restrictions, covenants, easements, rights-of-way, and conditions, apparent or of record; and further subject to certain agricultural leases and a sign permit granted by Sunlight on portions of the real property, for a term of three years commencing December 20, 1990, and ending at midnight on December 19, 1993, with the option to renew for one successive period of three years. The Agreement was returned to Mike Grende of Sunlight for further signatures and handling.

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

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DECEMBER 21, 1990

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

*Fern Hart by Wendy Ross Cromwell*  
Fern Hart, Clerk & Recorder Deputy

*Janet Stevens*  
Janet Stevens, Chairman

\* \* \* \* \*

DECEMBER 24, 1990

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

\* \* \* \* \*

DECEMBER 25, 1990

The Courthouse was closed for Christmas Day.

\* \* \* \* \*

DECEMBER 26, 1990

The Board of County Commissioners did not meet in regular session. The Commissioners took a day of vacation following the Christmas Day holiday.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled due to the holidays and a lack of agenda items.

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DECEMBER 27, 1990

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

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Susan J. Daniels as principal for warrant

DECEMBER 27, 1990 (continued)

#20826, dated December 6, 1990, on the Missoula County Trust Fund in the amount of \$375.00 now unable to be found.

Audit List

The Board of County Commissioners signed the Audit List, dated December 26, 1990, pages 7-36, with a grand total of \$386,410.68. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-110

The Board of County Commissioners signed Resolution No. 90-110, the Fair Housing Resolution, resolving that Missoula County makes a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder and discrimination in housing; and also resolving that Fair Housing and Equal Opportunity logo will be displayed in County buildings in prominent locations commonly accessible to the public and on Community Development Block Grant correspondence.

Chemical Dependency Plan

The Board of County Commissioners signed approval of Missoula County's initial Chemical Dependency Plan for FY'92, noting that the budget allocation between Recovery and MIADS has changed in accordance with their respective caseloads and the allocation will be updated once again before the plan is finalized. The Plan was submitted to Darryl Bruno, Chief of the Chemical Dependency Bureau, Department of Institutions in Helena.

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

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DECEMBER 28, 1990

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

<u>Fern Hart by Wendy Ross Cromwell</u>	<u>Janet Stevens</u>
Fern Hart, Clerk & Recorder Deputy	Janet Stevens, Chairman

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DECEMBER 31, 1990

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

\* \* \* \* \*

JANUARY 1, 1991

The Courthouse was closed for the New Year's Day holiday.

\* \* \* \* \*

JANUARY 2, 1991

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

Audit List

The Board of County Commissioners signed the Audit List, dated December 31, 1990, pages 7-31, with a grand total of \$955,691.68. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #25 (11/25/90 through 12/08/90) with a total Missoula County payroll of \$355,896.75. The Transmittal Sheet was returned to the Auditor's Office.

Other items included:

The Commissioners selected Commissioner Dussault as Chair of the Board for 1991.

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

WEEKLY PUBLIC MEETING

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

BID AWARD: MICROFILM READER/PRINTER - CLERK AND RECORDERS OFFICE

Ann Mary Dussault explained that this is a request to award a bid for one microfilm reader printer. Bids received were as follows:

Capital Business System	\$ 9,910
Minolta 605Z	
Northwest Microfilm Co.	\$ 5,850
Canon PC Printer 80	
Bell & Howell Co.	\$16,496

Capital Business System's price includes one year service contract and optional fiche carrier base price \$8,860. Staff recommends awarding the bid to Capital Business System, not the lowest bid but the best bid, for the following reasons:

1. Operating costs for the Canon are more than twice as high as those for the Minolta. Payback for the \$3,000 difference in base price would take 4 years; we expect this machine to be in operation for at least 10 years.
2. The Minolta has an automatic exposure and automatic frame masking. Both features reduce operating costs and will require less supervision of the public by the recording staff.

January 2, 1991 (continued)

3. Service for the Minolta should be quicker because the service person is based here in Missoula. Canon service for Northwest Microfilm is based in Spokane. Annual service contract costs are equal.
4. Positive to negative and positive to positive print capabilities on the Canon require manually exchanging the toner cartridges, whereas the Minolta has an automatic bi-modal printing capability. Non-staff office users would not be expected to change toner cartridges.
5. Minolta includes a film frame counter, as listed in the specs.

Wendy Cromwell, Clerk and Recorder, explained the specs which resulted in such a wide dollar range in the bids received.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for one microfilm reader/printer to Capital Business System for \$9,910 as the most responsive bid received. Motion carried on a vote of 3-0.

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

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JANUARY 3, 1991

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

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, Michael D. Morris and David K. Clark, for month ending December 31, 1990.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 91-001

The Board of County Commissioners signed Resolution No. 90-01, authorizing and instructing the County Clerk and Recorder to make application to the County Treasurer of Missoula County for tax deed for the following described land which remains unredeemed in the Office of the County Treasurer on December 31, 1990, and for which notice has heretofore been properly made, and instructing the County Treasurer to cancel 1986, 1987, 1988, 1989, and the current year's taxes on the same:

Legal Description: SUID #5830856 In SW 1/4 Plat P 33-14-19 68.11 ac Legal also known as: In SW 1/4 Section 33, T 14 N., R. 19 W., according to Cert. of Survey 3340.

Other items included the following Board Appointments:

- 1) the Commissioners reappointed James J. O'Neill and Robin Campbell to two-year terms on the Missoula County Zoning Board of Adjustment through December 31, 1992; and
- 2) Michael Aaron was appointed as a "regular" member of the Missoula County Zoning Board of Adjustment through December 31, 1992.

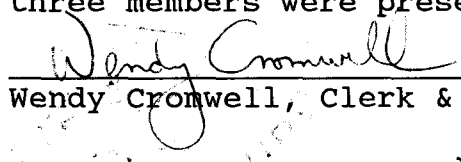
January 3, 1991 (continued)

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

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JANUARY 4, 1991

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

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

\* \* \* \* \*

JANUARY 7, 1991

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

Swearing-In Ceremony

In the forenoon, Chair Dussault conducted the Swearing-In Ceremony for the following newly elected and reelected County officials:

Susan Reed	County Auditor	4-year term
Rachel Vielleux	Co. Supt. of Schools	4-year term
Doug Chase	Sheriff/Coroner	4-year term
Horace Brown	County Surveyor	4-year term
Robert L. Deschamps	County Attorney	4-year term
Michael Morris	Justice of the Peace	4-year term
David Clark	Justice of the Peace	4-year term
Wendy Cromwell	Clerk & Recorder/ Treasurer	4-year term
Kathleen Breuer	Clerk of District Court	4-year term
Barbara Evans	County Commissioner	6-year term

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Associates for Hearing and Speech, an independent contractor, for the purpose of providing individual hearing screening for members of the County Medical Benefits Plan, as per the terms set forth, commencing January 14, 1991, and concluding January 25, 1991, for a total payment not to exceed \$10.00 per screening.

Resolution No. 91-006

The Board of County Commissioners signed Resolution No. 91-006, Sales of Tax Property, resolving that the Clerk and Recorder prepare and publish and post notices of the Order of Sale of Tax Deed Property for the parcel of land described in Resolution No. 91-01, dated January 3, 1991, setting the sale for January 23, 1991, at 1:30 p.m.

Addendum to Travel Policy

The Board of County Commissioners signed an Addendum to Policy 88-A, the Missoula County Travel Policy, amending the Policy as follows:

January 7, 1991 (continued)

"as of January 1, 1991, mileage will be reimbursed at 26 cents for the first 1,000 miles per month traveled and 23 cents thereafter (for the same month).

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

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JANUARY 8, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Certification of Acceptance

Chair Dussault signed a Certification of Acceptance for County Maintenance for a portion of Sunset Hill Road, Road No. 1730, located in Section 1, T. 13 N., R. 15 W., as per an agreement with the Montana Department of Highways. The Certification was returned to the Surveyor's Office.

Resolution No. 91-002

The Board of County Commissioners signed Resolution No. 91-002, a budget amendment for FY'91 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'91 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
2270-611-443200-112 Temporary Salaries	\$24,898
-141 Fringe Benefits	6,225
-206 Office Supplies	500
-311 Printing	650
-327 Consultants	3,938
-356 Common Carrier	900
-357 Meals, Lodging, Incidentals	389
-945 Capital - Office Equipment	<u>1,000</u>
	\$38,500

<u>Description of Revenue</u>	<u>Revenue</u>
2270-611-333025 EA 5X28	\$38,500

EPA funds received; assistance ID No. G1008692-01-0, Log No. 08-G1-1.

Resolution No. 91-003

The Board of County Commissioners signed Resolution No. 91-003, a budget amendment for FY'91 for the Health Department, including the following expenditure and revenue, and adopting it as part of the FY'91 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447207-328 Contracted Services	\$15,505

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-333278 Pedestrian Grant	\$15,505



January 8, 1991 (continued)

Grant received from the National Highway Traffic Safety Administration. Pass through money to the City, as the City of Missoula did not have a Traffic Safety Task Force so they could not apply for this grant.

Resolution No. 91-004

The Board of County Commissioners signed Resolution No. 91-004, a budget amendment for FY'91 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'91 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
2270-610-441001-111 Permanent Salaries	\$4,426
-112 Temporary Salaries	1,308
-141 Fringe Benefits	1,336
-301 Postage	100
-321 Long Distance Phone	100
-359 Mileage - Private Vehicle	300
	<u>\$7,570</u>

<u>Description of Revenue</u>	<u>Revenue</u>
2270-610-337054 EPA Study	\$7,570

Received a grant from SDHES No. 410003 to conduct interviews for EPA survey.

Resolution No. 91-005

The Board of County Commissioners signed Resolution No. 91-005, a budget amendment for FY'91 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'91 budget:

<u>Description of Expenditures</u>	<u>From</u>	<u>Budget To</u>
2270-611-442200-112 Temporary Salaries	\$2,000	\$4,860
-326 Co. Atty. Services	0	2,500

<u>Description of Revenue</u>	<u>Revenue</u>
2270-611-331384 Air Pollution Control	\$37,935 \$43,295

Additional Funds (\$5,360) received to update air pollution control regulations; DHES contract No. 210064, Federal Catalog No. 66.001.

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY'91 budget:

- 1) No. 910012, a request from the Health Department to transfer \$560 from the Contracted Services (\$280) and Printing (\$280) accounts to the Capital - Office Equipment account in order to purchase a film projector;
- 2) No. 910014, a request from the Health Department to transfer \$19,348 as per the sheet attached to the original transfer in the budget file in order to separate grants for audit requirements;

January 8, 1991 (continued)

- 3) No. 910015, a request from the Health Department to transfer \$44,675 from various accounts (as listed on the attachment to the original transfer in the budget files) in 2270-612-447201 to various accounts in 2270-612-447200 for the purpose of separating the two Traffic Safety grants received by the Health Education Division for audit purposes; and
- 4) No. 910016, a request to transfer a total of \$4,199.59 between miscellaneous accounts (as listed on sheet attached to the original transfer in the budget files) because of unanticipated expenses in various budget categories.

Contract Documents - Repurchase of Tax Deed Property

The Board of County Commissioners signed a Contract for Preferential Repurchase of Tax Deed Property, a Notice of Contract to Purchase Property, together with a Quit Claim Deed, which is to be delivered to the Buyers upon payment in full of the purchase price, between Missoula County and Elmer Jacobson, for the repurchase of property described as Cottage Grove Lots 3 and 4, Block 1, Missoula County, Montana (SUID #1013707), as per the terms set forth, for an amount totaling \$1,869.58, to be paid as per the payment schedule set forth in the contract. The documents were forwarded to Bev Hiday in the Treasurer's Office.

Extension Letter

The Board of County Commissioners signed a letter to Gilbert Larson of Stensatter, Druyvestein & Associates approving a six-month filing extension for Erica's Land, a Subdivision of Lot 2 of the Amended Plat of Diamond "L" Bar Lakeshore Tracts, in accordance with the recommendation of the Community Development Staff, making the new filing deadline July 13, 1991.

Other items included:

- 1) the Commissioners appointed Charles M. Deschamps as an ad hoc member of the Fair Commission for a two-year term through December 31, 1992; and
- 2) Anne Guest was appointed as the County's representative on the Missoula Cultural Exchange.

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

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JANUARY 9, 1991

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

Audit List

The Board of County Commissioners signed the Audit List, dated January 8, 1991, pages 7-35, with a grand total of \$127,602.60. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Hudson's Quality Office Machines as principal for warrant #21442, dated November 2, 1990, on the Missoula County High Schools' fund in the amount of \$340.50 now unable to be found.

January 9, 1991 (continued)DAILY ADMINISTRATIVE MEETING

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

Contract Documents - Repurchase of Tax Deed Property

The Board of County Commissioners signed a Contract for Preferential Repurchase of Tax Deed Property, a Notice of Contract to Purchase Property, together with a Quit Claim Deed, which is to be delivered to the Buyers upon payment in full of the purchase price, between Missoula County and Gordon and Marlys Sorenson, for the repurchase of property described as a Portion of Tract A in SW 1/4, SE 1/4, Plat C-6, 27-12-20, COS #3187, Missoula County, Montana (SUID #5855074), as per the terms set forth, for an amount totaling \$2,948.64, to be paid as per the payment schedule set forth in the contract. The contract documents were forwarded to the Treasurer's Office.

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

WEEKLY PUBLIC MEETING

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

HEARING: PETITION TO ANNEX PORTIONS OF LAND TO MOUTH OF PETTY CREEK FIRE DISTRICT

Ann Mary Dussault explained that a petition has been received by the Clerk and Recorder's Office to annex various parcels of land located in Missoula County to the Petty Creek-Lothrop Fire District (formerly known as Mouth of Petty Creek Fire District). The petition has been checked and verified and contains the signatures of more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the tax-paying freeholders within the area described, so they meet the requirements of 7-32-2125 Montana Code Annotated for annexation of adjacent territory.

Barbara Evans said that for the record, the name "Mouth of Petty Creek Fire District" has remained the same, and the Commissioners did not officially change the name of the District.

Mike Sehestedt, Deputy County Attorney, said that in regard to the petition, if the description is adequate, it doesn't matter what the name is. It could be an "also known as" instance.

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to testify.

Pat Davies said she had passed the petition around to area residents and mailed copies to out-of-town owners. She said she has lived in the area for 16 years and lost her previous home in the area to a fire nine years ago. She explained the history of the area, including fire and emergency services.

Scott Waldron, Frenchtown Rural Fire Chief, asked the Commissioners to postpone the annexation until the financial aspect can be worked out between the Frenchtown RFD and the Mouth of Petty Creek RFD, as the FRFD would be doubling its area of response without any increase in fees. He said he was worried that this annexation might negate the existing contract between Frenchtown RFD and the Mouth of Petty Creek RFD. He said their Board needs to address this contract issue before annexation occurs.

January 9, 1991 (continued)

There being no further testimony, the Public Hearing was closed.

Mike Sehestedt explained that tax bills have already gone out, so the area to be annexed will not be taxed until the next tax bills go out. He said that in regard to the question of coverage, the current contract entered into between Frenchtown RFD and Petty Creek FD only addresses the original area. To extend services to the new area will require negotiations and a determination of what terms they (Frenchtown RFD) agree to make the extension, as they are not automatically required to respond to the new District.

Janet Stevens asked if the contract with the original Mouth of Petty Creek Fire District had been worked out before that District was created.

Scott Waldron said no, the District had been created and then the contract had been worked out. He said in regard to the new district, the Frenchtown RFD could charge on a per-call basis until June, then allow the annexation at that time.

Barbara Evans was concerned that if the Commissioners annexed the petitioned areas into the District, they would think they had fire protection, when they don't.

Ann Mary Dussault explained that there is no mechanism to pay for the services until July 1st. The question is, with the annexation into the District, would the Commissioners raise the expectation for response. The Frenchtown RFD would respond, but the individual would be charged.

Janet Stevens said that the same thing existed when the original Petty Creek Fire District was created. With no contract, there was no assurance that the Frenchtown RFD would respond.

Scott Waldron said it's a question of funding and services. The funding is not in place and there is no contract in existence, so they would have to bill individuals for services. They would have to respond on a fee basis, if the Frenchtown RFD Board agrees.

Mike Sehestedt said the Commissioners could grant the annexation to the Petty Creek Fire District contingent upon an agreement reached between the district and the Frenchtown Rural Fire District on the manner in which services would be provided to the enlarged district.

Ann Mary Dussault said the Frenchtown RFD Board needs to execute an agreement with the Commissioners, as they are the Petty Creek Fire District Board.

Janet Stevens moved and Barbara Evans seconded the motion to allow the annexation to the Mouth of Petty Creek Fire District contingent upon an agreement reached between the Petty Creek Fire District and the Frenchtown Rural Fire District for the cost and level of services provided. Motion carried on a vote of 3-0.

SALE OF TAX DEED PROPERTY

Ann Mary Dussault explained that this is an auction of tax deed property for 1986 and 1987. As no one cared to bid on any of the parcels, the auction was closed and the County took deed on the properties, as recorded and on file at the Clerk and Recorder's Office.

There being no further business to come before the Board, the Commissioners were in recess at 2:10 p.m.

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JANUARY 10, 1991

The Board of County Commissioners met in regular session; all three members were present in the forenoon and attended a Small Business Development Center Proposal Meeting held at the Holiday Inn. Commissioner Dussault left at noon for Helena to attend BOS Committee and Joint Council meetings through Friday, January 11th.

Agreement to Sell and Purchase

Chair Dussault signed an Agreement to Sell and Purchase between Missoula County and Kim McCampbell for Lot 18, Block 4, of Homevale Addition, as per the terms set forth, for a total purchase price of \$2,100.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

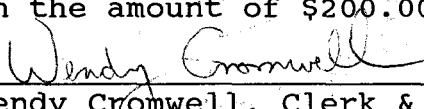
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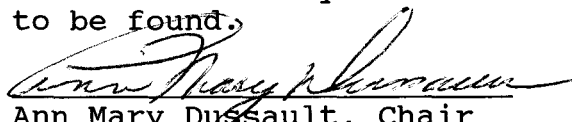
JANUARY 11, 1991

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

Indemnity Bond

Acting Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Nadine Foss as principal for warrant #21563, dated January 3, 1991, on the Missoula County Trust Fund in the amount of \$200.00 now unable to be found.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

\* \* \* \* \*

JANUARY 14, 1991

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

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing fees and collections made in Missoula County for month ending December 20, 1990.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Doug Chase showing the items of fees and other collections on account of civil business in Missoula County for month ending December 31, 1990.

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Caroline J. Brinkley, MD, an independent contractor, for the purpose of providing medical care, quality assurance of clinical services, and participation in the development of primary care policies and standards for the Missoula City-County Health Department, as per the terms set forth, commencing July 1, 1990, for a total amount not to exceed \$15,000.00.

January 14, 1991 (continued)Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the City of Missoula Engineering Department for the purpose of performing the necessary activities to meet the goals and objectives set forth in the Missoula Pedestrian Demonstration Grant, as per the terms set forth, for the period from July 26, 1990, through January 30, 1992, for a total payment not to exceed \$30,000.00. The Contract was returned to the Health Department for further signatures and handling.

Quit Claim Deeds

The Board of County Commissioners signed Quitclaim Deeds from Missoula County to the following for the redemption of the following real estate which had been taken for tax deed:

- 1) to Nicholson Paving Pension Trust of Sparks, NV for Tract 41A in E 1/2 SE 1/4 of Section 13, T. 15 N., R. 22 W., Elk Meadows Ranchettes (SUID #5851387);
- 2) to Nicholson Paving Pension Trust of Sparks, NV for Tract 41B in E 1/2 SE 1/4, Plat K-20, Section 13, T. 15 N., R. 22 W., Elk Meadows Ranchettes (SUID #1729903);
- 3) to Resurrection Cemetery Association of Helena, MT for School 5 Acres -- W 10' of Lot 15, All of 16 through 22, Blk 24, West 230' of Vacated Street (SUID #5856601);
- 4) to Ann and Linda Berkley of Missoula, MT for Improvements on State Land, Lot 13, Section 36, T. 15 N., R. 14 W. (SUID #1231109); and
- 5) to Edmond W. Radloff of Missoula, MT for MT Sentinel #3-- Lots 16 & 17, Block 1 (SUID #1836807).

The Deeds were returned to the Clerk & Recorder's Office.

Resolution No. 91-007

Commissioners Dussault and Stevens signed Resolution No. 91-07, a resolution stating that "on this eve of the deadline imposed by the United States and other nations for the withdrawal of Iraq forces from Kuwait, and the world being poised for war in the Persian Gulf, it is the heartfelt hope and prayer of all citizens of Missoula County that positive endeavors be employed to preserve peace and resolve this conflict through negotiation and other peaceful means."

Request for Reconveyance

Chair Dussault signed a Request for Full Reconveyance for Frontier Addition, a subdivision of Tract "B" of C.O.S. No. 1237 less Tract B-1 of C.O.S. No. 1603 located in the NW 1/4 of Section 1, T. 16 N., R. 15 W., PMM, Missoula County, the owner being Hugh Martinsen, releasing Lot 4 and substituting Lot 8 as security in the Trust Indenture. The Reconveyance was forwarded to Mike Sehestedt, Deputy County Attorney, for further handling.

Other items included:

The Commissioners made the following Board Appointments:

- 1) Zane Sullivan was reappointed to a five-year term on the Missoula County Airport Authority through December 31, 1995;

January 14, 1991 (continued)

- 2) Pamela Tabish was appointed to the County Library Board for a three-year term through December 31, 1993;
- 3) Roy F. Kimble was appointed to the County Tax Appeal Board for a three-year term through December 31, 1993; and
- 4) William H. Gilman was appointed as the 2nd Alternate Member and Tom Blunn as the 3rd Alternate Member on the County Board of Adjustment for two-year terms through December 31, 1992.

Also, the Commissioners voted to recommend Helen Cipolato to the Planning Policy Committee as the Joint Appointee on the Missoula Planning Board.

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

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JANUARY 15, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #26 (12/09/90 through 12/22/90) with a total Missoula County Payroll of \$354,803.05. The Transmittal Sheet was returned to the Auditor's Office.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Murray Pierce, an independent contractor, for the purpose of maintaining youth on a Home Arrest Agreement in lieu of secure detention or jail placement, as per grant documents attached to the original contract and as per the terms set forth, for the period from January 15, 1991, through January 15, 1992, for a total payment not to exceed \$23,903.00. The Contract was returned to Youth Court for further signatures and handling.

Contract Documents - Repurchase of Tax Deed Property

The Board of County Commissioners signed a Contract for Preferential Repurchase of Tax Deed Property, a Notice of contract to Purchase Property, together with a Quit Claim Deed, which is to be delivered to the Buyer upon payment in full of the purchase price, between Missoula County and Carol Drader, for the repurchase of property described as PT NW 1/4 SE 1/4 Plat T Section 11, T. 13 N., R. 19 W., .809 AC, Missoula County, Montana (SUID #0518100), as per the terms set forth, for an amount totaling \$3,417.79., to be paid as per the payment schedule set forth in the contract. The contract documents were forwarded to the Treasurer's Office.

January 15, 1991 (continued)Resolution No. 91-008

The Board of County Commissioners signed Resolution No. 91-008, a resolution authorizing the Missoula County Airport Authority to bring an action for the purpose of quieting title to the property described in the deed recorded at Book 19, Page 351, Micro Records of Missoula County, as a dispute has developed between the Airport and an adjoining property owner regarding the boundary of the property which was conveyed to Missoula County by deed and is used for Airport purposes.

Plat and Improvements Agreement & Guarantee

The Board of County Commissioners signed the plat for Linda Vista Fifth Supplement - Phase 5, an urban residential subdivision located in the SW 1/4 of Section 12, T. 12 N., R. 20 W., P.M.M., a total of 8.75 acres, with the owners of record being the Lloyd A. Twite Family Partnership. The Commissioners also signed the Subdivision Improvements Agreement and Guarantee for the above Plat between Missoula County and Lloyd Twite on behalf of the Twite Family Partnership, whereby the Guarantor acknowledges that the public improvements that have not been completed as of the date of filing the plat, namely the placement of gravel cushion and asphalt cement on a portion of Cathy Court and Flo Lane at a total cost of \$14,646.00, must be completed within one year of filing the final plat and provides real estate located at Lot 2, Block 2 of New Meadows Addition, also known as 102 New Meadows Drive, as security for completing these improvements.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Keith Dove, an independent contractor, for the purpose of maintaining youth on a Home Arrest Agreement in lieu of secure detention or jail placement in accordance with the grant documents, as per the terms set forth, for the period from January 15, 1991, through January 15, 1992, for a total payment not to exceed \$6,000.00.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the City of Missoula, represented by the City Attorney's Office, whereby the City will provide advocacy services for victims of crime regarding victims' needs and services through a grant received from the State Board of Crime Control and will purchase these services from the County through its Victims' Advocate, with the City agreeing to pay the County \$9 per hour for approximately 5.5 hours per day of service provided by the Victims' Advocate, as per the terms set forth, for the period from January 15, 1991, through June 30, 1991, for a total amount of \$5,200.00, contingent upon approval by the Montana Board of Crime Control. The Agreement was forwarded to the City for further signatures.

Other items included:

- 1) the Commissioners approved a request from the County Surveyor to purchase a welder for the personnel at the Seeley Lake Road Department in place of a hoist and snow fence that was budgeted for this fiscal year; and
- 2) a request from Sheriff Doug Chase to purchase needed items (listed in his memorandum dated January 8, 1991) for the Sheriff's Department with the \$8,000 reimbursement received from IBM for a maintenance contract that should not have been charged for was approved by the Commissioners.



January 15, 1991 (continued)

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

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JANUARY 16, 1991

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

Audit List

Commissioners Dussault and Evans signed the Audit List dated January 15, 1991, pages 7-39, with a grand total of \$161,601.32. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners reappointed Bob Kwapy to the Lolo Mosquito Control Board for a three-year term through December 31, 1993; and
- 2) the Commissioners, with Mayor Kemmis' concurrence, appointed the following people to the Solid Waste Task Force: Sue Roy, Brad Martin (MPIRG), Ron Klaphake (MEDC), Jim McGrath, Dick Smith, and Dan Mizner. Tom France, Chairperson of the Task Force, was notified of these appointments.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chair Ann Mary Dussault. Also present was Commissioner Barbara Evans.

HEARING: PETITION TO VACATE A PORTION OF RASER DRIVE (A/K/A VAN EVANS CROSSING)

Ann Mary Dussault explained that this is a request to vacate a portion of Raser Drive, also known as Van Evans Crossing, located in Section 8, Township 13 North, Range 19 West, from the northerly boundary of Railroad Street to the southerly boundary of Cemetery Road. The reasons for this request are: "The section proposed for closure crosses the Montana Rail Link switch yard. The county has experienced extremely high maintenance costs due to the nature of the crossing. The crossing because of its length and geometry is extremely hazardous. Closure is requested until such time as these problems can be resolved."

Horace Brown, County Surveyor, said that it costs the County \$5000-\$8000 per year to maintain the crossing. It is difficult to maintain because of all the tracks.

Ann Mary Dussault opened the public hearing and asked if anyone cared to testify.

Those person testifying in favor of closing that portion of Raser Drive at Van Evans crossing were: Bill Brodsky, President, MRL; Nick Kaufman, Land Use Planner, Sorenson and Company; P.D. Arnold, MRL Safety Committee; Gary Larson, Engineer, MRL; Lon Skriveseth, Switchman, MRL; Ken Kailey, Traffic Department Supervisor, Missoula County Road Department; Hank Butzloff,

January 16, 1991 (continued)

Department of Highways; and Orin Olsgaard, DES Coordinator, Missoula County. The reasons cited for closing included safety issues and the high cost of maintenance. Nick Kaufman suggested alternative routes for traffic, reviewed the traffic safety factors, and spoke on the length and amount of train traffic at the crossing. He posed the question that if the Commissioners were considering opening that crossing (as opposed to closing it), how would they vote. Hank Butzloff stated that the crossing is ranked #15 as a hazard, out of a total of 1561 crossings in the state. He said this was based on the number of trains, the speeds of the trains, and hazardous materials.

In addition, seven letters were received in support of the closing, including the following memo from the Disaster Planning Committee:

"The Disaster Planning Committee (DPC) met on December 6 to review the proposed closure. DPC members present were: Doug Chase, Sheriff-Elect, Missoula County; Jim Oberhofer, Chief, Missoula Police; Bruce Suenram, Chief, Missoula Rural Fire; Jim Carlson, Director, Environmental Health; Chuck Gibson, Chief, Missoula Fire; Horace Brown, Surveyor, Missoula County; and Joe Aldegarie, Director, Missoula Public Works.

"It is the unanimous position of the DPC that closure of the Raser Drive crossing be conditioned as follows:

1. Missoula County retain the crossing right-of-way;
2. No unmanned trains or detached cars left on the crossing;
3. MRL pay for a hydrant, or hydrants, to be installed north of the tracks. Specifications and location to be determined by MFD and MRFD;
4. Physical barriers subject to the following:
  - a. MRL pay for installation and maintenance;
  - b. Provided notification of the Yard Office has been initiated through 9-1-1, MSO, MPD, MFD and MRFD have unilateral emergency authority to open barriers and initiate crossings;
  - c. Existing approaches and pavement shall be left in place and maintained by MRL with sufficient and minimum material to permit crossing by a passenger vehicle; and
  - d. Mechanism to open barrier is subject to DPC approval;
5. MSO, MPD, MFD, and MRFD be given authority to use any MRL service access to service crossing in the City and County of Missoula.

"The DPC further recommends that the City determine which, if any, truck cargos of hazardous products, by category and volume, shall be prohibited on the Scott Street Overpass and specified residential streets."

Letters received in support of the closing were from Dorothy J. Conrads, Montana West Lumber, Inc.; Charles Likes, Louisiana Pacific Corporation; Calvin J. Pulis, Teton West Lumber, Inc.; David Tripp, Tripp Lumber Company, Inc.; P.D. Arnold, MRL Safety Committee; and Richard L. Keller, Chief Engineer, MRL.

Those persons testifying against the closing were: Hank Schmidt, owner, Broadway Splicing and Supply; Orville Getchman, representing BFI; Richard Bingham, Yellowstone Pipeline; Hans Christiansen, 204 Raser Drive; Rob Braach, Clawson Manufacturing; Donna Shaeffer, City Councilwoman for the North and West sides; Fred Daigle, Tom Sherry/Les Schwab Tire; Jeanne Yvonne Ransavage, 1038 Sherwood; Gerald Salter, representing BFI; Wally Congdon, resident of West side; Bill Hankinson, LP employee; Rob Randall, Great Northern Equipment; Harriet Spurlock, Spurlock Road; Jim Hansen, Hansen's Finest Oil Company; and Jim Oberhofer, Chief of Police, City of Missoula.

January 16, 1991 (continued)

The reasons cited for leaving the crossing open included convenience, safety (would rather not have trucks going through residential neighborhoods and school zones, especially those carrying hazardous materials); increased time and fuel costs; difficulty in using Reserve Street because of traffic flow; and difficulty in using Scott Street overpass because of the steep grade.

In addition, five letters were received opposing the closing, and one petition from Louisiana Pacific with one hundred thirteen signatures of employees opposing the closing was presented at the public hearing. Letters in opposition were from Mrs. Ronald Kay; Ernest Hunton and William H. Mast, Jr., Hunton Pre-cast Concrete, Inc.; Max Bauer, Jr., BFI; Hal Tremper, Tremper Distributing; and William R. Nooney, Hi-Noon Petroleum.

There being no further testimony, the public hearing was closed.

Barbara Evans asked if anything could be done to mitigate the safety concerns raised in using the alternative routes.

Horace Brown said some turn lanes could be established on Reserve Street to get out of the traffic. He said if the crossing is closed, there would be no further problems with Cemetery Road.

Joe Aldegarie, Director of Public Works for the City of Missoula, said there are no restrictions on truck traffic on the Scott Street overpass at this time.

Barbara Evans said she is seriously concerned about hazardous materials that travel on the tracks as well as on trucks that cross the tracks. She felt it was not responsible to vote for leaving the crossing open. She said the alternative route intersections can be made as convenient as possible. She would vote to close the crossing.

Ann Mary Dussault said she will leave the record open and review the letters received. She will continue the public hearing on January 30, 1991 and the Board would make a final decision at that time. She said we need to get a good mitigation plan and asked the public to work with the Commissioners on a set of alternatives. She said they cannot leave the crossing open forever.

There being no further business to come before the Board, the Commissioners were in recess at 3:15 p.m.

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JANUARY 17, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the plat for Ridnour Addition No. 1, a resubdivision of a portion of Lot 23 of Cobban & Dinsmore's Orchard Homes, located in the NE 1/4 of Section 20, T. 13 N., R. 19 W., PMM, Missoula County, with the owners of record being Milan G. and Esther Ridnour.

January 17, 1991 (continued)Quitclaim Deeds

The Board of County Commissioners signed Quitclaim Deeds (2) from Missoula County to Dr. R. C. Allred, Trustee of Big Valley Trust, for the following described premises in Missoula County due to an error in the notification process:

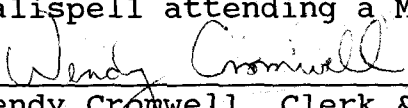
- 1) PT NE 1/4 NW 1/4 Plat A' Section 33, T. 13 N., R. 20 W. 6.68AC (SUID #5903861); and
- 2) PT SE 1/4 SW 1/4 Plat C'-1 Section 28, T. 13 N., R. 20 W. 6AC (SUID #0022408).

The Deeds were returned to the Clerk and Recorder's Office for further handling.

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JANUARY 18, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Kalispell attending a Mental Health Board meeting.

  
Wendy Cronwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

\* \* \* \* \*

JANUARY 21, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation from January 21st until noon on January 23rd.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Great American Life Insurance Company as principal for warrant #20142, dated August 17, 1990, on the Missoula County High Schools' Fund in the amount of \$640.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and MIADS, an independent contractor, for the purpose of providing outpatient alcohol and drug treatment services for MIADS clients in accordance with ADAD guidelines, as per the terms set forth, for the period from January 1, 1991, through December 31, 1991, for a total payment not to exceed \$12,000.00, contingent upon receipt of St. Patrick Hospital contribution. The contract was returned to the Health Department for further signatures and handling.

Modification of Agreement

Chair Dussault signed a Modification of Agreement (DHES No. 310097) between Missoula County and the Montana Department of Health and Environmental Sciences modifying the terms of the Agreement concerning the WIC Program as follows:

January 21, 1991 (continued)

1. The last three sentences of Section IV(4) are amended to read as follows:

"Reimbursable expenditures for the period from July 1, 1990, through September 30, 1990, must not exceed \$54,692, and for the period from October 1, 1990, through June 30, 1991, must not exceed \$179,077. Funds not spent during the first quarter may not be carried over or used during the rest of the term of this contract. Total payments by DHES for all purposes under this Agreement may not exceed \$233,769."

2. All references to "Attachment A" are amended to read "Attachment A-1", and Attachment A-1, appended to this modification number 310097-1, replaces Attachment A to the original agreement.

The Modification of Agreement was forwarded to DHES in Helena.

Contract for Services

The Board of County Commissioners signed a Contract for Services between Missoula County and the Missoula County Airport Authority, whereby the County agrees to have the Missoula County Auditor perform auditing and accounting services for the Airport, as per the items listed on the Contract and as per the terms set forth, at the rate of \$25 per hour.

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

Audit Exit Conference

In the afternoon, the Commissioners and members of the Budget Team met with representatives of Elmore & Associates, the firm conducting the FY'90 audit, for the Audit Exit Conference. Chair Dussault signed acknowledgment of the receipt of three copies of the audit report for Missoula County for year ended June 30, 1990.

\* \* \* \* \*

JANUARY 22, 1991

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Becky A. Ellis as principal for warrant #19442, dated December 18, 1990, on the Lolo School District #7 Payroll Fund in the amount of \$684.73 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

- 1) a letter was sent to Gus Byrom, the CDBG Program Manager at the State Department of Commerce, notifying him that Cindy Wulfekuhle, Planner II, is designated as the Environmental Certifying Official responsible for all activities associated with the environmental review process to be completed in conjunction with the 1990 CDBG grant awarded to Missoula County; and

January 22, 1991 (continued)

- 2) the Commissioners appointed Anna Fendler as the 2nd Alternate Member and Mike Jakupcak as the 3rd Alternate Member on the Missoula Aging Services Governing Board for three-year terms through December 31, 1993.

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

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JANUARY 23, 1991

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Mickees Fuel Stop & Restaurant as principal for warrant #1005, dated October 9, 1990, on the East Missoula Rural Fire District General Fund in the amount of \$47.48 now unable to be found.

Audit List

Commissioners Dussault and Stevens signed the Audit List dated January 22, 1991, pages 7-35, with a grand total of \$1,407,195.39. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Notice Inviting Proposals

Chair Dussault signed a Notice Inviting Proposals for RSID No. 436 for the purpose of painting of two steel water reservoirs - improvements to the water system in Lolo, Montana, as per the terms set forth, setting the bid award for February 20, 1991, at 1:30 p.m.

Resolution No. 91-008A

The Board of County Commissioners signed Resolution No. 91-008A, a resolution authorizing Airport Authority to bring legal action, correcting a page number on Resolution No. 91-008 signed on January 15, 1991, with the remainder of the Resolution remaining the same.

Other items included:

- 1) the Commissioners signed approval of a memo from the Frenchtown Rural Fire District Board of Trustees requesting that a fee of \$100 be charged for all incident calls into the Upper Petty Creek area for the remainder of this fiscal year; and
- 2) the Commissioners agreed to an adjustment in the amount of cash-in-lieu of parkland amount for the Swanson Addition due to topographical constraints, namely an adjacent irrigation ditch.

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

January 23, 1991 (continued)

WEEKLY PUBLIC MEETING - 1:30 p.m.

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

SALE OF TAX DEED PROPERTIES

Ann Mary Dussault explained that this is a public auction for sale of tax deed properties. Listings of properties offered are on file at the Clerk and Recorders Office at the Missoula County Courthouse. As there was no one present interested in bidding on any of the tax deed properties, the auction was closed.

Mike Sehestedt, Deputy County Attorney, said the properties can now be negotiated for sale for not less than 70% of their appraised values or offered again for sale through another public auction.

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

COMMISSIONERS PUBLIC HEARING - 7:30 P.M.

HEARING ON A RESOLUTION TO CREATE A PORT AUTHORITY

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

Ann Mary Dussault welcomed everybody and thanked them for coming. She explained that this is a continuation of a hearing held by the Port Authority Task Force, the only difference is that this hearing is being held by the Board of County Commissioners. She said they would like to begin the hearing by asking Larry Gianchetta, who is chair of the task force, to come up and give a brief overview, however he wants to present it, of the task force and its findings.

Larry Gianchetta said "I am Dean of the School of Business at the University of Montana. I chaired the task force, and maybe to put this in a little bit of a context, early in the fall I was approached by the County Commissioners and asked to chair a task force to look at the feasibility of a Port Authority. And my response to the County Commissioners, and I think back to it I think it's really relevant that I had this discussion, my response to the County Commissioners was that I don't know anything about a Port Authority so I don't think I would be a very good chair of a task force. And I think what is significant about what they had to say in reflection, is they said that's why you're perfect, we don't want a person to come and chair this task force that has certain kinds of biases for or against a Port Authority. And as I went through the process, I guess I got a better appreciation for the importance of my selection, and appreciate that. The other thing, I don't know if these folks have the report of the task force or if they know the makeup of the committee on the task force, and I'm not going to bore them and read all the names on the task force because it was fairly large, but I have to speak to the makeup of the task force, because I think that was fairly impressive, too. I think it represented the right kinds of interests and industries in our community from Missoula County; certainly air, and truck, and rail, and bus, and wood products, and the forest industry, and right on down the line. It turned out that that was important. And in our two or three months of learning and deliberation, it became apparent to me as you looked at various ways that you might take advantage of a Port Authority that certain industries may not benefit quite as much as others; and as our discussions

January 23, 1991 (continued)

developed, I got a little bit concerned as to what extent that would affect how ultimately people on the task force might vote one way or another in support of a Port Authority, or at least the notion to consider going ahead thinking about the Port Authority concept. It turns out after two and one half months of learning about Port Authorities, the vote was unanimous by the task force to at least take one more step, and I'd like to talk at the end of the 10 minute period a little about what I think that next step is. I think it's important, too, for people here this evening to know that I think the kinds of questions we asked the task force are hopefully exactly the kinds of questions each and every one of you are interested in addressing this evening. Certainly, we wanted to know what a Port Authority was, and basically we found out that it was a Montana Statute that would facilitate economic development in many ways. My first reaction to that was in the ten years, well the first five of those ten years as chairman of the Department of Management of the School of Business and the University of Montana and the last five years as Dean of the School of Business, I guess it would be almost impossible for me to count the number of economic development task forces and groups that I have been on. And so one of the concerns that I had as a task force member was why do we need another entity or another agency of some kind to facilitate economic development? I think it's important in talking about this question, if you were to ask the question, and the next natural question that comes about, what can happen for economic development with a Port Authority that cannot happen with all the other economic development agencies that are now in place. And first of all, I don't want to mislead anybody. As you read the report of the task force and you look at things like Foreign Trade Zone, and trans-loading, and facilitating shipment in and out of the state of Montana and through the state of Montana and in our County, I think I want to be clear first of all that all of those things, functions, could be done without a Port Authority. I think what's important to recognize is the economic development groups that are in place in our county really are not postured or in that frame of mind and do not have that kind of expertise in their personnel to really understand what additional skills are necessary to get Missoula County more actively involved in importing and exporting and shipping, which is one facet that you can put a lot of focus in a Port Authority. There are certainly some things that a Port Authority can do that none of the other economic developments can. One of the things it can do is give us access to a lot of federal dollars and it's only through the Port Authority that that's possible. Another thing that happens automatically is it networks us with all the other Port Authorities, and in this process I was amazed to find out how many Port Authorities there were just in the state of Montana, let alone in our network--a lot of coastal ports that I think could become very significant to Missoula County if we could become part of that network. I think another thing that was and still is a little bit frustrating for the task force is that as we looked outside of our state and in our state at various ports and what it is that they are doing - in fact, we brought the Executive Director from the Port of Salt Lake to the task force for a couple days for extensive discussions about what they're doing at their Port Authority, and then we visited with people at the Shelby Port and the Butte Port and the Billings Port. I think the thing that's fairly frustrating is there are a broad range of opportunities that become available for economic development through the authorization of a Port Authority; and every time you go visit another port, they've taken on a little different shape and they focus on different activities that they find are more critical in their own community. In fact, we've seen a lot of ports evolve and suspect if we go through a port, establish a port, that we might have the same kinds of evolution, although I hope that we've learned a little bit in the process. But if you talk to the people of the Butte Authority, they're



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quite different now than they were initially, and they learned a lot in the process, and maybe they could have done a few more things up front. And they would have not had, maybe, such a long time to become profitable as a port, as it were. I think a lot of other people are going to talk to specific ways and ideas that they have and focuses that the Port Authority, if it were to go forward in Missoula County, could take on, so I guess I don't want to emphasize that very much. I'd like to say just a couple more things. I think the next step is a small step and a move-slow step. I think the next step is for the County Commissioners to put together a board and authorize a Port Authority, but my concern about that board is it will be too small and not broad-based enough for the community. So I also would encourage that an advisory group that is much larger and represents a much bigger cross section of Missoula County be put in place, at least initially for the first year or so, so it can assist, can give lots of community and county input, as to the direction and shape the Port will take. I think that is fairly critical. Again, I'm almost speaking for myself rather than the task force now, but I think at least initially it would be important not to go out and buy a building and have a fancy office and take most of the money that would come through a one mill or a half a mill or whatever millage the County decided maybe initially they may go forward with. I really think that if we can stay away from physical plants and really get into the business of how we might be able to bring federal dollars locally to Missoula County and again, I guess I don't want to go too far with what I think it should be, because I think that's why it is very important that beyond the Port Authority board there be an advisory group that is very large and represents a very large cross section, because I think there needs to be a lot of input and a lot of encouragement to move very slowly in this process. Because I still think the frustration is that there is such a broad range of opportunities, and that becomes so evident when you visit all the various ports that are in place now and look at the different kinds of shapes each of them has taken on. I think that speaks to the high amount of flexibility. And I think the secret is to define up front without a huge investment what would be best for Missoula County and not necessarily go through an evolutionary process that some of these ports do that haven't moved quite as slowly in the process initially. And I'll conclude by saying even though I often tire in the last ten years of the many boards and committees that I sit in state wide, actually even nationally and regionally for economic development, I think Missoula, Montana and Missoula County has come a long way in the last few years in economic development. I'll get myself in trouble and I'll make a specific reference. We've come a long way certainly since Big Sky Cookie, specifically. And I can cite many wonderful examples of recent success stories where economic development groups have been instrumental in broadening the economic base of Missoula County and I think that the concept of a Port Authority, moved carefully, moved slowly and including a very broad cross section of your community in the process, is the next step forward for economic development in Missoula County."

Bob Kelly said, "I would like to amplify on some of the other ports. The Port of Butte was a facility that, when it was created, started with a lot of bricks and mortar put in place--a materials handling facility for ore that to this day is not being used, it's being used for wheat. But they went through tremendous commitment and expenditure to put physical plants into place in hope that the markets were there to support what they guessed would be the right thing to be doing with those physical plants. They have learned and adjusted and just recently, in November, are in the black, if I recall correctly. So that's a long learning curve. Having reviewed this, I can heed Larry's comments about moving slow is worthwhile. The Northern Express Shelby Port, I spent some time interviewing those people and in

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my recent review of the Missoulian, I wondered if I talked to the right person. In a reconfirmation of the discussion with him, he assured me the information he had originally given me was not any different than it was when I just talked to him this week. His comments, the Director of that Port, were that in his personal opinion, a Missoula Port Authority has as good a potential to provide a, to become a major transportation hub, if there's any location in the state he could possibly imagine. He felt it was a strategic location to be a fully functional port due to the good transportation foundation, where we could build services upon it. In the recent article that made mention of the Shelby Port, there was reference to a \$400,000 federal grant to do a transportation study and I believe another \$300,000 allocation for the Department of Energy to establish rail transfer facilities. I think what it would have been appropriate to know is that not anybody can apply for those monies, you had to be a Port Authority to be eligible for application. The other thing about that particular Shelby Port administration is that a port based upon transportation services facilities has a great opportunity to dovetail with other related services that may or may not be in place at the current time. In a completely different relationship, just by way of example for those of you who haven't had an opportunity to read the report, a port in the state of Washington, Port of Pasco, run by a former Missoula person, in fact, gets its primary funding from the airport operation and maintenance in that particular state. They rent the terminal space, they charge landing fees, they get parking revenues, even though they do have bonding authority and they can organize specific industrial development districts which allows them 45 cents per thousand for up to six years in an entire district. The interesting thing there that they have going is that they maintain a close working relationship with the County and the City and for example, they are joint venturing a project in food processing in that area. The City and County are developing the waste water systems and technology and putting the infrastructure in place that can handle food processing wastes. The Port is obtaining and developing the land in that particular area that would be suitable for a food processing center. Their local economic development group is out to contact the food processing handlers of the west coast to the midwest about the potential for relocation or expansion of such a center because the infrastructure is in place, the land is in place, and their out marketing, so you have three players playing completely different roles but they're coordinated, which I found to be really interesting. That was unrelated to transportation services, that one. So, as Larry also said, depending upon what port you interface with, they could be doing completely different functions, completely different focus. They each have to find their own niche."

As the Commissioners had no questions or comments at this point, the hearing proceeded with public testimony.

Jack Traxler said, "I complement the members of the task force. From what I've read I think they've done a marvelous job in looking into this thing. I think they deserve a great deal of credit. For our Commissioners, I think that this has been handled rather well, and I complement them on that. I have serious misgivings about this thing, however. I find that nobody can tell me all the powers that this autonomous board will have. They will not be an elected board, they can go on into perpetuity. That scares me because I believe as Winston Churchill, who says that "the worst form of government in the world is democracy except for all the others." I'm reminded of that on a continuing basis. There is a deep distrust out here in the hinterlands and in the urban areas of our government today, and I find that shocking. I've always thought that we have the best of everything. But I have to admit that we don't. But this

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thing, I want to know before I can support or anything, what power, how much power. In reading some things on this, we might as well do away with the County Commissioners, the state legislature, and everything else if we accept this. I know that's an exaggeration, but it's just unlimited powers that it has. So at the present time, I stand opposed to it until I can have more information given to me and I hope that the Board of County Commissioners will go very slowly on this and look into it in every aspect. Thank you for your time."

McCarthy Coyle said, "Unlike Mr. Traxler, I am not full of congratulations for the task force, at least not based on the report as submitted. I had written to the Commissioners some time ago and I just, talking to Bruce Bugbee shortly before the meeting, when I lamented the expenditure of some \$15,000 on this report, he said that a lot of that money was spent on facilitating the meetings of the task force and delivering information to the task force and doing analyses. Like, all I have is this. That's what I have to look at as a citizen, as a member of the public. Perhaps you have more information from meetings with the task force on the side or auxiliary documents; but 20 pages, 9 are from public documents. I can get those from the legislature, copies of the Montana law and federal legislation and information from the ports in Pasco, etc., so it's all valuable information but I just don't feel that, number one we're getting our money's worth based on what I see before me in terms of knowledge gained; and two, I don't think it's quite enough information for the Commissioners to make a really well-informed decision as they move forward. I remain interested in the Port Authority, although I would say that Mr. Traxler is right, that a Port Authority does have enormous authority. And this report indicates that in fact it does have enormous power; so it is something we should enter into, if we enter into it, with caution. So I would like to see the task force members give us more information. Part of how any of us grasp the notion of how to move forward with an endeavor is when a railroad person, a railroad industrialist, or a trucking industrialist says, "This is how I can lock on to a Port Authority, this is what I want to use it for, this is how it can work for me." It's in those ways that we're able to imagine some of the ways that it may benefit us. But there's nothing specific here for us to bite into and to get a really serious idea. I'm a little bit confused on this business of the task force chair talking about assessing federal funds. Page 12, when they talk about funding alternatives, they talk about a review of state and federal agencies conducted by the consultant. That review, although not exhausted, indicated that there are no existing programs that specifically and regularly support the activities of the Port Authority. So maybe they were talking there about the ability to access federal funds for additional studies, but that's pretty specific that no existing programs exist. I hark back to my remarks at the last meeting when, if this is valuable, again, I want to see a financial commitment in investment from the private sector. I'm willing to put in my money and some tax dollars but where's the commitment from the private sector? If this is valuable to them, then let's have an idea, a format, let's have somebody saying, "Here, I have a quarter million dollars if you'll match it." But I'm not hearing anything specific and that troubles me. I believe everyone on the task force worked hard and I would like to hear what it is they talked about and what it is they imagined for a Port Authority in Missoula, but this doesn't tell me that and I'm disappointed."

David Owen said, "I am representing my employer, the Board of Directors of the Chamber of Commerce. I was also an active participant of the task force. I would like to go through the Chamber's statement in reaction to all this and do that fairly carefully by reading a statement. At the end of that I would

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like to deal with some of the criticisms we have heard and some of the comments we've read as my perspective as the Chamber Exec who also served on the task force. Missoulians cannot afford to let random chance determine the economic future of this community. The Chamber believes that a conscience, deliberate and diligent effort must be made to positively affect Missoula's economic environment. Most communities begin with an economic focus, the health of any community's economy determines the cultural amenities which make that community more than just a place to live. Strong economies make possible the tax base for fire protection, parks, public and human services. Strong economics make funds available for symphonies, community theatres, youth organizations and other worthy causes. In a complex and advanced society healthy economies are not automatic and are certainly not guaranteed. Communities must set the stage and prepare the groundwork for inviting investments that add to the health of the local economy. The Chamber Board believes a Port Authority has the potential to strengthen Missoula's work for continued economic health. Missoula's conscience efforts to this point are effective. These efforts include: (1) the Chamber in (sic) Commerce in a role of evaluating the actions of government, bringing more dollars to Missoula through its Convention Visitors Bureau and addressing various information/education needs of established small business. (2) the Missoula Economic Development Corporation helping local businesses evaluate expansion potential and inviting outside investments in the local economy. (3) the Small Business Incubator and WEDGO organizations are helping people explore and strengthen their own economic options by helping micro business which also strengthen the local economy. (4) the Entrepreneur Center makes a wealth of information available for those exploring business possibilities. The potential for a Port Authority to compliment and strengthen these efforts is significant. The Chamber believes there are additional efforts needed in Missoula that can be accomplished exclusively through the creation of a Port Authority, there may be tasks that can be accomplished better through creating a Port Authority. The list of options currently lacking in Missoula economic management efforts include: No ability to formalize a relationship with other ports to assist local business with exporting shipping. No ability to establish contracts assuring inbound/outbound shipping space and/or rates for local businesses who ship at irregular intervals or ship small quantities. No ability to enter into long term leases to help build facilities or secure land for investment by individual businesses. Limited ability to establish and operate a foreign trade zone. No ability to attract specific grants or financing programs available to Port Authorities and designed to help communities affect their economic futures. No ability to tap economic activity (through fees) to increase the resources used for local economic efforts. This is significant work not being done in Missoula that could be done through a Port Authority. The Chamber believes that it is in the long term best interests of all Missoula citizens that every effort be made by local government, business/labor groups and interested individuals to work for creating and maintaining the strongest possible economy for Missoula. Because a Port Authority can add to this effort in a unique and positive way the Chamber supports the concept of a Port Authority and encourages the Board of County Commission to proceed with appropriate caution towards the establishment of such an Authority. A decision at this point to abandon considerations of a Port Authority is a decision to live without the potential activities made possible by a Port Authority. The Chamber believes that it is clearly not in Missoula's business interests to abandon that potential at this time. The idea should be advanced. There is an element of the unknown in this proposal. While the Chamber Board encourages the Commissioners to proceed, there is also a need to define more specifically what Missoula's Port Authority

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will do and how it's work will be accomplished. The Chamber believes that a specific plan should be articulated and reviewed as it is developed and a specific plan must be articulated before the Authority is allowed to use any tax levy. The Chamber believes it is appropriate for Government to be a full partner in local economic efforts and that it is appropriate for Government to invest public funds in those efforts. Because the Board has a respect for the political needs of this community, the Chamber suggests a specific course of action be identified for use of public money. The Chamber also understands that this specific course cannot be determined at this time and can only be determined as part of the implementation of the Port Authority. The local economy is too important to ignore. The need is urgent enough to warrant a full effort. A full effort needs the potential represented by a Port Authority. This is the right time to explore that potential. This is the wrong time to abandon that potential. Therefore in the question of establishing a local Port Authority the Chamber of Commerce urges the Commission to move forward with caution but to move forward.' We have two expressions of fear and or doubt by folks who write for a paper, folks who express publicly, and I think they are accurate reflections of the doubt. I've been asked a number of times by Mr. Baty, what's this thing going to do? Why can't you tell me what it's going to do? And it's an odd kind of a trap that says when you spell out specifically what it's going to do, you've built walls that are really hard to move, that we limit the future and can't move forward. And to a certain extent you can't spell out what you're going to do until you've decided to take that next step and start to outline it. I think we are at the point to make that move. I understand, and I think my Board understands and feels that same frustration, understands there's a time to answer those questions. If you answer them too early, you've limited your potential. If you don't answer them at all, you've made an equal mistake. I think the answer developed by the task force is appropriate. There are these potentials, and there are these cautions. So we spell out some things that ought not to be done. Don't get too focused on physical structures. Don't make the mistakes that have been made before. And I think at this point that's appropriate. We heard in a column that some people can't take no for an answer. That this is a ruse to get into public money because the public said no. And there's the reaction that says there isn't very much that gets done that's significant that I can think of that gets an overwhelming positive reaction the first time it's put out. Rather than criticizing people who can't take no for an answer, because I happen to be one, I think some of those folks need to be applauded. We asked a question in that election. We asked an open-ended question: do you want to give one mill for economic development, trust the County Commissioners to decide how that's going to be done, and the answer barely was no, we're not interested in that approach. I think it's wrong to interpret that as a thing that says we don't want public money and economic development; we don't want any more taxes for this. So I think what we have done in the Port Authority is restructure the question, saying now we have the potential to address this way, and it's appropriate to ask the question again. Because you heard no doesn't mean that you stop asking questions. Stop, ask questions - you need to listen to those responses. And I think that's been done. As for the money for the consultant, I feel compelled to defend that investment. I don't think there's any substance in the criticism of that report at all. Yes, it's all publicly available. Because some volunteers were willing to wade through it, because consultants were paid and hired, it was done efficiently, it was brought together at all points so a decision could be made. For the highest value of the money spent for the consultants, the fact is that you brought that process to a conclusion. And without some kind of force, some kind of expertise, those things kind of flap in the wind. I've been a

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part of a number of those, I've caused a number of those. So the money was well spent and I don't buy into the criticism. I think the report is substantial, I think it is a beginning point. And I would agree with Mr. Gianchetta and my board that we proceed with caution. My final comment is to friend Jack Traxler who feels the thought that we can abandon the County Commissions, the state legislature and all the rest to the deference to this, I'm not sure that's a reason not to pursue.

Dan Smith said, "I am representing the Executive Board of the Missoula Economic Development Corporation, immediate past Chairman, and they've asked me to speak tonight briefly in support for the Port Authority. I think that the task force did a tremendous job outlining and articulating for us the first step in a process that will take some time for us to determine where and when in fact we are going to put something in place that can take us forward as a community. I commend their work, I think it is a beginning step, and it's an important one. MEDC is supportive of the proposal to initiate a Port Authority for Missoula basically because of the steps that have been outlined here today. Because, unlike any other economic development group in the community now or in the foreseeable future, the Port Authority allows for us a broad based infrastructure that can, in fact, not only access federal funds but can channel the community's efforts into some major long term investment opportunities for this community. Broadly speaking, it will allow us to be able to diversify, to utilize our transportation system to the fullest extent possible to allow us to have access to global markets unlike our current status which, in fact, we have several hurdles to overcome in that process. I believe that this is simply one of the ways in which that Port Authority would allow us, either through a Foreign Trade Zone or other mechanisms, to be able to be competitive in a global market, which I believe we must be as a community. While I say that and am very enthusiastic and speak of the board's support of that, I also speak for the board's words of caution in terms of coordinating its efforts. That is, the Port Authority coordinating its efforts with the current economic development organizations that are in place. I think the community has spent the last ten years carefully working out an agenda for the future of Missoula that I believe is going somewhere very positively, and I speak of MEDC, I speak of WEDGO, I speak of the Missoula Business Incubator, the Missoula Redevelopment Agency and many other organizations that have carefully worked together to coordinate a larger major strategy or step toward the future of Missoula, and that is diversification and stabilization of our economic face. And I believe that what is critically important here is that the Port Authority in no way seeks to either duplicate, or in some way supplant, the work of those organizations. I believe those efforts by and large have been very positive and should go forward. Coordination and communication are key to that effort. I believe the advice that has been given by the chair of the task force is well taken. Go slow, go deliberately in terms of articulating the goals and objectives of the Port Authority. Define its mission. Be able to look at the course of action that needs to be taken to put in place a long term viable structure for this community, a structure that works with other organizations, a structure that works for the betterment of all of us in the community, and that's a very diverse task. So the advice is not to rush to a decision to create a full blown structure or bricks and mortar, but to think carefully about how it should come into place; to continue to work with an advisory committee in terms of determining those goals and objectives with some greater specificity than we have before us in the task force report; and then and only then, seek perhaps the tax supported base that the Commissioners have the opportunity to address. MEDC would be very happy to participate in that advisory structure in whatever

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way we might be of assistance, and I think I speak for all of us on the board that we applaud the efforts that have taken place to date and we think that the community is off on a very exciting but long term process toward our future."

Orville Daniels said, "I have been a resident citizen of Missoula County for the last 14 years, but I am not here to testify in that capacity. I'd like to give some thoughts as the Lolo National Forest Supervisor. I was pleased to be invited by the County Commissioners to be a part of this task force, to take a look at the possibility of setting up a Port Authority. One of the roles and capacities I have as the supervisor of the forest is to involve ourselves in the economic quality of life and environmental well-being of the communities around us. And so it is from that angle that I would like to speak of this Port Authority. There's a lot a ways we can go on this Port Authority, but most of them appear to me to lead to the kind of economic development that's compatible with good environmental concerns. We're particularly concerned about air quality and water quality as it affects the national forest and as it exists in our valley and this is the kind of economic development that could be done without loss of that. We're also concerned about the kind of economic development that will occur in the valley that will not adversely affect the quality of life of the people who are using the national forest. That also appears to be a possibility here. And finally, with our diminishing timber supply, we're finding that the basic commodity that we base a lot of our economy on is dwindling, and in order to make the best use of that it's very important that we start to find ways to do value added kinds of things, secondary manufacturing, production of furniture, wooden specialty items, and other things so that wood can contribute to our economy in more ways than just severing it from the land and shipping it out. We think this matter of transportation and a facility to enhance that could well lead to those sorts of things. We're actively working with people in this community and with other communities in western Montana to set up those kinds of businesses, and we believe a Port Authority could aid in that. As a citizen, please go cautious, I am concerned about my taxes, too."

Martha Powell said, "I am concerned about the political aspects. I have spent my life studying the politics of government and what I see of this, if something can turn out to be more powerful than elected officials, I think it's very dangerous. And I think it should be looked into, either abolished or the voters should have a say in it. I think it's too dangerous to be fooling with. Mr. Gianchetta says they want to go for more federal dollars. Where is a bankrupt nation, a nation the most heavily in debt, I mean the greatest debtor in the world, where in the world do we get all this money to give out like this? We're asking for money for cities and counties and so forth - where does this money come from? We are so heavily in debt that we are on the verge of bankruptcy. I don't understand this. It seems like a strange time to be going into something like this Port Authority. Janet said in our phone conversation the other day, Minnesota is going great on this Port Authority deal. Well, they've probably been in it for a few years. We're entering into it during a time of recession. I heard on the news at 5:00 tonight that we're going into a deeper recession. So where are we going to get these miracles like the Port Authority? We have all sorts of things already set up to get jobs and so forth in here. I don't want to sell my soul for jobs. Sure, I want jobs, I want progress as much as anyone else. But this is a time of low economy, bad economy, and we don't know where it's going, nobody knows where it's going. I just cannot understand how we can step out and do something that has so much power. To me it's like a millipede that has two legs to every section of its body. You can tie up a few of its legs but there's still going to be a great deal of



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power there that you will not be able to control. There are going to be loopholes in this thing that you will not be able to foresee. I just think it's too dangerous, I'm sorry."

Bruce Bugbee said, "I am here tonight as a member of the task force. I enjoyed the opportunity to be a member of that task force. I wanted to offer a little bit different perspective than what has been presented so far. There is an aspect that I found myself becoming aware of about the prospects for a Port Authority that I was surprised by, but it's an abstract notion. What the Port Authority means to me, my own conclusion was, focus and communication and innovation and leadership. The focus is on how Missoula exists as a transportation hub. I think there is a very strong element here that not many communities have between air, rail and trucking, shipping through one center. What we heard is that air freight is going to be a major development and increasing use in the future. But what shipping is all about fundamentally is providing goods and services over distance. Many of us are afforded an opportunity to live in Missoula by the ways in which we are able to tie in to the rest of the region, the country and the world. What we found when we went looking at what other Port Authorities were doing was that the world is advancing very rapidly to an enormously integrated form. What we need is in infrastructure to be able to respond to that in an efficient way. So that as we examine opportunities, we look at what we have. We don't need to re-invent the wheel here. What we need is to focus on what we have in a way that it relates to the outer world in a more efficient manner. And that should make it cheaper to do what we do, and better, as it relates to trade. But we need to afford the opportunity for that focus to communicate amongst the individual pieces that we have here, the different industries and the different members of the industry. I know I get focused with my blinders on as to what I do, and I have to look elsewhere for somebody that can look at a way in which all the businesses like mine relate to one another. That's where I see a role for government and a role for the tax dollar, is to look at infrastructure and the leadership, so that I can do what I do better and be a better tax payer in the process. It is one of those tough situations. As we all are tightening our belts here, this is a way of belt tightening. It is a way of becoming more efficient, becoming better competitors, so that we can survive with a quality of life that we enjoy here and would like to enhance. Innovation - we discovered that Missoula is blessed with a very advanced state of technology for communications. There are many businesses that are finding that they can exist independent of the physical site to deliver their services, and the way they do that is with an advanced communications network. Missoula has those kinds of facilities available to it, but nobody is really looking at how those facilities can work in the most efficient manner for the least cost to the people that are here, and to encourage others who have an interest in sharing in what we have here to join us and do likewise. A Port Authority provides a focus on how we communicate together individually and as businesses in this region with the rest of the world. And when we take a look at it in a new way, innovation happens. It's like climbing up to the top of Mt. Sentinel and seeing Missoula in a different way than the way you see it every day of the year going out your front door. Innovation comes from a different perspective. This is a different perspective. A Port Authority affords a different perspective about Missoula. And finally, leadership. You have afforded us the opportunity for leadership in looking at this new direction. But ultimately that leadership is yours, and I think the challenge before you is to find a way in which, if a Port Authority is considered something we're going forward with, that you can preserve your leadership in the process, as it develops, and as it develops carefully and slowly and frugally."



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Dorothy Traxler said, "I live here and we pay taxes and this is my home, that's why I'm concerned about this and I expect to be here at least another fifty years. I do believe everybody has done a good job and worked hard. I do believe that we do not know enough about what is going on and so the vast rumors that are going around about it really worry many of us. I don't know if you know all the rumors that are going around about it, but there are many rumors going around about it and one of them is, where are they going to get all this federal money to do this? Everybody knows that the federal money that they give you, the federal government can take away. And the federal government also controls. All this infrastructure that you're talking about that's going to take care of things - who is the infrastructure? Who is it? Is it the same people running everything now? People want to know that; and they hope that when you're working on this that you will take a chance and go considerably slower and just, rather than have an article put in the paper saying it's done, buddy, and we're going to have it. O.K.?"

Janet Stevens said, "I appreciate your last comment and I think this is something that's been left out of the newspaper, quite frankly, from the very beginning, and that is that we have fully intended to go very slowly from the very beginning. And that is still a part of our thought process. But I appreciate that last statement."

David MacLay said, "I'm sorry that you have not lived up to your obligations, you haven't prepared me for this and I thought it's true that I tramp around this building a bit, maybe 25, 30, 40 years ago, and I got into most everybody's hair and I've done some business and acquired some property. Probably I'm paying more taxes than a good many people around this country each year. Sometimes I wonder why in the world I do that. I suppose some people call and say it's a good thing he's got lost. The funny part of it is, about 30 years ago there were people, and they're all dead now except me and I think I'm alive, we had a number of people who got together and proceeded to form a Port Authority. We kicked the Port Authority idea for a good many weeks and you're wondering now who those people were and I can name them, but they're all dead and I guess I can state what I want, but we did conclude after what I thought was a long time in consideration of it, that the whole thing was not worth doing because we would get ensnared in too much of things that were beyond our concepts. I think I hear something about that now and I try to keep up by reading the local paper but I haven't learned anything there lately, there's been quite a bit of trouble in finding something in it. I do the best I can with what I find. This business, I think Jack Traxler has probably expressed it better than most anybody else tonight. There are questions that should arise and should be considered. I'm sure that both the committee and commission that you have appointed have come up and said their piece and I think they favor it likely but they haven't said in so many words that they do favor the whole thing. They are saying that they are questioning the thing. I don't know whether I have learned anything in the last 85 years, but I have tried and I have kept trying to take my pills and I come around here to take an interest in what's going on. You haven't seen much of me for a long time and that's because I am occupied in other matters. You have taxed the devil out of me and I have tried to go out and earn enough to pay the tax, if you can appreciate the fact. I have some land out here that's undeveloped, and do you know that's appraised at \$2.50 a square foot. We used to buy this stuff by the acre and it's true that most of what I have I bought by the acre and it's been pleasant for me to see how this country has developed. I think at one time, one of the brokers, maybe I had 40 acres out by where the airport is where some of those other buildings are and where you have some eating houses and stuff, and I guess I gave those away."

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One of the grocers, they called me the Mayor of Poverty Flats at that time. I was trying to develop something and I did build several buildings, maybe 25 or 30 buildings over this country. Now things have come in on us to the extent that there are permits necessary, there are rules and regulations that approach the impossible. I had decided a long time ago that I would not under any consideration build anything within the City of Missoula unless it was something that I could steal, but I haven't gone into that lately. I'm doing the best I can and working with the rules that there are. I just don't think that I want to try anymore. The Port Authority, it seems to me, is something that is beyond our grasp, beyond our concept, that we should hold up. I don't see why you have to buy 40 acres of land for somebody, and why you have to buy 471 acres, and I do believe that you have had in mind, as I have read in the past, you have in mind relocating the fair grounds out there, and that hasn't come up in this discussion. But it probably will and probably should. Thank you."

As there was no further public testimony, Ann Mary Dussault said that it is the Commissioners plan to leave the public record open for written comment until 5:00 p.m. on Friday, February 1, 1991. At that point they will close the record for public comment and the Board of County Commissioners will at that time take all under advisement and make a decision. She thanked everybody for coming, said the Board appreciated the work of the task force and the consultants, and wished everybody a goodnight.

The meeting was adjourned at 8:45 p.m.

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JANUARY 24, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation January 24th & 25th.

DAILY ADMINISTRATIVE MEETING

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

A request from the State Department of Commerce for a joint letter of commitment from the Missoula community to establish a Missoula Small Business Development Center (SBDC) was discussed; a decision was postponed pending receipt of a letter from the Small Business Incubator group.

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

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JANUARY 25, 1991

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

Wendy Cromwell  
Wendy Cromwell, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*

JANUARY 28, 1991

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left late in the forenoon for Helena to attend a meeting of the MT Tax Reform Coalition.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #1 (12/23/90 through 1/05/91) with a total Missoula County Payroll of \$355,373.77

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

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JANUARY 29, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 91-009

The Board of County Commissioners signed Resolution No. 91-009, Abating and Refunding Taxes to Dorothy and Everett Harris for the Economy 1 Motel, as it appears that the taxes levied on SUID #1406108 for tax years 1983, 1984, and 1985 were erroneous and excessive; therefore, the taxes for tax year 1985 will be abated and a new bill generated for the correct amount; a belated tax bill for 1982 in which no personal property was charged will be generated with the payment of these two bills to be made from the overpayment of taxes for 1983 and 1984 of \$4,594.16 and a warrant be issued to Everett and Dorothy Harris for \$550.31 representing the excess taxes paid in 1983 and 1984.

Other items included:

The Commissioners approved a request from Undersheriff Larry Weatherman to appoint Sgt. Willis Hintz and Sgt. Stanley Fullerton to Deputy County Coroners; these positions are necessary due to a vacancy created by the death of Sgt. Siweck and to promotions created with the department changeover.

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

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JANUARY 30, 1991

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

January 30, 1991 (continued)Audit List

The Board of County Commissioners signed the Audit List dated January 29, 1991, pages 7-43, with a grand total of \$189,102.22. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Right-of-Way Overhang Easement

Chair Dussault signed an Overhead Electric Right-of-Way Overhang Easement, whereby Missoula County grants to The Montana Power Company an Overhang Easement upon which to construct, operate, maintain, replace and remove an electric powerline, communication system and necessary appurtenances over, under, along and across a right-of-way on property located in Section 29, T. 13 N., R. 19 W., PMM, described in Micro. Bk. 225, pgs. 1650 and 1651, as per the terms set forth, in conjunction with the Reserve Street Highway Expansion and Reconstruction project. The Easement was forwarded to the Clerk & Recorder's Office to be sent by them to Montana Power Company.

Listing Contract

Chair Dussault signed a Listing Contract between Missoula County and Coldwell Banker Steinbrenner Real Estate and Properties 2000, with Scott Hollenbeck and Marilyn Foss as Listing Agents, for various properties and the prices of each listed on the Addendum attached to the Contract. The Listing Contract was returned to Jim Dopp, Operations Officer, for further handling.

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

WEEKLY PUBLIC MEETING

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

PROCLAMATION: LITERACY AWARENESS WEEK

Barbara Evans read the following Proclamation:

WHEREAS, literacy is vital in individual empowerment and fulfillment, productive employment, community participation, and a successful democratic society; and,

WHEREAS, despite the best efforts of educators and our school system, inadequate literacy skills continues to be a national and local problem affecting millions of Americans and thousands of Missoula County residents; and

WHEREAS, citizens with inadequate literacy skills demonstrably can upgrade those skills if, in a sensitive and understanding way, they are given the opportunity and encouragement to step forward; and

WHEREAS, a nationwide movement to advance literacy is growing rapidly with the active participation of volunteer-based literacy organizations, libraries, schools, all levels of government and major elements of the private sector; and

WHEREAS, 1991 has been proclaimed "The Year of the Lifetime Reader" by the Library of Congress, and February 3-9, 1991 has been proclaimed "Literacy Awareness Week" in Montana by Governor Stan Stephens;

January 30, 1991 (continued)

NOW, THEREFORE, we, Ann Mary Dussault, Barbara Evans and Janet Stevens, County Commissioners of Missoula County, Montana, hereby proclaim February 3-9, 1991 "Literacy Awareness Week" in Missoula County, Montana, and urge all citizens to join the celebration of literacy and to participate in and support projects and activities directed towards and committed to literacy enhancement." (Signed) Board of County Commissioners.

Janet Stevens moved and Barbara Evans seconded the motion to proclaim the week of February 3-9, 1991 "Literacy Awareness Week" in Missoula County. Motion carried on a vote of 3-0.

BID AWARD: COMPUTER AIDED DISPATCH FOR 9-1-1

Ann Mary Dussault explained that this is a bid award for the 9-1-1 Computer Aided Dispatch System. Bids were opened on December 17, 1990. On January 7, 1991, through a process of evaluation and scoring, Missoula County narrowed the list of potential suppliers to three. These three vendors were then invited to Missoula to demonstrate their system for 9-1-1 and General Services staff and for all interested agencies of the 9-1-1 Center. Those three companies and their base bids were:

U.S. West Communications Public Safety Group	- \$189,034.03 Base bid
United Systems Technology, Inc.	- \$108,391.00 Base bid
Logisys, Inc.	- \$146,540.00 Base bid

Staff recommends award of the bid to Logisys, Inc., as the best and most responsive bidder subject to the conditions attached and to successful negotiation of the entire system installation. Those conditions are:

1. Logisys must agree as a condition of accepting the award for the 9-1-1 computer aided dispatch system that no money will be advanced by Missoula County in relation to this project and contract until such time as a system, as defined by the Request For Proposals issued by the County and the bid response by Logisys, is fully operational and available to County staff for testing and acceptance. This requirement is only with reference to release of money and permission to proceed to training and installation and may in no way be construed as fulfilling the requirement for the final testing and acceptance of the system. Missoula County and Logisys will negotiate a date by which this requirement must be met.
2. Logisys must agree as a condition of accepting the award for the 9-1-1 computer aided dispatch system that they will work with designated staff in developing the following system features:
  - a. A "command line" feature which will allow users to log information, such as unit status changes and officers' traffic stops, into the system using abbreviated "command" language. This feature must allow the user to interrupt another task and enter the necessary information quickly without calling up separate screens or windows.
  - b. A separate, easily accessed feature to deal with officer initiated events. This feature is especially pertinent to traffic stops, and must allow quick data entry and routing of the data for local warrants checks. Provision must exist for eventual routing of names and license plate information through the CJIN/NCIC system.

January 30, 1991 (continued)

- c. Ability to move quickly through the system using single key strokes or commands, thus bypassing unnecessary screens, windows, or menus.
  - d. Maps and other information contained in windows will pop up only when called up by the user. No window information will pop up automatically, thus covering information already on the screen.
3. It is fully understood by both Missoula County and Logisys that at the time of this award Logisys does not possess a fully functional system for computer aided dispatch and that Missoula County is relying upon the information and descriptions provided in the proposal to Missoula County (except as noted under #2 above) to make this award. Should Logisys fail to develop the system as described within a period to be agreed to in negotiations, Missoula County may, at its option, cancel this contract without penalty or cost.

Jim Dopp, Operations Officer, said that in November, 1990, Missoula County issued a request for proposals for a Computer Aided Dispatch System for the Missoula County 9-1-1 Dispatch Center. This computer system is the final phase of the automation process approved by the voters in the bond election of a year ago this past fall. The purpose of this project is to allow the computerization or automation of the jurisdictional and procedural functions now performed in the center manually. We also asked for proposals which would allow us to go further into automation in the future with systems such as Enhanced 9-1-1, which is a system that automatically finds and displays the address of the calling party to the 9-1-1 dispatcher. In response to our request, we received eleven proposals. Through a process of evaluation and scoring, staff was able to select three finalists from this list who were then invited to demonstrate their systems and answer questions about the various functions and how they would work in our center. As a result of this process, staff has come today to recommend award of the Computer Aided Dispatch System contract to Logisys, Inc., subject to the aforementioned conditions and also subject to the successful negotiation of a contract for the installation of the entire system. Logisys, Inc., a Missoula firm, bid a package for the automation of the 9-1-1 Dispatch Center which incorporates the very latest in computer technology as well as several technical areas of programming which were not available in the other system we viewed. The conditions we have listed as a part of the award are meant to provide the least possible risk to Missoula County in working with Logisys to incorporate these advanced systems into the exiting center. Working with a local company on these kinds of systems installations will be a benefit to both the 9-1-1 Center and to Logisys. As with any new system, the process of incorporating automation into an existing structure is difficult. It is felt that having the company's offices and development personnel here in town will aid this process immeasurably.

Ann Mary Dussault said the staff recommendation is for the best and most responsible bid, not the lowest.

Mike Sehestedt, Deputy County Attorney, said that "best" means the product that will best serve the County's business. He said it is appropriate to award to other than the lowest bidder.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for the 9-1-1 Computer Aided Dispatch System to Logisys, Inc. in the amount of \$146,540, subject to the attached conditions, as the best and most responsive bidder. Motion carried on a vote of 3-0.

CONSIDERATION OF TURAH ESTATES SUMMARY PLAT

January 30, 1991 (continued)

Barbara Martens, Office of Community Development, explained that Turah Estates proposes four (4) single family lots on 26.19 acres, each lot six acres or greater in size. The property is located in the Turah area, west of Turah Road and south of Hellgate Pines Addition No. 2. The property is unzoned. The lots will be served by individual wells and septic systems. A waiver is requested to the cash-in-lieu of parkland requirement. Staff recommends that the summary plat for Turah Estates be approved subject to the following conditions, variance, and the findings of fact:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The County grants a waiver to the cash-in-lieu of parkland requirement, with the following stipulation: The developer shall enter a covenant to run with the land. This covenant shall be revocable only by mutual consent of the Board of County Commissioners and the property owner. The covenant shall state that the parcels in the subdivision shall never be subdivided into parcels of less than five (5) acres and that all parcels in the subdivision shall be used for single family dwellings. Further, if revocation of this covenant ever takes place, the cash-in-lieu of parkland money will be paid upon revocation.
3. Approach permits shall be obtained from the County Surveyor.
4. The developer shall place the following statement on the plat and each instrument of conveyance:

"The purchaser and/or owner of the lot or parcel understands and agrees that private road construction, maintenance and snow removal shall be the obligation of the owner or Property Owners' Association and that the County of Missoula is in no way obligated until Turah Road and Allen Creek Road (also known as Turah South Road) are brought up to standards and accepted by the County of Missoula."
5. Grading, drainage, erosion control and road plans shall be approved by the County Surveyor's Office.
6. The developer shall provide easements for utilities, including the overhead transmission lines, in the appropriate areas.
7. The developer shall initiate an RSID for the upgrading and paving of Turah Road to the furthest access point within this subdivision. If the RSID fails, the developer shall include a statement on the plat which states:

"Acceptance of a deed for a lot within Turah Estates shall constitute the assent of the owners to any future RSID for the paving of Turah Road or Allen Creek Road (also known as Turah South Road) and may be used in lieu of their signatures on an RSID petition."
8. The Property Owners' Association Articles of Incorporation, By-laws, Covenants and Restrictions shall bear the certification of the attorney who prepared or reviewed them that such attorney is licensed to practice law in the State of Montana and that they contain the applicable provisions required by these regulations, and any provisions upon which plat approval was based or conditioned and that the provisions do not conflict.
9. The Articles of Incorporation and By-laws for the Property Owners' Association shall show proof of filing with the Secretary of State.
10. The developer shall obtain necessary permits as required by the Forest Service prior to plat filing.
11. The developer shall dedicate a 30' road easement or right-of-way for Turah Road along the Turah Estates property line, subject to the approval of the County Surveyor.
12. A road sign for Allen Creek Road shall be erected, subject to the approval of the County Surveyor's Office and the Forest Service.

January 30, 1991 (continued)

13. The developer shall develop covenants which address at a minimum wildlife concerns as stated in the letter from Fish, Wildlife and Parks.

Variance Request: The developer is requesting a variance from Section 3-2(9)(B) which requires off-site access roads which are five hundred (500) feet or less in length to be paved. The County Surveyor's Office has stated that the Turah Road paving ends at the intersection of Turah Road and Allen Creek Road (also known as Turah South Road). Road paving shall be accomplished by requiring the developer to initiate an RSID; if this fails, the waiver statement shall be shown on the plat, as stated in Condition #7.

Greg Martinsen of Martinsen Surveys said that in regard to maintenance of Turah Road on the easterly side of the subdivision, the residents were surprised to learn it was not County-maintained, as it has been maintained by the County for the past 26 years, even though it has not been formally accepted by the County. Also, Lot TA6 will access on Turah Road, not Allen Creek Road. He said they had no objections to the conditions, but did want clarification on the road maintenance condition.

Jim Moran said he has been a resident of the area for 26 years and has an interest in having the road maintained. He said it is not the widest road, but still a good road. He said it is a dead end road, and that the County has plowed every year for the past 26 years.

Horace Brown, County Surveyor, said the road has not be formally accepted for maintenance and he feels it is the responsibility of the developer to bring the road up to County standards. He would like to see the road brought up to County standards and paved.

Barbara Evans asked if there was a sign indicating the County maintains the road.

Horace Brown said there was a sign on Allen Creek Road, but it was wrongly placed and has since been removed.

Barbara Evans said that if we have been maintaining the road for 26 years, have we not given the residents a reason to expect that we will continue this practice?

Horace Brown said that in the Attorney General's opinion, no.

A discussion followed regarding the fact that we can maintain as we have done in the past, but that people all over the County will want their roads maintained then, too. Horace said there are other roads that he has discontinued maintenance for the same reason and he won't do for one person what he won't do for everybody. The only difficulty in maintaining this road is its narrowness. Horace said they have maintained a road one time to help people out, but continued maintenance sets a precedent, and the County can't afford to do this. Ann Mary said we need to review those cases we've discontinued maintenance and look at the big picture. Janet said we should leave the language as it is but allow for maintenance on a stretch as we can get to it. There is no reason not to continue, but we don't have the obligation.

Archie Carlson said it is his understanding that the County would maintain a road (1) if it is a private road, but a school bus route; and (2) if the road is deeded to the County as a County road.



January 30, 1991 (continued)

Jim Moran said this is a school access road, and the nearest the bus comes is as far as the Happy Bungalow.

Janet Stevens moved and Barbara Evans seconded the motion to approve the Summary Plat of Turah Estates subject to the thirteen conditions as written above and also to grant the variance request as listed above. Motion carried on a vote of 3-0.

Ann Mary Dussault said the Commissioners have approved the Summary Plat as submitted and will have a chat with Horace Brown regarding plowing and grading.

CONSIDERATION OF PLEASANT ACRES #1 SUMMARY PLAT

Barbara Martens, Office of Community Development, explained that Pleasant Acres No. 1 proposes five (5) single family lots on 25 acres, each lot five acres in size. The property is located in the Big Flat area, west of Mullan Road and north of Kona Ranch Road. The property is zoned "C-A3" (Residential), which allows a maximum density of one dwelling unit per five acres. The lots will be served by individual wells and septic systems. A waiver is requested to the cash-in-lieu of parkland requirement. Staff recommends that the summary plat for Pleasant Acres No. 1 be approved subject to the following conditions and the findings of fact:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The County grants a waiver to the cash-in-lieu of parkland requirement, subject to the following stipulations: The developer shall enter a covenant to run with the land. This covenant shall be revocable only by mutual consent of the Board of County Commissioners and the property owner. The covenant shall state that the parcels in the subdivision shall never be subdivided into parcels of less than five (5) acres and that all parcels in the subdivision shall be used for single family dwellings. Further, if revocation ever takes place, the park money that would have been paid at the time of cash-in-lieu will be paid upon revocation.
3. Approach permits shall be obtained from the County Surveyor.
4. The developer shall provide easements for utilities in the appropriate areas.

Barbara Evans moved and Janet Stevens seconded the motion to approve the Summary Plat of Pleasant Acres No. 1 subject to the conditions and based on the findings of fact contained in the staff report. Motion carried on a vote of 3-0.

HEARING: AMENDMENTS TO FLOODPLAIN REGULATIONS

Bud Hettich, Office of Community Development, explained that this is a request for the Board of County Commissioners to adopt a resolution to amend Resolutions 75-20 and 75-23 - Floodplain Regulations for Missoula County. These amendments are made to ensure consistency between the Department of Natural Resources and Conservation (DNR&C) Flood Bureau rules and National Flood Insurance Program (NFIP) requirements. This action by the DNR&C Flood Bureau necessitates amendment of local resolutions adopted under authority of the Floodplain and Floodway Management Act, Section 76-5-301, MCA. A March 5, 1991 deadline was established for local officials to enact amendments to existing resolutions meeting the new minimum standards. The Office of Community Development staff has reviewed the City and County's Floodplain Regulations to ensure consistency between the DNR&C floodplain management administrative rules. The changes are required to bring the City and County Floodplain Regulations into conformance with State and Federal standards. The Missoula Consolidated

January 30, 1991 (continued)

Planning Board recommends that the attached resolution be adopted revising resolution 75-20 (The Missoula County Floodplain regulations). The amendments will include a Table of Contents, a statement of intent, the authority to regulate activities in the floodplain, and a statement of adoption. Many of the amendments are minor, such as: adding definitions, clarifying responsibilities and appropriate agency, modifying submittal requirements and citing applicable acts and regulations. Other amendments are specific to the various requirements for uses locating within the floodplain. The following is one significant change in the requirement for locating a mobile/manufactured home in the floodplain:

- a. Replacement of mobile homes within an existing mobile home park or mobile home subdivision provided that the mobile homes are anchored to resist flotation, collapse or lateral movement by providing over-the-top frame ties; and,
- b. On a private developed site, a newly placed or replacement mobile home must be elevated on a permanent foundation so the lowest floor is two feet above the base flood elevation or thirty-six inches in height above grade. The foundation must be reinforced concrete, reinforced mortared block, reinforced piers, or other foundation elements of at least equivalent strength. The mobile home chassis must be securely anchored to the foundation system so that it will resist flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

Barbara Evans asked if this would effectively reduce flood insurance costs.

Bud Hettich said that would depend on the lending institution, but he believed it would, as it will be less risk.

Barbara Evans asked if the DES Coordinator, Orin Olsgaard, was aware of Section 4.09 - Emergency Preparedness Planning.

Bud Hettich said the County is presently at a Class 10, the highest; the County will now be at Class 9, which will mean a 5-10% reduction in flood insurance costs. With a flood management plan, we could get a rate reduction next year. He said Orin has a copy of the application which addresses this and the County Disaster Plan includes this.

Barbara Evans moved and Janet Stevens seconded the motion to adopt a resolution to amend Resolutions 75-20 and 75-23, Floodplain Regulations for Missoula County, in accordance with Section 76-5-301, MCA in that the regulations are the minimum required by State law and it is the position of the Board of County Commissioners that public health and safety of Missoula County residents are served by upgrading State minimum standards in local floodplain regulations, the public hearing requirement being met today. Motion carried on a vote of 3-0.

Resolution No. 91-013

The Commissioners then signed Resolution No. 91-013, a resolution to amend Resolution Nos. 75-20 and 75-23, Floodplain Regulations for Missoula County.

CONTINUATION OF HEARING ON A PETITION TO VACATE A PORTION OF RASER DRIVE AT VAN EVANS CROSSING

Ann Mary Dussault opened the public hearing and asked if anyone cared to testify.

January 30, 1991 (continued)

Those person testifying against the closing were: Mike Bennett, Thatcher Manufacturing; Hal Tremper, Tremper Distributing; Doug Bleecker, Bleecker Manufacturing; Archie Carlson, area rancher; and Bill Tremper, Tremper Distributing.

Reasons cited for opposing the closing included convenience, safety concerns regarding entering Reserve Street; safety concerns in regard to hauling materials through residential neighborhoods; and unsafe curve by County Shop.

Since the last public hearing on January 16, 1991 the Commissioners have received the following documents in opposition to the closing: City Resolution No. 5118; a petition from Felco Industries, Ltd., signed by 16 persons; a petition from the general public containing 40 signatures.

Nick Kaufman, appearing for MRL, was the only person testifying in favor of the closing. He said MRL initiated the request for closing, but not for maintenance reasons. He said the primary issue is public safety, as this crossing is close to five generators of potentially hazardous materials. He said MRL will take the lead to mitigate the impact of closing the crossing, and that they are currently working on a mitigation plan.

As there was no further testimony, the public hearing was closed.

Janet Stevens moved and Barbara Evans seconded the motion to postpone a decision on the matter of closing Raser Drive at the Van Evans Crossing until February 27, 1991. Motion carried on a vote of 3-0.

As there was no further business to come before the Board, the Commissioners were in recess at 2:55 p.m.

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JANUARY 31, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition.

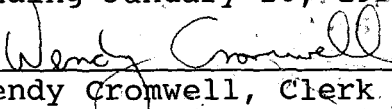
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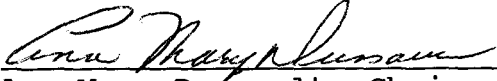
FEBRUARY 1, 1991

The Board of County Commissioners met in regular session; all three members were present in the afternoon. In the forenoon, Commissioner Dussault attended the 16th Annual Economic Outlook Seminar sponsored by the U/M Bureau of Business and Economic Research held at the Village Red Lion.

Monthly Report

Chair Dussault examined, approved and ordered filed the Monthly Report of the Clerk of the District Court, Kathleen Breuer, showing fees and collections made in Missoula County for month ending January 20, 1991.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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FEBRUARY 4, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a Proclamation proclaiming the week of February 10th through the 16th, 1991, to be "National Crime Prevention Week" in Missoula County to help focus public attention on the compelling need to join the never-ending battle against crime and, through both example and education, to help our children learn to resist the temptation to abuse drugs and alcohol.

Resolution No. 91-010

The Board of County Commissioners signed Resolution No. 91-010, a resolution accepting an easement from Champion International Corporation for public road and all other public purposes, located in a portion of the SW 1/4 of Section 7, T. 13 N., R. 18 W., PMM, Missoula County.

Other items included:

The Commissioners approved a request from County Surveyor, Horace Brown, to purchase electronic distance measuring instruments for vehicles from the Bridge Tech. Capital money, as per his memo (S91-031) dated February 1, 1991.

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

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FEBRUARY 5, 1991

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was out of the office February 5th and 6th, and Commissioner Dussault was out of the office all day, except for stopping by briefly late in the afternoon.

FEBRUARY 5, 1991 (continued)Monthly Reports

Chair Dussault examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending January 31, 1991.

Quarterly Report

Acting Chairman Evans signed the Quarterly Report for the MCH Block Grant for the second quarter of the State Fiscal Year '91 (October-December, 1990). The Report was returned to the Health Department for forwarding to the Department of Health and Environmental Sciences in Helena.

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FEBRUARY 6, 1991

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated February 5, 1991, pages 8-30, with a grand total of \$95,137.49. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Contract Documents - Repurchase of Tax Deed Property

The Board of County Commissioners signed a Contract for Preferential Repurchase of Tax Deed Property, a Notice of Contract to Purchase Property, together with a Quit Claim Deed, which is to be delivered to the Buyer upon payment in full of the purchase price, between Missoula County and Sherry L. Gray, for the repurchase of property described as the NE 1/4, SW 1/4, Plat D-3, Section 8, T. 14 N., R. 22 W., 10.26 acres (SUID #1940830), as per the terms set forth, for an amount totaling \$4,639.32, to be paid as per the payment schedule set forth in the contract. The documents were forwarded to Bev Hiday in the Treasurer's Office.

Contract Documents - Repurchase of Tax Deed Property

The Board of County Commissioners signed a Contract for Preferential Repurchase of Tax Deed Property, a Notice of Contract to Purchase Property, together with a Quit Claim Deed, which is to be delivered to the Buyer upon payment in full of the purchase price, between Missoula County and Sherry L. Gray, for the repurchase of property described as the NE 1/4, SW 1/4, Plat D-10, Section 8, T. 14 N., R. 22 W., 14.34 acres (SUID #1940856), as per the terms set forth, for an amount totaling \$1,676.01, to be paid as per the payment schedule set forth in the contract. The documents were forwarded to Bev Hiday in the Treasurer's Office.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chair Ann Mary Dussault. Also present was Commissioner Barbara Evans.

FEBRUARY 6, 1991 (continued)

COS REVIEW: AGRICULTURAL EXEMPTION - GAUDREAU

Marnie McClain, Deputy County Attorney, explained that Jeanne M. Gaudreau has submitted an affidavit seeking an agricultural exemption. The applicant seeks to divide COS 1506A. According to the affidavit, the intended use of the property is for a horse arena. No record of previous COS activity was found for Ms. Gaudreau. This property is located out in Clinton, and the business has been in operation for about 12 years.

Jeanne Gaudreau explained that this property is used for equestrian activity, training, lessons and boarding, and has an indoor arena. She wishes to survey this portion off for corporation and insurance purposes. The area is approximately 2-1/2 acres in size, roughly 300' x 300'.

Barbara Evans explained that the Agricultural Exemption cannot be lifted without Board of County Commissioner approval.

Mike Sehestedt, Deputy County Attorney, said the agricultural exemption also restricts improvements to the arena such as sewer and water.

Ann Mary Dussault asked if this is compatible with existing uses of the agricultural exemption.

Mike Sehestedt said that if the existing building is a hay shed, there is no problem as this is clearly an agricultural use. If the existing structure is a dairy barn, there would be no problem, as this is clearly an agricultural use. The question is if boarding and training and the care of horses can be considered an agricultural use. It is his opinion that the care, feeding and training of horses appears to be an agricultural use and therefore does fit within the definition. The structure does not require sewer and water services. It is his opinion the use fits the statutory definition.

Marnie McClain said there is a case in her files that supports the granting of this agricultural exemption. It is fairly detailed in laying out agricultural activities, and it includes horses.

Jeanne Gaudreau said that she rents chemical facilities for restrooms if an event is scheduled. Otherwise, patrons are allowed to use her personal residence facilities. She said she boards an average of 10 horses.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant the agricultural exemption for COS 1506A, finding it in the public interest to do so. This finding is based on the fact that there is no apparent attempt to evade the Montana Subdivision and Platting Act, there is no previous history of use of the agricultural exemption, and counsel states that this use fits within the definition of an agricultural exemption. Motion carried on a vote of 2-0.

SALE OF TAX DEED PROPERTY

Ann Mary Dussault explained that, as required by MCA 7-8-2301(3), this is the second auction for the following described parcel with the fair market value as determined by Jim Fairbanks, Appraisal Office: SUID #5830856 In SW 1/4 Plat P 33-14-19 68.11AC Legal also known as: In SW 1/4 Plat P Section 33, T14N, R19W according to Certificate of Survey 3340. Fair Market Value: \$238,000.00 The first auction was held on January 23, 1991. MCA 7-8-2302 requirements have been met, and a copy of the

FEBRUARY 6, 1991 (continued)

tax deed and a courtesy letter was mailed to all interested parties on January 10, 1991. There being no bids received, the auction was closed.

There being no further business to come before the Board, the Commissioners were in recess at 1:45 p.m.

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FEBRUARY 7, 1991

The Board of County Commissioners met in regular session; all three members were present. At noon, the Commissioners attended the "State of Missoula" luncheon sponsored by the Chamber, and Commissioner Dussault gave the "State of the County" address.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 91-011

The Board of County Commissioners signed Resolution No. 91-011, a resolution giving preliminary approval to and providing for the giving of notice of a public hearing on the proposed ordinance establishing a Tax Increment Financing Industrial District known as "the Missoula County Airport Industrial District", for the purposes of stimulating industrial growth by providing a financial mechanism to provide the necessary infrastructure support, setting the hearing dates for February 27, 1991, at 1:30 p.m. and on March 13, 1991, at 1:30 p.m.

Resolution No. 91-012

The Board of County Commissioners signed Resolution No. 91-012, a Resolution of Intention to Create RSID No. 440 for the purpose of street improvements on a portion of Fifth Street Southwest between Kemp Street and Eaton Street, as per the items set forth, and setting the hearing date for February 7, 1991, at 1:30 p.m.

Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein and Associates for the Lolo Water System Improvements project (RSID No. 436), as per the terms set forth, for a total payment of \$5,000.00. The Agreement was returned to General Services for further handling.

Agreement

Chair Dussault signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of conducting smoking cessation education within the County WIC program, as per the terms set forth, to be completed by June 30, 1991, for a total reimbursement to the County up to a maximum of \$2,000.00. The Agreement was forwarded to DHES in Helena.

FEBRUARY 7, 1991 (continued)Modification of Agreement

Chair Dussault signed a Modification of Agreement between Missoula County and the Montana Department of Health and Environmental Sciences modifying Section III (1) of the Agreement between the concerning the MCH Block Grant (DHES No. 310157), agreeing to pay the County a total of \$80,666.00, as per the items set forth. The Modification was forwarded to DHES in Helena.

Other items included:

- 1) the Commissioners appointed Jack L. Meyer as the "1st alternate member of the Airport Authority and Bob Turner as the "2nd alternate member";
- 2) Phil Smith's proposal for public involvement strategy for the proposed Port Authority was discussed and rejected by the Commissioners.

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

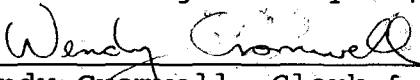
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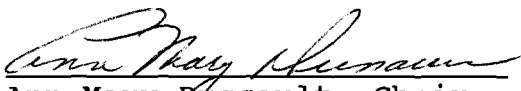
FEBRUARY 8, 1991

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

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Doug Chase, showing the items of fees and other collections on account of civil business in Missoula County for month ending January 31, 1991.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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FEBRUARY 11, 1991

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

Audit List

Commissioners Dussault and Stevens signed the Audit List dated February 11, 1991, pages 8-27, with a grand total of \$55,152.93. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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



FEBRUARY 11, 1991 (continued)Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit, whereby the County agrees to permit Erling D. and Susan G. Kruse of 2308 Agnes Street to encroach upon a portion of Agnes Street right-of-way adjacent to the E 1/2 of Lot 39 and Lots 40, 41, and 42 of Block 51, Carline Addition #3, a platted subdivision of Missoula County, with said encroachment being limited to the existing fence and is effective for a period not to exceed ten years, as per the terms set forth in the Permit. The Permit was returned to the Surveyor's Office for further signatures and handling.

Resolution No. 91-014

The Board of County Commissioners signed Resolution No. 91-014, a resolution accepting an easement from Robert J., Robert D., and Glenn J. Rangitsch for public road and all other public purposes, located in a portion of the NE 1/4 of Section 34, T. 14 N., R. 20 W., PMM, Missoula County (Training Drive).

Agreement

Chair Dussault signed an Agreement dated October 1, 1990, between Missoula County, the Montana Highway Traffic Safety Administrator, and the U. S. Department of Transportation (the contributor of funds for the Agreement) for the purpose of developing a local task force to address the larger number of issues that impact traffic safety and to develop an integrated approach to solving them, as per the terms set forth, for a total amount not to exceed \$60,000. The Agreement was forwarded to Albert Goke, Department of Justice, Highway Traffic Safety Division in Helena.

Tax Payment Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Virginia R. Meyer regarding the payment of delinquent taxes on her property described as Tract 2A in the NW 1/4, SE 1/4, Plat 136' 7-14-20, 5.15 acres, COS #2457 (SUID No. 5834841), whereby the taxpayer agrees to pay the delinquent taxes for 1987, 1988, 1989, and the first half of 1990, together with penalty, interest, and costs due on the property, as per the terms set forth, on or before August 15, 1991; and the County agrees not to apply for a tax deed before August 16, 1991.

Tax Payment Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Claudia Larance, whereby due to an error by the County in refunding the second half taxes for 1989 on SUID No. 1210809 in the amount of \$730.54 to the Taxpayer, the County agrees to allow the Taxpayer until February 15, 1992, to pay these taxes without penalty or interest, as per the mutual promises and covenants contained in the Agreement.

Other items included:

The Commissioners appointed Charles Gardner, Mahlon Manson, and Steve Franklin to serve on the Interim Board of the Mouth of Petty Creek Fire District until the School Election on April 2, 1991, at which time the residents within the District will elect the trustees.

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

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FEBRUARY 12, 1991

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Helena to attend a MACo Board of Directors dinner meeting in the evening.

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a Joint Proclamation with the City of Missoula proclaiming April 5-7, 1991, as Hoby Days and invite the cooperation of all citizens to join in recognizing the value of the work accomplished by the Hugh O'Brian Youth Foundation in promoting good citizenship.

Resolution No. 91-015

The Board of County Commissioners signed Resolution No. 91-015, a Resolution of Intention to Create RSID No. 441 for the purpose of street improvements on Schilling Street and alleyways between South 5th Street and South 6th Street, and setting the hearing date for March 6, 1991, at 1:30 p.m.

Contract for Services

The Board of County Commissioners signed a Contract for Services between the Missoula Office of Community Development and Wally Congdon, an independent consultant, for the purpose of conducting a training session for the Missoula Consolidated Planning Board at their February 19th, 1991, meeting, as per the terms set forth, for payment at the rate of \$40 per hour, not to exceed \$400.00. The Contract was returned to Mike Kress, Planning Director, for further signatures and handling.

Other items included:

The Commissioners appointed Shirley Simonson as a member of the Missoula City-County Library Board to fill the unexpired term of Joan Smith through December 31, 1991.

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

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FEBRUARY 13 AND 14, 1991

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Stevens were in Helena where they attended the DES Conference on the 13th and the MACo Midwinter Meeting on the 14th. At noon on February 14th, Commissioner Evans attended the Missoula Exchange Club's Law Enforcement Officer of the Year Presentation at a luncheon held at the Edgewater.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for February 13th was canceled as two of the Commissioners were out of town.

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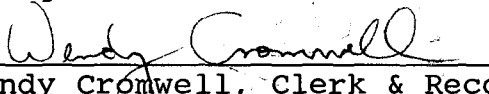
FEBRUARY 15, 1991

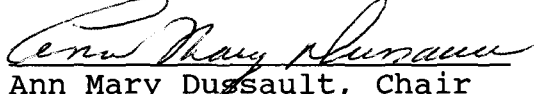
The Board of County Commissioners did not meet in regular session; Commissioner Dussault attended a MACo Board of Directors meeting until noon in Helena, and Commissioner Stevens attended a Mental Health Board Meeting in Polson. In the afternoon, Commissioner Evans participated in the Ribbon Cutting Ceremony and attended the Open House for the new automation system at the Library.

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FEBRUARY 16, 1991

On Saturday morning, Commissioner Dussault gave the Welcome at the "MT Electric Energy Futures for 1990's and Beyond" Conference being held at the U Center.

  
Wendy Cronwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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FEBRUARY 18, 1991

The Courthouse was closed for the Washington-Lincoln Day holiday.

\* \* \* \* \*

FEBRUARY 19, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the plat for Erica's Land, a rural subdivision of Amended Diamond 'L' Bar Lakeshore Tracts, Lots 2, 3 and 4 (1979) Lot 2, located in the SW 1/4, Section 13, T. 19 N., R. 17 W., PMM, Missoula County, a total of 0.78 acres, with the owner of record being Erica Anderson.

Payroll Transmittal Sheets

The Board of County Commissioners signed the transmittal sheets for the following pay periods:

- 1) #2 (1/06/91 through 1/19/91) with a total Missoula County payroll of \$354,794.69; and
- 2) #3 (1/20/91 through 2/02/91) with a total Missoula County payroll of \$347,183.37.

The Transmittal Sheets were returned to the Auditor's Office.

Quitclaim Deeds

The Board of County Commissioners signed three Quitclaim Deeds from Missoula County to Duncan Insurance Agency for the following parcels of land taken for tax deed and have been redeemed by the Owner:

FEBRUARY 19, 1991 (continued)

- 1) Montana--Lots 1 & 2, Block 32 (SUID #528703);
- 2) Montana--Lots 3 & 4, Block 31 (SUID #529354); and
- 3) Woody--Lots 15 through 20, Block 136 (SUID #528305).

The Deeds were returned to the Clerk & Recorder's Office.

Warranty Deed

The Board of County Commissioners signed the closing documents and a Warranty Deed from Missoula County to Kim P. and Kimberlee A. McCampbell for the purchase of tax deed property, Lot 18 in Block 4 of Homevale, a platted subdivision in Missoula County, Montana, for a total amount of \$2,105.29. The documents were returned to General Services for further handling.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Missoula Rural Fire District for the purpose of delineating the performance of administrative and investigative services for the enforcement of Missoula County Resolution No. 90-037, Control of Community Decay, and to define and clarify the roles and responsibilities of the County and the District to implement a cooperative program, as per the terms and conditions set forth, retroactive to May of 1990, whereby the County agrees to pay the District an hourly rate of \$20 per hour for time spent performing the duties outlined in the Agreement, with the maximum amount billable for FY'90-91 being \$5,000.00.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between the Missoula County Employee Benefits Plan and the Associates for Hearing and Speech, an independent contractor, for the purpose of doing an audiology study at the County Road Department to determine why a high percentage of employees at the Road Department exhibit hearing loss and to study possible causes and what can be done to avoid or reduce hearing loss, as per the terms set forth, commencing February 20, 1991, and concluding April 20, 1991, for payment not to exceed a total of \$500.00.

Budget Transfer

The Board of County Commissioners approved and signed Budget Transfer No. 910018, a request from Risk Management, to transfer \$500 from the Insurance/Fidelity Bonds account to the Contracted Services account for the audiology study of Road Department machinery and work sites, and adopted it as part of the Fiscal Year 1991 Budget.

Other items included:

The Commissioners appointed Henry McKirdy and John Munch as members of the Interim Board of the Mouth of Petty Creek Fire District to serve until the School Election on April 2nd, 1991, at which time the residents will elect the Board of Trustees.

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

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FEBRUARY 20, 1991

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Helena.

Audit List

Commissioners Evans and Stevens signed the Audit List dated February 20, 1991, pages 8-34, with a grand total of \$86,241.27. The Audit List was returned to the Accounting Department.

Indemnity Bond

Acting Chairman Stevens signed an Indemnity Bond naming the National Association of Secondary School Principals as principal for warrant #22043, dated December 7, 1990, on the Missoula County High Schools' Fund in the amount of \$100.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Agreement to Sell and Purchase

Acting Chairman Stevens signed an Agreement to Sell and Purchase between Missoula County and Ciro John Bagliazo of San Pedro, CA for the purchase of Tract A-1-B, COS #2329, as per the terms set forth, for a total purchase price of \$9,000.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Listing Contract

Acting Chairman Stevens signed a Listing Contract between Missoula County and Coldwell Banker Steinbrenner Real Estate & Properties 2000 for the lots in Hillview Heights #7 as listed on the Addendum attached to the contract, as per the terms set forth, through December 31, 1991. The Contract was returned to Jim Dopp, Operations Officer, for further handling.

Other items included:

The Commissioners approved a request from Martinsen Surveys for a 180-day filing extension for Snider Addition, as per the recommendation of the Community Development Staff, making the new filing deadline August 19, 1991.

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

WEEKLY PUBLIC MEETING

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

BID AWARD - 4x4 VEHICLE FOR HEALTH DEPT. - JUNK VEHICLE PROGRAM

Jim Carlson, Environmental Health Director, explained that this is a request for the award of a bid for a heavy-duty 4x4 vehicle for the junk vehicle program. Bid requests were solicited for a 1990/1991 heavy-duty 4x4 vehicle for the junk vehicle program. Bids were received for five vehicles from three dealerships. Bids were opened at 10:00 a.m. on February 11, 1991. The following bids were received:

FEBRUARY 20, 1991 (continued)Grizzly Auto

1. 1991 Dodge 4x4 Ram Charger - Total bid price \$15,247
2. 1990 Dodge 4x4 Ram Charger - Total bid price \$16,487

DeMarois Olds-Gmc

1. 1991 GMC S-15 4x4 Jimmy - Total bid price \$17,186

Bitterroot Motors

1. 1991 Ford Bronco 4x4 - Total bid price \$17,186
2. 1991 Toyota SR5 Forerunner 4x4 - Total bid price \$18,057

Jim said they recommend one of two options: (1) that we accept the bid on the Toyota, which was the only vehicle that meets all the bid specifications, even though it was the highest bid received; or (2) that we modify the specs and rebid. He said it is possible that we may be able to solicit bids on other qualified vehicles. Jim said that some errors were made in the initial bid specs. He said, for instance, if the warranty mileage was reduced 10,000 miles, the County could save \$1,000 to \$1,500.

Barbara Evans asked why a 4x4 vehicle, instead of a regular passenger vehicle, was necessary.

Jim Carlson said that they need a 4x4 on a lot of roads in the rural areas where they have to investigate a junk vehicle.

Barbara Evans moved and Janet Stevens seconded the motion to reject all bids and rebid the item using the proper specifications, as some errors were made in the initial bid specs. Motion carried on a vote of 2-0.

CONSIDERATION OF DOHERTY MCBRIDE ADDITION NO. 1 - SUMMARY PLAT

Zoe Mohesky from the Office of Community Development explained that Doherty McBride Addition No. 1, a Resubdivision of Lot 6 of Sol Acreage Tracts, proposes two (2) single family lots on 2.010 acres, each lot slightly over an acre in size. The property is located in the Big Flat area, west of Big Flat Road and north of Johanna Drive. The property is zoned C-RR1, which allows a maximum density of one dwelling unit per acre. The lots will be served by individual wells and septic systems. No cash-in-lieu of parkland is required as only one additional lot is being created. The Office of Community Development staff recommends that the summary plat for Doherty McBride Addition No.1, a Resubdivision of Lot 6 of Sol Acreage Tracts, be approved based on the findings of fact contained in the staff report and subject to the following six conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. Approach permits shall be obtained from the County Surveyor.
3. A one foot (1') no access strip shall be provided along Big Flat Road as required by the County Surveyor.
4. Driveways shall be paved a minimum of twenty feet (20') back from Johanna Drive at the time Johanna Drive is paved.
5. The developer shall provide easements for utilities in the appropriate areas.
6. The developer shall initiate an RSID for the upgrading and paving of Johanna Drive. If the RSID fails, the developer shall include a statement on the plat which states:

"Acceptance of a deed for a lot within Doherty McBride Addition No. 1, a Resubdivision of Lot 6 of Sol Acreage Tracts, shall constitute the assent of the owners to any future RSID for the upgrading of Johanna Drive and may be used in lieu of their signatures on an RSID petition."

FEBRUARY 20, 1991 (continued)

Greg Martinsen, appearing on behalf of the owners, said they had no objections to any of the conditions.

Barbara Evans moved and Janet Stevens seconded the motion to approve the summary plat of Doherty McBride Addition No. 1, a Resubdivision of Lot 6 of Sol Acreage Tracts, based on the findings of fact and subject to the six conditions contained in the staff report. Motion carried on a vote of 2-0.

HEARING: REQUEST TO VACATE ROAD DESCRIBED AS LOCATED IN SECTION 27, T14N, R20W (NEAR THE WYE)

Janet Stevens explained that the Clerk and Records Office received a petition to vacate "that road described in Comm. Jour. Bk 'E', Pages 283 & 323, located in Section 27, T.14N, R.20W. P.M.M. from I-90 West along the mid-section line to Montana Rail Link's East R/W - see C.O.S. 3834." The reason for this request is: "It will remove a non-existing road location from the present deeds and Certificate of Survey No. 3834." The following landowners were notified of the hearing: Montana Rail Link, Sunlight Development Co., and Montana State Highway Department.

Horace Brown, Missoula County Surveyor, said that this is an old petitioned right-of-way, but there is no road built. The County has already vacated part of this petitioned road in the past.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify. As there was no public testimony, the hearing was closed. Janet explained that Barbara Evans and Horace Brown would visit the site and a decision would be made on the vacation at the Public Meeting on March 6, 1991.

HEARING: REQUEST TO VACATE A PORTION OF MARSHALL CANYON ROAD

Janet Stevens explained that a petition has been received by the Clerk and Records Office to vacate "A portion of Marshall Canyon Road, located in SW1/4 of Section 7, T13N, R18W, PMM, from the section line common to Sections 7 & 18, T13N, R18W northerly approximately 1320 feet and further described on Deed Exhibit #3775 Book 102 Deeds, Page 311." The reason for this request is: "Missoula County will receive a 60 foot right-of-way on the centerline of the existing road in exchange for the portion of Marshall Canyon Road to be vacated. The described portion of Marshall Canyon Road right-of-way does not fall along the existing road." The following landowners were notified of the hearing: Champion International Corp., and Daniel A. & Marjorie Harper.

Horace Brown said this request is to correct a problem that exists where the right-of-way is not located where the road actually is located.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify. As there was no public testimony, the hearing was closed. Janet explained that Barbara Evans and Horace Brown would visit the site and a decision would be made on the vacation at the Public Meeting on March 6, 1991.

HEARING: REQUEST TO VACATE A PARCEL USED AS A ROAD WITHIN HAZEL POPHAM'S ESTATE (OWNED BY MISSOULA COUNTY)

Janet Stevens explained that a petition has been received by the Clerk and Records Office to vacate "W1/2 SE1/4 NW 1/4 Section 20, T14N, R20W, as shown on map attached to petition." The reason for this request is: "Such strip of land, the position of which is unascertainable, is entirely land locked by the above referenced land owner. Such right-of-way was previously

FEBRUARY 20, 1991 (continued)

abandoned and somehow reverted back to the County." The following landowners were notified of the hearing: Hazel Beaulah (Lucier) Popham Estate, c/o Linda L. Cummins, Pers. Rep.; Garlington, Lohn & Robinson, c/o W. Dennis Starkel; and Missoula County.

Horace Brown said we have no idea where this is located. The description is so ambiguous that it could be anywhere in the Section.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify.

Dennis Starkel said he was in favor of doing whatever is necessary to vacate this and get it out of Missoula County ownership and into the rightful ownership. He said this is an old road easement. In 1928 the owner decided not to pay the taxes (sixty-three cents) on this portion, after getting the property by abandonment. That is how it reverted back to the County. He said it is completely land locked.

Mike Sehestedt, Deputy County Attorney, said that within the confines of the quarter section, there are possibly 52 separate locations this right-of-way could exist, due to the ambiguousness of the description. The tax deed is so ambiguous as to be void for vagueness. He recommended vacation and confirming with a quit claim deed.

Janet Stevens explained that Barbara Evans and Horace Brown would visit the site and a decision would be made on the vacation at the Public Meeting on March 6, 1991.

As there was no further business to come before the Board, the Commissioners were in recess at 1:55 p.m.

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FEBRUARY 21, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition.


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FEBRUARY 22, 1991

The Board of County Commissioners met in regular session; all three members were present in the forenoon. In the afternoon, Commissioner Dussault served as a judge at the Missoula County Spelling Bee held at Sentinel High School.

Agreement to Sell and Purchase

Chair Dussault signed an Agreement to Sell and Purchase between Missoula County and Ronald A. and Kay M. Kent for the purchase of Lot 13 in Grantland 12, as per the terms set forth, for a total purchase price of \$16,000.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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FEBRUARY 25, 1991

The Board of County Commissioners met in regular session; all three members were present. The Commissioners and members of the Budget Team attended an all-day workshop entitled "Strategic Planning in a Time of Change", facilitated by Ginny Tribe and held at the Holiday Inn.

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FEBRUARY 26, 1991

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Helena.

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the Plat for Swanson Addition, a subdivision in the NE 1/4 of Section 30, T. 13 N., R. 19 W., PMM, Missoula County, a total area of 3.38 acres, with the owners of record being Max R. and Florence E. Swanson, and cash in lieu of park land received by the County Treasurer in the amount of \$3,655.56.

Resolution No. 91-016

The Board of County Commissioners signed Resolution No. 91-016, a resolution accepting a quit claim deed from Five Valleys Oil and Gas Explorations, Inc. for real estate located in the SW 1/4 of Section 33, T. 14 N., R. 19 W., all according to Certificate of Survey No. 3340, PMM, Missoula County.

Approval of Letter of Designation

Chair Dussault signed approval of the letter received from the Department of Health and Environmental Sciences designating Missoula County as the Local Governmental Unit and the City-County Health Department as the Implementing Agency for the purposes of inspection and enforcement for the Underground Storage Tank Program in Missoula County, as per the terms set forth, and be compensated at \$25 per hour for professional work. The Letter was returned to the Underground Storage Tank Program at DHES in Helena.

Other items included:

- 1) the Commissioners approved writing a letter of support for the Fair Commission's decision affecting the concessions at the 1991 Fair; and
- 2) a request from the Montana Army National Guard to use the fairgrounds as an alternate assembly area in the event of mobilization was approved by the Commissioners.

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

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FEBRUARY 27, 1991

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

FEBRUARY 27, 1991 (continued)Audit List

Commissioners Dussault and Stevens signed the Audit List dated February 26, 1991, pages 7-39, with a grand total of \$175,635.28. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a proclamation with the City of Missoula jointly recognizing and proclaiming the month of March, 1991, as "Red Cross Month" and urging residents to donate their time and resources to support Red Cross activities.

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

WEEKLY PUBLIC MEETING

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

BID AWARD: ADDITION TO ANIMAL CONTROL BUILDING - HEALTH DEPT.

Ann Mary Dussault explained that the City and County have previously approved a CIP totaling \$39,096. \$3,680 has been spent to date on last year's architecture for the rejected bids. Fees for modified plans will be \$1,275. Remaining CIP funds currently are \$35,416. Subtracting construction costs of \$39,275 and remaining design costs of \$1,275 leaves a shortage of \$5,134 over the approved CIP amount. The Health Department will pay the additional cost out of the Animal Control and Environmental Health accounts. The bids received were:

	<u>BID TOTAL</u>	<u>ALT. #1</u>	<u>ALT #2</u>
Gleason Construction	\$47,800	\$3,191	-0-
Sirus Construction	\$49,140	\$3,200	\$1,645
Westmark Construction	\$49,863	\$2,700	\$1,385
Buck Construction	\$41,890	\$3,100	\$ 485
Reynolds Construction	\$51,000	\$3,500	\$ 675
P. O'Connell Construction	\$46,566	\$3,100	-0-
Sharkey Construction & Design	\$45,149	\$3,510	\$ 986
Iroquois Ind., Inc.	\$44,261	\$3,300	\$1,615

Staff recommends awarding the bid to Buck Construction, deducting Alternative #1 and adding Alternative #2, for a total of \$39,275.

Jim Carlson from the City/County Health Department explained that Alternative #1 was a second boiler. He said this would not significantly effect the operation of the program because there is an existing boiler that is only a year old. The concern was that it would not be sufficient to serve the existing building plus the addition. He said there is also a furnace in the building. Alternative #2 is the replacement of two garage doors between the existing building and the addition with a sound and heat barrier wall.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for the addition to the Animal Control building to Buck Construction in the amount of \$39,275 as the lowest and best bid received. This award will include Alternative #2, but will not include Alternative #1. Motion carried on a vote of 3-0.

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Barbara Evans asked what the estimated time of completion was.

Jim Carlson said the contractor can start immediately and it should take 45 days.

BID AWARD: PAINTING OF TWO STEEL WATER RESERVOIRS - WATER SYSTEM IMPROVEMENTS IN LOLO

Ann Mary Dussault explained that this is a request to award the contract for painting of the existing water tanks in Lolo which service the Lolo Water and Sewer District RSID #901. Bids were opened on Tuesday, February 19, 1991, with the following results:

Rainglow Services, Inc.	\$36,000.00
All Purpose Services	\$25,800.00
Iroquois Industrial, Inc.	\$27,724.00
Certified Coatings of California	\$41,800.00
Industrial Services Co.	\$26,600.00

Staff recommends award of the bid to All Purpose Services as the best and most responsive bidder. This recommendation is supported by Stensatter, Druyvestein and Associates, engineers for the project.

Jim Dopp, Operations Officer, said this project includes cleaning, stripping, and repainting.

Janet Stevens moved and Barbara Evans seconded the motion to award the bid for painting the existing water tanks in Lolo to All Purpose Services in the amount of \$25,800 as the best and most responsive bid received. Motion carried on a vote of 3-0.

HEARING: INTENT TO CREATE RSID NO. 440 - STREET IMPROVEMENTS ON A PORTION OF 5TH STREET SW (BETWEEN KEMP AND EATON STREETS)

Jim Dopp explained that a petition has been received and certified with 58% freeholder approval to create this RSID for paving. Aid to Construction (30%) was also requested with the project being located in the dust abatement area. One letter of protest was received from Mr. Otto Benson. As there is a question regarding boundaries of the District, staff requests postponement for one week in order to determine the District boundary and possibly to redo the cost figures.

Ann Mary Dussault said that even though a decision will not be made at this time, the Board of County Commissioners would take testimony.

Bonnie Franks said she supports the creation of this RSID and asked for a clarification of the boundary issue. She said she owns the trailer court and would be liable for approximately one-fourth of the RSID. She said she is the person who gathered the signatures on the petition.

Mike Sehestedt, Deputy County Attorney, explained that the engineering firm prepared and submitted to us drawings of the proposed boundaries of the RSID and a list of the properties within it. For the alley RSID, the map excludes the front half of some of the lots. It must be determined if they are included in the boundary and if notice of the RSID was given to those property owners. He said it may be necessary to redo the cost per square foot and give notice again. Because these questions have arisen, Mike said we need to review the computations involved and recheck the notice list.

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Janet Stevens said we need not start from square one, we just need to re-notice the property owners; there is no need to re-petition.

May Hayes, 2200 South Fifth West, said the dust problem is very bad and getting worse. She said she is in favor of the RSID.

Steve Ryan, 2142 South Fifth West, said he is for the RSID. He said he has lived there for six years and the dust has created health problems for both him and his wife. He said that if the RSID is not created, they will sell their place and move. He said the majority of the people who did not sign the petition are owners but not residents of the area.

Ethel Huse, 2200 South Fifth West, said she was in favor of the RSID. She said the dust problem is terrible, and is both mentally and physically hard on a person.

Mrs. Marx Kemmer, 2233 South Fifth West, said she is grateful for the creation of the RSID, as the dust is a real problem.

As there was no further testimony, the public hearing was closed. Ann Mary Dussault said that without objection, the Commissioners will delay the decision one week, until March 6th, in order to review the petition and see if they can proceed. She said part of the process is a protest period and asked Mike Sehestedt if that ends today.

Mike Sehestedt said yes, today ends the hearing and protest period on the current petition. He said there will be a new protest period of 15 days if we have to re-notice.

Jim Dopp said that with the Commissioners' approval next Wednesday, construction could start within a month, even if we have to re-notice. He said the engineering firm will ask for bids and after two weeks will open and award the bid for construction. If we have to re-notice, that will mean another 2 weeks. So the project could conceivably start within a month, either way.

DECISION ON PETITION TO VACATE A PORTION OF RASER DRIVE AT VAN EVANS CROSSING

Ann Mary Dussault explained that this is a request to vacate a portion of Raser Drive, also known as Van Evans Crossing, located in Section 8, Township 13 North, Range 19 West, from the northerly boundary of Railroad Street to the southerly boundary of Cemetery Road.

Janet Stevens said they have receive an overview of the traffic routes and other considerations with the Raser Drive proposed closing. She said she has some concerns as to whether any of this would actually take place in some time in the future if there was not action by this Board. In her mind, there is no impetus for anyone to do anything in here, including the County, for putting in the extra road across, without somebody taking some action. She is not willing to say today that they are going to close Raser Drive today without discussing alternative routes available for the residents, and without mitigation of the Scott Street overpass concern, as well as giving the City some time to address its concerns.

Barbara Evans asked if she would feel comfortable in saying that as of the first of October or November or December, whatever, that given a specific time frame, that Raser Drive will be closed on, for example, the first of September and that the following must take place first: The City, if they so desire, would do

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their resolution and notification of trucking companies that those types of things are not to be allowed through the residential district; that the County would work with MRL, maybe as an SID, to put in the road that Nick has identified north of Stockyard Road; and the possibility of working with the State to see whether or not a stop light could or should be put in at any of those locations; and that if and when those things are accomplished at any specific date, the crossing will close.

Janet Stevens said if the time frames were realistic. She said she doesn't know for instance what the County's time line would be to put in that alternative route. They've addressed the Russell Street overpass in their proposal as well, whether that alternative is realistic or not. She doesn't think so because it is a very expensive project. What kind of time frame the City would need to react, she doesn't know, either.

Horace Brown said the cost of putting in a 32' wide road would be about \$72,000. If it was done on an RSID, the County would pay a portion and the landowners would pay a portion. MRL could participate if they wished. That could be set up in the future - who pays for it and how it's done. He has heard that the City would require a 40' street with curb and gutter, which he doesn't see any reason as it is all industrial and not a residential street, so he isn't sure that's necessary. As far as the cost to the County, we have to pay \$5,000-\$8,000 per year for replacement of signals at the crossing. He said this would accelerate the cost that we would have to do for the next 8 years, if that was our cost. We would have to come up with those costs for this or next year, but at least at the end of that, we would not be paying the \$5,000 to \$8,000 each year. He said he can see the advantage in taking care of some of these improvements, but doesn't think the County should pay for the full cost if any of these improvements are going to be done.

Nick Kaufman, Land Use Planner, said he was appearing today on behalf of MRL and Sorenson and Company, who prepared the mitigation plan for Raser Crossing. He felt it important to point out that what we are addressing in accessing Missoula's heavy industrial area and access is via the frontage road to the West, Grant Creek Road, which has 2 connections to Reserve Street. On the north end, just south of the interstate, Old Grant Creek Road comes on to Reserve Street, and then there's an intersection that connects Grant Creek Road to Reserve Street called Stockyard Road, right in front of Missoula County Shops. There has for a number of years existed a right-of way just south of Long Machinery, a 60' right-of-way, so that a third connection between Old Grant Creek Road and Reserve Street could be built. Among the seven recommendations is giving consideration to making that third connection. He said the problem that we have is that we have the heavy industrial area for Missoula between Grant Creek Road on the west, Scott Street on the east, I-90 and the rail link track. In there are a number of industries and users who handle extremely hazardous substances, among those are Conoco, Exxon, Borden, Thatcher Chemical--Montana Rail Link transports those materials across their tracks. All of which is made very plain in the appendix of the report in a letter written by the Public Safety Committee, who recommends closing of Raser Drive with certain conditions. We know that handling those hazardous materials does result in accidents. We saw the Exxon loading terminal burn down, the old Evans Products facility burn down in the last decade, we saw a hydrogen peroxide car tip over on the Raser Crossing. So we do know that regardless of the traffic, there is a hazard. We also know there have been vehicle-train accidents on the crossing. We do know that all the accidents involving hazardous materials and fires have been of a magnitude which is of community significance, not just significance of this intersection. So the 2 alternate routes if

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Raser Drive is closed, is--first of all, recognizing that you've got good access to the west to Reserve and the Interchange, you've got a frontage road along the entire southern portion of that industrial area which connects to Scott Street. Scott Street does not have to be used by heavy trucks, it can be used by delivery service trucks. So you have access at both ends plus a frontage road. If you close Raser Crossing, which is just 1/2 mile east of Reserve St, which has a grade separated crossing and is a designated arterial, the following things could happen to make it more convenient for those people who now use Raser crossing. This report doesn't say it's necessary to do those things, only that it would make it more convenient for those persons using Raser Crossing if it is closed. The first recommendation is that Raser Crossing should be closed. It provides a convenience but the risk factor to the people of Missoula in terms of potential liability and out and out property loss is very significant. And that the governing body of citizens who use Raser Drive crossing should work together to accomplish the following items: (1) Construct a connecting road between Old Grant Creek road and Reserve Street south of Long Machinery in the existing right-of-way. Examine the need for signalizing this intersection. (2) Work with the transportation planning elements of our community, i.e. the Policy Coordinating Committee and the Transportation Advisory Committee, to plan for siting, right-of-way acquisition and funding of an overpass of the Montana Rail Link tracks at Russell Street. (3) Institute a policy which prohibits heavy trucks and hazardous materials from using Scott Street overpass and specified residential streets. (4) Work with the Montana Department of Highways to adopt scheduling to increase Reserve Street to four lanes north of Mullan Road to I-90. (5) Give consideration to the items listed in the Disaster Planning Committee letter of December 19, 1990 which unanimously recommends closure of Raser Drive crossing. (6) Recognize that the importance of the heavy industrial area between I-90 and the Montana Rail Link tracks east of Old Grant Creek road and west of Scott Street is only placed at risk by encouraging more traffic at Raser Drive crossing. As this area continues to develop, improving access to this area should be a priority. (7) Review traffic on Scott Street to see if a signal is warranted at Spruce, Toole Avenue and Scott Street. Number 6 is interesting. By encouraging more traffic and further use of Raser Drive, you're enhancing the conflict and the potential for a collision between trains and vehicles.

Ann Mary Dussault said she wasn't sure if the Board of County Commissioners had a clear consensus on this issue. It is her belief that Raser Drive should be closed. She thinks it is true that the incidents that have been pointed out did not necessarily occur because of the traffic across Raser Drive and she doesn't think there is any question that the proximity of the facilities to that area and the amount of traffic now going through that area is an accident waiting to happen. She said she is a westsider, was born in Missoula, grew up on Spruce Street and accessed the northside across the railroad tracks through the underpass. She said she now lives on Phillips Street and she uses this crossing all the time. She thinks the way it was 20, 30, 40 years ago is not the way it is now. She said we are used to having Raser Drive as a crossing, but as a responsible elected official certainly we would never put the crossing there today given what we know about the transportation of hazardous materials. What she would like to do is indicate that the Commissioners are going to close Raser Drive. She would like to close and vacate it so it is not accessible for anybody for any purpose, including emergency vehicles. She would like to have an opportunity to talk to the emergency folks, as she feels their proposal was more political than real, but she says they need to sort that through. It is her belief that the City needs time to re-route or to clarify that the Scott Street corridor is not to be used for

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transportation of hazardous materials and that the City Council and Mayor need time to work that through. She feels this can be done within a 6-month period of time. It should not be debated whether that is necessary to do, but how long it takes to do that. And finally, the Commissioners need to set up a forum to have some discussion as to whether the best alternative is to construct the alternative route that Nick has mentioned. She said she is convinced that the stockyard Road route is not a good route. She is not convinced that the route further down to the north is not adequate. It may add a little bit of time, but the Commissioners might want to explore whether that other route is necessary. If it is, she thinks the County is obligated to see that it happens, if they close Raser Drive. She said they need the time necessary to do that. They need at least 6 months to do that, particularly if the County is going to construct that road. She said they may need a year from this date. She's comfortable with a year from this date. Her belief is that the County has got to close Raser Drive. It is a terrible accident waiting to happen and she's not willing to live with that.

Janet Stevens said she would suggest, particularly if there's construction needed, that they include at least a full construction season in the process, which would be July 1, 1992. That would give a complete construction cycle, which would give the County plenty of time. Instead of moving it 6 months down the road and then coming back and saying we haven't completed the project yet, we need more time, bringing you all back in for the decision, and then coming back 6 months later and making the decision again, she thinks a year and 4 months is plenty of time to get all the issues resolved and also to establish a committee that would include users of that Raser Drive area, those businesses that are over there, to help participate in the decision-making as well as the City, which would represent the Northside and Scott Street. And if they would like to include a resident or two of that area, that would be up to them. She thinks that time frame would give the County plenty of time to accomplish it and the Commissioners would have made a definite decision today.

Barbara Evans said she is not disagreeing with anything that Janet is saying. Her concern is that the longer we wait, the protracted the danger period. She would like to see that we have a construction year in which to get that done. She feels a construction year is between now and November because very little is done during the winter months. If we wait until July of next year, we have given a construction year and a half. She would rather they knew there is a deadline rapidly approaching that they need to meet so they didn't drag their heels because they have a year and a half.

Janet Stevens said they need time to determine whether that alternate route is advisable, which would cut into the construction and bidding time.

Barbara Evans said she is willing to say one year from July 1, 1992, that crossing is closed, irrevocably.

Janet Stevens said she also agrees that it should be closed completely. She has a concern about allowing anybody into that area, whether it's emergency vehicles or otherwise.

Barbara Evans said they need to make part of that committee the study of whether a crossing light is needed at Toole, Spruce and Broadway or whether we should simply recommend that the City look at that issue.

Janet Stevens said that is an issue the City needs to resolve.

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Mike Sehestedt said that if the Board closes but does not vacate, no traffic can cross but the County would retain the right-of-way to cross there.

Janet Stevens moved and Barbara Evans seconded the motion to close Raser Drive at the Van Evans crossing by July 1, 1992; and in the intervening period of time (1) the City will have the opportunity to do what is necessary to control traffic through the residential area referred to as the Scott Street corridor; (2) the County will have the opportunity to look at the construction of an alternative route connecting with Reserve Street; (3) The County, the City and the State will work together on that as it regards also the lighting and Reserve Street; (4) included in that would be the intention of the Board of County Commissioners to establish a working committee to review those mitigating and other mitigating impacts, this committee to include those governmental jurisdictions as well as representatives of the users of the Raser Drive crossing. Motion carried on a vote of 3-0.

Barbara Evans said that she understands the concerns and the irritation of the folks who use that crossing, those who want to keep it open for convenience. She believes it's the responsibility of elected officials to weigh the consequences of what they do or don't do and she doesn't believe her or anybody else's convenience is more important than protecting the public from what she sees as a possible conflagration that could occur out there should any of the trucks crossing the tracks hit a hazardous materials train. She thinks that many people could be killed, wounded, affected in some way and she's not willing to continue to allow that in order to provide for the convenience for herself or anyone else.

HEARING: PROPOSED ORDINANCE ESTABLISHING A TAX INCREMENT FINANCING INDUSTRIAL DISTRICT NEAR MISSOULA COUNTY AIRPORT

Ann Mary Dussault explained that this is the first of two hearings on the proposal to create a tax increment financing district. The purpose of the proposed district is to provide a funding mechanism which would assist in financing the necessary industrial infrastructure to support industrial growth and development within the proposed district. This proposal would establish January 1991 as the base year. Tax increases after that date as a result of either new development or expansion would be kept within the district for use in financing such projects as sidewalks, curbs, gutters, off-street parking, water lines, sewer lines, and assistance with the development of the proposed new airport interchange. If the district were not created, these new revenues, as a result of new development or expansion, would be spent for general governmental purposes; but the establishment of the tax increment financing district restricts these revenues to projects within the district's boundaries for the purposes stated in the ordinance. Staff recommends adoption of this ordinance. She then opened the public hearing and asked if anyone cared to testify in support of this proposed ordinance.

Ron Klaphake, President and CEO of the Missoula Economic Development Corporation, who resides at 1106 Ronald in Missoula, said that for the record and the people who are here, he wanted to give a little background of the tax increment financing industrial district process. This was created in the 1989 session of the Montana Legislature and was built upon the same notion that was used for downtown urban renewal. That is, that there may be a need for certain types of public expenditures to occur for development to occur. And that municipality that makes those additional expenses up front to cause the development to occur should be paid back first. That's really what it means.



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If you're going to spend some money to make it happen, you should recoup your money before all the rest of the jurisdictions start in sharing in the rewards of that particular development. In the 1989 bill there were some findings. One, the legislature finds that infrastructure deficient areas exist in municipalities in the state and constitute a serious impediment to development of infrastructurally intensive secondary value added economic development in Montana. Two, the municipalities lack sufficient capital to rectify the infrastructure shortages in infrastructure deficient areas, thus impeding the ability of municipalities to achieve economic growth to development of secondary value added industries. Three, the creation of industrial infrastructure is a matter of state policy and state concern because the state and its municipalities will continue to suffer economic dislocation due to the lack of secondary value added industries. And four, the state's tax increment financing laws should be used to encourage the creation of areas in which needed industrial infrastructure for secondary value added industries could be developed. That was the basis for which the law was expanded to include this type of industrial development. He said in Missoula we are faced with an opportunity as we look to see what's happened to our economy in the last ten years. It is shifting and changing from what was a resource-based economy to a much more diversified economic base. And in some opportunities that exist, there is a need for large tracts with significant up-front development costs and a need to have an area, an environment that addresses not just one but many of the infrastructure needs of that particular site. He said we are faced with one of those types of projects at this time. That particular project will involve the construction of a major distribution center in the area in question. That distribution center does not, would not, and currently could not access the existing public sewer because it does not extend to that area. There are some other issues relative to the water supply, the electrical, and the natural gas lines that currently run in that area, which have made some of the development issues more expensive and things that need to be addressed for us to be able to compete and attract that particular industry. He said he is here to support this concept because he thinks it's time to look at a large tract like this to see what we can do to facilitate the industrial diversification. We have seen just in the last month what happens when a community is very largely dependent upon one company or one industry, and that being wood products. Wood products is still a very significant factor in this community, but we need to replace some of those jobs that are being lost, if not lost through the actions of the companies but just through the attrition caused by mechanization, which is occurring in those resource-based industries. He said he would also like to point out for the record that the particular project we are talking about working upon on the north end does involve some sensitivities to some of the other taxing jurisdictions there and he feels that it is within the power of this County Commission to deal with some of those. Specifically, some additional land that might be needed for DeSmet School, things of that nature, because he knows the survey which was completed this morning does include a five acre parcel of land that could be acquired by DeSmet School for additional expansion. That law that is in existence in Montana allows this unit of government to enter into agreements with other affected taxing bodies to remit to such taxing bodies portions of the tax increment. So the Commissioners have some options, in addition to what is written in the resolution. You don't have to spend all the money, and you don't have to spend it on that area; you can share some of that tax increment with those who are directly impacted by the development. And he would

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assume on an annual basis when the Commissioners determine what the increment financing will be, that will be in their consideration as well. So he feels the law provides an opportunity to address a lot of the concerns that people will have. But he wanted the Commissioners and the rest of the people to know that there are some provisions in the law that are beneficial to the whole community and not just to one company or to the Missoula County Commissioners.

Michael R. Grende, representing Sunlight Development, said that as the primary land owner within the proposed boundaries of the tax increment financing district, he would like to speak in favor of the resolution. In their opinion, this action will help provide new industry desirous of locating in the Missoula area with another incentive to do that. He said they believe that with the type of approach that is being used within this district, we will see a lot more clean industry come into the area.

Bruce Suenram, Chief Executive Officer of the Missoula Rural Fire District speaking on behalf of the Board of Trustees, said the Board met last Monday night and voted to support the concept of the tax increment financing district and asked him to convey to the Commissioners the Rural Fire District's desire to become an active participant in the process as far as architectural planning, and participate with them in the entire concept of the industrial taxing district.

Arvid Hiller, General Manager of Mountain Water Company, said this is an impromptu support of this resolution. It seems logical to him that what the Commissioners are proposing out here, because of the large amount of financing that is necessary for infrastructure, specifically water mains, water storage, fire flows, and the other infrastructures that are there, this is a logical solution to those problems. He thinks that any one business such as Ron had mentioned, Patagonia or anybody like that, sometimes it's absolutely prohibitive for someone to come in and as part of their finance plan, be able to finance infrastructure, and he's thinking specifically water system improvements. He said they have the inability in their present system out there to supply that demand and it's prohibitive to their finances sometimes, and this incrementing would be a logical step. He thinks the Commissioners also need to be aware that Mountain Water Company was successful in August of last year in getting some changes in regulations that would enable them to pay back that district over a 40-year plan. It is a change from what it previously was in the fact that it was based on just revenue that came in from that main or that water plant that was put in, but there is a rule in effect now where over a 40-year period, one-fortieth of that will be paid back to that district. He said they think it will be an added incentive for that district to be able to finance the infrastructure knowing that at least they were going to get it back dollar for dollar over forty years. Mountain Water Company, on the face value, would support this.

Bob Lovegrove, former Missoula Mayor, said he was speaking in opposition. He said he has considerable concern about the creation of another tax increment district within the Missoula valley. We have one that has been very successful but in view of the passage of I-105 he is concerned about extending beyond the limits of the existing district that removal of revenue from general County revenues. He finds it ironic that the County would send its people to the State legislature asking for legislation to enable them to assess a fee for people who have dogs, a general fee across the board to County residents, because there are insufficient funds to enforce the dog ordinances and then turn around and give back to the residents of this area the

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benefit of the taxes that they pay for any improvements that are created out there. The County continues to increase its responsibilities by having these businesses and companies come in and establish themselves. They require law enforcement and fire protection among other County services, and yet the taxes they generate as a result of their improvements to pay for these services are re-directed back into their own district. It seems like the County has the opportunity to create SIDs for expressly that purpose. Those of us who are homeowners in the established areas of the community either have paid or are paying SIDs for this express purpose. He said if we have to provide this kind of subsidy to encourage these people to come, he's not sure that's appropriate. It seems to him if the Missoula area is as attractive as we all like to think, these people would come without this kind of a subsidy. He is concerned with the erosion of general revenues in both the County and the City in view of the inability to increase them through the general increase of taxes. The County voters very substantially defeated the opportunity to pass a mill levy in support of economic development this past year. He feels this is reflective of their attitude toward taxes for this particular purpose. He personally does not agree with that, but he has real reservations about trust-funding taxes without a very explicit and unequivocal sunset for projects like this until such time as I-105 is lifted and you have more flexibility to maintain the services that are essential. He said Sheriff Chase feels the need for more manpower and you will not have the resources to bring up that request. He thinks it's an error to set aside future tax revenues expressly for purposes that are designated here. If in fact the infrastructure is deficient enough or the development is not dense enough that these people can afford it, perhaps we should consider filling in some of the industrial areas that are very numerous where it is more readily accessible and more inexpensive to make it available to these people. He said you can look all over on the zoning maps and see the number of industrial parks that are not full by any stretch of the imagination and they are much closer in for all kinds of public services including sewer, water, fire and law enforcement protection.

Jim Mickelson, a resident in the proposed area and speaking on behalf of the residents, said his concern is looking at the children who go to the DeSmet school. If this tax increment goes in, the school will not benefit from any tax revenues from industrial development out there. He is one that likes to see growth and plan for the future, but at the same time he would like to see the children have the benefit of better tax dollars coming in. He's not sure who is going to be the ones to make the decisions. Does the school need to share some of these tax increment funds before the ten years is up? That is not real clear to him, how that funding is going to be. What is the projected tax dollar valuation in this ten year time frame? He said if you succeed in this proposal in filling this industrial complex in the next ten years, can this tax increment be terminated and standard taxation process go on? He would like to see some of the taxes earmarked so that if it's a successful program the school and fire services be recognized somehow. He asked if once you see that this is successfully drawing businesses in and it's growing, can some of those funds be allocated at a future date?

Janet Stevens explained that there is a ten year limit on this tax increment district. It sunsets in ten years unless we're bonded, such as MRA. Their ten years expired but they were bonded, which carries them over. Some of that tax dollar, even though the district still exists, is now coming back to those governing agencies. It's not all being deferred to that tax increment district. And that can happen in this case, as well.

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Al Goodan and Dale Kyle said they were the other landowners in the district and they felt they would have a hard time paying for all this. They asked how the Commissioners were going to pro-rate these taxes between the them.

John DeVore, Administrative Officer, said the tax increment does not represent a tax increase. Everybody within the County continues to pay, including those within the proposed district, the existing level of taxation that they currently experience. What the tax increment does is set aside tax revenue generated as a direct result of either new construction or expansion within the proposed district and restricts the use of those revenues to projects within the proposed district rather than used for general governmental purposes County-wide. So in the case of the Goodan-Kyle subdivision or in the case of any property within the district, if you have new construction, your tax flat billing would be the same even if the district did not exist. It just designates the home of where that revenue goes.

Al Goodan asked if it pulls a big plug out of the school taxes.

John DeVore said no, it doesn't. The school will get the same amount out of the taxes.

Ann Mary Dussault said that for people living in the Goodan-Kyle addition, nothing will change for them.

Mike Sehestedt said these folks are concerned with two parcels in the proposed district that are privately owned. Their tax bill will not reflect any difference if the district is created.

Ann Mary Dussault explained that sometimes people think their taxes are going to go up if a tax district is created. That's not what happens in a tax increment district. What it means is, if for example Patagonia comes in there, the taxes that Patagonia pays go back into the district to pay for the infrastructure - water, sewer, roads, whatever, which includes the DeSmet School.

Sherry Nixon, Trustee on the DeSmet School Board and a parent of children at DeSmet, said she is not willing to commit for or against this proposal at this time. She is concerned about the quality of education. Funding is a real battle and they are looking at some deficits next year. She said she was excited about industry coming in because that meant good things for the school. Ten years is a long time. The kids who are in school right now deserve quality as much as those kids in ten years do. She would like the Commissioners to consider some issues that Jim brought up and work with the people at the school to protect their interests for the children.

Robert P. McCue, 6190 St. Thomas Drive, said he and his family are landowners in the area. He said he doesn't know if he's for or against this, he has questions as to what is happening. This whole process is being created so that industry can be supported out there, or that process can begin. He is wondering if this is also the beginning of the Port Authority or is this another that is going to be coming about in the future, or if the two of these are compatible. He said he agrees with Mr. Lovegrove that there are ample pieces of property in the County, specifically out in that area, that already have sewer and water and he doesn't understand the effort that is being put forward.

Ann Mary Dussault said that if Missoula County had never heard of a Port Authority, we would still be sitting here today talking about a tax increment district. They're different but compatible. They are totally separate issues. One doesn't influence the other.

FEBRUARY 27, 1991 (continued)

Frank Cole, owner of Cole Campers within the proposed area, said they manufacture canopies for pickup trucks. He is in an education phase and feels good about industry developing in the area, anyway it can be done. He said this is stagnate ground; in fact at one time they were dumping sewage out there. He would like to reserve comments and support until he is more educated. Overall, right now, he feels in support. He has questions, though. If he expands, would just the expansion be included in the tax thing? He wondered about the tax structure, the sunset, and the bonding issues. He hopes the types of industries that would locate out there would be as clean as possible.

Ann Mary Dussault said it's becoming clear there are some technical questions related to the creation of the district. John DeVore and Ron Klaphake, after the close of the Public Hearing, will answer technical questions related to this district.

There being no further testimony, the Public Hearing was closed for today and a second hearing will be held on March 13th at 1:30.

Janet Stevens said if anyone had any questions between now and then, they should contact the Commissioners either in writing or in person.

Ann Mary Dussault said the record will remain open if anyone wanted to submit written testimony.

There being no further business to come before the Board, the Commissioners were in recess at 3:15 p.m.

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FEBRUARY 28, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was out of the office until noon. Commissioner Dussault left late in the forenoon for Hamilton to speak at a luncheon meeting of the Democratic Women.

DAILY ADMINISTRATIVE MEETING

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

Warranty Deed

The Board of County Commissioners signed a Warranty Deed from Missoula County to Ronald A. and Kay M. Kent for Lot 13 of Grantland 12, as per the terms set forth. The Deed was returned to Jim Dopp, Operations Officer, for further handling.

Agreement to Extend Preliminary Plat Deadline

The Board of County Commissioners signed an Agreement between Missoula County and Placid Lake Properties, a general partnership consisting of R. A. Ainsworth and D. Lester Turnbull, to extend preliminary approval for Placid Lake - South Shore Tracts for a period of fourteen (14) years from the date of Preliminary Plat approval, March 25, 1987, to March 25, 2001, provided that the project is developed on a phased basis, as per the terms set forth in the Agreement.

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

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MARCH 1, 1991

The Board of County Commissioners met in regular session; during the day they attended the "Becoming an Effective Change Agent" workshop held at the Red Lion Inn.

Wendy Cromwell  
Wendy Cromwell, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*

MARCH 4, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition.

DAILY ADMINISTRATIVE MEETING

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

Quitclaim Deed

The Board of County Commissioners signed a Quitclaim Deed from Missoula County to River Ridge, Inc. for Lots 6, 7 and 8 of Kona East, Phase I, a platted subdivision in Missoula County, as the road requirements for the subdivision have been satisfied. The Deed was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

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

Site Inspection

In the afternoon, Commissioner Evans accompanied County Surveyor Horace Brown on site inspections of the following road vacation requests: a parcel within Hazel Popham's estate; a portion of Marshall Canyon Road; and a portion of a road near the Wye located in Section 27, T. 14 N., R. 20 W.

\* \* \* \* \*

MARCH 5, 1991

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated March 4, 1991, pages 7-36, with a grand total of \$1,383,956.97. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Replacement Bond

Chair Dussault signed Bond #46 in the amount of \$650,000 for the County of Missoula, Hospital Revenue Refunding & Improvement Bond, Series 1978, 7.125%, due 6/01/07 (Missoula Community Hospital Project) to replace Missoula HSP RV IMP SR-78, due 6/01/07 @ 7.125%, with 06/01/91 coupons and subsequent coupons attached (125 bearer certificates @ \$5,000 each). The Bond was returned to Sue O'Neil at First Interstate Bank.

MARCH 5, 1991 (continued)Resolution No. 91-017

The Board of County Commissioners signed Resolution No. 91-017, a resolution granting an agricultural exemption to Jeanne M. Gandreau for a portion of a tract of land described as COS 1506A, which will be used exclusively for agricultural purposes and no structures requiring water and/or sewage facilities will be erected or used on the land.

Other items included:

The Commissioners approved the hanging of a plaque in the Courthouse Annex in honor of the troops who served in the Persian Gulf.

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

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MARCH 6, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Grizzly Development Corporation, who agrees to sell to the County for \$4,000 an existing water line in Lolo, as described in the Agreement, to use as a secondary water supply line for a portion of the Lolo Sewer and Water System lying on the West side of Highway 93.

Listing Contract

Chair Dussault signed a Listing Contract between Missoula County and Coldwell Banker Steinbrenner Real Estate and Properties 2000 for broker services for bare land owned by Missoula County, with the descriptions and listing prices shown on the attachment to the Contract. The Contract was returned to Jim Dopp, Operations Officer, for further handling.

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #4 (2/3/91 through 2/16/91) with a total Missoula County Payroll of \$354,366.86. The Transmittal Sheet was returned to the Auditor's Office.

Agreement to Sell and Purchase

Chair Dussault signed an Agreement to Sell and Purchase between Missoula County and Patrick J. Dawler, Helen Garrick and Collin Bangs for Lots 1 through 14, Block 4 Hillview Heights #6, as per the terms set forth, for a total purchase price of \$39,200.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Extension Letter

The Board of County Commissioners signed a letter to Colleen M. Dowdall of Warden, Thane & Haines approving an eighteen month filing extension for the final plat of Clark Fork Estates Phase III, in accordance with the recommendation of the Community Development Staff, making the new filing deadline September 28, 1992.

MARCH 6, 1991 (continued)Other items included:  
Board Appointment

The Commissioners approved the appointment of Barbara Cebulski to serve as the full-time alternate member of the Seeley Lake Refuse District Board of Directors through December 31, 1993.

Bid Award

As per the recommendation of the Clerk & Recorder's Office, the Commissioners voted unanimously to award the bid for the title search work necessary for proper notification of parties with interests in tax deed property to First Montana Title Company at the rate of \$55/parcel, and \$20 hourly rate for complex searches.

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

WEEKLY PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present were Commissioners Barbara Evans and Janet Stevens.

ROAD DEPARTMENT SAFETY COMMITTEE - MACo SAFETY AWARD

Ann Mary Dussault presented a framed certificate of award for safety to members of the Road Department Safety Committee. She explained that the loss ratio for the primary Workers' Compensation class code of this department according to MACo data includes: 133% - FY86; 329% - FY87; 8% - FY88; 4% - FY89; and 21% - FY90. Missoula County has the best loss ratio of any class 1A county among the 54 MACo Workers' Compensation Trust participants. The Road Department, and all county employees, can legitimately take pride in their accomplishment.

BID AWARD: RUSSELL STREET UNDERPASS DEMOLITION (SURVEYOR)

Ann Mary Dussault explained that bids were opened on February 11, 1991 for removal of the superstructure and a portion of the existing retaining walls of the "Old Milwaukee Railroad Overpass" on Russell Street. The following bids were received:

Sudan Logging, Bigfork, MT	\$38,192.00
Western Materials, Inc., Missoula, MT	\$28,500.00
L.S. Jensen & Sons, Missoula, MT	\$29,327.00
Nelcon, Inc., Missoula, MT	\$56,750.00
Iroquoise Industrial, Inc., Msla, MT	\$29,624.00

Staff recommends awarding a contract to the low bidder, Western Materials, Inc., in the amount of \$28,500 contingent upon the Public Service Commission's abandonment of the railroad right-of-way across this structure. There is \$65,000 in the FY'91 budget for the complete reconstruction project.

Horace Brown, County Surveyor, said the State does not have the right-of-way. If they don't get it, the project will not be done. If the state acquires the right-of-way, the project will start the second week of April and will hopefully be done by the first of June. Under this project the underpass will be filled in so it's level across, the walls will be cut down three feet, and the street will be paved.

Janet Stevens moved and Barbara Evans seconded the motion to award a contract to Western Materials, Inc. in the amount of \$28,500 for removal of the superstructure and a portion of the existing retaining walls of the Old Milwaukee Railroad Overpass on Russell Street contingent upon the Public Service Commission's abandonment of the railroad right-of-way across the structure. Motion carried on a vote of 3-0.



MARCH 6, 1991 (continued)DECISION ON ROAD VACATION REQUEST - SEC. 27, T14N, R20W - NEAR WYE

Ann Mary Dussault explained that a petition has been received by the Clerk and Recorder's Office to vacate "that road described in Comm. Jour. Bk 'E', Pages 283 & 323, located in Section 27, T14N, R20W, PMM from I-90 west along the mid-section line to Montana Rail Link's east right-of-way - see COS 3834." The reason for this is request is: "It will remove a non-existing road location from the present deeds and Certificate of Survey No. 3834." The following landowners were notified of the hearing: Montana Rail Link, P.O. Box 8779, Missoula, MT 59807; Sunlight Development Company, 16 E. Granite, Butte, MT 59701; and Montana State Highway Department, 1701 Prospect, Helena, MT 59601.

Barbara Evans said she and Horace Brown had inspected this site on March 4, 1991, and she saw no reason not to vacate it.

Horace Brown said it wasn't evident where the road existed, and the County doesn't need it for anything.

Barbara Evans moved and Janet Stevens seconded the motion to vacate "that road described in Comm. Jour. Bk 'E', Pages 283 & 323, located in Section 27, T14N, R20W, PMM from I-90 west along the mid-section line to Montana Rail Link's east right-of-way - see COS 3834" because it can't be determined where this road exists, the County doesn't need it, and the County has no future use for it. Motion carried on a vote of 3-0.

DECISION ON ROAD VACATION REQUEST - PORTION OF MARSHALL CANYON ROAD

Ann Mary Dussault explained that the Clerk and Recorder's Office received a petition to vacate "a portion of Marshall Canyon Road, located in SW1/4 of Section 7, T13N, R18W, PMM from the section line common to Section 7 & 18, T13N, R18W northerly approximately 1320 feet and further described on Deed Exhibit #4775 Book 102 Deeds, Page 311." The following landowners were notified of the hearing: Champion International Corporation, P.O. Box 5236, Missoula, MT 59806; and Daniel A. & Marjorie Harper, Route 4 Marshall Grade, Missoula, MT 59802. The reason for this request is: "Missoula County will receive a 60-foot right-of-way on the centerline of the existing road in exchange for the portion of Marshall Canyon Road to be vacated. The described portion of Marshall Canyon Road right-of-way does not fall along the existing road."

Barbara Evans said she and Horace Brown had viewed this site on March 4, 1991. She said it is an existing road, but the location of it is in someone's field. She sees no reason not to vacate.

Horace Brown said the Marshall Canyon Road is not built on the right-of-way. He said he has already gotten an agreement for the right-of-way where the road is now located.

Barbara Evans moved and Janet Stevens seconded the motion to vacate "a portion of Marshall Canyon Road, located in SW1/4 of Section 7, T13N, R18W, PMM from the section line common to Section 7 & 18, T13N, R18W northerly approximately 1320 feet and further described on Deed Exhibit #4775 Book 102 Deeds, Page 311" contingent upon County acquisition of the right-of-way along the existing road. Motion carried on a vote of 3-0.

DECISION ON ROAD VACATION REQUEST - PARCEL WITHIN HAZEL POPHAM'S ESTATE

Ann Mary Dussault explained that the Clerk and Recorder's Office had received a petition to vacate a road described as being located in "W1/2 SE1/4 NW1/4 of Section 20, T14N, R20W, as shown on map attached to petition." The reason for this request is: "Such strip of land, the position of which is unascertainable, is entirely land locked by the above referenced land owner. Such right-of-way was previously abandoned and somehow reverted back to the County." The following landowners were notified of the hearing: Hazel Beaulah (Lucier)

MARCH 6, 1991 (continued)

Popham Estate, c/o Linda L. Cummins, Personal Representative, P.O. Box 361, Frenchtown, MT 59834; Garlington, Lohn & Robinson, c/o W. Dennis Starkel, P.O. Box 7909, Missoula, MT 59807; and Missoula County, 200 West Broadway, Missoula, MT 59802.

Barbara Evans said she and Horace Brown had viewed the site on March 4, 1991, and sees no reason not to vacate.

Horace Brown said it should be given back to the people who own the surrounding property.

Barbara Evans moved and Janet Stevens seconded the motion to vacate the road described as being located in the "W1/2 SE1/4 NW1/4 of Section 20, T14N, R20W, as shown on map attached to petition" because it doesn't go anywhere, the County doesn't need it, it should be put back on the tax rolls, it is completely land locked, and it was previously abandoned and reverted back to the County. Motion carried on a vote of 3-0.

HEARING: INTENT TO CREATE RSID NO. 441 - STREET IMPROVEMENTS ON SCHILLING STREET AND ALLEYWAYS BETWEEN SOUTH 5TH WEST AND SOUTH 6TH WEST

Jim Dopp, Operations Officer, explained that a petition for the creation of RSID #441 was submitted to Missoula County containing the signatures of a majority of the registered freeholders within the boundaries of the proposed district. During the period of protest, eleven freeholders signed a petition in opposition to forming the district. Four of the original signers of the petition for creation are now protesting the project. Although the eleven protestors represent 73% of the freeholders in the proposed district, they represent only 45% of those sharing the cost of the project. Montana Statutes require a protest of at least 51% of those shouldering the cost of a project to stop the project by protest. Staff recommends creation of RSID #441 based on statutory compliance with Title 7, Chapter 12, Part 2112 of Montana Code Annotated 1989, and because the project is located within the dust abatement area.

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to testify.

Marx Kemmer, 2233 South 5th West, opposes the creation of this RSID because he can't afford two RSIDs. He doesn't mind the front one, but doesn't want the alley paved. He said the drain will ruin his well.

Edith Freeberg, 2127 South 5th West, opposes the creation of this RSID. She said they have 3 lots being paved on 5th Street and can't afford to pave the alley.

Ernest Cotten, 715 Kemp, said he lives on Kemp at the alley proposed to be paved and opposes the creation of this RSID. He said he can't afford it and that he doesn't get dust from the alley, he gets it from the street.

Steve Ryan, 2142 South 5th West, said he is in favor of this RSID. He said without paving Schilling, there is no use in doing RSID 440.

Rich Wilcomb said he manages three properties in the area for three different owners, and all property owners are in favor of creating these RSIDs.

Betty Crowley, 2246 South 6th West, speaking on behalf of her husband, John Wryn, said they oppose the creation of this RSID. She said when the sewer is brought in, they will consider this, but that if the alley is paved before the sewer is brought in, they will just be paying for this twice. She also feels the cost is disproportional for them. She asked how the RSID could be created when 7 of the 10 property owners are against it.

MARCH 6, 1991 (continued)

Janet Stevens explained that it is based on cost, not on the number of owners.

Duane Reynolds, owner of the apartments from 2111 to 2139 South 4th West, said he has owned the apartments for 9 years and is further north than either of the two RSIDs. He said there is a lot of traffic through the alley and it needs attention.

As there was no further testimony, the Public Hearing was closed.

Betty Crowley asked if names could be removed from the original petition if the people had changed their minds.

Mike Sehestedt, Deputy County Attorney, said we had the petition and acted on it; now State statute kicks in. He said the protest to bar the creation of an SID is 50% or more of the property involved, not the people involved.

Janet Stevens said for both RSID 440 and RSID 441 combined, the cost would be approximately \$170 per year per lot for ten years.

John DeVore, Administrative Officer, said the cost is based on the square footage assessment. He said the proportion would be the same no matter what method was used.

Ernest Cotten said he was concerned that the alley would be used for a parking lot, once it is paved.

Horace Brown said if cars are parked in the right-of-way, they could legally be towed away.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the creation of RSID #441 based on the fact that 55% of those sharing the cost of the project had approved the creation, it is in the dust abatement area, and the County is paying 30% of the cost. Motion carried on a vote of 2-1 with Commissioner Evans voting against the motion.

DECISION ON INTENT TO CREATE RSID NO. 440 - STREET IMPROVEMENTS ON A PORTION OF SOUTH 5TH WEST

Jim Dopp explained that a petition for the creation of RSID 440 was submitted to Missoula County containing the signatures of 68% of the freeholders within the proposed district. During the statutory 15 day period for protest one letter of protest was received from Mr. Otto Benson. On Wednesday, February 27, 1991 a hearing was conducted by the Board of County Commissioners on the issue of creating the district. During the hearing, five freeholders testified in favor of the formation and no one testified in opposition. Action on creation of RSID 440 was postponed for one week to allow staff and the engineers for the project to study questions pertaining to the boundaries of the proposed district and the notification procedure used prior to the hearing date. As a result of meetings, the boundaries of the district have been changed resulting in the elimination of the Benson property from the proposed district. This change is not anticipated to cause any change in the cost to residents of the district as the issue will be handled through the contingency account for the project.

Barbara Evans moved and Janet Stevens seconded the motion to create RSID No. 440 based on the fact that 68% of the freeholders within the proposed district were in favor of the creation. Motion carried on a vote of 3-0.

CONSIDERATION OF MARK ADDITION - LOTS X6, X7, X8, X9 (BIG SKY LAKE ESTATES) SUMMARY PLAT

MARCH 6, 1991 (continued)

Barbara Martens from the Office of Community Development explained that Mark Addition to Big Sky Lake Estates consists of four (4) lots, lots X6, X7, X8, and X9. The lots range in size from 1.65 acres to 2.40 acres. Big Sky Estates is a master planned recreational subdivision near Salmon Lake. The lake (formerly Fish Lake) is owned by Big Sky Property Owners Association. Cash-in-lieu of parkland was previously met for the entire Big Sky Lake Estates. Staff recommends the summary plat for Mark Addition to Big Sky Lake estates be approve subject to the findings of fact and the following four conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The developer shall add the February 12, 1991 letter from Amy O'Herren, Rural Planner, as an addendum to the covenants to provide homeowners with knowledge regarding human/wildlife issues and the goals of the Seeley Comprehensive Plan for the Big Sky Lake area.
3. The Missoula County Surveyor shall certify that the roads serving these lots have been previously approved.
4. The developer shall provide utility easements in the appropriate areas.

She said condition #2 should be revised to read "The developer shall provide to prospective lot purchasers the February 12, 1991 letter from Amy O'Herren, Rural Planner, to provide homeowners with knowledge regarding human/wildlife issues and the goals of the Seeley Lake Comprehensive Plan for the Big Sky Lake area." This revision is based on the fact that the letter is for informational purposes and should not be considered a mandatory requirement.

A.P. Hollinger, President of Big Sky Lake Company, said he doesn't want Amy O'Herren's letter included at all. He said he would distribute it but doesn't want it included in the covenants.

Janet Stevens moved and Barbara Evans seconded the motion to approve the summary plat of Mark Addition to Big Sky Lake Estates, a resubdivision of a portion of Government Lots 3 and 4, based on the findings of fact contained in the staff report and subject to the following four conditions, condition #2 being revised from the original contained in the staff report:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The developer shall provide to prospective lot purchasers the February 12, 1991 letter from Amy O'Herren, Rural Planner, to provide homeowners with knowledge regarding human/wildlife issues and the goals of the Seeley Lake Comprehensive Plan for the Big Sky Lake area.
3. The Missoula County Surveyor shall certify that the roads serving these lots have been previously approved.
4. The developer shall provide utility easements in the appropriate areas.

Motion carried on a vote of 2-1 with Commissioner Dussault voting against.

Ann Mary Dussault said she felt the letter should be included as part of the covenants.

COS REVIEW: ALICE GILLIES - MULTIPLE EXEMPTIONS

Marnie McClain, Deputy County Attorney, explained that Dick Ainsworth has submitted three affidavits on behalf of his client, Alice J. Gillies, seeking exemptions from the Subdivision and Platting Act. Ms. Gillies seeks to create five lots through the use of three family transfers (one to her father, one to her mother, and one to her husband); one occasional sale; and one remainder. In addition, she seeks to relocate common boundaries and aggregate lots along one

MARCH 6, 1991 (continued)

boundary of her parcel. The Surveyors Office has no record of previous use of exemptions by this applicant.

Dick Ainsworth was present and answered questions regarding the proposed exemptions. He said Ms. Gillies bought the land within the past few months.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the multiple exemptions as requested on property described as NE1/4 SW1/4 Section 17, T13N, R18W, excepting Book 246 (Micro) Page 701 and excepting Book 226 (Deed), Page 159, with the condition that titles of property transferred by the Family Transfer Exemption be registered as shown in this request, based on the fact that there is no previous history of use of exemptions by Alice J. Gillies. Motion carried on a vote of 2-1 with Commissioner Evans voting against.

There being no further business to come before the Board, the Commissioners were in recess at 3:00 p.m.

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MARCH 7, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition.

Indemnity Bond

Acting Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Capital Business Systems, Inc. as principal for warrant #201205, dated March 19, 1990, on the Missoula County Library Fund in the amount of \$175.21 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a Missoula Hospital Coverage Standard Contract between the Montana Department of Institutions and the Montana State Prison (State) and Missoula County on behalf of the Sheriff's Department of Missoula County for the purpose of providing security coverage for Montana State Prison inmates in Missoula County Hospitals, as per the terms, compensation schedule, and Montana State Prison Inmate Security Guidelines set forth, for the period from July 1, 1990, through June 30, 1991. The Contract was returned to Clay Hopper in the Sheriff's Department for further handling.

Contract

The Board of County Commissioners signed a Contract between Missoula County and Buck Construction Company for the purpose of constructing the Animal Control building addition, as per the terms set forth, to be completed within 75 days, from March 7, 1991, for a total payment not to exceed \$39,275.00. The contract was returned to Centralized Services for further signatures and handling.

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

Jail Inspection

In the afternoon, Commissioners Evans and Stevens, Dan Corti of the Health Department, and Art Garner, Building Maintenance Supervisor conducted the Quarterly Inspection of the Missoula County Jail.

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MARCH 8, 1991Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of District Court, showing fees and collections made in Missoula County, for month ending February 20, 1991.

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

Wendy Cromwell  
Wendy Cromwell, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

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MARCH 11, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 91-018

The Board of County Commissioners signed Resolution No. 91-018, resolving that the 1983, 1984 and 1985 property taxes, penalties and interest on the property described as Improvements on BN land Section 27, Township 12 North, Range 17 West, and shown on tax bills #83 29895, #84 30035 and #85 29999 be declared a bad debt and hereby abated as said improvements do not exist on said property, property owner refuses to pay the delinquent taxes, and it would not be advantageous for Missoula County to apply for a tax deed on said property.

Resolution No. 91-019

The Board of County Commissioners signed Resolution No. 91-019, a resolution authorizing the refunding of taxes and interest paid in error in the amount of \$97.99 to Joseph W. and Bonnie May Peters as the property taxed for 1987 under SUID 1860906 was erroneously assessed.

Resolution No. 91-020

The Board of County Commissioners signed Resolution No. 91-020, a budget amendment for FY'91 for Youth Court, including the following expenditures and revenue, and adopted it as part of the FY'91 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
Personnel:	
2180-340-420152-328 Contracted Services	\$23,903.00
-327 Consultant Services	6,000.00
Operating Expenses:	
-206 Office and Computer Supplies	500.00
-307 Printing, Copying and Postage	450.00
-322 Telephone	650.00
-341 Office Equipment Maintenance	250.00
-359 Mileage	1,700.00
-364 General Training	234.00
-388 Transcripts (Sec. Services)	200.00
TOTAL	\$33,887.00

<u>Description of Revenue</u>	<u>Revenue</u>
2180-340-333012 Home Arrest Grant	\$33,887.00

MARCH 11, 1991 (continued)Resolution No. 91-021

The Board of County Commissioners signed Resolution No. 91-021, a budget amendment for FY'91 for the Victim Witness Program, including the following expenditures and revenue, and adopted it as part of the FY'91 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
2315-675-410440-111 Permanent Salaries	\$ 4,479.50
-141 Fringe	720.50
<u>Description of Revenue</u>	<u>Revenue</u>
2315-675-333004 BCC Victim Witness Grant	\$ 5,200.00

Resolution No. 91-022

The Board of County Commissioners signed Resolution No. 91-022, a budget amendment for FY'91 for the Health Department, including the following expenditures and revenue, and adopted it as part of the FY'91 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
2270-613-444930-112 Temp. Salaries	\$ 805.00
-141 Fringe Benefits	195.00
-206 Office Supplies	100.00
-311 Printing	650.00
-321 LD Phone Charges	100.00
-357 Meals, Lodging, Incid.	150.00
TOTAL	\$ 2,000.00
<u>Description of Revenue</u>	<u>Revenue</u>
2270-613-331138 Smoking Cessation	\$ 2,000.00

Extension Letter

The Board of County Commissioners signed a letter to Chip Johnson of Stensatter, Druyvestein & Associates approving a 180-day filing extension for Gustafson Addition III, a Preliminary Plat, in accordance with the recommendation of the Community Development Staff, making the new filing deadline September 14, 1991.

Extension Letter

The Board of County Commissioners signed a letter to Gilbert Larson of Stensatter, Druyvestein & Associates approving a one year filing extension for Linda Vista Fourth Supplement, Preliminary Plat, in accordance with the recommendation of the Community Development Staff, making the new filing deadline March 10, 1992.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Victim Witness (Sheriff) Program and adopted it as part of the FY'91 budget:

No. 910017, a request to transfer \$3,082.21 from the Contracted Services (2315-675, \$2,649.14) and Office Supplies (1000-300, \$433.07) accounts to the Permanent Salaries and Fringe (2315-675, \$2649.14) and Permanent Salaries and Fringe (1000-300, \$433.07) accounts because of the change in Victim's Advocate from contracted service to employee.

MARCH 11, 1991 (continued)Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Art Museum and adopted it as part of the FY'91 budget:

No. 910020, a request to transfer \$1,500 from the Art Museum's Common Carrier account to the Museum Board's Common Carrier account for the purpose of recruitment travel for the Director of the Historical Museum.

Other items included:

Board Appointments

The Commissioners made the following appointments to the Larchmont Golf Course Board of Directors:

- 1) Will Deschamps and Tom Kosena were reappointed as regular members for three-year terms from April 1, 1991, through March 31, 1994; and
- 2) Judy Wing was reappointed as first alternate and Scott Willis as second alternate for three-year terms from April 1, 1991, through March 31, 1994.

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

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MARCH 12, 1991

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

Audit List

Commissioners Stevens and Dussault signed the Audit List, dated March 12, 1991, pages 8-35, with a grand total of \$77,484.77. Also signed was the Audit List dated March 12, 1991, pages 8 and 9, with a grand total of \$11,170.01. The Audit Lists were returned to the Accounting department.

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a Joint Proclamation resolving that the County Commissioners and the Mayor of the City of Missoula jointly proclaim the week of May 26th through June 1, 1991, to be "High School Senior Graduation Week" and encourage all interested citizens to attend ceremonies being held throughout the community in honor of these fine young adults.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between the Missoula County Employee Benefits Plan and the Montana Valley Eye Clinic, an independent contractor, for the purpose of providing vision care for eligible members of the Vision Care Benefit Program, as per the terms set forth and the fee schedule attached to the Contract, commencing February 1, 1991.

Other items included:

- 1) the Commissioners approved payment of the NACo dues for the upcoming year; and



MARCH 12, 1991 (continued)

2) notification was sent to Edrie Vinson of the State Highway Department, Environmental Section, that the Commissioners have selected County Surveyor, Horace Brown, to represent Missoula County on the Inter-Disciplinary Team to guide the studies and review the analysis of the environmental impact statement on the upgrading of transportation services on Highway 93 from Evaro to Polson.

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

\* \* \* \* \*

MARCH 13, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was out of town March 13th and 14th.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 91-023

The Board of County Commissioners signed Resolution No. 91-023, a resolution closing a portion of Raser Drive known as Van Evans Crossing by July 1, 1992; also resolving that in the intervening period of time the City will have the opportunity to do what is necessary to control traffic through the residential area referred to as the Scott Street corridor; the County will have the opportunity to look at the construction of an alternative route connecting with Reserve Street; the County, the City and the State will work together regarding the lighting and Reserve Street issues; and the Board of County Commissioners will establish a working committee to review mitigating impacts.

Resolution No. 91-024

The Board of County Commissioners signed Resolution No. 91-024, a resolution vacating a strip of land on file with the Missoula County Clerk and Records Office in Book 99 Deeds, Page 330 being 50 feet by 1320 feet and lying in the W1/2 SE1/4 NW1/4 of Section 20, Township 14 North, Range 20 West, P.M.,M. a County road in Hazel Popham's estate.

Resolution No. 91-025

The Board of County Commissioners signed Resolution No. 91-025, a resolution vacating that portion of (old) Marshall Canyon Road from the section line common to Sections 7 & 18 Northerly approximately 1320 feet, said road being located in the SW1/4 of Section 7, Township 13 North, Range 18 West, P.M.,M.

Resolution No. 91-026

The Board of County Commissioners signed Resolution No. 91-026, a resolution of intention to create Rural Special Improvement District No. 442 for the purpose of street paving of Clydes Dale Lane in O'Brien Valley Estates #2, Missoula County Montana and setting the hearing date for April 3, 1991, at 1:30 p.m.

Resolution No. 91-027

The Board of County Commissioners signed Resolution No. 91-027, a resolution to vacate that road (no name road in Wye area) located in Section 27, T.14N., R. 20W. P.M.,M., from I-90 West along the mid-section line to Montana Rail Link's East Right-of-Way.

MARCH 13, 1991 (continued)Quitclaim Deed

The Board of County Commissioners signed a Quitclaim Deed from Missoula County to Hazel Beaulah (Lucier), Trustee of Popham Estate, for the premises described in Resolution No. 91-024. The Deed was returned to the Clerk and Recorder's Office for further handling.

Agreement to Sell and Purchase

Chair Dussault signed an Agreement to Sell and Purchase between Missoula County and Drake Lemm for Lot 190 Davis Street, Cobban & Dinsmore's Orchard Homes, Amended Lot 19, as per the terms set forth, for a total purchase price of \$11,000.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chair Ann Mary Dussault. Also present was Commissioner Barbara Evans.

BID AWARD: ONE NEW 4X4 UTILITY VEHICLE - HEALTH DEPARTMENT

Ann Mary Dussault explained that this is a request for a 1991 heavy duty 4x4 vehicle for the junk vehicle program. Bids were opened at 10:00 a.m. on March 11, 1991. Bids were received for six vehicles from four dealerships:

Bitterroot Motors

1. 1991 Ford 4x4 Bronco - Total bid price \$16,887.00

Flanagan's

1. 1991 Jeep 4x4 Cherokee (2 door) - Total bid price \$18,569.00
2. 1991 Jeep 4x4 Cherokee (4 door) - Total bid price \$19,434.04

DeMarois Old-GMC

1. 1991 GMC S-15 4x4 Jimmy (2 door) - Total bid price \$16,132.00
2. 1991 GMC S-15 4x4 Jimmy (4 door) - Total bid price \$17,002.00

Peterson Motors

1. 1991 Isuzu 4x4 Rodeo - Total bid price \$15,153.58
2. 1991 Isuzu Trooper 4x4 - Total bid price \$13,562.08.

Staff recommends accepting the bid from Peterson Motors for the Isuzu Rodeo in the amount of \$15,153.58 as the lowest bid that meets all bid specifications. There is \$20,000 budgeted for this item.

Bill Berg from the Junk Vehicle Program at the Health Department said the 1991 Isuzu Trooper did not meet all bid specs. Peterson Motors included this vehicle in the bid process because they had gotten "a terrific incentive from the factory." Peterson Motors realized that it did not meet a number of bid specifications, including engine size, analock brakes, etc.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for the 4x4 vehicle for the Junk Vehicle Program to Peterson Motors for a 1991 Isuzu 4x4 Rodeo for a total price of \$15,153.58 as the lowest bid that meets all the bid specifications. Motion carried on a vote of 2-0.

Jim Carlson, Health Department, said this vehicle is classified as a domestic vehicle because its engine and major mechanical components are American made.

CONTINUATION OF HEARING: PROPOSED ORDINANCE ESTABLISHING A TAX INCREMENT FINANCING INDUSTRIAL DISTRICT NEAR MISSOULA COUNTY AIRPORT

Ann Mary Dussault explained that the record is open and asked if anyone cared to testify on this matter.

MARCH 13, 1991 (continued)

Geoff Badenoch, Director of the City of Missoula Redevelopment Agency, said he wanted to enter his comments about the use of tax increment financing as a local economic development tool. The City of Missoula through its redevelopment agency has an 11-year track record of successfully using tax increment financing to stimulate local economic development, create jobs, and stimulate private re-investment in the City's downtown area. He said they are very proud of their record and feel that they have used tax increment financing in the City of Missoula more successfully than any other city in the State of Montana. With the dearth of federal economic development programs that are available, with the lack of assistance from the state and with the lack of availability of private financing for these kinds of improvements, local governments are left with precious little to do these kinds of improvements. He would caution that there is a possibility for industrial tax increments districts to perhaps characterize it as not inappropriate if not used correctly. There are other communities in the state that have used their imaginations in a way that has caused some concern and he doesn't see from the proposal that the Board is entertaining that that's the County's intent. He would just like to urge the Commissioners to be circumspect in the use of tax increment financing for the development of infrastructure for the secondary value added industries. He said he wishes the Commissioners good luck, saying it's a real exciting thing to do, and he's glad the County is able to take advantage of this.

Ann Mary Dussault said that this Commission is aware of the issues and for that reason they are in support of a bill currently going through the legislature sponsored by Bill Farrell from Missoula that would clarify in statute the definition of infrastructure for the purpose of tax increment financing. She said she can assure him and others that even if the bill does not pass, the definition contained in that bill is what they intend to do and they will not veer to the edge of creative uses of the monies as some of their sister cities and counties might be doing.

Jim Mickelson, representing the DeSmet School District as Board Chairman, said they did not receive notification of the proposed tax increment district until their Board meeting on February 18, which was less than one month ago and they decided to attend the first hearing, at which time they were informed quite a bit about what this tax increment meant and following that hearing they've educated themselves a great deal in how the tax increment will affect their district. However, they are at this time uncertain about their options and how that tax increment will affect their school district in the next ten years. And so they are requesting that the Commissioners give them a little more time to research this aspect of how it affects their district and allow them to respond at a later date with the positive or negative position that they would take on a stance on how it affects them in the district.

Ann Mary Dussault said that they received their letter this morning, and it will be entered into the record. She asked how much time they would need because the Commissioners are also under a time line and will have to act soon.

Jim Mickelson said that their next Board meeting is next Monday and they hope to have information to help them render some sort of decision on how they feel about this.

Ann Mary Dussault said it is their intent to consider acting at next Wednesday's Public Meeting, assuming that they have all the information that they need to do that. She said if he could communicate to them prior to next Wednesday, that would be helpful.

Jim Mickelson said if they feel there are some serious problems which would hold that up, they will let the Commissioners know.

The letter received from the School District 20 Board of Trustees, dated March 13, 1991, is as follows:

MARCH 13, 1991 (continued)

"Dear Commissioners,

After discussing the concept of being a part of a tax increment district, the Board of Trustees requests that the following points of concern need to be seriously considered in your proposal:

1. FINANCIAL - probably the biggest challenge we as board members face is the job of assuring our local tax payers that we are using their money the best way possible. It is this aspect that concerns us most. The concept of a tax increment district as described by your letter leaves many open ends for our future financial condition. We as a school district are greatly concerned about the loss of revenue we may otherwise use to improve and use for future growth of our school system.

2. FUTURE GROWTH - we recognize it is likely as Missoula grows our little country school will continue to grow, as it has in the past. Please consider how this resolution will affect our planning to meet the future needs of our community.

3. BUTLER CREEK RR CROSSING - The School Board as well as local area residents strongly feel the Butler Creek crossing should remain as an access to Highway 10 and the school.

We are at this time uncertain about our options as a school district in regards to the possibility of exempt status, the long term affects on district, and specific details as to the certainty of the sunset of this resolution. We therefore are requesting a little more time to research the overall affects of this resolution before you take any official action on the creation of resolution this tax increment district.

Sincerely, Jim Mickelson, Chairman."

David Owen of the Missoula Chamber of Commerce said he is representing the opinions of the Chamber Board, which is supportive of the idea of the tax increment district. Regarding Geoff Badenoch's urging that the Commissioners not be real creative, he would like to agree with that without sounding like the Chamber of Commerce would want to quash anything creative. There is one caution that the Executive Board asked him to put in as positive terms as he could. That is to relate to the Commissioners the fact that this program at the outset is defined as a ten year program, there's an end to this as there was for the Redevelopment Agency. Without passing judgement on the work they've done, the fact that the extension was done through bonding was part of the wide community debate but still created and engendered some frustration. So if we start this with the idea that we are going to re-evaluate and re-establish this after awhile, that's fine. But they did want to pass along the caution that if ten years from now down the road we want to extend it, let's talk about it. But the use of bonding to just keep going may cause some frustration. Your commitment to economic development is appreciated, using these types of devices is appreciated, and you have a very supportive business community behind you.

Ron Klaphake of the Missoula Economic Development Corporation said he would like to continue his remarks from the last Public Hearing on the subject. The last time he basically dealt with some factual information about the law itself, and there were some "cons" presented toward the end of that meeting that he felt should be responded to. First of all, what we are talking about is the world of economic development today. It's very competitive both from the existing businesses and we try to help expand in Missoula, gain financing, infrastructure improvements and also recruiting new companies. It doesn't happen very easily and it doesn't happen by accident. Montana is not known as a value added state. We rank second from the bottom next to Alaska in value added production. He said there are 15,000 groups like himself across the country that are trying to lure or encourage job development in their communities. And that's what we're really talking about here. He said he likes what former Mayor Bob Lovegrove said last time, we're not talking

MARCH 13, 1991 (continued)

about growth and people, we're not talking about population, we might wish we had a few more people in the state of Montana so we wouldn't lose a Congressman, but that isn't what we're talking about. We're talking about trying to attract jobs to replace the jobs that we are losing; and we are losing jobs in some of our basic industries. In order to attract them, we have to be competitive with what is going on in other parts of the country. That doesn't mean we give it away, but it does mean that we at least are able to provide the basic infrastructure for the lands that they chose to build on. The other thing that was mentioned at the last meeting by the former mayor was why don't people just infill where it is, where there's vacant property. They don't always work. It would be nice to be able to have infill occur in the downtown area or in the old industrial parks or the Van Evans plant, where it used to be. But when you have a particular project such as a distribution center that requires massive amounts of freight movement, air freight and freight on the rail and freight on the highways, there might be better places for it. He said we're very fortunate that it's as close as it is because they may have chosen a farm out considerably further as the number one spot or the place that would be the best place for that new industry to come into. So what he's saying is, we need this kind of a tool; and using it in this area of the community in the planned manner that he thinks the Commissioners will use it for and with the involvement of the private sector, he thinks we can make something very worthwhile. There's arguments that say why don't we just let the private sector operate all by itself. Well, we don't have too many 480 acre parcels of land near the airport, near the interstate, near the railroad where we can do planned development. He would prefer that we have some involvement of the public to help that planning process. Otherwise that last piece of property might end up developing in a very haphazard manner, similar to what we have near the Wye. So that's why he's standing here today--to say that as an advocate of the Commissioners involvement and as an advocate of using tax increment judiciously. He said he's just come back from the legislature where he's been working on Senator Farrell's bill to restrict the use of tax increment financing. He doesn't think it should be used for grants, or write down of interest rates and things of that nature. He thinks it should be used for those public infrastructure needs that the Commissioners are planning on doing here. Other communities in this state are being very creative with it. He thinks we must guard that we don't make poor public policy decisions in Missoula at the same time in the interest of trying to lure a company. We're not going to lure every company, we're not going to be able to entice companies from Canada that want to have the kind of programs that other communities have, we're not going to lure the company that calls us up and asks what we have to give away and what are our incentives and what are our subsidies, but we can help those legitimate companies that come in to an area and say, "I'm putting in a major improvement and I'm buying all new equipment and my god, you have a nine percent on personal property and equipment and machinery in the State of Montana. That's a tough one. I'm supposed to buy the land. I'm also supposed to put in the improvements. I'm sorry, the bottom line doesn't work." And they walk away. And they are walking away, and they're walking away from the State of Montana. If we had good tax reform in this state, he would say we wouldn't need to use this program and we probably wouldn't need to have our incentives for expanding and new industry. But we don't get tax reform in this state, so we have to do the best job that we can at the local level. He said he congratulate the Commissioners for their foresight in putting this proposal forward and urges them to take positive action on behalf of it.

Barbara Evans read the following letter from Dennis Washington:

"Dear Commissioners:

I am writing to request that my industrial complex, located adjacent to the proposed tax increment financing district near the airport be included in that district. I understand that a hearing on the issue will take place on March 13, 1991, and I request that my application be considered at that time.

MARCH 13, 1991 (continued)

I believe that this use of the property involved in the proposed district, including mine, would meaningfully encourage growth in the Missoula area, and I intend to cooperate with Missoula County in every way possible toward that objective.

I appreciate the opportunity to become a partner with Missoula County in improving the economic climate of Missoula, and to participate in further decisions involving the tax increment district.

Sincerely, Dennis R. Washington by Helen B. Miller, Attorney-in-fact."

There being no further testimony, the Public Hearing was closed.

Ann Mary Dussault said it is their intent, barring unforeseen circumstances, to make a decision on the tax increment district next Wednesday. They would like to allow time for DeSmet School to make its final comments prior to that, and they have been asked by a member of the Airport Authority for an opportunity for them to comment on their inclusion in the district. She said it is the Commissioners intent to receive those comments and to take action next Wednesday.

Calvin Christian, an attorney representing Cook Ranches and Lew W. Cook who owns the Federal Express building across from the airport, said his client's concern is whether or not the boundaries have already been fixed for this district and if not, whether he has any option to be in or out of the district. He's concerned about the fact that the infrastructure that he needs for his building is in place and so he's not too enthused about paying for somebody else's infrastructure so they can develop their particular piece of property. He's also concerned about the limitations of amounts that can be raised and who sets those amounts and what it will do to the tax base. And he's also concerned with when the Commissioners develop the base tax and then the tax increment comes into play, whether that is based on an annual appraisal or how it is determined; and in regard to the properties that are already in place, whether the intent is to increase the taxes on those because of the improvements to the entire area. Basically, his client believes that his property is the property he wants, he's happy with his property, he's happy with the infrastructure, and he really doesn't think he should be included. He is not opposed to the idea and wishes the County the best in developing the industrial complex. He had to be in Phoenix today or he would have been here. These are his concerns, and if those could be addressed, he would appreciate it.

John DeVore, Missoula County Administrative Officer, said the tax increment in and of itself does not cause taxes to go up. What the tax increment does is direct how that tax revenue will be used. Basically it establishes a base year, in this case it would be as of January, 1991. Any taxes collected after that time as a result of either expansion or new construction would go to the tax increment district rather than to general governmental purposes. So the business person pays the same tax bill whether there is the tax increment district in place or not. What the tax increment does is direct where those funds go; whether they go to general governmental purposes or whether, if they are in the tax increment district, for the development of the industrial park.

Ann Mary Dussault said one of the things we need to be clear about is that for the Federal Express property, taxes will not go up because there is a tax increment district. What it means is that when Patagonia comes in, the taxes that they would be assessed would go toward the increment district rather than to general governmental purposes.

Calvin Christian said they're not going to re-appraise in five years all the property that is out there and say now that we have all this infrastructure and a big industrial complex, your property is much more valuable so you're going to get taxed more.

MARCH 13, 1991 (continued)

John DeVore said the tax increment is not going to cause re-appraisal. Re-appraisal is a cycle that is done by the Department of Revenue and through the State Assessor's Office. The re-appraisal is going to occur whether or not a tax increment is in place or not. The increment is only on new construction.

Calvin Christian said if that's the case, he doesn't have any problem.

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

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MARCH 14, 1991

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition.

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MARCH 15, 1991

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

Wendy Cromwell  
Wendy Cromwell, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

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MARCH 18, 1991

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

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report for Sheriff Doug Chase, showing the items of fees and other collections on account of civil business in Missoula County for month ending February 28, 1991.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

Commissioners Dussault and Stevens signed the Transmittal Sheet for Pay Period #5 (2/17/91 through 3/2/91) with a total Missoula County Payroll of \$348,144.12. The Transmittal Sheet was returned to the Auditor's Office.

Contract

The Board of County Commissioners signed a Contract between Missoula County and First Montana Title Company of Missoula, a Montana Corporation, for the purpose of performing tax deed title searches, ownership and interest in real property in Missoula County, as per the terms set forth, to be completed within 91 calendar days from the date of this contract, for payment in the sum of \$55.00/parcel, plus \$20.00/hour for "complex" searches.

MARCH 18, 1991 (continued)Contract

The Board of County Commissioners signed a Contract between Missoula County and Western Materials, a Montana Corporation, for the purpose of the removal of the Old Milwaukee Railroad Overpass and a portion of the existing retaining walls on Russell Street, as per the terms set forth, for a total payment not to exceed \$28,500.00. The contract was returned to Centralized Services for further signatures and handling.

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

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MARCH 19, 1991

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

Audit List

Commissioners Stevens and Dussault signed the Audit List, dated March 19, 1991, pages 7-44, with a grand total of \$968,881.29. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Contract for Services

The Board of County Commissioners signed a Contract for Services between the Missoula Office of Community Development and John Torma, independent consultant, for the purpose of providing a final review of 18 maps to be published with the 1990 Update of the Missoula Urban Comprehensive Plan and identify in writing any necessary corrections, as per the terms set forth, for payment not to exceed \$650.00, and is to be completed by April 30, 1991. The Contract was returned to Mike Kress in OCD for further signatures and handling.

Other items included:

The Commissioners notified Larry Handegard, State Director of APHIS, Animal Damage Control, that they have authorized Cenex, Ltd., of Missoula to be the Missoula County designated dealer for supplying U.S. Fish and Wildlife Service rodent control materials, as Missoula County does not have a County employee who is a designated bait dealer.

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

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MARCH 20, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 91-028

The Board of County Commissioners signed Resolution No. 91-028, a resolution of intention to create RSID No. 439, for the purpose of constructing a paved access street on a portion of Elk Ridge Road, as per the terms set forth.



MARCH 20, 1991 (continued)Agreement

The Board of County Commissioners signed an Agreement for professional engineering services between Missoula County and Stensatter, Druyvestein & Associates for the purpose of making improvements to a portion of Schilling Street (between 5th and 6th Streets), RSID #441, and adjacent alleys to include gravels, asphalt concrete, concrete curb/gutter and sidewalk and storm water sumps, as per the terms set forth, for a total payment of \$4,500.00.

Agreement

The Board of County Commissioners signed an Agreement for professional engineering services between Missoula County and Stensatter, Druyvestein & Associates for the purpose of making improvements to a portion of Fifth Street (between Kemp and Eaton), RSID #440, to include gravels, asphalt concrete, concrete curb/gutter and sidewalk, and storm water sumps, as per the terms set forth, for a total payment of \$6,200.00

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

WEEKLY PUBLIC MEETING

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

GRIZZLY APPRECIATION DAY

Ann Mary Dussault said that today is Grizzly Appreciation Day. The Board of County Commissioners is pleased to recognize the 1991 Men's and Women's Basketball teams from the University of Montana. We want the coaches, players, staff, and the entire community to know that we appreciate and respect the hard work, dedication, and pride of these two Big Sky Conference Champions. Their outstanding performances on and off the courts brought thousands of people to Missoula, and also brought them to their feet as they stood united behind the talent of these two teams. Coach Robin Selvig and the Lady Griz made it four-in-a-row by advancing to the NCAA Division I Women's Basketball tournament by ending the regular conference season undefeated for the third straight year. The Big Sky Conference Champions are represented here today by Head Coach Robin Selvig, Assistant Coach Annette Rocheleau, and Missoula's own Trish Olson and Kelly Pilcher. The men's team took on the top-seeded team in the country, UNLV in the NCAA West Regional tournament, but as coach Stew Morrill said before the game, "They deserved to be there." Coach Morrill is on a recruiting trip today, and is being represented by Assistant Coaches Don Holst and Joe Fisher. Also today, we are pleased to introduce Seniors, Eric Jordan, and Kevin Kearney, the Big Sky Conference Most Valuable Player. On behalf of Missoula County, we thank you for representing us so well, and we are proud to honor you on Grizzly Appreciation Day.

The Commissioners then presented each team with a certificate of appreciation and a framed poster of Missoula. They also thanked Bill Schwanke, Grizzly Athletic Association Assistant Director, for his assistance today.

BID AWARD: TRAFFIC LINE PAINT - SURVEYOR

Ann Mary Dussault explained that this is a request for the award of the bid for traffic line paint. The bids were opened on Monday, March 18, 1991 at 10:00 a.m. with the following results:

Morton International	- \$21,386.00
Columbia Paint	- \$21,160.00

Staff recommends awarding the bid to Columbia Paint as the lowest bidder. There is \$30,000 in the budget for this item.

MARCH 20, 1991 (continued)

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for traffic line paint to Columbia Paint in the amount of \$21,160.00 as the lowest bid received. Motion carried on a vote of 3-0.

DECISION ON PROPOSED ORDINANCE ESTABLISHING A TAX INCREMENT FINANCING INDUSTRIAL DISTRICT NEAR MISSOULA COUNTY AIRPORT

Janet Stevens explained that the Commissioners have received the following letters this past week, one from the Missoula County Airport Authority and the other from the DeSmet School District #20 Board of Trustees, regarding the proposed ordinance.

"Dear Ann Mary:

This letter is to inform you that the Missoula County Airport Authority, at a special meeting on March 14, 1991, voted in favor of being included in the proposed special tax increment district. We look forward to working with the County Commissioners in the development of the area around the airport.

Sincerely, Donald B. Livasy, A.A.E., Acting Director of Airports."

"Dear Commissioners,

We as trustees have been entrusted with the responsibility to manage the finances and future direction of our school. We have held two school board meetings in the last two weeks to hear comments from the people of our community and discuss the impact that this Tax Increment District would have on our School District. Many angles were discussed both pro and con. We would like to thank John DeVore for coming to our first meeting and enlightening our community with the concepts of the Tax Increment Proposal. We all can appreciate the concept and perception you see in creating this Tax Increment District; however we feel there will be a great deal of competition for the funds generated by the district. We feel that DeSmet School would probably not rank very high on the list of priorities. We have a relatively small school district and we feel there will be a great deal of competition for the funds generated by the district. We feel that DeSmet School would probably not rank very high on the list of priorities. We have a relatively small school district and we feel the future loss of our single largest taxpayer and those to come, in this area would jeopardize our ability to adequately preplan and develop (sic) our future growth. The Board of Trustees is therefore requesting to be exempt from the distribution of tax revenues set aside for the Tax Increment District and would like to negotiate a rebate of the DeSmet School Districts portion of collected revenues. Please accept our request.

Sincerely, Jim Mickelson, Chairman, DeSmet School Board of Trustees."

Janet Stevens said that the decisions the Commissioners are making today are whether to create the Tax Increment District and if so, setting the boundaries for that District. Also, as was noted last week, Washington Corporation has made a request to be included in the District. So the boundary has been expanded to include the Sunlight property and Washington Corporation property, as shown in Exhibit B of the proposed resolution.

Based on the information presented and the letters of support and testimony received, Janet Stevens moved to create an ordinance establishing a Tax Increment Financing Industrial District to assist in financing necessary industrial infrastructure to encourage the attraction, growth, and retention of secondary value-added industries; providing for definition of terms; establishing the costs which may be paid by Tax Increment Financing Industrial Districts; creating and approving the Missoula County Airport Industrial District; establishing the boundaries thereof; establishing January 1, 1991 as the base taxable year for the Missoula County Airport Tax Increment Financing

MARCH 20, 1991 (continued)

Industrial District; providing for the repeal of all parts of ordinances and resolutions in conflict herewith; and providing for an effective date hereof. Motion seconded by Barbara Evans and passed on a vote of 3-0.

Janet Stevens said this ordinance will become effective thirty days from today.

Resolution No. 91-029

The Board of County Commissioners signed Resolution No. 91-029, a resolution establishing a Tax Increment Financing Industrial District to assist in financing necessary industrial infrastructure to encourage the attraction, growth, and retention of secondary value-adding industries.

HEARING: CERTIFICATE OF SURVEY REVIEW - TWO AGRICULTURAL EXEMPTIONS - WORNATH

Marnie McClain, Deputy County Attorney, explained that Andy Fisher has submitted an affidavit on behalf of Otto Wornath for two agricultural exemptions. The property, Tract A, Book 216 Micro, Pg 2456, is located straight east of Lolo from the truck stop and is currently being used as horse pasture. Mark Malcom, who is married to the applicant's granddaughter, wishes to buy one parcel. The second parcel will be acquired by the applicant's daughter-in-law, Deanna Wornath. The property is located in the floodplain. Mr. Wornath has previously used exemptions, including two agricultural exemptions.

Andy Fisher of Eli & Associates said this is a request to create two Agricultural Exemptions, which would then be sold. All the Wornaths live around the perimeter of this parcel. It will be divided between two of those people living on two different sides of the parcel.

Barbara Evans moved and Janet Stevens seconded the motion to approve the agricultural exemptions as requested, based on the facts that (1) there is no apparent attempt to evade the Montana Subdivision and Platting Act, and (2) the property is located in the floodplain. Motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:45 p.m.

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MARCH 21, 1991

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the Tax Reform Coalition; and Commissioner Stevens attended a meeting of the Clark Fork Coordinating Forum in the forenoon.

Plat

The Board of County Commissioners signed the plat for Pleasant Acres No. 1, a subdivision of Tract D2 of COS No. 3841 located in the NW 1/4 of Section 9, T. 13 N., R. 20 W., PMM, Missoula County, with the owner of record being West Missoula Land, Inc., John H. Steigler, President.

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MARCH 22, 1991

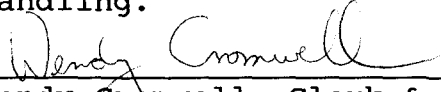
The Board of County Commissioners met in regular session; all three members were present.

MARCH 22, 1991 (continued)Resolution No. 91-030

The Board of County Commissioners signed Resolution No. 91-030, a resolution replacing Resolution No. 91-017, which was signed on March 5, 1991, granting an agricultural exemption to Jeanne M. Gaudreau, whose name was misspelled in the original resolution; therefore, Resolution 91-030 corrects the spelling of the name, with the remainder of the contents of the resolution remaining the same as the original signed on March 5, 1991.

Assumption of Lease

The Board of County Commissioners signed an Assumption of Lease Agreement, dated April 1, 1991, between Missoula County (lessor), the Montana Bank of South Missoula (original lessee), and Montana Bank of Billings (successor lessee), whereby a Lease Agreement dated September 1, 1979, for the property described in the Lease, was entered into in connection with the issuance by Missoula County of \$2,000,000 Montana Industrial Development Revenue Bonds (Montana Bank of South Missoula Project); and as of March 31, 1991, the Montana Bank of South Missoula will merge into the Montana Bank of Billings, who agrees to assume any and all obligations of the Montana Bank of South Missoula, including the above mentioned Lease Agreement, and Missoula County and the Montana Bank of South Missoula consent to the assumption of the Lease effective as of the date of the merger. The document was returned to Mike Sehestedt, Deputy County Attorney, for further signatures and handling.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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MARCH 25, 1991

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Craig Barrier as principal for warrant #103964, dated March 1, 1991, on the School District #1 Fund in the amount of \$281.22 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Modification of Agreement

Chair Dussault signed a Modification of Agreement between Missoula County and the Montana Department of Health and Environmental Sciences modifying the terms between them concerning establishing a testing, counselling, referral, and partner notification service center and AIDS community health education and risk reduction project (DHES No. 310193), amending Sections IA and III as shown. The Modification of Agreement was forwarded to DHES in Helena.

Other items included:

- 1) as per the recommendation received from the Deferred Compensation Committee, the Commissioners signed approval of continuing with The Equitable and VALIC as its Approved Providers for FY'92; and

MARCH 25, 1991 (continued)

- 2) the Commissioners signed approval of the Records Retention Schedule for the Missoula County Employee Benefits Plan as submitted by Hal Luttschwager, Risk Manager, who will submit the approved schedule to the Local Government Services Bureau for their authorization.

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

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MARCH 26, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena all day.

Audit List

Commissioners Stevens and Evans signed the Audit List, dated March 26, 1991, pages 7-28, with a grand total of \$67,322.23. The Audit List was returned to the Accounting Office.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 91-031

The Board of County Commissioners signed Resolution No. 91-031, a resolution granting two agricultural exemptions for portions of a tract of land described as Tract A, Book 216, Micro Page 2456, owned by Otto Wornath, who proposes to transfer the property to adjoining landowners who will use the land exclusively for agricultural purposes and that no structures requiring water and/or sewage facilities have been or will be erected or used on the land.

Contract

The Board of County Commissioners signed a Contract dated March 8, 1991, between Missoula County and All Purpose Services for the purpose of painting two steel existing water reservoirs (RSID #436 - Improvements to the water system in Lolo, Montana), as per the terms set forth, for a total payment not to exceed \$25,800.00. The Contract was returned to General Services for further signatures and handling.

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

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MARCH 27, 1991

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Sampson-Ayers as principal for warrant #20771, dated September 27, 1990, on the Missoula High Schools' Fund in the amount of \$1,072.19 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

MARCH 27, 1991 (continued)Approval of Agricultural Exemption Covenant

The Board of County Commissioners signed approval of the Covenant declared by Otto Wornath, stating that Tract 1 and Tract 2 of the parcels described on the Certificate of Survey shall be used exclusively for agricultural purposes and no building or structure requiring water or sewage facilities may be erected or utilized thereon and that the covenant shall run with the land, revocable only by mutual consent of the owners of the parcel in question and the governing body.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and the Montana Department of Highways for Federal Aid Project No. HES 267-1(4)0 North of Missoula, for the purpose of financing and installing safety improvements intended to aid in the reduction of accidents on FAS 267 between MP 0.5 through MP 1.0, with the work to be done by the County, as per the items and terms set forth, with the cost of the project estimated to be \$2,386.75. The Agreement was returned to the State Highway Department for further signatures and handling.

Agreement and Supplemental Conditions

Chair Dussault signed an Agreement and Supplemental Conditions between Missoula County and Extended Family Services (Owner) and Hilmes and Associates for architectural services involved in the County's CDBG project, the renovations to the Extended Family Services, Inc. building at 1330 South 4th West, as described in the list of work items attached to the Agreement and as per the terms set forth, for a stipulated sum of \$20,300.00. The Agreement was returned to Cindy Wulfekuhle in the CDBG office for further signatures and handling.

Modification of Agreement

Chair Dussault signed a Modification of Agreement between Missoula County and the Montana Department of Health & Environmental Sciences modifying the terms of the Agreement between them concerning inspection and testing of small public water supplies, adding a new subsection regarding the "Volatile Organic Chemicals Assessment Report" and changing the total payments made by DHES to the County for all purposes under this agreement not to exceed the amount of \$6,955. The Modification was forwarded to DHES in Helena.

Other items included:

Chair Dussault signed a form indicating the County's support for the designation of the Area XI Agency on Aging in Missoula for the next 4 years ending October 1, 1995. The form was returned to the Governor's Office on Aging in Helena.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:35 p.m. by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens.

PROCLAMATION: DAFFODIL DAY (AMERICAN CANCER SOCIETY)

Ann Mary Dussault read the following proclamation:

Whereas, there is a great need for additional funds for cancer research; and

Whereas, the American Cancer Society has sponsored innumerable vital cancer research projects, public education and patient service programs; and

MARCH 27, 1991 (continued)

Whereas, through the work of the American Cancer Society, the people of Missoula County look forward to the day when a cure for cancer is found,

Now, therefore be it resolved that the Board of County Commissioners do hereby proclaim Wednesday, March 27, 1991 as Daffodil Day and urge all residents to join with all volunteers of the American Cancer Society to support this special occasion by purchasing and wearing a daffodil--the flower of hope.

The Board of County Commissioners signed the proclamation. Sharyn Solum, on behalf of Bob Ripley, thanked the Board for the proclamation and their support.

BID AWARD: 1990 OR 1991 4-DOOR SEDAN - SHERIFFS DEPARTMENT

Ann Mary Dussault explained that on March 8, 1991 bids for one police package sedan were solicited. Bids were accepted until 10:00 a.m. on March 25, 1991. One bid was submitted, and that was from Briden Chevrolet, GMC, Inc., Valier, Montana. It is for a total of \$16,218.00. This bid has two exceptions: (1) floor covering is carpeting; and (2) the right mirror is manual. Staff recommends awarding the bid to Briden Chevrolet in the amount of \$16,218.00

Don Morman, Deputy Sheriff, said the original specs called for delivery of the vehicle to Missoula, but that the County will pick up the vehicle, so the total bid award is \$16,218.00, as stated in the Request for Commissioners Action. With this bid award, the settlement account for two vehicles will have a balance of \$2.00. This settlement account was a result of the totalling of two police vehicles; the money will replace one. Don discussed insurance premiums, which he is working on with Hal Luttschwager, County Risk Manager.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for a 1991 Chevrolet Caprice Police Package Sedan to Briden Chevrolet, GMC, Inc. in the amount of \$16,218.00, this bid being the only one received. Motion carried on a vote of 3-0.

OTHER BUSINESS - OTTO BENSON

Otto Benson attended the Public Hearing because of his concerns regarding a proposed subdivision on Davis Street. The Commissioners explained that this subdivision had not yet been submitted for their review. It is scheduled for the following hearings: Planning Board, April 2; Board of Adjustment, April 17; and Board of County Commissioners, April 24.

OTHER BUSINESS - WENDY CROMWELL

Wendy Cromwell, Missoula County Clerk and Recorder, asked if the Board of county Commissioners wanted to hold a Public Hearing on precinct changes to accommodate the ward boundary changes.

Ann Mary Dussault said it would not be necessary.

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

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MARCH 28, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena all day. In the forenoon, Commissioner Stevens attended a meeting held at the University for interested parties in regard to the development/sale of University owned land at Fort Missoula.

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MARCH 29, 1991

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

Wendy Cromwell  
Wendy Cromwell, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*



APRIL 1, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Declaration of Covenant

The Board of County Commissioners signed approval of the Declaration made March 20, 1991, by Jeanne M. Gaudreau, the owner of Tract A described on the Certificate of Survey on file in the Clerk & Recorder's Office, who declares that Tract A contains less than twenty acres and shall be used exclusively for agricultural purposes and that no building or structure requiring water or sewage facilities will be erected or utilized; also that the covenant shall run with the property and is revocable only by mutual consent of the owners of the parcel and the governing body of Missoula County.

Other items included:

- 1) the Commissioners authorized Horace Brown to sign for the 1991 Federal Timber Bridge Grant which will be used to build the bridge at Sunset Hill; and
- 2) the Commissioners agreed to pay for the banquet for the RSVP volunteers who donate time in County departments.

Employment Agreement

The Board of County Commissioners signed an Employment Agreement between Missoula County and Robert M. Brown, for the position of Director of the Historical Museum at Fort Missoula to serve as the chief administrative and executive officer in charge of the Museum, as per the duties and terms set forth in the Agreement. The Agreement was returned to the Personnel Office.

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

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APRIL 2, 1991

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

DAILY ADMINISTRATIVE MEETING

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

- 1) the format for the "Budget Kick-Off" meeting to be held later in the day was discussed; and
- 2) the Commissioners approved payment of the Chamber dues for the upcoming year.

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

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APRIL 3, 1991

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

DAILY ADMINISTRATIVE MEETING

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

The Commissioners met with Jim Dopp, Operations Officer, regarding the parking problems at the Alder Street lots-- they approved Option 1 with an amendment to short term parking in front of the Health Dept. Building, as per the recommendation from Jim Dopp in his memo of March 27, 1991, which is attached to the Daily Minutes on file in the Commissioners Office; they also approved resurfacing and striping of the "Blue Star" lot within budget parameters.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Commissioner Janet Stevens. Also present was Commissioner Barbara Evans. Chair Ann Mary Dussault arrived soon after the meeting started.

HEARING: CREATION OF RSID NO. 442 - STREET PAVING OF CLYDES DALE LANE IN O'BRIEN VALLEY ESTATES #2

John DeVore, Administrative Officer, explained that this project is a result of the approval of the subdivision which required that, at certain density, the road would be paved. Subsequent buyers of the property have waived their right to protest the creation of the RSID. So this is as a result of the number of sales that have occurred out there.

The Public Hearing was opened; there being no testimony, the Public Hearing was closed.

Barbara Evans moved and Janet Stevens seconded the motion to create RSID No. 442, street paving of Clydes Dale Lane in O'Brien Valley Estates #2, based on the staff recommendation and using the figures contained in the request for action. Motion carried on a vote of 2-0.

HEARING: ZONING DISTRICT #4 - COS 1940 - LIVINGSTON PROPERTY

The Board of County Commissioner recessed and the Planning and Zoning Commission convened. Members present were Janet Stevens, Barbara Evans, Ann Mary Dussault, Horace Brown, and Wendy Cromwell.

Katherine Evans, Office of Community Development, explained that Alison H. Livingston is requesting approval to create a 5-acre tract under the provisions of an exemption as an occasional sale. It is the intention of Mrs. Livingston to create the lot as a home site for a residence for her family. She is creating the parcel from portions of Tracts C and D as originally filed in COS 1940, and is calling the new parcel D-2. A boundary is relocated as a result of this parcel creation. This request does not include plans for the home or a date for construction, as these have not been determined yet by the owner. Zoning District #4 requires the Planning and Zoning Commission to review and approve all improvements, development, and creation of lots within the Zoning District. Katherine said the driveway to this property is crossing a corner of the adjoining parcel to

APRIL 3, 1991 (continued)

the east. No tree removal, major excavation, site contouring or cut and fills will be necessary for the driveway. The road to this site already exists and no modifications of the road are necessary. The homesite is located on a gently sloping portion of the site. The location of the homesite will limit the need for extensive excavation and hill contouring. Therefore, the natural physiography will not be significantly changed for access or location of the residence.

Marnie McClain, Deputy County Attorney, said the use of the Occasional Sale Exemption was administratively approved. This review will address the requirements of this particular Zoning District.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify.

Barbara Evans said she was unsure of what the Planning and Zoning Commission was being asked to do.

Horace Brown said it was to approve the creation of the lot.

Mike Sehestedt, Deputy County Attorney, said the Commission was being asked to approve the house site and proposed driveway based on the impact on the natural physiography of Pattee Canyon Zoning District #4.

A discussion followed regarding the driveway and the access road.

Horace Brown moved and Janet Stevens seconded the motion to approve the request by Alison H. Livingston for the creation of a 5-acre lot as a building site and a driveway on the condition that an easement is granted for said driveway, as this request meets the standards of Zoning District #4. Motion carried on a vote of 5-0.

The Planning and Zoning Commission was in recess and the Board of County Commissioners re-convened.

Barbara Evans moved and Janet Stevens seconded the motion to accept the recommendation of the Planning and Zoning Commission to approve the request by Alison H. Livingston for the creation of a 5-acre lot as a building site and a driveway on the condition that an easement is granted for said driveway, this request meeting the standards of Zoning District #4. Motion carried on a vote of 3-0.

HEARING: CERTIFICATE OF SURVEY REVIEW - FAMILY TRANSFER - CHAMBERLAIN

Marnie McClain said that Andy Fisher of Eli & Associates has submitted an application on behalf of his client, Donald Chamberlain, which proposes to divide Tract B-1-A COS 2786 using two family transfer exemptions. Mr. Chamberlain has previously used a total of 3 exemptions to divide the parent parcel: two occasional sale exemptions (one in 1979 and one in 1982), and one family transfer exemption (1982) to son David, who subsequently sold the parcel. Mr. Chamberlain now proposes transferring another tract to David and one to another son, Roy. This property is located in the Donovan Creek area of Clinton.

A discussion followed which included the facts that there are already residences located on both parcels which the sons live in, and there are no further buildable sites on the property.

APRIL 3, 1991 (continued)

Barbara Evans moved and Janet Stevens seconded the motion to approve the request by Donald Chamberlain for two (2) Family Transfer exemptions on Tract B-1-A of COS 2786 based on the facts that (1) both lots already have residences on them and (2) there are no other buildable sites on the property. Motion carried on a vote of 3-0.

HEARING: CERTIFICATE OF SURVEY REVIEW - OCCASIONAL SALE - HAYES

Marnie McClain said that Kenneth D. Hayes proposes to divide Tract D of COS 2079 using the Occasional Sale exemption. Two parcels would be created, both over 3 acres in size. According to the affidavit, a community sewer system located on Tract G serves Tracts A, B, C, and D of COS 2079. The applicant has previously made use of COS exemptions as follows: (1) a boundary relocation in 1977; (2) a retracement in 1979; (3) an occasional sale and remainder in 1980; (4) an occasional sale and remainder in 1984. COS No. 2079 was created by court order in 1979.

Greg Martinsen of Martinsen Surveys explained the history of this parcel, but was not sure why the parcel was created by court order.

Barbara Evans moved to approve the request by Kenneth D. Hayes for an Occasional Sale exemption based on the fact that the original subdivision of land was based on a court ordered split and there are no other contiguous pieces of land and therefore it is not an attempt to evade the subdivision laws. There was no second, so the motion died.

Janet Stevens moved and Ann Mary Dussault seconded the motion to deny the request by Kenneth D. Hayes for an Occasional Sale exemption based on the fact that the requested split is in the middle of a subdivision, no matter how the subdivision was created, and should be taken through the subdivision process. Motion carried on a vote of 2-0, Commissioner Evans abstaining from the vote.

HEARING: CERTIFICATE OF SURVEY REVIEW - OCCASIONAL SALE - JENSEN

Marnie McClain said that Lee Jensen has filed an affidavit seeking to divide the remainder of COS 3588 using an Occasional Sale exemption. He has previously used an occasional sale exemption in 1988 to divide the same parcel.

Greg Martinsen said a retracement created the original parcel, then a relocation of a common boundary was done along one side. An Occasional Sale was done along with a relocation of common boundary in 1988. He said Mr. Jensen intends to keep the remainder of the property and sell this particular piece. He doesn't want to go through the subdivision process because that changes the tax status of the property. Marnie McClain said under a subdivision, there would be a significant raise in the taxes because of the way the lots are valued.

Ann Mary Dussault said she was against granting this request because it appeared that Mr. Jensen was attempting to sell parcels, as evidenced by the previous Occasional Sale exemption, and felt he should be going through the subdivision process.

Janet Stevens said she would approve the request with a strong warning that this is the end of granting occasional sale exemptions on this particular piece of property.

APRIL 3, 1991 (continued)

Janet Stevens moved and Barbara Evans seconded the motion to approve the request by Lee L. Jensen for an Occasional Sale exemption based on the fact that there does not appear to be an attempt to evade the subdivision act. Motion carried on a vote of 2-1, Commissioner Ann Mary Dussault voting against.

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

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APRIL 4, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena all day.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated April 1, 1991, pages 7-29, with a grand total of \$65,769.63. The Audit List was returned to the Accounting Office.

DAILY ADMINISTRATIVE MEETING

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

Other items included:

- 1) the Commissioners moved Roger Bergmeier up to a regular member of the Museum Board of Trustees, replacing Rod Hochhalter, who was removed for non-attendance of Board meetings;
- 2) Mike Kress and Bob Holm were reappointed to the County Park Board for three-year terms through May 6, 1994; and
- 3) the Commissioners reappointed Kari Lind as 1st alternate, Bob Peterson as 2nd alternate, and Patricia Rawlings as 3rd alternate on the County Park Board for one-year terms through May 6, 1992.

Resolution No. 91-032

The Board of County Commissioners signed Resolution No. 91-032, a resolution of intention to create RSID No. 443, for the purpose of constructing approximately 575 feet of sewer main extension in the Carline, Butte Addition, in Missoula County, as per terms set forth, setting the hearing date for Wednesday, April 24, 1991, at 1:30 p.m.

Resolution No. 91-033

The Board of County Commissioners signed Resolution No. 91-033, a resolution establishing an annual date to be observed as Heritage Day (supersedes Resolution No. 88-098), resolving that pursuant to MCA 1-1-216, Heritage Day shall be observed as a legal holiday by Missoula County for the last time on July 5, 1991, as SB 78 adopted by the 52nd Legislature amends MCA 1-1-216 to eliminate Heritage Day, effective October 1, 1991.

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

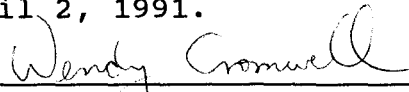
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APRIL 5, 1991

The Board of County Commissioners did not meet in regular session; Commissioner Evans took a day of vacation, and Commissioner Dussault was in Helena attending a BOS Joint Council Meeting.

Election Canvass

In the forenoon, Commissioner Stevens, County Auditor Susan Reed, and County Superintendent of Schools Rachel Vielleux, canvassed the Missoula Rural Fire Election which was held on April 2, 1991.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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APRIL 8, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation the week of April 8th through 12th.

Monthly Reports

Chair Dussault examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending March 31, 1991.

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement between the State Department of Highways, Missoula County, and the City of Missoula regarding the maintenance of Reserve Street between Brooks Street and South Third Street, as per the terms set forth, in the proposed redesignation of Reserve Street as a Federal Aid Primary Route and as US Highway 93, effective July 1, 1992. The Agreement was returned to County Surveyor Horace Brown for forwarding to the State Highway Department for signatures.

Agreement & Addendum to Agreement

Chair Dussault signed a Service, License and Maintenance Agreement between Missoula County and Logistic Systems, Inc. for the CAD System for 9-1-1, as per the terms and payment schedule set forth. An Addendum to the Agreement was also signed by Chair Dussault as the parties desire to provide for an evaluation of performance and any default procedures. The documents were returned to Jim Dopp, Operations Officer, for further signatures and handling.

Contract

The Board of County Commissioners signed a Contract between Missoula County and Bobbi Putman, for the purpose of performing secretarial services for the Missoula Consolidated Planning Board as per the terms set forth. The contract was returned to Mike Kress of the Office of Community Development for further signatures and handling.

APRIL 8, 1991 (continued)

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

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APRIL 9, 1991

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated April 9, 1991, pages 8-35, with a grand total of \$92,045.13. The Audit List was returned to the Accounting Department.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing fees and collections made in Missoula County for month ending March 20, 1991.

DAILY ADMINISTRATIVE MEETING

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

Plat and Declaration of Covenant

The Board of County Commissioners signed the Plat for Vangstad Tracts, a subdivision of Missoula County, located in the NW 1/4 of Section 7, T. 13 N., R. 20 W., PMM, a total of 28.23 acres, with the owners of record being Curtis E. and Lana Vangstad and Vicky J. Nichols. The Commissioners also approved the covenant declared by the owners, stating that Lots 1, 2, 3, 4 and 5 of Vangstad Tracts, a recorded subdivision of Missoula County, shall never be subdivided into lots smaller than five (5) acres and that all lots in Vangstad Tracts shall be used for single-family dwellings.

Block Grant Contract

The Board of County Commissioners signed a Block Grant Contract #MT-CDBG-9OPF-08 between Missoula County and the State of Montana Department of Commerce, to provide funding for project activities approved by the Department under the Montana Community Development Block Grant Program for FY'90, as per the terms set forth, effective December 21, 1990 and terminating upon final project closeout by the Department, for a total amount not to exceed \$167,500. The Block Grant Contract was returned to the State Department of Commerce for further signatures and handling.

Lease Agreement

The Board of County Commissioners signed a Lease Agreement between Missoula County and Paul A. Hanson for the purpose of leasing a parcel of land known as Tract 1, COS No. 3858 excluding COS No. 2168 as shown in Exhibit A attached to the Agreement, as per the terms set forth, with the rent at an annual rate of \$200.00 per year, payable in advance. The Lease Agreement was returned to John DeVore for further signatures and handling.

APRIL 9, 1991 (continued)

Other items included:

The Commissioners reviewed the audit of the records of the Missoula County Treasurer's Office for Fiscal Year 1990 and forwarded it to the Clerk & Recorder's Office for filing.

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

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APRIL 10, 1991

The Board of County Commissioners did not meeting in regular session; Commissioner Stevens was out of the office all day April 10th and 11th due to illness in the family.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Doug Chase, showing the items of fees and other collections on account of civil business in Missoula County for month ending March 29, 1991.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chair Ann Mary Dussault. There were no other Commissioners in attendance.

HEARING: CREATION OF RSID NO. 439 - ELK RIDGE ROAD PAVING

John DeVore, Administrative Officer, explained that last August the County held a hearing on the creation of this RSID and protests were received from both within and outside of the proposed district. Some lots in the proposed district were unbuildable because of sanitary and sewer restrictions. The people outside the proposed district were protesting because they were in favor of paving the entire Elk Ridge Road and not just the lower portion. This proposal, however, failed because of lack of interest. The smaller district was supported with the exclusion of four lots that are not suitable for building (lots 14, 15, 16 and 17), as well as Lot 13 which does not access directly off the proposed paving district. It was found that Elk Ridge Road is in the air containment area and therefore the County will contribute 30% for the aid of construction, which will mean a \$31,000 contribution to the project. He said we have only received one protest letter from an individual who is not in the proposed district.

Ann Mary Dussault opened the Public Hearing. She said the protest period is over, but asked if anyone cared to testify.

Kathy Ogren said she lives within the proposed district and urges the passage of this RSID because of the dust and safety issues. She felt this proposal represented a good compromise. She said people living above would also receive a benefit.

Susan Klein said she is in favor of the RSID for safety reasons. She said several cars were towed off the road this past winter.

Art Dahlberg said he has lived in the proposed district for the past 9 months and urged the Commissioners to go with the RSID because of safety and dust considerations. He said there was a grass fire in the area this past week and Rural Fire responded within five minutes of the call. He said if the fire station is moved from its present location, the response time would not be as efficient. He said if the fire station is moved, it is being moved in the wrong direction.



APRIL 10, 1991 (continued)

Ann Mary Dussault explained that the issue of the fire station location will be dealt with by the City Council as the affected area has been annexed into the City. She said the Commissioners understand his concern and that it was important for him to communicate his concerns to the Mayor and the City Council.

As there was no further testimony, the Public Hearing was closed. Ann Mary Dussault explained that Janet Stevens and Barbara Evans would review the testimony and the Board would make a decision on the creation of RSID No. 439 at the next Public Meeting on April 17th.

There being no further business to come before the Board, the meeting was adjourned at 1:40 p.m.

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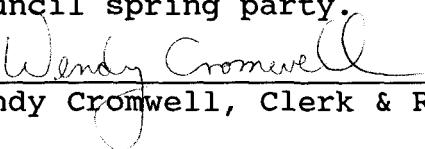
APRIL 11, 1991

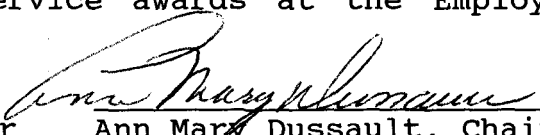
The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition.

\* \* \* \* \*

APRIL 12, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. In the evening, Commissioner Dussault presented employee service awards at the Employees Council spring party.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

\* \* \* \* \*

APRIL 15, 1991

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was on vacation the week of April 15th through April 19th, and Commissioner Evans was out of the office all day.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Helen A. Cipolito as principal for warrant #32697, dated December 18, 1990, on the School District #40 Payroll Fund in the amount of \$41.56 now unable to be found.

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APRIL 16, 1991

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

\* \* \* \* \*

APRIL 17, 1991

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

APRIL 17, 1991 (continued)Audit List

Commissioners Dussault and Evans signed the Audit List, dated April 17, 1991, pages 9-37, with a grand total of \$87,236.07. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Warranty Deed and Settlement Statement

The Board of County Commissioners signed a Warranty Deed and Settlement Statement from Missoula County to Drake Lemm for Lot 19 "O" of Cobban & Dinsmore's Orchard Homes Amended Lot 19 Addition, subject to the items listed on the Deed. The documents were returned to Jim Dopp, Operations Officer, for further handling.

Addendum to Listing Contract

The Board of County Commissioners signed an Addendum to the Listing Contract between Missoula County and Coldwell Banker Steinbrenner Real Estate and Properties 2000 as brokers, adding Orchard Acres, Lot 4 and Gateway Gardens #2 - Lot 2 at the prices noted on the Addendum to the Listing Contract. The Addendum was returned to Jim Dopp, Operations Officer, for further handling.

Warranty Deed

The Board of County Commissioners signed a Warranty Deed from Missoula County to Ciro John Bagliazzo of San Pedro, CA for Tract A-1B of Certificate of Survey No. 2329, located in the SW 1/4 of Section 3, T. 13 N., R. 17 W., PMM, Missoula County, together with the easements described on the deed. The Deed was returned to Jim Dopp, Operations Officer, for further handling.

Warranty Deed, Escrow Agreement, Contract for Deed, & Notice of Purchaser's Interest

The Board of County Commissioners signed a Warranty Deed, Escrow Agreement, Contract for Deed, & Notice of Purchaser's Interest between Missoula County and Robert M. Patterson for Lot 31 in Block 4 of El Mar Estates Phase I, a platted subdivision of Missoula County, for the sum of \$6,275.00, as per the terms set forth. The documents were returned to Jim Dopp, Operations Officer, for further signatures and handling.

Other items included:

The Commissioners appointed Mahlon Manson as a member of the Board of Trustees of the Mouth of Petty Creek Rural Fire District, effective until the School Election in April of 1992, at which time the residents within the boundaries of the Fire District will elect the Board of Trustees.

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #6 (3/3/91 through 3/16/91) with a total Missoula County Payroll of \$348,867.32. The Transmittal Sheet was returned to the Auditor's Office.

APRIL 17, 1991 (continued)Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #7 (3/17/91 through 3/30/91) with a total Missoula County Payroll of \$348,603.80. The Transmittal Sheet was returned to the Auditor's Office.

Plat

The Board of County Commissioners signed the plat for Turah Estates, a subdivision of Tract A-2 of COS No. 3709 located in the N 1/2 of NE 1/4 of Section 13, T. 12 N. R. 18 W. PMM, Missoula County, with the owner of record being Michael C. Richter, with a total acreage of 26.19 acres.

Plat

The Board of County Commissioners signed the plat for Otoupalik Addition, a resubdivision of Lot 5, first amended plat of Johnston Subdivision, Lot 5, in Missoula County, with the owner being Susan M. Roberts-Otoupalik. The requirement for parkland or cash-in-lieu of parkland was waived.

Plat

The Board of County Commissioners signed the plat for Mark Addition to Big Sky Lake Estates, a subdivision of Missoula County, Montana, located in Government Lots 3 and 4 and the NE 1/4 of the SW 1/4 Section 29, T. 16 N., R. 14 W., with the owner of record being Big Sky Lake Company, Anton P. and Barbara J. Hollinger, with a total area of 7.44 net acres.

Agreement to Sell and Purchase

Chair Dussault signed an Agreement to Sell and Purchase between Missoula County and Jack Stevens for Lots 5,6,7 and 9 of Grantland #13, as per the terms set forth, for a total purchase price of \$70,000.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Agreement to Sell and Purchase

Chair Dussault signed an Agreement to Sell and Purchase between Missoula County and Marty Walters for SUID #5813227 Hillview Heights #7 Amended Plat of Lots 6 and 19, Lot 19, as per the terms set forth, for a total purchase price of \$31,920.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Resolution No. 91-034

The Board of County Commissioners signed Resolution No. 91-034, a resolution creating RSID No. 442, for the purpose of street paving for Clydesdale Lane in Missoula County, as per the terms set forth.

Permit

The Board of County Commissioners signed a Permit between Missoula County and Thomas C. and Diane M. Smith of Lot 1, Block 1, Black Rock Addition in the N. 1/2 SE 1/4 Section 17, T. 12 N. R. 17 W. in Missoula County to use a portion of Block 1 which is labeled "park" on the official recorded plat of the Black Rock Addition, for the purpose of providing pasture, agreeing to control the weeds and to maintain the existing fence around the property to contain animals grazing on the land, for a period of 10 years renewable at the option of the Board of County Commissioners.

APRIL 17, 1991 (continued)Notice of Sale of RSID Bonds

Chair Dussault signed the Notice of Sale of Bonds for RSID No. 442 (construction of street paving on Clydesdale Lane) in a total amount not to exceed \$41,000.00, setting the sale for Wednesday, May 15, 1991, at 1:30 p.m. in Room 201 of the Court-house Annex.

Notice Inviting Proposals for RSID No. 442

Chair Dussault signed a Notice Inviting Proposals for RSID No. 442 (construction of street paving on Clydesdale Lane), as per the terms set forth, setting the bid award for May 15, 1991, at 1:30 p.m.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:40 p.m. by Chair Ann Mary Dussault. Also present was Commissioner Barbara Evans.

CONTINUATION OF HEARING AND DECISION ON CREATION OF RSID NO. 439

Ann Mary Dussault explained that RSID No. 439 is construction of a paved access street on a portion of Elk Ridge Road. She said that testimony was taken at the Public Hearing last week, and asked if anyone cared to testify today.

Chris Field said he has lived at the end of Elk Ridge Road since 1967. He said the paving of the lower portion would not yield the proposed benefits. He said this will increase the average speed, make the road more dangerous in winter, and cost the County more to maintain because of a higher priority on plowing and sanding. He said he thinks its a mistake to pave it.

Bob Runke said he lives in the proposed district and was worried about the lack of provisions for fire protection during the construction period.

Chip Johnson of Stensatter, Druyvestein and Associates, engineer for the project, said provisions are being made for emergency vehicles during construction. There will be some closure of the road during construction, but it will be passable each evening and during certain periods during the day. He said they haven't developed the details of the schedule yet, but will be working with the County Road Department, the neighborhood and the contractor on that issue. This will be coordinated with the Rural Fire Department and ambulance service. He said normal traffic would not be able to move but an area could be cleared for emergency vehicles.

Chris Field asked if the contract had been let yet. The answer is no.

John DeVore, Administrative Officer, went through the process of how this RSID was proposed. He said that during the protest period no letters had been received from persons in the proposed district, and one letter had been received from a person outside of the proposed district.

Horace Brown, County Surveyor, spoke on the question of the proposed paving making the road more dangerous and more expensive for maintenance. He said the road would be chip sealed, which would take care of any slipping. Snow and ice on paved roads melt sooner than gravel; he may have to sand more in the morning, but less in the afternoons. He said there would be an increase in the cost of maintenance because paving is more difficult to maintain because of patching and sweeping, but the difference is not that much.

APRIL 17, 1991 (continued)

John DeVore then went through the history of this proposed RSID, including the fact that the County would contributed 30% in Aid to Construction because the area is in the air containment area.

Barbara Evans moved and Ann Mary Dussault seconded the motion to create RSID No. 439 for paving a portion of Elk Ridge Road with a 30% aid to construction contribution from the County. Motion carried on a vote of 2-0.

CONSIDERATION OF LINDA VISTA FIFTH SUPPLEMENT, PHASE 6 - FINAL PLAT

Barbara Martens, Office of Community Development, explained that on February 10, 1988 the County Commissioners approved the preliminary plat of Linda Vista Fifth Supplement subject to several conditions. On March 31, 1988, the County Commissioners voted to amend the conditions for preliminary plat approval. The condition which was amended refers to the utility lot, which was deeded as common area, subject to the easement for drainfield use and to five conditions. There are two remaining conditions to be met. This subdivision consists of fourteen single family lots on 12.67 acres. Of this, 6.37 acres will be lotted, 1.32 acres will be right-of-way, and 4.98 acres will be parkland dedication. The developer is including on this plat the entire 5.0 acre park, which was shown on the preliminary plat of Linda Vista Fifth Supplement. A portion of this park satisfies the park requirements for the Linda Vista Fifth Supplement Phases 5 and 6, and much of the park will be reserved to meet the park requirement for future subdivisions. Staff recommends that the final plat for Linda Vista Fifth Supplement be approved subject to the following conditions and the findings of fact:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. A park development and maintenance RSID shall be established for any dedicated parks.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the final plat of Linda Vista Fifth Supplement, Phase 6 based on the findings of fact contained in the staff report and subject to the following two conditions: (1.) Sanitary restrictions shall be lifted by State and local health authorities; and (2.) A park development and maintenance RSID shall be established for any dedicated parks. Motion carried on a vote of 2-0.

HEARING: REZONING REQUEST - LOLO VIEW MOBILE HOME PARK

Katherine Evans, Office of Community Development, explained that the Brauers are requesting rezoning in order to establish appropriate MH/Mobile Home District zoning on Lot 16 and expand their mobile home park on to Lot 15 in Cobban and Dinsmore's Orchard Homes #3. They presently have 28 mobile homes, 2 frame houses and a community building; they plan to place 21 mobile homes on Lot 15. The Consolidated Planning Board and OCD staff recommend approval with three conditions: (1) That the mobile home park be required to meet the subdivision requirements for mobile home parks (Article 3-10, Missoula County Subdivision Regulations); (2) That a buffer of trees be established along the western boundary of Lot 15 between the mobile home park and neighboring properties to the west; that a fence be constructed and additional trees be planed along Reserve Street to buffer and screen the mobile homes from the noise and pollution of the Reserve street arterial; (3) That the new street on Lot 15 from North Avenue be modified so that it connects with the older, existing portion of the mobile home park rather than ending in a cul-de

APRIL 17, 1991 (continued)

-sac. Katherine said this use is consistent with the Comprehensive Plan.

Letters in protest to this rezoning have been received from: Diliias Bennett, Gary Seiffert, Lawrence and Pearl Shaubert, Helen Price Swartz, Sara and Will Lustgraf, Glen and Sally Hoffman, Ron Bennett, Kathy M. Jensen, Elaine Hirning, and Marilyn and Don Church. One letter was received in support of the rezoning from the Rev. Wes Bartel. Also, one property owner has retracted his protest.

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to testify.

Fred Brauer, part owner and manager of the trailer court, assured the Commissioners and those opposing the rezoning that they have cooperated with all laws and planned the project to have as little impact as possible on residents and their properties. He gave a brief history of Lots 15 and 16, including the zoning history of the area. He said that since the highway department is expanding Reserve Street 68 feet to the west, he has had to remove 8 developed spaces. He said the new portion of the trailer court will have paved roads, City sewer, Mountain water, street lighting, as well as the 1900 sq. ft. community building for tenants' use. He said 25 feet will separate the court from all adjoining properties, and they are giving an easement of 24 to 30 feet to Missoula County to expand North Avenue to provide better safety to tenants and neighbors. He said there are 11 property owners adjacent to Lots 15 and 16, of which 8 support and 3 oppose the rezoning. There are 39 properties within 300 feet of the property, of which 34 support or have no opinion, and 5 oppose. The majority of those folks who signed in opposition moved into the area after the mobile home park was established.

John Brauer said they would not be here if the highway department wasn't removing their family business, which has been in operation for over 25 years. He said this has presented a bona fide hardship that he would like the Commissioners to recognize. In regard to the devaluation of property because of this, he said his property value in the area has increased by \$18,000. In regard to the traffic problems, they plan to fully cooperate with neighbors and grant an easement of 24 to 30 feet to alleviate any problems on North Avenue.

Mark Westveer said he is one of the tenants of the mobile home court but has no vested interest to protect. He and his wife have lived there since 1985 and feel it is a good place for young people starting out as well as retired folks. He said there is very little turnover in occupancy and spoke on the quality of the facility, citing the commendable job the owners and managers do in keeping the area clean and well-managed.

Johnny Larson said he was at the last meeting and there had been a lot of protesters. He asked if those protests were on record.

Ann Mary Dussault said yes, they are included in the minutes of the Planning Board meeting. Also on record are all the letters received by the Office of Community Development and the County Commissioners.

Herb Fisher asked if this rezoning would increase traffic on 26th Avenue.

Katherine Evans said they were mostly looking at traffic on North Avenue going out on Reserve and traffic from the schools, particularly C.S. Porter. She said only 10 mobile homes would

APRIL 17, 1991 (continued)

be using the new North Avenue exit. She said there will be four entrances/exits - two on North Avenue and two on Strand.

Fred Brauer said if there is a question of traffic on 26th, he is open to changing the design if it would help alleviate any traffic problems.

As there was no further testimony, the Public Hearing was closed.

Ann Mary Dussault asked what the maximum impact of development could be on the property, under the current zoning.

Katherine Evans said it is a 4.3 acre parcel, therefore 15.6 lots of 12,000 square feet each were possible. As duplexes are allowed under the current zoning, potentially 30 housing units could be put there.

Mike Sehestedt, Deputy County Attorney, had a question regarding the 30' right-of-way for North Avenue between the fences.

Horace Brown said the County has 30' on North Avenue. The Brauers will deed 24 to 30 feet to the County. He said 54' is acceptable; that would allow a 70' trailer in the court.

Marnie McClain, Deputy County Attorney, said it is not legal to exclude trailers from a residential area.

Barbara Evans asked if there should be any changes in the design of the proposed layout from a traffic standpoint.

Horace Brown said no, that would make the traffic worse. He said this project will not increase traffic that much on 26th.

Barbara Evans asked the size of the trees to be used for buffers.

Fred Brauer said they are 6 feet tall at this time, and will do the job to start with. They are Scotch Pines and will be planted in staggered rows 10 feet apart. He also said he thinks the State should put up the fence between the mobile home park and Reserve. He said they would be prepared to meet the requirement, if necessary, but they plan to negotiate with the State to establish the responsibility for the cost of the fence.

Barbara Evans said she would like to put a time limit on the fence issue, such as no later than the opening of the expanded Reserve Street for traffic.

Ann Mary Dussault said she had a question regarding the impact of the State highway project. Mr. Brauer stated they had lost 8 developed spaces, and she asked him where those trailer went. If they went to a different portion of the property, the spaces were not really lost.

John Brauer said they wanted to relocate those 8 trailers into the existing site as spaces became available. However, only one space became available, so the person who had lived there for 17 years was relocated to the vacated space. The rest went to other courts elsewhere in Missoula.

Ann Mary Dussault asked about the impact of traffic in the area and of any long-range plans.

Horace Brown said there would be no more problems here than anywhere else. He said they will chip seal the streets in the area, but there is no money to build any new streets. He said

APRIL 17, 1991 (continued)

this is as good a use of the land as any other would be, and traffic would be no worse than anywhere else.

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt a resolution of intent to rezone all of Lot 16 and a portion of Lot 15, Cobban and Dinsmore's Orchard Homes Addition #3 from Special District 2 (Lot 16) and Zoning District #12 (Lot 15) to MH/Mobile Home District based on the documentation contained in the staff report and subject to the following three conditions:

(1) That the mobile home park be required to meet the subdivision requirements for mobile home parks (Article 3-10, Missoula County Subdivision Regulations).

(2) That a buffer of trees be established along the western boundary of Lot 15 between the mobile home park and neighboring properties to the west; that a fence be constructed and additional trees be planed along Reserve Street to buffer and screen the mobile homes from the noise and pollution of the Reserve street arterial prior to the opening of the expanded Reserve Street for traffic.

(3) That the new street on Lot 15 from North Avenue be modified so that it connects with the older, existing portion of the mobile home park rather than ending in a cul-de-sac.

Motion carried on a vote of 2-0

Mike Sehestedt said this is a conflict area between two kinds of zoning. Z.D. #12 derives from old Chapter 41 zoning. S.D. #2 is from the newer Chapter 47 zoning. This rezoning can only be protested by property owners in S.D. #2 area. If 40% or more of the owners of property in S.D. #2 protest, the zoning could be defeated. There is no right of protest to defeat zoning in Z.D. #12. If 40% of property owners in S.D. #2 file written protests, the entire rezoning would be defeated.

Ann Mary Dussault explained that there is now a 30 day period for protest to this action. The Commissioners can only accept protests from those persons owning property in S.D. #2. The Commissioners will then assess if there is sufficient protest to block the zoning change. She said the continued use of S.D. #2 would remain the same; the current use would not change.

Resolution No. 91-035

The Commissioners then signed Resolution No. 91-035, a resolution of intent to rezone all of Lot 16 and a portion of Lot 15, Cobban and Dinsmore's Orchard Homes Addition #3, from Special District 2 (Lot 16) and Zoning District #12 (Lot 15) to MH/Mobile Home District.

HEARING: COS REVIEW - EXEMPTIONS - WILLIAM CIMINO

Marnie McClain explained that William Cimino has asked for an occasional sale and boundary relocation exemption for his property in Pattee Canyon. Previous divisions of property on this tract have left several remainders. Previous divisions include a court ordered division in 1978, an occasional sale in 1979, and an occasional sale in 1981. The proposed boundary relocation would add a small parcel located to the west of Dr. Cimino's residence to the parcel upon which the residence is located. The second split proposed is an occasional sale with a remainder.



APRIL 17, 1991 (continued)

Nick Kaufman, land use planner with Sorenson and Company, explained the history of the parcel and identified those previous exemptions and sales on a map. He answered questions regarding building sites and access roads.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant the request by William Cimino for an occasional sale and boundary relocation, finding no attempt to evade the Montana Subdivision act. Motion carried on a vote of 2-0.

Ann Mary Dussault said that it is her belief there is a pattern of evasion of the subdivision laws on this parcel, which was turned down under subdivision review some eleven years ago. She said it would serve no purpose to turn this down at this point, as it will now go before review of Zoning District #4.

OTHER BUSINESS: TURAH ESTATES SUMMARY PLAT - AMENDING CONDITIONS

Barbara Martens explained that the developer wishes to amend the condition of subdivision approval requiring the formation of a Property Owners Association to maintain Turah South Road No. 355, a/k/a Allen Creek Road. In lieu of the formation of the Property Owners Association, the developer has proposed a Road Maintenance Agreement for the road. In the opinion of the staff, this adequately addresses the need for maintenance of the private road. Given the size of this subdivision, a Property Owners Association is unnecessary in light of the proposed Road Maintenance agreement and Covenants. The developer shall record the Road Maintenance Agreement at the time the plat is filed. Barbara asked that condition #9 be deleted in its entirety; and that condition #8 be amended to read: "The covenants and restrictions shall bear the certification of the attorney who prepared or reviewed them that such attorney is licensed to practice law in the State of Montana and that they contain the applicable provisions required by these regulations and any provisions upon which plat approval was based or conditioned, and that the provisions do not conflict."

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the following amendments to the conditions of Turah Estates Summary Plat:

(1) Delete in its entirety Condition #9.

(2) Amend Condition #8 to read: "The covenants and restrictions shall bear the certification of the attorney who prepared or reviewed them that such attorney is licensed to practice law in the State of Montana and that they contain the applicable provisions required by these regulations and any provisions upon which plat approval was based or conditioned, and that the provisions do not conflict.

(3) The developer shall record the Road Maintenance agreement at the time the plat is filed.

Motion carried on a vote of 2-0.

Marnie McClain said that she is requesting that Condition #10 be deleted. This condition requires Forest Service permits prior to the filing of Turah Estates plat. She then read her memo dated April 17, 1991, in which she states that access to two lots of Turah Estates relies on an easement created in 1977 by Champion International. The grantee was the United States. The Commissioners have required that the developer obtain the necessary permits as required by the Forest Service prior to the filing of this plat. She said she has reviewed the original easement and it is her opinion that the subsequent purchasers of

APRIL 17, 1991 (continued)

the property will acquire the same interest in the easement as was held by Champion. Whether permits are needed is a matter to be resolved between the owners of the property and the Forest Service.

Barbara Evans moved and Ann Mary Dussault seconded the motion to delete Condition #10 of the Turah Estates Summary Plat based on the fact that the information contained in the memo from the Deputy County Attorney resolves the requirement. Motion carried on a vote of 2-0.

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

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APRIL 18, 1991

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was at the Legislative Session in Helena.


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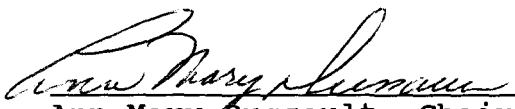
APRIL 19, 1991

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

Indemnity Bond

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Alan Egge, as principal for warrant 181221, dated April 19, 1991, on the Missoula County Payroll Fund in the amount of \$514.90 now unable to be found.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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APRIL 22, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Agricultural Lease

The Board of County Commissioners signed an Agricultural Lease between Missoula County and Earl M. Pruyn for a tract of land located in the N 1/2 of Section 1, T. 13 N., R. 20 W., the S 1/2 of Section 36, T. 14 N., R. 20 W., and all of Section 35, T. 14 N., R. 20 W., as per the terms set forth, for a term of three years, subject to the right of the County to sell any part or all of said property.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and The University of Montana for the purpose of conducting a Missoula air quality public opinion survey, as per the terms set forth, commencing April 1,

APRIL 22, 1991 (continued)

1991 and concluding by the 31st of May, 1991, for a total payment not to exceed \$1020.00. The contract was returned to the Health Department for further signatures and handling.

Other items included:

The Commissioners approved a memo, dated April 12, 1991, from John Pemberton, Director of Personnel and Labor Relations, to Peggy Carey, Payroll Technician, clarifying payroll procedures for exempt County employees.

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

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APRIL 23, 1991

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

Audit List

The Board of County Commissioners signed the Audit List, dated March 22, 1991, pages 8-40, with a grand total of \$917,836.30. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the plat for the Doherty-McBride Addition No. 1, a resubdivision of Lot 6 of Sol Acreage Tracts Subdivision, located in the NW 1/4 of the SW 1/4 of Section 8, T. 13 N. R. 20 W. PMM, Missoula County, with the owners/developers of record being Michael A. Doherty and Michael J. McBride.

Resolution No. 91-036

The Board of County Commissioners signed Resolution No. 91-036, a resolution creating RSID No. 439, for the purpose of construction of paved access street on a portion of Elk Ridge Road in Missoula County, as per the terms set forth.

Resolution No. 91-037

The Board of County Commissioners signed Resolution No. 91-037, a resolution creating RSID No. 440 for the purpose of construction of street improvements to 5th Street in Missoula County, as per the terms set forth.

Resolution No. 91-038

The Board of County Commissioners signed Resolution No. 91-038, a resolution creating RSID No. 441 for the purpose of construction of street improvements to Schilling Street and Alleyways, as per the terms set forth.

Resolution No. 91-039

The Board of County Commissioners signed Resolution No. 91-039, a budget amendment for FY'91 for Youth Court, including the following expenditures and revenue, and adopted it as part of the FY'91 budget:

APRIL 23, 1991 (continued)

<u>Description of Expenditure</u>	<u>Budget</u>
Home Arrest Grant:	
2180-340-420152-206 Computer Supplies	\$ 885.00

<u>Description of Revenue</u>	<u>Budget</u>
Home Arrest Grant:	
2180-340-333012	\$ 885.00

Other items included:

The Community Youth Activities Demonstration Program was discussed, and the Commissioners approved proceeding with it as a fundraiser for the animal shelter.

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

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APRIL 24, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfer requests and adopted them as part of the FY'91 budget:

- 1) No. 910021, a request from Risk Management to transfer \$750 from the Insurance/Fidelity Bonds account to the Capital - Technical Equipment account to purchase a laser jet printer;
- 2) No. 910023, a request from the Auditor to transfer \$700 from the Temporary Salaries account to the Capital account for the purpose of replacing a printer; and
- 3) No. 910025, a request from OCD to transfer \$360 from the Contracted Services account to the Temporary Salaries account for the purpose of obtaining a temporary secretary for 44 hours.

Other items included:

The Commissioners approved settlement of the Big Sky Security Lawsuit in the amount of \$700 as per the memo from Geoff Sutton, Chairman of the Museum Board of Trustees, dated April 12, 1991.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Commissioner Janet Stevens. Also present was Commissioner Barbara Evans. Janet welcomed special guests: Barb Martens' father from

APRIL 24, 1991 (continued)

Minnesota, and a Journalism class from the University of Montana.

BID AWARD: STATE HIGHWAY CONTRACT SPRAYING (WEED CONTROL)

Janet Stevens explained that this is a request to award the bid for highway roadside chemical noxious weed control. Two bids were received; however, Westmont Spray Service withdrew its bid after discovering a pricing error in the bid. Staff recommendation is to award the bid to Pioneer Weed Control for a total of \$16,216.20.

Barbara Evans had questions regarding the use of Tordon versus other types of herbicides, and the effect on the groundwater.

Bill Otten, Weed Department, explained that this is the most effective agent for knapweed and thistle control. He said there is no complete substitute for Tordon in this case. Also, there are no problems because of the low application rate. He said this should give us 3 years control.

Janet Stevens asked if there were regulations in regard to water areas that specified where we can and can't spray.

Bill Otten said yes, such as irrigation ditches and irrigated ground.

Barbara Evans asked if the company had adequate insurance to cover any problems.

Bill Otten said this requirement is written into the contract, and will be examined by Hal Luttschwager, County Risk Manager.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for State Highway contract spraying to Pioneer Weed Control in the amount of \$16,216.20. Motion carried on a vote of 2-0.

DECISION ON ADOPTION OF RESOLUTION TO REDEFINE PRECINCT BOUNDARIES IN MISSOULA COUNTY

Janet Stevens explained that this item had been postponed from last week to correct the legal description of the area under consideration. This is a request to approve revised precinct designations and boundaries. These changes are proposed to reflect the Missoula City Council ward redistricting and covered in Municipal Ordinance No. 2769 (April 1, 1991), and to recognize City annexations which have occurred since the adoption of County Resolution No. 89-030 (May 17, 1989). The review of City Council ward boundaries and City/County voter precinct boundaries occurs every two years, in an effort to adhere to the One Person-One Vote principal of law. On April 1, 1991, the Missoula City Council modified its ward boundaries based on population changes largely attributable to recent annexation actions. The process of shifting residents from County precincts to City precincts has identified the need to make a series of relatively minor adjustments to the precinct boundaries. After consulting with the County Elections Staff, the Office of Community Development staff recommends approval of the voter precinct boundaries as proposed and mapped, said map being available at the County Elections Office.

Wendy Cromwell, County Clerk and Recorder, said the City held a public hearing on this matter.

Barbara Evans moved and Janet Stevens seconded the motion to adopt the resolution to redefine precinct boundaries in Missoula

APRIL 24, 1991 (continued)

County based on the changes proposed by the Missoula City Council. Motion carried on a vote of 2-0.

Resolution No. 91-040

The Commissioners then signed Resolution No. 91-040, a resolution to redefine the boundaries of election precincts affected by City Council ward redistricting and City annexations.

APPROVAL OF UPDATED AIR POLLUTION REGULATIONS

Jim Carlson, Health Department, explained that the Montana Clean Air Act requires that local air pollution control programs provide for regulations that are compatible with, more stringent or more extensive than the State regulations. All of the amendments included in the proposal will comply with the State Clean Air Act and the requirements imposed by the Federal Clean Air Act with regard to the enforceability of State Implementation Plans. Staff recommends the approval of the proposed amendments; staff will forward them to the State Board of Health, upon execution of the accompanying resolution. He said we need to show compliance by making our program compatible with the State.

Barbara Evans asked if these amendments constituted any substantive changes in the Air Pollution Control Program.

Jim Carlson said no, the amendments ensure the laws in Missoula County are similar to those in the rest of the State. He said the only differences are administrative; there are no major differences in the standards themselves. A public hearing has been held on the proposed amendments.

Barbara Evans moved and Janet Stevens seconded the motion to approve the amendments to the Missoula City-County Air Pollution Control Program as presented in order to bring the Missoula City-County Air Pollution Control Program into compliance with State and Federal regulations. Motion carried on a vote of 2-0.

Resolution No. 91-041

The Commissioners then signed Resolution No. 91-041, a resolution amending the Missoula City-County Air Pollution Control Program.

CONSIDERATION OF GUSTAFSON ADDITION III, A RESUBDIVISION OF GUSTAFSON ADDITION II, LOT 5 - FINAL PLAT

Barbara Martens, Office of Community Development, explained that Gustafson Addition III, a resubdivision of Gustafson Addition II, Lot 5, consists of six single family lots on 4.18 acres. The property is located just north of St. Thomas Drive in the Upper Miller Creek area. The lots are all approximately one-half acre in size with the exception of Lot 5F, which is one acre in size. All conditions of preliminary plat approval have been satisfied. She said there have been three different subdivisions on this parcel. Staff recommends approval of this request.

Barbara Evans moved and Janet Stevens seconded the motion to approve the final plat of Gustafson Addition III, a resubdivision of Gustafson Addition II, Lot 5, based on the findings of fact contained in the staff report, finding it to be in the public interest to do so. Motion carried on a vote of 2-0.

APRIL 24, 1991 (continued)

CONSIDERATION OF LINDA VISTA SIXTH SUPPLEMENT & AMENDED PLAT OF LOT 10, BLOCK 2 OF LINDA VISTA THIRD SUPPLEMENT - SUMMARY PLAT

Barbara Martens explained that Linda Vista Sixth Supplement consists of five single family lots on 3.8 acres. Also proposed is a relocation of common boundary to amend Lot 10 of Linda Vista Third Supplement. The lots within Linda Vista Sixth Supplement range in size from 13,687 square feet to 33,820 square feet. Of the total 5.20 acres, 2.56 acres will be lotted, 0.82 acre will be roadway, 0.42 acre will be parkland dedication, and 1.40 acres will be to amend and relocate a boundary line to increase the size of Lot 10-A of Linda Vista Third Supplement, which abuts the Sixth Supplement. One condition recommended by staff is that prior to filing this subdivision, the developer shall comply with the previous condition for the rezoning of Linda Vista Fifth Supplement, which requires that the developer provide usable accesses to be approved by the Board of County Commissioners. Staff recommends that the summary plat for Linda Vista Sixth Supplement and the Amended Plat of Lot 10, Block 2, Linda Vista Third Supplement be approved subject to eight conditions and the findings of fact. Those eight conditions are: (1) Sanitary restrictions are lifted by State and local health authorities. (2) All lots shall apply to the County Surveyor's Office for approach permits. (3) Grading, drainage, erosional control, street and sidewalk plans shall be approved by the County Surveyor's Office. (4) The road sign for Timothy Court shall be installed by the developer, subject to the approval of the County Surveyor. (5) The developer shall place a one foot no access strip on the face of the plat along Linda Vista Boulevard, subject to the approval of the County Surveyor. (6) If street lights are installed, the street lighting plan shall be approved by Montana Power and the County Risk Manager. (7) A park development and maintenance RSID shall be established for any dedicated parks. (8) Prior to filing the plat of Linda Vista Sixth Supplement and the Amended Plat of Lot 10, Block 2, Linda Vista Third Supplement, the developer shall comply with the condition of the rezoning for Linda Vista Fifth Supplement as per the Board of County Commissioners' letter to Lloyd Twite dated February 10, 1988 and the written agreement to the Board of County Commissioners from Lloyd Twite dated April 20, 1989, and provide usable accesses to be approved by the Board of County Commissioners. The Office of Community Development has received comments from two residents in the area: one letter and one phone call. The concerns are: (1) access and alternative access roads; (2) further subdivision delayed until the County has a plan to abate the increase in traffic in the area; and (3) a concern over no bike/pedestrian facilities. The condition for the Linda Vista Fifth Supplement that mandated the developer place a statement on the plat that waived the right to protest the creation of the RSID for roads will also be incorporated in this Sixth Supplement.

Chip Johnson of Stensatter, Druyvestein and Associates said they concur with all the staff recommendations and have already started the necessary steps for compliance of several of those conditions.

Mike Sehestedt, Deputy County Attorney, said that until a usable access is provided, the developer cannot record this plat or sell any lots.

Barbara Evans said this is a passable access, not necessarily paved, curbs and gutters, etc.

Barbara Evans moved and Janet Stevens seconded the motion to approve the summary plat of Linda Vista Sixth Supplement and Amended Plat of Lot 10, Block 2 of Linda Vista Third Supplement

APRIL 24, 1991 (continued)

based on the findings of fact contained in the staff report and subject to the following eight conditions:

(1) Sanitary restrictions are lifted by State and local health authorities.

(2) All lots shall apply to the County Surveyor's Office for approach permits.

(3) Grading, drainage, erosional control, street and sidewalk plans shall be approved by the County Surveyor's Office.

(4) The road sign for Timothy Court shall be installed by the developer, subject to the approval of the County Surveyor.

(5) The developer shall place a one foot no access strip on the face of the plat along Linda Vista Boulevard, subject to the approval of the County Surveyor.

(6) If street lights are installed, the street lighting plan shall be approved by Montana Power and the County Risk Manager.

(7) A park development and maintenance RSID shall be established for any dedicated parks.

(8) Prior to filing the plat of Linda Vista Sixth Supplement and the Amended Plat of Lot 10, Block 2, Linda Vista Third Supplement, the developer shall comply with the condition of the rezoning for Linda Vista Fifth Supplement as per the Board of County Commissioners' letter to Lloyd Twite dated February 10, 1988 and the written agreement to the Board of County Commissioners from Lloyd Twite dated April 20, 1989, and provide usable accesses to be approved by the Board of County Commissioners.

Motion carried on a vote of 2-0.

HEARING: INTENT TO CREATE RSID NO. 443 - SEWER MAIN EXTENSION IN THE CARLINE AND BUTTE ADDITIONS

John DeVore, Administrative Officer, explained that a petition was received requesting the creation of an RSID to construct a sewer main in the Carline and Butte Additions. The Certificate of Freeholders documents 66% approval of the creation of the district. All statutory requirements were performed and only one letter of protest was received. Staff recommends creation of this RSID.

Janet Stevens open the Public Hearing and asked if anyone cared to testify.

Chip Johnson said this RSID starts at the intersection of South and Kemp and goes north one-half block on Kemp, then down the alley between South and Sussex. The project will be constructed this summer.

There being no further testimony, the Public Hearing was closed.

Barbara Evans moved and Janet Stevens seconded the motion to create RSID No. 443, sewer main extension in the Carline and Butte Additions, based on the fact that the percentage of those in favor of the creation of this RSID is greater than required and only one letter of protest was received. Motion carried on a vote of 2-0.

The Commissioners then answered questions from the Journalism class in attendance at the meeting.



APRIL 24, 1991 (continued)

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

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APRIL 25, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena all day.

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the plat for Rainbow Bend Estates Phase Two, a subdivision located in NE 1/4 of Section 10, T. 13 N. R. 17 W. PMM, in Missoula County, an area of 5.36 acres, with the owner and subdivider of record being Thomas and Jeanette Airport. \$1822.00 was received by the County Treasurer as cash-in-lieu of parkland.

Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein and Associates, for the purpose of making improvements to the lower portion of Elk Ridge Road to include approximately 2,400 feet of asphalt paving and drainage structures for RSID #439, as per the terms set forth, for a total payment not to exceed \$17,360.00.

Plat

The Board of County Commissioners signed the plat for Gustafson Addition III, a rural subdivision, a resubdivision of Gustafson Addition II, Lot 5, located in the NE 1/4 Section 12, T. 12 N. R. 20 W. PMM, in Missoula County, with the owners/developers of record being Clifford W. and Annette D. Gustafson.

Resolution No. 91-042

The Board of County Commissioners signed Resolution No. 91-042, a resolution creating RSID No. 443 for the purpose of construction of a sewer main extension in the Carline, Butte Additions in Missoula County, as per the terms set forth.

Proclamation

Acting Chairman Stevens signed a Proclamation, whereby Missoula County proclaims April 28, 1991, as Workers Memorial Day in recognition of workers killed, injured and disabled on the job. The Proclamation was returned to Lewis Ball and will be read on Workers Memorial Day.

Overhead Electric Right-of-Way Easement

Acting Chairman Stevens signed an Overhead Electric Right-of-Way Easement, whereby Sunlight Development Company grants to Montana Power Company a 20-foot wide easement upon which to construct, operate, maintain, replace and remove an electric powerline, communication system (that can be used for any purpose) and necessary appurtenances over, under, along and across certain property in Missoula County described as NE 1/4 SE 1/4 of Section 35, T. 14 N., R. 20 W., PMM, as per the terms set forth;

APRIL 25, 1991 (continued)

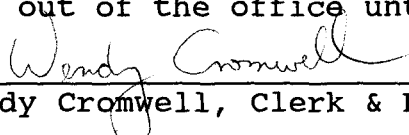
this easement is to supplement that certain easement filed in Book 319 of Micro, page 475, to include a portion of the legal description omitted from said easement. The easement was forwarded to the Clerk & Recorder's Office for filing and forwarding to Montana Power Company.

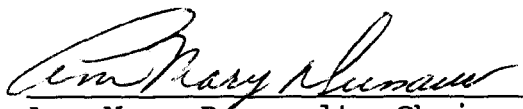
The minutes of the daily administrative meeting are on file in the Commissioners Office.

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APRIL 26, 1991

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

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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APRIL 29, 1991

The Board of County Commissioners met in regular session; all three members were present. The Commissioners traveled to Polson to attend the MACo District 10 and 11 Counties meeting being held there.

\* \* \* \* \*

APRIL 30, 1991

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated April 30, 1991, pages 8-38, with a grand total of \$152,056.46. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Acceptance of Grant

Chair Dussault signed acceptance of Grant Number 9066037, as per the terms and conditions set forth, awarded to Missoula County by the Board of Crime Control in the amount of \$25,908.75, with a guaranteed match of \$9,341.25, for a grant total of \$35,250.00, for the Community Care Youth Services Project. The Acceptance form was returned to Cindy Klette, Grants Coordinator, for further handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract dated March 30, 1991, between Missoula County and Coalition to Keep Every Youngster Safe, Inc. (KEYS), for start-up expenditures incurred in establishing a "Safety Town" for Missoula and surrounding rural areas for the purpose of providing education and hands-on experiences related to safety and accident prevention for children ages 3-14, as per the terms set forth, for the period from May 1, 1991 and concluding September

APRIL 30, 1991 (continued)

30, 1991, for a total payment not to exceed \$1,500.00. The Contract was returned to the Health Department for further signatures and handling.

Other items included:

The Commissioners approved settlement of a CDBG lien on Laurie Wheeler's property for the negotiated figure of \$4,500.00, as per the recommendation of Cindy Wulfekuhle, the Block Grants Coordinator (her memo dated April 30, 1991).

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

\* \* \* \* \*

MAY 1, 1992

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

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing fees and collections made in Missoula County for month ending April 20, 1991.

DAILY ADMINISTRATIVE MEETING

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

Earnest Money Receipt and Agreement to Sell and Purchase

The Board of County Commissioners signed an Earnest Money Receipt and Agreement to Sell and Purchase between Sunlight Development Company (Seller), Patagonia, Inc., a California corporation (Purchaser), and Missoula County (a body politic and a party to the Agreement by virtue of a lease option dated December 20, 1990, between Sunlight Development and Missoula County recorded on December 27, 1990, in Book 325 of micro records), whereby in consideration of Patagonia's payment to Sunlight of an earnest money deposit of \$25,000.00, the Seller agrees to sell and the Purchaser agrees to purchase certain unimproved, commercial real property located within Certificate of Survey No. 3858 and more particularly described in the Agreement and called the "Patagonia site", for a total purchase price of \$289,222.50 (to which the earnest money deposit shall be credited at closing) payable in cash at closing, as per the terms and conditions set forth in the Agreement. The Agreement was returned to John DeVore, County Administrative Officer, for further handling.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Vannoy Ranch Co. of Greenough, Montana, agreeing to pay Vannoy Ranch Co. \$.50 per cubic yard for gravel removed from the Vannoy ranch property, as required by Missoula County, as per the terms set forth, for a period of 12 months from the date of the Agreement with an extension of time if agreeable to both parties, if necessary.

Proclamation

The Board of County Commissioners signed a Proclamation designating the week of May 5-12, 1991, as Correctional Officer Week and call on the people of Missoula County to support and recognize the 20 Control Officers in the Missoula County Sheriff's Department.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chair Ann Mary Dussault. Also present were Commissioners Janet Stevens and Barbara Evans. There were no items on the agenda and no public comments. The meeting was adjourned at 1:31 p.m.

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MAY 2, 1991

The Board of County Commissioners met in regular session; all three members were present. The Commissioners and Pat O'Herren of the Rural Planning Office toured and met with residents of the Condon/Seeley Lake area during the day.

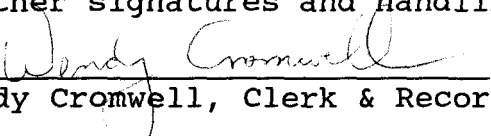
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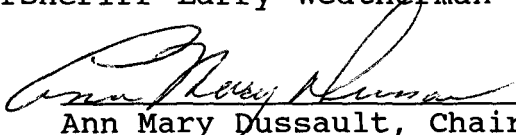
MAY 3, 1991

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

Subgrant Application

Chair Dussault signed the Subgrant Application being submitted by the Sheriff's Department to the State of Montana Board of Crime Control and Youth Services Council for the "Operation Crackdown" project in Missoula and surrounding counties for the period from July 1, 1991, through June 30, 1992, with Narcotics Control Enforcement being the type of funds requested. The application was returned to Undersheriff Larry Weatherman for further signatures and handling.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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MAY 6, 1991

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

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending April 30, 1991.

DAILY ADMINISTRATIVE MEETING

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

Grant Agreement

The Board of County Commissioners signed a Grant Agreement, dated April 26, 1991, between Missoula County and Extended Family Services, Inc. (aka Watson's Receiving Home for Children and Jack and Jill Nursery and Preschool), whereby the County was awarded a monetary grant in a principal amount up to \$155,502.00 by the Montana Department of Commerce under the Community Development Block Grant program for the purpose of renovating the Extended Family Services, Inc. facility located in the City of Missoula for use by the Extended Family Services Program for the provision of community services which benefit primarily children, the majority of whom are from low and moderate income households, enabling the Grantee to make modifications and repairs to its facility as required by State adopted Uniform Building and Fire Codes, as per the terms set forth. The Agreement was returned to Cindy Wulfekuhle, CDBG Coordinator, for further handling.

MAY 6, 1991 (continued)Proclamation

The Board of County Commissioners signed a Proclamation for the purpose of proclaiming the month of May, 1991 as Safety in the Streets Month and to realize safer streets ahead for all, urge the citizens of Missoula to wear safety belts and use child safety seats, wear bike helmets, refrain from driving impaired, yield the right of way, bike "right" with the flow of traffic, watch for walkers and walk alert.

Agreement to Sell and Purchase

Chair Dussault signed an Agreement to Sell and Purchase between Missoula County and Patricia J. Rawlings and/or assigns for Lot 25, Hillview Heights #7, SUID #5813281, as per the terms set forth, for a total purchase price of \$28,000.00. The Agreement was returned to Jim Dopp, Operations Officer, for further signatures and handling.

Agreement to Sell and Purchase

Chair Dussault signed an Agreement to Sell and Purchase between Missoula County and Edward R. Gallagher for property situated in Petty Creek, Missoula County, E 1/2 W 1/2 of Lot 3 N. of County Road, Plat B4 1-13-23, with a total of 6.95 acres, as per the terms set forth, for a total purchase price of \$4000.00. The Agreement was returned to Jim Dopp, Operations Officer, for further signatures and handling.

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit allowing the Department of Transportation, Federal Aviation Administration, and the Rocky Mountain Region to encroach upon a portion of County right-of-way located on Mullan Road near the intersection of Deshamps Lane, for the purpose of an airport lead-in light facility, for a period not to exceed 10 years renewable at the option of the County, as per the terms set forth.

Operating and Financial Plan

Chair Dussault signed an Operating and Financial Plan between Missoula County and the U.S. Forest Service, which becomes a part of the original agreement between the parties dated October of 1983, whereby the County agrees to have the Missoula County Sheriff's Department provide extra deputies to patrol Forest Service administered campgrounds and launching facilities from Memorial Day Weekend through September 2, 1991, as per the terms set forth, for the period from April 30, 1991, through September 30, 1991, with reimbursement from the Forest Service not to exceed a total \$19,000.00., with patrols for the month of October, 1991, dependent upon funds becoming available. The Agreement was returned to the Sheriff's Office for further handling.

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

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MAY 7, 1991

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

MAY 7, 1991 (continued)

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated May 7, 1991, pages 8-23, with a grand total of \$70,916.67. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 91-043

The Board of County Commissioners signed Resolution No. 91-043, a resolution abating the belated tax bill for SUID No. 1795048 (Bill No. 88035291) for the Valley of the Moon Ranch in the Rock Creek area because the property subject to this belated bill was sold prior to the issuance of this belated bill, and Section 15-8-601, MCA, limits belated assessments to those situations in which the property is still owned by the person who owned it when it escaped assessment.

Resolution No. 91-044

The Board of County Commissioners signed Resolution No. 91-044, a resolution annexing parcels of land in Sections 27, 28 and 35, Township 14 North, Range 23 West; Section 31, Township 14 North, Range 22 West; Sections 1, 10, 11, 13, 24 and 25, Township 13 North, Range 22 West as shown on the map attached to the petition for annexation which is on file in the County Clerk and Recorder's Office, and are to be assessed for said annexation a fire district levy along with other property already a part of said Petty Creek-Lothrop Fire District.

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

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MAY 8, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 91-045

The Board of County Commissioners signed Resolution No. 91-045, a budget amendment for FY'91 for the Health Department, including the following expenditures and revenue, and adopted it as part of the FY'91 budget:

<u>Description of Expenditure</u>	<u>From</u>	<u>Budget</u>	<u>To</u>
2270-613-444900-111 Perm. Salaries	\$163,328		\$175,186
2270-613-444900-141 Fringe Benefits	<u>39,623</u>		<u>42,765</u>
	\$202,951		\$217,951
<u>Description of Revenue</u>	<u>From</u>	<u>Revenue</u>	<u>To</u>
2270-613-331147 WIC	\$218,763		\$233,763

MAY 8, 1991 (continued)

An additional \$15,000 received for WIC Program from SDHES. Contract No. 310097-1, Catalog No. 10.557.

Resolution No. 91-046

The Board of County Commissioners signed Resolution No. 91-046, a budget amendment for FY'91 for the Health Department, including the following expenditures and revenue, and adopted it as part of the FY'91 budget:

<u>Description of Expenditure</u>	<u>From</u>	<u>Budget</u>	<u>To</u>	
2270-613-445600-111 Perm. Salaries	\$141,439		\$142,301	
2270-613-445600-112 Temp. Salaries	5,500		15,633	
2270-613-445600-141 Fringe Benefits	34,313		36,295	
2270-613-445600-357 Meals, Lodge, Incid	1,450		3,400	
2270-613-445600-361 Books, Res. Mat.	250		2,000	
2270-613-445600-362 Curriculum Mat.	100		1,880	
2270-613-445600-367 Tuition/Reg. Fees	958	\$184,010	2,859	\$204,368

<u>Description of Revenue</u>	<u>Revenue</u>
2270-613-331409 MCH Block Grant	\$ 60,308 \$ 80,666

Received additional funding from the SDHES. Contract No. 310157-01, Federal Catalog No. 13.994.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer request from the Office of Community Development and adopted it as part of the FY'92 budget:

No. 910026, a request to transfer \$600 from the Common Carrier account to the Capital account to replace a cash register.

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

WEEKLY PUBLIC MEETING

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

HEARING: PROPOSED CAPITAL IMPROVEMENTS PROGRAM FOR 1992-96

John DeVore, Administrative Officer, explained that the list of Capital Budget Projects, Table II, Page 2, would be revised because several items had been taken off or modified. Specifically, the Parks items have been deleted following an agreement with Jim Van Fossen, City Parks and Recreation Director; the Micro Camera amount would be reduced; and the jail projects would be revised.

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to testify. As there was no testimony, the Public Hearing will be continued on May 22nd and May 29th.

There being no further business to come before the Board, the Commissioners were in recess at 1:45 p.m.

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MAY 9, 1991

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

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Doug Chase, showing the items of fees and other collections on account of civil business in Missoula County for month ending April 30, 1991.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Paul Pilskalns as principal for warrant #106517, dated May 3, 1991, on the School District #1 Payroll Fund in the amount of \$23.55 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Quarterly Report

Chair Dussault signed the Montana Department of Health and Environmental Sciences State Fiscal Year '91 MCH Block Grant Quarterly Report for the third quarter (January-March, 1991). The report was returned to the Health Department for further handling.

Resolution No. 91-047

The Board of County Commissioners signed Resolution No. 91-047, a resolution adopting Personnel Policies and Addenda, superseding all other Personnel Policies and Amendments, effective May 9, 1991.

Amendment to an Interlocal Agreement

The Board of County Commissioners signed an Amendment to an Interlocal Agreement between the City of Missoula and Missoula County modifying an existing Interlocal Agreement dated October 21, 1986, pertaining to the cooperation to extend sewer service to portions of the Rattlesnake Valley in Missoula County, amending the Agreement to modify the distribution of funds collected as sanitary sewer rebate fees pursuant to Section 3. Financing, Paragraph 5., as contained in the Interlocal Agreement dated October 21, 1986, and the agreement shall be terminated automatically when the sanitary sewer rebate fees collected pursuant to this Interlocal Amendment are sufficient to repay the City for funds expended for the purchase of sewer development rights in the amount stated in Section 3 above.

Resolution No. 91-048

The Board of County Commissioners signed Resolution No. 91-048, a resolution of intention to create RSID No. 444 for the purpose of constructing street improvements on portions of the alley in Block 14 Bennett Addition between South 4th Street and South 5th Street; and the alley in Block 9 Bennett Addition between South 4th Street and South 5th Street in Missoula County, setting the hearing date for Wednesday, May 29, 1991, at 1:30 p.m.

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

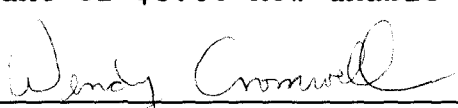
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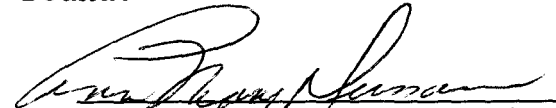
MAY 10, 1991

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Aaron Rolfson as principal for warrant #23648, dated March 8, 1991, on the Missoula County High Schools' Fund in the amount of \$5.00 now unable to be found.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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MAY 13, 1991

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

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MAY 14, 1991

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

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MAY 15, 1991

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

Audit List

The Board of County Commissioners signed the Audit List, dated May 14, 1991, pages 8-42, with a grand total of \$115,303.42. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Addendum to Contract

The Board of County Commissioners signed an Addendum to the Contract between Larchmont Golf Course, an enterprise fund of Missoula County, Robert Schuyler, a golf course manager, and Schuyler Golf Management, Inc. for the purpose of clarifying the relationships established by the contract, as per the covenants and provisions set forth, to assure the continued management and operation of the Golf Course.

Other items included:

- 1) the Commissioners appointed Keith A. Virga as a member of the Lolo Mosquito Control Board through December 31, 1993;

MAY 15, 1991 (continued)

- 2) the Commissioners reviewed the audit report of the records of the Missoula County Library for FY'90 and FY'91 (as of February 28, 1991) and forwarded the report to the Clerk & Recorder's Office for filing; and
- 3) the audit report for the Office of Community Development was reviewed by the Commissioners and forwarded to the Clerk & Recorder's Office for filing.

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #8 (3/31/91 through 4/13/91) with a total Missoula County Payroll of \$357,454.66. The Transmittal Sheet was returned to the Auditor's Office.

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #9 (4/14/91 through 4/27/91) with a total Missoula County Payroll of \$347,696.72. The Transmittal Sheet was returned to the Auditor's Office.

Contract

The Board of County Commissioners signed a contract between Missoula County and Karen Johnson for the purpose of secretarial services for the County Board of Adjustment as per the terms and compensation as set forth in the contract.

Contract

The Board of County Commissioners signed a contract between Missoula County and Charlie Vandam, an independent consultant, for the purpose of providing services for the Missoula Office of Community Development reviewing business licenses, building permits, floodplain permits and floodplain determinations, as per the terms set forth, from May 15, 1991 to June 30, 1991 or until the compensation limit is reached, whichever comes first.

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

WEEKLY PUBLIC MEETING

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

BID AWARD: BOND BIDS - RSID NO. 442 - STREET PAVING, CLYDESDALE LANE

Ann Mary Dussault explained that one bond bid was received for RSID #442, Clydesdale Lane paving, for \$41,000 as follows: H.R. Zitto, 8.1332%. Staff recommends awarding the bond bid to H.R. Zitto for the net effective interest rate of 8.1332%.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bond bid for RSID No. 442, Clydesdale Lane paving, for the net effective interest rate of 8.1332%. Motion carried on a vote of 3-0.

BID AWARD: CONSTRUCTION BIDS - RSID NO. 442 - STREET PAVING, CLYDESDALE LANE

MAY 15, 1991 (continued)

Ann Mary Dussault explained that three bids were received for RSID No. 442, Clydesdale Lane construction bids for street paving. The bids received were:

Western Materials	\$19,114.25
American Asphalt Co.	\$20,494.00
Jensen Paving Co.	\$25,017.35

Staff recommends awarding the construction bid for RSID No. 442, Clydesdale Lane paving, to Western Materials in the amount of \$19,114.25 as the lowest and best bid.

Barbara Evans moved and Janet Stevens seconded the motion to award the construction bid for RSID No. 442, Clydesdale Lane street paving, to Western Materials in the amount of \$19,114.25 as the lowest and best bid received. Motion carried on a vote of 3-0.

HEARING: REQUEST TO VACATE A PORTION OF KEMP STREET AND A PORTION OF ELEVENTH STREET, BLOCKS 80 & 81, DALY ADDITION NO. 2

Ann Mary Dussault explained that a petition has been received to vacate "2100 block of South 11th Street West and Kemp Street on the west side of blocks 12 & 13 located in Section 29, T13N, R19W, Daly Addition #2 from the 10 ft. east of block 80 on Kemp Street and the 10 ft. east of block 81 on Kemp Street, the 10 ft. south of block 80 on 11th Street and the 10 ft. north of block 81 on 11th Street, and further described as Daly's Addition #2, a portion thereof excepting that portion in block 80 and block 81 within the right-of-way of the alley." John L. Reinhard has initiated the petition because "In establishing this new boundary, I am hoping to discourage children from riding their bicycles across Kemp Street and up onto the lawn. I also hope to prevent people from crossing through the back corner of our property. This is a big aggravation to my ninety-year-old grandmother who lives at 2101 South Eleventh. This will provide the same privilege to the other land owners affected by this abandonment." One letter has been received in regard to this vacation from Chesley S. Angle. This letter is in support of part of the vacation, and in opposition to another part of the vacation. The letter reads as follows:

"In regard to vacating 10' of road in front of lots 9, 10, 11, Block 81, Daly Addition No. 2, house address 2145 11th St S W, I am opposed to this action.

I have my fence in, placed on the property line.

Vacating 10' of roadway would mean 10 X 75, 750 sq. ft. more property to pay taxes on.

If we would be allowed to move our fences to the curb, I would favor it, but moving the fence approximately half way to the curb seems to me to offer no advantage. In fact I like the position of the fence better where it is now, than where it would be, moved 10' north.

I would not oppose vacating 10' of the road on the corner of 11th and Kemp, for the one property numbered 2101 11th S W. This would accomplish the purpose desired for the 90 year old grandmother. She is a neighbor we are all proud of.

I see no reason for us all to have our property lines changed because of the desires of 2101 11th S.W. Give them permission to move their fence out 10'. That will solve the problem. I am confident none of the neighbors would object to that. If this was done nearer to the University, the fence, moved 10' further toward the street would probably be flattened in no time, but that is a pretty quiet area and should not present a hazard, at this location in Daly Addition.

Thank you for your concern for the 90 year old grandmother. Signed, Chesley S. Angle, Taxpayer."

MAY 15, 1991 (continued)

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to testify.

John Reinhard said he is the petitioner, and stated that more than half of the landowners affected have signed the petition.

Claudia Johnson said she lives on the southwest corner of 11th and Kemp and is in favor of the proposed vacation.

Horace Brown, County Surveyor, said he had no problem with abandoning on 11th Street but needs to look at Kemp in regard to future widening of the street. The County currently has an 80 ft. right-of-way; this proposed vacation will cut Kemp down to a 70 foot right-of-way.

John Reinhard said this has already happened further south on Kemp at Burlington. He said that across the alley to the south there are already established curbs and trees, so there would be lots of things that would have to happen if the street were widened.

There being no further testimony, the Public Hearing was closed.

Ann Mary Dussault explained that one Commissioner and the County Surveyor would inspect the site and a decision on this request would be made next Wednesday at the Public Meeting.

There being no further business to come before the Board, the Commissioners were in recess at 1:45 p.m.

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MAY 16, 1991

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left for Helena late in the forenoon to attend a Tax Coalition Meeting there in the afternoon.

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners sent a letter to Mayor Dan Kemmis recommending that Jeri Fisher be reappointed as the County's appointee member at large to the Building Code Board of Appeals; and
- 2) a letter was sent by the Commissioners to Sheriff Doug Chase (BCC-91-277) regarding his year-end expenditure request, providing a detailed list of the capital projects requiring specific approval that have been approved by the Commissioners.

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

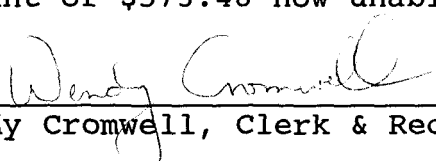
MAY 17, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Libby attending a Mental Health Board Meeting.

May 17, 1991 (continued)

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming James E. Thompson as principal for warrant #24909, dated May 1, 1991, on the Clerk of Court Trust Fund, in the amount of \$573.48 now unable to be found.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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MAY 20, 1991

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

Report of Intended Expenditures and Statement of Assurance

Chair Dussault signed the Maternal and Child Health Block Grant Report of Intended Expenditures and Statement of Assurance for the period from July 1, 1991, through June 30, 1992, as per the items set forth, stating that the County assures that maternal and child health block grant funds received from the Montana Department of Health and Environmental Sciences will be used for the stated purposes. The report was returned to the Health Department for forwarding to DHES.

Satellite Agreement

The Board of County Commissioners signed an Agreement between the Ravalli County Health Department in Hamilton and the Missoula City-County Health Department regarding the administrative and supervisory responsibilities for program operations and fiscal management of the Ravalli County WIC Program, as per the mutual covenants and stipulations set forth, for the period from July 1, 1991, through June 30, 1992.

Professional Engineering Services Agreement

The Board of County Commissioners signed a Professional Engineering Services Agreement between Missoula County and Stensatter, Druyvestein and Associates for the purpose of preliminary planning for the construction of improvements to an existing water system located near the Missoula International Airport, Momont, Patagonia Complex, as per the terms set forth, for a total payment not to exceed \$9,000.00.

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

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MAY 21, 1991

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated May 21, 1991, pages 8-34, with a grand total of \$83,428.74. The Audit List was returned to the Accounting Department.

MAY 21, 1991 (continued)DAILY ADMINISTRATIVE MEETING

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

Notice of Publication

Chair Dussault signed a Notice of Publication announcing that the Board of County Commissioners will hold a public hearing on a proposed resolution to continue to assess the 0.5% local option motor vehicle fee in FY'92 in accordance with MCA 61-3-537 and as amended by House Bill 312. The hearing will be held on June 5, 1991, at 1:30 p.m. in Room 201 of the Courthouse Annex.

Letter of Agreement

The Board of County Commissioners signed a Letter of Agreement between the Missoula County Board of Trustees for Museums and the United Peoples Foundation, and Powwow and Cultural Rendezvous Committee for the purpose of conducting a Powwow and Cultural Rendezvous on the grounds of the Historical Museum at Fort Missoula, August 8-12, 1991, per the terms and conditions as set forth. The Agreement was returned to the Historical Museum for further handling.

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

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MAY 22, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Quitclaim Deed

The Board of County Commissioners signed a Quitclaim Deed from Missoula County to Edward R. Gallagher, for the premises described as E. 1/2 W. 1/2 of Lot 3, N. of County Road, Plat B4 1-13-23, with a total acreage of 6.96 acres. The deed was returned to Jim Dopp, Operations Officer, for further handling. The minutes of the daily administrative meeting are on file in the Commissioners Office.

WEEKLY PUBLIC MEETING

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

BID AWARD: LEGAL ADVERTISING - MISSOULA COUNTY

Ann Mary Dussault explained that this is a request to award the bid for legal advertising for Fiscal Year 1992. The single bid received for legal advertising was from the Missoulia as follows:

1. Legal Advertising
  - a. Per unit first insertion: \$6.00
  - b. Per unit each subsequent insertion: \$4.00

MAY 22, 1991 (continued)

2. Rule and Figure Work
    - a. Per unit first insertion: \$8.00
    - b. Per unit each subsequent insertion: \$4.00
- No discounts offered.

Staff recommends awarding the bid for legal advertising to The Missoulian for Fiscal Year 1992.

Janet Stevens moved and Barbara Evans seconded the motion to award the bid for legal advertising for Fiscal Year 1992 to The Missoulian. Motion carried on a vote of 3-0.

DECISION ON: REQUEST TO VACATE A PORTION OF KEMP STREET AND A PORTION OF ELEVENTH STREET, BLOCKS 80 & 81, DALY ADDITION NO. 2

Ann Mary Dussault explained that a hearing was held on this proposed vacation on May 15, 1991. Janet Stevens and Horace Brown visited the site on May 20, 1991.

Janet Stevens said after visiting the site, it is in the best interests of those involved to vacate as requested because of several existing encroachments on the right-of-way. This will still leave 70 feet for roadway construction.

Horace Brown said this will leave a 60 foot right-of-way on Eleventh Street because the vacation is 10 feet on each side.

Janet Stevens moved and Barbara Evans seconded the motion to vacate portions of Kemp and Eleventh Streets, Blocks 80 & 81, Daly Addition No. 2 as requested, finding it to be in the public interest to do so. Motion carried on a vote of 3-0.

CONSIDERATION OF RIVERBOTTOM SUBDIVISION - SUMMARY PLAT

Barbara Martens, Office of Community Development, explained that the Riverbottom Subdivision is a proposed three single family lot subdivision on 17.88 acres in Lolo. Lot 1 is 12.31 acres, Lot 2 is 2.59 acres, and Lot 3 is 2.98 acres. The property is located directly east of Lakewood Estates Phases 2a and 2b and directly to the west of the Bitterroot River in Lolo. The proposed subdivision is north of River Road and all of the lots will access onto the existing Red Fox Road. All lots will connect to Lolo sewer and water. The property lies within the 100 year floodplain and within Zoning District #41-A. Staff recommends the summary plat be approved subjects to the following six conditions and the findings of facts as stated in the staff report:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. Floodplain permits shall be obtained for the lots prior to construction of the homes.
3. Approach permits shall be obtained for the driveways from the County Surveyor.
4. Driveways shall be paved a minimum of twenty feet (20') back from the roadway. These driveways shall be provided for at the time the lots are built on or in the covenants for each lot.
5. Excavation permits shall be obtained from the County Surveyor prior to installation of all services to the lots.
6. The Covenants and Restrictions shall bear the certification of the attorney who prepared or reviewed them that such



MAY 22, 1991 (continued)

attorney is licensed to practice law in the State of Montana, and further that the documents contain the applicable provisions required by these regulations and any other provisions upon which plat approval was based or conditioned and that the provisions do not conflict.

Barb said they had received two adverse comments. One was from Amy O'Herren, Rural Planner, the other was from the Department of Fish, Wildlife and Parks.

Dick Ainsworth from Professional Consultants, Inc., said he was representing the developer, Mike Turner, and that they agreed to the six conditions. He said that after the packet was sent to agencies for review, the developer has submitted a draft of proposed covenants addressing the concerns stated by Rural Planning and the Department of Fish, Wildlife and Parks. He suggested that the Commissioners either approve the subdivision with the condition that they iron out the language regarding the conservation easement, or postpone action for a week until that can be worked out.

The public hearing was opened for comment.

Those persons speaking against the approval of this subdivision were John Morse, Bob Delaney, Steve Longpre and Dale Risley. Their concerns included the breach in the dike between Lake Lolo and the subdivision and the potential flood situation, the wildlife in the area, and limited visibility and narrowness of the road.

As there was no further testimony, the public hearing was closed.

Dick Ainsworth then described the geography of the area including the fact that it was in the 100 year floodplain, gave a history of the area including the fact that all the homes in the area are built on filled land, explained the suit filed by Rodeo Ranchettes in regard to the dike and why the breach can't be repaired. He said the developer has to be within the rules of the floodplain regulations and that the road is up to County standards and is paved with curbs and gutters. He said that FEMA says you can fill the entire area of the 100 year flood fringe of the Bitterroot River and only increase the river level by 1/2 foot.

Bobbie Boege said the wetlands area is governed by Federal, not state, government.

Ann Mary Dussault said they had received a letter from the Montana Riparian Association addressing that particular issue.

Janet Stevens moved and Barbara Evans seconded the motion to postpone a decision on the approval of this subdivision until May 29th to give all parties involved time to work through the environmental issues regarding a conservation easement. Motion carried on a vote of 3-0.

Ann Mary Dussault explained that this does not indicate support or lack of support for the project. She said we must settle the environmental issue before the Commissioners can move on to the final question.

MAY 22, 1991 (continued)

HEARING: STRATHMORE PARK - PLANNED VARIATION AND PRELIMINARY PLAT

Pat Keiley, Office of Community Development, explained that Strathmore Park would provide eighteen two-family units on eighteen lots. The Planned Variation has been requested by the applicant to (1) reduce the front yard setback from 25 ft. to 20 ft. on Strathmore Court, a reduction of 20%; (2) reduce the minimum lot size from 15,000 sq. ft. to 10,000 sq. ft., a reduction of 20%; and (3) increase the density from 34 dwelling units to 36 dwelling units, an increase of 6%. The total area of the parcel is 8.54 acres, which includes a 1.2 acre interior common area. The parcel is located just southeast of the Reserve Street Overpass of the Old Milwaukee Railroad tracks. Reserve Street forms the west boundary of the site, while the previously abandoned Milwaukee Railroad, now under private ownership, forms the north boundary. The property is described as a portion of Lots 38-40, Cobban and Dinsmore's Orchard Homes, and is zoned "C-RR3", residential. This zoning allows two-family uses as a Special Exception, requiring approval by the Missoula County Board of Adjustment. On April 17, 1991, the Board of Adjustment approved a Special Exception Use Permit to allow the construction of 18 two-family units (called Strathmore Park), based on the findings of fact and subject to seven conditions contained in the staff report.

The current requests are for a Planned Variation and Subdivision. The proposed Planned Variation conforms to the County Zoning Resolution's Planned Variation space and bulk modifications. The proposed Subdivision conforms to the County Subdivision Regulations, subject to several conditions. The OCD staff finds no conflict between the proposal and the land use regulations outlined in the County Zoning Resolution. Review agencies consulted have identified no problems with the building request. Adjacent landowners have expressed considerable opposition to the proposed development, with major concerns including duplexes vs. single-family structures, rental vs. owner occupied structures, overcrowding the land, and increased traffic, crime and pollution.

The Planning Board held a public hearing on May 7, 1991 and recommended that the proposed Planned Variation and Subdivision be denied, based on the Planning Board's revised findings of fact. The Office of Community Development has recommended that the proposed Planned Variation and Subdivision be approved.

Nick Kaufman, Land Use Planner for Sorenson and Company, said he was appearing for the developers. He gave some background on the developers including pictures of properties they already own or manage and letters from present tenants. He explained that the construction will exceed all codes of insulation. He said they are willing to put in trees on the other two lots on the south side of the property. Forty-three percent of the existing buildings in the area are multi-family, including duplexes. This proposed subdivision is designed to be a rental project with the option of selling the lots in the futures. He said the covenants will be in reserve until a lot is sold. This is an investment in upgrading the area. This will include re-grading the irrigation ditch so it can be mowed, and fencing it off to prevent accidents. He said they would be submitting landscaping plans with the final plat.

Ann Mary Dussault opened the public hearing and asked if anyone cared to testify.

MAY 22, 1991 (continued)

Those persons testify in favor of this issue were Jerry Marble, David Owen, Bob Wuttke, Jim Caras, Wally Congdon, Collin Bangs, Ed Pribyl, Tom Burditt, Daphne Jones, Paul Able, Mike Wamsley, and Jerry Ford. In addition, the Commissioners received letters in support from Collin Bangs and Lee Yelin. Also, a petition in support was received with 112 signatures.

Those persons testifying against the issue were Ted Hess-Homeier, Sue Jensen, Eileen Goulett, Don Stinger, Arwood Stickney, and Barbara Risland. In addition, letters in opposition were received by the Commissioners from Barbara and Melvin Risland, Cheryl Schatz, Donald and Azara Stinger, and Ted Hess-Homeier on behalf of Frank and Mittie Carroll. Also, a petition was received with 68 signatures. Telephone calls in opposition were received from Cathy Schindler, Jerry Orr, and Karen Campfield.

Horace Brown, County Surveyor, said that Third and Reserve Streets will be widened, including turn lanes east and west, as part of the Reserve Street project. Davis Street is a normal-width street, but there are no sidewalks.

Barbara Evans moved and Janet Stevens seconded the motion to approve the request for a Planned Variation on Strathmore Park subdivision to (1) reduce the front yard setback from 25 feet to 20 feet on Strathmore Court; (2) reduce the minimum lot size from 15,000 square feet to 10,000 square feet; and (3) increase the density from 34 dwelling units to 36 dwelling units. This approval is granted subject to the seven conditions set forth in the staff report, with an added condition that buffering be extended to include the Southern boundary of said subdivision. Motion carried on a vote of 3-0.

Barbara Evans moved and Janet Stevens seconded the motion to approve the Preliminary Plat of Strathmore Park subdivision based on the findings of fact contained in the staff report and subject to the following thirteen (13) conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. Grading, drainage, erosion control, street, and sidewalk plans shall be approved by the County Surveyor and City Engineer and installed in accordance with submitted and approved plans.
3. The developer shall provide easements for utilities in the appropriate areas. The developer shall also show the easement for the irrigation ditch on the face of the plat. The ditch easement location shall be approved by the Orchard Homes Ditch Company.
4. Approach permits shall be applied for and granted by the County Surveyor's Office.
5. Fire hydrant locations shall be approved by the Missoula Fire Department. The off-set cul-de-sac shall be approved by the Fire Department.
6. Five foot (5') wide sidewalks shall be provided on both sides of Strathmore Court.
7. The developer shall include a statement on the plat and in each instrument of conveyance which states that acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future RSID or SID for the upgrading of Davis Street and may be used in lieu of their signature on an RSID or SID petition.

MAY 22, 1991 (continued)

8. The driveway for Lot 2 and Lot 3 shall be common along the boundary between the two lots and access onto Davis Street at this point.

9. All driveways shall be paved.

10. The developer shall relabel the park area on the plat to common area.

11. The Property-owners' Articles of Incorporation, By-laws, Covenants and Restrictions shall bear the certification of the attorney who prepared or reviewed them, that such attorney is licensed to practice law in the state of Montana, and that they contain the applicable provision required by the Missoula County Subdivision Regulations, and any provisions upon which plat approval was based or conditioned and that the provisions do not conflict.

12. The Articles of Incorporation and By-laws for the Property-owners' Association shall show proof of filing with the Secretary of State.

13. The developer shall submit a rental agreement that provides for those items identified at Sections 8, 9, 10, 12, 14, 16, 17, 19, 20, 21, 24, and 26 of the Covenants, subject to the approval of the Missoula County Attorney's office.

Motion carried on a vote of 3-0.

Barbara Evans said that she realizes there are people who live out there who are not going to be happy but they need to understand that there are rules the Commissioners must follow, the same as there are rules the developers must follow. It does not make sense to have rules that have developed over several years of public input if we do not pay attention to those. People who come in to buy that property have every right to assume that the rules will be the rules today and the rules tomorrow. And to say in the middle of it that the rules are going to be thrown out because the public doesn't like it - I can't do that. The rules, by law, allow us one component of expressed public opinion. We take that into consideration along with everything else. There is a list of roughly 40 regulations or conditions that the developer must meet. They have met them. It would not be fair in my mind to say sorry, you have met the rules but we're going to change the rules in the middle of the game. I'm not going to do that.

Ann Mary Dussault said that she thinks this hearing has clarified the fact that the real decision before this Board is whether to allow the construction of 17 units or the construction of 18 units.

She said the Commissioners would be happy to clarify that issue with other residents if they want to contact this office.

CONTINUATION OF HEARING: PROPOSED CIP FOR 1992-96

Ann Mary Dussault explained that this is a continuation of the hearing on the proposed Capital Improvements Program; the final hearing and decision will held on May 29, 1991. She opened the public hearing and asked if anyone cared to testify. As there was no testimony, the public hearing was closed.

There being no further business to come before the Board, the Commissioners were in recess at 4:30 p.m.

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MAY 23, 1991

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

Indemnity Bond

Acting Chairman Barbara Evans examined, approved and ordered filed an Indemnity Bond naming Carol Heidemann as principal for warrant #23559, dated March 8, 1991, on the District Court Fund in the amount of \$300.00 now unable to be found. exceed \$20,636.00.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 91-049

The Board of County Commissioners signed Resolution No. 91-049, a resolution fixing fees of the Sheriff for service of process in civil cases, as per the fee schedule attached to the resolution, effective in Missoula County on July 1, 1991.

Resolution No. 91-050

The Board of County Commissioners signed Resolution No. 91-050, a resolution to rezone all of Lot 16 and a portion of Lot 15, Cobban and Dinsmore's Orchard Homes Addition #3 in Section 30, T.13 N., R 19 W. P.M.M., and legally described in the attachment to the resolution, from special District 2 (Lot 16) and Zoning District #12 (Lot 15) to MH/Mobile Home District.

Agreement

The Board of County Commissioners signed an Agreement between the Missoula City-County Health Department and the Frenchtown School District for the purpose of providing a Public Health Nurse and school health services, as per the items set forth, effective August 26, 1991 through June 5, 1992, for a total payment not to exceed \$20,636.00.

Other items included:

The Commissioners met with Risk Manager, Hal Luttschwager, and concurred with his recommendations regarding the following settlements:

- 1) Amy Tallant's claim regarding an injury on 3/24/91 in the Missoula County Jail - proposed settlement payment in the amount of \$250 in exchange for a release of all claims; and
- 2) Donna Marry's claim of 4-29-91 for damage caused by Sheriff's vehicle - rejecting claim as County has no legal obligation as she did not yield right-of-way to cruiser unit.

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

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MAY 24, 1991

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

Wendy Cromwell  
Wendy Cromwell, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

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MAY 27, 1991

The Courthouse was closed for the Memorial Day Observed holiday.

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MAY 28, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Service Contract

Chair Dussault signed a Service Contract between Mineral County and the Missoula County Superintendent of Schools, who will perform the duties required of County Superintendents in Mineral County for the period from July 1, 1991, to June 30, 1992, as per the terms set forth, for a payment by Mineral County to the Missoula County General Fund at a yearly rate of \$3,300.00 for these services. The Contract was returned to Rachel Vielleux, County Superintendent of Schools for further signatures and handling.

Resolution No. 91-051

The Board of County Commissioners signed Resolution No. 91-051, a resolution to vacate the road of the 2100 block of South 11th Street West and Kemp Street located in Section 29, T13N, R19W Daly's Addition #2 and shown on the Exhibit attached to the Resolution.

Winter Road Maintenance Agreement

The Board of County Commissioners signed a Winter Road Maintenance Agreement between Missoula County and Lake County for the purpose of cooperating in the exchange of winter maintenance on roads in Lake and Missoula County, as set forth for the 1991-1992 winter maintenance season. The Agreement was returned to the Surveyor's Office for forwarding to Lake County for signatures.

Resolution No. 91-052

The Board of County Commissioners signed Resolution No. 91-052, a resolution accepting an easement for public road and all other public purposes from Champion International Corporation, a corporation of the State of New York, for the Deer Creek Road located in a portion of the SE 1/4 of Section 20, the SW 1/4 of Section 21, the W 1/2 of Section 28 and SE 1/4 of Section 29, all in Township 13 North, Range 18 West, Principal Meridian, Montana, Missoula County, Montana.

MAY 28, 1991 (continued)Permit for Advertising Structures

The Board of County Commissioners signed a permit for Advertising Structures, dated June 15, 1991, between Missoula County and Hardenburgh Outdoor Advertising Company for the purpose of granting permission to Hardenburgh for the exclusive right to erect and maintain outdoor advertising structures and to place or replace advertising signs upon land owned by Missoula County, located in Townships 13 and 14 North, Range 20 West, PMM, a strip of land 100 feet wide lying along and adjacent to Interstate Highway No. 90, as per the terms set forth, in the amount of \$350.00 for each sign structure placed on said property, effective until June 15, 1996. The Agreement was returned to John DeVore, Administrative Officer for further signatures and handling.

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

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MAY 29, 1991

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated May 29, 1991, pages 8-36, with a grand total of \$119,303.58. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Jean Keegan as principal for warrant #602, dated May 13, 1991, on the Missoula County Payroll 86 General Fund in the amount of \$144.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 91-054

The Board of County Commissioners signed Resolution No. 91-054, a resolution designating the Missoula Cultural Exchange as an official cultural agency in Missoula County to provide such advice, guidance and planning assistance to the Board of Commissioners on cultural affairs as may be appropriate in overall community development.

Budget Transfer

The Board of County Commissioners approved and signed Budget Transfer No. 910027, a request from the Sheriff's Department to transfer \$19,390.00 from various accounts (listed on attachment to original budget transfer in the budget files) to the Capital Improvements account to purchase end of the year enhancements for the Sheriff's Department.

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

MAY 29, 1991 (continued)WEEKLY PUBLIC MEETING

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

DECISION ON RIVERBOTTOM SUBDIVISION - SUMMARY PLAT

Ann Mary Dussault explained that this item had been postponed from the Public Meeting of May 22, 1991, so that questions regarding the wetland status of the property could be researched as well as a conservation agreement drafted.

Dick Ainsworth, representing the developer, said he had met with Amy O'Herren, Rural Planner, yesterday afternoon regarding the conservation easement on the property, granting it to Missoula County and describing the non-acceptable stipulations put on the property. Amy will draft a conservation easement. He said he would like the subdivision approved subject to the conditions outlined in the staff report and the final language of the conservation easement.

Amy O'Herren, Rural Planner, said the conservation easement was designed for the protection of natural resources on the property. It will include keeping nesting trees intact, hunting limited to owner approval, no removal of natural vegetation, and other conditions similar to other easement the County presently holds. She said it would take another month to complete the easement.

A discussion followed regarding the wetland status of the property, the role of the Corps of Engineers in the subdivision process, the protection of property buyers, tax benefits, deadlines for Commissioners' approval, and if--in fact--a subdivision can occur at this location.

Barbara Evans moved and Janet Stevens seconded the motion that, after reviewing the public testimony and the additional information regarding the Federal Clean Water Act, the Board of County Commissioners defer any action on the proposed Riverbottom Subdivision until the Corp of Engineers has determined that a subdivision can occur in this area, all questions regarding the wetland issues are addressed, and a conservation easement has been reviewed and approved by the Board of County Commissioners. Motion carried on a vote of 2-1 with Chair Ann Mary Dussault voting against this motion.

Barbara Evans said she is concerned about the wetlands but is also concerned about the rights of a person to develop his own land. She feels she is sitting on a fence here, and it's not a comfortable fence. She said that because they have delayed action on this does not mean there will be a no vote on this sometime in the future.

Janet Stevens told the residents of the area that if their project was here today it would be looked at with the same kind of scrutiny because they are sitting on the same kind of land this guy is and that doesn't make her feel very good - that they are complaining about this project when they are sitting on the same kind of land.

Ann Mary Dussault said it is her intention to vote on this motion because she does not intend to support this project. She said that even if you go through this long process and even if



MAY 29, 1991 (continued)

the Corp of Engineers o.k.'s this project, and even if they develop a mitigation plan, it is highly unlikely that she will concur that in this case we ought to be subdividing bottom land.

She said she doesn't want to deceive anyone into believing that there will be a unanimous vote on this issue when it come before the Board of County Commissioners. She said she intends to vote no on the subdivision question when it is brought up. She feels the Board made a mistake when they approved allowing subdivisions to occur in bottom land by filling that land above flood plain status. That was an issue that was done a long time ago.

Dick Ainsworth said that if the Commissioners really feel that way, they should change the floodplain regulations so that they do not lead one to believe it's o.k. to develop in the flood fringe.

Ann Mary Dussault said the difference, however, in this one is that the lots are in the floodway. There is too much evidence that the river channel is moving, and it is moving towards these lots and that's part of the judgement whoever sits on the Board of County Commissioners ought to make and discriminate between Project A and Project B. That is why, in this particular case, you will not see a positive vote from her, because judgement suggests this is not a good idea.

HEARING ON A RESOLUTION OF INTENT TO CREATE RSID NO. 444 - STREET IMPROVEMENTS ON PORTIONS OF THE ALLEY IN BLOCK 14, BENNETT ADDITION, BETWEEN SOUTH 4TH AND SOUTH 5TH STREETS; AND THE ALLEY IN BLOCK 9, BENNETT ADDITION, BETWEEN SOUTH 4TH AND SOUTH 5TH STREETS

Ann Mary Dussault explained that a petition has been received requesting the creation of an RSID to construct street improvements to the above referenced alleys. The Certificate of Freeholders documented 46% approval of the creation of the district and that 46% represents 80% of the assessable property. All statutory requirements were performed. The petition also requested Aid-to-Construction for FY'92, if available. The district resides in the dust abatement area. Staff recommends creation of RSID No. 444.

Jim Dopp, Operations Officer, said that there had been no letters of protest received. He said the County would like to package this with two other RSID paving projects in the area. Aid-to-Construction would reduce the cost of about \$689 per lot to about \$482 per lot.

Those persons for the creation of the RSID were Steve Ryan, a Freeholder in this project, and Terry Forest from Stensatter, Druyvestein, engineers for the projects. Terry said they preferred to do all three projects at the same time.

Janet Stevens moved and Barbara Evans seconded the motion to approve the creation of RSID No. 444, street improvements on portions of the alley in Block 14, Bennett Addition, between South 4th and South 5th Streets, and the alley in Block 9, Bennett Addition, between South 4th and South 5th Streets. Motion carried on a vote of 3-0.

CONTINUATION OF HEARING AND DECISION ON PROPOSED CAPITAL IMPROVEMENTS PROGRAM FOR 1992-1996

Ann Mary Dussault explained that this is the third and final hearing on the proposed CIP for 1992-96. She opened the public

MAY 29, 1991 (continued)

hearing and asked if anyone cared to testify. As there was no testimony, the public hearing was closed.

Janet Stevens moved and Barbara Evans seconded the motion to approve the Capital Improvements Program for 1992-1996 as submitted. Motion carried on a vote of 3-0.

PUBLIC COMMENT

Will Snodgrass of Missoulians for a Clean Environment spoke to the Commissioners about toxic chemicals, specifically those used by County departments. Ann Mary Dussault said the Commissioners are willing to meet with him at some future date to discuss this issue, but asked Mr. Snodgrass to talk to Gerry Marks at the County Extension Office and Jim Carlson at the County Health Department prior to scheduling a meeting, as the Commissioners depend on those folks to bring recommendations to them.

As there was no further business to come before the Board, the Commissioners were in recess in 2:30 p.m.

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MAY 30, 1991

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

Resolution No. 91-053

The Board of County Commissioners signed Resolution No. 91-053, a resolution to accepting for easement from Thomas H. and Dani C. McLaughlin, for public road and all other public purposes, located in a portion of Lot 7, Block 2, Clark Fork Estates Phase 1 lying in the NW 1/4 of Section 14, Township 13 North, Range 20 West, Principal Meridian, Montana, Missoula County, Montana, to be used for the Frey Lane cul-de-sac.

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MAY 31, 1991

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Bozeman attending an I-90 Corridor Meeting; Commissioner Stevens was out of the office all day; and Commissioner Evans was out of the office until noon.

Wendy Cromwell  
Wendy Cromwell, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*

JUNE 3, 1991

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

DAILY ADMINISTRATIVE MEETING

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

Certificate of Survey

The Board of County Commissioners signed a Certificate of Survey showing an agricultural exemption tract and a remainder tract in Government Lot 3 of Section 1, T. 11 N., R. 21 W., PMM, Missoula County, for Richard L. and Charles H. Johnson, owners, who certify that the purpose of this division of land is to transfer ownership of the tract created (Tract B-2-A) as an agricultural tract, and that the land will remain in agricultural use, and that this survey is exempt from review as a subdivision.

Service Agreement

Chair Dussault signed an Inmate Telephone Service Agreement between Missoula County Detention Center and US West Communications, Inc. for the purpose of installing inmate telephones, associated equipment, wiring, hardware, and enclosures at locations mutually agreed upon by both parties as well as service and repair for inmate telephones and associated equipment, as per bid response dated May 1, 1991. The Agreement was returned to Mike O'Hara, Jail Captain, for further signatures and handling.

Agreement

The Board of County Commissioners signed a Nutritional Services Agreement between Missoula City-County Health Department and Child Start, Inc. for the purpose of providing nutrition services to the Head Start Program, to be provided by a registered dietitian, as per the terms set forth from September 1, 1991 until May 31, 1992. Child Start shall pay the Missoula City-County Health Department the sum of 675.00. The Agreement was returned to the Health Department for further signatures and handling.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County General Services and Montana Recycling, Inc. for the purpose of providing recycling services to the County for the items described in the Agreement. The Agreement was returned to Sharyn Solum of the Recycling Committee for further signatures and handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Phillip H. Simon, RN, an independent contractor, for the purpose of providing professional nursing services as required to persons incarcerated in the Missoula County Detention Center, commencing on July 1, 1991 through June 30, 1992, as per the terms set forth, for the amount of \$13.00 per hour with a two hour minimum. The Contract was returned to the Sheriff's Department for further signatures and handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Ms. Christine Lyons, RN, an independent contractor, for the purpose of providing professional nursing services as required to persons incarcerated in

June 3, 1991 (continued)

the Missoula County Detention Center, commencing on July 1, 1991 through June 30, 1992, as per the terms set forth, in the amount of \$13.00 per hour with a two hour minimum. The Contract was returned to the Sheriff's Department for further signatures and handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Mary E. Clover, an independent contractor, for the purpose of providing professional nursing services as required to persons incarcerated in the Missoula County Detention Center, commencing on July 1, 1991 through June 30, 1992, as per the terms set forth, for the amount of \$13.00 per hour, with a two hour minimum. The Contract was returned to the Sheriff's Department for further signatures and handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Dr. Jim Long, an independent contractor, for the purpose of providing health care services required to persons incarcerated in the Missoula County Detention Center, commencing on July 1, 1991 through June 30, 1992, as per the terms set forth, for a total amount of \$500.00 per month. The Contract was returned to the Sheriff's Department for further signatures and handling.

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

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JUNE 4, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Washington, D.C. from June 4th through June 6th.

Audit List

Commissioners Dussault and Evans signed the Audit List dated June 3, 1991, pages 8-33, with a grand total of \$924,185.38. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Extension Letter

The Board of County Commissioners signed a letter to Andy Fisher of Eli & Associates approving a six-month filing extension for the preliminary plat of Silverhill Estates, making the new filing deadline December 6, 1991.

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #10 (4/28/91 through 5/11/91) with a total Missoula County Payroll of \$361,988.89. The Transmittal Sheet was returned to the Auditors Office.

Other items included:

- 1) the Commissioners appointed Kay Unger as a "regular member" of the County Zoning Board of Adjustment to fill the unexpired term of Michael Aaron through December 31, 1992; and

June 4, 1991 (continued)

2) Geoff Sutton was reappointed to a three-year term on the Museum Board of Trustees through June 30, 1994,

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

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JUNE 5, 1991

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioners Dussault and Evans attended a Community Issues Discussion Meeting held at First Bank Western in the forenoon.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending May 31, 1991.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of District Court, Kathleen Breuer, showing fees and collections made in Missoula County, for month ending May 20, 1991.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chair Ann Mary Dussault. Also present was Commissioner Barbara Evans.

RESOLUTION: SUPER GOOD CENTS MANUFACTURED HOUSING

Ann Mary Dussault read the following resolution:

WHEREAS, the supply of electricity for the Pacific Northwest is no longer in surplus; and,

WHEREAS, efficient use of electrical energy is becoming increasingly important to the economy of the region, Montana, and the citizens of Missoula County because of higher costs for new generating resources; and,

WHEREAS, the Northwest Power Planning Council, as planners under the Northwest Conservation and Power Planning Act of 1980, identify the thermal performance of **Super Good Cents** construction standards as a cost-effective resource in the 1991 Regional Power Plan to be implemented by the Bonneville Power Administration; and,

WHEREAS, new energy-efficient houses, promoted by Missoula Electric Cooperative and Montana Power Company have further benefits for the consumer and the County, including reduced export of local dollars for energy; reduced impacts of new housing on airshed problems; increased comfort level for occupants; and specific ventilation requirements for improved indoor air quality; and,

WHEREAS, Missoula Electric Cooperative and Montana Power Company provide service to a large number of new manufactured housing starts each year; and,

WHEREAS, Missoula Electric Cooperative and Montana Power Company encourage new home buyers to buy energy-efficient electrically-heated manufactured homes as a component of a residential energy conservation program called **Super Good Cents**; and,

June 5, 1991 (continued)

WHEREAS, a significant portion of the new housing stock sold in Missoula County is imported manufactured housing, much of it sub-standard to the thermal requirements promoted by Missoula Electric Cooperative and Montana Power Company which are more appropriate for Montana's colder winter climate; and,

WHEREAS, the savings to the region, the ratepayer and the homebuyer of energy-efficient manufactured housing is substantial;

NOW, THEREFORE, BE IT RESOLVED THAT, Missoula County, by adoption of this resolution, supports the efforts of Missoula Electric Cooperative and Montana Power Company to promote energy-efficient housing through the **Super Good Cents** program with prospective buyers interested in electrically-heated homes; and endorses utility marketing efforts promoting the purchase of **Super Good Cents** factory-built houses for people seeking electrically-heated homes; and

BE IT FURTHER RESOLVED THAT, Missoula County allow the use of its name for endorsement of Missoula Electric Cooperative's and Montana Power Company's marketing of **Super Good Cents** for manufactured houses through utility contact with potential buyers, participating dealerships and the general public.

APPROVED THIS 5th day of June, 1991.

Tom Marvin, Energy coordinator for the Montana Local Government Energy Office and Kirk Flynn from Missoula Electric Cooperative both spoke in favor of the resolution.

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt the resolution as presented. Motion carried on a vote of 2-0.

Resolution No. 91-055

The Commissioners then signed Resolution No. 91-055, a resolution of support and endorsement for electrically-heated Super Good Cents manufactured housing.

BID AWARD: GAS AND DIESEL FUEL - SURVEYOR'S OFFICE

Ann Mary Dussault explained that this is a request for the award of the bid for gas and diesel fuel. Bids were opened on Monday, June 3, 1991 at 10:00 a.m. with the following results:

Finest Oil Co.	\$82,008.00
Tremper Distributing	\$80,689.50
J.G.L. Distributing	\$81,343.75
High Noon Petroleum	\$81,103.75

Staff recommends awarding the bid to Tremper Distributing for \$80,689.50 as the lowest and best bid. We are budgeting \$90,000 for gas and diesel for Fiscal Year 92, so this is well within the budget range.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for gas and diesel to Tremper Distributing for \$80,689.50 as recommended by staff. Motion carried on a vote of 2-0.

BID AWARD: TYPEWRITER MAINTENANCE CONTRACT FOR FISCAL YEAR 1992

Ann Mary Dussault explained that bids were received June 3, 1991 as follows:

Business Machines/Delaney's	\$6,496 - 93 IBM & 11 Brother
Tech Services Company, Inc.	\$5,170 - 93 IBM typewriters
Hudson's Quality Office Machines	\$1,978 - 22 Canon typewriters

June 5, 1991 (continued)

Tech Service Company is out of Helena. They do have a state service contract with the Montana State Prison, Montana State Hospital, and Montana State University. Staff talked with all three regarding response time and service quality on their maintenance calls and all responded favorably. Staff recommends awarding the IBM maintenance contract to Tech Services Company for \$5,170; awarding the Brother typewriter contract to Business Machines for \$109; and awarding the Canon typewriter maintenance contract to Hudson's Quality Office Machines for \$1,978.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the typewriter maintenance contracts for Fiscal Year 1992 as follows: IBM contract to Tech Services Company for \$5,170; Brother contract to Business Machines for \$109; Canon contract to Hudson's Quality Office Machines for \$1,978. Motion carried on a vote of 2-0.

HEARING: LOT SPLIT REQUEST IN ZONING DISTRICT #4 - ANDERSON

The Board of County Commissioners recessed and the Planning and Zoning Commission convened. Members of the Planning and Zoning Commission in attendance were Horace Brown, Wendy Cromwell, Barbara Evans, and Ann Mary Dussault.

Doris Fischer, Office of Community Development, explained that this is a request by G. Clark and Nancy Anderson to use an Occasional Sale Exemption to create a 5.81-acre tract and a 21.04-acre remainder tract on Certificate of Survey 3621. A portion of this property is located in Zoning District #4 south of Pattee Canyon Road at the mouth of Pattee Canyon. The proposed lot split would enable the applicants to sell the 5.81-acre lot as a single-family homesite. The applicants currently reside on the proposed remainder tract. Doris explained that the proposed tract conforms to Zoning District #4's lot size and dimension requirements and that no physical alteration of the land is proposed at this time. Specific plans for site preparation or home construction on the proposed tract will require a subsequent ZD #4 review and approval. The Pattee Canyon Landowners Association has indicated it does not object to the request as long as any subsequent divisions of this property undergo subdivision review. One letter of concern was received from a property owner located west of the subject property along Pattee Canyon Road. The concern pertains to the possibility of a septic system on the proposed tract polluting his well. The Health Department does not believe there is a potential pollution problem because the clay soils of the subject site provide a suitable filter for prevention of bacterial escape. The County Surveyor in his review comments has recommended that the applicant remove existing brush and trees at the Pattee Canyon Road approach in order to provide a minimum of 350 feet sight distance. He also has recommended that the private road be paved for an initial length of 20 feet so that gravel is not carried onto Pattee Canyon Road. The Planning Board held a public hearing on May 21, 1991, and has recommended that the lot split request be approved subject to two conditions:

- (1) Sanitary restrictions are lifted by State and local health officials; and
- (2) the applicants provide adequate site distance from the Pattee Canyon Road approach and pave the initial 20 feet of private road, to the satisfaction of the County Surveyor.

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to testify.

Vaughn Anderson from Stensatter, Druyvestein and Associates, representing the Andersons, said they had concerns with the condition regarding brush removal and paving. He said the applicants plan to sell the tract, not build on it, and re-

June 5, 1991 (continued)

requested that the Commissioners stipulate that it be done at the time the lot is sold and improvements are made. He said they are willing to take some shrubs out to improve the sight distance safety problem, but added that there is a closed gate at the road and it is marked as private property.

Horace Brown said he will look at the County right-of-way and if the Board feels there is a serious safety problem, there are ways to deal with it.

Ann Mary Dussault said she felt it made more sense for both conditions to apply to the new owners who will be building on the parcel.

Vaughn Anderson said the sanitary restrictions have to be lifted in order to file the plat.

There being no further testimony, the Public Hearing was closed.

Wendy Cromwell moved and Horace Brown seconded the motion to approve the proposed lot split by G. Clark and Nancy Anderson in Zoning District #4 subject to the following conditions:

(1) Sanitary restrictions are lifted by State and local health officials;

(2) At the time development of the lot is begun, brush is to be removed on the property to the extent necessary as to bring it as close as possible to a 350' maximum sight line and the private road is to be paved back a minimum of twenty feet. Motion carried on a vote of 4-0.

The Planning and Zoning Commission was then recessed and the Board of County Commissioners re-convened.

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt the recommendation of the Planning and Zoning Commission and grant approval of the request of G. Clark and Nancy Anderson for a lot split in Zoning District #4 subject to the following conditions: (1) Sanitary restrictions are lifted by State and local health officials; (2) At the time development of the lot is begun, brush is to be removed on the property to the extent necessary as to bring it as close as possible to a 350' maximum sight line and the private road is to be paved back a minimum of twenty feet. Motion carried on a vote of 4-0. Motion carried on a vote of 2-0.

HEARING: PROPOSED RESOLUTION TO CONTINUE TO ASSESS THE 0.5% LOCAL OPTION MOTOR VEHICLE FEE IN FY'92

Ann Mary Dussault explained that Montana Code Annotated allows counties to continue to impose the extra 0.5% local option motor vehicle tax in addition to the 2% tax imposed. The Missoula County Commissioners have exercised that local option from FY'88 to the present and propose to continue using that option in FY'92. Passage of the proposed resolution would maintain the motor vehicle tax at 2.5% of the average trade-in or wholesale value, effective July 1, 1991. This local option tax will no longer be distributed to all taxing authorities. It is split between the City and the County. Jan Ellis, Fiscal Officer, anticipates that the County share will be approximately \$668,859. This is largely intended for the District Court fund to cure the on-going funding problem of the District Court system.

The Public Hearing was opened; as there was no testimony, the Public Hearing was closed.



June 5, 1991 (continued)

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt the resolution to continue to assess the 0.5% Local Option Motor Vehicle Fee in FY'92. Motion carried on a vote of 2-0.

Resolution No. 91-056

The Commissioners then signed Resolution No. 91-056, a resolution to continue to assess the 0.5% Local Option Motor Vehicle Fee in FY'92.

There being no further business to come before the Board, the Commissioners were in recess at 2:10 p.m.

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JUNE 6, 1991

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Dussault left at noon for Helena to attend a meeting of the MT Tax Reform Coalition.

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chair Dussault signed an Agreement between Missoula County and the U.S. Secretary of Housing and Urban Development, whereby the County has responsibility and jurisdiction to carry out one or more local Community Development Block Grant Programs, and this Agreement authorizes the County to process, submit, and approve applications by private property owners for rehabilitation loans under Section 312 of the Housing Act of 1964, as per the mutual covenants set forth. The Agreement was returned to Cindy Wulfekuhle, CDBG Coordinator, for further signatures and handling.

Contract

Chair Dussault signed a Contract for Nutrition Services between the Western Montana Comprehensive Development Center and Missoula County for contracted nutritionist services, including evaluation and consultation from a Registered Dietician to CDC, commencing October 1, 1991 and ending June 30, 1992, as per the terms set forth for a total payment not to exceed \$403.00. The Contract was returned to the Health Department for further signatures and handling.

Other items included:

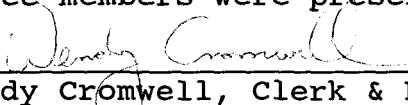
- 1) the Commissioners authorized a refund of \$9,014.85 to Clayton DeVoe for successfully appealed taxes billed from 1980-1984 for two apartment houses located in Missoula (SUID #23102 and SUID #23208), as per the memo from the Treasurer's Office dated June 4, 1991; the authorization was returned to Wendy Cromwell, Clerk & Recorder/Treasurer; and
- 2) the Commissioners approved offering \$500 to Amy Tallant to settle her claim against the jail, as per the recommendation of Hal Luttschwager, Risk Manager, as she rejected the previous offer of \$250.00.

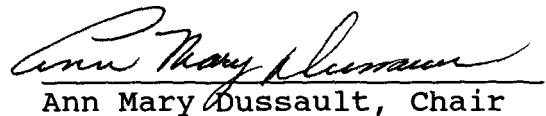
The minutes of the daily administrative meeting are on file in the Commissioners Office.

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JUNE 7, 1991

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

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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JUNE 10, 1991

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was on vacation from June 10th through Friday, June 14th; and Commissioner Stevens was out of the office all day.

Monthly Report

Commissioner Evans examined, approved and ordered filed the monthly report for Sheriff Doug Chase, showing the items of fees and other collections on account of civil business in Missoula County for month ending May 31, 1991.

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JUNE 11, 1991

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

Audit List

Commissioners Stevens and Evans signed the Audit List, dated June 10, 1991, pages 8-35, in the amount of \$279,684.75. The Audit List was returned to the Accounting Department.

Indemnity Bond

Acting Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Louis Hall Bellusci as principal for warrant #30942, dated August 16, 1990, on the Bonner School District #14 (General) Claims Fund in the amount of \$139.44 now unable to be found.

Indemnity Bond

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Rosemary Thomas as principal for warrant #9198, dated April 24, 1991, on the District Court Fund in the amount of \$22.48 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY'91 budget:

- 1) no. 910028 for Justice Court/Financial Administration to transfer \$4,036 from the Financial Admin. Contingency account to the Justice Court Salaries account to help resolve the backlog problem; and

June 11, 1991 (continued)

2) no. 910029 for the Public Defender's Office to transfer \$2,520 from the Contracted Services account to the Capital - Improvements account for funding for the construction of additional library bookshelves.

Resolution No. 91-057

The Board of County Commissioners signed Resolution No. 91-057, a budget amendment for FY'91 for Youth Court, including the following expenditures and revenue, and adopted it as part of the FY'91 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
2180-340-420146-206 Office Supplies	\$ 700.00
2180-340-420146-327 Consultant Services	1363.29
2180-340-420146-328 Contracted Services	<u>1500.00</u>
Total	\$3563.29

<u>Description of Revenue</u>	<u>Budget</u>
2180-340-333011 House Arrest Program Grant	\$3563.29

Resolution No. 91-058

The Board of County Commissioners signed Resolution No. 91-058, resolving effective on the first day of July, 1991, the annual salaries of certain elected officials are fixed as follows:

Clerk of the District Court	\$32,870.00
County Auditor	\$32,870.00
County Surveyor	\$32,870.00
County Commissioner	\$34,870.00
Clerk & Recorder/Treasurer	\$39,444.00
County Superintendent of Schools	\$33,720.00
County Attorney	\$52,700.00
County Sheriff/Coroner	\$42,830.10

Resolution No. 91-059

The Board of County Commissioners signed Resolution No. 91-059, resolving that effective the first day of July, 1991, the annual salaries of County Justices of the Peace are fixed at \$33,320.00.

Community Service Placement Agreement

The Board of County Commissioners signed a Community Service Placement Agreement between Missoula County and Diane L. Morin, Coordinator of the Community Service Program, for the purpose of offering defendants the opportunity to make restitution to society by doing volunteer work, diverting selected defendants from jail placement, and to assist non-profit and governmental agencies as per the terms set forth. The Agreement was returned to John DeVore for further signatures and handling.

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

\* \* \* \* \*

JUNE 12, 1991

The Board of County Commissioners did not meet in regular session. Commissioner Evans was out of the office through Friday, June 14th due to illness in the family; and Commissioner Stevens was in Great Falls attending the MACo Annual Conference being held there.

June 12, 1991 (continued)WEEKLY PUBLIC MEETING CANCELED

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

\* \* \* \* \*


JUNE 13, 1991

The Board of County Commissioners did not meet in regular session; Commissioner Stevens returned from Great Falls at noon.

\* \* \* \* \*

JUNE 14, 1991

The Board of County Commissioners did not meet in regular session.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

JUNE 17, 1991

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was on vacation the week of June 17th through June 21st; and Commissioner Evans was out of the office from June 17th through June 20th because of illness in the family.

Indemnity Bond

Acting Chair Stevens examined, approved and ordered filed an Indemnity Bond naming Investors Diversified Financial Services, Inc. as principal for warrant #23899, dated March 11, 1991, on the Missoula County High Schools' Fund in the amount of \$984.00 now unable to be found.

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JUNE 18, 1991

The Board of County Commissioners did not meet in regular session; Commissioner Stevens attended an EPA Meeting in Helena during the day.

\* \* \* \* \*

JUNE 19, 1991

The Board of County Commissioners did not meet in regular session.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Commissioner Janet Stevens. As she was the only Commissioner present, there wasn't a quorum.

HEARING: LOLO VIEW MANOR MOBILE HOME PARK - PRELIMINARY PLAT

Mike Kress, Office of Community Development, explained that Fred, Harriet and John Brauer have requested to subdivide property described as Lot 15 of Cobban and Dinsmore's Orchard Homes No. 3. It is the intention of the applicants to extend an existing mobile home park by adding twenty-one (21) additional mobile home spaces. The property is located west of Reserve Street, north of North Avenue, and south of Strand Avenue. At

June 19, 1991 (continued)

its meeting on June 4, 1991, the Missoula Consolidated Planning Board voted 5 to 1 in favor of recommending approval of the preliminary plat with the following fourteen (14) conditions:

1. Sanitary restrictions be lifted by State and local health authorities.
2. Grading, drainage, erosion control, street and sidewalk plans for the private roadways shall be approved by the County surveyor's Office. Curbs, gutters and sidewalks shall be required on both sides of the streets.
3. Approach permits onto the public right-of-way shall be approved by the County Surveyor.
4. The developer shall provide easements for utilities in the appropriate areas.
5. All streets within the mobile home park shall be paved.
6. All streets within the mobile home park shall be maintained by the park owner.
7. All mobile homes shall be located a minimum of twenty-five (25) feet from all boundary lines and street rights-of-way.
8. Maintenance of the recreational areas shall be the responsibility of the park owner. The park owner shall maintain the park in a clean and sanitary manner.
9. A walkway shall be provided in the easement connecting the lots to the recreational area. The walkway shall be constructed of asphalt or other suitable materials.
10. The new street on Lot 15 from North Avenue shall be modified so that it connects with the older, existing portion of the mobile home park rather than ending in a cul-de-sac.
11. All driveways within the mobile home park shall be paved.
12. The developers shall dedicate a twenty four (24) to thirty (30) foot right-of-way easement along the north side of the current County right-of-way on North Avenue for the entire length of their ownership. The width of the easement shall be subject to the approval of the County Surveyor and the Board of County Commissioners.
13. The County Surveyor, Fire Department, and Missoula Irrigation Ditch Company shall approve the plan for road improvements in the ditch area. The bridge or culvert proposed for the irrigation ditch shall be capable of supporting sixty-thousand (60,000) pounds for fire apparatus access.
14. All mobile home lots shall access onto interior roadways.

The Planning Board further recommended that the County Commissioners grant the following three (3) variance requests:

1. A variance is requested from Section 3-1(5)(B) which requires that local streets within mobile home parks with no parking allowances be a twenty-four (24) foot width. The Brauers are requesting that the street width be reduced to a twenty (20) foot width with five (5) foot graveled shoulders and five (5) foot grassed swales. The Planning Board recommends that the paving width variance be granted based on the fact that neither the Missoula Rural Fire Department nor the County Surveyor had adverse comments to this request. The proposed roadway will be private. No parking on the roadway will be allowed.
2. A variance is requested from Section 3-2(D) and (E), curbs, gutters and sidewalks, which require that curbs and gutters shall be required in all urban-suburban subdivisions. Sidewalks and pedestrian walkways shall be provided on at least one (1) side of the street in all urban-suburban subdivisions or an alternative design may be allowed, subject to the approval of the Director of OCD and County Surveyor. The applicants are proposing a twenty (20) foot wide paved roadway with five (5) foot graveled shoulders and five (5) foot grassed swales. The Planning Board recommends that the variance be granted, with the condition

June 19, 1991 (continued)

that the granting of this variance constitutes the assent of the owners to any future RSID/SID for installation of curbs, gutters and sidewalks within this subdivision and may be used in lieu of their signatures on an RSID/SID petition.

3. A variance is requested from Section 3-10(6)(C) which requires a minimum of two (2) paved parking spaces for each mobile home. Paved driveways must be provided on each individual mobile home lot where group parking has not been provided. The developer states that he will provide a 20' x 20' washed gravel parking area for each mobile home. He states that washed gravel has proven to provide good dust control when used in parking areas. A 45' x 90' paved group parking area shall be provided. The Planning Board recommends that this variance be granted, with the condition that at such time as curbs, gutters and sidewalks are installed, the driveways shall be paved.

Mike explained that the Office of Community Development staff had recommended denial of two of the variance requests. Variance request #2 was recommended denied because of traffic and pedestrian safety concerns. Variance request #3 was recommended denied because it is within the non-attainment area and they felt paving would control dust.

Horace Brown, County Surveyor, said the proposed subdivision was not in the non-attainment area. He explained that anything west of Reserve Street was outside the area.

Janet Stevens opened the Public Hearing and asked if anyone cared to testify.

Fred Brauer, owner and manager of the Lolo View Manor Mobile Home Park, said that they want to keep the clientele mostly adult and senior citizens. He said there are currently four children in 56 mobile home units. He asked that the Commissioners approve the variances so construction can start in July.

Horace Brown asked if the subdivision would include North Avenue. Fred said yes. Horace said the RSID should also apply to North Avenue and this should be included in the subdivision requirements. Fred said he was agreeable to that.

As there was no further testimony, Janet Stevens said the hearing would be continued next Wednesday and a decision made at that time.

There being no further business to come before the Board, the meeting was adjourned at 1:45 p.m.

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JUNE 20, 1991

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

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JUNE 21, 1991

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

June 21, 1991 (continued)Audit List

Commissioners Evans and Stevens signed the Audit List, dated June 19, 1991, pages 9-48, with a grand total of \$1,061,607.14. The Audit List was returned to the Accounting Office.

The Commissioners signed the following items:

Agreement to Sell and Purchase

The Board of County Commissioners signed an Agreement to Sell and Purchase between Missoula County and Dan T. and Sandra R. Hash for Lot 3 Hillside Home #1 Supp. Plat A, as per the terms set forth, for a total purchase price of \$9,250.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Agreement to Sell and Purchase

The Board of County Commissioners signed an Agreement to Sell and Purchase between Missoula County and Paul M. and Elizabeth A. Sharkey for Lot 3 of Grantland #13, as per the terms set forth, for a total purchase price of \$22,000.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Agreement to Sell and Purchase

The Board of County Commissioners signed an Agreement to Sell and Purchase between Missoula County and Peter Bouma for Lot 3A, Hillside Homes #1, Supp Plat A, Lot 3A, Parcel F - SUID #1242135, as per the terms set forth, for a total purchase price of \$9000.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Payroll Transmittal Sheet

The board of County Commissioners signed the Transmittal Sheet for Pay Period #11 (5/12/91 through 5/25/91) with a total Missoula County Payroll of \$356,580.36. The Transmittal Sheet was returned to the Auditor's Office.

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #12 (5/26/91 through 6/8/91) with a total Missoula County Payroll of \$359,242.09. The Transmittal Sheet was returned to the Auditor's Office.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between the Missoula County Benefits Plan and Optical Expressions for the purpose of providing vision care for eligible plan members, as per the terms set forth, and as per the Contractor Fee Schedule attached to the Agreement, commencing July 1, 1991. The Contract was returned to Hal Luttschwager, Plan Administrator for further handling.

Resolution No. 91-060

The Board of County Commissioners signed Resolution No. 91-060, a resolution fixing the form and details of up to \$30,000.00 bonds for RSID No. 442, construction of street paving on Clydesdale Lane, Missoula County.

June 21, 1991 (continued)Resolution No. 91-061

The Board of County Commissioners signed Resolution No. 91-061, a resolution creating RSID No. 444, for the purpose of street paving for 4th Street and Alleyway, in Missoula County.

Agreement

The Board of County Commissioners signed a Collective Bargaining Agreement between Missoula County and the United Food and Commercial Workers Union Local 1981, commencing from July 1, 1991 through June 30, 1993, for the purpose of promoting and continuing understanding between Missoula County, its employees and the Union, to provide for equitable and peaceful adjustment of differences which may arise, and to establish mutually agreed upon condition of employment. The Agreement was returned to John Pemberton, Personnel Director, for further handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Kenneth Fremont-Smith, M.D., an independent contractor, to act as HIV medical advisor for the Missoula City-County Health Department and provide services which include: 1) medical evaluations for clients of the HIV Early Intervention Program; 2) training for HIV counselors and other professionals, as needed; and 3) providing consultation regarding HIV disease and related policies, from June 1, 1991 through July 1, 1992, as per compensation specified.

Professional Services Agreement

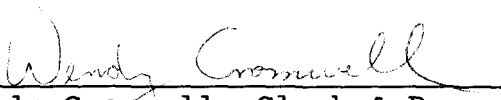
The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein & Associates for the purpose of making street improvements to the alleys in Blk. 14, Bennett Addition, between South 4th & 5th Streets and the alley in Blk. 9, Bennett Addition, between South 4th and 5th Streets, to include asphalt concrete and storm drainage structures, as per the terms set forth, for a total payment not to exceed \$4,000.00. The contract was returned to Jesse Sattley, General Services for further handling.

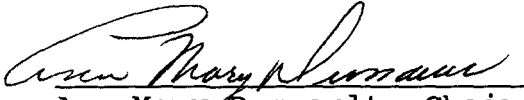
Release

The Board of County Commissioners signed a Release, whereby Missoula County releases and quit claims to Larry R. Kolb, Inc., all right, title and interest it held in property, as per the Improvements Agreement for the premises described as Lots 1, 2, 25 and 25 Bitterroot Meadows, Phase I, a platted subdivision in Missoula County. The Release was returned to the Clerk and Records Office for further handling.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement for alcohol and other substance abuse prevention services for youth in Missoula County between Missoula County and Community Care, Inc., as per the terms set forth, for a total payment of \$25,908.75, commencing June 21, 1991 and terminating April 4, 1992. The Agreement was returned to Cindy Klette, County Grants Administrator, for further handling.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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JUNE 24, 1991

The Board of County Commissioners did not meet in regular session. Commissioner Evans was on vacation the week of June 24th through June 28th; Commissioner Dussault was in the office briefly in the forenoon, but left for Helena to attend a meeting of the MT Tax Reform Coalition; and Commissioner Stevens was at a Mental Health Board Meeting during the day.

\* \* \* \* \*

JUNE 25, 1991

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

Audit List

Commissioners Stevens and Dussault signed the Audit List dated June 25, 1991, pages 9-35, with a grand total of \$148,446.97. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Certification of Acceptance for County Maintenance

Chair Dussault signed a Certification of Acceptance for County Maintenance for Homestead Drive, road number L668, located in T.13 N., R. 20 W., Section 14, for a distance of .222 miles. The Certification was returned to the Surveyor's Office.

Certification of Acceptance for County Maintenance

Chair Dussault signed a Certification of Acceptance for County Maintenance for Frey Lane, road number LG69, T. 13 N., R. 20 W., Section 14, for a distance of .189 miles. The Certification was returned to the Surveyor's Office.

Memorandum of Understanding

Chair Dussault signed a Memorandum of Understanding between Missoula County and the Animal Damage Control Program and the Montana Wool Growers Association, whereby Missoula County agrees to allocate \$130 for the protection of sheep from destructive animals, as per the terms set forth, for the period from July 1, 1991 through June 30, 1992. The Memorandum was forwarded to Jim Hoover, District Supervisor of the Animal Damage Control in Columbus, Montana, for signatures.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of District Court, Kathleen Breuer, showing fees and collection made in Missoula County, for month ending June 20, 1991.

Agreement

The Board of County Commissioners signed a Satellite Agreement between Mineral County Health Department of Superior, Montana, and Missoula County Health Department, as per the covenants and stipulations set forth, for the purpose of performing administrative and supervisory responsibilities for program operations and fiscal management of the WIC Program in Mineral County, commencing July 1, 1991 and ending June 30, 1992.

June 25, 1991 (continued)Contract

The Board of County Commissioners signed a Contract, dated May 20, 1991, between Missoula County and Western Materials, Inc., for the purpose of construction, installation and completion of street improvements to Clydesdale Lane, RSID #442, in Missoula County, for a total payment not to exceed \$19,114.25. The Contract was returned to General Services, for further handling.

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

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JUNE 26, 1991

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Forey D. Cederberg as principal for warrant #20215, dated June 7, 1991, on the Lolo School District #7 Payroll Fund in the amount of \$1058.12 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Missoula County Sheriff's Department, an independent contractor, for the purpose of participation of Missoula County Sheriff's Officers in the Driving under the influence (DUI) Enforcement Team, as per the terms set forth, commencing from July 1, 1991 through June 30, 1992, for a total payment not to exceed \$4,500.00.

Other items included:

- 1) the Commissioners approved a request from the Office of Community Development to continue the temporary hire of John Mangiameli; and
- 2) the Commissioners appointed Jack Meyer as a "regular member" of the Missoula County Airport Authority to fill out the unexpired term of Mary Stevenson through December 31, 1994.

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

WEEKLY PUBLIC MEETING

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

RECOGNITION OF RESERVE DEPUTIES - BOB GIFFIN AND HAROLD LARSON

Ann Mary Dussault said that on behalf of Missoula County, the Sheriff's Department and the Reserve Deputy Unit, we recognize and thank two Reserve Deputies today who have each completed 20 years of service. Chief Bob Giffin was born in Missoula 56 years ago. He and his wife Joyce have 5 sons, and one of the boys, Brad, is presently employed as a full-time regular Deputy in the Missoula County Sheriff's Department. Bob's great grandmother was Emma Dickinson, the first school teacher in Missoula.

June 26, 1991 (continued)

His grandfather was an undersheriff under Sheriff Sharp. Bob retired last year after 26 years with the East Missoula Rural Fire Department, where he was Chief for over 125 years. He has worked at J.C. Penney for 26 years. Assistant Chief Harold Larson is 55 and was also born in Missoula. He and his wife raised 4 children and Harold has worked for the City of Missoula's Street Department for 24 years. Harold was in the military reserves for 21 years and in his younger years was a sports standout for Missoula County High School. Both these men have shown an exemplary sense of community service. By volunteering not only in the Reserve Deputy Unit but for other organizations, they are truly among the unsung heroes who make Missoula County a better place to live. Today, the Missoula County Board of Commissioners is proud to recognize and thank Bob Giffin and Harold Larson. She then presented each with a certificate of appreciation.

CONSIDERATION OF CLARK FORK ESTATES PHASE III - FINAL PLAT

Barbara Martens, Office of Community Development, explained that the preliminary plat of Clark Fork Estates Phase III was approved on March 28, 1990 subject to 5 conditions. All conditions have been met and staff recommends that the final plat be approved.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the final plat of Clark Fork Estates Phase III based on the findings of fact contained in the staff report, finding it to be in the public interest to do so. Motion carried on a vote of 2-0.

HEARING: PETITION TO ALTER PETTY CREEK ROAD

Ann Mary Dussault explained that this is a petition to alter "Petty Creek Road petitioned in 1902, located in Section 1, Township 13 North, Range 23 West, Principal Meridian, Montana from approximately 640 feet each side of Petty creek Bridge PC-2 and further described in the Road Book of the Missoula County surveyor as: Map Reference #1-1, Grantor's - F.W.E. Schnitz, Petty Creek-Graves Creek Road, Declared a Public Highway 3/6/1902." The reasons for this request are to improve traffic safety and to change the alignment to match the new bridge.

Horace Brown, County Surveyor, said we need to put the right-of-way where the road is. His department built a new bridge and the right-of-way should encompass that bridge.

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to testify.

Ed Gallagher said he owns some of the land in question and has signed the petition. He said the County should take the right-of-way off his land and put it back where it should be. He asked if a copy of the completed vacation could be mailed to him.

Ann Mary Dussault explained that she and Horace Brown would view the site next Tuesday and a decision would be made next Wednesday, July 3rd. Mr. Gallagher will be mailed a copy of the final action.

CONTINUATION OF HEARING AND DECISION ON LOLO VIEW MANOR MOBILE HOME PARK PRELIMINARY PLAT - BRAUER

Horace Brown, Missoula County Surveyor, said that he made a statement last week that Reserve Street was the boundary for the attainment area. It seems that the boundary was moved one-half mile west last fall, to take effect on June 1st this year. This was done by the Health Department or the EPA or both. He said in the past he was always notified of changes that were to take

June 26, 1991 (continued)

place that would his department. If there was a public hearing on the he was not aware of it. He said he feels that he was not allowed to comment nor was the public allowed to comment on something that will affect them. He strongly objects to the procedures that was used to implement these new boundaries. He said he feels that it is unfair to the Brauer project to change the rules in the middle of the game. He is sure they also were not aware of these changes. He said he would recommend that the requested variances be granted or grandfathered in, as the subdivision was started well before the June 1st deadline. He said he would also recommend a better line of communication between the City-County Health Department and all County departments, especially when something is being proposed that will affect a department's budget.

Barbara Martens said that the subdivision request came in May of 1991, the Brauers were informed it was in the non-attainment area and received notice of that when they filed.

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to testify. As there was no testimony, the Public Hearing was closed.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the preliminary plat of Lolo View Manor Mobile Home Park based on the findings of fact and subject to the fourteen (14) conditions contained in the staff report, Condition #2 being revised to read "Grading, drainage, erosion control, street and sidewalk plans for the private roadways shall be approved by the County Surveyor's Office." Motion carried on a vote of 2-0.

Janet Stevens moved and Ann Mary Dussault seconded the motion to grant the variance request from Section 3-10 (5)(B). Motion carried on a vote of 2-0.

Janet Stevens moved and Ann Mary Dussault seconded the motion to grant the variance request from Section 3-2 (D) and (E). Motion carried on a vote of 2-0.

Janet Stevens moved and Ann Mary Dussault seconded the motion to deny the variance request from Section 3-10 (6)(C). Motion carried on a vote of 2-0.

HEARING: CERTIFICATE OF SURVEY REVIEW: OCCASIONAL SALE AND TWO FAMILY TRANSFERS - BAKER

Marnie McClain, Deputy County Attorney, explained that Donald Wester of Wester Surveying has submitted two exemption affidavits on behalf of Dan Baker of Polson. Mr. Baker proposes to create 4 parcels from a tract of 26 acres. Two tracts would be created using the family transfer exemption and the remaining two would be created by use of the occasional sale exemption, leaving a 12-81 acre remainder. According to the family transfer affidavit, tract s (2.62 acres) would be transferred to Justin Baker, age 14. The affidavit refers to conservatorship on behalf of Justin Baker. Tract 4 (5.64 acres) would be transferred to Tamara Baker, age 20. Tract 1 (4.28 acres) is identified as the occasional sale and tract 3 (12.81 acres) as the remainder. According to Missoula County Surveyor's Office, Mr. Baker has no history of subdivision in Missoula County. Mr. Baker has just acquired this property. The largest tract has a house and some outbuildings on it but Mr. Baker does not live there. Mr. Baker has not previously subdivided property in Lake County, either. This property is located in the Swan Valley almost to the northern boundary of the county. It is just past the Condon grocery store and post office.

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to testify.

June 26, 1991 (continued)

Mr. Dan Baker said he his the owner of the property, and that none of the parcels are for sale.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the occasional sale and two family transfers as requested, finding no attempt to evade the subdivision laws. Motion carried on a vote of 2-0.

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

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JUNE 27, 1991

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was in Anaconda attending a meeting of the Clark Fork Coordinating Forum.

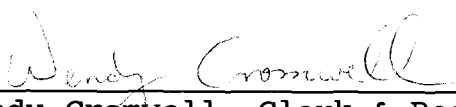
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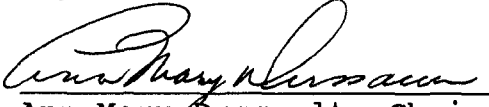
JUNE 28, 1991

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

Audit List

Commissioners Evans and Dussault signed the Audit List dated June 27, 1991, with a grand total of \$220,115.47. The Audit List was returned to the Accounting Department.

  
Wendy Cromwell, Clerk & Recorder

  
Ann Mary Dussault, Chair

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