

JULY 1, 1987

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

Indemnity Bond

Chairwoman Stevens examined, approved and ordered filed an Indemnity Bond naming Northern School Supply Co. as principal for warrant #2883, dated October 6, 1986, on the School District #18 fund in the amount of \$43.17, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Notice of Hearing

Chairwoman Stevens signed a Notice of Hearing to take public comment on a proposal for Missoula County to join with Cascade West in applying for a Department of Commerce Energy Demonstration Grant for construction of a Model Transloading Facility, setting the hearing date for July 15, 1987, at 1:30 p.m.

Resolution No. 87-072

The Board of County Commissioners signed Resolution No. 87-072, a resolution to amend the "PUD" (Planned Unit Development) zoning on that parcel of land described as Grantland PUD, as per the stipulations which are filed with this Resolution in the Missoula County Clerk and Recorder's Office.

Agreement

The Board of County Commissioners signed an agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein and Associates for the installation of approximately 150 feet of water main and four service lines as per the terms set forth for the water system improvements project in Sportco Addition for a total amount of \$1,700.00. The agreement was returned to General Services for further handling.

Employment Agreement

The Board of County Commissioners signed an Employment Agreement between Missoula County and James Dopp for the purpose of the County to obtain the benefit of the expertise and efforts of the employee for the employment duties as specified in the agreement in return for the compensation and benefits specified.

Other Matters Included:

1. The Commissioners approved a variance request from Stan Hendrickson of the Golden Dragon fireworks stand on Russell Street and agreed to leave the stand where it is because of the time loss and financial hardship involved if they had to dismantle the stand and move everything when there are only about three days left to sell fireworks this year. The approval is contingent on the condition that the weeds in the ditch and around the trailer be cleared out; and
2. The request from the YMCA to waive the IDRFB fee was referred to Mike Sehestedt, Deputy County Attorney.

The minutes of the daily administrative meeting are on file in the Commissioner's Office.

JULY 1, 1987 (continued)

PUBLIC MEETING

Chairwoman Janet Stevens called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans.

CONSIDERATION OF: SUMMARY PLAT--HILL ADDITION

Under consideration was approval of the summary plat for Hill Addition. The following background information was provided by Planner Paula Jacques, from the Office of Community Development. Hill Addition is the re-subdivision of a portion of an Orchard Homes tract into two one-acre lots. The property is located at the corner of Mount Avenue and Clements, zoning for the area allows two units per acre and, since individual wells and sewage systems will be installed, one-acre lots are proposed. The recommendation from the Community Development staff is that the summary plat for Hill Addition be approved, subject to the conditions and findings of fact set forth in the staff report. The first condition, that sanitary restrictions be lifted by state and local health authorities, has already been satisfied. The second recommended condition, that a one-foot no-access strip be placed along the west property line of tract A--the property line that fronts on Clements, will force access off of Mount. Paula Jacques cited Subdivision Regulations as the reason for this requirement, stating that where you have a corner lot, access should be onto the street of lower classification--Mount, in this case.

Responding to a question from Commissioner Barbara Evans about what is meant by a "no access strip," Paula replied that a one-foot strip just inside of the property line is drawn on the face of the plat and it means that access to the public right-of-way cannot be off that corner of the lot.

Commissioner Evans asked if it wouldn't be just as simple to say that any ingress or egress must be accomplished from Mount. Paula replied that this requirement puts it on the face of the plat so that if anyone applies for a building permit or just checks on the property, he or she is made aware of that without having to go back to the subdivision approval letter.

Chairwoman Stevens asked if anyone representing Hill Addition wished to speak.

Chip Johnson, from Stensatter, Druyvestein & Associates, representing Norm Carey, the owner of the property, said that he had talked to Mr. Carey about the one-foot no-access strip and said that Mr. Carey had no objection to that information being placed on the plat. He added that Mr. Carey is willing to accept the conditions of approval of the plat as stated in the staff report.

Barbara Evans moved, and Janet Stevens seconded the motion, that the summary plat for Hill Addition be approved, subject to the following conditions and the findings of fact set forth in the staff report. The motion carried, 2-0.

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. A one-foot, no-access strip shall be platted along the west property line of Lot A to restrict access to Mount Avenue.

JULY 1, 1987 (continued)

ANNEXATION OF PARCELS OF LAND LOCATED IN THE NINEMILE TO THE
FRENCHTOWN RURAL FIRE DISTRICT

Chairwoman Stevens read the following background information provided by Donna Cote, Recording Division Supervisor of the Clerk & Recorder's Office. A petition has been received by the Recording Division to annex parcels of land located in the Ninemile, briefly described as follows: parcels of land located in the southeast quarter of section 22, T16N, R23W, an area containing approximately 80.22 acres, within Missoula County.

The petition for annexation to the Frenchtown Rural Fire District presented by Shirley J. Ramberg, Frenchtown Rural Fire District Trustee, has been checked and verified. It contains signatures of more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the taxpaying freeholders within the area described, so it meets the requirements of 7-33-2125 MCA in regard to annexation of area to a rural fire district.

The hearing was published in The Missoulian for two consecutive Sundays prior to the hearing date, as required by statute.

The Board of Trustees of the Frenchtown Rural Fire District has approved the petition for presentation to the Board of County Commissioners.

Sixty-Seven percent of the freeholders in the affected area signed the petition. Out of a possible 3 freeholders entitled to sign the petition, 2 signed it. Of the 80.22 acres involved in the area, 54.55, or 68% of the acreage, are represented by the signatures on the petition.

Chairwoman opened the hearing to public comment, asking that proponents speak first. No one was present to testify. The public comment portion of the hearing was closed. There were no comments from the Board.

Commissioner Barbara Evans moved, and Commissioner Janet Stevens seconded the motion, to approve the request to annex parcels of land in the Nine-Mile, as submitted by petition and more particularly described in Resolution No. 87-073, to the Frenchtown Rural Fire District. The motion passed, 2-0.

HEARING: PETITION TO VACATE ALLEY IN BLOCK 31, CARLINE ADDITION,
LOCATED IN SECTION 29, T13N, R19W, MISSOULA COUNTY

Background information supplied by Recording Division Supervisor Donna Cote stated that the owners of the property adjacent to this particular section of alley had petitioned to have it vacated because the alley exits into Rosauer's parking lot, which leads to traffic problems, mainly involving delivery schedules. The vacation would allow the Eagles Lodge and property owner Greg Booher greater development potential of their parcels.

Titles to the property or contract buyers directly involved are:

1. Steven Gregory and Kathleen J. Booher
3315 North Avenue West
Missoula, MT 59801
2. The Eagles Lodge
2420 South Avenue
Missoula, MT 59801
3. Rosauer's Properties, Inc.
P.O. Box 9000
Spokane, WA 99209

JULY 1, 1987 (continued)

Other people who might be affected by the petition and who were notified of the hearing are listed in the staff report.

Chairwoman Stevens opened the public comment portion of the hearing, asking that proponents speak first. No one testified either for or against the petition. Chairwoman Stevens closed the public comment portion of the hearing and explained that a site inspection would have to be made by one Commissioner and the Surveyor before a decision could be made on the petition. She said that this would be done before next week's public meeting and the decision would be made at that time.

HEARING: REQUEST TO DIVIDE COS 3095, TRACT 1, BY OCCASIONAL SALE

Background information on this request by Norma Rossignol to divide COS 3095, Tract 1, by occasional sale was provided by Deputy County Attorney Joan Newman. The matter had come before the Board in accordance with the resolution which was passed in order to allow Commissioner review of proposed COS divisions in light of potential evasions of the Subdivision and Platting Act. This particular proposal had triggered review in that the claimant's affidavit shows that she acknowledges previous divisions by exemption. She clarified that statement by saying that the claimant had signed previous certificate of survey exemptions in conjunction with her husband, Richard, now deceased. She said that her research had shown that Norma Rossignol, individually, has not done any exemptions before, although one of the questions had revealed that claimant and spouse had previously created a parcel for a gift to this same family member.

Joan said that the Rossignols, Richard primarily, had completed quite a bit of exemption activity in Sections 22 and 26 near Lolo by which a number of twenty-acre tracts were created in Section 22. As far as she could tell, not much additional activity had taken place in most of those tracts although one additional transfer had taken place, which was the one for this particular son, and it was in Section 26, where the proposed division is. There had been at least one small, irregular parcel created but nothing significant in terms of other pattern divisions. She said that this proposal is for a three-acre tract specifically for this son, who intends to build a house on the parcel and that Norma Rossignol had indicated to her that nothing had ever been done with the previous division to this particular son. He had not built a house on that tract, but wished to build on the proposed parcel.

The Commissioners then reviewed the information and maps Joan had prepared. She pointed out the location of the parcel in question as well as locations of the twenty-acre parcels previously created by the Rossignols through the COS process. She said that Tract 9 had been divided into three parcels, but only one of those--the occasional sale--was sold. The other two--including the one family transfer--still remain in Norma Rossignol's name, as far as she could tell. She said that the proposal before the Commissioners today concerned a request in Section 26. Her review of the Lolo Area Comprehensive Plan had indicated that although much of the surrounding area was designated for parks and open space, this particular segment has a residential designation, and, in fact, could be much smaller tracts.

In response to a question from Barbara Evans in regard to question 5 of the affidavit, Joan explained that Norma Rossignol acknowledged COS 2905, an irregular parcel to be deeded Paul Rossignol, and COS Nos. 2905 and 2575, occasional sales to which she was not a signatory. She also acknowledged COS 861, an early split to which she was not a signatory.

JULY 1, 1987 (continued)

Another relevant point was that the exempt transfers made by Richard Rossignol in 1984 were also reviewed and, as far as Joan could tell, no divisions had occurred after that and Norma personally had not done any.

Commissioner Janet Stevens asked if the property previously given to Paul had been transferred by deed. Joan said that as far as she could tell, it had not been transferred.

Tim Wolfe, from Territorial Surveying, representing the claimant, answered for the Rossignols, stating that the title had not been transferred.

Janet Stevens said that the problem when that doesn't happen is that the split by family transfer had been created but never occurred; and the property is still split, which puts into question whether the family transfer exemption was used just to get the property split.

In response to a question from Barbara Evans about whether that property had ever been sold to an outsider, Paul Rossignol answered that it had not been. He indicated that it been a matter of oversight on his mother's part.

Joan Newman said that the way that these transfers work is that in order for the property to be sold, it would have to be transferred to Paul, who would then be able to sell it, but it would not benefit Norma Rossignol directly.

Janet Stevens said that she did not have a problem with a family transfer as long as the deed is transferred.

Barbara Evans then moved, and Janet Stevens seconded the motion, that the request to divide COS 3095, Tract 1, by occasional sale, be approved, based on the following findings:

1. The intended use of the property is for Paul Rossignol to build a home on the site; and
2. No pattern development has occurred in regard to divisions of property by Norma Rossignol and the Board of County Commissioners does not believe that this division is intended as a circumvention of the Subdivision Regulations.

In addition, it was stipulated that when the Certificate of Survey is filed, the deed transferring ownership of the parcel to Paul Rossignol must accompany it.

The motion passed by a vote of 2-0.

The Rossignols were also informed that the following language must be printed on the face of the survey:

This Certificate of Survey was not reviewed for adequate access, installation of utilities, or availability of public services; nor does this approval obligate Missoula County to provide road maintenance or other services.

Since there was no other business to come before the Board, the meeting was recessed at 2:15 p.m.

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JULY 2, 1987

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

Audit List

Commissioners Evans and Stevens signed the Audit List, dated July 2, 1987, pages 8-27 with a grand total of \$77,861.08. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a contract, dated June 22, 1987, between Missoula County and American Asphalt, Inc., the lowest and best bidder for the construction, installation, and completion of the Kona Ranch Road Paving projects, as per the terms set forth, for a total payment of \$127,109.50. The contract was returned to Centralized Services for further handling.

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

Luncheon Meeting

Commissioner Stevens attended the Taft Seminar for Teachers luncheon held at the University Center at noon.

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JULY 3, 1987

The Courthouse was closed for the Independence Day Holiday.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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JULY 6, 1987

The Board of County Commissioners did not meet in regular session; Commissioner Ann Mary Dussault was on vacation all week and Commissioner Janet Stevens was stranded at the airport in Edmonton due to weather conditions.

SITE INSPECTION: REQUEST TO VACATE ALLEY IN THE CARLINE ADDITION

Commissioner Barbara Evans and Surveyor Horace Brown conducted a site inspection of the portion of alley in the Carline Addition which the Commissioners have been requested to vacate, pursuant to the hearing held at the previous week's public meeting.

WELFARE ADVISORY BOARD MEETING WITH HUMAN SERVICES DIRECTOR

Commissioner Barbara Evans and County Administrative Officer John DeVore met with Warren Wright, Director of Human Services for Missoula County, for the regular monthly Welfare Advisory Board meeting.

JULY 6, 1987 (continued)SUPPLEMENT NO. 1 TO THE 1987 OPERATING AND FINANCIAL PLAN FOR REIMBURSABLE SERVICES BETWEEN MISSOULA COUNTY AND THE FOREST SERVICES

Acting Chairperson Barbara Evans signed the above-referenced supplement to the Operating and Financial Plan between the U.S. Forest Service and Missoula County and the Missoula County Sheriff's Office. The supplement increased the reimbursement from \$16,162 to \$18,912. Of the \$2,750 increase, \$1,250 represents reimbursement for deputies salaries during the Sleeman Gulch Fire and the remaining \$1,500 is for the purchase of specialized equipment under the Cooperative Law Enforcement Agreement. The document was returned to the Sheriff's Office to be forwarded to the Forest Service.

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JULY 7, 1987

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 morning, the following documents were signed and matters taken care of:

PROFESSIONAL SERVICES CONTRACT: SEELEY LAKE REFUSE DISPOSAL DISTRICT

The Board of County Commissioners approved and signed a professional services contract for the Seeley Lake Refuse Disposal District between Missoula County and Service Management Associates of Seeley Lake for the purpose of providing secretarial, clerical and administrative services to the Seeley Lake Refuse Disposal District. The term of the contract is July 1, 1987 through June 30, 1987. Compensation is to be paid at a rate of \$7.00 per hour, with the District to be billed monthly for work performed the previous month.

AUDIT LIST

The Board of County Commissioners approved and signed the audit list, dated 7/7/87, pp. 8-13, showing a grand total for all funds of \$141.39.

PRINTING REQUEST FOR SPECIAL EDUCATION COOPERATIVE

The Commissioners approved a request from Superintendent of Schools Rachel Vielleux for a printing account with Central Services for the Missoula Special Education Cooperative for FY '88, with the work to be done at the same rate as that allowed the Superintendent of Schools Office. Notes indicating this approval were sent to Centralized Services and the Superintendent's Office.

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

COMMISSIONERS TROPHY: ROSE SHOW AT SOUTHGATE MALL

Commissioner Barbara Evans presented the Commissioners' trophy at the Rose Show held at Southgate Mall and attended the luncheon following the award ceremony.

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JULY 8, 1987

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 morning, the following documents were signed and matters taken care of:

APPROVAL OF PURCHASE OF MAINTENANCE TRUCK FOR SURVEYOR'S OFFICE PRIOR TO ADOPTION OF FY '88 BUDGET

The Commissioners approved and signed a request from Surveyor Horace Brown to purchase a maintenance truck, in the amount of \$697.06, from the Surplus Equipment Fund as shown in the Road Fund for the FY '88 Budget (947-Capital). The Commissioners' approval was necessary as the FY '88 Budget had not been finalized.

CERTIFICATION OF ACCEPTANCE OF COTTAGE COURT FOR COUNTY MAINTENANCE

Barbara Evans moved, and Janet Stevens seconded the motion, accepting the following portion of Cottage Court for County road maintenance: Northwest from Mount Avenue, then west 740 feet to a cul-de-sac. This includes 32 feet of asphalt pavement, 3 feet of concrete sidewalks, and 54 feet of right-of-way in the West Central Village Subdivision. The motion passed unanimously, and Chairwoman Stevens signed the certificate of acceptance on behalf of the Board. The certificate was returned to the Surveyor's Office.

LAND USE PERMIT FROM CHAMPION TIMBERLANDS TO COUNTY GENERAL SERVICES DEPARTMENT

Barbara Evans moved, Janet Stevens seconded, and the motion passed unanimously, that Land Use Permit No. 2576 be accepted and its conditions agreed to. Through the permit, Champion International Corporation granted the Missoula County General Services Department permission to use Section 2, T14N, R15W as a radio transmission site for a term to run from April 1, 1987 through March 31, 1988 and to continue thereafter, unless terminated by Champion, for successive one-year periods. The amount to be paid for the first year's lease is \$200, payable to Champion on or before May 1. Chairwoman Stevens signed the permit and it was returned to Operations Officer Jim Dopp.

UCC-1's: MISSOULA COUNTY AS SECURED PARTY FOR IDRB'S, SERIES 1981, PAY'N SAVE CORPORATION PROJECT'

Barbara Evans moved, Janet Stevens seconded, and the motion passed unanimously, approving the UCC-1 filing with the Secretary of State showing Missoula County as secured party and Southgate Mall Associates as debtors, for the IDRB's, Series 1981, for the Pay'n Save Corporation Project, in accordance with security interest as described in the attachments to the documents. Chairwoman Stevens signed each of the UCC-1 documents and they were returned to Deputy County Attorney Mike Sehestedt for filing purposes.

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

PUBLIC MEETING

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

JULY 8, 1987 (continued)Decision On: Request to Vacate Alley in Block 31-Carline Addition.

A hearing on this request to vacate the alley in Block 31, Carline Addition, located in Section 29, T.13N., R. 19W., Missoula County was held on July 1, 1987. As per State statute, Commissioner Barbara Evans and County Surveyor Horace Brown inspected the property on July 6, 1987.

Barbara Evans moved, and Janet Stevens seconded the motion to vacate the alley in Block 31, Carline Addition, located in Section 29, T.13N., R. 19W., Missoula County. The motion carried on a vote of 2-0.

Hearing: COS Review-Jewell Family Transfer

Information provided by Joan Newman, Deputy County Attorney, indicated that this was a request for an exemption from the Subdivision and Platting Act for a proposed division by family transfer of Tract 6, COS 2403 by Pat Jewell.

Joan Newman said that Pat Jewell wished to divide the a 20 acre tract into three parcels; two 5-acre parcels to be transferred to her two adult daughters, and a ten acre remainder. She said the property was just north of Seeley Lake on the Clearwater River, west of the highway. The reasons the application is before the Commissioners is because the claimant has used an occasional sale to divide property from the parent parcel before; and also the use of a remainder in conjunction with either occasional sales or family transfers is a factor that triggers Commissioner review. She said this 20-acre tract is part of a group of 8 20-acre tracts originally created by one person who bought the entire quarter section from Pat Jewell in 1980. That person did make a number of divisions on some of the tracts, although it does appear that four of them remain undivided. At some point, that person relinquished the property back to Pat Jewell, so she now has some of that property back in her possession. She said that Pat Jewell did do an occasional sale and remainder in 1984, making two 5-acre tracts out of one of the areas, and it appears from the Assessor's Office that she did sell the occasional sale parcel and still owns the remainder. She indicated this and previous divisions on a map.

The hearing was opened for public comment.

Dick Ainsworth of P.C.I, representing Pat Jewell, said he had originally divided the property for John Tripp, who owns the Double Arrow Ranch, and had bought the property from Pat Jewell. He said John had, at some point, defaulted on that purchase, and the property reverted back to Pat Jewell. She has been attempting, since that time, to dispose of the property, as she is not in the land, or real estate business. She is not a subdivider, he said, but she wants to give some property to her children and sell the rest.

Janet Stevens asked why Ms. Jewell did not take this through the subdivision process.

Dick Ainsworth said he had not discussed that with her. The roads do not meet County standards, and there is an easement through Forest Service land, and he is not sure this property could be approved through the subdivision review process.

Joan Newman said that the Comp plan calls for open and resource land with one dwelling per forty acres in this area.

Barbara Evans said she had mixed emotions on this issue; she feels that Mrs. Jewell should have the right to give property to

JULY 8, 1987 (continued)

her kids, and she should have a right to do an occasional sale, but if it looks like an evasion of the subdivision act, the Commissioners, by law, have to say no. She said that from the information provided by Mr. Ainsworth, it appears that Ms. Jewell intends to sell the land, and she has already obtained other 5-acre parcels in the area, and it looks like subdividing to her.

Dick Ainsworth said it did not make sense to turn this down just because Mrs. Jewell owns other property that she could either sell or give to her children; she is entitled to a family transfer or an occasional sale once a year.

Janet Stevens said that Ms. Jewell is trying to sell all of her property in the area, and she is doing it piecemeal as she gets a buyer.

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

Barbara Evans moved, and Janet Stevens seconded the motion to deny Pat Jewell a Family Transfer Exemption on COS 2403, Tract 6 because it appears that the purpose of the split is to create multiple lots for sale, which appears to be an 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 1:55 p.m.

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JULY 9, 1987

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 morning, the following documents were signed and matters taken care of:

AUDIT LIST

The Board of County Commissioners signed the audit list, dated 7/9/87, pp. 7-27, showing a grand total for all funds of \$168,655.74. The audit list was returned to the Accounting Department.

PAYROLL TRANSMITTAL FOR PAY PERIOD NO. 14

The Board of County Commissioners signed the payroll transmittal sheet for pay period no. 14, for the pay period from 6/14/87 through 6/27/87 and for the pay date of 7/2/87 for a total Missoula County payroll of \$382,740.72. The transmittal was returned to the Accounting Office.

MEMORANDUM OF AGREEMENT: CITY/COUNTY HEALTH DEPARTMENT AND PRUYN VETERINARY HOSPITAL

The Commissioners approved and signed an agreement between the Missoula City/County Health Department and the Pruyne Veterinary Hospital in order to provide quarantine facilities for cats and kittens involved in animal bite investigations. The term of the agreement is July 1, 1987 through June 30, 1988 and compensation will be \$3.00 per day per animal during the quarantine period and \$5.00 per animal for euthanasia and decapitation, if requested. The agreement was returned to the Health Department.

JULY 9, 1987 (continued)

CONTRACT: CITY/COUNTY HEALTH DEPARTMENT AND RECOVERY FOUNDATION

The Commissioners approved and signed a contract between the City/County Health Department and the Recovery Foundation pursuant to the provision of coordinating comprehensive alcohol services, including outpatient care, preventive public education services, emergency care and consultation to residents of Missoula County, in accordance with the terms and provisions of the contract. The term of the contract is July 1, 1987 through June 30, 1988. Compensation will be up to the following amounts, based on actual funds received: \$111,344 for outpatient treatment and \$27,748 for the operation of indigent care systems. The contract was returned to the Health Department.

AUTHORIZATION FOR DRAWDOWN ON COMMUNITY DEVELOPMENT BLOCK GRANT REHAB ESCROW ACCOUNT

Chairwoman Janet Stevens signed the authorization approving a drawdown of \$890.00 on the Community Development Block Grant Rehab Escrow Account. The authorization was returned to Grants Supervisor John Kellogg.

INDEMNITY BONDS

Chairwoman Janet Stevens examined, approved and ordered filed the following indemnity bonds:

1. Naming Carolyn E. Matthews as principal on warrant no. 7062, drawn on the Missoula County trust fund for maintenance support. The original warrant, dated 4/9/87, in the amount of \$100, was lost.

2. Naming Wyckmans as principal on warrant no. 3100, drawn on the School District #18 fund, for payment for merchandise purchased on inventory no. A78203. The original warrant, dated 4/6/87, in the amount of \$124.47, was lost.

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

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JULY 10, 1987

The Board of County Commissioners did not meet in regular session; a quorum of the Board was not present. Chairwoman Stevens left in the morning for Indianapolis, Indiana to attend the NACo Annual Conference.

MONTHLY REPORTS OF THE JUSTICES OF THE PEACE

Chairwoman Stevens was in briefly in the morning and examined, approved and ordered filed the monthly reports of Justices of the Peace David Clark and Michael Morris showing collections and distributions for the month ending June 30, 1987. The reports were forwarded to the Clerk and Recorder's Office.

MONTHLY REPORT OF THE CLERK OF THE DISTRICT COURT

Later in the day, Acting Chairwoman Barbara Evans examined, approved and ordered filed the report of the Clerk of the District Court showing items of fees and other collections made in Missoula County, Montana for the month ending June 30, 1987. The report was forwarded to the Clerk and Recorder's Office.

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JULY 11, 1987

On Saturday, July 11, Commissioner Barbara Evans gave the welcome and attended the reception at the University of Montana for the International Choral Festival sponsored by the Missoula Mendelssohn Club and partially funded by a Cultural and Aesthetics Grant from the Montana Arts Council.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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JULY 13, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Janet Stevens attended the NACo Annual Conference in Indianapolis, Indiana on July 13 and 14.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following document was signed and matter taken care of:

PROFESSIONAL SERVICES CONTRACT

The Commissioners approved and signed a professional services contract between the County and Art Garner, 1450 Hayes Drive, Missoula, MT, for the purpose of operating and maintaining the Golden West Sewer System, in accordance with terms and conditions set forth in the contract. The term of the contract is from July 7, 1987 through June 30, 1988, with compensation to be at the contractor's normal rate of pay (straight time rate). The agreement was forwarded to the Clerk and Recorder's Office.

MOTION TO PROCEED TO NOTICE RESOLUTION OF INTENT FOR RSID FOR ADJACENT PROPERTIES TO THE RATTLESNAKE SEWER

Commissioner Barbara Evans moved, and Commissioner Ann Mary Dussault seconded the motion, that the RSID Coordinator proceed to notice the resolution of intent for the RSID for adjacent properties to the Rattlesnake sewer. The motion passed unanimously.

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

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JULY 14, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Janet Stevens was in Indianapolis, Indiana, attending the NACo Annual Conference.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following documents were signed and matters taken care of:

AUDIT LIST

The Commissioners signed the audit list, dated 7/13/87, pp. 7-26, showing \$54,199.85 as a grand total for all funds.

JULY 14, 1987 (continued)

RESOLUTION NO. 87-073: ANNEXATION OF PARCELS TO THE FRENCHTOWN RURAL FIRE DISTRICT

The Commissioners signed Resolution 87-073 to annex parcels of land in Section 22, T16N, R23W, into the Frenchtown Rural Fire District and authorizing assessment for parcels included for a fire district levy along with other property already in the District. A hearing on this request for annexation was held at the Commissioners Public Meeting on July 1, after which the Commissioners found the annexation to be in the public interest.

APPOINTMENT TO MISSOULA URBAN TRANSPORTATION DISTRICT BOARD OF DIRECTORS

The Commissioners appointed Commissioners Janet Stevens and Ann Mary Dussault to serve on the Missoula Urban Transportation Board of Directors, pursuant to a memo from M.U.T.D. Board Chair Donna Morris. These appointments will satisfy the requirements of MCA 7-14-216 in regard to the need for two county commissioners to serve on the M.U.T.D. Board.

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

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JULY 15, 1987

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

Daily Administrative Meeting

At the daily administrative meeting held in the morning, the following documents were signed and matters taken care of:

OGREN ADDITION: 60-DAY FILING EXTENSION

The Commissioners approved a 60-day filing extension for the Ogren Addition, making the new filing deadline October 2, 1987.

WIERSON ADDITION: 120-DAY FILING EXTENSION

The Commissioners approved a 120-day filing extension for the Wierson Addition, making the new filing deadline December 1, 1987.

COUNTY-WIDE AND DISTRICT SCHOOL LEVY LIMITATIONS

The Board of County Commissioners fixed the County-wide and district school mill levies, pursuant to SB-71, which states in pertinent part that ". . . the actual tax liability for an individual property is capped at the dollar amount due in each taxing unit for the 1986 tax year," and also pursuant to MCA 20-9-142, which states, "It shall be the duty of the Board of County Commissioners to fix and levy on all the taxable value of all the real and personal property within the district . . . all district and county taxation required to finance within the limitations provided by law the final budget and any emergency budget of the district." The specific levies for FY '88 are as follows:

1. The County-wide levies will be limited to the amounts indicated below:

Elementary General	28.00 mills
High School General	17.00 mills
Elementary Retirement	20.35 mills
High School Retirement	11.81 mills

JULY 15, 1987 (continued)

2. The total of all other mills levied on an individual district will be limited to the following amounts unless the district meets one of the exceptions listed in SB-71:

District 1	92.51 mills
District 4	84.87 mills
District 7	116.87 mills
District 11	95.11 mills
District 14	69.86 mills
District 18	34.01 mills
District 20	21.75 mills
District 23	31.02 mills
District 30	17.31 mills
District 32	63.31 mills
District 33	60.51 mills
District 34	61.14 mills
District 40	84.20 mills
MCHS	60.18 mills
JD 2	206.79 mills
JD 6	134.81 mills
JD 8	69.02 mills

3. The exceptions to the amount of the district levy are found in SB-71 in the following areas:

- a. Section 2(7) regarding a decrease in taxable value of 5% or more;
- b. Section 2(8) (a-h) regarding indebtedness; and
- c. The limitation does not apply if the voters in the taxing unit approve an increase in tax liability following a resolution of the governing body of the taxing unit which meets the criteria set forth in SB-71, Section 2(9)(a-f).

PUBLIC MEETING

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

Proclamation

The Board of County Commissioners signed a proclamation in support of treaty rights, and proclaiming July 16, 1987 to be Hellgate Treaty Day in commemoration of the 132nd anniversary of the treaty.

Commissioner Dussault said that the actual signing of this treaty was done at Council Groves, which was property owned by her family. The property was maintained by the Dussaults as public recreation property, and has since transferred ownership of that property to the State of Montana for historical preservation and recreation purposes.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to sign the proclamation concerning Hellgate Treaty Day. The motion carried on a vote of 3-0.

JULY 15, 1987 (continued)

Bid Awards: (Surveyor)

1. Bids were opened July 13, 1987 for 4,200 tons of plant mix asphaltic concrete. The following bids were received:

Jensen Paving	\$51,576.00
American Asphalt	52,500.00

Information provided by Horace Brown, County Survey, noted that \$88,000.00 was budgeted for asphalt in the 1988 fiscal year. The bid will be contingent on those funds being appropriated in the budget.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to award the bid for 4,200 tons of plant mix asphaltic concrete to Jenson Paving for \$51,576.00. The motion carried on a vote of 3-0.

2. Bids were opened July 13, 1987 for 250 tons of CRS emulsified asphalt oil. The following bids were received.:

Koch Materials Company	\$23,750.00
Idaho Asphalt Supply	32,500.00
City Service Inc.	27,000.00
Marvin Rehbein	22,000.00
Montana Refining	31,250.00

The recommendation from Horace Brown, County Surveyor was to award the bid to Marvin Rehbein for 230 tons of CRS-2 emulsified asphalt oil, contingent on the 1988 budget, which has \$28,500.00 budgeted for this item. The bid award would be contingent upon the fact that the oil will not come from Montana Refining Company as a source. Horace Brown said that in the past the County has experienced many problems with the oil from Montana Refining.

Deputy County Attorney Mike Sehestedt said he did not see any problem with the requirement that the oil not come from Montana Refining, as the Commissioners are charged with determining the lowest, best, and most responsive bidder. He asked Horace Brown to detail the problems experienced with the oil from Montana Refining.

Horace Brown said the oil clogs up the machines because the emulsification is not properly done, and the oil is old. He said those problems have caused shut downs and additional repair costs to the County in the past

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for 230 tons of emulsified asphalt oil to Marvin Rehbein, contingent upon the 1988 budget, and contingent on that the oil will not come from Montana Refining as a source. The motion passed on a vote of 3-0.

3. Bids for prestressed concrete beams for the Mountain View Foot Bridge RS-6 were opened July 13, 1988. The following bids were received:

Central Pre-Mix Concrete Company	\$25,800.000
United Prestress Inc.	34,451.00

The recommendation from Horace Brown, County Surveyor is to award the contract to Central Pre-Mix Concrete Company, subject to budget approval. \$50,000 is included in the proposed FY'88 budget for this project.

JULY 15, 1987 (continued)

Barbara Evans moved, and Ann Mary Dussault seconded the motion to award the bid to Central Pre-Mix Concrete Company for bridge beams for the Mountain View Foot Bridge in the amount of \$25,800.00. The motion carried on a vote of 3-0.

Hearing: Intent to Create RSID 911

John DeVore Administrative Officer, said that RSID provides for the maintenance of the park, fire hydrants and street lights in West Central Village. He said this was a requirement of the approval of the subdivision. He noted that the Park Board had already allocated \$3,800 to assist in the development of the park, and said he recommended approval of the creation of RSID 911.

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

Ann Mary Dussault moved, and Barbara Evans seconded the motion to create RSID 911, providing for the maintenance of the park, fire hydrants and street lights in West Central Village. The motion carried on a vote of 3-0.

Hearing: Transloading Facility Proposal

Ron Klaphake, Executive Director of the Missoula Economic Development Corporation said that Missoula County is preparing a proposal with Cascade West Transportation Brokers, Inc., and the Missoula Economic Development Corporation to apply to the Department of Commerce for up to 2.1 million dollars to expand Cascade West's existing transloading facility. This proposal is under the auspices of the grant program created by the 1987 Montana Legislature which appropriated a portion of the Exxon Oil Overcharge settlement to the Department of Commerce to grant to one local government jurisdiction in Montana for the construction of a Model Transloading facility. Missoula County will be competing with other local governments for these funds.

Under the proposal, Missoula County would lend almost all of the grant proceeds to Cascade West. Cascade West will expand its facility to the point that it will be able to load a 55 car unit train daily. Cascade West currently loads an average of ten rail cars daily. This expansion will include laying 4,900 feet of track, converting the old sugar beet factory to warehousing and loading space, and the installation of sophisticated cargo handling equipment. While Cascade West currently transloads wood projects exclusively, it anticipates being able to handle other commodities such as paper, pulp, aluminum and fertilizer. Within five years, Cascade West expects to expand its workforce from its current ten employees to a projected seventy-five employees.

Cascade West would repay Missoula County with interest over a period of years according to a schedule tied to its increase in car loadings. Missoula County, in turn, will use the repayments to establish a revolving loan fund for small businesses in western Montana. He said that the two parts of the project together will save energy, add permanent new jobs to the regional economy and save shippers in a 500 mile radius of Missoula thousands of dollars annually in shipping costs which will be an added stimulus to the economy.

In late April of 1986, the Department of Commerce called for proposals, and the proposal initially required a submittal on behalf of local government on July 15. That date has since been changed to July 31. Shortly after receiving the specifications from the Department of Commerce, he had heard that Butte, Shelby and Billings were also interested in submitting proposals.

JULY 15, 1987 (continued)

The hearing was opened for public comment.

Howard Schwartz, project coordinator for the Transloading Facility, said this proposal is in progress, and the final structure depends on what the Commissioners want, and what the public comments are. He said support from outlying communities and counties has been solicited, and those letters of support will be included in the proposal.

Ray Richter, President of Cascade West, said the firm was headquartered in Portland Oregon, and maintains facilities in several states for the transportation of bulk-type products. He said the company was started in 1980 as a result of the deregulation of motor carriers, and the rail deregulation act. He said Cascade West is starting their second year of operation in Missoula after market studies indicated that there was a better way of making the forest service marketplace more competitive. He said the company has been profitable, and is growing rapidly. When he became aware of the RFP Proposal from the State of Montana, he felt that the concepts included in that were erroneous, in that it stated that this would not be an economically viable process. He said he felt that Missoula would be an ideal place for the transloading facility, and he began talking with officials to get the proposal developed. He indicated his current facility on a map, and showed where he planned expansion if the transloading facility is built in Missoula. He said his research indicates that when a trailer on flat-car facility is put in, the industrial area around it grows very rapidly. He said the added railroad track would allow them to develop a unit train program, whereby Cascade West would be tendering to the Railroad, unit train volumes of product rather than car load volumes. The monetary savings and reduction in cost is substantial, and would be passed on to the consumers, making Missoula more competitive.

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

Ann Mary Dussault asked Howard Schwartz why the proposal asked for an amount up to \$2.1 million, and if the grant might be for less than that amount.

Howard Schwartz said it was not certain that what Mr. Richter planned to do would require the full \$2.1, and the final figure would be available within a week.

Ann Mary Dussault noted that the grant proposal said that "almost all" of the grant proceeds would be loaned to Cascade West, and asked what that meant.

Howard Schwartz said that the possibility that Missoula County might want to retain some of the funds for administrative purposes is still being studied, and when the final budget for project is completed, administrative costs would have to be held by the County for that purpose.

Ann Mary Dussault if the repayments would be used to establish a revolving fund for small businesses; and would that fund be used specifically and exclusively for energy related projects.

Howard Schwartz said that is still under study. He said he and Ron Klapahke were meeting with the motor carrier's organization in the morning, as they had some concerns about this proposal having an adverse affect on the trucking industry; so one of the things that is being studied is to structure the loan program so that the truckers could take advantage of it as well.

JULY 15, 1987 (continued)

Ann Mary Dussault said she had a series of questions for Ray Richter that would establish for the record the relationship between this proposal and Burlington Northern. She asked if there was any relationship between his corporation and Burlington Northern.

Ray Richter said there was no relationship at all; he owns no stock in Burlington Northern, he is not an officer or director of Burlington Northern, nor does he have any fiduciary responsibility to Burlington Northern, and they have none in Cascade West. He said he owns 100% of the stock of Cascade West.

Ann Mary Dussault asked Ray Richter if the land which would be used for the transloading facility, which was formerly owned by Burlington Northern and since donated to the Nature Conservancy, would be repurchased from the Nature Conservancy.

Ray Richter said that was correct.

Ann Mary Dussault asked if he could discuss the rolling stock that would be utilized to transport materials.

Ray Richter said that for a transloading facility to prosper and grow, it has to be more than a transloading facility, it has to be a transportation marketing facility. He said railroads are very good and efficient at moving products from point A to point B, and are notoriously bad at marketing. He said it was Cascade's philosophy and growth pattern to jump in and assist in that marketing program. In order to provide the service that they have committed to, it has been necessary for Cascade West to purchase their own equipment. He said the 100 red lumber cars at the facility belong to Cascade West; and an additional 100 cars are being designed for a lease/purchase program.

Ann Mary Dussault said that one of the original purposes of this proposal was to create competition for the Burlington Northern, and there has been some question of how this proposal will create that competition as it is the only line running through Missoula. She asked Ray Richter to comment on that.

Ray Richter said the proposal did not indicate that this facility would create competition for Burlington Northern. He said it is an energy conservation program that would make western Montana more competitive. One of the ways to be more competitive is to reduce costs; and if Burlington Northern can use unit trains, it can be more competitive. He said Burlington Northern does not control all the shipping in Montana, there is the Sealand Steamship Company, and he has heard that Burlington Northern might not be the owner of the track that serves Missoula for long, so that will open up the negotiations with another entity.

Ann Mary Dussault said that it is important that this not be a single-product transloading facility; and the proposal refers to the possibility of commodities such as paper, pulp, aluminum and fertilizer, in addition to the current lumber shipments, and she asked how realistic is it to expect that kind of service.

Ray Richter said Stone Container would love to have the ability to be competitive with piggy-back trailers. Piggy-back trailers are not competitive because the ways and means of loading those trailers on flatcars is very cost-consuming. If a modern, state of the art facility is put in, the cost reduction would be passed on, and both Champion and Stone Container would become more competitive. The other products that might be carried would be studs, pulp, paper and fertilizer. He said the proposal submitted by Butte to transport fertilizer are just that---fertilizer.

JULY 15, 1987 (continued)

Ann Mary Dussault asked if the monies are granted to Cascade West, would the funds be used for the purchase of the land, and the relative capital expenditure to expand the facility.

Ray Richter said that was correct, and some equipment would also be purchased.

Ann Mary Dussault asked Ron Klapahke to comment on the potential economic benefits if this project goes, and if there is a potential detrimental impact on the trucking industry in Missoula if the project goes.

Ron Klapahke said transportation of product is one of the major factors in economic decision making in terms of where a plant is located and whether that plant continues to operate. There are three main things that direct the cost; labor, transportation, and raw materials. Montana and Missoula are at a competitive disadvantage because of distance to market. He said this proposal would make Montana more competitive. He said if transportation costs would be reduced for businesses that are already located here, or wish to move here, they could also be more competitive. He said the loan to Cascade West would be returned back to Missoula County to be used for other economic development efforts that are energy related. He said that would be a significant benefit to this area. He said there is an impact on trucking, because trucking competes with barges, rail, steamships, etc. already, so it will create some competition for the truckers.

Janet Stevens asked Howard Schwartz how the money, once it is returned to Missoula County, will be put together for loans for small businesses throughout the Western part of the state-not just Missoula County.

Howard Schwartz said the tentative idea is to set up some sort of trust, independent of the County, under the control of the County Commissioners and an appointed board that would make loans to businesses located throughout Western Montana.

Barbara Evans asked Ron Klapahke to assess Missoula County's chances of getting this grant.

Ron Klapahke said Secretary of Commerce Keith Colbo had personally assured him that the legislature mandated that this be an open competition, and that a decision would be made based on the merits of the proposals. He said he believes that is the truth, and he believes that the Missoula proposal is different from other city's proposals, in that it relies on an operator that is a proven operator, has a working facility, and has a financial statement that can back up a loan. He said that the fact that the money is being lent, and is not a permanent, public expenditure that would come back to haunt the Commissioners like a golf course, leads him to believe that Missoula has an opportunity to be heard, and if all the other proposals are as good as rumored, Missoula County would have a good chance, because it is significantly different.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to proceed to develop a final draft of a proposal to be submitted, and that the proposal be submitted to the Board of County Commissioners for final review and adoption and direct all County departments to be ready to assist Mr. Richter in the development of the proposal. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:35 p.m.

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JULY 16, 1987

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following documents were signed and matters taken care of:

APPROVAL OF CLINTON CDBG HOUSING REHAB DISBURSEMENTS

The Commissioners approved disbursement of CDBG funds into the "Housing Rehab Escrow Account" and reviewed information prepared by Grants Supervisor John Kellogg about actual payments made from that account in order to satisfy an auditing requirement of the Montana Department of Commerce, which administers CDBG funds for the State of Montana.

REQUEST FROM SURVEYOR HORACE BROWN: PERMISSION TO EXPEND FY '88 FUNDS IN ADVANCE OF FINAL BUDGET APPROVAL

The Commissioners approved a request from Surveyor Horace Brown to expend FY '88 funds in advance of final budget approval on the grounds that the beam forms would not be available again until September 1, 1987 if this request were not acted on now. If the expense were not approved, summer bridge building projects would not be accomplished.

NOTICES OF HEARINGS

Ann Mary Dussault moved, and Janet Stevens seconded the motion, that the following notices of hearings be signed. The motion passed unanimously.

NOTICE OF HEARING

The Board of County Commissioners will hold a hearing on a proposed resolution to authorize tax benefits for the remodeling, reconstruction, or expansion of existing buildings or structures on Wednesday, July 29, 1987 at 1:30 p.m. in Room 201 of the Courthouse Annex. Chairwoman Stevens signed the notice.

NOTICE OF HEARING

The Board of County Commissioners will hold a hearing on the proposed revisions to the property tax incentive (in accordance with Legislative amendment to the governing statute) for new and expanding industry on Wednesday, July 29, 1987 at 1:30 p.m. in Room 201 of the Courthouse Annex. Chairwoman Stevens signed the notice.

MINUTEMAN AVIATION FOR TAX ABATEMENT RE AIR AMBULANCE SERVICE

The Commissioners signed a letter to Thomas J. Beers, attorney with the firm of Connell, Beers & MacDonald, denying his request, made on behalf of Minuteman Aviation, for a tax abatement for the helicopter used as an air ambulance which was under repair and hence not producing revenue for the time period from January 24, 1986 through November 27, 1986. This denial was based on an opinion by Deputy County Attorney Mike Sehestedt that there was no statutory basis upon which the requested tax relief could be granted, and on an opinion by County Assessor Supervisor Jim Fairbanks that taxes on personal property undergoing repair or maintenance cannot be pro-rated, based on the Administrative Rules addressing property subject to taxation.

JULY 16, 1987 (continued)

APPROVAL OF PROPOSAL TO CONTRACT WITH DR. PHIL BORNSTEIN FOR
ROUTINE PSYCHOLOGICAL EXAMS

The Commissioners approved the proposal presented by letter from Court Operations Officer Dick Vandiver to award the bid for routine psychological evaluations in District Court criminal cases for FY '88 to Dr. Phil Bornstein, based on the responses to a request for bids and on the fact that the District Court Judges have agreed that this is a reasonable approach as long as they retain the authority to appoint psychological or psychiatric experts other than Dr. Bornstein for good cause shown. The purpose of this proposed contract is to save money in the indigent legal budget.

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

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JULY 17, 1987

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

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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JULY 20, 1987

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following documents were signed:

NOTICE OF PUBLIC HEARINGS ON FY '88 BUDGET

Chairwoman Janet Stevens signed the notice of public hearings to be held for the purpose of hearing written and oral comments from the public concerning the proposed annual budget for FY '88. The hearings will be held at 2:30 p.m., August 5; 1:30 p.m., August 6; and 1:30 p.m., August 7, in Room 201 of the Missoula County Courthouse Annex.

NOTICE OF SALE: RSID BONDS (RSID 425)

Commissioner Ann Mary Dussault moved, Commissioner Barbara Evans seconded the motion, that Chairwoman Janet Stevens be authorized to sign the notice of sale of bonds for RSID 425 in the amount of \$16,000 for the purpose of construction of a water supply system to serve the Sportco Addition, Missoula, MT. The motion passed by a vote of 3-0, and Janet Stevens signed the notice. The hearing will be held at 1:30 p.m., Wednesday, August 26, 1987, in Room 201 of the County Courthouse Annex.

JULY 20, 1987 (continued)

PROFESSIONAL SERVICES CONTRACT WITH INDEPENDENT CONTRACTOR

The Board of County Commissioners approved and signed a professional services contract between Missoula County and the Seeley-Ovando-Swan (S.O.S.) Health Center for the provision of public health nursing services at the Center in the areas of well-child exams, blood pressure screenings, perinatal at-risk visits and prenatal education. The term of the contract is July 20, 1987 through June 30, 1988 and the contract amount is \$1,000. The contract was returned to the Health Department.

PROFESSIONAL SERVICES CONTRACT WITH INDEPENDENT CONTRACTOR

The Board of County Commissioners approved and signed a professional services contract between Missoula County and Clarke Bennett, 832 Rollings, Apt. A, Missoula, MT 59801, for the purpose of performance of tasks related to data collection for the aquifer sensitivity study. The term of the contract is July 13, 1987 through June 30, 1988, and the contract amount is \$800. The contract was returned to the Health Department.

DEPUTY FOR WARRANT SERVICE

The Board of County Commissioners approved a request from Sheriff Dan Magone for reinstatement of one deputy position for the purpose of traffic enforcement and processing of warrants, in accordance with conditions set forth in the approval memo no. BCC-87-301, on file in the Commissioners Office.

INDIGENT DEFENSE-RETAINER AGREEMENT

The Commissioners approved and signed an Indigent Defense-Retainer Agreement between the County and William Boggs, Attorney-at-law, for the purpose of providing indigent legal defense according to the terms of the contract, which is on file in the Clerk & Recorder's Office. Compensation under the contract is to be paid at a rate of \$30/hr. for out-of-court work and \$40/hr. for in-court work, regardless of the number of hours spent on any one case.

LOW BIRTH-RATE CONTRACT

Commissioner Ann Mary Dussault moved, and Commissioner Barbara Evans seconded the motion, that the low birth-rate contract be signed. The motion passed unanimously. The contract, between the Montana State Developmental Disabilities Planning and Advisory Council and the Missoula City/County Health Department, is a model demonstration of methods and procedures for the prevention and reduction of the incidence of low-birth weight of infants in Montana. The contract takes effect upon signing and continues through June 30, 1988.

REQUEST FROM SURVEYOR TO USE FY '88 FUNDS TO PURCHASE ASPHALTIC CONCRETE BEFORE FINALIZATION OF BUDGET

The Commissioners approved a request from County Surveyor Horace Brown to expend funds budgeted for FY '88 to purchase asphaltic concrete before finalization of the FY '88 budget. The project to be accomplished with this asphalt is removal of ruts caused by heavy traffic on South Avenue and Reserve in order to make the intersection completely safe again from traffic hazards.

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JULY 21, 1987

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following documents were signed and matters taken care of:

AUDIT LIST

The Board of County Commissioners signed the audit list, dated July 21, pp. 8-30, showing a grand total for all funds of \$306,319.13. The audit list was returned to the Accounting Department.

QUIT CLAIM DEED

The Commissioners signed a quit claim deed between the County and Jack L. Green in regard to a tract of land located in the SW1/4 SW1/4 of Section 14, T13N, R19W, and more particularly described in the document, which is on file in the Clerk & Recorder's Office. This property had been taken for tax deed and was thereafter redeemed.

QUIT CLAIM DEED

The Commissioners signed a quit claim deed between the County and Double Arrow Ranch Association, Ltd. in regard to a tract of land located in that portion of Certificate of Survey No. 3209 located in the South half of Section 11, T16N, R15W, P.M.M., Missoula County, Montana, and more particularly described in the document, which is on file in the Clerk & Recorder's Office. This property had been taken for tax deed and was thereafter redeemed.

STANDARD AGREEMENT: HIGHWAY TRAFFIC SAFETY DIVISION

Commissioner Ann Mary Dussault moved, and Commissioner Barbara Evans seconded the motion, that Chairwoman Janet Stevens be authorized to sign an agreement between the Montana Highway Traffic Safety Administrator and the County pursuant to obtaining support and funding for the establishment of a community-based, comprehensive traffic safety program in Missoula County. Under this agreement, local traffic safety representatives will collaborate in the formation of a traffic safety task force which will propose a one-year plan to increase traffic safety on a community level. The total amount of the contract is \$30,203.00, to be paid by the State to the contractor, and the term of the contract is one-year, beginning on July 13, 1987.

RESOLUTION NO. 87-074

The Board of County Commissioners signed Resolution No. 87-074 to adopt revised policies and procedures for the administration of developer RSID's, set forth in the policy attached to the resolution, which is on file in the Clerk & Recorder's Office. Resolution No. 87-074 supersedes resolution number 87-017.

RESOLUTION NO. 87-075

The Board of County Commissioners signed Resolution No. 87-075 to adopt revised policies and procedures for the administration of neighborhood RSID's, set forth in the policy attached to the resolution, which is on file in the Clerk & Recorder's Office. Resolution No. 87-075 supersedes resolution number 86-041.

JULY 21, 1987 (continued)MACo DUES

Commissioner Ann Mary Dussault moved, and Commissioner Barbara Evans seconded the motion, that Missoula County pay its membership dues in the Montana Association of Counties for 1987-1988. The motion passed by a vote of 3-0.

CRIMESTOPPERS MEETING

Commissioner Barbara Evans attended a Crimestoppers Meeting at noon at Moose McGoo's.

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JULY 22, 1987

The Commissioners met in regular session; all three Commissioners were present.

At the daily administrative meeting held in the morning, the following documents were signed and matters taken care of:

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the payroll transmittal sheet for pay period no. 15, covering the period 6/28/87 through 7/11/87, for pay date 7/17/87. The grand total for all funds was listed as \$343,592.06. The payroll transmittal sheet was returned to the County Auditor.

NOTICE OF HEARING: ANNEXATION TO MISSOULA RURAL FIRE DISTRICT

Commissioner Ann Mary Dussault moved, and Commissioner Janet Stevens seconded the motion, that Chairwoman Janet Stevens be authorized to sign a notice of hearing on a petition for annexation to the Missoula Rural Fire District of the following area: A parcel of land located in T12N, R19W, and Section 2: lots 2 & 3, Missoula County, Montana, containing approximately 62 acres. Chairwoman Janet Stevens then signed the notice.

CONSENT TO TERMINATION OF LEASE

The Board of County Commissioners approved and signed a consent to terminate the lease of Daniel J. Thornburg and Robert M. Thornburg for certain property described in the lease recorded at volume 167, page 598, Micro Records of Missoula County and amended by documents recorded at Volume 176, p. 1889, volume 179, p. 1233, v. 198, p. 1994, and volume 215, p. 0126. The lease covers the land on which the Missoula Batting Cages is located. The cancellation is contemplated in order that Jay C. Rutherford & Margaret J. Rutherford may enter into a new lease for the above-referenced property.

LEASE

The Board of County Commissioners signed a lease between the County and Jay C. Rutherford and Margaret J.. Rutherford, 5428 Prospect Drive, Missoula, MT 59802, on the parcel of land situated in Fort Missoula and recorded in the Micro Records of Missoula County as described above, for an initial term of 10 years, commencing from 7/22/87, with an option to renew and other terms as set forth in the lease document. The annual rental payment was listed as \$1,320.00 per year, commencing June 1, 1987, with this yearly amount to be broken into monthly installments as set forth in the lease. The Rutherfords will run the Missoula Batting Cage concession on this parcel of land leased from the County.

JULY 22, 1987 (continued)

RESOLUTION NO. 87-076

Commissioner Ann Mary Dussault moved, and Commissioner Janet Stevens seconded the motion, to sign Resolution No. 87-076. The Board of County Commissioners then signed the resolution, which authorized the submission of a proposal to the Department of Commerce for a grant to construct and expand an intermodal transloading facility.

PUBLIC MEETING

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

Consideration of Placid Lake So. Shore Tracts-Final Plat-Phase I

Paula Jacques, Planner II from the Office of Community Development, said the preliminary plat of Placid Lake South Shore Tracts was approved by the Commissioners on March 25, 1987. The final plat of Phase I consists of 10 residential lots and one non-building lot which will be attached to adjacent land. All conditions of plat approval have been satisfied at this time with the exception of two; one of those is partially completed; the easement is to come from Champion, and that is being obtained. She said the original approval required a dry hydrant, but that has been found not to be feasible, so that condition has been omitted.

The Community Development Staff recommends that the final plat of Placid Lake South Shore Tracts be approved subject to the following conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. Road construction plans bearing an engineer's seal shall be submitted with the final plat of each phase of development, including plans for revegetation of road cuts subject to the approval of the County Weed Supervisor. Where roads cross property outside of this subdivision, easements shall be obtained.

Dick Ainsworth, the developer of the project, said the required easement from Champion will be signed later in the week.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the final plat for the Placid Lake South Shore Tracts, Phase I, subject to the conditions listed above. The motion carried on a vote of 3-0.

Hearing: Petition for Abandonment of Pertile Lane (Allomont Orchards)

Information provided by Donna Cote, Recording Section Supervisor, indicated that a portion of the owners whose property abuts Pertile Lane, further described as the 60 feet dedicated roadway on the Amended Plat of Allomont Orchards, Lot 4, Block 2, would like to have the roadway abandoned for the following reasons: Abandonment of this County Road is necessary and advantageous because the road was mistakenly dedicated to the public. In addition, the County does not maintain the road and the landowners wish to maintain the roadway themselves.

Title to the property adjacent to the 60' dedicated roadway in this area is vested in the following persons:

JULY 22, 1987 (continued)

- | | |
|---|---|
| 1. Eugene and Dianne Peterson
11450 Allomont Drive
Lolo, MT 59847 | 2. Marlene Rule
P.O. Box 68
Lolo, MT 59847 |
| 3. Frank E. Grover
11455 Allomont Drive
Lolo, MT 59847 | 3. Leroy and Linda Wilson
11385 Allomont Drive
Lolo, MT 59847 |
| 4. Richard and Marel Kay McDougal
11350 Allomont Drive
Lolo, MT 59847 | 4. Clifford and Leah Miller
501 River Drive
Lolo, MT 59847 |

She also listed adjacent property owners, which are included in the petition on file in the Clerk and Recorder's Office. She said all of the persons mentioned in the petition, along with Joan Newman, Deputy County Attorney, Horace Brown, County Surveyor, and the Missoula Rural Fire Department were all notified of the hearing. The Notice of Hearing was published in the Missoulian on July 12, 1987.

Don Torgenrud, an attorney representing several of the landowners who have access through Pertile Lane, said that in the original Allomont Orchards Subdivision, the lane was originally placed in the plat map to provide access for these particular landowners. He said there is a certain discrepancy in the original permitting process; in that the lane was never dedicated, it was a public easement that was meant to be retained. He said there is a problem now, in that the County does not want to maintain the road, and those landowners who actually are serviced by Pertile Lane are having a problem trying to maintain this road, because there is a certain amount of friction being generated by the people who live on the back side of the lane, and who front on Tyler Way. If the original grant was an easement, then that right is not going to be expanded past what that original easement was granted for; which was to allow access. He said there is no right that is vested in those people on Tyler Way to this piece of property unless the County really makes a County road out of it. He said there is a problem with making a County Road out of it, because it is landlocked; private property has to be crossed on both ends in order to get to Pertile Lane. He said he was suggesting that it would be in the best interest of the County, as well as the landholders that the road services, to vacate the road and allow those landholders to get their own road maintenance agreement. He said those people do not have a problem agreeing with each other. It's the people who really don't have a right to the access to the road pursuant to the original grant who are causing the problem at this time. He said Pertile Lane is an extra headache to the County because complaints are made continually concerning the maintenance of the road. There is a drainage problem on the road, and nobody can do much of anything without causing a whole lot of squawks. So, in order for the County to take it over, something would have to be done about the private property on both ends, and he said he understood that the County really doesn't want to maintain that road anyway, since it only services these few homes. He said that all the people on Tyler way had signed a consent to vacate, which was turned in to the Clerk and Recorder. He said one of the last opinions that came from the County Commissioners was that they were not going to vacate the road because certain individuals needed it as access to their property. He said those individuals had signed a consent to vacate, and do not, in fact, need Pertile Lane as access to their property, because they have their own grant, which they got when they purchased their property, which gives them access through Pertile Lane.

Joan Newman, Deputy County Attorney, said that the original Allomont Orchards Tracts were platted around 1910. The two lots owned by Mr. Rule and Mr. Peterson were subdivided, and platted

JULY 22, 1987 (continued)

in 1979. At that time, in the subdivision process, the staff report dealt with the access to these two tracts. The original County roads that would have accessed these two tracts had been vacated some time before, so some provision had to be made for access to these tracts. The staff report used a bit of confusing language, in her opinion, in talking about a 60' right-of-way, and a private dedicated easement, which would be a contradiction in terms. She said that in the Commissioner's decision in the tract, some of that same confusing language is used. She said the fact is that the plat contains legal dedication language, and all that is basically irrelevant to the discussion today, which is a legal matter. The plat itself contains the dedication language by the original developer, and there is no mistake on the face of the plat; there is no private/public road. It is simply a dedicated roadway, and the question is, should it stay that way? Whether it is County maintained is another question. She said the Attorney General has ruled that the County is legally obligated to maintain only those roads which were petitioned by landowners. Dedicated roads, do not, by Attorney General opinion, have to be maintained. The County has a policy on when roads are maintained, and when they are not. She said the main factor is if the road has been brought up to County standards in regards to construction. In order for Pertile Lane to be accepted for County maintenance, the construction would have to be brought up to County standards through an RSID. She said that her opinion is that a County right-of-way is available for use by the public, and anyone who has a right to use it has a reasonable right to maintain it; which may make a difficult situation, but some cooperation is necessary. She said there is no deeded access to Pertile Lane from Tyler Way, but it is a matter of a legal conclusion that the public has used that area for long enough that there are prescriptive public rights there which the County or an individual could pursue.

The hearing was opened for public comment.

Lee Wilson, speaking in favor of the petition, said Pertile Lane was a dead-end street, and was only built to give access to those people who had houses on that street, and should never have become a dedicated street, because there was no access to the street without crossing private property. He said when the road gets water on it, it all drains down into his property. Several people who live on the road have discussed options for maintenance of the road, and they are willing to maintain it themselves if it is vacated. People who have property on Pertile Lane have legal easements filed with their deeds, he said.

Clarence Rule said he was in favor of the abandonment, as he is unable to afford an RSID. He said if the road is vacated, the landowners on Tyler way would be given access to their homes.

Jim Pratt, a resident of Tyler way, speaking in opposition to the vacation, said he wants the road to remain as it is for several reasons:

1. He would have no access to his back yard if the street were vacated. This would also cut off access for utilities, emergency services, or wood hauling;
2. Vacating Pertile Lane would landlock Tyler Way;
3. The placement of the ditch is questionable, it is too deep, and creates a deeper drainage for water to collect;
4. He said an RSID can be done in the area, and signed letters from everyone on Tyler Way have been received, requesting more information about an RSID. (He

JULY 22, 1987 (continued)

submitted the letters to the Commissioners-they are on file).

He said that one of the reasons that people on Tyler Way are not maintaining their part of their road is because of harassment and being run off the road by certain individuals, being told that they did not have the right to be on the road; and told that they had to have permission to be on the road as it was not a public road, etc. He said others would confirm these facts.

Dick Pritchard said that it is his understanding, from Joan Newman's comments, that the road is public and has been for several years; an RSID is in the works, and the only reason for the Commissioners to give the road to the petitioners has changed every time they come in and request it. As far as he can tell, there are just two people who want to own the road, and that, he thought, was not enough reason to give it to them. Maintenance and other problems mentioned by the petitioners appear to be value judgments on their part, and that does not appear to be a valid reason for giving the road to people who only want it for their personal use.

Jim Pratt said the petition that he had given to the Commissioners requesting the RSID was not a legal one, as he did not know the legal means when the petition was circulated. What he gave the Commissioners was meant to signify an interest in a RSID by the landowners on Tyler Way.

10 hands were raised in opposition to the vacation, 5 hands were raised in favor.

Don Torgenrud said he would like to summarize the important points. He said it was a dead-end street, and there is a flooding potential because of the grade. He said the people who are opposed to the vacation are the ones who have their back yards facing Pertile Lane, and who park their pickups there, and use the road only to haul wood, etc. He said it is being used as if it were one of the neighborhood streets, but it is not being maintained either by the County, or by the interested parties. He said it would solve a lot of the County's problems by vacating Pertile Lane, allow the use by the individuals who actually live on the road, and allow them to maintain it as well. He said the question of eminent domain and dedication may have been answered by Joan Newman's opinion, but it was his opinion that the District Court may have a different view of the matter; so that should not be considered a closed matter at this time. He said the street only services a few people who would like to have the ability to put their own road maintenance agreement together in some way that would drain this property across Mr. Wilson's property, and the owners would not have to worry about constant interference and input from other individuals who would not suffer any damage, and who are not paying their fair share as far as maintenance of the road is concerned. He said these people who have not paid for the maintenance have interfered consistently with the attempts by the individuals in Allomont Orchards to maintain that road.

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

Barbara Evans asked Don Torgenrud to assume that this is a paved road, and that the access was available, and to give her a reason why the petitioners want the road vacated.

Don Torgenrud said the reason the request is made is that then it becomes a road that they have the ability to create a road maintenance upon with the individuals who actually front on the road and whose property the road was originally dedicated to service. Right now, the owners do not have that ability, because

JULY 22, 1987 (continued)

every time they try to maintain the road, there is interference from the other individuals, because they don't like the way it is being done.

Barbara Evans asked him if his clients were willing to give written permission to the residents on Tyler Way to use the road to enter their back yards.

Don Torgrenrud said there would not be a problem with that, except for Mr. Pratt who had built all the way across the back of his property. He said written access would be given.

Janet Stevens said that at the last hearing on this issue, Clarence Rule said the negotiations between the two groups broke down specifically because he would not sign an agreement giving full access to that road.

Clarence Rule said that the reason he said that at the prior hearing was because he did not have control of the road, and did not feel that he could be giving permission for use of property he did not own. As far as permanent position, he said he would have to have some legal advice. He said he was afraid that the people on Tyler Way would come up with an RSID and outvote the people on Pertile Lane, who would then have to pay for the RSID.

Barbara Evans asked Joan Newman who had all signed waivers of an RSID when they purchased their property.

Joan Newman said she did not check the Lakeside portion to see if there are waivers to protest an RSID, but Mr. Rule and Mr. Peterson's lots both have, on the plat, that clause that they waive right to protest an RSID.

Mike Sehestedt said that the waiver Mr. Rule signed means that instead of requiring the developers to pave that road when it was dedicated, the owners agreed to sell the property subject to that condition (that the buyers plat contain the waivers).

A general discussion concerning prescriptive use, public access, and legal access ensued.

Joan Newman said that Pertile Lane is public right-of-way that is not County maintained, every member of the public has a right to use it, and there is some reasonable rights to maintain it. The fact that it is public right-of-way does not prevent anyone from having a maintenance agreement and in taking care of a County road in the absence of the County maintaining it. That right to maintain the road is subject to not interfering with other people's reasonable rights to use the road. She said if the people on Tyler Way were not intended to have access, then when it was platted, there would be a no-access strip on it.

Ann Mary Dussault referred to a letter from the Copelands who wrote a letter of protest, saying that it was a waste of taxpayers dollars to go through this process. She said the Commissioners are legally obligated, when they receive a valid petition from residents to go through this process, and it is the right of citizens to both initiate and participate.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to table a decision on this issue until the third week of January, 1988 for the following purposes:

1. To allow County's legal counsel to further investigate the question of whether or not there is public access to Pertile Lane; and

JULY 22, 1987 (continued)

2. To allow the County, through its policies for citizen initiated RSID's, to work with the residents on the possibility of investigating whether or not an RSID is feasible, and initiating a process to create an RSID if it, in fact, turns out to be the wishes of the majority of the residents involved.

The appropriate County departments, including the County Attorney, County Surveyor, and County Administrative Officer will be requested to work with all parties involved to resolve those issues.

The motion carried on a vote of 3-0.

Barbara Evans said the reason she supported the motion was because the bones of contention that have caused this matter to come before the Commissioners at least twice are the drainage issue; the road maintenance issue; the fact that the land-locked area is not publicly owned; and the accessibility for the use of the Tyler Way residents, as well as to the Pertile Lane residents. She said she felt that an RSID would eliminate 99%, if not all of these problems, as it would provide proper drainage, County road maintenance, would take care of the land-locked area, and provide accessibility to the Tyler Way residents. She suggested that all persons involved look at that issue, and try to come to some kind of agreement.

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

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JULY 23, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Ann Mary Dussault was in Great Falls, attending a Local Government Advisory Council meeting. Commissioner Barbara Evans was out of the office all day.

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JULY 24, 1987

The Board of County Commissioners met in regular session; all three Commissioners were present in the morning. Commissioners Barbara Evans and Janet Stevens were out of the office all afternoon.

The Board of County Commissioners signed the following:

REQUEST FOR TAX EXEMPTION: SONLIFE FELLOWSHIP

The Board of County Commissioners denied a request from SonLife Fellowship that its tax exemption be extended to include the months of August through December, 1986, on the grounds that the Board of County Commissioners do not have the authority to do so in this case, based on an opinion by Deputy County Attorney Mike Sehestedt that the determination of taxable status of property in Montana is solely the responsibility of the Department of Revenue. A letter to this effect was sent to Pastor Vicki L. Hurst of SonLife Fellowship.

PROFESSIONAL SERVICES CONTRACT

The Board of County Commissioners approved and signed a professional services contract between Missoula County and the Missoula Police Department in regard to participation of police officers in the DUI enforcement team as outlined in the

JULY 24, 1987 (continued)

attachment to the contract, the term of which is from July 24, 1987 through September 30, 1987, with total compensation to be paid under the contract of \$3,536.00.

PROFESSIONAL SERVICES CONTRACT

The Board of County Commissioners approved and signed a professional services contract between Missoula County and the Missoula County Sheriff's Office in regard to participation of the Missoula County Sheriff's Deputies in the DUI enforcement team as outlined in the attachment to the contract, the term of which is from July 24, 1987 through September 30, 1987, with total compensation to be paid under the contract of \$2,275.00.

MONTHLY SHERIFF'S REPORT

Chairwoman Janet Stevens examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for the month ending June 30, 1987. The report was forwarded to the Clerk & Recorder's Office.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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JULY 27, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was out of the office July 27th and 28th, 1987.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 87-077

The Board of County Commissioners signed Resolution No. 87-077, a resolution creating RSID No. 911 for the purpose of maintaining a park; three six-inch fire hydrants, and five high pressure sodium vapor street lights in West Central Village, a proposed subdivision in Missoula County.

Resolution No. 87-078

The Board of County Commissioners signed Resolution No. 87-078, a resolution to vacate the alley in Block 31, Carline Addition, located in the SW 1/4 of S.29, T.13 North, R.19 West, Missoula County.

Memorandum of Agreement

The Commissioners signed a memorandum of agreement, dated July 1, 1987, between Missoula County and the Lolo Mosquito District for the purpose of providing financial assistance through the County's capital improvement fund to finance a Mosquito Fogger for the District in the amount of \$4,202.10 through June 30, 1989, as per the terms set forth in the agreement.

Other matters included:

1. The Commissioners approved a request from Orin Olsgaard, DES Coordinator, to appoint Jim Dopp as a Deputy Coordinator for the Missoula County Disaster and Emergency Services Office; and;

JULY 27, 1987 (continued)

2. The request for funding for a facilitator for the Women's Place/YWCA discussions was denied by the Commissioners.

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

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JULY 28, 1987

The Board of County Commissioners did not meet in regular session; Commissioner Stevens attended an all-day Communications Skills Workshop which was held at the Sheraton. In the afternoon, Commissioner Evans attended the Airport Authority meeting held at the airport.

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JULY 29, 1987

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.

Audit List

Commissioners Evans and Stevens signed the audit list dated July 29, 1987, pages 9-36, with a grand total of \$162,092.56. 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 Missoula County and the City of Missoula for the purpose of allowing the City to obtain building maintenance and custodial service for City Hall from the County's General Services Department as per the provisions set forth in the agreement for a total cost of \$40,366.00 through June 30, 1988.

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

PUBLIC MEETING

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

Hearing: Proposed Revisions to the Property Tax Incentive for New and Expanding Industry.

Information provided by Leslie McClintock, Administrative Assistant to the Board of County Commissioners indicated that the Montana State Legislature amended the statutes governing the property tax incentive for new and expanding industry, thereby requiring revisions to Missoula County's tax incentive resolution Passed May 1, 1986.

John DeVore, Administrative Officer, said the revisions in the law revises the definition of new and expanding industry. He said expansion was having a dollar value of \$250,000 worth of qualified improvements made after July 1, 1987. In new industries, the value is defined as \$500,000 after July 1, 1987.

JULY 29, 1987 (continued)

He described the added definitions of industries that were now eligible, and the added requirements.

The hearing was opened for public comment.

David Owen, Executive Director of the Chamber of Commerce spoke in favor of the proposed revisions. He said the business community appreciates this message being sent last year, appreciates the updates, making it an effective tool for promoting business.

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

Ann Mary Dussault moved, and Barbara Evans seconded the motion to adopt Resolution 87-030, a resolution revising the tax incentives for new and expanding business. The motion carried on a vote of 3-0.

RESOLUTION NO. 87-080

The Board of County Commissioners signed Resolution 87-080, a resolution revising the tax incentives for new and expanding business in Missoula County.

Hearing: Proposed Resolution to Authorize Tax Benefits for the remodeling, reconstruction, or expansion of existing buildings or structures.

Information provided by Leslie McClintock, Administrative Assistant to the Board of County Commissioners indicated that the Montana State Legislature authorized local governments to grant tax incentives for the remodeling of existing buildings or structures where the taxable value is increased by at least 2 1/2% by remodeling, reconstruction or expansion.

John DeVore, Administrative Officer, said the City of Missoula adopted this Resolution, and if the project is located entirely within an incorporated city or town, local governing bodies have to approve the application. So, it makes a lot of sense for the County to go ahead and adopt the counterpart resolution.

The hearing was opened for public comment.

David Owen spoke in favor of the proposed resolution saying it would be used to provide an incentive and encouragement for people to rehabilitate buildings, make use of existing buildings, and do their expansions where they are located.

Jerry Ballas, a local architect, said the proposed resolution would provide a great deal of work for local construction workers and others.

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

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt the Resolution authorizing tax benefits for the remodeling, reconstruction, or expansion of existing buildings or structures. The motion carried on a vote of 3-0.

Resolution No. 87-079

The Board of County Commissioners signed Resolution No. 87-079 a Resolution authorizing tax benefits for the remodeling, reconstruction, or expansion of existing buildings or structures.

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

JULY 29, 1987 (continued)

PRELIMINARY BUDGET HEARING

The Board of County Commissioners convened at 2:30 p.m. for the purpose of gathering public testimony relative to the preliminary budget for 1987-1988. Present were Chairwoman Janet Stevens, Commissioners Barbara Evans and Ann Mary Dussault, Administrative Officer John DeVore, and Budget Officer Dan Cox.

John DeVore explained the proposed budget document and the funds that were appropriated for personnel in the Financial Administration Budget. He said that those funds are for a termination pool for the 35.5 County employees who have been laid off, and additional costs for expenses such as increased Worker's Comp charges.

Dan Cox explained the expected revenue shortfalls which necessitated the personnel cuts.

The hearing was opened for public comment.

Minkie Medora, a registered dietician at Missoula Community Hospital, speaking in favor of the Food Bank and the Missoula County Extension Service, saying she was concerned that support for these two organizations would be decreased, and the need for the services has increased.

Ivan Adams, 115 Reserve, spoke in favor of the Food Bank, and asked for continued funding for them.

Cecilia Armstuth, Janice Hogan, and Rene Davren indicated support for the Food Bank, but chose not to speak.

Marci Watson spoke in favor of the County museums, saying that the cultural and aesthetic life is as important as other things, and the museums offer much to the community and to travellers and tourists.

Ed Heilman, a museum trustee, said the museums are indeed worthwhile, and the amount of volunteer time given to the two museums indicates the amount of community support for the museums. He said there are more than 800 parks in Missoula County, and they furnish valuable recreation, and he spoke in favor of the budget for the parks.

Donna Heilman, also spoke in support of the museums, delineating the donated labor and community support for the museums.

T.A. Harrington said he was a volunteer at the Historical Museum and said the number of people visiting the museums has increased ever year, which benefits Missoula businesses. He said the schools and the students use the museums for educational purposes.

Tottie Parmeter, Mary Cummings, and Arlene Harris indicated their support for the museums, but chose not to speak.

Kate Ortega spoke in favor of Child Care Resources, and asked that the funding for the organization be increased to the amount appropriated last year.

Marilyn Trotter, Pat Ortega, Lisa Perrin, Marci Watson, and Ann Clark indicated support for Child Care Resources, but chose not to speak.

Vera Cahoon said the Freeholders Association appreciates the cuts that the Commissioners have made this year, and said the organization supports the cuts. She said the legislature failed miserably in their attempts to address the problems of the state,

JULY 29, 1987 (continued)

and added more taxes to the already overburdened taxpayer. She said the Commissioners had done a good job in cutting costs and trying to hold down costs. She said the Freeholders have always supported law enforcement and they still do. She said the cuts in the Sheriff's Department are justified. She said the Sheriff is the head of the department and must run the department as he sees fit. She said the money is just not there, and increased ticketing by the patrolmen is not the answer.

Julie Hacker said she supports Vera Cahoon's statements, but said she had a couple of suggestions for more budget cuts. She said community involvement and volunteerism would save a great deal of money. She said a full study of the Health Department's operation, budgeting and fees in the coming year would be a good idea. She said Child Care Resources should be combined with other Health Department functions. Support for the Battered Women's Shelter by the Freeholders was also indicated by Ms. Hacker. She suggested that travel budgets in all departments be cut, and out-of-County trips be carefully scrutinized. She urged the Commissioners to get rid of all the deficits in the various budgets, specifically the Planning Department. She asked the Commissioners to work with the city to return the redevelopment projects to the tax roles as soon as possible, to benefit the schools, local governments and other tax jurisdictions. Her final request was to ask the Commissioners to not levy the proposed two-cent tax on gasoline.

Others who indicated interest but chose not to speak at the hearing were: John Wittenburg, Arlene Harris, Tahka Miller, Kathy Bousfield, Pascal Redfern, Steve Cummings, Lois Blevins, and Pete and Jeba Penner.

No one else came forward to speak and the hearing was recessed until 7:00 p.m.

Preliminary Budget Hearing

At 7:00 p.m the Board of County Commissioners convened in the meeting room of the Public Library to continue the Preliminary Budget Hearing.

John DeVore, Administrative Office, said the proposed budget is in compliance with I-105, and SB 71, which and reflects a 6.73 decrease over the previous budget.

Dan Cox, Budget Officer, said the County is in a holding pattern due to legislative action, and the decreased budget reflects that.

Mary Miester spoke in favor of the Food Bank, and asked for continued funding for that organization. She said the Food Stamp office has been overwhelmed with requests, and they have had to refer many people to the Food Bank.

Jim Wright, Director for the Missoula Red Cross spoke in favor of the Food Bank, and said his organization also makes many referrals to that organization.

Liz Van Nice spoke in favor of Child Care Resources, saying she had received direct benefits from that agency.

Those in attendance in support of Child Care Resources, but choosing not to speak were: Marilyn Trotter, and Florence Wenger.

Florence Wenger spoke in favor of the Art Museum, saying it is a valuable asset for Missoula, and asked for continued funding.

JULY 29, 1987 (continued)

Scot Anderson asked the Commissioners to fund Child Care Resources for the maximum amount possible.

Georgina Parks, Executive Director for Child Care Resource, said child abuse and neglect prevention programs cost effective and necessary. She thanked the Commissioners for their continued support.

Jim Lowe, spoke in support of the Child Care Resources, said the Missoula Exchange Club also supports the Council, requested continued support from Missoula County.

Dennis Kelly said the museum at Fort Missoula touches many people, and offers many new and expanding exhibits. He said he supports museum funding.

Others who indicated support but chose not to speak were: Steve Cummings for Urban Transportation, Janice Haugen for the Food Bank, Vera Cahoon and Julie Hacker, Diane Morin, and Mary Feursinger for the Health Department Budget, Family Resource Council, and the Victims Response Unit.

No one else wished to speak, and the hearing was continued until Friday, August 5 at 2:30 p.m.

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JULY 30, 1987

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.

Indemnity Bond

Chairwoman Stevens examined, approved and ordered filed an Indemnity Bond naming Donna Rae Neilan as principal for Warrant #9490, dated July 1, 1987, on the Missoula county Trust Fund in the amount of \$375.00, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an agreement between Missoula County and Missoula Fire Equipment for the purpose of the contractor 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, for a period of one year, and the County agrees to pay the contractor for services actually performed at the accepted price. The agreement was returned to Centralized Services for further handling.

Agreement

The Board of County Commissioners signed an agreement between Missoula County and the City of Missoula for the purpose of allowing the City to obtain Grant Administration Services for the Community Development Block Grant Program from the County Commissioners Office pursuant to the provisions set forth in the agreement, at a total cost not to exceed \$30,649.00 until June 30, 1988. The agreement was forwarded to the City for signatures.

JULY 30, 1987 (continued)Resolution No. 87-081

Chairwoman Stevens signed Resolution No. 87-081, a resolution authorizing the issuance and sale of tax and revenue anticipation notes, series 1987, to the Board of Investments, fixing the form and terms thereof and authorizing the execution and delivery of documents related thereto.

Addendum to Lease

Chairwoman Stevens signed a non-appropriation of funds addendum to Equipment Lease #414885 between the Missoula City-County Library and the LeaseAmerica Corporation and certifying that payments due and payable by the lessee under the lease agreement for the current lease terms are within the current budget and within an available, unexhausted and unencumbered appropriation of the Missoula City-County Library.

Request for Reconveyance

Chairwoman Stevens signed a Request for Reconveyance for the Missoula County Industrial Development Revenue Bond Series 1982 (Inland Markets No. 307 project) releasing the lien on the property securing the bond issue and to reconvey all the estate held under the Deed of Trust to the legally entitled parties. The request was returned to Mike Sehestedt, Deputy County Attorney for further handling.

Other matters included:

The Commissioners concurred with the budget team's recommendation to deny the Surveyor's request that the additional life, vision, and dental insurance premiums be charged to his general fund budget and that this cost will be charged against all funds in the County budget; a memo reflecting this decision will be sent to Horace Brown, County Surveyor.

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

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JULY 31, 1987

The Board of County Commissioners did not meet in regular session; Commissioners Evans and Stevens were out of the office all day, and Commissioner Dussault was out until noon.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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AUGUST 3, 1987

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

WELFARE ADVISORY BOARD

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Human Services Director Warren Wright, for the regular monthly Welfare Advisory Board meeting.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following documents were signed:

MEMORANDUM OF UNDERSTANDING

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that Chairwoman Janet Stevens be authorized to sign a memorandum of understanding between Missoula County and the U.S.D.A. Animal and Plant Health Inspection Service whereas, in accordance with the terms of a special cooperative field agreement between the Animal Damage Control program and the Montana Wool Growers Assoc, Missoula County agrees to allocate funds collected (not to exceed \$100) for the protection of sheep from destructive animals.

RESOLUTION NO. 87-082

The Board of County Commissioners signed Resolution No. 87-082, an easement on property located in a portion of the South 1/2 of Section 35, T15N, R21W, granted by Shirley K. Courser, Edward Octave Couture and Cora Lee Couture, to Missoula County for purposes of the Frenchtown Mill Creek Road improvement project.

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AUGUST 4, 1987

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following documents were signed:

AUDIT LIST

Ann Mary Dussault and Janet Stevens signed the Audit List, dated 8/4/87, pages 8-24, showing a grand total for all funds of \$50,779.24. The audit list was returned to the Accounting Department.

BUDGET CHANGES

The Board of County Commissioners approved budget changes for the General Services Department requested by Jim Dopp, as follows:

1. Increase account number 2410-250-414502-920 by \$36,000.00 to allow for expenditures for the repair of the roof on the old Courthouse. A counter-balancing entry should also be made to account for the revenue associated with the project which will be paid by the Missoula Redevelopment Agency.
2. Increase account number 1000-190-411703-111 by \$8,500 and account number 1000-190-411703-141 by \$2,000. A counter-balancing entry to revenue account number 347051 should be made for \$10,500. These adjustments are to reflect the re-hiring of a microfilm technician to handle a projected

AUGUST 4, 1987 (continued)

increase in the level of contracted microfilming anticipated by the City of Missoula. If the funding is approved in the City's budget, a person would be hired as of September 4th. If the City does not approve the item, a budget amendment will be made to reflect a return to the budget as originally approved.

PLAT

The Board of County Commissioners signed the plat for Placid Lake South Shore Tracts, a subdivision of Missoula County located in GLO Lot 4 and the SW1/4 of the SW1/4 of Section 28 and GLO Lot 1 of Section 29, T16N, R15W, P.P.M. The owner/developer of this subdivision is Placid Lake Properties, R.A. Ainsworth and D. Lester Turnbull, Partners.

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AUGUST 5, 1987

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following documents were signed:

CONTRACT

The Board of County Commissioners approved and signed a contract, dated August 5, 1987, between Missoula County and Central Pre-Mix Concrete Company, a Washington Corporations corporation, for fabrication and delivery of prestressed concrete beams to the Mountain View Footbridge, RS-6, site. The amount of the contract, which was returned to Central Services, is \$25,800.00.

AGREEMENT

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that Chairwoman Janet Stevens be authorized to sign DHES Contract No. 800218 (Federal Catalog No. 66.001). The motion passed unanimously. Janet Stevens then signed the 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, in accordance with terms and conditions set forth in the agreement. The contract amount is up to a maximum of \$39,415.00. The agreement was returned to the DHES in Helena.

RESOLUTION NO. 87-084

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the Board of County Commissioners approve the notice of intent to sell Harpers Bridge. The motion passed unanimously. The Commissioners then signed Resolution No. 87-084, a resolution of intention to sell the bridge commonly known as Harper's Bridge to C. J. Riding, Inc. for the sum of \$25.00. The bridge, spanning the Clark Fork River, located in the SE1/4 NE1/4 of Section 35, SW 1/4 of NW 1/4, Section 36, in T14N, R21W, and recorded as a quitclaim deed dated May 13, 1957 in Book 200, P. 310 of deeds in the Missoula County Clerk and Recorder's Office, has been replaced by a new bridge. Final determination on the sale of this bridge will be made by the Commissioners after a period of study and public input.

AUGUST 5, 1987 (continued)

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO SELL

Chairwoman Janet Stevens signed the Notice of Passage of Resolution of Intention to Sell the bridge as noted above, setting the hearing date on the proposed sale as August 19, 1987 at 1:30 p.m. in Room 201 of the Courthouse Annex, and giving a deadline of fifteen days after August 9, 1987 for filing of written protests with the Clerk and Recorder.

RESOLUTION NO. 87-085

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Commissioners sign the resolution in regard to the bond closing for the Rattlesnake Sewer Interceptor. The motion passed unanimously. The Commissioners then signed Resolution No. 87-085, relating to \$595,000 in pooled Rural Special Improvement District Bonds, Series 1987A (Rural Special Improvement District Nos. 414 and 416); prescribing the form and terms and the covenants of the City for the payment, in accordance with terms and conditions set forth in the resolution.

RESOLUTION NO. 87-086

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Board of County Commissioners sign the resolution described below. The motion passed unanimously. The Commissioners then signed Resolution No. 87-086, a resolution of intention to create R.S.I.D. No. 426 for the purpose of financing the installation of the Rattlesnake Sewer Interceptor, in accordance with terms and conditions contained in the resolution and setting the hearing date as August 26, 1987 at 1:30 p.m. in Room 201 of the Courthouse Annex.

NOTICE OF SALE: POOLED RURAL SPECIAL IMPROVEMENT DISTRICT # 418

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Commissioners sign the notice of sale for pooled rural special improvement district bonds for RSID No. 418 and setting the hearing for Wednesday, September 9, 1987 at 1:30 p.m. in Room 201 of the Courthouse Annex. The motion passed unanimously. The purpose of the sale is to sell to the highest and best bidder for cash, serial bonds drawn against the funds of Rural Special Improvement District No. 418 in the amount not to exceed \$391,000 for the purpose of construction of approximately 19.36 feet of 24-foot wide asphalt paved roadway with 2-foot gravel shoulders, complete with drainage structures. This roadway will serve Goodan Keil Estates. Janet Stevens signed the notice of sale.

SANITARY SEWER EASEMENTS: RATTLESNAKE SEWER INTERCEPTOR

The Board of County Commissioners signed the following easements conveying to Missoula County the right to construct, maintain, operate and remove a sanitary sewer system (the Rattlesnake Interceptor) on property owned by the following property owners: (the property is particularly described on the exhibits attached to each easement).

1. M. Jeane Fevold and H. Richard Fevold
2. Richard N. Doyle and Beverly H. Doyle
3. Paul K. Overland and Karen M. Overland
4. David and Britt G. Finley
5. Brookside Estates, Inc., by G. Warren Wilcox, Secretary
6. Thomas E. and Mary Jane Geraghty
7. Thomas E. and Mary Jane Geraghty

AUGUST 5, 1987 (continued)

8. Nancy Low

9. Missoula County Park Board, by Earl Reinsel

PUBLIC MEETING

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

Hearing: Petition for Annexation into the Missoula Rural Fire District-Steve Sickles

Information provided by Donna Cote, Recording Section Supervisor, indicated that a petition has been received by the Recording Division in the Clerk and Recorder's Office to annex a parcel of land located in Section 2, Township 12 North, Range 19 West, Lots 2 & 3, Missoula County, Montana, containing approximately 62 acres.

The petition for annexation to Missoula Rural Fire District presented by Bill Reed has been checked and verified. It contains signatures of 50% of the owners of the privately owned land in the area to be annexed and a majority of the tax-paying freeholders with the area described, so it meets the requirements of the 7-33-2125 M.C.A for annexation of adjacent territory. The hearing was published in the Missoulian for 2 consecutive Sundays prior to the hearing date as required by statute. The Board of Trustees of Missoula Rural Fire District approved the petition for presentation before the Board of County Commissioners and have been notified of the hearing date.

Information provided by Bill Reed, Division Manager for the Missoula Rural Fire District indicated that Mr. Steve Sickles purchased two building lots in Pattee Canyon which required a zoning change from the Missoula County Commissioners. During the review process, the Fire District recommended a change in road specifications, fire protection procedures, and annexation into Missoula Rural Fire District. A requirement of the zoning change by the County Commissioners required all three of the recommendations be met. He indicated that Mr. Sickles has requested the annexation, and the Missoula Rural Fire District had reviewed the request and recommended annexation into the Fire District.

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

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the annexation and sign the resolution annexing the Sickles property, described above, into the Missoula Rural Fire District. The motion carried on a vote of 3-0.

Resolution No. 87-083

The Board of County Commissioners signed resolution No. 87-083, a resolution annexing a parcel of land located in Section 2, Township 12 North, Range 19 West, Lots 2 & 3, Missoula County, Montana, containing approximately 62 acres into the Missoula Rural Fire District.

There being no further business to come before the Board, the Commissioners were in recess at 1:35 p.m.

AUGUST 5, 1987 (continued)FINAL BUDGET HEARING

The Board of County Commissioners convened at 2:30 p.m. to receive public comment on the Final Budget for fiscal year 1987-1988. Present were Chairwoman Janet Stevens, and Commissioners Ann Mary Dussault, and Barbara Evans.

The hearing was opened for public comment. There were no persons present to speak either in favor or in opposition to the budget, and the hearing was closed.

There being no further business to come before the Board, the Commissioners were in recess at 2:31 p.m.

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AUGUST 6, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Ann Mary Dussault was at the Sheraton all day in order to participate in a Health Board meeting in regard to the health director position.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following documents were signed and actions taken:

PLAT: HILL ADDITION

The Commissioners signed the plat for Hill Addition. The owners of record are Norman Carey and Jeffery W. Gordon.

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the payroll transmittal sheet for pay period no. 16, from 7/12/87 through 7/25/87, for pay date 7/31/87. The total Missoula County payroll was listed as \$331,887.42. The transmittal sheet was returned to the Auditor's Office.

POSTPONEMENT OF TAKING TAX DEED ON DELORES HARDING'S PROPERTY

The Board of County Commissioners, acting on the recommendation of Treasury Supervisor Bev Hiday, postponed taking tax deed on Delores Harding's property, referred to by SUID No. 5810936, because she had not been notified properly about taxes owing.

CONTINUATION OF FINAL BUDGET HEARING ON FY '88 BUDGET

Commissioners Janet Stevens and Barbara Evans were present for the budget hearing. Commissioner Ann Mary Dussault was not present because she was at the Sheraton all day on Health Board business.

Chairwoman Janet Stevens opened the hearing to public comment on the FY '88 budget at 1:30 p.m. David Owen, Executive Director of the Chamber of Commerce, was present to express concerns about the fact that the Comprehensive Plan has not been completed. He read the following statement:

"The Chamber believes that Missoula faces a threat of paralyzing discord. This threat is present in the form of an increasing attitude of neighborhood autonomy. The upcoming election on the CG overlay for Fourth and Higgins, neighborhood opposition to R-4 zoning for a State Farm claim adjustment center the completion of three neighborhood comprehensive plans are signs that Missoula could function better as a community than as a collection of neighborhoods."

AUGUST 6, 1987 (continued)

'The best way to restore an overall, long-term, community view is to make a high priority the Comprehensive Plan. With the completion of this plan, Missoula needs to conduct an in-depth review of current zoning and future zoning needs and overhaul the zoning process. This community (City and County) has spent over \$671,249 in the past six years for comprehensive planning and has not yet finished an update of the Comprehensive Plan.'

'The Historical Funding of the Project shows:

1. The Comprehensive Plan update first appeared in the 1982-'83 budget as an unspecified percentage of a \$645,689 (planning) budget. (Assuming an average 17% of the budget, this would come to \$109,767).
2. The Comprehensive Plan ranked as the first priority of ten items in the 1983-'84 budget, receiving 27% of a \$701,429 planning budget, or \$189,385).
3. The plan was ranked as the first of a list of nine projects in the '84-'85 budget and received 13% of an \$806,469 planning budget, or \$104,840.
4. In 1985-'86, the adopted budget for planning shows \$127,257, or approximately 15% of an \$800,000 planning budget figure.
5. Last year, the budget showed the Comprehensive Plan at \$93,000, or 20% of a \$463,000 budget.
6. Next year, the budget calls for \$47,000, or 14% of a \$324,320 total for planning.
7. The total over six years = \$671,249."

He and the Chamber Board recommended the following:

- "1. That the updated Urban Area Comprehensive Plan be completed during FY '88.
2. That the Office of Community Development initiate a review of zoning procedures similar to the overhaul of subdivision procedures conducted last year. Input for this review must come from professional land use planners, realtors, homebuilders, and neighborhoods. It would be of great benefit to design several "input" sessions made up of a combination of neighborhood groups and business leaders.
3. A complete inventory of zoned land should be initiated immediately upon completion of the Comprehensive Plan."

A brief discussion followed these comments. Janet Stevens explained that even though a certain amount had been budgeted for the comprehensive plan every year, that didn't mean that amount had been spent on the plan.

John DeVore said that Planning had formerly budgeted in terms of work-hours, with so many hours budgeted for the Comp Plan, for example, but the problem was that those hours were not spent on the plan, for one reason and another. He said that since the County had put Rural Planning under County administration, the budget had not been set up that way. In the County, certain items are set as priorities, but often the planners "are keeping a lot of balls in the air at the same time."

David Owen then mentioned the new Interlocal Agreement that is being negotiated, stating that it wasn't clear to the public exactly what is going on there.

Janet Stevens said that he seemed to have the impression that they had turned everything upside down with the new Interlocal

AUGUST 6, 1987 (continued)

Agreement, but that isn't what has happened at all. She said that they had taken the authority to control staff away from the Planning Board and put that authority in the hands of a Policy Coordinating Committee.

John DeVore said that the fundamental change was to take the hiring and firing authority over the director's position away from the Planning Board and put it in the hands of elected officials.

Janet Stevens added that the budget would also be developed by the Policy Coordinating Committee.

Barbara Evans said that the Planning Interlocal Agreement would be about 99% the way it was prior to the change last time. She added that the Commissioners are going to give them between four and five years to make up their deficit.

Janet Stevens said that the part of the office that the public deals with isn't being changed. She said that it's all the internal part that's being worked on. She said that Dick Ainsworth and Nick Kaufman shouldn't see any change, other than that there will be a receptionist and a half-time planner gone. David Owen asked if they had the expertise over at OCD to do the Comp Plan.

Janet Stevens said that Paula Jacques is a planner, and Barb Martens will be back this fall.

John DeVore said that the Comp Plan is going to be a joint effort among all of us.

David Owen complimented the County for being fair and easy to deal with.

A discussion ensued about City-County cooperation. David Owen felt that the level of City-County cooperation that had been evident two years ago was no longer present.

John DeVore said that one of the most complicated projects that they had ever put together was the Rattlesnake Sewer Project, and that was an example of City-County cooperation. He said that City staff had worked with County staff and the City Council had worked with the Commissioners. He said that this project involved a lot of effort and time, with no major blow-ups.

The discussion wound up with a return to the Comp Plan issue. David Owen asked that this be given priority.

Barbara Evans said that it would be as long as something else didn't emerge as a problem that needed priority attention. She said that if that happened, staff would have to be diverted.

The hearing was recessed at 2:15 p.m.

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AUGUST 7, 1987

The Board of County Commissioners met in regular session in the afternoon, when a quorum was present. Commissioner Janet Stevens was out of the office all day. Commissioner Barbara Evans was out of the office until noon.

CONTINUATION OF HEARING ON THE FY '88 BUDGET

Commissioners Barbara Evans and Ann Mary Dussault were present for the budget hearing. Commissioner Janet Stevens was out of town.

AUGUST 7, 1987 (continued)

Acting Chairwoman Barbara Evans opened the budget hearing to public comment at 1:30 p.m. No one was present to comment. The hearing was recessed at 1:32 p.m.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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AUGUST 10, 1987

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following actions were taken and documents signed:

ADOPTION OF FY '88 BUDGET

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the budget for FY '88 be adopted. The motion passed unanimously.

RESOLUTION NO. 87-087

Resolution No. 87-087, a resolution adopting the Missoula County budget for FY '88 was signed by the Board of County Commissioners. A copy of the adopted budget resolution is attached to the last page of the August, 1988 minutes.

EMPLOYMENT AGREEMENT

The Board of County Commissioners signed an employment agreement between the Missoula Board of County Commissioners and John DeVore. The agreement sets forth representative duties and responsibilities of John DeVore for his service as Chief Administrative Officer of Missoula County.

RESOLUTION NO. 87-088: RESOLUTION TO CREATE R.S.I.D. NO. 425--
WATER SYSTEM TO SERVE SPORTCO ADDITION

Ann Mary Dussault moved, and Barbara Evans seconded the motion, to approve the creation of R.S.I.D. No. 425, for the purpose of constructing a water system to serve Sportco Addition, in accordance with the previous resolution of intention to create this R.S.I.D. and with the terms and conditions set forth in this resolution.

BOND CLOSING: RATTLESNAKE SEWER INTERCEPTOR--R.S.I.D. NOS. 414
AND 416

Chairwoman Janet Stevens executed the documents pursuant to the bond closing for the Rattlesnake Sewer Interceptor (R.S.I.D. Nos. 414 and 416) for the purpose of issuance of \$595,000 in Pooled Rural Special Improvement District Bonds, Series 1987A (Special Improvement District Nos. 414 and 416) of the County, in accordance with terms and conditions set forth in the bond documents. The documents were returned to County Administrative Officer John DeVore.

MONTHLY REPORT OF CLERK OF THE DISTRICT COURT

Chairwoman Janet Stevens examined, approved and ordered filed the report of the Clerk of the District Court, showing items of fees and other collections made in Missoula County, Montana for the month ending July 31, 1987. The report was forwarded to the Clerk and Recorder's Office.

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AUGUST 11, 1987

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

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AUGUST 12, 1987

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

Daily Administrative Meeting

At the daily administrative meeting held in the morning, the following actions were taken and documents signed:

AUDIT LIST

Commissioners Ann Mary Dussault and Barbara Evans signed the audit list, dated 8/11/87, pp. 7-30, listing a grand total for all funds of \$60,902.11. The audit list was returned to the Accounting Department.

RECOMMENDATIONS FOR LOCAL EMERGENCY PLANNING COMMITTEE

In accordance with a recommendation from DES Coordinator Orin Olsgaard, the Commissioners approved the following people to serve on the Emergency Planning Committee in order to comply with the Federal Title III mandate that the County Commissioners supply the State Commission with names of people believed to be the best qualified to serve on the local committee. The following list of names was submitted to the George M. DeWolf, Administrator of the State Commission:

Jon Shannon
Msla. City/Co. Health Dept.
301 W. Alder
Missoula, MT 59802

Jerry O'Brien
Missoula Rural Fire District
Box 316
Frenchtown, MT 59834

Mike Snavelly
Water Quality Advisory Cncl.
235 Cote Lane
Missoula, MT 9802

Steve Edwards
Missoula Rural Fire District
660 Airport Road
Stevensville, MT 59870

Mike Bennett
Thatcher Company of Msla.
3200 Raser Drive
Missoula, MT 59802

Carryl Meyer
Air Pollution Advisory Cncl.
2532 Highwood Drive
Missoula, MT 59801

Orin Olsgaard
DES Coordinator
Courthouse Annex
Missoula, MT 59802

Aubrey Chamberlain
Missoula City Fire Dept.
200 W. Pine
Missoula, MT 59802

Donna Shaffer
City Council Ward 2
800 N. 4th W.
Missoula, MT 59802

Dr. John Fulton
American Red Cross
730 Woodworth
Missoula, MT 59801

AUGUST 12, 1987 (continued)RESOLUTION NO. 87-089

The Board of County Commissioners signed a budget amendment for the Missoula Public Library and formally adopted it as part of the FY '88 operating budget for Missoula County, as follows:

Department: Library

<u>Description of Expenditure</u>	<u>Budget</u>
2220-440-460169-329 contracted svcs.	1,500
960 cap-books	1,500
<u>Literacy Grant</u>	
<u>Description of Revenue</u>	<u>Revenue</u>
2220-410-333085	3,000

Library Director Ted Schmidt explained in a memo to Budget Officer Dan Cox that the additional revenue was because of an additional payment of \$3,000 to the Missoula Public Library by the Montana State Library for use in the LSCA--Literacy Demonstration Project.

RESOLUTION NO. 87-090: TO PROHIBIT THE USE OF FIREWORKS IN COUNTY PARKS AND RECREATION PARCELS

The Board of County Commissioners signed Resolution No. 87-090, prohibiting the use of fireworks in all dedicated County parks and from all County recreation parcels, except for the Fourth of July celebrations at Fort Missoula and at the Missoula County Fairgrounds, as set forth in the resolution.

AUDIT: VICTIM/WITNESS ASSISTANCE PROGRAM

The Commissioners acknowledged receipt of the audit of the Victim/Witness Assistance Program conducted by the Auditor's Office. The original was forwarded to the Clerk and Recorder's Office.

PUBLIC MEETING

Chairwoman Janet Stevens called the meeting to order at 1:30 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

Chairwoman Stevens announced that the consideration of the final plat of Brookside, Phase 2 had been postponed.

HEARING: SEELEY LAKE REFUSE DISPOSAL DISTRICT FEE CHANGES

Under consideration was a recommendation of the Seeley Lake Refuse Disposal District that the Commissioners hear and act on the following changes in the fee structure:

1. That the rate for a single-family unit be decreased from \$28 to \$23; and
2. That the following statement be removed from the assessment schedule: "...the maximum assessment for any business will be ten (10) units."

Chairwoman Stevens opened the hearing to public comment, asking that proponents speak first.

1. Kent Brown, Chairman of the Seeley Lake Disposal District was present to answer questions. He said that the reason that the Board was recommending the decrease was that over the last three years, the District has built up a surplus, and by law they cannot have a surplus. He said that the proposed reduction would

AUGUST 12, 1987 (continued)

eat up the surplus within a couple of years. He said that a bigger reduction would wipe out the surplus quickly and then they would have to turn right around and ask for another increase, so they had arrived at the \$5.00 reduction for single-family units.

No one else was present to speak either for or against the proposal.

Barbara Evans moved, and Janet Stevens seconded the motion, that the rate changes in the Seeley Lake Refuse District as recommended by the Seeley Lake Refuse District Board and as set forth above be approved. The motion passed by a vote of 3-0.

OTHER BUSINESS

Maxine Lane, a leader for the Harper's Bridge Pioneer 4-H Club and a member of the 4-H Livestock Committee asked the Commissioners to intervene on their behalf with the Fair Board to resolve some of the problems with Fair Board decisions. The main problem involved declining parking spaces for people in 4-H and FFA who have animal projects. She said that only 33 tickets had been assigned to 4-H people, or about one per club, whereas there will be approximately 250 animal projects. She said that in former years, they had been allowed to park in the north parking lot and also in the west lot, and last year they had been allowed to purchase tickets for the west lot for \$10.00 dollars, an agreeable solution. She said that this year, they were told that they would have 15 minutes each morning between 6 a.m. and 8 a.m. to drive in and drop off grain and hay to feed the animals and then they would have to drive back to the south side of the race track to park and walk back. She said that there weren't any week passes that could be purchased for that area. She listed the problems with these conditions as follows:

1. Hay, grain, or other equipment can't be left in the barns because they get stolen. That means families have to walk back and forth to vehicles to either return to feed or to get feed and equipment during the day or in the evening when feeding has to be done again.

2. Working parents who have to bring their children to clean pens first thing in the morning, then come back later to watch them show their animal(s), and then come back later in the evening to bring feed, will be paying parking fees up to three times for one day.

3. Parents with children younger than 9 who have to walk that distance more than twice a day will end up with tired and cranky children. Even older ones get tired from such a trek.

4. Many people who come from out of town spend the whole day at the Fair, and, in an effort to cut down on expenses, bring food and drinks from home. Hauling coolers and drink containers the distance from the parking lot to the barns is difficult.

5. Another problem is the Fair Board's insistence that animals not be removed from the Fairgrounds until Sunday at 5:00 p.m. There are many families with school children who have to start school the next day. Those families would like to leave the Fairgrounds before 5:00 on Sunday in order allow the family to recuperate on Sunday from the Fair. Another reason many people want to leave early is because of breeding projects. Breeding animals need to be gotten away from the stress of the Fair so that they can be started into their breeding cycles.

She suggested as possible solutions the Fair purchasing a shuttle bus to be used inside the Fairgrounds to shuttle people back and forth from the west lot. Another solution would be moving the Fairgrounds. As a more immediate solution to this year's parking problems, she suggested that the east lot be set aside for people with animal projects.

AUGUST 12, 1987 (continued)

Janet Stevens said that the last suggestion sounded the most reasonable to her, but she was reluctant to intervene with the Fair Board without hearing their side of it first. She suggested that the Commissioners could submit Maxine's letter to the Fair Board with a request for a response from them and then take it from there.

The Commissioners discussed several of the problems on the Fair's side, namely the lack of revenue. All of the Commissioners mentioned that especially since the passage of I-105, the Fair is increasingly pressured by the Commissioners to raise revenues. It was mentioned that a possible solution may be not to have a Fair at all. All of the Commissioners said that in this economic climate, moving the Fairgrounds simply is not feasible.

Maxine Lane gave the Commissioners her written comments so that a letter could be written asking for a response from the Fair Board.

Since there was no further business to come before the Board, the meeting was recessed at 2:15 p.m.

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AUGUST 13, 1987

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following actions were taken and documents signed:

INSTRUCTIONS AND DOCUMENTS FOR PARTICIPATION IN THE CERTIFICATE OF PARTICIPATION--TAX AND REVENUE ANTICIPATION NOTE PROGRAM ADMINISTERED BY THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA

The Board of County Commissioners signed this document in accordance with terms and conditions contained therein and returned it to Finance Officer Jane Ellis.

RESOLUTION 87-091: CORRECTING AND AMENDING RESOLUTION NO. 87-081 REGARDING TAX ANTICIPATION NOTES

The Commissioners signed Resolution No. 87-091, correcting and amending Resolution 87-081 regarding tax anticipation notes by substituting alternative pages 10 and 15 for those in the original (copies attached to resolution recorded in the Clerk and Recorder's Office), in accordance with changes in the form of the authorizing resolution for tax anticipation notes required by the Board of Investments.

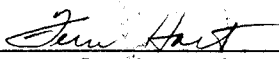
COUNSELING TASK FORCE

Commissioner Ann Mary Dussault attended the final meeting of the Counseling Task Force held at the Chamber of Commerce at 4:30 p.m.

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AUGUST 14, 1987

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


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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AUGUST 17, 1987

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 the Missoula Board of County Commissioners and Arrow Medical Services, whereby the County will purchase ambulance services to respond to Missoula County law enforcement and fire protection calls, as per the terms and conditions set forth, through June 30, 1988, for total compensation not to exceed \$4,750.00.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between the Missoula Board of County Commissioners and the Missoula Food Bank, whereby the County will purchase food gleaning and redistribution services, as per the terms set forth, through June 30, 1988, for a total amount of \$14,250.00.

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Dr. Pat Hennessy, an independent contractor, for the purpose of providing professional medical services and consultation to the Missoula City County Health Department as needed, as per the terms set forth, for the period from July 1, 1987, through June 30, 1988, for a total payment not to exceed \$21,600.00. The contract was returned to the Health Department for further signatures and handling.

Contract

The Board of County Commissioners signed a contract between the Missoula City-County Health Department and the Missoula Indian Alcohol and Drug Program for the purpose of coordinating comprehensive alcohol services, including out-patient care, preventive education services, emergency care and consultation to residents of Missoula County, as per the terms set forth, for the period from July 1, 1987 through June 30, 1988, for total compensation up to \$13,756.00.

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Eco Resource Systems, an independent contractor, for the purpose of providing computer programs and recommendations according to the items listed on the contract, as per the terms set forth, for the period from August 20, 1987, through June 1, 1988, for a total payment not to exceed \$1,500.00 per month. The contract was returned to the Health Department for further signatures and handling.

AUGUST 17, 1987 (continued)Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Purity Cleaning Services, an independent contractor, for the purpose of providing cleaning service at the Art Museum, as per the terms set forth, for the period from August 21, 1987 through August 21, 1988, for a total amount not to exceed \$1,600.00. The contract was returned to the Art Museum for further signatures and handling.

Contract

Chairwoman Stevens signed a contract between the Rocky Mountain Chapter of the March of Dimes and the Missoula City-County Health Department for the purpose of providing in Missoula and its related catchment area one of four model demonstrations of methods and procedures for the prevention and reduction of the incidence of low birth-weight infants in Montana; with the immediate beneficiaries of this project being women-at-risk of delivering premature and/or low birth-weight infants, as per the terms set forth, through June 30, 1988, with the maximum amount of funds which may be expended being \$846.75. One copy of the contract was returned to the March of Dimes in Helena, and one copy to the Health Department for further handling.

Other Items Included:

The Board of County Commissioners approved a motion passed by the Seeley Lake Refuse Disposal District Board of Directors at their July 18, 1987 meeting, establishing their FY'88 budget.

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

* * * * *

AUGUST 18, 1987

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

Welcome

In the morning, Commissioner Stevens gave the welcome at the Montana County Treasurer's Association Convention, which was being held at the Village Red Lion.

Audit List

Commissioner Dussault and Stevens signed the Audit List, dated August 18, 1987, pages 8-36, with a grand total of \$174,243.39. The Audit List was returned to the Accounting Department.

Monthly Reports

Chairwoman Stevens examined, approved and ordered filed the monthly reports of the Justices of the Peace, Michael D. Morris and David K. Clark showing items of fees and other collections made in Missoula County for the month ending July 31, 1987.

Daily Administrative Meeting

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

AUGUST 18, 1987 (continued)Memorandum of Agreement

The Board of County Commissioners signed a memorandum of agreement between the Missoula Board of County Commissioners and Missoula Youth Homes, Inc., whereby the County will purchase short-term crisis intervention for youth at risk in Missoula County, as per the terms set forth, through June 30, 1988, for a total amount of \$19,000.00.

Resolution No. 87-092

The Board of County Commissioners signed Resolution No. 87-092, a resolution authorizing the establishment of an external bank account for the County Attorney's Office establishing an Office Restitution Account for the purpose of paying out restitution promptly without tying up the personnel in the Treasurer's Office, as per the terms set forth.

Wage Agreement

The Board of County Commissioners signed the wage agreement between the County of Missoula and MPEA, Unit No. 1, for the period from July 1, 1987 through June 30, 1988, agreeing that Article 8, Compensation, and Addendum A, Compensation Schedule, negotiated in June, 1987, shall be attached and made a part of the agreement between the County of Missoula and Local Unit number One of the Montana public Employees Association executed on the 17th day of November, 1986. The agreement was returned to the Personnel Department for further handling.

Library Contract and Letter of Agreement

The Board of County Commissioners signed the Library Contract and the Letter of Agreement between the United Food and Commercial Workers International Local 198 and the County of Missoula for the period from July 1, 1987 through June 30, 1988, regarding step/longevity increases, as per the terms set forth. The documents were returned to the Personnel Department for further handling.

Jailers Contract and Memorandum of Agreement

The Board of County Commissioners signed the Jailers Contract and Memorandum of Agreement between Missoula County and Teamsters Local No. 2, the Civilian Control Officers regarding the bidding of shifts in the Jail Division, as per the terms set forth, and is effective until June 30, 1988. The documents were returned to the Personnel Department for further handling.

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

Luncheon Meeting

At noon, Commissioner Stevens attended a luncheon meeting held with representatives of the Homebuilders Association.

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AUGUST 19, 1987

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

Welcome

In the morning, Commissioner Stevens gave the welcome at the Montana Association of Clerks and Records Convention, which was being held at the Village Red Lion.

AUGUST 19, 1987 (continued)Monthly Report

Chairwoman Stevens examined, approved, and ordered filed the monthly report of the Sheriff, Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for the month ending July 31, 1987.

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 #17 (7/26/87 through 8/08/87) with a total Missoula County payroll of \$327,599.26. The transmittal sheet was returned to the Auditor's Office.

Other items included:

The Commissioners made the following appointments to the Missoula Area Agency on Aging Board:

1. Cindy Jensen-Boespflug was appointed to fill the unexpired term of Vi Campbell through December 31, 1987.
2. Lalla Jessup was appointed as an "alternate" member; and
3. Mary L. Decker was appointed to serve as the Commissioners Representative on the Area Agency Advisory Council.

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

PUBLIC MEETING

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

Bid Award

At issue was a bid award for a contract to repair the old courthouse roof. Information received from Jim Dopp, Operations Officer, indicated that the single bid received August 17 was from Urethane Systems of Montana for \$39,895.00. \$36,000.00 had been budgeted for this item, and he recommended that a budget transfer from the Capital Improvements fund be processed to make up the difference.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to award the bid for repair of the Courthouse Roof to Urethane Systems of Montana for \$39,895.00, and that the remainder of the funds necessary for the project be transferred from the Capital Improvements Fund. The motion carried on a vote of 3-0.

Hearing: Intent to sell Harper's Bridge

Information provided by Fred Crisp, Project Engineer for bridges from the County Surveyor's Office indicated that Riding Inc. has offered to purchase Harper's Bridge for the sum of \$25.00. The aging structure presents an increasing liability to Missoula County and continues to consume engineering and maintenance manpower. In the event that Missoula County is required to demolish the structure, the cost will exceed \$10,000.00. Since the Kona Bridge was constructed as a replacement for Harper's Bridge, it is no longer a necessity for the travelling public.

AUGUST 19, 1987 (continued)

His recommendation was that the Harper's Bridge be sold to Riding Inc., for the sum of \$25.00.

The hearing was open for public comment.

Horace Brown, County Surveyor, said that motorcycles were using the bridge at this time, and the Kona Ranch Bridge was built to provide motor vehicle access from one side of the river to the other. He said motorcycle use on the Harper's Bridge is not appropriate, on the bridge now. One of the requirements of the Federal Government in building the Kona Ranch Bridge was that the Harper's Bridge not be used for vehicles.

Janet Stevens noted that three phone calls had been received by the Commissioners stating that they are in support of selling the bridge to Riding, Inc., but not for motorcycle use. Those letters came from Leonard Tucker, Chuck Lehl, and Mr. McNaughton. She noted for the record that the Commissioners were not selling the bridge with any contingencies or conditions whatsoever.

Chuck Blue, President of Riding, Inc., said he planned to close the bridge to motorcycle use after the purchase.

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

Barbara Evans moved, and Ann Mary Dussault seconded the motion to sell Harper's Bridge to Riding Inc., with no conditions attached thereto, for the amount of \$25.00. The motion passed on a vote of 3-0.

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

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AUGUST 20, 1987

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

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a Professional Service Contract between Missoula County and Steven R. Halloway, an independent contractor, for the purpose of cartographic consultation, map preparation, drafting, and final DRASTIC Map production for the City-County Health Department, as per the terms set forth, from August 1, 1987, through June 30, 1988 for a total amount not to exceed \$2,000.00. The contract was returned to the Health Department for further signatures and handling.

Budget Transfers

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

1. No. 88001, a request from the Health Department to transfer \$3,000 from the Permanent Salaries Account to the Common Carrier travel (\$500.00) and the meals, lodging and incidentals (\$2,500.00) accounts as a salaried position was eliminated and the savings allocated to other line items.

AUGUST 20, 1987 (continued)

2. No. 880002, a request from the Soil Conservation District to transfer \$676 from the Office Supplies (\$530.00) and Insurance (\$146.00) accounts to the Capital-Technical Equipment account to replace a worn-out micro computer.

Other Matters Included:

1. The Board of County Commissioners made the following appointments to the newly-formed Seeley Lake Community Council: Bud Johnson, Kent Brown, Jeff Macon, Dan Mizner, Melvin Ketland, Bud Berckmoes, and Addrien Marx were appointed as interim members to serve until the next school election, which is April 5, 1988, at which time the residents within the boundaries of the District will elect six Council members and the County Commissioners will appoint a seventh member; and
2. The filling of vacancies in various County departments was discussed with Kathy Crego, Personnel Director, and it was agreed that Kathy would bring up the filling of vacancies to the Board of County Commissioners only if she feels there is a need to review the position.

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

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AUGUST 21, 1987

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was in Hamilton where she attended a Commission on Courts of Limited Jurisdiction Meeting, and Commissioner Evans was out of the office all day.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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AUGUST 24, 1987

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

Daily Administrative Meeting

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

Resolution No. 87-093

The Board of County Commissioners signed Resolution No. 87-093, a resolution for the establishment and operation of the Historical Museum at Fort Missoula, as per the terms set forth. The resolution was returned to Wes Hardin, Director of the Historical Museum, for further signatures.

Extension Letter

The Commissioners signed a letter to Tex Cates approving a one-year extension for preliminary review of the 7th Street Townhouses, making the new deadline for submitting a final plat September 4, 1988.

AUGUST 24, 1987 (continued)Memorandum of Agreement

The Board of County Commissioners signed a memorandum of agreement, dated July 1, 1987, between the Missoula Board of County Commissioners and Child Care Resources whereby the County will purchase technical assistance and training to child care providers to better meet the developmental needs of young children; and to protect, promote, maintain and improve the health of children in day care settings in Missoula County, as per the terms et forth, through June 30, 1988, for a total amount of \$24,890.00 (\$19,950 for training and \$4,940 for health care).

Agreement

The Board of County Commissioners signed an agreement between the Missoula City-County Board of Health and Mineral County, whereby the Missoula City-County Health Department will provide a licensed sanitarian to perform the duties outlined in the agreement in Mineral County, as per the terms set forth, through June 30, 1988, for a total payment not to exceed \$11,416.11. The agreement was returned to the Health Department for further signatures and handling.

Settlement of Acceptance

Chairwoman Stevens signed the statement of acceptance for the Board of Crime Control grant award to the Missoula County Sheriff's Department on July 31, 1987, in the amount of \$67,444.00, with guaranteed matching contributions of \$25,000.00 for a grand total of \$92,444.00, accepting the grant on the terms and conditions set forth by the Board of Crime Control. The statement was returned to the Sheriff.

Other Items Included:

The Commissioners voted to deny the request from Wendy's Inc. to waive the penalty assessed on their personal property taxes.

The minutes of the daily administrative meeting are on file in the Commissioner's Office.

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AUGUST 25, 1987

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

Audit List

The Board of County Commissioners signed the audit list, dated August 24, 1987, pages 7-32, with a grand total of \$69,941.83. 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, 1987, between the Missoula Board of County Commissioners and the Western Montana Comprehensive Developmental Center, whereby the County will purchase evaluation and treatment services for children and adults in Missoula County as per the terms set forth, through June 30, 1988, for a total

AUGUST 25, 1987 (continued)

amount of \$12,350.00.

Bill of Sale

The Board of County Commissioners signed a Bill of Sale whereby in consideration of the sum of Twenty-Five Dollars (\$25.00), Missoula County does transfer, release and sell all right, title and interest in the structure commonly known as Harper's Bridge to Riding, Inc., a corporation duly registered in the State of Montana. Under the terms of this sale, Missoula County retains ownership of all roads and right of way on either side of Harper's Bridge; there are no other conditions of sale, and specifically, there are no conditions either written or verbal between Missoula County and Riding, Inc., as to any use or use restrictions which would apply to the bridge structure.

Other items included:

1. The Board of County Commissioners selected Bud Johnson as the temporary chairman of the Seeley Lake Community Council; and
2. The Board of County Commissioners appointed Judy Wing as the second alternate member on the Larchmont Golf Course Board of Directors through March 31, 1988.

The minutes of the daily administrative meeting are on file in the Commissioner's Office.

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AUGUST 26, 1987

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

Fair Parade

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

PUBLIC MEETING

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

Bid Awards: Bonds for RSID #425 - Sportco Addition Water System

Information provided by John DeVore, Operations Officer indicated that three bids were received as follows:

Ms. Sue Hoell	10%
Ben L. Smith	9.45%
J.E. McHatton	9.5%

His recommendation was to award the bid to Ben L. Smith at 9.45%.

Barbara Evans moved and Ann Mary Dussault seconded the motion to Ben L. Smith at 9.45%. The motion carried on a vote of 3-0.

Bid Award - Construction for RSID 425 -Sportco Addition Waterline Improvements

Information provided by John DeVore, Operations Officer, indicated that on August 10, 1987, a resolution creating RSID 425 was signed, calling for a notice inviting proposals for construction and a notice of sale of bonds for the purpose of

AUGUST 26, 1987 (continued)

constructing a water system to serve Sportco Addition, Missoula County Montana. The staff recommendation is to award the bid to 4G Plumbing and Heating Company in the amount of \$6,577.60, the low bid, contingent on sale of bonds. Other bids received were:

Roberts Excavating for \$7,370.20; Western Materials, \$12,800.00; Lloyd Twite Construction, \$7,624.15; American Asphalt, \$8,610.00; and 4-G Plumbing, \$6,577.60.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid to 4G Plumbing and Heating Company in the amount of \$6,577.60, the low bid, contingent on sale of bonds. The motion carried on a vote of 3-0.

Hearing: Intent to Create RSID No. 426 (Rattlesnake Sewer Interceptor)

Information provided by John DeVore, Administrative Officer, indicated that on August 5, 1987, a Resolution of Intention to Create RSID 426 was signed, bringing to public hearing the Rattlesnake Sewer Interceptor District. An informational letter was addressed to the 130 freeholders in the District prior to this date, asking if they were in favor of creating such an RSID. Of the 130 letters sent out, 81 responded, out of which 70 were in favor of the RSID, and 11 were not.

John DeVore said this was the third of a series of RSID's; two of which have already been created to finance the Rattlesnake Interceptor Project. He said this was a \$2 million dollar project, of which 55% is being funded by the Environmental Protection Agency; the balance of it is being financed through a combination of loans, grants, and RSID's. RSID 414 is a neighborhood RSID to finance the relative share of the Lincoln Hills Subdivision, Brookside, and 27 homes on Fox Farm Road. RSID 416 is a relative share of Sunlight Corporation's share of the project to upsize the sewer lines to serve that respective property. RSID 426 is a proposal by staff to connect those properties who abut the path of the interceptor; basically along Missoula, Wyman, Raymond, and Creekwood to install the service lines to service those properties at the time of initial construction. In the past, if the homes were not connected at the time of initial construction, the streets then had to be dug up repeatedly. So the proposal now is to create the RSID, involving those homes that are in the path of the Interceptor, and the cost includes their fair share of the initial cost of construction, plus the cost of the service lines to serve their properties. He said that if a septic system fails, and a home is within 200 feet of a sewer line, the Health Department requires that the homeowner connect.

Tom McCarthy of Sorenson and Company, the Engineers for the project, said that this special RSID finances that portion of the sewer connection and sewer development fees associated with getting out from under the street. That \$1,865 is then financed for 15 years, allowing many of the property owners to connect to the sewer immediately, and that portion of the construction that has to take place on their private lot, if they wish to connect, will have to be paid for out of their pocket with no RSID financing. If the RSID is not created, many of the homes that cannot afford the \$1,865 cash investment will not be able to extend sewer service out; some of those that can afford to do that right now, will not be able to pay the cash payment up front, so this RSID provides financing for them as well.

The hearing was opened for public comment.

Janet England, who resides on the corner of Lolo and Wylie, said that Mr. DeVore had mentioned Wyman Street, and she thought that

AUGUST 26, 1987 (continued)

he meant Wylie. She asked if the service line would be paid for by the RSID, or if individuals would have to pay an additional connection charge.

Tom McCarthy said this RSID extends the service to five feet beyond the edge of the asphalt. From that point to the home, the work would have to be paid for, to a private contractor, at such time as the homeowner decides to connect.

Ed Shaffer, a resident on Missoula Avenue, said he lives on a 20 foot street, and when the construction begins, he would not be able to get out of his home. He wanted to know if he had to pay the same amount to connect as would people who live a greater distance from the center of the street.

Tom McCarthy said that service connections in a RSID are bid on a lump-sum basis, so everyone will pay the same.

Harold McGruder, a resident of Creekwood Road, asked if he would be annexed by the City if he did not elect to hook on to it.

Tom McCarthy said the sewer has no relationship to the City of Missoula, until you hook up, and when you sign the agreement with the City of Missoula, you have to sign a form waiving the right to protest annexation. If the neighbors on either side of him sign up, he would still have a right to protest annexation. The only way he could be annexed against his will would be if he were totally surrounded, or if a majority of the residents signed.

Connie Homan, a resident of Rattlesnake Drive, asked if it would be more advantageous to be hooked up to the sewer if the owner was contemplating selling his house.

Mike Sehestedt said that was a market question, and he would estimate that the sewer would increase the value of a home.

A general discussion of the methods of paying for the RSID ensued.

Harold McGruder asked John DeVore what his definition of a failed system was.

Deputy County Attorney Joan Newman said a failed system is defined in the Health Department regulations, and would be one that is not functioning as a subsurface sewage disposal system in a number of technically defined ways.

Mike Sehestedt said that pumping a tank would be considered normal maintenance. A failed system is one where pooling occurs, or when after pumping the tank a toilet would not flush and send sewage out into the system; or sewage backup occurs.

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

Ann Mary Dussault asked John DeVore if the \$1,865 was the maximum possible assessment per lot, and if it could be less depending on the interest rate.

John DeVore said that figure is principal only, and the \$1,500 figure mentioned in the letter was only an estimate. When it actually went to bid, the contractors price on the service lines was higher than the engineer's estimates, and that is why the cost went up.

Ann Mary Dussault asked if it would be more expensive for people to hook up to the system if the RSID were not created and someone's system failed, making it necessary to hook up to the system later.

AUGUST 26, 1987 (continued)

John DeVore said that history demonstrates that that is the case. It is cheaper to do the work at the time that the system is first installed, as it is cheaper to do volume work instead of piecemeal work.

Ann Mary Dussault asked if it was a fair assumption that sooner or later everyone would have to hook up to the system, it is just a question of time until the current septic tanks fail.

Tom McCarthy said there is a history of failing systems in the area.

Ann Mary Dussault moved and Barbara Evans seconded the motion to create RSID No. 426. The motion carried on a vote of 3-0.

Hearing: -Proposed Planning Interlocal Agreement

Chairwoman Janet Stevens noted that the Planning Interlocal Agreement under consideration today was presented to the City Council the previous Monday night, and had been approved by that body. She said the agreement is the result of several long meetings between the City and the County concerning the consolidated Department of Community Development and planning issues in general.

Joan Newman, Deputy County attorney said the changes in the Interlocal Agreement for planning and other services are generally of two types: The first in terms of the actual functioning of the Planning Board, and the second, in terms of creation of a Policy Planning Committee. She said the discussions on modifications to the Interlocal Agreement have focused on the need for a planning policy coordinating committee to work on the consolidated Office of Community Development work program, and on implementing those goals in terms of budgeting and staff. She said the planning board, as it has functioned in the past, has been in charge of reviewing subdivision and zoning proposals and other matters, and has also had some fairly significant duties in terms of budget preparation and supervising the Director of the Planning Office. Discussions about how to improve the functioning of planning concluded that some of the functions of that board should be shifted to a Policy Planning Board. The Planning Board will be reduced in size upon ratification of this agreement.

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

Ann Mary Dussault moved, and Barbara Evans seconded the motion to adopt the proposed Planning Interlocal Agreement. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:15 p.m.

The Commissioners met briefly following the public meeting and signed the following items:

Resolution No. 87-094

The Board of County Commissioners signed Resolution No. 87-094, a resolution accepting an easement from the United States of America for public road and all other public purposes in a portion of the SW 1/4 of Section 12, SE 1/4 of Section 11, and the NE 1/4, the SE 1/4, and the SW 1/4 of Section 14, Township 15 North, Range 22 West, Principal Meridian, Montana, Missoula County, Montana.

AUGUST 26, 1987 (continued)Memorandum of Agreement

The Board of County Commissioners signed a memorandum of agreement, dated July 1, 1987, between the Missoula Board of County Commissioners and the Western Montana Regional Community Mental Health Center, whereby the County will purchase mental health services for Missoula County residents, as per the terms set forth, through June 30, 1988, for a total amount of \$38,950.00.

Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed an indemnity bond naming Sharon D. Hamilton as principal for warrant #9499, dated July 1, 1987, on the Missoula County Trust Fund in the amount of \$150.00 now unable to be found.

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

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AUGUST 27, 1987

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

Notice of Sale

Acting Chair Dussault signed the notice of Sale of Bonds for RSID No. 424 in a total amount not to exceed \$64,000.00 for the purpose of constructing street improvements on 37th Avenue, 37th Avenue, and Tower Street between South Avenue in U.S. Government Subdivision #1, Missoula County, Montana, setting the sale date for September 30, 1987 at 1:30 p.m.

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AUGUST 28, 1987

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena where she attended a MACo Council of Presidents Meeting, and Commissioner Evans was at the fairgrounds all day.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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AUGUST 31, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Janet Stevens was in Midland, Michigan, participating in a tour sponsored by the Dow Chemical Company.

Daily Administrative Meeting

At the daily administrative meeting held in the morning, the following actions were taken and documents signed:

AUGUST 31, 1987 (continued)BUDGET TRANSFER

The Board of County Commissioners approved and signed the following budget transfer for Department 065, Court Operations, formally adopting it as part of the FY '88 Budget:

A transfer of \$1,299.10 from the personnel line (2180-065-411840-111) to a) \$238.00 to the common carrier line (356); b) \$511.10 to the meals and lodging line (357); and \$550 to the tuition line (367), for a total of \$1,299.10.

The transfer request was to adjust the Montana Board of Crime Control Grant No. 86-15588, as approved by the Board of Crime Control.

BUDGET AMENDMENT

The Board of County Commissioners approved and signed Budget Amendment No. 87-097, formally adopting it as part of the FY '88 operating budget for Missoula County. The amendment is as follows:

ATTORNEY'S DEPARTMENT

<u>Description of Expenditures</u>	<u>Budget</u>
Temp. Sal. 1000-090-411102-112	\$2,000
F.B. 1000-090-411102-141	\$ 500
(To be used for drug-related prosecutions)	

<u>Description of Revenue</u>	<u>Revenue</u>
IV-D Incentives 1000-090-331231	\$2,500

RESOLUTION NO. 87-095

The Board of County Commissioners approved and signed Resolution No. 87-095, creating RSID No. 418, for the purpose of construction of approximately 19,360 feet of paved roadway, complete with drainage structures; roadway to 24-foot wide asphalt pavement with 2-foot gravel shoulders to serve the Goodan Keil Estates, Missoula County, Montana, in accordance with the terms and conditions contained therein.

RESOLUTION NO. 87-096

The Board of County Commissioners approved and signed Resolution No. 87-096, creating RSID No. 424, for the purpose of constructing street improvements on 37th Avenue, 35th Avenue and Tower Street between South Avenue and North Avenue and 33rd Avenue and 37th Avenue, in U.S. Government Subdivision #1, Missoula County, Montana, in accordance with terms and conditions contained therein.

ENABLING RESOLUTION

The Board of County Commissioners signed an enabling resolution, authorizing District 11 representatives to execute a joint agreement among the counties in the Montana Balance of State Service Delivery Area to form a consortium under the Federal Job Training Partnership Act. The consortium was formed in order to receive and administer JTPA funds for the purpose of establishing programs to prepare youth and unskilled adults for entering into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment who are in special need of such training

AUGUST 31, 1987 (continued)

to obtain productive employment. The enabling resolution was forwarded to MACo.

LUNCH MEETING

At noon, Commissioners Ann Mary Dussault and Barbara Evans attended a lunch meeting, held at Quality Inn, with the Chamber Board.

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

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Resolution No. 87-087RESOLUTION ADOPTING A BUDGET FOR MISSOULA COUNTY
FOR FISCAL YEAR 1987-88

WHEREAS, PURSUANT TO SECTIONS 7-6-2315, MCA 1981, the Board of County Commissioners of Missoula County, Montana has held public hearings on the proposed budget of Missoula County for fiscal year 1986-87 as required by law; and

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

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

IT IS HEREBY MOVED, SECONDED, AND CARRIED by the Board of County Commissioners "that the resolution be adopted," for fiscal year 1986-87 as displayed in Attachments A, B, and C; and

WHEREAS, Sections 7-6-2317 through 7-6-2326, MCA 1981, provide for the fixing of various tax levies to raise funds sufficient to meet said expenditures authorized in the budget; and

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

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

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

NOW, THEREFORE, BE IT HEREBY RESOLVED by this Board of County Commissioners "that the levies as detailed below be fixed and adopted," for fiscal year 1987-88 based on the value of a mill of \$113,956.00 County-wide, and a value of \$69,239.00 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 1987-88 as detailed below:

MISSOULA COUNTY-WIDE FUNDS	MILLS	ATTACHMENT
GENERAL FUND	39.97	A, B, AND C
BRIDGE FUND	3.84	
POOR FUND	0.35	
FAIR FUND	1.48	
WEED FUND	0.61	
MUSEUM FUND	1.75	
EXTENSION FUND	1.30	
PLANNING FUND	1.60	
DISTRICT COURT FUND	7.21	
MENTAL HEALTH FUND	0.41	
AGING FUND	0.79	
RODENT CONTROL	0.07	
PARK/RECREATION FUND	1.10	
REVOLVING	0.00	
HIGGINS BRIDGE	0.00	
AIRPORT BOND	0.29	
COURTHOUSE BOND	0.00	
LIBRARY BOND	0.49	
MUSEUM BLDG. RESERVE	0.00	
HEALTH INSURANCE	0.00	
RISK MANAGEMENT	2.74	
AMBULANCE	0.03	
JUDGEMENT LEVY	1.00	
CBO TRUST FUND	0.00	
DRUG FORFEITURE	0.00	
CHILD DAYCARE	0.23	
SPECIAL TRANSPORTATION	0.16	
OPEN SPACE	0.41	
CAPITAL IMPROVEMENTS	0.00	
LIBRARY	4.37	
TAMARACK FEDERATION	0.00	
SCHOOL DISTRICT 1	0.00	
SANDERS COUNTY	0.00	
LSCA GRANT	0.00	
 <u>TOTAL COUNTY-WIDE LEVY</u>	 70.20	
 MISSOULA COUNTY-ONLY LEVY		
ROAD FUND	13.83	
HEALTH FUND	7.30	
JUNK VEHICLE	0.00	
 <u>TOTAL COUNTY-ONLY LEVY</u>	 21.13	

Dated this 10th day of August, 1987

BOARD OF COUNTY COMMISSIONERS

Janet Stevens
Janet Stevens, Chairwoman

Barbara Evans
Barbara Evans, Commissioner

Ann Mary Dussault
Ann Mary Dussault, Commissioner

APPROVED AS TO FORM AND CONTENT:

Michael W. Schestett
Deputy County Attorney

ATTEST:

Jim Hart
Clerk and Recorder

COUNTY OF MISSOULA
COMPARISON FY 1987 TO FY 1988 GENERAL FUND BUDGET SUMMARIZED

8/10/87

DEPARTMENT	FY 1988 PERSONNEL	FY 1988 OPERATIONS	FY 1988 CAPITAL	FY 1988 TOTAL REQUEST	FY 1987 ADOPTED BUDGET	PERCENTAGE CHANGE	1988 NON-TAX REVENUE
COMMISSIONERS	226,564.00	25,300.00	2,541.00	254,405.00	288,092.00	-11.69%	7,924.00
ENERGY CONSERV.	0.00	0.00	0.00	0.00	5,363.00	-100.00%	0.00
JUSTICE OF PEACE	173,430.00	26,521.00	0.00	199,951.00	236,550.00	-15.47%	291,024.00
ATTORNEY	438,028.00	39,735.00	0.00	477,763.00	568,244.00	-15.92%	83,550.00
C&R: ACCOUNTING	151,103.00	13,000.00	0.00	164,103.00	182,547.00	-10.10%	0.00
C&R: RECORDING	112,677.00	51,720.00	0.00	164,397.00	169,129.00	-2.80%	262,000.00
C&R: ELECTIONS	56,120.00	64,893.00	0.00	121,013.00	121,723.00	-0.58%	38,000.00
TREASURER-TAX	226,985.00	13,866.00	0.00	240,851.00	278,875.00	-13.63%	119,600.00
TREASURER-M. V.	199,687.00	5,871.00	0.00	205,558.00	220,637.00	-6.83%	34,175.00
AUDITOR	84,359.00	2,126.00	0.00	86,485.00	96,685.00	-10.55%	0.00
GENERAL SERVICES	878,011.00	424,396.00	0.00	1,302,407.00	1,516,150.00	-14.10%	489,996.00
DISASTER EMER. SVCS.	37,542.00	24,289.00	0.00	61,831.00	77,234.00	-19.94%	25,800.00
PERSONNEL	104,720.00	61,155.00	0.00	165,875.00	290,324.00	-42.87%	7,245.00
DATA PROCESSING	176,797.00	86,405.00	0.00	263,202.00	296,307.00	-11.17%	17,000.00
MATERIALS MGMT.	71,193.00	127,500.00	0.00	198,693.00	225,192.00	-11.77%	92,000.00
C. S. REPURCHASE	0.00	242,958.00	0.00	242,958.00	285,578.00	-14.92%	243,258.00
SUPT. OF SCHOOLS	93,717.00	12,725.00	0.00	106,442.00	126,002.00	-15.52%	18,480.00
SHERIFF	1,921,179.00	431,599.00	0.00	2,352,778.00	2,752,597.00	-14.53%	87,823.00
SURVEYOR	64,851.00	35,620.00	0.00	100,471.00	119,685.00	-16.05%	3,000.00
PUBLIC WORKS	22,550.00	32,565.00	0.00	55,115.00	136,314.00	-59.57%	1,500.00
VETERAN BURIAL	0.00	30,000.00	0.00	30,000.00	30,000.00	0.00%	0.00
FINANCIAL ADMIN.	186,483.00	275,277.00	336,000.00	797,760.00	172,117.00	363.50%	1,196,437.00
GENERAL GOVERN.	0.00	50,000.00	0.00	50,000.00	50,000.00	0.00%	0.00
TOTALS	5,225,996.00	2,077,521.00	338,541.00	7,642,058.00	8,245,345.00	-7.32%	3,018,812.00


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                        1988 REVENUE
DEPARTMENT      SHARING  TO BE FUNDED
=====
COMMISSIONERS      0.00    246,481.00
ENERGY CONSERV.     0.00         0.00
JUSTICE OF PEACE    0.00   (91,073.00)
ATTORNEY            0.00   394,213.00
C&R: ACCOUNTING     0.00   164,103.00
C&R: RECORDING      0.00   (97,603.00)
C&R: ELECTIONS      0.00    83,013.00
TREASURER-TAX       0.00   121,251.00
TREASURER-M. V.    0.00   171,383.00
AUDITOR             0.00    86,485.00
GENERAL SERVICES    0.00   812,411.00
DISASTER EMER. SVCS. 0.00    36,031.00
PERSONNEL           0.00   158,630.00
DATA PROCESSING     0.00   246,202.00
MATERIALS MGMT.     0.00   106,693.00
C. S. REPURCHASE    0.00     (300.00)
SUPT. OF SCHOOLS    0.00    87,962.00
SHERIFF             0.00  2,264,955.00
SURVEYOR            0.00    97,471.00
PUBLIC WORKS        0.00    53,615.00
VETERAN BURIAL      0.00    30,000.00
FINANCIAL ADMIN.    0.00  (398,677.00)
GENERAL GOVERN.     0.00    50,000.00
=====
TOTALS              0.00  4,623,246.00
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COUNTY OF MISSOULA
FY 1988 BUDGET SUMMARY

8/10/87

FUND	PERSONNEL	OPERATIONS	CAPITAL	ENCUMBRANCES	CASH RESERVE	1988 TOTAL	ADOPTED 1987 TOTAL
GENERAL	5,225,996.00	2,077,521.00	338,541.00	8,000.00	131,305.00	7,781,363.00	8,445,569.00
BRIDGE	129,033.00	152,653.00	371,500.00	0.00	0.00	653,186.00	686,414.00
POOR	0.00	88,461.00	0.00	0.00	0.00	88,461.00	144,122.00
FAIR	194,255.00	315,518.00	15,700.00	0.00	0.00	525,473.00	542,100.00
MUSEUM	154,876.00	76,711.00	1,750.00	0.00	0.00	233,337.00	226,429.00
EXTENSION	193,190.00	118,807.00	6,340.00	0.00	0.00	318,337.00	202,645.00
WEED	0.00	114,990.00	0.00	0.00	0.00	114,990.00	111,534.00
RODENT CONTROL	0.00	15,627.00	0.00	0.00	0.00	15,627.00	17,500.00
PLANNING	237,564.00	87,802.00	4,276.00	0.00	0.00	329,642.00	463,666.00
DISTRICT COURT	1,059,727.00	455,043.00	3,955.00	0.00	0.00	1,518,725.00	1,707,882.00
MENTAL HEALTH	0.00	52,678.00	0.00	0.00	0.00	52,678.00	54,250.00
AGING	0.00	102,046.00	0.00	0.00	0.00	102,046.00	108,500.00
PARK	0.00	187,804.00	0.00	9,392.00	0.00	197,196.00	207,878.00
RSID REVOLVING	0.00	263,138.00	0.00	0.00	0.00	263,138.00	313,516.00
HIGGINS BRIDGE	0.00	18.00	0.00	0.00	0.00	18.00	340.00
AIRPORT BOND	0.00	55,426.00	0.00	0.00	0.00	55,426.00	54,756.00
COURTHOUSE BOND	0.00	766.00	0.00	0.00	0.00	766.00	5,971.00
LIBRARY BOND	0.00	98,073.00	0.00	0.00	0.00	98,073.00	99,699.00
MUSEUM BLDG RESERVE	0.00	3,600.00	0.00	0.00	0.00	3,600.00	5,471.00
HEALTH INSURANCE	55,878.00	1,143,475.00	0.00	0.00	139,596.00	1,338,949.00	1,141,539.00
RISK MANAGEMENT	38,783.00	455,475.00	0.00	0.00	0.00	494,258.00	515,907.00
AMBULANCE	0.00	5,000.00	0.00	0.00	0.00	5,000.00	6,050.00
JUDGEMENT LEVY	0.00	123,483.00	0.00	0.00	0.00	123,483.00	112,620.00
CBO TRUST	0.00	64,093.00	0.00	0.00	0.00	64,093.00	49,684.00
DRUG FORFEITURE	0.00	17,000.00	8,500.00	0.00	0.00	25,500.00	24,000.00
CHILD DAYCARE	0.00	25,545.00	0.00	0.00	0.00	25,545.00	26,450.00
SPECIALIZED TRANS	0.00	21,481.00	0.00	0.00	0.00	21,481.00	22,346.00
OPEN SPACE	0.00	86,645.00	0.00	0.00	0.00	86,645.00	67,288.00
LIBRARY	432,985.00	129,423.00	70,398.00	0.00	0.00	632,806.00	619,035.00
TAMARACK FED	0.00	27,550.00	0.00	0.00	0.00	27,550.00	88,298.00
SCHOOL DIST 1	8,625.00	410.00	2,022.00	0.00	0.00	11,057.00	10,882.00
SANDERS COUNTY	2,657.00	2,359.00	4,004.00	0.00	0.00	9,020.00	7,062.00
LSCA GRANT	0.00	0.00	0.00	0.00	0.00	0.00	22,819.00
COUNTY-WIDE	7,733,569.00	6,238,004.00	826,986.00	17,392.00	270,901.00	15,086,852.00	16,112,222.00
ROAD	805,249.00	1,252,749.00	224,479.00	0.00	0.00	2,282,477.00	2,407,303.00
HEALTH	1,265,190.00	300,586.00	28,767.00	0.00	0.00	1,594,543.00	1,659,227.00
JUNK VEHICLE	16,166.00	23,565.00	32,215.00	0.00	0.00	71,946.00	75,864.00
COUNTY ONLY	2,086,605.00	1,576,900.00	285,461.00	0.00	0.00	3,948,966.00	4,142,394.00
* GRS TRUST	0.00	0.00	0.00	0.00	0.00	0.00	695,826.00
** CAPITAL IMPROVE	0.00	0.00	575,807.00	0.00	0.00	575,807.00	733,123.00
TOTALS	9,820,174.00	7,814,904.00	1,112,447.00	17,392.00	270,901.00	19,035,818.00	20,254,616.00

* GRS NOT ADDED INTO TOTALS SINCE IT IS INCLUDED IN FUNDS ABOVE AS PER THE REVENUE SHARING SPREAD.

** CAPITAL IMPROVEMENTS NOT ADDED INTO TOTALS SINCE IT IS INCLUDED IN FUNDS ABOVE AS PER CIF BUDGET.

FUND	% CHANGE	NON-TAX REVENUE	CASH BALANCE	AMOUNT TO BE LEVIED	MILLS @ 113,956	1987 LEVIES
GENERAL	-7.86%	3,018,812.00	208,288.00	4,554,263.00	39.97	39.21
BRIDGE	-4.84%	38,039.00	177,448.00	437,699.00	3.84	4.00
POOR	-38.62%	2,347.00	46,584.00	39,530.00	0.35	0.25
FAIR	-3.07%	358,774.00	(2,118.00)	168,817.00	1.48	1.55
MUSEUM	3.05%	19,576.00	14,576.00	199,185.00	1.75	1.76
EXTENSION	57.09%	156,607.00	13,634.00	148,096.00	1.30	1.37
WEED	3.10%	5,730.00	40,273.00	68,987.00	0.61	0.60
RODENT CONTROL	-10.70%	552.00	6,841.00	8,234.00	0.07	0.06
PLANNING	-28.91%	163,359.00	(16,515.00)	182,798.00	1.60	1.64
DISTRICT COURT	-11.08%	790,209.00	(93,107.00)	821,623.00	7.21	7.21
MENTAL HEALTH	-2.90%	4,073.00	1,317.00	47,288.00	0.41	0.43
AGING	-5.95%	7,456.00	4,095.00	90,495.00	0.79	0.78
PARK	-5.14%	55,567.00	16,421.00	125,208.00	1.10	1.35
RSID REVOLVING	-16.07%	0.00	263,138.00	0.00	0.00	0.00
HIGGINS BRIDGE	-94.71%	0.00	18.00	0.00	0.00	0.00
AIRPORT BOND	1.22%	1,726.00	20,786.00	32,914.00	0.29	0.18
COURTHOUSE BOND	-87.17%	0.00	766.00	0.00	0.00	0.00
LIBRARY BOND	-1.63%	3,615.00	38,521.00	55,937.00	0.49	0.30
MUSEUM BLDG RESERVE	-34.20%	3,600.00	0.00	0.00	0.00	0.00
HEALTH INSURANCE	17.29%	1,341,846.00	(2,897.00)	0.00	0.00	0.00
RISK MANAGEMENT	-4.20%	28,581.00	153,369.00	312,308.00	2.74	3.00
AMBULANCE	-17.36%	69.00	1,009.00	3,922.00	0.03	0.01
JUDGEMENT LEVY	0.00%	9,527.00	0.00	113,956.00	1.00	1.00
CBO TRUST	29.00%	60,345.00	3,748.00	0.00	0.00	0.00
DRUG FORFEITURE	6.25%	11,164.00	14,336.00	0.00	0.00	0.00
CHILD DAYCARE	-3.42%	1,795.00	(1,891.00)	25,641.00	0.23	0.19
SPECIALIZED TRANS	-3.87%	1,726.00	1,047.00	18,708.00	0.16	0.18
OPEN SPACE	28.77%	23,107.00	16,634.00	46,904.00	0.41	0.33
LIBRARY	2.22%	99,820.00	34,720.00	498,266.00	4.37	4.50
TAMARACK FED	-68.80%	22,449.00	5,101.00	0.00	0.00	0.00
SCHOOL DIST 1	1.61%	0.00	11,057.00	0.00	0.00	0.00
SANDERS COUNTY	27.73%	2,103.00	6,917.00	0.00	0.00	0.00
LSCA GRANT	-100.00%	0.00	0.00	0.00	0.00	0.00
COUNTY-WIDE	-6.36%	6,232,574.00	984,116.00	8,000,779.00	70.20	69.90
ROAD	-5.19%	1,116,862.00	208,040.00	957,575.00	13.83	13.83
HEALTH	-3.90%	1,097,546.00	(8,448.00)	505,445.00	7.30	7.30
JUNK VEHICLE	-5.16%	71,946.00	0.00	0.00	0.00	0.00
COUNTY ONLY	-4.67%	2,286,354.00	199,592.00	1,463,020.00	21.13	21.13
* GRS TRUST	-100.00%	0.00	0.00	0.00	0.00	0.00
** CAPITAL IMPROVE	-21.46%	405,338.00	170,469.00	0.00	0.00	0.00
TOTALS	-6.02%	8,518,928.00	1,183,708.00	9,463,799.00	91.33	91.03

NOTE: ROAD AND HEALTH CALCULATED AT MILL VALUE OF \$69,239.

8/10/87

COMMUNITY BASED ORGANIZATIONS
BUDGET SUMMARIES

FY 1988

DESCRIPTION	POOR	AGING	MENTAL HEALTH	AMBULANCE	SPEC TRANS	DAYCARE	CBO TRUST
ARROW MEDICAL SVCS				4,750.00			
MSLA YOUTH HOMES							19,000.00
CHILD CARE RESOURCES						19,950.00	
CH CARE HEALTH PGM	0.00					4,940.00	
VICTIM ADVOCATE							1,682.00
MSLA AGING SVCS		99,750.00					
CH & FAMILY RES CO	0.00						1,250.00
QUICK RESPONSE UNITS				0.00			
HUMANE SOCIETY							0.00
FOOD BANK	14,250.00						
SENIOR CIT CENTER		0.00					
URBAN TRANS (SPEC)					20,991.00		
VICTIM WITNESS SUPT							4,065.00
NAT AMER SVC AG							0.00
FRIENDS TO YOUTH	0.00						1,250.00
WATSON REC HOME	0.00						24,000.00
COMP DEV CENTER			12,350.00				
MENTAL HEALTH CENTER			38,950.00				
WOMEN'S PLACE	0.00						5,246.00
BAT WOMEN SHELTER	0.00						7,600.00
SUBTOTAL	14,250.00	99,750.00	51,300.00	4,750.00	20,991.00	24,890.00	64,093.00
INT REG WARRANTS	0.00	500.00	250.00	250.00	250.00	250.00	
TOTAL	14,250.00	100,250.00	51,550.00	5,000.00	21,241.00	25,140.00	64,093.00

* DENOTES NEW PROGRAM

DESCRIPTION	FY 1987 REQUEST	FY 1987 AWARD	FY 1988 REQUEST	FY 1988 AWARD
ARROW MEDICAL SVCS	8,200.00	5,000.00	5,000.00	4,750.00
MSLA YOUTH HOMES	20,000.00	20,000.00	20,000.00	19,000.00
CHILD CARE RESOURCES	48,013.00	21,000.00	21,000.00	19,950.00
CH CARE HEALTH PGM	32,342.00	5,200.00	5,200.00	4,940.00
VICTIM ADVOCATE	4,000.00	4,000.00	4,000.00	1,682.00
MSLA AGING SVCS	105,000.00	105,000.00	108,000.00	99,750.00
CH & FAMILY RES CO	5,000.00	5,000.00	5,000.00	1,250.00
QUICK RESPONSE UNITS	800.00	800.00	0.00	0.00
HUMANE SOCIETY	10,000.00	5,000.00	0.00	0.00
FOOD BANK	15,525.00	15,000.00	15,000.00	14,250.00
SENIOR CIT CENTER	6,000.00	3,000.00	0.00	0.00
URBAN TRANS (SPEC)	22,096.00	22,096.00	22,096.00	20,991.00
VICTIM WITNESS SUPT	16,260.00	16,260.00	4,065.00	4,065.00
NAT AMER SVC AG	5,000.00	5,000.00	0.00	0.00
FRIENDS TO YOUTH	5,000.00	5,000.00	7,500.00	1,250.00
WATSON REC HOME	24,000.00	20,000.00	20,000.00	24,000.00
COMP DEV CENTER	14,334.00	13,000.00	13,000.00	12,350.00
MENTAL HEALTH CENTER	45,610.00	41,000.00	41,000.00	38,950.00
WOMEN'S PLACE	26,140.00	10,400.00	10,400.00	5,246.00
BAT WOMEN SHELTER	19,000.00	13,000.00	13,000.00	7,600.00
SUBTOTAL	432,320.00	334,756.00	314,261.00	280,024.00
INT REG WARRANTS			0.00	1,500.00
TOTAL	432,320.00	334,756.00	314,261.00	281,524.00

SEPTEMBER 1, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Ann Mary Dussault was in Kalispell, where she attended the PIC (Private Industry Council) Regional Meeting September 1-4. Commissioner Barbara Evans was out of the office all day, but available for signatures and phone calls as needed.

* * * * *

SEPTEMBER 2, 1987

The Board of County Commissioners did not meet in regular session; Commissioner Janet Stevens was out of the office all day. Commissioner Ann Mary Dussault was in Kalispell for the PIC meeting.

TOUR

In the morning, Commissioner Barbara Evans attended a tour and discussion of the Hayes Otoupalik military collection sponsored by the Chamber.

PUBLIC MEETING

The meeting was called to order at 1:30 by acting chair Barbara Evans. The only item on the agenda was a Rezoning Request on COS #2036 Parcel A Tract 1 which was set for hearing on this date. There being no quorum, Commissioner Evans opened the hearing for public comment, stating that the other two Commissioners would listen to the taped testimony. No one came forward to speak and the hearing was continued until September 9, 1987.

The Commissioners were in recess at 1:34 p.m.

* * * * *

SEPTEMBER 3, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Ann Mary Dussault was in Kalispell at the PIC meeting.

Daily Administrative Meeting

At the daily administrative meeting held in the morning, the following decisions were made and documents signed:

AUDIT LIST

Commissioners Barbara Evans and Janet Stevens signed the audit list, dated 9/2/87, pp.7-32, showing a grand total for all funds of \$1,284,234.13. The audit list was returned to the Accounting Department.

PAYROLL TRANSMITTAL SHEET

Commissioners Barbara Evans and Janet Stevens signed the payroll transmittal sheet, for pay period #18, from 8/9/87 through 8/22/87, showing a grand total for all funds of \$342,800.32. The transmittal sheet was returned to the Auditor's Office.

SEPTEMBER 3, 1987 (continued)BID AWARD

Under consideration was a bid award for 120 tons of medium curing liquid asphalt oil (MC-800). Surveyor Horace Brown provided the following information:

Bids for 120 tons of medium curing liquid asphalt oil (MC-800) for use in blade paving Frontier Road and Canyon Drive at Seeley Lake were opened August 31, 1987, with the following bids received:

<u>Bidder</u>	<u>Cost</u> <u>F.O.B. Refinery</u>	<u>Estimated</u> <u>Transportation Cost</u>	<u>Total Est. Cost</u>
MT Refining Co.	\$16,800.00	\$ 2,308.80	\$19,108.80
City Svc. Inc.	\$13,320.00	\$ 6,360.00	\$19,680.00
Idaho Asphalt Supply	\$22,800.00	\$ 2,472.00	\$25,272.00

In accordance with the recommendation of County Surveyor Horace Brown, Barbara Evans moved, and Janet Stevens seconded the motion, that the bid for 120 tons of medium curing liquid asphalt oil (MC-800) be awarded to the low bidder, Montana Refining Company, for a total cost of \$19,108.80. The motion passed by a vote of 2-0.

JAIL NURSES/LIABILITY COVERAGE

The Commissioners signed a memorandum to County Risk Manager Hal Luttschwager in regard to jail nurses liability coverage for preparing medications for jail inmates.

AMENDMENT TO PLAN DOCUMENT: MISSOULA COUNTY EMPLOYEE MEDICAL BENEFIT PLAN

The Board of County Commissioners approved and signed an amendment to the plan document of the Missoula County Comprehensive Medical Benefit Plan, amending paragraph "d" of section 8.13, "Coordination of Benefits," as set forth in the amendment. The changes are effective as of July 1, 1987.

AMENDMENT TO PLAN DOCUMENT: MISSOULA COUNTY EMPLOYEE DENTAL BENEFIT PLAN

The Board of County Commissioners approved and signed an amendment to the plan document of the Missoula County Comprehensive Dental Benefit Plan, amending Section 7.04, "Coordination of Benefits," as set forth in the amendment. The changes are effective as of July 1, 1987.

TRAINING REIMBURSEMENT POLICY

The Board of County Commissioners approved and signed a waiver of Section 2 of the Missoula County Training/Leave Reimbursement Policy for Neil Leitch, formerly a public defender, in accordance with the recommendation of Margaret Borg, Chief Public Defender. This action waives the requirement for Neil Leitch to reimburse Missoula County for attendance at job related seminars upon his resignation within twelve months of attending the seminars.

PROFESSIONAL SERVICES CONTRACT

The Board of County Commissioners approved and signed a contract for the Health Department between Missoula County and independent contractor CK Computer Consultants for the purpose of altering the following computer programs used by Health Services: WIC scheduling, clinic scheduling and nursing dailies, in accordance

SEPTEMBER 3, 1987 (continued)

with terms and conditions contained in the contract. The rate to be paid the contractor is not to exceed \$15/hr. by appointment and \$18/hr. for emergency on-call services. The contract dates are August 20, 1987-June 1, 1988.

PROFESSIONAL SERVICES CONTRACT

The Board of County Commissioners approved and signed a contract for the Health Department between Missoula County and independent contractor Robert Swisher, in accordance with the terms and conditions in the contract, for the purpose of providing pre- and post-testing HIV counseling to individuals in the Outpatient Clinic following Health Department and CDC guidelines. The contract dates are August 10, 1987-June 30, 1988 and the contractor is to be paid an amount not to exceed \$1,528.

AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MISSOULA AND THE COUNTY OF MISSOULA TO COOPERATE IN THE PROVISION OF PLANNING, ZONING AND FLOODPLAIN SERVICES TO THE RESIDENTS OF MISSOULA

The Board of County Commissioners approved and signed the above-referenced interlocal agreement, agreeing to the terms and conditions contained in the agreement. Deputy County Attorney Joan Newman then sent the executed agreement to the Attorney General's Office for approval.

EASEMENT BY AND BETWEEN THE COUNTY OF MISSOULA, A POLITICAL SUBDIVISION OF THE STATE OF MONTANA (GRANTOR) AND MOUNTAIN WATER COMPANY, A PUBLIC UTILITY COMPANY OF THE STATE OF MONTANA (GRANTEE)

Upon recommendation of County Surveyor Horace Brown, the Board of County Commissioners approved and signed an easement by and between the County of Missoula and Mountain Water Company concerning an 8 ft. x 10 ft. 4 inch parcel located in the SW 1/4 of the NW 1/4 of Section 34, T13N, R19W, and more particularly described in the easement document and attachment. The easement was returned to the Surveyor's Department for processing.

RESOLUTION 87-098: CREATING MAINTENANCE RURAL SPECIAL IMPROVEMENT DISTRICT

The Board of County Commissioners approved and signed Resolution No. 87-098, creating a maintenance Rural Special Improvement District for maintenance of Lena Lane, including restoration of drainage, in accordance with terms and conditions contained in the resolution.

LOAN AGREEMENT

The Board of County Commissioners approved and signed a loan agreement by and between the Missoula Redevelopment Agency (MRA) and Missoula County in regard to repairing the roof of the County Courthouse, an historical landmark and public building, by means of a no-interest loan of tax increment funds for all costs of labor and materials in excess of Thirty-Six Thousand Dollars (\$36,000) to complete these repairs, in accordance with terms and conditions contained in the loan agreement.

SEWER REGULATIONS FOR LOLO SEWER AND WATER DISTRICT

The Commissioners discussed the need to approve the recently-drafted sewer regulations for RSID 901, the Lolo Sewer and Water District. They decided that a resolution to approve these regulations should be drafted for consideration and approval at the public meeting of September 30, 1987.

SEPTEMBER 3, 1987 (continued)ELK FOUNDATION BARBECUE

In the evening, Commissioners Evans and Stevens attended a barbecue sponsored by the Rocky Mountain Elk Foundation, held at the Teller Wildlife Refuge near Corvallis.

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SEPTEMBER 4, 1987

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Kalispell at the PIC meeting and Commissioner Evans was out of the office all day.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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SEPTEMBER 7, 1987

The Courthouse was closed for the Labor Day Holiday.

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SEPTEMBER 8, 1987

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

Audit List

Commissioners Dussault and Stevens signed the audit list dated September 8, 1987, pages 7-34, with a grand total of \$107,498.55. The audit list was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 87-099

The Board of County Commissioners signed Resolution NO. 87-099, a resolution authorizing the establishment of an external bank account for the Sheriff's Department to pay grant related expenses as authorized by the Narcotics Grant documents, as per the terms set forth.

Other items included:

The Board of County Commissioners approved the Claims Process Protocol as submitted by County Auditor, Susan Reed.

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

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SEPTEMBER 9, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Whitefish where she attended a MACo Executive Board meeting September 9 through the 11th. Commissioner Stevens left late in the afternoon following the public meeting for Whitefish to also attend the MACo meeting through September 11th.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 87-100

The Board of County Commissioners signed Resolution No. 87-100, a budget amendment for the Library, for FY'88, including the following expenditure and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2220-410-460166-314 Ad/Legal Publication	\$106.00

<u>Description of Revenue</u>	<u>Revenue</u>
2220-410-365005 What America Reads Grant	\$106.00

Resolution No. 87-101

The Board of County Commissioners signed Resolution No. 87-101, a budget amendment for the Sheriff's Department for FY'88, including the following expenditures and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2345-350-420147-111 (Perm Salaries)	\$53,805
2345-350-420147-141 (Fringe Benefits)	\$13,639

<u>Description of Revenue</u>	<u>Revenue</u>
2345-350-331120 (Board of Crime Control Grant)	\$67,444

IRS Form 8038-6

Chairwoman Stevens signed the Internal Revenue Service Forms 8038-G, Information Return for Tax Exempt Governmental Bond Issues, prepared in connection with the \$780,000 bond issue for RSID No. 419. The forms were returned to Attorney Mae Nan Ellingson for further handling.

Special Use Permit

The Board of County Commissioners signed a Special Use Permit, whereby the US Forest Service grants permission to the Missoula County Sheriff's Department to use, subject to the conditions set forth, two county-owned magazines and Forest Service road on National Forest System lands in the E1/2 SW1/4 of Section 34, T.14N., R.20W., P.M.M. for the purpose of use, maintenance and occupancy of two magazines for the storage of high explosives. The permit was returned to the Sheriff for further handling.

Notice of Sale of Bonds

Chairwoman Stevens signed the Notice of Sale of Bonds in the amount of \$250,000 for RSID No. 426, the Rattlesnake Interceptor Sewer Project, setting the sale date for October 7, 1987, at 1:30 p.m.

SEPTEMBER 9, 1987 (continued)

COS Agricultural Exemption Covenant

The Board of County Commissioners signed the covenant on the Certificate of Survey for Mike Turner to create two tracts of land as agricultural exemptions, located in the SE 1/4 of Section 26 and the SW 1/4 of Section 25, T.12N., R.20W., P.M.M., Missoula County, stating that the divided land will be used exclusively for agricultural purposes.

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers for the Health Department, as a salary position was eliminated and the savings are to be allocated to several line items, and adopted them as part of the FY'88 budget:

1. No. 88-004, transferring \$2,603.00 from the permanent salaries account to the contingency (\$2,353.00) and common carrier (\$250.00) accounts;
2. No. 88-005, transferring \$150 from the fringe benefits account to the tuition account;
3. No. 88-006, transferring \$500 from the permanent salaries account to the meals, lodging and incidentals (\$250.00) and tuition (\$250.00) accounts; and
4. No. 88-007, transferring \$2,330.00 from the fringe benefits (\$1,830.00) and permanent salaries (\$500.00) accounts to the tuition (\$1,830.00) and common carrier travel (\$500.00) accounts; and
5. No. 88-008, transferring \$350.00 from the permanent salaries (\$1,250.00) and fringe benefits (\$100.00) accounts to the common carrier (\$250.00) and travel, meals and incidentals (\$350.00) accounts; and
6. No. 88-009, transferring \$1,800.00 from the permanent salaries account to the travel, meals and incidentals (\$1,500.00) and the books, resource materials (\$300.00) accounts; and
7. No. 88-0010, transferring \$680.00 from the permanent salaries (\$670.00) and work study-444900 (\$10.00) accounts to the tuition (\$670.00) and work study 444905 (\$10.00) accounts.

Other items included:

The Commissioners decided not to renew the subscription to the Wall Street Journal which will expire in October.

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

PUBLIC MEETING

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

Bid Award-Construction Bids RSID # 418. Paving in Goodan Keil Estates

Information received from John DeVore, Administrative Officer, indicated that three construction bids for RSID #418, a paving project in Goodan Keil Estates were received as follows:

Marvin Rehbein Construction	\$326,813.75
American Asphalt Inc.	\$327,463.60
Western Materials Inc.	\$308,133.00

SEPTEMBER 9, 1987 (continued)

The recommendation was to award the bid to Western Materials Inc. for \$308,133.00 contingent on the sale of bonds.

Barbara Evans moved, and Janet Stevens seconded the motion to award the bid to Western Materials Inc. for \$308,133.00 for paving in Goodan Keil Estates, RSID #418, contingent on the sale of bonds. The motion carried on a vote of 2-0.

Continuation of Hearing-Rezoning Request-COS #2036, Parcel A, Tract 1, Flynn Lane (Biggers)

Information provided by John J. Torma, Planner with the Office of Community Development indicated that this parcel was part of a larger rezoning from C-RR3 to C-I1 which occurred in 1981. The property owners, Kayannette and Cory Biggers are requesting this zoning change to allow the development of this property for a single family residence. The Planning Board held a public hearing on this request on August 4th and recommended approval based on the findings of fact and the two conditions included in the staff report. The recommendation from the Office of Community Development is that the property be rezoned from C-1I to C-RR3 subject to the findings of fact contained in the staff report, and two conditions:

1. That prior to the issuance of any zoning compliance or building permits for the remainder of Tract 1, Cos #2036, a landscaped buffer strip be installed on the remainder of Tract 1 adjacent to the north and east boundaries of parcel "A", in compliance with section 3.05 of the Missoula County zoning resolution; and
2. That this requirement be referenced to COS 2036

He showed some slides of the area, and discussed the history of the parcel.

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

Barbara Evans moved, and Janet Stevens seconded the motion to grant the rezoning request of Mr. and Mrs. Biggers to rezone from C-I to C-RR3 property described as Parcel A, Tract 1, COS #2036, Section 7, Township 13 North, Range 19 West, subject to the findings of fact contained in the staff report, and to these two conditions:

1. That prior to the issuance of any zoning compliance or building permits for the remainder of Tract 1, Cos #2036, a landscaped buffer strip be installed on the remainder of Tract 1 adjacent to the north and east boundaries of parcel "A", in compliance with section 3.05 of the Missoula County zoning resolution; and
2. That this requirement be referenced to COS 2036

The motion carried on a vote of 2-0.

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

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SEPTEMBER 10, 1987

The Board of County Commissioners did not meet in regular session as two of the Commissioners were out of town. Commissioner Evans was out of the office until noon.

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SEPTEMBER 11, 1987

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

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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SEPTEMBER 14, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation the week of September 14-18, 1987.

Monthly Report

Chairwoman Stevens examined, approved, and ordered filed the monthly report of the Clerk of the District Court, Bonni Henri, showing items of fees and other collections made in Missoula County for the month ending August 31, 1987.

Indemnity Bond

Chairwoman Stevens examined, approved and ordered filed an Indemnity Bond naming Charlie Cannalito as principle for warrant #162513, dated June 17, 1987, on the Missoula County Health Fund in the amount of \$78.40, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 87-102

The Commissioners signed Resolution No. 87-102, a resolution of intent to rezone from "C-I1" to "C-RR3" property described as parcel A Tract 1, COS #2036, as per the resolution.

Agreement

The Board of County Commissioners signed an Agreement for Professional Security Services by an independent contractor between the Reserve Deputy Unit of the County Sheriff's Department and the University of Montana for the purpose of the University to obtain the expert services required to provide law enforcement, crowd control, and general security at University events or events conducted in University facilities, as per the terms set forth, for the period from September 1, 1987, through September 1, 1988. The Agreement was returned to the Sheriff's Department for further signatures and handling.

Notice of Hearing

Chairwoman Stevens signed a notice of hearing on the proposed regulations to govern service in R.S.I.D. 901 (Lolo Sewer and Water District), setting the hearing for September 30, 1987.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Sheriff's Department (Drug Forfeiture Fund) and adopted it as part of the FY '88 budget:

SEPTEMBER 14, 1987 (continued)

No. 880013, a request to transfer \$15,500 from the Drug Enforcement (\$4,000.00) training (\$3,000.00), and Capital-Tech Equipment (\$8,500.00) accounts (420142) to the Personnel (\$4,000.00.00) Training (\$3,000.00), and Capital-Tech Equipment (\$8,500.00) accounts (420.147) to transfer the County match for the Board of Crime Control grant to the proper coding.

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

Dinner Meeting

In the evening, Commissioner Dussault attending the Missoula County Fire Protection Association dinner meeting held at the Northern Pacific.

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SEPTEMBER 15, 1987

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:

Audit Letters

The Board of County Commissioners signed letters to the County Auditor's Office acknowledging receipt and review of the following audits:

1. The records of the Missoula County Road, Bridge, Surveyor and Working Fund 70 for the two years ending June 30, 1986; and
2. The financial records for the Clinton, East Missoula, and Norco Community Development Block Grants. Both audits were forwarded to the Clerk and Recorder's Office for filing.

Resolution No. 87-103

The Board of County Commissioners signed Resolution No. 87-103, a resolution creating RSID No. 426 for the purpose of the construction and installation of sanitary sewer service lines from the Rattlesnake Interceptor Sewer to five feet beyond the improved roadway surface for each parcel of land adjacent to the Rattlesnake Interceptor sewer; financing the District's proportionate share of costs to aid in the construction of Rattlesnake Interceptor Sewer; financing the District's sewer development fees assessed against the parcels in the District by the City of Missoula, and setting the bond sale for October 7, 1987.

Encroachment Permit

The Board of County Commissioners signed an encroachment permit between Missoula County and Gordon C. Campbell of East Missoula, whereby the County will permit Mr. Campbell to encroach upon a portion of a county road located at the southeast corner of Minnesota Avenue and Staple street adjacent to Lot 14, Block 29, East Missoula Addition, as his fence encroaches upon the county right-of-way for four feet along the west side of Staple Street and the north side of Minnesota Avenue, and is effective for a

SEPTEMBER 15, 1987 (continued)

period not to exceed ten years renewable at the option of Missoula County.

Contract

The Board of County Commissioners signed a professional services contract between Missoula County and Eco-Resource Systems, an independent contractor, for the purpose of conducting the computer hardware analysis stage of the Traffic Safety Project (as outlined in the August 28, 1987 RFP) in three phases-needs/compatibility analysis, recommendations and review, and ordering, as per the terms set forth, for the period from September 9, 1987, through September 30, 1987, for a total payment not to exceed \$1,300.00. The contract was returned to the Health Department for further signatures and handling.

Other Items Included:

1. The Board of County Commissioners appointed Donna Neer to fill the vacancy on the Clinton Rural Fire District Board until the next school election in April, 1988;
2. The Commissioners voted to abate tax bill No. 83031750 (1983) for SUID 5820928 as Leon Spitz was billed for the weed control assessment for the entire subdivision of Meadows of Baron O'Keefe; a new tax bill will be issued, and the Commissioners directed the County Attorney's office to pursue action against Tex Cates, who should be responsible for the Weed Control Assessment; and
3. Amy Eaton of the Rural Planning Office was selected by the Commissioners to be the County's representative on the Rattlesnake Task Force, with Amy choosing an alternate member. (John Torma of the Office of Community Development was later selected as alternate.)

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

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SEPTEMBER 16, 1987

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

Audit List

Commissioner Dussault and Stevens signed the Audit List, dated September 16, 1987, pages 7-39, with a grand total of \$289,389.22. The Audit List was returned to the Accounting Dept.

DAILY ADMINISTRATIVE MEETING

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

Certification of Consortium Membership

The Board of County Commissioners signed the Certification of Consortium Membership, which certifies that the County of Missoula by this signature joins the Balance-Of-State Service Delivery Area Consortium of Counties for the purpose of establishing a job training service delivery area and more importantly creating a "Council of Commissioners" to administer the many provisions of the Job Training Partnership Act. The Certification was returned to the MACo Office for further handling.

SEPTEMBER 16, 1987 (continued)

Other matters included:

1. The Commissioners approved a request from Welcome Wagon for a letter to use in their welcoming baskets; and
2. Mike Sehestedt, Deputy County Attorney will contact her and make a recommendation regarding the request from Mirian MacLelland for a meeting regarding her delinquent taxes.

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

PUBLIC MEETING

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

Bid Award: Bonds for RSID #418-Goodan Keil Estates Road Improvements.

Information provided by John DeVore, County Administrative Officer indicated that no bids were received, and that the bid award be postponed.

Hearing: Petition to Vacate an Alley in Carline Addition

Information provided by Donna Cote, Recording Section Supervisor, indicated that this petition requests the vacation of the alley in the Carline Addition Block, from Margaret Street West to East Line Van Addition Block 1. Cyrus Larson whose property abuts the alley in this particular area would like to have the alley vacated for the following reasons: The old barn and small shed are sitting on the alley by the latest survey. The utility companies have an easement. Title to the property adjacent to the alley in this area is vested in the following: Cyrus S. Larson, 2340 Burlington, Missoula, MT 59801. Additional persons who may be affected and/or have been notified of the hearing are: Lee and Betty Trautman, 716 27th Avenue, Missoula; Joan Newman, Deputy County Attorney; Horace Brown, County Surveyor; and Missoula Rural Fire Department. The notice of hearing was published in the Missoulian on September 6, 1987.

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

It was noted that a site inspection by the Board of County Commissioners and the County Surveyor is required before vacating any property. A decision on the vacation would be made at the public meeting of September 30, 1987.

Hearing: Petition to vacate a Portion of Schilling Street and South 6th Street

Information provided by Donna Cote, Recording Division Supervisor indicate that this is a petition to vacate a portion of Schilling and South 6th Street, block 11 and 12 Bennett Addition. Arlyn F. Lemer, and Oliver R. and Leona O. Look, whose property abuts the streets in this particular area would like to have them vacated for the following reasons: The area is not needed for County Road Use, and the vacation would cause it to become private land and be added to the tax rolls. Title to the property adjacent to the streets in this area is vested in the following persons: Oliver O. and Leona Look, 2200 So 7th W., Missoula; Rose Mary Moline, 2210 So. 7th St. W, Missoula; Lester B. & Dolly I. Steinberg, 2212 So. 7th W., Missoula; Elizabeth Ellefson, 2214 So. 7th W., Missoula; Elvin D. & Carole L. Reeves, 2218 So. 7th W., Missoula; Kathleen Root, 205 Best, Spokane, Wa.; Ronald Welton, 801 Kemp Missoula; Homer H & Hazel A. Ponton, 2106 So.

SEPTEMBER 16, 1987 (continued)

7th W. Missoula; James C. Fern M. Young, 2110 So. W., Missoula; Richard D. and Judith E. Newlon, 2132 So. 7th W., Missoula; and Arlyn F. Lemer, 2140 So. 7th W., Missoula. The following land owners have consented to the vacation: Arlyn F. Lemer, and Oliver R. and Leona O. Look. Additional persons who may be affected by the petition and/or have been notified of the hearing are: Joan Newman, Deputy County Attorney; Horace Brown, County Surveyor; Missoula Rural Fire District; and the City of Missoula. The notice of hearing was published in the Missoulian September 6, 1987.

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

It was noted that a site inspection by the Board of County Commissioners and the County Surveyor is required before vacating any property. A decision on the vacation would be made at the public meeting of September 30, 1987.

Hearing: Proposed Community Development Block Grant Application (Donovan Creek Housing & Neighborhood Improvement Project)

Information provided by John Kellogg, Grants Supervisor for Missoula County, indicated that Leischner Tracts Subdivision on Pine Cone Drive has had serious water problems as well as some severely dilapidated housing. The Department of Health and Environmental Sciences placed a boil order on drinking water from the system this past fall, and residents have been looking for a solution to the problem. The Community Development Block Grant proposal calls for excavation and replacement of all septic seepage pits with properly designed drainfields. Wells would then be isolated and tested for contamination, and those failing the test would be abandoned. New wells would be drilled as needed to replace the bad ones. Those structures that are beyond repair would be acquired and demolished, the refuse removed, and the park area improved. Funds would then be available for housing rehabilitation to low-and moderate-income households. He indicated that Program and Administrative costs would be though the grant. The County would benefit from improved property values and continued program income under the grant.

He said the State of Montana has been allocated approximately \$5.25 million dollars this year for the Community Development Block Grant Program. The state has requested applications for the funds, and the purpose of the funds is to benefit low or low-moderate income households. He said the projected costs of this project is \$200,000, and the deadline for submittal of the application is this Friday.

The hearing was opened for public comment.

Kelly Wildman said she was in favor of the project as she lives in the area, needs a well, and cannot get a loan to drill a well. She said the original developers used car bodies for septic systems.

Robert Porter, 6165 Pinecone Drive spoke in favor of the project, saying he does not have funds to install his own septic tank.

Noel Schubert, who lives on lot 1 of Leischner Tracts, said she had recently installed a well, and supports the project.

Carlyn Brownlee, a resident of Donovan Creek, said she, too, had recently installed a well, and hoped that her investment would not be in vain due to the poor septic system in the area.

Rhonda Brownlee said she was drilling a well at this time, and knew that there were many residents in the area who could not afford to upgrade their own system.

SEPTEMBER 16, 1987 (continued)

Hank McClain spoke in favor of the grant proposal, and discussed the history of the water problems in the area, as he had been managing the water system for the past five years. He referred again to the car bodies that had been installed as cesspools.

Carol Parker said she owns a vacant house in the area, and the house should be torn down. She said she has no money to renovate the house, and she favors the grant proposal.

Frankie Feinstein said she was planning to put in a well before winter, and she favors the proposal to keep the water from being contaminated.

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

Ann Mary Dussault asked John Kellogg to outline the timetable for the work to be done, assuming the Commissioners approve the grant application today.

John Kellogg said the Department of Commerce would probably review the proposal near the end of November, and notify the County whether or not it is successful. The actual work in the Donovan Creek area would probably begin in the spring if the grant is approved, and the work would be completed by fall.

Ann Mary Dussault asked him to speak to the questions raised in regard to the water quality, and if the grant could be submitted without full resolution of those problems at this time.

John Kellogg said he would submit the grant with one solution, and if that solution does not work, the grant could be adjusted. He said the water quality problems would be resolved one way or another.

Ann Mary Dussault asked Joan Newman if this was an approved subdivision.

Joan Newman said it was approved in 1970.

Ann Mary Dussault asked how this subdivision had ever been approved with car bodies being used as septic tanks.

It was noted that they were not just any car bodies, they were '57 chevys. During a general discussion, several persons said that the subdivision was approved, then the developer installed the car bodies as septic tanks.

A general discussion concerning lot size, and the development of the proposed park and maintenance of the park ensued.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to approve the resolution authorizing the submittal of a Community Development Block Grant application to revitalize the Leischner Tracts Subdivision along Donovan Creek. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:15 p.m.

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SEPTEMBER 17, 1987

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

Monthly Reports

Chairwoman Stevens examined, approved and ordered filed the monthly reports of Justices of the Peace, Michael D. Morris and David K. Clark, showing items of fees and other collections for the month ending August 31, 1987.

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 4G's Plumbing and Heating, Inc., for the construction, installation, and completion of a waterline extension to serve Sportco Addition (RSID 425), as per the terms set forth, for a total amount of \$6,577.60. The contract was returned to General Services for further handling.

Policy Statement 87-F

The Board of County Commissioners signed Policy Statement 87-F, Personnel Procedures, which is intended to make consistent in all County Departments the application of effective personnel management techniques which conform to all applicable policies, laws and regulations.

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

Bicentennial Celebration

At noon, Commissioner Stevens participated in the Bicentennial Celebration of the Constitution, held on the Courthouse steps.

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SEPTEMBER 18, 1987

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

Election Canvass

In the morning, Commissioners Dussault and Stevens and Clerk of District Court, Bonnie Henri, served as the Board of Canvassers for the City Primary Election, which was held September 15, 1987.

Site Inspection

In the afternoon, Commissioner Stevens and County Surveyor, Horace Brown, went on a site inspection on the petitions to vacate an alley in Carline Addition and to vacate a portion of Schilling Street and South 6th Street.

SEPTEMBER 18, 1987 (continued)Resolution No. 87-104

The Commissioners signed Resolution No. 87-104, a resolution authorizing submittal of a Community Development Block Grant application to revitalize the Leischner Tracts Subdivision along Donovan Creek.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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SEPTEMBER 21, 1987

The Board of County Commissioners did not meet in regular session; Commissioner Evans was on vacation the week of September 21-25, 1987, and Commissioner Stevens was in Great Falls attending a Commission on Courts of Limited Jurisdiction meeting.

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SEPTEMBER 22, 1987

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 September 22, 1987, pages 8-34, with a grand total of \$95,174.63. The audit list was returned to the accounting department.

Monthly Report

Chairwoman Stevens examined, approved and ordered filed the monthly report of Sheriff Dan Magone showing items of fees and other collections on account of civil business in Missoula County for the month ending August 31, 1987.

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 Ogren Addition, a subdivision of tract 51 of "Sorrel Springs" located in the NW 1/4 of section 21, T.15N., R.21W., Missoula County Mt., with the owner of record being Kathy Ogren.

Release of Claims

The Board of County Commissioners signed a Release of Claims between Dasibi Environmental Corporation of Glendale, California and Missoula County, pursuant to the agreement dated June 17, 1987, whereby the County releases Dasibi from any and all claims, demands and causes of action that were or that could have been alleged in the lawsuit between the parties and will be given to Dasibi upon receipt of the refund of the money by the escrow agent. The release was returned to Diane Conner, Deputy County Attorney, for further handling.

Temporary Access Agreement

The Board of County Commissioners signed a temporary access agreement between Missoula County and Ray Jr. and Mary Ann Gray

SEPTEMBER 22, 1987 (continued)

permission to enter upon, cross over and use for the limited purposes and period of time specified those certain areas of landowners property that are identified on the attachments to the agreement, as per the terms set forth, in conjunction with the South Hills Drainage Project. The agreement was returned to the Surveyor's office for further handling.

Subgrant Application

Commissioner Dussault, as acting chair, signed the subgrant application for Missoula County's Victim/Witness Assistance Program. The application was returned to Cindy Klette, Victim/Witness Coordinator, for further handling.

Other items included:

1. The Commissioners rejected the quote for Public Officials Liability Insurance received from Terry Payne and Company, and will continue to self-insure as per the recommendation of Hal Luttschwager, County Risk Manager; and
2. The Commissioners approved the request from County Surveyor Horace Brown, to rescind the previous bid award for MC-800 oil for a paving project at Seeley Lake to Montana Refining Company because of non-performance and award the bid to the next lowest bidder, City Service of Kalispell, as per his memo of September 21, 1987. (S87-307).

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

Outstanding Employee Award

In the afternoon, Commissioners Dussault and Stevens presented the Outstanding Supervisor of the Year Award to Ellen Leahy of the Health Department.

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SEPTEMBER 23, 1987

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was in Helena attending a Human Services Delivery Task Force meeting, and Commissioner Dussault was also in Helena attending LGAC/PIC (Local Government Advisory Council/Private Industry Council) Committee meetings.

Weekly Public Meeting cancelled

The weekly public meeting scheduled for this date was canceled as the Commissioners were out of town.

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SEPTEMBER 24, 1987

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

Indemnity Bonds

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

1. Naming Karen Bakker as principal for warrant #138453, dated September 16, 1987, on the Missoula County Special Fair Payroll fund in the amount of \$30.99, now unable to be found; and

SEPTEMBER 24, 1987 (continued)

2. Naming Michael Martell as principal for warrant #1174, dated September 18, 1987, on the Missoula County High School Payroll fund in the amount of \$1,302.80, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Certification of Subgrant Application

Chairwoman Stevens signed the Subgrant Certification for the Montana Board of Crime Control and Youth Justice Council Subgrant Application for the 4th Judicial District Court's Court Delay Reduction Project, certifying that all terms and conditions of the application will be adhered to. The application was returned to Cindy Klette, Victim/Witness Coordinator for further handling.

Other items included:

The Commissioners approved the appointment of Harold R. Salomon to the Seeley Lake Refuse District Board of Directors through December 31, 1989.

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

MEDC Banquet

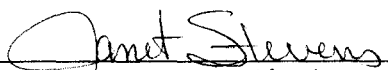
In the evening, Commissioners Stevens and Dussault attended the MEDC Annual Banquet held at the Village Red Lion.

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SEPTEMBER 25, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending a PIC (Private Industry Council) meeting, and Commissioner Stevens was out of the office all day.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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SEPTEMBER 28, 1987

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. 87-105

The Board of County Commissioners signed resolution No. 87-105, a resolution authorizing the County Treasurer to cancel the tax deeds recorded on May 22, 1987 for a tract of land located in the NW 1/4 of the SE 1/4 of S. 11., T.13 N., R. 19 W., PMM, Missoula County, Montana, being Tract A-3-1 of Certificate of Survey No. 2539 recorded in book 260 of micro records, page 1778; and a tract of land located in the NW 1/4 of the SE 1/4 of S. 11., T. 13 N., R. 19 W., PMM, Missoula County, being Tract A-3-2 of Certificate of Survey No. 2539 recorded in book 260 of Micro page

SEPTEMBER 28, 1987 (continued)

1789, as an error was made in not notifying all interested parties and the Notice of Application for Tax Deed needs to be republished and posted.

Quitclaim Deeds

The Board of County Commissioners signed two quitclaim deeds from Missoula County to Jack L. Green II for the two parcels of land described in Resolution No. 87-105, canceling the tax deeds recorded on this property on May 22, 1987.

Other matters included:

A request from the Sheriff's Department to lease/purchase vehicles was denied because of revenue shortfall - civil fees were to cover the cost and not enough has been accumulated.

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

Meeting

In the evening, Commissioners Dussault and Stevens attended a WEDCO (Women's Economic Development Corporation) meeting held at the Sheraton.

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SEPTEMBER 29, 1987

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

Indemnity Bond

Chairwoman Stevens examined, approved, and ordered filed an Indemnity Bond naming Sherry Richardson as principal for warrant #11454, dated September 15, 1987, on the Missoula County trust fund in the amount of \$428.33, now unable to be found.

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 Missoula City-County Health Department and the Frenchtown School District, whereby the Department will provide a public health nurse, and the Department and School will work together to provide school health services as set forth in the agreement for a period from August 15, 1987, to June 15, 1988, for a total amount not to exceed \$16,757.73. The Agreement was returned to the Health Department for further signatures and handling.

Satellite Agreement-Ravalli County

The Board of County Commissioners signed a Satellite Agreement between the Ravalli County Health Department of Hamilton, MT and the Missoula County Health Department, whereby Missoula County will perform the administration and supervisory responsibilities for program operations and fiscal management established in the WIC Program Regulations of the United States Department of Agriculture for Ravalli County, as per the covenants and stipulations set forth in the agreement for the period from July 1, 1987, through June 30, 1988. The agreement was returned to

SEPTEMBER 29, 1987 (continued)

the Health Department for further signatures and handling.

Manager Contract

The Board of County Commissioners signed a contract between Larchmont Golf Course, an enterprise fund of Missoula County, and Robert Schuyler, a golf course manager, who shall be responsible for the operation, management, maintenance, and supervision of Larchmont Golf Course located in Missoula County, Montana, as per the terms set forth, for a period of three years, commencing March 15, 1988.

Contract Modifications

Chairwoman Stevens signed the modifications to the contract for the Missoula County Audit for the year ended June 30, 1987, including the following additional provisions and making them a part of the standard audit contract, dated May 5, 1986, between Dobbins, DeGuire and Tucker, P.C., and the State Department of Commerce, Division of Local Government Services, with the consent of Missoula County, Montana.

1. Fees for the audit of June 30, 1987 shall be \$47,000, subject to the provisions listed;
2. Inclusion of Larchmont Golf Course, Missoula Aging Services, and Comprehensive Medical Benefit Plan; and
3. Assistance from entity as per the terms set forth.

The contract revisions were returned to Dobbins, DeGuire and Tucker for forwarding to Helena.

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

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SEPTEMBER 30, 1987

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 September 30, 1987, pages 9-37, with a grand total of \$83,645.91. 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, 1987, between the Missoula Board of County Commissioners and the Missoula Area Agency on Aging, whereby the County will purchase planning and coordination services of aging programs in Missoula County, as per the terms set forth, through June 30, 1988, for a total payment of \$99,750.00.

SEPTEMBER 30, 1987 (continued)Audit Letter

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the audit of the Motor Vehicles Department for the period from October, 1985 through June, 1987. The audit was forwarded to the Clerk and Recorder's Office.

Other items included:

1. Representatives of the Health Department met with the Commissions regarding the sole source aquifer - they are continuing to pursue the designation, and the executive summary will be delivered by October 9th;
2. The latest proposal for RSID #395 was approved by the Commissioners with the stated conditions, public hearing and approval of bond counsel; and
3. The Commissioners approved the proposal for the land use regulations (Missoula County/Tribal Lands).

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

PUBLIC MEETING

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

Bid Award: Bond Bids-RSID No. 424 (Street Improvements on 37th and 36th Avenues and Tower Street between South Avenue and North Avenue and 33rd and 37th Avenues. -U.S. Government Subdivision #1)

Information provided by John DeVore, Administrative Officer, indicated that three bids were received as follows for \$64,000.000 in bonds:

Glen Rangitsch	8.5%
Ben Smith	8.32%
J.E. McHatton	10.4%

His recommendation was to award the bid to Ben Smith for 8.32%.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid to Ben Smith for 8.32%. The motion carried on a vote of 3-0.

Bid Award: Construction Bids-RSID No. 424 (Street Improvements on 37th and 36th Avenues and Tower Street between South Avenue and North Avenue and 33rd and 37th Avenues. -U.S. Government Subdivision #1)

Information provided by John DeVore, Administrative Officer, indicated that two construction bids were received for the street improvement project as follows:

Western Materials	\$58,434.50
American Asphalt	55,816.50

His recommendation was to award the construction bid to American Asphalt for \$55,816.50.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to award the construction bid to American Asphalt for \$55,816.50. The motion carried on a vote of 3-0.

SEPTEMBER 30, 1987 (continued)Decision : Petition to Vacate Alley in Carline Addition.

It was noted that a public hearing on this issue had been held on September 16, 1987. Commissioner Stevens and Horace Brown inspected the property in question on September 22.

Ann Mary Dussault moved and Barbara Evans seconded the motion to vacate the alley in the Carline Addition Block, from Margaret Street West to East line Vann Addition Block I. The motion carried on a vote of 3-0.

Decision: Petition to vacate a portion of Schilling Street and South 6th Street Blocks 11 & 12, Bennett Addition.

It was noted that a public hearing on this issue had been held on September 16, 1987. Commissioner Stevens and Horace Brown inspected the property in question on September 22.

Ann Mary Dussault moved and Barbara Evans seconded the motion to vacate a portion of Schilling Street and South 6th Street Blocks 11 & 12, Bennett Addition. The motion carried on a vote of 3-0.

Consideration of: Hansen Addition Summary Plat

Information provided by Paula Jacques, Planner II with the Office of Community Development, indicated that the Hansen Addition will create two lots for existing single family homes on Curtis Street, and a two acre tract to be jointly held as common area. The existing accesses will be used, with easements to be provided. Because the access does not meet the standard required by the Subdivision Regulations, a variance is necessary. The recommendation from the staff is that the summary plat of the Hansen Addition be approved subject to the following conditions, the variance, and the findings of fact set forth in the staff report.

Conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The building setback line shall be shown on the face of the plat, extending along the south property line at a minimum depth of 54 feet.
3. The following language shall be printed on the face of the plat:

"Use of the common area is restricted to that which is accessory to the residential use of Lot 1 and 2 as defined by the County Zoning Resolution. Residential development is a prohibited without re-submittal of the Hansen Addition for subdivision approval".
4. Should the common area be developed for residential use, the entire Hansen Addition shall be re-submitted for review.
5. An easement for access across the property described in Deed Exhibit 1626 shall be filed with the Clerk and Recorder.
6. The driveway shall be paved for a length of 20 feet back from Curtis Street.

Variance

A variance from the required 27 feet access easement width has been requested.

SEPTEMBER 30, 1987 (continued)

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the summary plat of the Hansen addition subject to the findings of fact contained in the staff report, and the above-referenced conditions. The motion carried on a vote of 3-0.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the requested variance from the 27 feet access easement in the Hansen Addition. The motion carried on a vote of 3-0.

Consideration of: Mountain Creek Estates Summary Plat

Information provided by Paula Jacques, Planner II from the Office of Community Development indicated that this proposed subdivision consists of five one-acre lots adjacent to O'Brien Creek road near the intersection of Big Flat Road. At the same time, a 20 acre parcel is being created through certificate of survey to comply with the C-A3 zoning density. This tract is located across O'Brien Creek Road from the one acre lots. She indicated the area on a map. The recommendation from the staff is to approve the summary plat of Mountain Creek Estates subject to the conditions and findings of fact set forth in the staff report.

Conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The agricultural covenant between the developer and the County for the 20 acre parcel shall include the following language:

"The parcel to which this covenant applies has been created with the Mountain Creek Estates Subdivision to fulfill the one dwelling per five acre density required by the C-A3 zoning district on which the subdivision is located. This covenant shall not be revoked until both this land and Mountain Creek Estates are rezoned to allow greater density. Until that occurs, timber cutting, mineral extraction and roadway easements are prohibited to preserve the values noted in the 1975 Comprehensive Plan and the 1985 Inventory of Conservation Resources."
3. Easements for the ditch and the power line shall be shown on the face of the plat.
4. Cash-in-lieu of parkland shall be donated to the County Park Fund.
5. The following (2) statements shall be printed on the face of the plat:

"Certificate of Survey Number _____ has been filed to comply with the C-A3 zoning density of one dwelling per five acres. Further subdivision of these lots is prohibited until the land is rezoned to a greater density."

"Purchasers are advised that approval of this subdivision does not obligate either the County or the subdivider to pave O'Brien Creek Road."

Barbara Evans moved, and Ann Mary Dussault seconded the motion to approve the summary plat of Mountain Creek Estates Subdivision, subject to the above-referenced conditions and the findings of fact contained in the Staff report. The motion carried on a vote of 3-0.

SEPTEMBER 30, 1987 (continued)Hearing: Proposed Sewer Regulations for RSID No. 901 (Lolo Water and Sewer District)

Information provided by John DeVore, Administrative Officer indicated that R.S.I.D 901 was formed for the purpose of regulating the use of public and private sewers and drains, private waste water disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system and providing penalties for violations within the district boundaries. The proposed regulations are intended to address the need for uniform service regulations to govern the service supplied by the district and received by the customers of R.S.I.D. 901 in Lolo.

The hearing was opened for public comment.

Carl Bergstrom, a member of the Board of R.S.I.D. 901 spoke in favor of the regulations.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to adopt the Lolo Sewer and Water regulations dated September 18, 1987. The motion carried on a vote of 3-0.

Resolution No. 87-106

The Board of County Commissioners signed Resolution No. 87-106, adopting regulations to govern service in R.S.I.D. 901 (Lolo Sewer and Water District).

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

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OCTOBER 1, 1987

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

DAILY ADMINISTRATIVE MEETING

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

Certification of Acceptance

Chairwoman Stevens signed the Certification of Acceptance for County Maintenance for the Kona Ranch Road No. L359 (1.360 miles) from Big Flat Road east to Mullan Road. The form was returned to the Surveyor's Office.

Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein and Association for RSID No. 424 (construction of street improvements on 37th Avenue, 36th Avenue, Tower Street, and portions of Central Avenue, all in U.S. Government Subdivision No. 1, Missoula County) as per the terms set forth, for a total payment of \$6,830.00. The Agreement was returned to General Services for further handling.

Other items included:

The Commissioners approved the appointment of Byrl Thompson as the "alternate member" on the Seeley Lake Refuse Disposal District Board of Directors through December 31, 1989.

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

Luncheon Meeting


At noon, Commissioner Dussault spoke at the luncheon meeting of the Developmental Disabilities Conference being held at the Village Red Lion.

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OCTOBER 2, 1987

The Board of County Commissioners met in regular session briefly in the morning; a quorum of the board was present. Commissioner Evans was out of the office all day. Commissioners Dussault and Stevens attended the MACo District 10 & 11 Counties meeting in Polson; and following that, met with the Lake County Commissioners regarding the lawsuit involving District Court costs.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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OCTOBER 5, 1987

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

ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed:

Payroll Transmittal Sheet: Pay Period 20

The Board of County Commissioners signed the Payroll Transmittal Sheet for pay period no. 20, covering the period 9/6/87 through 9/19/87, for the pay date 9/25/87, showing a total Missoula County payroll of \$313,759.36. The payroll transmittal sheet was returned to the Auditor's Office.

Budget Transfer: 88-0014

The Board of County Commissioners approved and signed budget transfer no. 88-0014, transferring \$517.60 from 1000-300-420110-206 (office supplies) to 1000-300-420110-945 (capital office equipment) for the Sheriff's Department. The reason given by Undersheriff Greg Hintz for the budget request was to purchase an 8-drawer filing cabinet to be used for master arrest cards in the I.D. bureau. The transfer was formally adopted as part of the FY '88 budget.

Budget Transfer: 88-0015

The Board of County Commissioners approved and signed budget transfer no. 88-0015, transferring \$2,350.00 from 2260-897-411870-591 (claims settlement) to 2260-897-411870-945 (capital/office equipment) for Risk Management in the Personnel Department. The reason given for the budget transfer request was the need to purchase a computer because staff reductions and limited computer access have complicated Personnel's ability to provide efficient and cost-effective self-insurance, insurance, loss prevention and risk management information. The transfer was formally adopted as part of the FY '88 budget.

Budget Transfer: 88-016

The Board of County Commissioners approved and signed budget Transfer no. 88-0016, formally adopting it as part of the FY '88 budget. The transfer of \$1,000 from 1000-300-420110-333 (body repairs) to 1000-300-420110-304 (Towing) was requested by Undersheriff Greg Hintz for the Sheriff's Department in order to pay for unexpected over-expenditures for towing.

Bid Award

Under consideration was a bid award for title searches for tax deed property which has been delinquent since 1983. The following background information was provided by Recording/Elections Manager Wendy Ross Cromwell:

In Fiscal Year 1988, money was added to the contracted services line item in the Recording Division budget for performance of tax deed title searches by an outside bidder. Bids were requested from six title companies and from Phil O'Connell, who expressed an interest in bidding. Only two bids were received by the deadline of 5:00 p.m., October 2, 1987.

Insured Titles, Inc., bid \$150.00 flat rate per parcel with a chain of title report provided; \$125.00 flat rate per parcel without a chain of title report; agreed to answer taxpayer inquiries and bid \$75.00/hr. for complex searches.

OCTOBER 5, 1987 (continued)

The First Montana Title Company bid is within the budgeted contracted services line. Approximately 200 parcels will be searched; \$24,000 was budgeted. Because the number of "complex" searches is unknown at this point, an exact estimate cannot be made, but the total should be about \$15,000.

Barbara Evans moved, and Janet Stevens seconded the motion to approve the bid award to First Montana Title Co. as set forth above and in accordance with the recommendation of Recording/Elections Manager Wendy Ross Cromwell. The motion carried on a vote of 3-0.

Agreement between Montana Department of Highways and Missoula County for work to be accomplished under Federal Aid Project No. HES263-1(7)13, Missoula, Montana

The Board of County Commissioners concurred with the above-referenced agreement in regard to upgraded safety improvements on Secondary Highway 263 between milepost 13.5 and 14.0, about 1 mile southeast of Frenchtown. The County is to be paid \$280 for participating in this project. The agreement was returned to the Montana Highway Department.

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OCTOBER 6, 1987

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed:

Audit List

Commissioners Ann Mary Dussault and Janet Stevens signed the audit list dated 10/6/87, pages 9-32, showing a grand total for all funds of \$214,847.50. The audit list was returned to the Accounting Department.

Resolution No. 87-107

The Board of County Commissioners approved and signed Resolution No. 87-107, fixing tax levies for Missoula County for FY 1987-1988, as follows:

WHEREAS, the Board of County Commissioners of Missoula County, Montana has approved and adopted the Budget for Fiscal 1987-1988 as required by law; and

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

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

WHEREAS, the value of a mill has been determined as \$113,956 county-wide, and a value of \$69,239 outside the City limits, with other values as stated and certified by the Department of Revenue, State of Montana;

NOW, THEREFORE, BE IT RESOLVED by this Board of County Commissioners that the Resolution be adopted for Fiscal Year 1987-1988 as moved, seconded and passed by the Board and as detailed below:

OCTOBER 6, 1987 (continued)

MISSOULA COUNTY-WIDE FUNDS	MILLS
GENERAL FUND	39.97
BRIDGE FUND	3.84
POOR FUND	0.35
FAIR FUND	1.48
MUSEUM FUND	1.75
EXTENSION FUND	1.30
WEED	0.61
RODENT CONTROL	0.07
PLANNING FUND	1.60
DISTRICT COURT FUND	7.21
MENTAL HEALTH FUND	0.41
AGING FUND	0.79
PARK/RECREATION FUND	1.10
AIRPORT BOND	0.29
LIBRARY BOND	0.49
RISK MANAGEMENT	2.74
AMBULANCE	0.03
JUDGMENT LEVY	1.00

AN Agreement between the Montana Department of Highways and Missoula County for work to be accomplished under Federal Aid Project No. HES533-1(2)8, Missoula, Montana

The Board of County Commissioners concurred with the above-referenced agreement in regard to financing construction and installation of safety improvements intended to aid in the reduction of accidents occurring on Secondary 533 between milepost 80 and 8.5, about 8 miles southeast of Missoula. Missoula County is to be paid \$340.00 for participation in this work. The agreement was returned to the State Highway Department.

Additions to permanent collection: Missoula Museum of the Arts, FY '87

Ann Mary Dussault moved, and Janet Stevens seconded the motion, approving additions to the permanent and secondary collections of the Missoula Museum of the Arts for FY '87 as presented in the approval document. The motion passed unanimously. Janet Stevens then signed the approval form and it was returned to the Art Museum.

Vaccine Contract

Ann Mary Dussault moved, and Janet Stevens seconded the motion, that an updated vaccine contract between the Montana Department of Health and Environmental Sciences (DHES) and the Missoula County Health Department be approved and signed. The motion passed unanimously. The purpose of the contract is to provide Missoula County with vaccines and program supplies for local immunization activities while establishing the guidelines and conditions for their use. Information supplied by Dick Paulsen, Immunization Program Manager, stated that the original contract has been in place since June of 1984 and needed to be updated in regard to record keeping, use and storage of program vaccine. In accordance with contract terms, it will take effect the date it is signed by both parties and continue in effect until either party receives written notice that it is terminated. The immunizations provided to the Health Department are free as long as procedures outlined in the contract are followed. The contract was returned to DHES for signature.

OCTOBER 6, 1987 (continued)Contract

The Board of County Commissioners approved and signed a contract between the First Montana Title Company of Missoula and Missoula County in regard to performance of ownership and interest searches in real property, in accordance with the bid award described in the daily meeting minutes of October 5, and in accordance with terms and conditions contained in the contract, which was returned to the Elections Department for further handling.

Resolution No. 87-108, Application for Tax Deed

The Board of County Commissioners reviewed and approved Resolution No. 87-108, authorizing the County Treasurer/ Clerk & Recorder Fern Hart to proceed with taking tax deed, in accordance with MCA 15-18-202, on parcels described as SUID No. 1265900, Lincoln Hills #6, Lot 10; and SUID No. 1266604, Lincoln Hills #6, Lot 21, each parcel having an appraised value and a fair market value of \$5,000. By this resolution, the County Treasurer was also instructed to cancel the 1981, 1982, 1983, 1984, 1985 and the current year's taxes on the same.

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OCTOBER 7, 1987

The Board of County Commissioners met in regular session; all three Commissioners were present in the morning. Commissioner Dussault served on a panel at the Wildfire Symposium which was held at the University Center all afternoon.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, there were no action or signature items.

PUBLIC MEETING

Chairwoman Janet Stevens called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans.

BID AWARD: BONDS - RSID NO. 426 (RATTLESNAKE SEWER INTERCEPTOR)

Under consideration was the award of a bid for sale of \$250,000 par value of legally issued and properly executed bonds for RSID No. 426 (Rattlesnake Sewer Interceptor). Background information provided by Administrative Officer John DeVore stated his recommendation that the Commissioners award a bid for the sale of \$250,000 par value of legally issued and properly executed bonds for RSID No. 426 to D.A. Davidson for a net effective interest of 8.065%, in accordance with D.A. Davidson's proposal.

Barbara Evans moved, and Janet Stevens seconded the motion, that the bids for the sale of \$250,000 par value of legally issued and properly executed bonds for RSID No. 426 be awarded to D. A. Davidson for a net effective interest rate of 8.065%, in accordance with John DeVore's recommendation. The motion passed by a vote of 2-0.

LETTER OF UNDERSTANDING

On behalf of the Board of County Commissioners, Janet Stevens then signed the letter prepared by D.A. Davidson and signed by Kreg A. Jones, Assistant Vice President, setting forth the terms of the bond purchase agreement. Her signature formally acknowledged Missoula County's acceptance of the proposal prepared by D.A. Davidson.

OCTOBER 7, 1987 (continued)BID AWARD: THREE (3) SINGLE-AXLE DUMP TRUCKS (SURVEYOR)

Information provided by County Surveyor Horace Brown stated that on Monday, October 5, 1987, bids were opened for three single-axle dump trucks. At that time there were no legitimate bids received. Johnson Distributing of Great Falls submitted an informational sheet on the hydraulics and dump body provided to the major truck vendors in Missoula. This was submitted under the solicitation label but was not a bid, and no other bidders submitted. A search of the bid list revealed that the vendors had trouble getting subcontractor quotes on the dump boxes and hydraulics in time for the bid opening.

Upon the recommendation of Surveyor Horace Brown, Barbara Evans moved, and Janet Stevens seconded the motion, that the bids for three single axle dump trucks be readvertised. The motion passed by a vote of 2-0.

Since there was no other business to come before the Board, the meeting was recessed at 1:45 p.m.

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OCTOBER 8, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present in the morning. Commissioner Dussault was in Great Falls, where she attended a Job Training Council of Commissioners meeting and Commissioner Stevens was out of the office all afternoon.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed:

Change Order No. 7, FEDERAL SEWAGE WORKS GRANT NO. C300269-94, STEP 2 & 3 (RSID 901)

Chairwoman Janet Stevens signed the above-referenced change order. It was mailed to Thomas Slovarp at the Water Quality Bureau in Helena.

Contract: Street Improvements, RSID NO. 424 --37TH AVENUE, CENTRAL AVENUE, 36TH AVENUE & TOWER STREET

The Board of County Commissioners approved and signed the above-referenced contract, between Missoula County and American Asphalt, Inc., in the total amount of \$55,816.50, and with a completion date specified as 40 calendar days from the date of notice to proceed. The contract was returned to General Services.

Resolution No. 87-109: REFUND OF TAXES COLLECTED IN ERROR

The Board of County Commissioners approved and signed Resolution No. 87-109, approving a refund of taxes collected in error for Jim and Gloria Rhines in regard to the outstanding tax bill on SUID No. 0863908 for tax years 1976 to 1983 in the amount of \$18,847.78; and directing the County Treasurer to prepare the refund warrant and issue corrected tax bills for SUID No. 0863908 for tax years 1984 and 1985, where the outstanding tax bill was listed as \$2,085.53 and \$3,336.68 (respectively) higher than proper. The resolution also directed the Treasurer to make appropriate adjustments in the funds affected by the refund.

OCTOBER 8, 1987 (continued)MODERATION OF A PANEL REGARDING DISABLED EMPLOYMENT ISSUES

In the evening, Commissioner Ann Mary Dussault served as moderator of a panel discussion held at the Library regarding disabled employment issues.

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OCTOBER 9, 1987

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

AMENDMENT NOS. 4 & 5 TO AGREEMENT BETWEEN MISSOULA COUNTY AND CHRISTIAN, SPRING, SIELBACH & ASSOCIATES FOR PROFESSIONAL SERVICES (DATED JUNE 30, 1983)

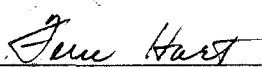
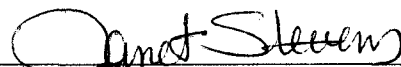
Chairwoman Janet Stevens signed Amendment No. 4 (dated 8/31/87) and Amendment No. 5 (dated 6/30/83) for Federal Sewage Works Grant No. C300269-94, Steps 2 & 3. The amendments were forwarded to Thomas J. Slovarp at the Water Quality Bureau of the Department of Health & Environmental Sciences in Helena.

Monthly Report: Clerk of District Court

Chairwoman Janet Stevens examined, approved and ordered filed the monthly report of Clerk of District Court Bonnie J. Henri, showing items of fees and other collections made in Missoula County, Montana, for the month ending September 30, 1987.

AWARDS BANQUET

In the morning, Commissioners Stevens and Dussault attended the Second Annual Employer Awards Breakfast held at Community Hospital in conjunction with "Employment of the Disabled Worker Week."

	
Fern Hart, Clerk and Recorder	Janet Stevens, Chairwoman
* * * * *	* * * * *

OCTOBER 12, 1987

The Courthouse was closed for the Columbus Day holiday.

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OCTOBER 13, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation October 13th through October 16, 1987.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 87-110

The Board of County Commissioners signed Resolution No. 87-110, a resolution to vacate the east 10 feet of Schilling adjacent to Block 11 and the South 10 feet of South 6th Street adjacent to Block 11; also the west 10 feet of Schilling Street adjacent to Block 12, and the south 10 feet of South 6th Street adjacent to Block 12, all in Bennett Addition, a recorded subdivision of Missoula County, located in the SW 1/4 Section 20, Township 13 North, Range 19 West, PMM.

OCTOBER 13, 1987 (continued)

Resolution No. 87-111

The Board of County Commissioners signed Resolution NO. 87-111, a Resolution to vacate the alley in Block 1 of Carline Addition from Margaret Street west to the east line of Block 1 of Vann Addition located in SW 1/4 Section 29, Township 13 North, Range 19 West, PMM.

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Lorena Hillis, an independent contractor; for the purpose of providing assistance in the development and implementation of a community seat belt promotion project; as per the terms set forth, for the period from September 29, 1987 through December 31, 1987, for a total amount not to exceed \$1,344.00.

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

Quarterly Jail Inspection

Commissioners Evans and Dussault and Dan Corti of the Health Department conducted the quarterly (July-September) jail inspection of the Missoula County Jail.

* * * * *

OCTOBER 14, 1987

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 October 14, 1987, pages 8-28, with a grand total of \$165,590.85. 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. 87-112

The Board of County Commissioners signed Resolution No. 87-112, a budget amendment for FY '88 for the Health Department, including the following expenditures and revenue and adopting it as part of the FY '88 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
2270-612-447300-206 Office Supplies	\$ 75.00
2270-612-447300-301 Postage	125.00
2270-612-447300-307 Copy Cost	300.00
2270-612-447300-311 Printing	150.00
2270-612-447300-321 LD Phone Charges	200.00
2270-612-447300-328 Contracted Services	3,510.00
2270-612-447300-357 Travel, Meals, Inc.	440.00
2270-612-447300-359 Private-Mileage	200.00
	\$5,000.00
<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-331332 AIDS HERR Grant	\$5,000.00

OCTOBER 14, 1987 (continued)

Audit Letter

The Board of County Commissioners signed a letter to the County Auditor acknowledging receipt and review of the Sheriff's Department for the period from May 1, 1986 through June 30, 1987. The audit was forwarded to the Clerk and Recorder's Office for filing.

Acknowledgement and Escrow Understanding

The Board of County Commissioners signed an Acknowledgement and Escrow understanding dated October 5, 1987, between Missoula County, Dasibi Environmental Corporation of Glendale, California, and Ralph B. Kirscher of the law firm of Worden, Thane and Haines for the purpose of setting forth the terms of the Escrow Agreement, dated June 17, 1987, for the return of equipment purchased by Missoula County from Dasibi. The acknowledgement was returned to Diane Conner, Deputy County Attorney for further handling.

Settlements of Acceptance

Acting Chair Dussault signed acceptance by Missoula County of the following Grants from the Board of Crime Control:

1. Grant #JA87-15738 for the Court Delay Program in the amount of \$15,976.00 as per the terms set forth; and
2. Grant #JA87-15734 for the Victim/Witness Assistance Program in the amount of \$38,478.00, as per the terms set forth.

The statements of acceptance were returned to the Board of Crime Control in Helena.

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

PUBLIC MEETING

The meeting was called to order at 1:30 by acting chairman Barbara Evans. Also present was Commissioner Ann Mary Dussault.

Hearing: certificate of Survey Review-Pew Construction Co.

Information provided by Joan Newman, Deputy County Attorney, indicated that Pew Construction has applied to create a one-acre tract for a sale to Clinkenbeard for a gas station. The property is on the corner of Reserve and Mullan Road. It is her understanding that the proposal has already gone through some zoning process. The proposal is before the Commissioners for review because Mr. Pew has previously used the occasional sale to create two parcels from the parent parcel. This division would divide the remainder. The previous occasional sale was completed over a year ago, and it is her understanding that the present application is being made in circumstances of financial stress and that a sale is pending.

Joan Newman said that the person who will buy the property has not yet gone through any zoning process, but will have to as soon as this hearing is concluded.

The hearing was opened for public comment.

Nick Kaufman, of Sorenson and Company, representing Mr. Pew indicated the sale and surrounding area on a map. He said the previous split of this property was done over a year ago, and now Mr. Clinkenbeard wishes to put a gas station on the remainder

OCTOBER 14, 1987 (continued)

portion of that previous sale. He said there was no intent to create a subdivision, or to evade the law. In addition to this sale, Mr. Kaufman said that the owners would be annexing both of the parcels to the city to get sewer service, which means there will be a public hearing for both the zoning and for the annexation. He discussed the zoning in the area at length.

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

Joan Newman said that since this parcel would be on Reserve Street, a state highway access permit would be needed.

Nick Kaufman said that is being taken care of.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the occasional sale exemption of Tract B COS 3355, finding it to be in the public interest for the following reasons:

1. There is no evidence of intent to evade the Montana Subdivision and Platting Act; and
2. Completion of the project will require public review for both annexation and zoning.

This finding is contingent upon the following language being printed on the face of the survey:

This Certificate of Survey was not reviewed for adequate access, installation of utilities, or availability of public services; nor does this approval obligate Missoula County to provide road maintenance or other services.

The motion carried on a vote of 2-0.

Hearing: Occasional Sale (Mel Palin)

Information provided by Joan Newman, Deputy County Attorney indicated that Mel Palin has applied to divide a two-acre tract into two parcels for lease of one parcel which has an existing house on it. Mel would retain the remainder which is adjacent to his own residence. The property is in Lolo and is accessed by Palin drive off of Ann's Lane. The proposal requires review by the Board of County Commissioners because Mr. Palin has previously used the family transfer exemption to divide the parent parcel. The present proposal is for a division of the remainder from the previous split. The family transfer parcels were created by COS 3086 in 1984. One parcel was for a gift to his wife, and the other for his son. It appears from the assessor's office plat books that neither family parcel was transferred to the family member, and thus both remain in his name. The present proposal is to divide the parcel created for his son. She indicated that there is a definite configuration of multiple lots and the covenants from adjacent Hughes Addition are to be applied to this and other family gift parcels.

The hearing was opened for public comment.

Mel Palin indicated the area in question on a map, discussed the prior owners of the property, and described the set backs and easements. He said he was a retired rancher and needed some of the land to remain in agricultural use. In addition, his mother was moving back to Montana, and he needed to have some space for a modular home for her. He said he had a party that wants to rent a portion of his grazing land, so he needs the agricultural exemption lifted.

OCTOBER 14, 1987 (continued)

Barbara Evans asked why a relocation of a common boundary was not done here instead of a Certificate of Survey.

Joan Newman said she had mentioned that option to Mr. Palin, but perhaps he had not understood the options. The problem in the proposal before the Commissioners today is that he is creating 3 parcels where there were two before, and now it appears to be becoming a 5-lot subdivision, where the exemptions have been used before.

Mel Palin said that he wished to make it clear that he had no intention to evade the subdivision laws; he just wanted to have some space for his mother, and some space left over for his horses. He then disclosed the family history including problems with his children and his wife's children relative to his estate. He said he and his wife both own adjoining property, but both parcels are in one person's name only; there is no joint tenancy. He also pointed out the fact that he is a strong advocate of a good environment.

Barbara Evans asked if he had deeded the property to his son that he had gotten the occasional sale on before.

Mel Palin said they had not.

Barbara Evans said that if he had done that, he would have been in a better position today.

Mel Palin said he could deed the property to his son and allow him to do the split, but with all the fighting in the family over his property and her property, etc., things were not as simple as they appeared.

Ann Mary Dussault said that the problem is that when the Commissioners have to make a judgement about whether someone is evading the Subdivision Law; one of the way people evade the law is by saying that they are going to make family transfers and then they don't do it. Regardless of the reasons; he had used the family transfer exemption before, and never really did transfer the property to his wife and to his son.

Mel Palin said he had lived there since 1980, and could have made an occasional sale every year since then, but he didn't think it would have been right.

Ann Mary Dussault said she did not think he would have been able to make an occasional sale every year; because he would have created a subdivision, and that is an interpretation of the law. She asked if he would agree to put an agricultural covenant on the remainder which would mean that he could not develop it unless the Board of County Commissioners takes the agricultural covenant off the property.

Mel Palin said that would be acceptable.

A general discussion of agricultural exemptions, tax benefits, wills, and the health of his mother ensued.

No further testimony was offered, and the hearing was closed.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the Certificate of Survey on the condition that an agricultural covenant is placed on the remainder parcel, and finding that there is no evidence of intent to evade the Montana Subdivision and Platting Act. This finding is contingent upon the following language being printed on the face of the survey:

OCTOBER 14, 1987 (continued)

This Certificate of Survey was not reviewed for adequate access, installation of utilities, or availability of public services; nor does this approval obligate Missoula County to provide road maintenance or other services. The motion carried on a vote of 2-0.

Ann Mary Dussault noted for the record that originally, she thought that the best solution was relocation of a common boundary, but accepting Mr. Palin's word that the one parcel is in his wife's name and in her ownership, and the parcel under discussion is in his ownership and for personal reasons, the Palins do not want to commonly own the property. In that case, the agricultural covenant seems to bring us to the same conclusion.

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

* * * * *

OCTOBER 15, 1987

The Board of County Commissioners met briefly in the morning; a quorum of the Board was present. Commissioner Dussault left for Helena later in the forenoon to attend a JTPA Committee Meeting; and Commissioner Evans was out of the office all afternoon.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 87-113

The Board of County Commissioners signed Resolution No. 87-113, a resolution amending Resolution No. 87-107, fixing the tax levies for Missoula County for Fiscal Year 1987-1988, approving the following corrections and making them a part of Resolution No. 87-107:

High School Levies Per Elementary Districts

District	Debt Service	H.S. Total	High School and Elementary Levies
Florence #6	\$11.92	67.75	JD6 115.40

Intersection Lighting Contract

The Board of County Commissioners signed an Intersection Lighting Agreement between Missoula County and the Montana Power Company for the purpose of providing high pressure sodium lighting in the Special Lighting District to serve West Central Village, as per the terms set forth in the contract.

Memorandum of Agreement

The Board of County Commissioners signed a memorandum of agreement between Missoula County and the Larchmont Golf Course, whereby the County will providing financing assistance to the Larchmont Golf Course in the refinancing of the Larchmont Club House in the amount of \$19,545.00, as per the terms set forth, and as per the payment schedule attached to the agreement, for a term of 48 months, beginning November 15, 1987, and ending November 15, 1991.

OCTOBER 15, 1987 (continued)

Other matters included:

1. The Commissioners approved John DeVore's working with Amy Eaton of the Rural Planning Office on getting an independent chair for the hearing on the Rattlesnake Valley Comprehensive Plan Amendment, which will be held on October 21st. at 7:00 p.m. at the Rattlesnake School; and
2. John Kellogg was given approval to work with the YWCA on the Transitional Housing Project, and the Commissioners stated that the County will agree to "sponsor" the grant if that is in the best interest of the project.

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

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OCTOBER 16, 1987

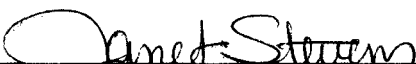
The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending a JTPA Council of Commissioners Meeting, and Commissioner Evans was out of the office all day.

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OCTOBER 17, 1987Ribbon Cutting Ceremony

In the forenoon, Commissioner Evans participated in the Ribbon Cutting Ceremony for the Big O Tire Company in conjunction with their grand opening.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

* * * * *

OCTOBER 19, 1987

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 because of illness.

Monthly Reports

Chairwoman Stevens examined, approved and ordered filed the monthly reports of Justices of the Peace, Michael D. Morris and David K. Clark, showing items of collection and distribution for the month ending September 30, 1987.

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 #21 (9/20/87 through 10/3/87) with a total Missoula County Payroll of \$311,543.04. The transmittal sheet was returned to the Auditor's Office.

OCTOBER 19, 1987 (continued)Resolution No. 87-114

The Board of County Commissioners signed Resolution No. 87-114, a Resolution to rezone from C-11 (Light Industrial) to C-RR3 (Residential) property described as Parcel A, Tract 1, C.O.S. #2036 (Biggers-Flynn Lane), and more particularly described in the attachment to the Resolution.

Resolution No. 87-115

The Board of County Commissioners signed Resolution No. 87-115, a Resolution determining the date and time for the auction sale of two County tax-deed parcels of land acquired by delinquent taxes for the year 1981, as described in the tax deeds filed in the office of the County Clerk and Recorder of Missoula County, Montana, on October 15, 1987, setting the sale of tax deed property for November 4, 1987, at 1:30 p.m.

Modification of Agreement Replacement

Chairwoman Stevens signed the Modification of agreement, DHES Contract No. 800167, between the Montana Department of Health and Environmental Sciences and Missoula County, for the purpose of modifying the terms of the Agreement between them concerning the WIC Program, as per the terms set forth, because the first modification submitted contained errors. The agreement modification was returned to Helena.

Other items included:

1. The Commissioners approved a request from the residents on Virginia Drive to set the speed limit there at 15 mph. The Surveyor's Office was notified and will install the signs, with a copy to the Sheriff's Office for enforcement purposes; and
2. The Board agreed that the notary public in the Commissioners Office should charge a \$1.00 fee for documents notarized for the public with the money collected to go to the County General Fund.

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

OCTOBER 20, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was out of the office all day as she and her husband travelled to Los Angeles, California to pick up their recently adopted baby daughter.

* * * * *

OCTOBER 21, 1987

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, but attended the hearing on the Rattlesnake Comprehensive Plan held in the evening at Rattlesnake School.

Audit List

Commissioners Dussault and Evans signed the Audit List dated October 21, 1987, pages 8-41, with a grand total of \$1,278,482.70. The audit list was returned to the Accounting Department.

OCTOBER 21, 1987 (continued)

DAILY ADMINISTRATIVE MEETING

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

Modification of Agreement

Acting Chair Dussault signed a Modification of agreement, DHES Contract No. 800218, between the Montana Department of Health and Environmental Sciences and Missoula County, for the purpose of modifying Section III of the Agreement between them concerning a County air pollution program as follows:

1. In consideration of services rendered pursuant to this agreement, DHES agrees to pay \$39,415 of which \$5,500 must be reserved for and spent on the development of a PM-10 State Implementation Plan as per the terms set forth. The Agreement modification was returned to Helena.

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

PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Acting Chair Ann Mary Dussault. Also present was Commissioner Barbara Evans.

Hearing: Proposed County Sign Resolution

John Torma, Planner from the Office of Community Development said that the Missoula Consolidated Planning Board recommended that the proposed amendment to Section 3.04 (signs) of Resolution #76-113 of The Missoula County Zoning Resolution not be adopted.

The board also recommends that the task of amending and enforcing the county sign regulations be evaluated by the newly formed planning policy committee as part of the OCD's overall work program. When the planning policy committee establishes the amendment of the county sign regulations as part of the OCD work program, it is recommended that this be done in a forum which invites participation from a broad representation of the Missoula County population.

He also asked that the following staff report be entered into the record as his testimony today:

1. History.

The attached proposed amendments to the Missoula County Sign Regulations (Attachment 1) were drafted by a committee composed of representatives from the Missoula business community, the sign industry, a representative from the Chamber of Commerce, and a staff person from the Office of Community Development. This amendment process was initiated by the County Commissioners in December of 1986 in response to dissatisfaction expressed by certain individuals with the content and enforcement of the existing sign regulations. This draft is the result of a series of meetings of the sign committee, the last revision occurring sometime in early summer of 1987. The Staff role in this process has been limited to consolidating the different drafts of sign codes presented by committee members. The County Commissioners have requested that this draft be brought for public hearing before the Planning Board.

OCTOBER 21, 1987 (continued)

2. Rationale for Staff Recommendation.

After thorough evaluation of this proposed amendment to the County's Sign Regulations, Staff believes that this document has numerous problems and deficiencies which are serious enough to warrant a complete reconsideration of this proposal. This Staff Report will not attempt a section-by-section evaluation of this document. Rather an enumeration and explanation of the principle problem areas will be presented for the Board.

I. FORMAT PROBLEMS

One of the reasons that the task of amending the County's Sign Regulations was undertaken was because the existing regulations were considered to be difficult for the lay person to understand and apply. This draft does not seem to be an improvement in this regard. Its organizational sequence is unclear and at times confusing. It contains verbiage (especially in the "definitions" section) which seems to have no clear reason for inclusion in this document. In numerous instances, this draft attempts to regulate by definition which, besides being confusing from a format standpoint, is of questionable legal basis.

II. PROCEDURAL PROBLEMS

This draft contains deficiencies, some through omission and some through commission, which will result in procedural problems in the implementation of these regulations. A partial list of these deficiencies is as follows:

- 1.) The document does not specify which zoning districts are subject to which specific standards. Two districts which are particularly questionable in this regard are the "C-P1" Public Lands and Institutions District and the "C-A1" Open and Resource Lands District. These two districts do not fit into any of the categories established by this draft.
- 2.) The provisions of this draft do not address nonresidential uses which are permitted as conditional or special exception uses in some residential zones.
- 3.) Section "M" of this draft provides for a "Special Exception" process for signage proposals which do not meet the standards of these regulations. This process is more correctly a variance and should be treated as such to avoid confusion and conflict with the County's existing Special Exception process.

OCTOBER 21, 1987 (continued)

4.) This draft, in section F.2.b, allows "home occupation" uses to have signage which is prohibited by the existing standards regulating home occupations in Section 4.03.D.2 of the County Zoning Resolution.

III. ENFORCEMENT PROBLEMS

A set of regulations is only as good as its ability to be enforced. This draft contains many provisions which will be difficult or impossible for Staff to enforce. At all times, but especially during times of shrinking economic resources, it is of paramount importance that regulations be structured such that they facilitate enforcement. A few of the enforcement problems inherent in this document are:

1.) Method of Sign Measurement -- section E.3.b. This proposed method of measuring wall, canopy, awning, marquee, or roof signs is unnecessarily complex and would be all but impossible for Staff to enforce in the field.

2.) The Permitted Height of Signs. Without the use of a large boomtruck or laddertruck, it will be impossible for Staff to check the height of signs which are 45 feet (i.e. 4 1/2 stories) tall.

3.) Freeway Signs. The proposed maximum height of freeway-oriented signs is 90 feet or 50 feet above the freeway, whichever is greater. In order to verify whether a sign was in compliance with this requirement, Staff would need equipment to reach this height and/or the surveying capacity required to determine the grade differential between the freeway and the property on which the sign is located.

4.) Amortization. An extended period of amortization of legal nonconforming signs creates significant problems in enforcement of sign regulations and places businesses that comply with the regulations at a serious disadvantage. This draft allows a 13 year period for amortization (cf. section G.1). This period should be reduced significantly.

IV. POTENTIAL EFFECTS ON THE LOCAL ECONOMY

One of the most important industries in Missoula County, as well as the entire state of Montana, is the tourism industry. These proposed regulations ought to be seriously scrutinized for the effect that the allowed signage would have on the aesthetics of the Missoula community, which is integral to the continued vitality of the tourism industry. Especially along our freeway corridor, it is important that Missoula present an attractive face to the traveler if we are going to succeed in capturing that tourist trade. Many other communities have developed ways of informing motorists of the goods and services available in an area without resorting to the large freeway-oriented sign. Informational signs placed on the freeway prior to an exit informs the motorist and eliminates the need for each business to have a sign which is visible from a mile or more away.

Another consideration when evaluating the effects of these regulations on the local economy is the fact that most small businesses cannot afford the large signs which are permitted by this draft. This puts these locally-owned businesses at a serious disadvantage with national franchises and large corporations which have advertising budgets larger than the entire assets of

OCTOBER 21, 1987 (continued)

most small businesses. Our regulations should not exacerbate the competitive disadvantage which locally-owned small businesses already suffer from large conglomerates.

V. PUBLIC INVOLVEMENT PROBLEMS

While Staff recognizes the time and effort put into this project by the committee members, the level of public involvement in this process has not been adequate. Given the magnitude of the changes which are being proposed for the County's sign regulations, it is imperative that the general public have ample opportunity for considerable input into the formulation of this document prior to its adoption. Citizen participation is the cornerstone of a democracy. The proposed draft is not a minor amendment of the existing sign regulations, but rather a total rewrite. Something as integral to the aesthetics of a community as sign regulation ought to be formulated in conjunction with the expressed concerns of a broad representation of the community's citizens. Consequently Staff recommends that, prior to any adoption of a new set of sign regulations, input from the general public be solicited and any pervasive concerns be reflected in the resultant regulations.

CONCLUSION

In spite of the fact that 9 months have elapsed since this project was begun, it would be a serious mistake to prematurely adopt these regulations. The problem areas identified above should be given careful consideration so that the regulations finally adopted best reflect the concerns of the citizens of Missoula County, best accomplish those concerns, and can best be implemented while commanding no more of the county's scarce economic resources than absolutely necessary.

In addition, he said it was staff's opinion that the present draft of the proposed amendments to the County sign regulations are not ready for adoption. They have some significant problems in a number of areas such as format, procedural problems, and enforcement. The proposed draft is not seen as merely an amendment of the existing sign regulations, but rather as a total rewrite of the sign regulations. He then indicated some graphics he had brought indicating the changes this proposal could result in, in terms of signage in Missoula County.

Ann Mary Dussault opened the hearing for public comment. She said that several months ago, representatives from the business community came before The Board of County Commissioners expressing frustration with the current sign ordinance. She said their frustration centered around enforcement procedures, some of the content of the ordinance, and the necessity for using a variance procedure under the current ordinance rather than the procedure that the City uses, using the Design Review Board. One of the suggestions that was made at that time was repeal of the resolution. The Board of County Commissioners did not concur that the solution to the problem was repeal of the ordinance, and they issued a challenge to the business community to organize and present to The Board of County Commissioners what they believed to be, at least in content, a better document. The group met several times with OCD staff, and with legal staff from the County, and she felt that what was being considered today is, in terms of content, what that group has proposed. Some of the criticism of the document is in more technical form in terms of some of the speeches. What would be most helpful to the Commissioners would be not to focus so much on that process, but to hear comments in terms of content. The recommendation from the Planning Board would support that concept and continue to review and refine this document.

OCTOBER 21, 1987 (continued)

David Owen, representing the Chamber of Commerce Board of Directors, said he concurs with the idea of taking time and working on the document. He said the majority of the substance of the report is acceptable; though there are some areas that cause problems. He said there is a need as well as a desire to be able to market to the interstate. He urged that people not be critical of the people who brought the document before the Commissioners.

Bill Dratz, 533 Connell, said he was here in two capacities, one as Chair of the Missoula City Design Review Board, and the other as a private citizen. He said the Design Review Board had had very limited discussions about this issue, and they share the concerns that the private business people and the Chamber of Commerce has in coming up with some kind of ordinance or law that makes sense. He said the Board is concerned that the boundaries of the County and the City jigsaw, and there is a need for a harmony or meshing between any proposed changes, and the City's present law. He expressed his personal frustrations with the idea that Missoula has a bad business climate, and would like to see a compromise between business and the environmentalists. He said he would like to see some kind of participation by the Design Review Board on this project.

Griff Davies, a small business owner in Missoula County, said he was involved in the development of the sign ordinance. He said he and other business persons had had a great deal of difficulty with the previous ordinance, difficulties which created a great deal of frustration. He discussed how the document had been developed and written, and said one of the major problems he foresaw was enforcement. He also said Missoula needs freeway signs; nothing grotesque, just a form of advertisement that promotes business. He said the intent of the committee was to promote the health, welfare and safety of the public by regulating sensible and quality control. He said that lost jobs mean economic losses to Missoula and everyone was trying to stimulate business and the economy.

Jim Risher, 315 Montana Avenue in East Missoula, who also helped write the draft, and who owns a sign company, offered the opinion that this is a good sign ordinance and it should be adopted. He discussed roof signs at some length.

Gary Murault owner of Murault's Truck Plaza, motel and lounge said that truck stops compete for business for an areas of 1250 miles. Drivers can go from Minneapolis to Missoula without filling their gas tanks. He said the competition decrees that freeway signs be allowed. He said when truck drivers buy gas in Montana, it means more money for the state.

Fred Deschamps said he has a business in Missoula, and lives in Frenchtown. He said he has an illegal "for sale" sign on his property, and he does not like hard and fast rules. He said he supports the testimony of Mr. Murault and Mr. Davies.

John Wittenburg, who lives on Paxon Street, said he was representing the Missoula County Freeholders, who believe that the least regulations that can be established is the regulation that should be adopted. He said the government should not be a detriment to business. He said The Board of County Commissioners should have better things to do than argue with people about signs.

Carl Hoyer, a resident of Frenchtown, said that everyone is talking about encouraging tourism, and Missoula has signs that say "don't spend money in Missoula". He said the sign regulations were an economic concern, and he felt that signs are necessary.

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Mark Olson said he had helped draft the sign regulations, and he noted that only two other cities in the state have sign ordinances: Butte and Billings. He said this is a liberal sign ordinance and the wording was purposely kept simple because there was no money for enforcement of anything stronger.

Griff Davies said he would like to make one more comment. He wished to go on record as favoring the passage of the sign ordinance.

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

Ann Mary Dussault noted that one of the Commissioners was not present at this meeting and she suggested that the matter be postponed for further action until next week.

Barbara Evans concurred with that suggestion.

Ann Mary Dussault thanked the people who had come and spoke today, and thanked the people who had helped draft the regulations.

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

Gambling Commission

Later in the afternoon, Commissioner Evans attended a meeting of the Gambling Commission.

Rattlesnake Valley Comprehensive Plan Amendment Hearing

The hearing was called to order at 7:30 in the Rattlesnake School by meeting chair Gardner Cromwell. Missoula City and County officials present were: Mayor Bob Lovegrove; Commissioners Janet Stevens, Ann Mary Dussault and Barbara Evans; City Councilpersons Larry McLaughlin, Doug Harrison, Lois Herbig, Donna Shaffer, Al Sampson, Bill Potts, and Fred Rice; County Administrative Officer John DeVore, County Surveyor Horace Brown, and Rural Planners Amy Eaton and Pat O'Herren.

Gardner Cromwell discussed the rules of the hearing, limiting speakers to one, 4-minute presentation and said that at the end of the entire process, the plan would either be adopted, modified, or rejected.

Amy Eaton, Planner, presented the Rattlesnake Valley Comp Plan Amendment and noted that it was a draft document which is a result of many public hearings and input from various groups and City and County officials. She said the purpose of the hearing was to determine if the document is headed in the right direction. She said the Rattlesnake Valley has wildlife, recreation and open space, it also has promising land for human development. The comprehensive plan provides a guideline for subdivision and rezoning proposal reviews, and for future development. She gave a brief history of neighborhood planning in the Missoula Valley.

John DeVore, Administrative Officer for Missoula County, provided an overview of the Rattlesnake Sewer Project, saying the project came into existence because of recorded septic system failures, problems with a large community drainfield system, and a concern for the quality of the groundwater. He said that rumors that the sewer project was developed specifically for the Sunlight Development Properties were erroneous. Future capacity of the system was arrived at through a review of existing plans and consideration for what might be expected in terms of growth from

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1985 through the year 2030. The full text of his presentation is included in the permanent record of this hearing in the Rural Planning Office.

The hearing was opened for public comment.

Cass Chinske, 717 Cherry, Executive Director of the Friends of the Rattlesnake, said his group's concern is with natural resource values to preserve the wildlife and the way of life in the Rattlesnake. He said he would like to see the present parkland left intact, as Mt. Jumbo is critical for elk habitat, and the creek corridor is vital for other wildlife habitat. As a member of the Park Board, he said the Rattlesnake Creek Corridor and the old Montana Park Land are of special interest to him, and he would like to see them left as park land. He said the goals delineated in goals # 3, 4, 5, & 6 recognize the natural resource values and the recreation and wildlife habitat and open space, and are excellent. He said dwelling densities of 5,500, which would average 3.3 people per dwelling would mean more than 18,000 people might make the goals and objectives less attainable.

Bill Woesner 126 McLeod, a member of the Missoula Water Quality Advisory Group, addressed goal #1, and spoke in support of that goal which reduces groundwater pollution and pollution of Rattlesnake Creek. He said the recommendations relative to that goal are also supported by the group, and he submitted written comments on those issues, which are on file in the Rural Planning Office. In addition he said the intake structure on Rattlesnake Creek is protected by stringent Water Quality Standards, and violations of those standards appear to be occurring regularly.

Mike Hillis, 6325 Woods Road commended the Rural Planning Staff on the good job they had done in developing the plan, and stated that the goals were admirable. He questioned the planned density, and said he thought that that many people would have an adverse affect on wildlife. In addition, he had concerns about the amount of traffic the increased population would generate.

Robert Newman 2803 Duncan Drive, said he had two problems with the plan: that the goals do not represent a cross section of valley residents, and that much data in the plan is inaccurate, and out of date. He said many of the recommendations are not supported by data, geological data is not noted, and there are inconsistencies in recommended densities in some areas. He said he objected to the requirement that owners of large tracts have to provide access, and recommended that the plan be withdrawn.

Michael Grende, 16 E. Granite, Butte, Montana, spoke as a manager of lands for Entech, a parent company of Sunlight Development. He said Sunlight Development was a principal landowner in the Rattlesnake Valley, owning 11,038 acres. Most of the land has been made available for recreational purposes in the past, but now there is a prevailing notion that these privately owned lands should be classified and taken to meet private and self-centered needs. He said the draft comprehensive plan supports that notion. He said the plan is supposed to meet the overall needs of the County, not an easy task. He said the fair, unbiased mandate has not been met, and the draft plan as it now exists, in light of several recent Supreme Court decisions, may place Missoula County in the position of defending itself against the claim of taking of private lands without compensation. He questioned the need for a draft plan, saying the 1975 plan was adequate for addressing the needs of the Rattlesnake Valley. He said that limited market conditions will prevent the area from being developed at the levels presently allowed under the 1975 plan. If the plan is needed to protect critical wildlife wintering range, then the plan fails to address the biggest limiting factor, which is eliminating of winter forage, and it is

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not the threat of development, it is the continued, allowable widespread of knapweed. He said the priorities associated with the protective critical winter range, as expressed in the draft, are secondary to more important issues. He asked if some clarity would be provided in the density numbers if the plan is adopted. He cited some ambiguities in the current and planned density figures contained in the plan. In addition, he said that if Sunlight Development owns 80% of the developable land in the Rattlesnake, and can only develop 1,040 units on its own land, according to their own interpretation of the plan's guidelines, the remaining 2,660 would be placed on the remaining 20% of the developable land. He said that points out an inconsistency in the numbers, which needs to be addressed. He said he thought that the plan should benefit Missoula County as a whole, and not just the special desires of a select few. Consequently, the plan must address such issues as where future development will take place; and how future development outside the Rattlesnake will affect the downtown Missoula business climate. He said his view is that the plan, as currently written, is intended to meet the needs of a few, and simply overlooks the needs of the majority. Subsequently, he said the document violates the procedural aspects of the planning process, as defined by state law, and the courts of this state.

Martin Ellison, representing Dr. Walt Peschel, said that his client has continued to develop certain portions of the west side of the Rattlesnake, some of which is designated open space now. He has spent a considerable amount of money on this development, and has relied on the previous zoning plan. He said Dr. Peschel intends to resist any zoning changes that will jeopardize his development. He referred to previous Supreme Court cases that addressed taking of private property, and said Dr. Peschel was serving notice of his intent to resist any zoning changes.

Bill Wagner, Box 79099, an attorney with Garlington, Lohn and Robinson, said he was representing Sunlight Development, and wished to speak later in a personal capacity. He noted that the proposed plan provides for density on a phantom basis. He pointed out several instances of what he perceived to be inaccuracies in the plan, particularly in the areas of proposed density. In response to what he said was a very lengthy plan, he submitted a written response to the plan on behalf of Sunlight Development Company. He offered support to the planning staff to assist them with regards to any questions they may have regarding the response submitted. He said if any planning is done in the area, it must be rational, and must be responsible.

Bill Clarke, President of the Rattlesnake Valley Alliance, commended the governing bodies for meeting with the residents of the valley, and for their continued work on the plan. He said the plan alliance accepts the plan with some reservations, as it is better than what is in place now. He said there were some good points in the plan: the reduction of density; documentation of impacts; clearly stated goals; living perspectives as well as engineering perspectives have been considered; open space has been addressed, prior publication of annexation issues is included; traffic impact has been studied, bike access has been provided for, and impact fees are part of the study. He enumerated several problems with the existing document, such as the lack of reference to the Brookside Development controversy; goal statements 12 and 13 are weaker than they need to be; more neighborhood opinion should be determined before any commercial development is allowed in the valley; and the plan does not present any clear plan to save the creek corridor. In conclusion, he said the plan is a good start, but too many dwelling units are being allowed, which will raise the population and traffic to unacceptable levels.

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Aggie Gary, 1610 Dickenson, said she owned more than 100 acres on Mt. Jumbo which has been designated open space, and she felt that she should receive some compensation for her land if it is taken.

David Owen, representing the Chamber of Commerce Board of Directors, said he had three comments:

1. There is a persistent rumor that the planned densities spelled out in the plan will not be achievable, given the other issues involved, and if that is true, it renders this document an exercise close to deception, and is an insult to planning.
2. Professional planners want to separate the negotiations for sewer development from the planning issue.
3. The Chamber of Commerce believes that the restriction on neighborhood commercial designations are too stringent.

Will Curley, 722 Locust, said the elk and deer on Mt. Jumbo need to have the plan in place to preserve the quality of life and the elk habitat, but too much development is being allowed.

Warren Wilcox identified himself a Rattlesnake resident connected with the Brookside development. He said that the document appears to be internally inconsistent, and generally assumes a posture of limiting development, as opposed to solving problems. He said the plan should be rejected or rewritten. He read some examples of what he terms inconsistencies in goals #12, 5, and 9. He said that even though he would never develop anything again, anywhere, and had nothing to gain by the plan either being adopted or not, because he "got his", the plan is full of roadblocks, not solutions to inevitable future growth, and should not be adopted in its present form.

Bill Wagner, P.O. Box 7001, a resident of Lincoln Hills, said he signed RSID petitions designating his 3 acre parcel for five single family units. He also simultaneously signed a petition for annexation to the city. Current zoning designations classify his land as CR-2 with two dwelling units per acre allowed. Access is available to the lot, and his objections to the current plan are the same as Sunlight Development's; he would not be able to develop his land to the extent he originally planned. He said that zoning and subdivision hearings are being held in conjunction with this hearing if the plan is adopted. He said he had expressed disappointment with Mr. O'Herren of the Planning Staff prior to the meeting concerning not being notified of subsequent meetings, and not having letters to Mr. O'Herren answered in a timely manner. He said Mr. O'Herren did offer apologies to him, and he noted for the record that that apology had been made.

Forest Poe, 714 Locust, commended the planning staff on development of the plan, and felt that they had correctly taken the natural resources into consideration.

Warren Little, 2300 Rattlesnake Drive, indicated that in his opinion, the plan contained too many complexities in many of the zoning matters, and was a real "maze". He said that the Planning Board's opinion, after looking at the plan was that the only way to get something developed was to have someone on the staff take pity on you and lead you through the maze. He said he did not think that the plan was a good plan, as it looked like the RVA had developed it. He said that in his opinion, it was a conflict of interest to have Mr. O'Herren draft the plan in the first place. (At this point, Mr. Little was requested to refrain from making personal comments). He then said if the governing bodies wished to preserve wildlife in the Rattlesnake Valley, they should not try to do that while trying to maintain access on

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Mount Jumbo, and provide hiking and bike trails. He said the draft document is shortsighted, it takes private land without compensation, sets up restrictions rather than offering solutions, and stifles development. He said it seems funny to him that the land across from the leaders of the Rattlesnake Valley Alliance are all zoned sparsely. (Mr. Little was again requested to refrain from making personal attacks and told that his comments were out of order).

Arlene Braun, 2614 Sycamore, said she wished to see the Rattlesnake Valley retained in the character of the present neighborhood. She said she had two concerns: The number of homes that would be allowed under the new plan, and allowing commercial development in the Rattlesnake Valley, which she said was not wanted by most residents.

Jeff Ranf, 4402 Timberlane, identified himself as President of the Homeowners Association, and a business owner in downtown Missoula. He said he was speaking on behalf of himself, and felt that the density levels indicated in the plan are not good, and the plan is not well written. He said the commercial aspect in the Rattlesnake can be closely related to the University area, which was addressed recently by Freddy's Feed and Read before the City Council, and had been determined that commercial development, if done correctly, can be beneficial to the neighborhood. He said there is a need for commercial development in the Rattlesnake, and it would greatly enhance the area. He said that the plan needs some more work before it is adopted.

Mike Bennett, 1503 St. Ann, commented on goal #9, which addresses traffic circulation through street improvements. He felt that present property owners should not subsidize future street improvements.

Scott Hollenbeck, 2407 Murray said he realizes that it is difficult to stop progress, but he did not want to see the Rattlesnake Valley developed like the South Hills, and he asked the governing bodies to try to strike a balance to preserve the way of life prevalent in the valley. He suggested that an access to the Rattlesnake Valley via Orange Street should be looked into.

Mark Lenman, 104 Bellcrest Court, an employee of the Department of State Lands, commended the staff on the work they had done on goals 6, 7, and 8 which refer to preserving tree resources in the Rattlesnake, and requested that the wording in goal 7 be amended to add the Department of State Lands as a technical advisor.

David Gray, 4710 Aspen, asked if other concerns such as noise and light pollution were going to be addressed. He said the Rattlesnake Valley is an amphitheater, and all noise rises and amplifies. More density in the valley will create more noise and more light pollution.

Ellen Knight, 1500 Rattlesnake Drive, stated that in her opinion, the total plan is good, and addresses the concerns of many residents, but she expressed added concerns about the increased density and air pollution. She said she is not opposed to paying for land that will be taken for open space designation.

George Gaffney, a resident of the Lincolnwood development in the Rattlesnake, said that if the "I've got mine" attitude had prevailed in the Rattlesnake Valley 40 years ago, things would be in a big mess by now. He said that taking of land without just compensation was not good planning, and he said more reasonable density figures should be presented before the plan is adopted.

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Jim Cook, 1575 Sunflower, said that goals 6, 7, and 8 are admirable, as he had a high regard for the trees in the Rattlesnake, and he thanked the planners for including that support in the plan.

Kenneth Pitt, 1215 Powell, suggested that the Planners take a look at the impact that increased density would have on traffic on other thoroughfares in the Rattlesnake.

Douglas Grimm, 2524 Sycamore, related past history of the Rattlesnake, and the Rattlesnake Community Club. He said the increased density allowances could be likened to putting too many rats in a box--sooner or later, they start getting overcrowded.

Rockey Sayer, 727 Pope, said he would encourage the governing bodies not to be intimidated by the recent Supreme Court rulings, and said that the reason he moved to this country is because the Constitution guarantees good government.

Mike Young, 3055 Lincoln Hills Drive, said that what is good for the neighborhood is good for the Rattlesnake, and commercial development is good for the Rattlesnake. He said he would like to offer a recommendation: that all of the Sunlight property be developed at a density of 3 to 4 dwellings per acre. He stated that he was not opposed to multi family development

Adette Hill, 801 Locust, said that she had concerns with density and the amount of traffic the increased density would generate.

Dana Field, who identified herself as a resident of Elk Ridge, said she would like to remind the governing bodies that the things that occur in the Rattlesnake Valley affect others outside the valley, and as examples of that, she cited irrigation and water quality issues.

Sue Hoyle, 903 Royal Pines Court, commended the governing bodies and Gardner Cromwell for conducting one of the best public meetings she had ever attended.

There were no other comments from the public.

Larry McLaughlin, a member of the Missoula City Council, said that the comments received at the meeting and written comments submitted will be taken to the Planning and Zoning Commission for their review.

Janet Stevens, Chairwoman of the Missoula County Commissioners, thanked the residents for attending and participating in the hearing, and said that all comments and written testimony would be taken into account when the decision-making process begins.

The meeting adjourned at 9:05 p.m.

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OCTOBER 22, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon. Commissioner Evans was out of the office all afternoon, and Commissioner Stevens was out of the office all day. Commissioner Dussault participated in two sessions (one in the morning and another in the afternoon) of Leadership Missoula V, which was held at the Village Red Lion.

OCTOBER 22, 1987 (continued)DAILY ADMINISTRATIVE MEETING

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

Resolution No. 87-116

The Board of County Commissioners signed Resolution N. 87-116, a Resolution to accept real property from Lewis Brothers, a Montana Corporation, for a turn-around located in the NW 1/4 of Section 14, Township 13 North, Range 19 West, Principal Meridian, Montana, Missoula County, Montana; and being a portion of Book 219 Deeds, Page 622 Records of Missoula County as shown on the exhibit attached to the Resolution.

Resolution No. 87-117

The Board of County Commissioners signed Resolution No. 87-117, a Resolution to accept real property for a public road and all other public purposes located in a portion of South 1/2 of Section 35, Township 15 North, Range 21 West, Principal Meridian, Montana, Missoula County, Montana; from Frederick J. Lucier and Louise A. Lucier.

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

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OCTOBER 23, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Dussault participated in a tour of the Plum Creek Forestland Operations in the Clearwater Unit during the day. Commissioner Evans was out of the office all day, and Commissioner Stevens was out of the office until noon.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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OCTOBER 26, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Janet Stevens was taking time off because of the adoption of her new baby.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed:

Professional Services Contract

The Board of County Commissioners signed a professional services contract between the County and John M. McQuiston, Ph.D., 5055 Upper Miller Creek Road, 59801, to develop and conduct an employee survey to evaluate the morale of County employees, focusing on issues of performance appraisal, classification and health care cost containment. Total compensation under the contract was \$4,000, with \$2,000 to be paid upon distribution of the questionnaires and \$2,000 upon the presentation of the final reports. The first phase of the contract was to be completed by 10/26/87 and the second phase by 12/1/87.

OCTOBER 26, 1987 (continued)Resolution No. 87-118

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the Board of County Commissioners support the YWCA's grant application to the Department of Housing and Urban Development for funding for transitional housing and vocational training in conjunction with their battered spouse program, and sign Resolution No. 87-118. The motion passed by a vote of 2-0.

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OCTOBER 27, 1987

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed:

Budget Transfer No. 88-0012: LIBRARY

This budget transfer request, in the amount of \$102.80 from the utilities account to the ad/legal publications account, was voided.

Budget Transfer No. 880017

The Board of County Commissioners approved and signed the requested budget transfer to reflect revenues and expenditures associated with the new Court Delay Reduction Grant received from the Board of Crime Control, as follows: from D.P. Salaries/Fringes (\$10,976.96 from 1000-230-410580-111 & \$5,060.81 from 1000-230-410580-141 for a total of \$15,977.77) to Court Delay Salaries (\$10,976.96 to 1000-230-411841-111) and Court Delay Fringe (\$5,060.81 to 1000-230-411841-141) for a total of \$15,977.77 in order to transfer the County's match from the Data Processing Department to the grant account. These transfers were made on recommendation of Auditor Susan Reed and were formally adopted as part of the FY '88 budget.

RESOLUTION NO. 87-120: Budget Amendment Data Processing

The Board of County Commissioners approved and formally adopted as part of the Fiscal Year '88 budget an amendment for the Data Processing Department, as follows:

<u>Description of Expenditures</u>	<u>Budget</u>
1000-230-411841-111: Permanent Salaries	11,476.00
1000-230-411841-946: Computer Equipment	4,500.00

<u>Description of Revenue</u>	<u>Revenue</u>
1000-230-331014: Court Delay Grant, '88	15,976.00

Budget Transfer NO. 88-0011: LIBRARY

The Board of County Commissioners approved and formally adopted as part of the FY '88 budget the following budget transfers, in accordance with the request of Library Director Ted Schmidt, who explained in a memo that budget transfers to the Fred Meyer Grant and the Literacy Grant had not been completed and the Library Board of Trustees had authorized him not to fill the extension librarian position in order to make up for these budget transfers not having been made and included in the FY '88 budget:

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From:	Permanent Salaries	2220-410-460180-111	\$ 12,827.00
To:	Books (Fred Meyer)	2220-410-460110-961	\$ 4,455.00
	Postage	2220-410-460165-301	293.00
	Printing	311	992.00
	LD Phone	321	191.00
	Contracted Services	328	355.00
	Books, Resource Material	361	955.00
	Training	364	597.00
	Capital/Construction	951	800.00
	Capital/Books	960	4,189.00
			<u>TOTAL: \$12,827.00</u>

Tax Deed Deferral Agreement

The Board of County Commissioners approved and signed a tax deferral agreement between the County and Gene and Verna Biggers, owners of residential property identified with SUID No.0151982, to defer payment of delinquent taxes on said property for 1983 in the amount of \$640.62, plus interest, in accordance with the terms of the agreement. The reason given for the deferral agreement was that the error causing back taxes to be owed was not the fault of the taxpayers.

Approval of Larchmont Board Recommendation

The Board of County Commissioners approved the recommendation of the Larchmont Golf Course Board of Directors to reserve limited punch card play for Golf Board members and staff.

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OCTOBER 28, 1987

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 morning, the following decisions were made and documents signed:

Audit List

Commissioners Ann Mary Dussault and Barbara Evans signed the audit list dated 10/28/87, pp. 9-35, showing a grand total for all funds of \$121,293.41.

Resolution No. 87-119: Resolution Of Intention to create Rural Special Improvement District No. 427--Street paving and drainage improvements, Stonehaven Avenue and Lorraine Drive.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, to approve and sign Resolution No. 87-119, a resolution of intention to create RSID No. 427 for the purpose of paving and installing drainage improvements to Stonehaven Avenue and Lorraine Drive, in accordance with the terms and conditions set forth in the resolution of intention. The motion passed by a vote of 2-0.

Notice of passage of Resolution of Intention to create RSID No. 427

Barbara Evans moved, and Ann Mary Dussault seconded the motion, authorizing Acting Chair Ann Mary Dussault to sign this notice of passage. The motion passed by a vote of 2-0, and Ann Mary then signed the notice.

OCTOBER 28, 1987 (continued)Resolution No. 87-121

The Board of County Commissioners approved and signed Resolution No. 87-121, accepting acquisition of a 30-ft. right-of-way, located in the SE1/4SW1/4, Section 25, T13N, R20W, P.M.M., a portion of lot 8, Rowe Acres, from Michael J. Buckley, Carl W. and Martha A. Swanson, Louise Searight and Judy G. Keeney in order to facilitate construction of Central Avenue, west of 37th Street, per attachments to the resolution.

Montana Highway Department Construction Inspection Report

The Board of County Commissioners approved and signed a Montana Highway Department construction inspection report relative to project no. BR 9032(6), the Clark Fork River Bridge, a 720-foot bridge over the Clark Fork River, completed June 19, 1987. James T. Weaver, P.E., District Construction Supervisor, and County Surveyor Horace Brown made the inspection on October 14, 1987.

Monthly Report: Missoula County Sheriff

Acting Chair Ann Mary Dussault examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing items of fees and other collections made in Missoula County for the month ending 9/30/87.

PUBLIC MEETING

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

Decision On: Proposed County Sign Resolution

Barbara Evans noted that Commissioner Janet Stevens was ill, and unable to attend, but she had conveyed her feelings about this matter that she felt that the Resolution needed to go back for further work, and that it should probably go through the Planning Policy Committee for fitting into the work program.

Barbara Evans moved and Ann Mary Dussault seconded the motion to send the resolution back for further work, and to then send it through the Planning Policy Committee for fitting into the work program.

Ann Mary Dussault asked if the Commissioners wanted to send a specific recommendation to the Planning Staff.

Joan Newman said that since the Planning Policy Committee does not yet exist, perhaps some alternatives should be discussed, and a time frame should be drawn.

A general discussion concerning the Planning Policy Committee, the Attorney General, and the work plan ensued. It was decided to discuss the matter further with the Office of Community Development.

The motion was withdrawn.

Ann Mary Dussault said she would like the record to reflect that the Board of County Commissioners will work with the Office of Community Development to establish a procedure and time line to do the work that needs to be done before adoption of the Resolution. In addition, another public hearing will be held before adoption of the regulations, and the current draft and the testimony received on that draft will be considered during discussions with the Office of Community Development. Also, a recommendation has been made that a group be reconstituted involving some of the people who worked on the previous draft,

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plus people from the Design Review Board to look at the proposal to resolve some of the issues that were discussed in the public hearing.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to postpone any action on the proposed sign regulations until further notice. The motion carried on a vote of 2-0.

Revocation of Agricultural Covenant-Lange

Information received from Joan Newman indicated that Verna Lange is requesting that the agricultural covenant on a one-acre parcel be lifted so that she and her sister may build a duplex for their own occupation. The parcel is located in the R.M. Cobban Orchard Homes near the intersection of Reserve and Eighth (COS 829). The parcel was created in 1976, and is a Certificate of Survey overlaying a subdivision plat (that happened occasionally). The uses around the parcel appear to be residential. The sisters are in the process of Health Department review for lifting of sanitary restrictions. They will also be going to the Board of Adjustment for a special exemption for duplex use.

John Torma, Planner from the Office of Community Development, showed the area on the maps, discussed the prior owners, set backs and easements on the property. He said he had discussed the issue with Horace Brown, County Surveyor, who had some concerns regarding turn-around space for emergency vehicles. He said another concern was not adding to the already bad traffic problem on Reserve Street, and the poor condition of 8th Street.

Verna Lange pointed out adjacent property owners to her property and discussed their access and what she knew about their future development plans.

John Torma noted that this area is zoned CR1, which allows 6 to the acre, so from a density standpoint, this property could have more units on it than the duplex.

Barbara Evans asked if she had planned to build anything else, other than the duplex for her and her sister.

Verna Lange said that at one time, they had considered building another duplex for her other sister, but she had been told not to by the sanitation department, because of the drainfield.

Barbara Evans asked if she would be able to hook onto the sewer when the 7th Street Townhomes are built.

Verna Lange said she had been told that it would not be possible at this time.

John Torma said that in the future, the sewer may be closer to her property, and she may be able to hook up to it, and then build the other duplex.

Barbara Evans asked if she would be willing to grant an easement for future road development if the agricultural exemption was lifted.

Verna Lange said she could not see any problem with that, if there was no other way to get any easement from the property across the road.

Ann Mary Dussault asked if the agricultural covenant was on the property when she purchased it.

OCTOBER 28, 1987 (continued)

Verna Lange said she had not yet purchased the property, but was in the process, and needed to have the covenant lifted before she bought it so she could proceed with her plans to build the duplex.

Joan Newman said the legal owners are Woll.

Verna Lange said Mr. Woll had sold this particular piece off, but kept the agricultural covenant on it for tax purposes. It is now owned by another party who has never done anything with the property.

Ann Mary Dussault said she would recommend that the agricultural covenant be lifted contingent upon approval by the County Surveyor.

A general discussion regarding easements, access, the roads and transportation issues in the area ensued. Joan Newman indicated that Mrs. Lange was going before the Board of Adjustment tonight, and those issues would be discussed at that time.

Barbara Evans moved and Ann Mary Dussault seconded the motion to lift the agricultural covenant on property in the R.M. Cobban Orchard Homes near the intersection of Reserve and Eighth (COS 829). The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:15.

* * * * *

OCTOBER 29, 1987

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 morning, the following decisions were made and documents signed:

Memorandum of Agreement Between the Missoula Board of County Commissioners and Women's Place

The Board of County Commissioners approved and signed the above-referenced Memorandum of Agreement with Women's Place, a participant in the Victim/Witness Assistance Program of Missoula County. The purpose of the contract was to purchase from Women's Place crisis intervention, counseling and advocacy services for victims of battering, sexual assault, rape and other types of domestic violence in Missoula County for 12 months, commencing on 10/23/87 and terminating on 10/22/88, for a total amount of \$9,880.00, and in accordance with the terms of the agreement.

Resolution No. 87-122: For the correction of RSID N0.424 Bonds coupon # 1

The Board of County Commissioners approved and signed the above-referenced resolution correcting the first coupon (interest coupon no. 1, dated February 1, 1989) for the RSID No. 424 Bonds because that coupon was incorrectly figured based on a maturity date of 16 months and at the interest rate of 8.3%, equalling \$110.93. The correct maturity date of 15 months at the interest rate of 8.32% would yield an amount of \$104.00. This resolution authorized and confirmed this correction.

OCTOBER 29, 1987 (continued)

Agreement between Montana Department of Highways and Missoula County for work to be accomplished under federal aid project no. Hes 474-1(1)2 near Missoula, Montana

The Board of County Commissioners reviewed and concurred with the above-referenced agreement for the proposed Federal Aid Project No. HES 474(1)2 for safety improvements (signs) intended to help reduce accidents on Secondary 474 near Milepost 2.0, east of Frenchtown. The agreement was returned to the State Highway Department for signatures.

Indemnity Bond

Acting Chair Ann Mary Dussault examined, approved and ordered filed an indemnity bond form naming E.V. Richards & Sons, D/B/A Rovero's, P.O. Box 459, Seeley Lake, MT 59868, as principal for warrant No. 162380 issued on 6/6/87 in the amount of \$45.50 in payment for propane. The warrant was lost and needed to be replaced.

Board Appointment: Clinton Rural Fire

Barbara Evans moved, and Ann Mary Dussault seconded the motion, to appoint Norm Hilliard to fill the vacancy on the Clinton Rural Fire Board until the school election.

Certified Communities Dinner

In the evening, Commissioner Dussault and representatives of MEDC attended the Certified Communities Dinner meeting in Helena.

* * * * *

OCTOBER 30, 1987

The Board of County Commissioners did not meet in regular session; Commissioner Dussault returned from Helena at noon. Commissioner Evans was out of the office all day.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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NOVEMBER 2, 1987

The Board of County Commissioners met briefly in the morning; a quorum of the Board was present. Commissioner Dussault traveled to Helena where she attended a JTPA meeting. There was no morning administrative meeting and no signature items.

NOVEMBER 3, 1987

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 morning, the following decisions were made and items signed:

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated 11/3/88, pp. 10-32, showing a grand total for all funds of \$101,694.17. The audit list was returned to the Accounting Department.

PROFESSIONAL SERVICES CONTRACT

The Board of County Commissioners signed a professional services contract submitted for approval by the Health Department. The contract, between Missoula County and Bob Martin, was for the purpose of conducting pibal soundings to provide weather information for the air pollution control program, in accordance with conditions set forth in the contract. The contract term was listed as 12/1/87 to 2/29/88. Compensation under the agreement was not to exceed \$1,100. The agreement was returned to the Health Department for signatures.

NOVEMBER 4, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present in the morning; all three Commissioners were present in the afternoon for the public meeting.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed.

CERTIFICATION OF RURAL ROAD MILEAGE

In order to comply with MCA 15-70-101, the Board of County Commissioners signed a letter to the Planning and Statistics Bureau of the Montana Department of Highways certifying that the rural road mileage in Missoula County, exclusive of the federal-aid interstate and primary systems, amounts to 1511.833 miles, reflecting a decrease of .056 miles incorrectly attributed to Missoula County in the past. The purpose of this certification is to determine the amount of money to be distributed to the counties from gasoline tax revenues. The letter was sent to the Highway Department.

MEMORANDUM OF AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND LARCHMONT GOLF COURSE

The Board of County Commissioners approved and signed a memorandum of agreement between the County and Larchmont Golf Course setting forth the terms of an agreement to loan Larchmont \$19,545.41, amortized for a 48-month term for the purpose of refinancing the Larchmont Club House.

NOVEMBER 4, 1987 (continued)

MEMORANDUM OF AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS
AND FRIENDS TO YOUTH

The Board of County Commissioners approved and signed this agreement in order to purchase counseling services for victims of incest and their families from Friends to Youth as part of the Missoula County Victim/Witness Assistance Program. The term of the agreement is from 10/23/87 through 10/30/88, and the total value is \$4,750.00. The agreement was made contingent on receipt of Federal Criminal Justice Block Grant Funds by Missoula County.

PUBLIC MEETING

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

Bid Award: 3 Single Axle Dump Trucks-(Surveyor)

Information received from Horace Brown, County Surveyor, indicated that bids were opened November 2, 1987 with the following bids received:

Bitterroot Motors	\$88,341.00
DeMarois Olds GMC	\$88,782.00

The recommendation was to award the bid to Bitterroot motors in the amount of \$88,341.00, which is a no-trade bid.

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the bid to Bitterroot motors in the amount of \$88,341.00. The motion carried on a vote of 3-0.

Bid Award: Golf Cars for Larchmont Golf Course

Information provided by Bob Schuyler, Manager of Larchmont Golf Course, indicated that more analysis of the bids, and resolution of a question on warranties is needed before the bid is awarded.

Barbara Evans moved and Ann Mary Dussault seconded the motion to postpone awarding the bid until November 12, 1987. The motion carried on a vote of 2-0.

Hearing: Annual Review of Special Zoning District #2 (Reserve Street)

Information received from John Torma, Planner from the Office of Community Development, indicated that Section 6.03 of Special District #2 requires an annual review of the development standards included in this section. He said the standards had been reviewed four times with only minor changes resulting. This public hearing is the annual review for this year. The recommendation at this time is to remove the requirement for annual review to remove an unnecessary drain on the County's shrinking resources. No major changes in these standards have been necessary since they were developed in 1982. On October 20, the Planning Board held a public hearing on this request. Their recommendation to the Commissioners is that the requirement for annual review be changed to a requirement for "triennial" (once every three years) review. He said if changes are needed in the future, the Board of County Commissioners always has the option to open the matter for review.

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

NOVEMBER 4, 1987 (continued)

Barbara Evans said the annual review was instituted to ameliorate the concerns of the residents who felt that the Commissioners may not be willing to listen to their concerns. Since that time, virtually minuscule interest has been shown in the standards, and these hearings have been a total waste of time for both the Commissioners and Planning Staff, Since the mechanism is still in place for review if needed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to amend the County Resolution, section 6.03 to remove the requirement for annual review. The motion carried on a vote of 3-0.

Resolution No. 87-123.

The Board of County Commissioners signed Resolution No. 87-123, a resolution amending County Zoning Resolution No. 76-113, deleting the annual review for Special District #2.

Sale of Tax Deed Property on two parcels of land in Lincoln Hills #6 (Lot 10 and Lot 21)

A sale of tax deed property was scheduled for this hearing, but Mike Sehestedt, Deputy County Attorney advised the Board of County Commissioners that the sale should be postponed due to a problem with how the sale was set up, and a change in the rules. He said that on the property, because the sewer is not available there, the state is having problems with the sanitary restrictions, which has resulted in the fair market value of approximately \$5,000. The sewer is now going up there, and the fair market value is going up to approximately \$20,000, however, due to timing on this publication, the old value was used instead of the corrected value. His interpretation of the statute is that due to the mix-up, the property is being offered for far too little, and he recommended that the sale be vacated, and readvertised.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to defer the sale of tax deed property for two parcels of land in Lincoln Hills #6 until further notice. The motion carried on a vote of 2-0.

Approval of: Sole Source Aquifer Petition Resolution

Information provided by Linda Hedstrom, Environmental Health Director, indicated that the Health Department is submitting a petition to the Environmental Protection Agency to have the Missoula Aquifer designated a Sole Source Aquifer. This designation is seen as an important step for the community to safeguard one of its most valuable resources - drinking water supply. If EPA designates the Aquifer a Sole Source, then the community will be eligible to receive EPA assistance in the form of project review and special project grant funds.

The recommendation was to adopt the resolution.

Linda Hedstrom said that Missoula County has been involved in the investigation of no fewer than 8 episodes in the past few years involving ground water contamination. In some instances, individual wells were contaminated to the extent that they could no longer be used for a source of drinking water. Since 1983, when we lost the Rattlesnake Creek as one of the sources of our drinking water, we have become completely dependent upon the aquifer to provide our groundwater as a source of drinking water. There are areas in the valley where the water table comes within a few feet of the surface of the ground, and in addition, the valley is composed of course soils that overlie the aquifer, and those soils do not provide any kind of protective barrier to

NOVEMBER 4, 1987 (continued)

protect the aquifer from contamination. The Health Department is concerned that up until now, they have had to react to episodes of contamination; not enough time has been allocated to adopting any kind of pro-active stance, which needs to be taken. An overall aquifer protection plan is now being formulated, and this resolution today is an important part of that plan.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to adopt the resolution in support of the Sole Source designation for the Missoula Aquifer. The motion carried on a vote of 3-0.

Resolution No. 87-124

The Board of County Commissioners signed Resolution No. 87-124, a resolution in support of the Sole Source designation for the Missoula Aquifer.

Hearing: Amendments to Section X4100 and Section XVI of the Missoula City-County Air Pollution Program

Jim Carlson, Senior Specialist in the Environmental Health Department, said the Air Pollution Control Board conducted a hearing after three weeks of advertising on September 17. The State Department of Health and Environmental Sciences approved these amendments as compatible and consistent with the State Clean Air Act, and the Air Quality Rules of the State of Montana on October 16, 1987, and copies of the proposed amendments have been available since August 24 in the offices of the Health Department. He said there are three major changes that are included in the proposed amendments.

1. During air pollution alerts, the department would no longer be required to issue warnings one time each year to individual households for burning without the appropriate permit during an alert. The department would have the option of issuing a warning in extenuating circumstances where people have just moved into the area, or relatives were burning the stove and weren't aware of the regulations, etc., however, for the most part, the Health Department intends to be issuing finable tickets for burning during alerts. The reasons for this are two-fold: first, the Department has been required to write a new plan for attaining the ambient air quality standard for particulate matter. That document has to be prepared and have enforceable regulations submitted to EPA by the end of April, 1988. He said the change was necessary to make the air stagnation plan more effective. Secondly, in enforcement situations, there have been repeated situations where people have indicated that now that they have received a warning, they will start paying attention to the alerts. He said as a result of this requirement, the alerts have been voluntary for the most part over the past three years. The County has only issued three fines of \$20 each in the 3 year period because of the warning requirement.

2. This change would alter the permitting period for devices of different types that can be burned during alerts. What is proposed is rather than having the permitting period being one year from date of issue as it is now, all the permits would be good for a period of July 1 through June 30. This is basically an administrative change, which would save between 40 and 60 hours of office time a year, by eliminating having to notify people when their permits are expiring; they can all be done once each year. At the present time, class I permits are all good for two years, and the rest of the permits are good for one year. What is proposed is to have the class I non catalytic stoves and the pellet stove and the dealer demonstration permits be valid for a period of five years because these catagories of appliances do not tend to fail. The class I catalytic permits will still be valid for two years. The sole source permits and special need

NOVEMBER 4, 1987 (continued)

permits would still be valid for one year.

3. This change would allow the Health Department to use the new EPA or federal method for evaluating emissions from wood stoves. The Health Department has adopted the corresponding emission standards from the EPA. This change was requested from some of the stove dealers in town because Oregon will no longer be certifying stoves after January 1, 1988, and all of the stove emission certification will be done through the Federal Government.

He said he would recommend that the County adopt the amendments.

The hearing was opened for public comment.

Pat Flowers, chairman of the Citizens Air Pollution Advisory Council, said the council endorses the changes in the regulations, and looks upon them as fine-tuning the existing regulations rather than changes.

Tom Huff, a member of the Advisory Council, also endorsed the amendments, saying that people should quit burning when an alert is called, not until they get a warning, and these regulations should take care of that.

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

Janet Stevens said she had received several letters from several stove dealers, and asked if the amendments proposed today have any bearing on lowering the grams per hour from six to four.

Jim Carlson said no, that was done last year. The phasing in of the Oregon regulations dealing with grams per hour was accomplished last year.

Janet Stevens asked if anything that was being done today effectively bars non-catalytic low emission stoves from the market.

Jim Carlson said no; but there are some non-catalytic stoves that are able to reach the lowest achievable emission rates.

Janet Stevens asked if the inspection procedures are in place at this time.

Jim Carlson said they have been accepting inspections from the stove dealers, and they are writing up a policy concerning inspections done by private industry. The Health Department can do them, but they prefer that they be done by private industry.

Ann Mary Dussault said the Health Board is also looking at that policy, and they prefer that the Health Department not undercut the price charged by private industry, and that it not be financially beneficial for someone to come to the Department for an inspection rather than a private business.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to adopt the proposed amendments to Section X4100 and Section XVI of the Missoula City-County Air Pollution Program with one further amendment, in Section XVI.4 under civil penalties replacing the previous policy of depositing all fines collected into the general fund, line 4 shall be amended to indicate that monies collected shall be deposited in an account in the Health Fund for the purposes of off-setting costs of the Air Pollution Control Program.

Jim Carlson asked if the legislature passed a law in the last session that requires that all first penalties go into the

NOVEMBER 4, 1987 (continued)

general fund.

Ann Mary Dussault said an account could be established in the General Fund for transference into the Health Fund at the end of the fiscal year for the monies being used for that purpose. The intent of the amendment is that these fines be used to off-set the costs of the Air Pollution Control Program.

The motion passed on a vote of 2-0.

Resolution No. 87-125

The Board of County Commissioners signed Resolution No. 87-125, a resolution amending the Missoula City-County Air Pollution Control Program, Section X,4100 and Section XVI.

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

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NOVEMBER 5, 1988

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed:

MEMORANDUM OF AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND THE YWCA BATTERED WOMEN'S SHELTER

The Board of County Commissioners approved and signed this agreement in order to provide crisis intervention, shelter and related services for victims of domestic violence in Missoula County as part of the Missoula County Victim/Witness Assistance Program. The term of the agreement is from 10/23/87 through 10/30/88, and the total value is \$12,350. The agreement was made contingent on receipt of Federal Criminal Justice Block Grant Funds by Missoula County.

MEMORANDUM OF AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND WATSON'S RECEIVING HOME

The Board of County Commissioners approved and signed this agreement in order to provide services for victims of abuse and neglect in Missoula County as part of the Missoula County Victim/Witness Assistance Program. The term of the agreement is from 10/23/87 through 10/30/88, and the total value is \$19,000. The agreement was made contingent on receipt of Federal Criminal Justice Block Grant Funds by Missoula County.

MEMORANDUM OF AGREEMENT BETWEEN THE MISSOULA COUNTY PARK BOARD AND WEST CENTRAL VILLAGE HOMEOWNERS ASSOCIATION

The Board of County Commissioners approved and signed a matching funds agreement submitted by the Park Board. The purpose of the agreement was to provide matching funds in the amount of \$3,800 toward the cost of construction of a tot-lot playground as described in the application attached to the original agreement. Duration of the agreement is 5/1/87--10/31/87.

NOVEMBER 5, 1987 (continued)RESOLUTION NO. 87-126: INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 831

The Board of County Commissioners approved and signed Resolution No. 87-126, a resolution of intention to create RSID No. 831 for the purpose of providing funds for ongoing maintenance of the fire hydrants constructed by RSID's 395 and 396 in Grantland 12 & 13 and Lime Springs Addition.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RSID 831

The Board of County Commissioners then signed the notice of passage for the above-referenced RSID announcing the public hearing for this creation as 11/25/87 at 1:30 p.m. in Room 201 of the Courthouse Annex.

LETTER OF AGREEMENT BETWEEN MISSOULA COUNTY AND IUOE LOCAL #400, BUTTE TEAMSTERS UNION LOCAL #2, IAM AND AW LOCAL # 1434: JULY 01, 1987--JUNE 30, 1988

The Board of County Commissioners approved and signed the above-referenced agreement between Missoula County (employer) and the International Union of Operating Engineers Local #400, the Butte Teamsters Union Local #2 and International Association of Machinists Local #1434 (the union) setting forth terms and conditions of a wage schedule to supersede Addendum A of the Master Agreement between Employer and Union. The term of this letter of agreement is 7/1/87--6/30/88. The letter of agreement was returned to Personnel Director Kathy Crego for further handling.

CERTIFICATE OF ACCEPTANCE FOR COUNTY MAINTENANCE

Acting Chair Ann Mary Dussault signed a certification of acceptance for County maintenance acm. 87-004, for Gleneagle Way, road no. 230, located in T14N, R19W, sections 32 and 33, a distance of .654 miles. Gleneagle Way runs from Grant Creek Road east and then south for 3451 feet. The certification of acceptance was returned to the Surveyor's Office.

PROCLAMATION

The Board of County Commissioners proclaimed the week of November 22-28, 1987 "Missoula Family Week" to focus attention on family solidarity.

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NOVEMBER 6, 1987

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

ELECTION CANVASS

Commissioners Dussault and Evans and Superintendent of Schools Rachel Vielleux served as the Board of Canvassers for the canvass of the City election which was held November 3, 1987.

INSTITUTE OF MUSEUM SERVICES 1988 GENERAL OPERATING SUPPORT FACE SHEET

Acting Chair Ann Mary Dussault signed a grant application for \$24,956.00 to be submitted by the Missoula Museum of the Arts to the Institute for Museum Services. The purpose of the grant application is to enable the Art Museum to maintain and enhance the quality of our exhibitions and professional staff and to

NOVEMBER 6, 1987 (continued)

assist in public relations efforts. The application was returned to Mary Cummings at the Art Museum.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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NOVEMBER 9, 1987

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Lewistown, MT, attending a JTPA Planning Committee Meeting.

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NOVEMBER 10, 1987

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 87-127

The Board of County Commissioners signed Resolution No. 87-127, a Resolution relating to \$250,000 Rural Special Improvement District No. 426 Bonds; creating Rural Special Improvement District No. 426 Fund, and prescribing covenants of the County for the security of the holders of the bonds.

Resolution No. 87-128

The Board of County Commissioners signed Resolution No. 87-128, resolving that the Missoula county Treasurer's Office issue a refund warrant for 1979 personal property taxes paid twice to Garden City Broadcasting c/o Milodragovich, Dale & Dye in the amount of \$2,303.43 and such adjustments in the various tax accounts as is required.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement dated July 1, 1987, between Child Care Resources and the Missoula City-County Health Department, whereby the Health Department will provide 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, through June 30, 1988, for a total payment of \$4,940. The agreement was returned to the Health Department for further signatures.

Agreement

The Board of County Commissioners signed an agreement, dated November 6, 1987, between Missoula County and Missoula Vocational Technical Center, whereby the County agrees to provide Missoula vocational Technical Center with parking space for five semi trucks and trailers at its Road Department facility located at 3095 Stockyard Road, Missoula, Montana, for the Commercial Truck Driving training program offered by the Technical Center, as per the terms and conditions set forth in the agreement.

NOVEMBER 10, 1987 (continued)Memorandum of Agreement

The Board of County Commissioners signed approval of a Memorandum of agreement, dated October 1, 1987, between the Missoula County Park Board and the Linda Vista Homeowners Association, whereby the County Park Board has agreed to provide assistance to the Homeowners Association, in the amount of \$1,211.50 of the cost of construction of a fence, as per the terms set forth, for a period of six months, from October 1, 1987, to March 31, 1988.

Other items included:

1. The Commissioners designated the Chair of the Board to be the voting member of the Seeley Lake Chamber of Commerce; and
2. The Commissioners discussed a request from the Park Board for an opinion on the policy question regarding earmarking cash-in-lieu funds for areas from which they originate; it was the consensus of the Commissioners that the Park Board should remain with the current policy, with special exceptions, such as Seeley Lake which should be forwarded on an individual basis for consideration.

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

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NOVEMBER 11, 1987

The Courthouse was closed for the Veterans Day Holiday.

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NOVEMBER 12, 1987

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 10, 1987, pages 9-35, with a grand total of \$279,953.76. The audit list was returned to the Accounting Department.

Monthly Report

Acting Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Dan Magone showing items of fees and other collections on account of Civil business in Missoula County for the month ending October 31, 1987.

Monthly Report

Acting Chair Dussault examined, approved and ordered filed the monthly reports for Justices of the Peace, David K. Clark and Michael D. Morris, showing collections, and disbursements for the month ending October 31, 1987.

DAILY ADMINISTRATIVE MEETING

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

NOVEMBER 12, 1987 (continued)Resolution No. 87-129

The Board of County Commissioners signed Resolution No. 87-129, a budget amendment for the Victim/Witness Assistance Grant for 1988, including the following expenditures and revenue and adopting it as part of the FY '88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2315-675-410430-111 Salary-Klette	\$9845
2315-675-410430-141 Fringes	2333
2315-675-410431-328 CFRC	4750
2315-675-410432-328 FTY	4750
2315-675-410433-328 Advocate	3800
2315-675-410435-328 Women's Place	6000
2315-675-410436-328 YWCA-BWS	7000

<u>Description of Revenue</u>	<u>Revenue</u>
2315-675-333003	\$38,478

Resolution No. 87-130

The Board of County Commissioners signed Resolution No. 87-130, a resolution superseding and replacing Resolution No. 87-056, a resolution establishing the annual date to be observed as Heritage Day, resolving that effective January 1, 1988, Heritage Day shall be observed as a legal holiday by Missoula County on February 12, 1988.

Budget Transfers

The Board of County Commissioners signed and adopted the following budget transfers as part of the FY '88 budget:

1. No. 880019, a request from the Auditor/CBO Department to transfer funds, as per the attachment to the original transfer on file in the Budget Office, to budget the County match for the Victim/Witness '88 grant; and
2. No. 880020, a request from the CBO Department to transfer \$2,470.00 from the Women's Place - County Participation Account to the Women's Place-Victim Witness '88 Grant as the budget coding for the new grant was not yet in place when the claim was submitted.

Plat and Certificate of Survey

The Board of County Commissioners signed the plat for Mountain Creek Estates, a subdivision located in the SE 1/4 of Section 28 and the NE 1/4 of Section 33, T.13N., R.20W., pmm, Missoula County Montana, with the subdivider being John Diddell and the owners being W.R. Maclay, Sr., and F.E. Kenna; cash in lieu of parkland in the amount of \$2,777.78 was received by the Missoula County Treasurer. The Commissioners also signed approval of the covenant on the Certificate of Survey for Mountain View Estates stating that the land will remain in agricultural use and is therefore exempt from review as a subdivision.

Other matters included:

1. Bid Award

Bids for 26 Golf Cars for Larchmont Golf Course were opened on Wednesday, November 4, 1987, the following bids were received:

NOVEMBER 12, 1987 (continued)

Big Sky Golf Cars Sales Inc.	\$70,070.00	(Columbia bid Parcar)
Big Sky Golf Cars Sales Inc.	71,500.00	(Club Car Bid)
Turf-Aid Distributing	66,274.00	(2-cycle Yamaha)
Turf-Aid Distributing	67,418.00	(4-cycle Yamaha)
Midland Implement	64,870.00	(E-Z GO)

Commissioner Evans moved and Commissioner Dussault seconded the motion that the bid be awarded to Midland Implement for \$64,870.00. The motion passed unanimously.

2. The Commissioners voted unanimously to approve a request from WEDCO (Women's Economic Development Corporation) for transitional funding in the amount of \$5,000.00. .

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

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NOVEMBER 13, 1987

The Board of County Commissioners met in regular session in the afternoon.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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NOVEMBER 16, 1987

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Dussault left for Helena where she attended an Urban Counties Meeting in the afternoon, and Commissioner Evans was out of the office all afternoon.

Monthly Report

Acting Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for the month ending October 31, 1987.

No daily administrative meeting was held, however, the following items were signed:

Payroll Transmittal Sheets

The Board of County Commissioners signed the following payroll sheets:

1. For pay period #22 (10/04/87 through 10/17/87) with a total Missoula County Payroll of \$309,690.52;
2. For pay period #23 (10/18/87 through 10/31/87) with a total Missoula County Payroll of \$320,562.31.

The transmittal sheets were returned to the Auditor's Office.

Agreement

The Board of County Commissioners signed an agreement for services between Missoula County and John B. Stone for the purpose of contractor snow plowing services, as per the terms set forth, for the period commencing December 26, 1987, and terminating March 15, 1988, for a total amount not to exceed \$10,000.00.

NOVEMBER 16, 1987 (continued)Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula Child and Family Resource Council, whereby the County will purchase program coordination, advocacy and education services to benefit victims of child abuse and neglect in Missoula County, as per the terms set forth, for the period from October 23, 1987, through October 22, 1988 for a total amount of \$4,750.00, which is contingent upon receipt of Federal Criminal Justice Block Grant Funds by Missoula County.

Professional Services Contract

The Board of County Commissioners signed a Victim/Witness Assistance Program Professional Services contract between Missoula County and Diane L. Morin, for the purpose of the County obtaining the services of a Victims' Advocate in the Missoula County Sheriff's Office, as per the terms set forth for the period from October 23, 1987, through October 22, 1988 for a total payment not to exceed \$3,800.00

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NOVEMBER 17, 1987

The Board of County Commissioners did not meet in regular session. Commission Dussault was in Helena where she attended a MACo Meeting with State Legislators, and Commissioner Evans was out of the office all day.

1st Quarterly Report

Chairwoman Stevens signed the 1st Quarterly Report for the Health Department's MCH Block Grant for FY '88 as required by the Montana Department of Health and Environmental Sciences. the report was returned to the Health Department for forwarding to Helena.

Bond Documents

Chairwoman Stevens signed the Affidavit of Chairwoman of the Board of County Commissioners as to facsimile signature, stating that she is authorized to execute the \$250,000 Rural Special Improvement District No. 426 Bonds, Series 1987 for the Rattlesnake Sewer Interceptor Project and is authorized to execute or cause the bonds and the Certificates to be executed with a facsimile signature in lieu of her manual signature; that the manual signature ascribed to this affidavit is certified by affiant to be her own proper signature as such officer, which is authorized by her to be reproduced and printed, engraved, stamped or otherwise placed in facsimile on the Bonds.

* * * * *

NOVEMBER 18, 1987

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 16, 1987, pages 8-39, with a grand total of \$899,843.74. The audit list was returned to the Accounting Department.

NOVEMBER 18, 1987 (continued)

Daily Administrative Meeting

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

Resolution No. 87-131

The Board of County Commissioners signed Resolution No. 87-131, resolving that Missoula County accept from Theodore G. Anders and Margaret M. Anders an easement for public road and all other public purposes as shown as Lot C on the Garlisch Seeley Lake Community Tracts Tract 15" subdivision plat, located in the Northeast 1/4 of Section 34, Township 17 North, Range 15 West, Principal Meridian, Montana, Missoula County, Montana.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Mary Sue Daniels, an independent contractor, for the purpose of performing as the character "Belt Woman" in the seat belt promotional activities; as per the terms set forth, for the period from 9/24/87, through 6/30/88 for a total amount not to exceed the \$800.00.

Other Items Included:

The Board of County Commissioners approved a request from Greg Kennett for a letter of support for continued funding of the weed control research he is doing.

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

PUBLIC MEETING

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

Paula Jacques, Planner from the Office of Community Development, said that the Dianne Addition consists of four residential lots proposed for 8.94 acres located between Lolo Creek and Highway 12, approximately 3 miles west of Lolo. An existing gravel road will be upgraded and privately maintained. Individual wells and septic systems are proposed. The Community Development Staff has recommended approval of the Dianne Addition subject to the findings of fact set forth in the staff report, and subject to the following conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The 100 year floodplain shall be shown on the face of the plat. All building sites shall be outside the 100 year floodplain unless a floodplain permit is obtained and the impact on eagle habitat evaluated by the Office of Community Development.
3. The covenants shall include a section informing property owners that the subdivision is a wintering area for bald eagles. To preserve that habitat for bald eagles and other wildlife, the covenants shall include a statement requiring that mature cottonwood trees be preserved, a prohibition on the harassment of wildlife, and providing reasonable access within the subdivision to individuals who are part of an organized effort to monitor eagle activity.

NOVEMBER 18, 1987 (continued)

4. The first 20 feet of Tira Lane shall be paved, and the developer shall install a road sign.

In addition, she said the requested variance for paving should also be granted.

Nick Kaufman, Land Use Planner from Sorenson and Company, representing Drake and Dianne Lemm, the developers of this property. He submitted three letters to the Commissioners in support of the development. Those letters of support were from Brad Crisp, Pamela and Charles Irik, and Donald Nelson. He said he had no problems with the conditions worked out by the Office of Community Development.

Janet Stevens asked if anyone else wished to address the Board on this issue. No one came forward to speak.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the Dianne Addition Summary Plat, subject to the conditions, finding of facts, and paving variance set out in the staff report. The motion carried on a vote of 3-0.

Hearing: Proposed Amendments to the Planning Interlocal Agreement

Information provided by Joan Newman, Deputy County Attorney indicated that this amendment to the Planning Interlocal Agreement creates a five-member Planning Policy Committee which will set the budgets and administer the Office of Community Development. The Planning Policy Committee will consist of the following membership: A County Commissioner and their representative, the Mayor, a member of the City Council, and the Chairman of the Planning Board. Following this hearing, the City Council will hold hearings and vote on the amendments.

Joan Newman said she had met with the Attorney General relative to his rejecting the original draft that had been submitted, and she and Jim Nugent, City Attorney, then drafted language which was submitted and approved. One change was to have the Chairman of the Planning Board elected by the members of that Board rather than appointed; and the Policy Planning Committee is an administrative board, as provided for under the interlocal agreement statutes. Other changes is some clarification of the financial arrangements, and the Planning Board's oversight of the Planning Levy.

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

Ann Mary Dussault moved and Barbara Evans seconded the motion to adopt the proposed amendment to the Planning Interlocal Agreement. The motion carried on a vote of 3-0.

Hearing: Intent to Create RSID No. 427 (Street Paving and Drainage Improvements to Stonehaven Avenue & Lorraine Drive.)

Information provided by Jim Dopp, Operations Officer, indicated that on October 28, 1987 the Board of County Commissioners passed a Resolution of intention to create RSID #427 for paving of Stonehaven Street and Loraine Drive. The petition for this RSID contains the signatures of 75% of the freeholders within the boundaries of the proposed RSID. As of Monday, November 16, 1987 at 5:00 p.m., (the legal deadline for the filing of protests) six letters of protest and five letters in support of the project had been received. The residents filing the six letters of protest represent a total of 50% of the cost of the proposed RSID or 1% less than the statutory requirement to defeat the RSID prior to a hearing. His recommendation was to not create RSID #427.

NOVEMBER 18, 1987 (continued)

Tom Hanson, representing Professional Consultants, Inc., the consulting engineer on the project, showed the maps of the area which is at the end of Upper Miller Creek Road and discussed the history of the project.

He said the petition from the residents was received in May asking for paving of the street. In July of this year, he met with residents and explained the RSID process, and the methodology for paying for the project. He said that because of the diversity and size of the ownerships represented in this area, the fairest way to set up the RSID was to assess the cost against a proportion of the areas. At that July meeting, he proposed a district boundary area that included all of the property actually fronting on Lorraine Drive, plus properties along Springtime Drive. He said at that meeting, there were three property holders from Springtime Drive in attendance who indicated their support for the project. However, later, those residents later decided that they would still be left with maintaining the private drive that serves them, and while they would benefit by having Lorraine Drive paved, they did not feel that they could support this RSID, and continue to maintain their private road. After the Springtime residents backed out, a subsequent meeting with some of the residents of Lorraine Drive concluded that although it was likely that 60% signatures could be obtained with or without the Springtime Drive residents, for the benefit of the project, those persons on Springtime Drive should be dropped from the RSID. Therefore, the petition was circulated as revised, with Springtime Drive left off, and the RSID boundary revised. He said that 75% of the total freeholders in the District signed to create the RSID.

He said this RSID would realign, shape, and pave Loraine Drive from Stonehaven to Terrace Drive. He said the petition, as submitted, would include all the properties that directly access Loraine Drive, or would benefit directly by the improvement. He said the fairest method of distributing the cost of these improvements was to consider that the benefit of that road being paved would be equal for each existing or potential building site. He then indicated each parcel on a map and indicated how many building sites each parcel had, and said that describes the methodology used to define the District. He said every attempt was made to fairly distribute the cost of the project equally among those benefiting, based on the current zoning, or the comprehensive plan. He indicated on the map which owners had submitted written protests to date. He said that only three of the existing 16 resident freeholders have protested the RSID, even though 50% of the accessible area has protested. He said the Commissioners should remember that 50% of the freeholders are in favor of it and are willing to pay for the improvements. He urged the Commissioners to approve the RSID.

The hearing was opened for public comment.

Zane Sullivan spoke in favor of the RSID, saying it would result in a better and safer road. He said the people who have developed their property and live on the road are in favor of the RSID, and the landowners with undeveloped property are protesting, and would prefer to postpone the project. He said planned, orderly development is a necessity in Missoula, and he urged approval of the RSID.

Cynthia Bryan, a realtor with Gillespie Realty said it was very difficult to sell property in that area, because of the unpaved streets.

Steve Boyce, a resident on Loraine Drive, said the unpaved road represents a health hazard due to the particulates in the air from the dust.

NOVEMBER 18, 1987 (continued)

Diane Schurg, 2890 Loraine Drive, said the unpaved road is hard on cars and tires, and the road is constantly deteriorating.

Marilyn Sullivan spoke in favor of the RSID. She said the homeowners are already putting \$2,000-\$3,000 per year per household into the road. If the SID is passed, it would cost only \$389 per unit per year, and the money would be well spent.

No one else came forward to speak in favor, but 4 persons raised their hands in support of the RSID.

Arlene Brown, representing Bonita Patent, the owner of parcel 9, said her client objects to the cost of the project, because she would not be receiving any benefit from the project. She also objects to the residents of Springtime Drive being dropped from the RSID. She said it was unfair to alter the boundary lines of the RSID.

Darla Keck, an attorney representing Eldon Nicholson, said her client objects to the RSID based on the necessity factor. He feels there are too many lots excluded, and objects to the arbitrary reduction and exclusion of certain property holders. She asked that the RSID proposal be withdrawn.

Jeanette Lee, 3400 Loraine Drive said she would have to pay for three units and there are other people making much more use of the road than she. She said grading and oiling of the road is adequate, and people are driving too fast anyway. She also questioned the way the signatures were gathered.

Steve Johnson, 2900 Lorraine Drive, said if the cost per unit is \$389, what would the cost be if the people who are excluded would be included. He said it would be more equitable to have the included.

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

Barbara Evans asked Tom Hanson how the RSID boundaries were decided.

Tom Hanson said he had split the costs by lineal footage, and tried to determine access per single family unit.

Barbara Evans said it was her understanding that to assess anyone on an RSID, a benefit to those folks has to be proved. She asked how this would affect the people who would not access from that road.

Mike Sehestedt, Deputy County Attorney, said the law does not say it has to be a benefit to the people, it has to be a benefit to the property, and this RSID falls within those parameters.

Barbara Evans asked Tom Hanson if we are showing benefit and if the people from Springtime Drive access Springtime Drive from Loraine Drive, why they were not included.

Tom Hanson said it was felt that the cost would be too much of a burden since they had to maintain their own private road as well. He said that because they do not front Loraine Drive, it is his understanding of the statute that they could be excluded, but it was an option if they chose to participate. He said that he did not want to drag anyone into this kicking and screaming, and they did not want to do anything in a less than fair and equitable manner.

Barbara Evans asked for further clarification of his figures regarding the number of freeholders that had signed the petition.

NOVEMBER 18, 1987 (continued)

Tom Hanson said that in order to get an RSID passed by the Commissioners, the residents have to pass a petition signed by at least 60% of the freeholders of property. He said the definition of freeholder is anyone who is listed on the deed or contract, and some documents have two or more freeholders listed, depending on marriage or joint ownership. He said that this is a very controversial RSID, with written protests, and written support of the RSID submitted, and he suggested that the Commissioners might want to take some time to review everything and postpone a decision on this matter.

Ann Mary Dussault asked Tom Hanson if improvements to Springtime Drive were ever considered as part of the RSID?

Tom Hanson said that was not considered, as the costs to bringing that road up to County standards was insurmountable.

Ann Mary Dussault asked Tom Hanson to clarify an earlier comment he had made concerning right-of-ways.

Tom Hanson indicated the necessary right-of-ways on a map, and indicated the properties where people were in favor of the RSID.

Ann Mary Dussault asked Horace Brown to comment on the condition of Stonehaven or Loraine Drive.

Horace Brown, County Surveyor, said the County partially maintains Stonehaven, but the road is a washboard.

Barbara Evans moved and Ann Mary Dussault seconded the motion to create RSID 427. The motion carried.

Barbara Evans said that the reason she made the motion is that 75% of the freeholders have signed the petition indicating their support for the RSID, it did not meet the required 51% to stop the project, and the improvement of the value of the property to the adjoining property is obvious; it is in the air containment area; and it will provide improved road conditions and subsequently, a much better safety factor for the folks who regularly travel the road. In addition, it will correct the water run-off problems that have occurred in the past.

Hearing: Appeal of Office of Community Development Comp Plan Decision-Lyle Wulf and Lee Stott

Information provided by Zoe Mohesky, Assistant Planner at the Office of Community Development indicated that Lee Stout's request has been denied after reviewing the proposed use for Comprehensive Compliance by the OCD staff. Mr. Stout has appealed the staff's decision. Mr. Stout has applied for a permit to place a woodworking shop on property described as Tract A-1-A, Certificate of Survey No. 2977, also known as the 93 Mini-Storage. The property is unzoned. The staff reviewed the proposal with Resolutions 83-99 and 85-082 and found the proposal not to be in compliance with the 1975 Missoula Comprehensive Plan. The plan recommends suburban residential use with densities of two dwelling units per acre.

Zoe Mohesky said that the only way this request could be approved is whether or not areas where 50% or more of the land uses within a 300 foot radius of the applicant's property are compatible uses. She said typically, woodworking use has been classified as industrial, so she calculated the percentages within the 300 foot radius, which shows 20.1 of the land use within 300 feet are industrial.

NOVEMBER 18, 1987 (continued)

Lee Stott said he was appealing because of three reasons:

1. The staff used the wrong survey sheet
2. The surrounding properties are almost entirely industrial
3. The map the staff used is incorrect; it does not indicate the correct number of adjoining residential properties, and the one residence is more than 300 feet from the proposed shop.

He indicated his property and all the adjoining property on a map, and gave a history of the area.

The hearing was opened for public comment.

Lyle Wulf, who rents the property from Mr. Stott, said that the business will be one which manufactures picture frames and picnic tables, and he would not be selling from the shop, it is a wholesale business.

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

Ann Mary Dussault asked Zoe Mohesky if she had recalculated the numbers, and used the mini-storage building as commercial use.

Zoe Mohesky said that by doing that, it brought the amount of commercial and industrial use in the area up to 35%. She then discussed the other uses in the area.

Barbara Evans said that in looking in the map and driving past the area fairly often, she thinks that it is heavily weighted towards business and commercial use, and there does not appear to be a whole lot of harm to be done to the private sector by allowing picture frames to be made in the storage sheds. She said Mr. Stott and Mr. Wulf probably could have gotten this approved quite simply if they had brought it through the proper channels in the first place; instead of building the warehouse and then coming before the regulatory agencies.

Barbara Evans moved to grant the appeal of the decision, and the woodworking shop be allowed to continue to operate. The motion died for a lack of second

Ann Mary Dussault asked Lee Stott if he had seen the original letter to the Connoles, which allowed the original warehouses to be built. One of the things in the letter, item #4, referred to redevelopment issues such as landscaping and parking, and asked him to address those improvements.

Lee Stott said that the Connoles were his children, and he had put the property in their name for reasons he did not care to go into, but it was his property for all intents and purposes. He described the paving and landscaping that he had done and what he intended to do in the future.

Ann Mary Dussault asked Lyle Wulf if it was his intention to expand the business so that he would have more employees.

Lyle Wulf said that would be his hope, but if that occurred, he would move to his own building. But he might be looking at seasonal part-time help at this location.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to find Mr. Stott's request to place a woodworking shop on property described as Tract A-1-A, Certificate of Survey Number 2977, also known as the 93 Mini-Storage to be in compliance with the Missoula County Comprehensive Plan. The motion carried on a vote of 3-0.

NOVEMBER 18, 1987 (continued)

Ann Mary Dussault said some facts needed to be clarified in regard to this finding. Since 1984, the Board of County Commissioners has adopted resolution No.85-082, which was intended to give staff, in particular, guidelines by which they would review the criteria. Based on that criteria, this business did not meet the guidelines, and staff acted appropriately in denying the application and bringing it before the Board for further interpretation.

The Board's findings indicate that the facts contained in the original letter to the Connoles, dated October 12, 1984, prior to the adoption of Resolution No. 85-082, which allowed the original buildings to be built, have not changed significantly. In addition, the Comprehensive Plan addresses economic development and economic expansion, and this business, a value-added manufacturing operation, is the kind of business that ought to be encouraged.

Hearing: Certificate of Survey Review-Occasional Sale-Richert

Information provided by Joan Newman, Deputy County Attorney, indicated that Charles Richert is requesting an occasional sale exemption to create a small parcel at the corner of 39th Street and Reserve for a convenience store and gas station. The request is being referred to the Commissioners because Mr. Richert has used the occasional sale and remainder exemptions on two previous occasions. Richert and others subdivided and platted Sorrel Springs in 1973, creating a large number of 10 acre lots. In 1977, Mr. Richert filed two certificates of survey one day apart each using the occasional sale and remainder to divide a lot in Sorrel Springs. These certificates of survey are filed as number 1257 and 1260. It appears from the preliminary review in the assessor's office that three of the lots so created were sold in 1977, and the fourth in 1978.

The hearing was opened for public comment.

Nick Kaufman, Land Use Planner with Sorenson and Company, representing Charles Richert, showed a map of the area, and pictures of the property and said Mr. Richert had no intent to evade the subdivision act. He said the previous exemptions were many years ago, on property 22 miles from this property, and has gone through the City Design Review Board, the Planning Board and the City Council.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the request of Charles Richert for an Occasional sale of property described as book 215 micro 638, finding no evidence that there is any attempt to evade the Montana Subdivision and Platting Act. This approval is granted on the condition that the following language be printed on the face of the Certificate of Survey:

This Certificate of Survey was not reviewed for adequate access, installation of utilities, or availability of public services; nor does this approval obligate Missoula County to provide road maintenance or other services.

The motion passed on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 3:36 p.m.

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NOVEMBER 19, 1987

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

Policy Statement 87-H

The Board of County Commissioners signed Policy Statement 87-H, the affirmative Action Program for Equal Employment Opportunity, whereby Missoula County reaffirms its continuing commitment to afford all individuals who have the necessary qualifications an equal opportunity to compete for employment and advancement with the County. The policy statement was returned to Helen Medina in the Personnel Department for further signatures and handling.

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NOVEMBER 20, 1987

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

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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NOVEMBER 23, and 24, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in San Antonio, Texas attending the NACo Employment Policy and Human Services Conference, and Commissioner Evans was out of the office both days.

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NOVEMBER 25, 1988

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

Audit List

Commissioners Dussault and Evans signed the Audit List dated November 24, 1987, pages 10-43, with a grand total of \$126,404.65. The audit list was returned to the Accounting department.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the transmittal sheet for pay period #24 (11-1-87 through 11-14-87) with a total Missoula County payroll of \$312,270.77. The transmittal sheet was returned to the Auditor's office.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Personnel/Medical and Life Insurance Department and adopted it as part of the FY '88 budget:

NOVEMBER 25, 1987 (continued)

No. 88021, a request to transfer \$1,100.00 from the Health Insurance Claims account to the training account because of an unanticipated seminar on "Health Care Cost Containment"

Power of Attorney and Declaration of Representative

Chairwoman Stevens signed the Power of Attorney and Declaration of Representative form to be filed with the \$1,500,000 Industrial development Revenue Bonds for the YMCA Project, Series 1987, County of Missoula, Montana. The form was returned to Attorney Mae Nan Ellingson for further handling.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between the Missoula Board of County Commissioners and MT WEDCO, a project of WORD, Inc., for the purpose of providing transitional funding, as per the proposal attached to the agreement and the terms set forth, in the amount of \$5,000.00, for a period of five (5) months terminating on April 23, 1988.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and the Missoula Economic Development Corporation (MEDC) for the purpose of designating the Missoula Economic Development Corporation (MEDC) as fiscal and administrative agent to administer to MT WEDCO \$5,000 for use in its transitional funding project as set forth in the above memorandum of agreement dated November 25, 1987.

Other matters included:

1. The Commissioners approved a request from MUTD to amend the Interlocal Agreement regarding handicapped transportation; and
2. Mike Kress of the Office of Community Development was designated by the Commissioners to serve as the County's representative on the BN Bitterroot Branch Committee.

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

PUBLIC MEETING

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

Bid Award-Contractor Snowplowing-Seeley-Condon Area

Information provided by Terry Wahl, Operations Analyst for the Surveyor's Office, indicated that bids for contractor snow plowing in the Seeley-Condon area were opened on November 23, 1987 with the following bid received:

25-06 Construction	\$39.50 per hour.
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No other bids were received, and the recommendation was to award the bid to 25-06 Construction for \$39.50 per hour, which is equal to the lowest bid received in the past 4 years. Currently, there is \$6,000 in the budget for snow plowing.

NOVEMBER 25, 1987 (continued)

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for Contractor Snowplowing-Seeley-Condon Area to 25-06 Construction for \$39.50 per hour. The motion carried on a vote of 3-0.

Hearing: RSID #831- Hydrant Maintenance in Grantland 12 & 13 (Lime Springs)

Information provided by John DeVore, Administrative Officer, indicated that the water system which serves the Grantland 12 & 13 subdivision was constructed through RSID 395 and 396, and included the installation of the fire hydrants. Once the system was operational, ownership was conveyed to Grant Creek Water Works. Since this is an unusual situation in terms of how fire hydrant districts are normally created, staff contacted the Public Service Commission to determine if the requested rate structure had been included in Grant Creek Water Works Cost of Service study. The PSC stated the rates had not been included, but that the PSC was in support of the creation of the fire hydrant district. This system includes eight 6-inch hydrants at a cost of \$18.80 per month and three 8-inch hydrants at a cost of \$34.25 per month for a total annual cost of \$3,037.80, or approximately \$35 per year per lot. To date, 16 letters of protest have been received.

His recommendation was to create this district contingent upon the following conditions:

1. That any land within Missoula County owned by Jack Green II (principle owner of Grant Creek Water Works) be free of any tax delinquencies.
2. That any RSID's which are the responsibility of Jack Green II also be free of any delinquencies.
3. That payment be remitted to Missoula County in the amount of \$1,830.17 which is owed from a connection to the water system authorized by Missoula County, but was received by Mr. Green.
4. Reimbursement will be made on a claims-made basis.

He said the annual budget would be \$3,037, and if less than that is expended on an annual basis, the annual levy would be adjusted.

The hearing was opened for public comment.

Yvonne Smith, an attorney representing Jack Green II, said she had received notification from the Public Service Commission that an increase in water usage rates was going to be denied, based on the fact that the in 1985, the PSC had approved this fire hydrant assessment. She distributed copies of the PSC order. She said her interpretation of the order means that because the water company was entitled to get the assessment from the fire hydrants, they denied the rate increase for water. She said the PSC recommended that someone should go back and assess that fire hydrant assessment which will make up any deficiencies in the operating costs. She said the rate increase was denied because they were supposed to be getting the assessments since 1985. She said that Ron Wood from the Public Service Commission also informed her that because the assessments had been approved by the PSC, that the water company has the ability to bill the County for that assessment. In addition, she said that when the hearings were held, the people that were receiving water service felt that all the lots should have to pay for the hydrants in case of fire. Some of the people also said that they had already

NOVEMBER 25, 1987 (continued)

paid for the hydrants. She said Mr. Green has been selling those lots for what the SID's are, so he is getting zero profit from the sale of those lots. In conclusion, she said she felt that the SID should be created and she felt that Mr. DeVore's contingencies are a totally separate issue and should be treated the same as they would treat other people in similar circumstances with delinquent taxes and SID's, and she would request that the RSID be passed without the contingencies.

Russ Beree spoke in opposition to the RSID, saying he was at the Public Service Commission hearing, and he said Mr. Green was not denied the rate hike because of the RSID for hydrant maintenance, he said the increase was denied because Mr. Green was given the water system at an approximate value of \$1.2 million, and then sold shares in it and were he to pay the fair share as Jack Green the landowner, that he would have plenty of a profit margin and that a separate maintenance fund for hydrants would not be needed. He said that it was his feeling from the hearing that the PSC felt that Mr. Green had already made quite a bit of profit from the water system, and he should pay his fair share for undeveloped lots. He said if the maintenance RSID is created, the landowners want to see it untouchable unless there was some proof that work was being done; something other than a bogus receipt for maintenance work for somebody to go out and flush the hydrants. He said there has been no work done on the hydrants since he moved there; he works for the City Fire Department, and had checked his own hydrant and found out it was broken, and had to repair it himself. He said the homeowners are pretty much assured that in the next year, when Jack Green is no longer able to depreciate this system, the owner will walk away from it and default on the system. He said if there are no safeguards put on the RSID funds, that money would walk when the developer does.

Jay Raser said he was not opposed to the creation of the RSID, but he had questions about the necessity of it, and questions about how it will be administered. He said Jack Green levied fees, but did not collect them. He said the current assessment of \$35 per year is too high, as no maintenance has not been done on the hydrants. He said he needs some guarantees that the money will not disappear if the RSID is created.

Eileen Brooke, a resident of Grantland said she was opposed to the RSID because the water company was asking the residents to pay for something twice. She said the hydrants are new and won't need replacement for fifty years. She said she was concerned that the money for the RSID would not be accounted for by the water company.

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

Barbara Evans asked Yvonne Smith to clarify her previous remarks relative to Mr. Green being able to collect his assessment fees from the County, just because he had not been collecting them himself.

Yvonne Smith said she talked with Ron Wood, who she identified as the Chairman, or Director of the Public Service Commission, and she said he told her to bill the county for uncollected fees if the SID is not created. She said that in her opinion, the water company can bill the County for the SID's.

Ann Mary Dussault said she would like to make a point of clarification: Mr. Wood is a staff person for the PSC; and the Board of County Commissioners would clearly have lengthy discussions with the elected members of the PSC over their staff's opinions on this matter.

NOVEMBER 25, 1987 (continued)

Yvonne Smith said that in any event, the water company has gone through the process of having a public hearing in order to get the rate increase; it has been denied based on the fact that the water company has this revenue coming. She said that in reference to some of the landowners expressing the opinion that there is no maintenance, she knows for a fact that there has been work done on the hydrants, and if any of those people have any problems, there is a certified water operator named Jim Golan, a retired engineer who is responsible for the hydrants.

Barbara Evans said that in regards to the Grant Creek Water Company failing to collect the revenues that apparently are due them, that certainly does not constitute a debt that Missoula County should have to pay. She said if the applicant had a right to those fees, then it would be incumbent upon the applicant to be collecting them. In addition, she said that in the years that she has been a Commissioner, she has never seen anyone treated any differently than the conditions that are being asked for. She said she wanted the residents to know that she would never agree to do anything that would constitute them paying for something twice. However, it is common, and appropriate that the residents pay for maintenance of the system. She said their concerns regarding guarding and protecting the money would be alleviated by having money paid out of the fund after claims are submitted.

Janet Stevens said she would like to have Mike Sehestedt address the question regarding Rural Fire being responsible for the maintenance of the hydrants.

Mike Sehestedt, Deputy County Attorney said Rural Fire does not maintain any hydrants in the County to his knowledge. Mountain Water, for example, maintains all the fire hydrants in the City of Missoula.

John DeVore said that what is being proposed is that if any costs associated with maintaining the fire hydrants is experienced, then a claim would be submitted to the County, and at that time, funds would be released. In other words, he said the total amount of revenue would not be turned over on an annual basis to the water company.

Janet Stevens asked Mike Sehestedt what would happen, legally, if the RSID was not created.

Mike Sehestedt said that in his opinion, the water company could remove the hydrants if the maintenance costs were not being paid. He said, however, that in 1985, the PSC awarded the water company \$18.88 per month for the 6 inch hydrants, and \$34.24 for each 8 inch hydrant. They denied the requested rate increase on the grounds that the water company was not collecting revenue in accordance with their tariffs. If they would, in fact, go out and collect what the PSC had authorized them to charge in the past, there would be no need for the rate increase.

Janet Stevens said that her understanding of the issue, after listening to the testimony offered is that the water company has the authority to collect this maintenance fee on their own without bringing the County into it; just like they are billing for water services now.

Mike Sehestedt said he believed she was correct.

Barbara Evans asked him if the PSC had not also said that they denied the request because the water company was going to get the additional revenue when the Commissioners passed the RSID, which, in her opinion, was betting on the come.

NOVEMBER 25, 1987 (continued)

John DeVore said that from his perspective, what the confusion is, is that the County's staff is not questioning whether the PSC has approved the rates, it is his view that maintenance RSID's are permissive, and they are allowable if the Commissioners decide that it is in the public interest to have them. All the RSID does is provide a financing mechanism for the collection of those fees. It does not deny the water company from using their normal means of collecting those fees since the PSC has approved that rate, and they should be collecting them through their own billing system. The reason why maintenance RSID's for hydrants are used by Mountain Water Company is because they look at the RSID as a guaranteed that those revenues will, in fact, be collected, and they don't have to hassle with it.

Ann Mary Dussault asked why the current RSID in Grantland doesn't cover the costs of maintenance of the hydrants.

John DeVore said that the owner did not include maintenance of the hydrants when they asked for the rate increases at the PSC hearing. The rate increase request covered the daily operation and maintenance of the water system only.

Mike Sehestedt said that a couple of points should be made: There is never any capital investment return figured into water rates, and no investment base is allowed either, and the rate increase was denied because Jack Green did not collect the maintenance assessments as he should have, and if he had done that, he would have had enough funds to operate the system.

Janet Stevens asked if the water company had the authority to collect the maintenance fees on their own.

Mike Sehestedt answered in the affirmative.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to deny the creation of RSID 831 for the maintenance of the fire hydrants in Grantland 12 and 13. The motion carried on a vote of 3-0.

Ann Mary Dussault said the reason that she made the motion was that a water company, regardless of who owns it, has an ability to go before the PSC to discuss its costs of operation and maintenance of the total system, and have its rates adjusted for that purpose. She said it was confusing to her why the PSC would suggest a rental charge for fire hydrants that are essentially already owned. She said that does not make any sense to her, and it might be necessary to communicate with the PSC as to what they thought that meant. In addition, she said it would seem to her that it is an apparent indirect approach to gathering what is perceived to be the revenues necessary to maintain and operate an entire waters system. And whatever the actual and reasonable costs are should be borne by the water users, but it ought to be done straightforwardly and straight up.

Hearing: Preliminary Plat-Linda Vista-4th Supplement

Information provided by Paula Jacques, Planner II from the Office of Community Development indicated that Linda Vista 4th Supplement consists of 10 single family lots on a net area of 4.8 acres. The lots average 21,000 square feet in size, will have individual septic systems and connect to public water. The property is zoned C-RR2, which allows single family development at a maximum density of two units per acre. She indicated the proposed accesses on a map.

NOVEMBER 25, 1987 (continued)

The Community Development staff recommendation is that the preliminary plat of the 4th supplement to Linda Vista be approved subject to the conditions set forth in the staff report, granting of the curb, gutter and sidewalk variance, and the findings of fact. The conditions are as follows:

1. Plans for grading, drainage and access are subject to approval by the County Surveyor.
2. The following statement shall be printed on the face of the plat: Acceptance of a deed for a lot within this subdivision shall constitute a waiver of a right to protest an RSID for curb, gutter and sidewalk construction on Helena Drive, Linda Vista Boulevard and Lower Miller Creek Road."
3. Cash-in-lieu of parkland shall be donated to the County Park Fund.
4. Sanitary restrictions shall be lifted prior to final plat submittal.
5. Access onto Lower Miller Creek Road shall be controlled by either shared driveways or turn-arounds on lots subject to approval by the County Surveyor.

The hearing was opened for public comment.

Chip Johnson, from Stensatter, Druyvestein & Associates, representing Lloyd Twite, the developer of Linda Vista, discussed the drainage plans for the development and the nitrate problem in the wells. He said a separate study for nitrate will not be productive, although a potential for a health problem exists. He said septic tank contamination should be looked at as a possible source of the nitrate problem.

Robert Harlow, 3105 Eldora, President of the Linda Vista Homeowners Association, spoke in favor of the subdivision, but said that drainage is a concern to the property owners, and he said culverts should be placed on Lower Miller Creek Road.

Carl Thompson, 3321 Helena Drive said he had concerns about the nitrate contamination of the wells and about surface runoff. He said no construction should be allowed until those concerns are addressed. In addition, he said the proposed subdivision will increase traffic congestion in the area, and Lower Miller Creek Road may need to be improved.

Ruth Fassett, 3211 Helena Drive expressed concerns about ground water and runoff. She said there is a lot of runoff on her property now, and this development may worsen the problem.

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

Ann Mary Dussault asked Robert Harlow if the Homeowners Association was discussing any plans for an RSID similar to South Hills.

Robert Harlow said no, the homeowners are not discussing that. The Linda Vista was done in two phases, and some is curbed and guttered and some is not, consequently, there is a great discrepancy from street to street, and the people directly benefiting from the service will have to pay for it themselves.

Ann Mary Dussault asked Paula Jacques if her recommendation was that the subdivision be approved only if it will be able to connect to the water system.

NOVEMBER 25, 1987 (continued)

Paula Jacques said the condition that the sanitary restrictions be lifted prior to final plat submission will take care of the connection to the Clark Fork Water System.

Ann Mary Dussault said she had some general comments to the residents. The Board of County Commissioners is aware of the problem with contamination of the individual wells, and in her view, one of the positive things about this particular proposal is that it will get the public a water system closer to them; and she thought that made the most sense. She said the residents should be looking at ground water contamination, and a comprehensive drainage system. She said the level of development, and the potential for future development in this area would suggest that that would be prudent, and that is normally accomplished through an RSID.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the preliminary plat of Linda Vista, 4th Supplement, subject to the conditions set forth in the staff report, the curb, gutter and sidewalk variance, and the findings of fact. The motion carried on a vote of 3-0.

Hearing: Request to Vacate a Portion of Locust Lane (Seeley Lake Homesites - Addition #3)

Information provided by Donna Cote, Recording Supervisor, indicated that the owners who property abuts Locust Lane as it is shown on the map attached to the petition for vacation request that the Commissioners abandon that county right-of-way. The existing Locust Lane is not constructed on the county right-of-way. An exchange of property has been agreed to by the County Surveyor and the land owners who own the land under the existing Locust Lane. Deeds and a resolution of county acceptance for the new county right-of-way should be recorded at the same time this request for vacation is approved, after inspection of the site. Horace Brown has recommended waiving the \$75.00 petition fee. Title to the property adjacent to the portion of right-of way to be vacated is vested in the following persons:

Jefferson & Sara Macon
P.O. Box 501
Seeley Lake, MT 59868

William Copenhaver (contract)
P.O. Box 3
Seeley Lake, MT 59868

Roger Johnson (Contract)
P.O. Box 13
Seeley Lake, MT 59868

Marjorie Sayer
707 Stoddard
Missoula, MT 59802

She noted that all of the persons have signed the petition except for Margaret Sayer. Additional persons who may be affected by the petition and or have been notified of the hearing are as follows;

Horace Brown, County Surveyor
Joan Newman, Deputy County Attorney
Seeley Lake Fire District
State of Montana Department of Highways

Notice of the hearing was published in the Missoulian on November 15, 1987

Janet Stevens noted that the property would be inspected by Horace Brown and Barbara Evans on Tuesday, as per State Law.

The hearing was opened for public comment.

NOVEMBER 25, 1987 (continued)

Jeff Macon said it was a simple issue, the bulldozer operator who originally built the road made a mistake, and ran the road across private property, and this vacation would correct that.

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

Barbara Evans moved, and Ann Mary Dussault seconded the motion to waive the \$75 fee. The motion carried on a vote of 3-0.

The issue was continued for decision until December 1, 1987.

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

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NOVEMBER 26, 1987

The Courthouse was closed for the Thanksgiving Day holiday.

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NOVEMBER 27, 1987

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

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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NOVEMBER 30, 1987

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

Welfare Advisory Board

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

DAILY ADMINISTRATIVE MEETING

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

Approval of Bylaws

The Board of County Commissioners signed approval of the bylaws which were adopted by the Seeley Lake Community Council on September 14, 1987.

Other Items included:

1. Bond Bid Award

The Commissioners voted unanimously to approve the award of bonds in the amount of \$391,000.00 for RSID No. 418, (Goodan Keil Estates) to Grende & Company, Inc. of Seattle, WA as per the terms set forth in their proposal dated 11-24-87;

2. The Commissioners approved a request to abate the penalty and interest on Miriam MacLillend's taxes as per Deputy County Attorney Mike Sehestedt's recommendation;

NOVEMBER 30, 1987 (continued)

3. The Board voted unanimously to adopt the CDBG Economic Development Guidelines;
4. A request from Lloyd Willumsen for tax relief on property he owns near Lolo School was denied by the Commissioners.

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

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DECEMBER 1, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Stevens attended a Human Services Delivery Task Force Meeting in Helena on December 1st and 2nd. Commissioner Evans was out of the office all afternoon.

Welcome

In the morning, Commissioner Evans gave the welcome at an Emergency Exercise Training Course which was held at the Sheraton.

Site Inspection

In the forenoon, Commissioner Evans accompanied County Surveyor Horace Brown to Seeley Lake for a site inspection on the request to vacate a portion of Locust Lane in the Seeley Lake Homesites, Addition #3.

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DECEMBER 2, 1987

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 December 1, 1987, pages 9-31, with a grand total of \$35,628.07. 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:

Acceptance of 9-1-1 Plan

Acting Chair Dussault signed the Statement of Acceptance of the Missoula County 9-1-1 Emergency Telephone System Plan Approval on the conditions set forth or incorporated by reference therein, designating Missoula County as the 9-1-1 Jurisdiction's accounting entity. The Statement was returned to Jim Dopp, Operations Officer, for further handling.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the County Attorney's Office and adopted it as part of the FY'88 budget:

No. 880018, a request to transfer \$1,100.00 from the Common Carrier (\$500.00) and Mileage - County Vehicle (\$600.00) accounts to the Meals, Lodging & Incidentals account because of late billings from the State v. Van Dyken trial in June of 1987 which need to be covered.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and MPEA, Unit #3, covering the period from July 1, 1987 through June 30, 1988, amending the collective bargaining agreement as per the attachment to the Agreement and the items set forth. The Agreement was returned to Kathy Crego in the Personnel Office for further handling.

DECEMBER 2, 1987 (continued)

Other Items included:

- 1) the Commissioners concurred with the recommendation of Hal Luttschwager, Risk Manager, that the County continue to self-insure for Law Enforcement Liability coverage;
- 2) John DeVore, Administrative Officer, will pursue the "job sharing" idea with MEDC.

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

PUBLIC MEETING

The meeting was called to order at 1:30 by Acting Chair Ann Mary Dussault.

Bid Award: (One 1/2 Ton Truck (Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that bids were opened November 30, 1987 with the following bids received:

DeMarois Olds-GMC	\$22,999.00
	22,499.00 trade

Missoula Truck Sales Inc. 22,321.64

The recommendation was to award the bid to Missoula Truck Sales for \$22,321.64.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for one 1/2 ton truck for the Surveyor's Office to Missoula Truck Sales for \$22,321.64. The motion carried on a vote of 2-0.

Bid Award: (One 10 yard tandem axle dump truck-Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that bids were opened November 30, 1987 with the following bids received:

Missoula Truck Sales Inc.	\$54,338.80
NW Peterbilt Co.	56,606.00

The recommendation was to award the bid to Missoula Truck Sales Inc. for \$54,338.80.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for one 10 yard tandem axle dump truck for the Surveyor's Office to Missoula Truck Sales for \$54,338.80. The motion carried on a vote of 2-0.

Decision On: Request to vacate a portion of Locust Lane (Seeley Lake Homesites-Addition #3.

It was noted that the hearing on this matter was conducted one week earlier. Barbara Evans and Horace Brown inspected the property as per state law.

Barbara Evans moved and Ann Mary Dussault seconded the motion to vacate a portion of Locust Lane lying between Lot 6 Block 11 and Lot 1 Block 12 of Seeley Lake Homesites No. 3. The motion carried on a vote of 2-0.

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

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DECEMBER 3, 1987

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 87-132

The Board of County Commissioners signed Resolution No. 87-132, a budget amendment for FY'88 for District Court (Court Operations), including the following expenditure and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Capital - 2180-065-411-945	\$579
<u>Description of Revenue</u>	<u>Revenue</u>
Court Delay Grant - 2180-065-331010	\$579

Other items included:

The Commissioners approved a request from Jim Fairbanks, Appraisal/Assessor Supervisor, for monthly meetings with the Board.

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

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DECEMBER 4, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Stevens attend a Commission on Courts of Limited Jurisdiction Meeting in Helena, and Commissioner Evans was out of the office all day.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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DECEMBER 7, 1987

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. 87-133

The Board of County Commissioners signed Resolution No. 87-133, a Resolution to amend County Zoning Resolution No. 76-113 by deleting the language from Section 6.03.A - Annual Review.

DECEMBER 7, 1987 (continued)Resolution No. 87-134

The Board of County Commissioners signed Resolution No. 87-134, a Resolution transferring fines pursuant to the Missoula City-County Air Pollution Control Program to the Health Fund as deemed necessary and appropriate by the County Fiscal Officer, effective December 7, 1987.

Lease of Real Property

The Board of County Commissioners signed a Lease of Real Property, dated December 1, 1987, between Robert L. Sandstrom of Alberton, MT and Missoula County, whereby the County will lease approximately 3 acres of property located in Township 14 North, Range 22 West, for the purpose of gravel removal as per the terms set forth, for a period of three (3) years at a rate of 50 cents per cubic yard, with the maximum amount removed to be less than 5,000 cubic yards.

Other items included:

The Commissioners signed approval of the Larchmont Golf Course Budget for Calendar Year 1988 as approved by the Larchmont Golf Course Board of Directors and submitted by Bob Schuyler, Manager.

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

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DECEMBER 8, 1987

The Board of County Commissioners met in regular session briefly in the morning; all three members were present. Commissioner Stevens left to attend an all-day Area Agency on Aging Meeting, which was held at the National Guard Armory; and Commissioner Dussault left later in the forenoon for Great Falls to attend a BOS Council of Commissioners Meeting.

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DECEMBER 9, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Great Falls attending a BOS Council of Commissioners Meeting and a MACo Board of Directors Meeting.

Audit List

Commissioners Evans and Stevens signed the Audit List dated December 8, 1987, pages 8-32, with a grand total of \$149,713.22. The Audit List was returned to the Accounting Department.

Monthly Report

Chairwoman Stevens examined, approved, and ordered filed the monthly report of Clerk of District Court, Bonnie Henri, showing items of fees and other collections for month ended November 30, 1987.

DAILY ADMINISTRATIVE MEETING

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

DECEMBER 9, 1987 (continued)Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #25 (11/15/87 through 11/28/87) with a total Missoula County Payroll of \$314,718.31. The Transmittal Sheet was returned to the Auditor's Office.

Agreement

Chairwoman Stevens signed an Agreement between the Department of Health and Environmental Sciences and Missoula County for the purpose of establishing a testing and counseling service center to assist in arresting the spread of acquired immune deficiency syndrome (AIDS) from September 1, 1987, through April 30, 1988, as per the terms set forth, for a total amount of \$9,600.00; and if funds become available, may be extended until June of 1988. The Agreement was returned to DHES in Helena for further handling.

Declaration of Covenant

The Board of County Commissioners signed the Declaration of Covenant for a parcel of land located in the northeast one-quarter of Section 23, T. 11 N., Range 20 W., P.P.M., Missoula County, MT, whereby the owners, Christopher G. and Sandra J. Basham, certify that the parcel shown as Tract 3A on the Certificate of Survey shall be used exclusively for agricultural purposes and that no building or structure requiring water or sewage facilities will be erected or utilized.

Other items included:

The County membership on the Planning Policy Committee was discussed--it was agreed that the Chair or her designee and a County representative would serve on the Committee.

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

PUBLIC MEETING

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

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

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DECEMBER 10, 1987

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Dussault was in Great Falls where she attended an Elected Officials Workshop December 10th and 11th, and Commissioner Evans was out of the office all afternoon.

Monthly Report

Chairwoman Stevens examined, approved, and ordered filed the monthly report of Sheriff Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for month ended November 30, 1987,

DECEMBER 10, 1987 (continued)Monthly Reports

Chairwoman 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, 1987.

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 25-06 Construction for the purpose of contractor snowplowing in the Condon area, as per the terms set forth, for the period of December 26, 1987, through March 15, 1988, at the rate of \$39.50 per hour based on the rates bid in the Contractor's proposal. The contract was returned to Centralized Services for further handling.

Proclamation

The Board of County Commissioners and Mayor Lovegrove of the City of Missoula signed a Proclamation jointly proclaiming December 13, 1987, through December 19, 1987, as National Drunk and Drugged Driving Awareness Week.

Other items included:

The Commissioners approved a request from the Lolo Water and Sewer Board that Todd Brandoff be moved from alternate to a regular member and that Ralph Michaelson be designated as an alternate for the remainder of his term through June 30, 1990.


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

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DECEMBER 11, 1987

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


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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DECEMBER 14, 1987

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

Chairwoman Stevens signed an Agreement between the Department of Health and Environmental Sciences and Missoula County for the purpose of conducting an AIDS community health education and risk

DECEMBER 14, 1987 (continued)

reduction project, as per the terms set forth, from September 1, 1987, through April 30, 1988, for a total payment of \$5,000. The Agreement was returned to DHES in Helena for further signatures and handling.

Budget Transfer

The Board of County Commissioners approved and signed Budget Transfer No. 880022, a request from the Superintendent of Schools to transfer \$100 from the County Vehicle Mileage account to the Transcripts account to avoid overexpenditure in that account.

Budget Agreement

The Board of County Commissioners signed a Budget Agreement between the Cooperative Extension Service of Montana State University and Missoula County agreeing to the conditions set forth for the support of cooperative extension work in agriculture, home economics and related subjects for the period from July 1, 1987 through June 30, 1988. The Agreement was returned to Jerry Marks in the Extension Office for further handling.

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

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DECEMBER 15, 1987

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:

Board Appointments

The following board appointments were made:

- 1) Commissioners Dussault and Evans, with Commissioner Stevens abstaining, reappointed Tom Stevens to the Airport Authority for a five-year term through December 31, 1992;
- 2) D. Glenn Martyn was reappointed to the Animal Control Board for a two-year term through December 31, 1989; and
- 3) Norman Taylor was reappointed to the Tax Appeal Board for a three-year term through December 31, 1990.

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

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DECEMBER 16, 1987

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.

Audit List

Commissioners Evans and Dussault signed the Audit List dated December 15, 1987, pages 4-28, with a grand total of \$93,565.13. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 87-135

The Board of County Commissioners signed Resolution No. 87-135, a Resolution fixing the form and details of up to \$64,000.00 RSID No. 424 bonds and directing their execution and delivery as per the terms set forth.

Other items included:

Board Appointments

The Board of County Commissioners made the following board appointments:

- 1) Cindy Jensen-Boespflug and Vivian Miller were reappointed to the Missoula Area Agency on Aging Board for three-year terms through December 31, 1990; and
- 2) Faye L. Olsen was reappointed to the Library Board for a three-year term through December 31, 1990.

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

PUBLIC MEETING

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

Consideration Of: Rush Addition (Summary Plat)

Information provided by Paula Jacques, Planner II from the Office of Community Development, indicated that the Rush Addition consists of four lots at the corner of 3rd and Tower. Each lot will be at least one acre in size, have individual wells and septic systems, and access onto an existing county maintained road. The Community Development staff recommendation was that the summary plat of the Rush Addition be approved subject to the conditions and findings of fact set forth in the staff report.

Gilbert Larson, of Stensatter, Druyvestein and Associates, said the applicant had no problems with the staff report.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the summary plat for the Rush Addition, subject to the following conditions and the findings of fact contained in the Staff Report. The conditions are as follows:

DECEMBER 16, 1987 (continued)

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. Cash-in-lieu of parkland shall be donated to the County Park Fund.

The motion carried on a vote of 3-0.

Hearing: Certificate of Survey Review: (Occasional Sale -Long)

Information provided by Joan Newman, Deputy County Attorney, indicated that Mr. Long proposes to divide a 20 acre parcel in the Meadows of Baron O'Keefe into two 10-acre parcels. The proposal is referred to you because settlement of the Meadows litigation requires all division to be reviewed by the Board of County Commissioners.

She said Mr. Long bought the 20-acre parcel in approximately 1979 and has held it since. The affidavit states that he does have a buyer for the occasional sale parcel. It appears that Mr. Long has not divided property by exemptions in Missoula County before.

The hearing was opened for public comment.

Dick Ainsworth, of P.C.I., representing Mr. Long, said he had nothing to add to what Joan Newman had said.

Barbara Evans said she would like to make it clear that if the land was split again by the new owner, it would have to come before the Commissioners again.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to approved the occasional sale exemption by Harold E. Long, to divide Tract 80, COS 1925 by occasional sale, finding no attempt to evade the Montana Subdivision and Platting Act. This finding is contingent upon the following language being printed on the face of the survey:

This Certificate of Survey was not reviewed for adequate access, installation of utilities, or availability of public services; nor does this approval obligate Missoula County to provide road maintenance or other services.

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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DECEMBER 17, 1987

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:

Attachment 1 - Operating and Financial Plan

Chairwoman Stevens signed Attachment 1 to the Operating and Financial Plan between the Forest Service and Missoula County

DECEMBER 17, 1987 (continued)

DECEMBER 17, 1987 (continued)

regarding reimbursable services requested by the Forest Service, whereby the Forest Service agrees to assist in the reimbursement to Missoula County for costs incurred in the training of officers performing the services enumerated in the Agreement and also for equipment utilized in such training up to \$2500. Attachment 1 becomes a part of the Agreement between the parties dated October, 1983, and was returned to the Sheriff's Office for further signatures and handling.

Concurrence on Leave of Absence

The Board of County Commissioners signed concurrence on a request for a leave of absence without pay until July 1, 1990, from Karen S. Townsend, Deputy County Attorney.

Other items included:

Board Appointments

The Board of County Commissioners made the following board appointments:

- 1) Wayne Van Meter was reappointed to the City-County Health Board for a three-year term through December 31, 1990; and
- 2) Brad Wenz and Michael F. Harsell were reappointed to the Fair Commission for two-year terms through December 31, 1989.

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

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DECEMBER 18, 1987

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, Clerk and Recorder


Janet Stevens, Chairwoman

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DECEMBER 21, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Ann Mary Dussault was on vacation.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed.

PLAT: WIERSON ADDITION

The Board of County Commissioners signed the plat for Wierson Addition, a subdivision of Tract 15A, COS 717, being a portion of Tract 15 of Cobban & Dinsmore's Orchard Homes Addition, located in the SW¹/₄ of the NW¹/₄ of Sec. 20, T13N, R19W, P.M.M. Missoula County, owner James C. Wierson.

BUDGET TRANSFER: COMMISSIONERS OFFICE

DECEMBER 21, 1987 (continued)

The Board of County Commissioners approved and signed the following budget transfer, transferring \$1,500 from the temporary salaries line (1000-010-410101-112) to the capital-technical equipment line (946). The temporary salary funds were savings from Howard Schwartz's temporary employment contract and they were transferred to purchase a personal computer (AT&T 6300). The Commissioners formally adopted this transfer as part of the FY '88 budget.

BUDGET TRANSFER: HEALTH DEPARTMENT

The Board of County Commissioners approved and signed a budget transfer for the Health Department, Transferring \$7,000 from contracted services (2270-610-441000-328) and \$500 from contracted services (2270-613-445703-328), for a total of \$7,500, to contracted services (2270-613-445300-328), in the amount of \$7,000, and to travel/meals (2270-613-445703-357), in the amount of \$500. The reason given for the transfer was to correct an over-spent line item and to cover travel expenses needed for the AIDS grant. The Commissioners formally adopted this transfer as part of the FY '88 budget.

STANDARD AGREEMENT: HIGHWAY TRAFFIC SAFETY CONTRACT 88-12-01-1, MISSOULA INTEGRATED PROGRAM

Chairwoman Janet Stevens signed two copies of the standard agreement form identified above to allow funding for the Missoula Highway Traffic Safety Program through September 30, 1988. One copy was returned to Ellen Leahy at the Health Department and one copy was forwarded to the Clerk & Recorder's Office.

WEED BOARD APPOINTMENT

The Board of County Commissioners reappointed Tom MacLay to another regular three-year term on the Weed Board. The term will run from 12/31/87-12/31/90.

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DECEMBER 22, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Ann Mary Dussault was on vacation.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed:

PAYROLL TRANSMITTAL SHEET

Commissioners Janet Stevens and Barbara Evans approved and signed the payroll transmittal sheet for pay period no. 26, for pay date 12/18/87, showing a grand total for all funds of \$314,643.68. The transmittal sheet was returned to the Auditor's Office.

AUDIT LIST

Commissioners Janet Stevens and Barbara Evans approved and signed the audit list, dated 12/21/87, pp. 4-34, showing a grand total for all funds of \$815,272.76. The audit list was returned to the Accounting Office.

DECEMBER 22, 1987 (continued)RESOLUTION NO. 87-136: FIXING FORM & DETAILS FOR R.S.I.D. NO. 425

The Board of County Commissioners approved and signed Resolution No. 87-136, fixing the form & details for issuance and sale of up to \$16,000 in RSID 425 bonds, having been duly advertised for public sale and sold to Ben Smith of Butte, Montana, in accordance with terms and conditions set forth in the resolution. The purpose of the issuance and sale of the bonds is construction of a water system to serve Sportco Addition, Missoula County, Montana.

CDBG PROGRAM: REQUEST FOR PAYMENT AND STATUS OF FUNDS REPORT

Barbara Evans moved, and Janet Stevens seconded the motion, to approve and sign the request for payment and status of funds report for the CDBG program. The request was returned to John Kellogg.

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DECEMBER 23, 1987

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed:

AMENDMENT TO LETTER OF AGREEMENT BETWEEN THE SHERIFF'S DEPARTMENT AND THE HEALTH DEPARTMENT (VICTIM'S ADVOCATE CONTRACT)

The Board of County Commissioners approved and signed the amendment to the letter of agreement between the Missoula County Sheriff's Department and the Missoula City/County Health Department, dated 12/3/86. The amendment was made in order to retain the services of Diane Morin as the Victim's Advocate, increasing the original contract amount by not more than \$769, for a total contract amount of not more than \$4,769.00 and to set forth the agreement in regard to reimbursement to the Health Department for Diane Morin's services to the Victim's Response Unit.

PROFESSIONAL SERVICES CONTRACT: MISSOULA COUNTY VICTIM/WITNESS ASSISTANCE PROGRAM

The Board of County Commissioners approved and signed the contract identified above between Missoula County and Diane L. Morin, who is to provide services as a Victim's Advocate, in conjunction with the Missoula County Victim/Witness Assistance Program, funded in part by a grant from the Montana Board of Crime Control of Federal Criminal Justice Block Grant Funds. Ms. Morin will perform Victim's Advocate Services in the Missoula County Sheriff's Office, in accordance with terms set forth in the contract. The contract dates are 1/4/88-10/22/88, and payment for service under this agreement shall not exceed \$3,031.00.

CLAIM FOR HAND-WRITTEN WARRANT

The Board of County Commissioners approved and signed a claim for a hand-written warrant, dated 12/23/87, pp. 5-7, showing a grand total of \$16,173.41 in payment of rent for public defender space, in accordance with the attached invoice. The claim was returned to the Accounting Office.

DECEMBER 23, 1987 (continued)INDEMNITY BOND

Chairwoman Janet Stevens examined, approved, and ordered filed an indemnity bond naming Cliff Goodman as principal on warrant no. 067526, issued by School District #1 Payroll fund on 12/18/87, in the amount of \$1,145.52 as payment for wages. The original warrant was lost. The bond form was returned to the Clerk and Recorder's Office.

INDEMNITY BOND

Chairwoman Janet Stevens examined, approved and ordered filed an indemnity bond naming Cliff Goodman as principal on warrant no. 023494, issued by School District #1 as payment out of the claims fund for transportation/travel expenses. The warrant was issued on 12/17/87 in the amount of \$225.31. The original warrant was lost. The bond form was returned to the Clerk & Recorder's Office.

DATA PROCESSING BUDGET AMENDMENT

A proposal for a budget amendment presented by Operations Officer Jim Dopp on behalf of Data Processing was approved by the Commissioners and sent back to him for submission on the appropriate budget amendment forms. The proposal was for an increase in DP staff of one-half FTE for the nine month period beginning no earlier than 1/1/88 to 9/30/88 in order to meet the Health Department's automation needs in regard to the Traffic Safety Grant. Jim Dopp's estimated cost for this FTE increase is \$7,800 and he also proposed to ask Pat Gaydos from Youth Court to fill this position based on her experience. He estimated that the Traffic Safety Program would take about 65% of the total available time and the Court Delay Grant would take the other 35% of the time. He proposed that funds for the temporary half-time increase could come from the Traffic Safety Grant and uncommitted receipts from the Court Delay Grant.

APPROVAL OF CITY'S REQUEST FOR CONTRIBUTION TOWARD PURCHASE OF SIGNS

The Board of County Commissioners approved the City's request for a County participation in the amount of \$150.00 for the purchase of five signs, as explained in the meeting.

PUBLIC MEETING

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

Bid Award: 3-ton single Axle Dump Truck (Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that on Monday, December 21, 1987, bids were opened with the following bids received:

Bitterroot Motors Inc.	3A	\$30,993.00
	3B	33,543.00
Missoula Truck Sales	3A	34,289.63
	3B	36,289.63
DeMarios Olds GMC	3A	31,710.00
	3B	32,210.00

His recommendation was to award the bid to DeMarios Olds GMC for \$32,210.00, the no trade price. He indicated that \$37,000 remained in the budget for this purchase.

DECEMBER 23, 1987 (continued)

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for a 3-ton single axle dump truck for the Surveyor's Office to DeMarios Olds GMC for \$32,210.00. The motion carried on a vote of 3-0.

Hearing: Rental Subdivision (Warren Ramer)

Information provided by Paula Jacques, Planner II from the Office of Community Development indicated that the Warren Ramer rental subdivision consists of four duplexes and two single family homes on a single parcel of land located on Davis Street just south of the abandoned railroad right-of-way. One of the single family homes currently exists on the tract: The Board of Adjustment granted special exception approval for the duplexes following a public hearing in 1985. Sewer is available to the site under contract with the City and a community water system will be constructed.

Though the current concrete driveway will be upgraded, variances are needed for the proposed construction of a 24 foot wide paved surface with curb and gutter on only one side. The staff has recommended that the variance request for sidewalk be denied, recommending instead that sidewalk be constructed on one side of the private road.

Her recommendation was that the rental subdivision proposed by Warren Ramer be approved subject to the conditions, variances and findings of fact set forth in the staff report.

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

Ann Mary Dussault said she would recommend that condition #5 in the staff report be changed to reflect the fact that the mailbox issue should be decided in conjunction with the postal service.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the rental subdivision requested by Warren Ramer located on Davis Street just south of the abandoned railroad right-of-way, subject to the following conditions and the findings of fact contained in the staff report:

Conditions

1. The private road shall be widened to 24 feet, with curb, gutter and sidewalk constructed on the north side of the street. The County Surveyor shall approve the widened approach onto Davis Street.
2. The street shall be named and a street sign installed. The road shall also be posted as a private road.
3. A private road and public utility easement shall be filed with the Clerk and Recorder for the proposed right-of-way.
4. Cash-in-lieu of park dedication shall be donated to the County Park Fund.
5. If cluster mailboxes are required by the Postal Service, they shall be installed for the existing duplexes and the additional proposed structures, with the location subject to the approval of the County Surveyor and Postal Service.
6. Public improvements shall be constructed prior to rent or lease of the dwelling units or within two years of subdivision approval, whichever occurs first.

DECEMBER 23, 1987 (continued)

In addition, the following variances have been approved:

A variance from the 32 foot pavement width requirement for the private road; and

A variance from the curb and gutter requirement for the south side of the private road.

The requested variance from the sidewalk requirements has been denied.

The motion carried on a vote of 3-0.

At this point, the meeting was recessed as the Board of County Commissioners and convened as the Planning and Zoning Commission. Those present were Commissioners Janet Stevens, Barbara Evans and Ann Mary Dussault, County Surveyor Horace Brown, and County Clerk and Assessor Fern Hart.

Hearing: (Lot Split & Development Request--Meng/Martinsen)

Information provided by Joan Newman, Deputy County Attorney, indicated that Philip Martinsen are requesting approval of the creation of a 5-acre parcel and development of a single-family home, barn and driveway on Tract E., COS #1940 in Zoning District #4. Zoning District #4 regulations require that all lot splits and development requests be reviewed by the Planning Board and approved by the County Planning and Zoning Commission. The Planning Board reviewed this request and recommended approval subject to two conditions:

1. The exterior of the two buildings and the driveway subject to this request be completed within three years from the date of approval of this request. Any development not included in this proposal and any development which is begun after the three year expiration date must be submitted to the Planning Board and the County Planning and Zoning Commission for approval.
2. The exterior of any of the buildings included in this proposal must be completed within one calendar year from the date on which the building permit for that building was issued.

and the findings of fact as stated in the staff report. He said he still believed that the relocated road is more in compliance with the natural physiography than the proposed road, but if the residents within zoning district #4 are satisfied that their zoning regulations are being satisfied by this proposal, he did not believe that insistence on that would serve a useful purpose. He recommended that the request be approved subject to the two conditions and the findings of fact as stated in the staff report.

The hearing was opened for public comment.

Jay Raser, 2425 Mullan Road said he represented Dr. Meng and his wife in regard to this proposal, and was available for questions.

Ron Erickson, speaking on behalf of the Pattee Canyon Landowners Association, said they were in support of this proposed, and discussed the reasons why their group was supporting the road as proposed. He said the group was anxious, though to see an overall plan for the development of the rest of this land.

DECEMBER 23, 1987 (continued)

Janet VanDyke, 4605 Lupine, said she had some concerns with the road, and was curious about future plans for the remainder of the property.

Greg Martinsen, representing his brother, Philip, showed the area on the map, and discussed the site plans in relation to the roads.

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

Horace Brown asked about the plans for the future of the road; if it was going to remain private, or would they expect County maintenance in the future.

Greg Martinsen said the plans were very preliminary at this point, his brother and sister and he were still discussing the development of the land. He said when they do eventually subdivide the property, the intention is to keep it as a private road.

Jay Raser said the Mengs understand that it is a private road, and they know they will have to maintain the road themselves.

Barbara Evans said she would like to commend everyone for a pleasant public hearing; and noted that the issue of physiography also seems to be less important than in past issues.

Barbara Evans moved, and Horace Brown seconded the motion to approve the request to create a 5-acre parcel for development of a single family home, barn and driveway on Tract E, COS #1940, in zoning district #4. This approval is based on the findings of fact contained in the Planning Staff report, and is subject to the following conditions:

1. The exterior of the two buildings and the driveway subject to this request be completed within three years from the date of approval of this request. Any development not included in this proposal and any development which is begun after the three year expiration date must be submitted to the Planning Board and the County Planning and Zoning Commission for approval.
2. The exterior of any of the buildings included in this proposal must be completed within one calendar year from the date on which the building permit for that building was issued.

The motion carried on a vote of 5-0.

At this point, the Planning and Zoning Commission adjourned, and the Board of County Commissioners reconvened.

Hearing: Certificate of Survey Review-Occasional Sale/Remainder (Philip Martinsen)

Information provided by Joan Newman, Deputy County Attorney, indicated that Philip Martinsen proposes to create a 5-acre parcel for sale to Vince Meng from a 20+ acre parcel in Pattee Canyon. The exemption request is being referred to the Board of County Commissioners under Resolution 85-77 because of section III.A.1.a. which states:

The use of exemptions under any of the following circumstances will require review before the Board of County Commissioners who will hold a hearing to provide the claimant an opportunity to prove his/her entitlement to use the exemption.....

DECEMBER 23, 1987 (continued)

Subsequent division of a tract created after July 1, 1974 in which more than one exemption (including remainder) is claimed by same applicant to an applicant having a family or business relationship with another claimant in the same parent parcel. The tract proposed for division was created in 1978 by the parents of Philip Martinsen. Philip's brother, Greg, and sister own other tracts created from the same parent parcel. Some tracts are held in joint ownership as well. Philip Martinsen has not done other divisions by exemption in Missoula County. Since this division must be reviewed by the Planning Board and the Zoning Commission under the zoning regulations for Zoning District #4, a question arose about which review should be held first. Pursuant to the attached memo, it was decided that Zoning District #4 review should be held first by the Zoning Commission, then the Board of County Commissioners could consider the use of the occasional sale exemption.

The hearing was opened for public comment.

Ann Mary Dussault asked Greg Martinsen what the overall, big picture was for the remaining 125 acres of land remaining.

Greg Martinsen said that his brother, Philip, owns 20 acres, and is selling off 5 acres to the Mengs, and that, to date, is the only development plans in the works. He said that in the future, when development plans are made, some land will have to be sold off to be able to financially develop a subdivision.

Ann Mary Dussault asked if he, his brother and his sister each intended to do occasional sales prior to the main subdivision.

Greg Martinsen said it would appear that that will be the only way it can financially be done.

Ron Erickson said he and his group support this particular split, but won't support the next division until they see the overall plan.

Ann Mary Dussault said the Commissioners, too, would like to see an overall proposal at some point.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the Occasional Sale/Remainder for the proposed division of Tract E COS 1940, based on the fact that there does not appear to be an attempt to evade the Montana Subdivision and Platting Act in the division of this property. The following language must be printed on the face of the survey:

This Certificate of Survey was not reviewed for adequate access, installation of utilities, or availability of public services; nor does this approval obligate Missoula County to provide road maintenance or other services.

The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:10 p.m.

HEARING: BRAD GREENE APPEAL - RSID 414

The hearing was called to order at 3 p.m. by Chairwoman Janet Stevens. Also present were Commissioners Ann Mary Dussault and Barbara Evans; Administrative Officer John DeVore, Deputy County Attorney Joan Newman; Environmental Health Director Linda Hedstrom, Planner Paula Jacques, Brad Greene, and attorneys Jack Green and Yvonne Smith.

DECEMBER 23, 1987 (continued)

Janet Stevens noted that this was the time set for an appeal by Brad Green concerning the inclusion of his property in RSID 414.

John DeVore noted that he wished to clarify what the purpose of the hearing was. He said the Commissioners would be reviewing information relative to Mr. Greene's inclusion in RSID 414; as to whether or not that property derives any benefit from being included within RSID 414. He said his understanding of Mr. Greene's objections to inclusion is that ultimately he would like to be completely eliminated from the boundaries of RSID 414 or all twelve sewer connection hookups that he has been included in be abated. If that is not possible, his second option would be consideration to reduce his number of sewer units of 12 downward. He said Mr. Greene questions the change in where he thought the sewer would be available, and therefore either expects the County to participate in a service line cost, or if the number of his sewer line connections is reduced, then it would be a moot point. He said in reviewing the file, what was looked at was the proximity of the sewer line to Mr. Greene's property, and also whether or not there were sufficient reasons to believe that he could have up to twelve or more buildings that would require sewer connections on the property. Currently Mr. Greene has a 4-plex on the property which were constructed prior to 1952; and proceeded any County zoning in the area. The land was subsequently zoned, and is now zoned as CRR-3, which permits up to four units per acre. The District allows for permitted uses of single family homes with special exceptions of duplexes and other minor commercial uses. In 1979, Mr. Greene obtained a special exception for three duplexes in the upper bench of his property. A check of the Planning Office reflects that this exception is still in good standing, but would be subject to subdivision review prior to implementation due to the recent Attorney General's opinion relative to multiple units on a single property. A review of these past proposals and current proposals reflects that Mr. Greene's long-term intent was to develop 14 to 20 dwelling units on the 4.5 acres under his ownership. This is supported by the following:

1. The existing 4-plex;
2. The existing special exception for 3 duplexes which has not been withdrawn.
3. A preliminary subdivision discussion with the Planning Staff for at least 5 lots to be submitted in the near future for a five-lot subdivision, which totals 15 dwelling units.

He indicated the sewer line on a map, and also showed the various options which were under consideration during the design phase. He said several easements were obtained, such as from Mr. Shafer and Mr. Greene, while the design was being studied. Those potential options were looked at relative to availability of property, granting easements, cost, and the best overall design. The option through Mr. Greene's property was ultimately not chosen because of the depth of the stream bed and the high cost, so the first option was employed and the sewer was routed along the Lolo Street Bridge.

In regard to the issue of the property receiving benefit from the RSID, he said Mr. Greene's sewer system on the 4-plex failed, and he was granted a temporary permit to do a short-term fixup of the system that serves that 4-plex with the condition that he would participate in the RSID which would bring city sewer service to the property.

Ann Mary Dussault asked if Mr. Greene's plan indicates a 7-unit subdivision rather than the 5-lot subdivision.

DECEMBER 23, 1987 (continued)

John DeVore said 7-units was originally proposed, but the Planning Office only approved 5.

Jack Greene asked when the decision was made to change the sewer line location from the original design.

John DeVore said the final design was decided on in the late spring/mid summer of 1986, after the RSID had been created.

Jack Green said that his client, Brad Greene, feels that a lack of communication is what has caused all the problem with this issue. He said that the original design of the sewer was positioned to go in a location differently than was actually constructed. At no time was Brad Greene or any of his representatives notified by the County's agent, Sorenson and Company, either in writing, or verbally, that there was any change in design, nor did they obtain his consent to the changes of design as it related to the contract with the city or his petition for creation of the RSID. He said this change has materially impacted Brad Greene financially. Had the sewer gone where it was originally designed, this hearing would not be held today. He said if Sorenson and Company, or other County representatives had contacted Brad Greene, and got him to reaffirm his agreement to the RSID conditioned upon the relocation of the sewer, he would have adamantly objected and refused to do the same. This was not done, and there were a lot of details that had to be attended to, and it was probably an oversight, not malicious or purposeful, but one of those things that got changed at the last minute and no one thought to notify the landowners. He said that perhaps the County forgot to review the impact that the change would have on Brad Greene's development plans. He said the impact of the change was very substantial. He said he would request that the Commissioners take some time to review the documents he was giving them at this time, and suggested that they render a decision on the matter at a later date because there are far-reaching legal consequences if this matter has to go to court, and this may have a potential adverse extensive litigation impact on the County with potential damages, etc. He said John DeVore had, in a letter to him, indicated a misunderstanding regarding the Commissioners having signed a contract to sell part of Brad Greene's property. He said that was a binding, legal agreement with Mr. Shafer. He said Mr. Shafer believes that he owns that property, and the Commissioners are obligated to give it to him. He said the Commissioners have not obtained Brad Greene's signature to the deed, deeding the property to the County. (He indicated the area in question on a map). He said as an inducement to get Mr. Shafer to extend the use there was an agreement between the Commissioners and Mr. Shafer to convey this property (which still belongs to Brad Greene), and to pay some consideration to Mr. Shafer. He said the County has some potential legal problems with Mr. Shafer as well as with Mr. Greene.

Barbara Evans asked him to explain why placing the sewer in one place causes more problems than placing it in another.

Jack Green said the documents that were presented to Brad as the design of the location of the sewer came with the RSID petition and indicated that the sewer would cross his property. He said if the sewer had been designed as was originally represented to him, he could have connected his 4-plex for \$400 or \$500, but with the new design, his cost to connect the 4-plex is \$16,300.

John DeVore said the \$16,000 is the cost to serve the entire subdivision.

Jack Green said he had a written engineer's estimate from Stensatter, Druyvestein and Associates which supports that data.

DECEMBER 23, 1987 (continued)

He said that Brad Greene had never been contacted by any representative from the County or Sorenson and Company to advise him of the change, or to get his consent for the change, yet Sorenson and Company did know that Stensatter, Druyvestein had been employed by Brad Greene in reference to some development plans he was anticipating for this property. So that statement is on file, along with the engineer's estimate from Stensatter. He said the only time that Brad Greene knew that the designs had been changed was when L.S. Jensen came to ask permission to store gravel on his property, and that was during the course of construction. At that point, Brad Greene asked why the sewer was being built where it was, and that was the first time he knew of the change. He said the change has created numerous design problems for this development and substantial additional cost. He said Brad Greene is requesting that the Commissioners review what may not be intentional misrepresentation, but perhaps inadvertent misrepresentation. He said no one would be here today had there been proper communication, or if the sewer had gone where it was agreed to. He said there are other legal problems involved, because there is a contractual obligation to convey property to Mr. Shafer which was represented in John DeVore's letter as an option, but in his own opinion, Mr. Shafer's believes that he now owns the property. He said the SID is no longer economically feasible for Brad Greene, and if it had been put in where it was originally represented to him, he would not be objecting to it, and he would be connecting the 4-plex.

In terms of the 4-plex, he said a permit was granted because the sewer, had it been built where it was supposed to have been, would have been within 200 feet of the city sewer line. If that had been the case, then according to the State Health Department regulations, he would be legally obligated to connect. Now that the sewer is being built further away, it is over 600 feet away from the 4-plex.

Barbara Evans asked if he was telling her that just because the sewer was being installed a little further away the costs would increase from \$500 to \$16,000.

Jack Green said that was the case; in order to preserve the integrity of the lots, the sewer would have to zig-zag across the property. He said it was shocking to him as well. He asked if the Commissioners wished to hear the entire background of the case.

Barbara Evans said it was her understanding that the options under consideration today had been narrowed down to the question of whether or not Mr. Greene would benefit from inclusion in the RSID, and if that is the only issue the Commissioners were going to decide on, then it would not be necessary to go into a long overall picture.

Jack Green asked if the Commissioners were only going to address the issue of benefit, or would the issues of fairness, equity and misrepresentation be addressed as well; because that is why the hearing is being held. He said the situation has been grossly misrepresented to Mr. Greene, and is having a significant financial impact on him.

Joan Newman said her concern is the issue of what the Commissioners can decide. She said Brad Greene's contract with the City is something the Commissioners have nothing to say about. What is before the Commissioners is the inclusion or exclusion in the RSID, and from a legal standpoint, this RSID could have been created without a petition, without anyone's signature on a petition, and even protests can be overruled, based on the fact that it is a sanitary sewer, and the need. She said she questions how the representation about the location of the sewer relates to what the Commissioners can actually decide

DECEMBER 23, 1987 (continued)

about being included in the district.

Jack Green said the basis of the hearing today is based on his discussions with John DeVore, and John had said that the Commissioners had the discretion to completely remove Brad Greene from the SID; and if that is done, the costs of the SID would be evenly spread against the remaining property.

Joan Newman said she thought it would be better to prepare a complete record and put everything in.

Ann Mary Dussault said she would suggest that Brad Greene and Jack Green put anything they want into the record and then Jack should follow it up with a letter to the Board of County Commissioners stating exactly what it is he would like them to make a decision upon. That leaves to issues to consider: A. whether the Commissioners have the power to decide, and B. assuming they do, whether the material submitted warrants a decision one way or another. She said it is confusing to her at this point as to what exactly it is he wants.

Jack Green and Yvonne Smith then presented various documents to the Commissioners which are included in the file.

Brad Greene then read the following statement: My name is Brad Greene, 709 Lolo Street, Missoula. I am requesting that the County Commissioners release me from RSID 414 because of breach of contract.

Early in 1985, I contacted Tom McCarthy to express my interest in the forthcoming sewer. I had planned for years to build a house on my property. In the early 1970's, I had landfilled the property to meet Montana State Flood Plain regulations. I even removed two houses from the property only to learn that sanitation restrictions for new construction next to a stream were so strict that I had little choice but to wait for the sewer. At that time, the sewer was expected shortly. The years passed, and in 1979, I decided to build duplexes up above without the sewer. It made sense to me to build duplexes because that area was more in keeping with the existing 4-plex. After several months and a lot of time, money and effort, I got a special exemption for three duplexes. One of the conditions, and there were many, was that I widen the road to 20 feet. The task proved to be more costly and time consuming than I had ever imagined and took eight years to compete. I was under the impression that the special exception was by then invalid. As of December 1, 1987, Paula Jacques has advised me otherwise.

By now, however, the sewer was on the horizon and my energies had shifted to the creek area. My plan was simple. The zoning was CRR3, the space requirement of which allowed for eight lots. I could build my own house along with others to sell or rent and pay for my own. When I talked to Tom McCarthy in 1985, he suggested that I precommit to 12 sewer hookups; 4 for the 4-plex and 8 for the lots. My initial reaction was, why not just wait for the sewer to come in, and why bother to hook-up the 4 plex. Tom pointed out that I would probably be required to hook-up if and when my cesspool failed or as a condition to hooking up below. I wasn't convinced, since I was without final plans approved by the County. Tom then explained to me that he was responsible for obtaining a specified amount of sewer precommitments by a certain date or lose Federal Funds. Failure to do so would be the end of the sewer and any plans I had as well. As an incentive, he, as agent for Missoula County, would waive a fee of approximately \$300.00 per hookup if I made the precommitments. In my case, this would be substantial savings.

DECEMBER 23, 1987 (continued)

I was still reluctant until the day Tom showed me an aerial photo of a plan to re-route the sewer. That plan would cross the creek onto my property to the center of my yet to be cul-de-sac, then out to and up Lolo Street. (He indicated the area on the map). The sewer would eventually serve anticipated developments by Montana Power and others further up. As Tom explained it, the plan would not only benefit me, but the County as well. The County would get the creek crossing it preferred and 12 badly needed precommitments. I would save the cost of initial hook-up fees and the cost of a service line the length of my cul-de-sac to Lolo Street. He said it was his understanding that it would cost \$912 plus \$300 to hook up to the sewer right now. Or, it could be just the opposite; the total cost is \$1,200. He said that he understood that if he precommitted he would save \$300, and it would be \$912 apiece.

John DeVore said that everybody in the RSID paid \$912.00.

Jack Green asked if it costs more if someone connects outside the RSID.

John DeVore said the \$912 includes the sewer development fee plus the \$500 for the cost of the interceptor. There are no additional costs for anything. He noted that in the original petition that Brad Greene signed, it identified the \$350 per unit sewer development fee, plus the \$562.30 RSID fee that was consistent throughout the District except for the Sunlight Development in RSID 416 because Sunlight costs were based on different calculations than RSID 414.

Brad Greene said that he may or may not have a correct understanding of the costs. He then continued with his statement. He said that there was no advantage for him to sign ahead of time. He might as well sign up when his development plans were formulated. He said it became necessary to get the necessary easement from his neighbor to the east, Noble Shafer, an older retired guy who may or may not want to participate. Up until this time, November of 1987 he had never met Mr. Shafer, but he volunteered to deed a small piece of his property to Mr. Shafer to help Tom get his easement. He said he did not think that up until that time Mr. Shafer realized that the property in question belonged to Brad Greene. Mr. Shafer had a small birdbath on it. He told Mr. Shafer that if he would give an easement to go across the property, he would deed Mr. Shafer that piece of land. He said Tom McCarthy handled the negotiations, and Mr. Shafer signed accordingly. He said that to the best of his recollection, he signed in March of 1985, the copy of the contract is not dated.

John DeVore said Brad Greene signed on December 3, 1985.

Brad Greene said that to the best of Mr. Shafer's knowledge, he signed soon thereafter. He said that Mr. Shafer told him that he had signed in March or April. He said perhaps the contracts were notarized and dated in December. In addition, the contracts promised Mr. Shafer not \$100, but \$500. It gave Mr. Shafer an additional \$400 that he did not even know about until we started getting into this thing. In addition, he said Mr. Shafer thinks he owns this small piece of property. At no time was I advised that this would be an option and an option only, nor does the contract so specify. In fact, an aerial photo was attached to the contract, and all of my subsequent planning was in reliance on it. I would not know the difference until August of 1987. In November of 1985, my cesspool failed. The ground was frozen solid, and the prospects for digging a drainfield were dim until spring. My immediate choices were to pump the cesspool or vacate the 4-plex. I chose to pump over the bank into the fill of the road being raised for the duplexes that were now all but

DECEMBER 23, 1987 (continued)

forgotten. I did so twice until somebody turned me in and Dan Corti explained to me the severity of the law and the error of my ways. Thereafter, the cesspool was pumped out commercially until spring. Dan said he would allow me a temporary drainfield permit, provided I hooked up to the sewer if and when it came. This was academic by this time, since I had already made a commitment several months prior. The additional expense of a temporary drainfield was disappointing, but it was built.

In June of this year, I met with Paula Jacques to discuss my plans. To make a long story short, I told her I had 8 sewer hook-ups down below, but was considering 7 lots. She advised 4 lots, I suggested 6. I argued that if the Planning Staff would endorse 6 lots I would have to give land as park requirement by law, and that land would be the much coveted creek bed. Anything less than 6 lots would be cash-in-lieu by law. Paula's response was that I had created a hardship on myself by squeezing my plan between the creek bed on one side, and the now widened road bed on the other side. Therefore, a setback variance would not be justified. In addition, the alternative of a private road with a center lot line might meet the letter of the law, but not the spirit of the law. The Planning Staff might consider 5 lots and help me secure a variance from State law for the creek bed instead of cash-in-lieu. I thought all of this to be rather one-sided.

While contemplating my alternatives, the Jensen brothers called me in August to ask my permission to remove part of my fence and park their equipment, gravel, and sewer pipes on my property. I agreed. However, on or about September 9, I walked down to ask them why they were digging under the Lolo Street Bridge. They said they were laying the sewer according to plan, and I told them there must be some mistake. When I asked them how much it was going to cost to extend it and who was going to pay for it, the cost, they said, would depend on several factors, but average conditions would probably dictate average expense. Since the average rate for sewer was about \$20.00 per linear foot, and the straight line distance was 315 feet, while the angled distance was 440 feet, I extrapolated from those measurements an additional cost of six to eight thousand dollars. As to who was going to pay for this additional cost was anybody's guess. This was my first clue that something was seriously wrong.

I consulted with my attorney, Jack Green, and we contacted John DeVore requesting a remedy for the situation. I indicated a willingness to compromise. Meanwhile, the Rattlesnake Comprehensive Plan was unveiled in mid-October. One of the maps showed a corridor designating my property for no future development. Amy Eaton claimed that this was but a guide and not to worry. However, my prior experience with the County has caused me to worry. I didn't speak at the hearing, but instead wrote a letter of protest. In that letter, I offered to sell the property below for \$76,000.00. I suspect, however, that the County could try to accomplish the same goals through regulation and without spending a dime.

On October 31, 1987, I received a copy of John DeVore's reply that concluded I had been treated fairly by the County and therefore no remedy and no compromise was due. In the letter, John also questioned the veracity of the \$6,000.00 to \$8,000.00 estimate I claimed the Jensen Brothers had made; which in fact they had not, in so many words. I thereupon commissioned Chip Johnson to make a formal estimate which, in fact, concluded a more realistic figure of \$16,320.00. I can only assume, since I am not an engineer, the reason is because this property slopes a lot. At about this same time, I had my first conversation with my neighbor, Mr. Shafer, and asked for his recollections. It was his understanding that the sewer was planned as per the aerial

DECEMBER 23, 1987 (continued)

photo attached to his contract, which was the same as mine. Ironically, he thanked me for the property I had given to him. In early November, I asked Jack Green to request this hearing.

In summary, I have been backed into a corner, and not of my own doing. If the aerial photo route was never intended, then I think it might have been a ploy to get my precommitments. If it was originally intended but changed, then I should have been so advised. I think the contract is unenforceable in a court of law, unless, of course, I wish to enforce parts of the contract as per the aerial photo. Otherwise, I have little other choice but to withdraw altogether. John DeVore denied this option, or any compromise, because he said no promises were made either express or implied. I ask you, can anybody honestly believe this? The fact is, I was mislead. Whether it was intentional or not has yet to be determined. But, I was mislead nonetheless. All of my actions, the corroborating testimony, the aerial photo, and my ultimate disgust with this whole situation will support that. Since there can be no doubt that I was misled, then fairness would dictate a return to my original condition. To do otherwise is the sort of thing that undermines public confidence in government.

I am just an average citizen. I am not an attorney, I am not an engineer, nor am I a clairvoyant, and I certainly cannot afford to pay for the mistakes of others. Let me remind you that this is my home, and my parent's home before me. I have a deep emotional commitment to it and will defend it accordingly. So, in short, please put the sewer where you said you would, or let me out.

Joan Newman said she had a couple of questions for Brad Greene. She said he identified a month when he first began discussions with Tom McCarthy when he first became aware of the alternate route across his property. She said the original plan of the sewer design show the crossing on the Lolo Street right-of-way. She said she was interested in when the discussions with Tom about the alternate route across his property began.

Brad Greene said it was his recollection that his talks with Tom began in early 1985. He said he thought it was early March, because it was soon thereafter that he signed.

John DeVore said he had a problem with the March 1985 date, because the petitions were not even circulated until the fall of 1985. He said he had rechecked the records, and the contracts were not even available in the spring of 1985. He said Brad's signature was notarized in December of 1985. He said he had records that indicated that Mr. Greene contacted Sorenson and Company in March of 1985 asking questions about the sewer, but the petitions were not ready until fall.

Jack Green asked who notarized Brad Greene's signature.

John DeVore said he did not have that information readily available.

Brad Greene said Mr. Shafer's recollection is that he signed in the spring of 1985.

Joan Newman said that if that was the case, then he is going to be in the position of saying that he signed in the spring, but somebody falsified the notary. She asked if Mr. Shafer was willing to swear to that.

Brad Greene said he had not discussed this with Mr. Shafer, but he knows that Mr. Shafer was in Arizona the day the contract was

DECEMBER 23, 1987 (continued)

notarized.

Joan Newman said she had noticed that; and she was trying to clarify exactly what had happened when.

John DeVore said that the point he wished to make is that the contracts were not even available in the spring of 1985.

Joan Newman said that the actual agreements that Brad Greene and Mr. Shafer signed are executed and notarized in January of 1986, so what she is trying to identify is when the discussions about those agreements began. She said March of 1985 does not seem right to her. She said she would like to establish a couple of things on the record, and asked Linda Hedstrom, Director of Environmental Health, if the file shows that the temporary sewer permit was issued on the basis that the sewer was going to be within 200 feet of the 4-plex. She said she would like that information on the record, assuming that the Commissioners might somehow be inclined to exclude this property from the RSID, what would it take for Mr. Greene to comply with the County Sewer regulations and take care of the 4-plex.

Linda Hedstrom said it is a replacement system and what is normally done is grant permits for replacement systems and where possible and practicable, upgrade the system. The system Mr. Greene has is an old one and according to the regulations for replacement systems, what he would have to do is upgrade it to as close as possible to the current regulations. She said that according to what Dan Corti, an Environmental Health Specialist wrote in his report, under the special conditions, "this is a permit for a temporary system to be used only until the Rattlesnake Sewer Main is available, or for no more than one year. After one year, the structure will either be connected to the public sewer main, or the drainfield will have to be expanded if the sewer main is, or will be unavailable". So, if for some reason the sewer main was not going to be available, then requirements of the regulations would take effect. She said those requirements would be that Mr. Greene would not only have to extend the drain-field, but also to upgrade the septic tank. She said the permit would not run into any problems with the soil in the area.

Joan Newman asked Paula Jacques, Planner from the Office of Community Development what the status was on Mr. Greene's subdivision proposal.

Paula Jacques said that at this point, only preliminary discussions have been entered into. No application has been received yet.

Joan Newman asked if she had recently confirmed that his request for a special exemption to add duplexes was still effective, but it would take subdivision review to actually put those in.

Paula Jacques said that was correct.

Jack Green asked if it was reasonable to expect that a subdivision would be approved allowing the duplexes.

Paula Jacques said the special exemptin had been approved already; at this point, if agreement could be made on the design, she would recommend approval.

Ann Mary Dussault asked Paula to summarize from her perspective the discussions held to date with the applicant on the subdivision and the issue of 8 lots versus fewer lots.

DECEMBER 23, 1987 (continued)

Paula Jacques said the development, including the creekbed scrunches up the amount of usable land, unless he counts the amount across the creek. She said that when he says he is entitled to 10 or more units, she does not concur with that and with his assessment of what the development capability of the land is. With 8 or 7 lots, he will loose so much right-of-way with the cul-de-sac that the Planning Office's preference was for 4 big ones, and five was workable.

Ann Mary Dussault asked if there was a floodplain delineation, and if, when she was talking about developable acreage, and the area on the other side of the creek and the creek bed are eliminated, is the floodplain also eliminated?

Paula Jacques said the floodplain is confined to the creek.

Barbara Evans asked Paula why the land across the creek could not be counted as developable land?

Paula Jacques said it was a judgement call as to what is legitimately developable land.

Janet Stevens said that previous subdivisions, particularly O'Brien Creek, where the lots were narrow and crossed the road, all the portion that was unbuildable was counted in to reach the requirements.

Paula Jacques said she did not know if it could be counted or not; she would have to check the regulations more closely.

Brad Greene said that Chip Johnson told him that the creek bed could be used.

Joan Newman then indicated on the 1985 Master Plan that the Lolo Creek bridge was the proposed area for the sewer crossing. She said this location came first; the option of crossing Brad Greene's property came second, and that will be Tom McCarthy's testimony; that it became at least possible that there could be a crossing on Mr. Greene's property that would be less expensive for the County. Those options were explored, at all times they were merely options, but this type of agreement was used all over the project for options, many of which were not used. The possibility of crossing Brad Greene's property was explored, and this was done after the initial study. The actual study phase and a lot of the exploration of financing and all that comes before the actual design is engineered. When the engineers began to design, the discovery was that the sewer could not cross Mr. Greene's property because of the elevation.

Jack Green asked if it was kind of a last-minute change to locate it differently than Brad Greene's understanding.

Ann Mary Dussault said no; he had it backwards. The option was explored and the option was decided not feasible, so they returned to the original proposal.

Jack Green then said "the original proposal was to go by Lolo, then they said "No, we won't," then they said "maybe we will," and then they decided they would. He asked Brad Greene if, at any time, he had any idea, or did Sorenson ever notify him of the change.

John DeVore said that one other thing that should be pointed out is that if Brad Greene would not have been in RSID 414, we would probably be having the same discussion, because he would have been included in RSID 426, which includes all properties that abuts the path of the interceptor.

DECEMBER 23, 1987 (continued)

Barbara Evans asked why the sewer was built to cross Lolo Creek instead of Brad Greene's property.

John DeVore said it was a matter of cost. When alternate routes were being looked at during the initial design phase, it became necessary to cut back on cost of construction. Cost of construction of this project is approximately \$2.2 million. Which Mr. Greene's representation represents approximately \$11,000.00 of the total cost. Because it was coming close to the \$2 million mark, it was necessary to look at any other options out there to reduce the cost of construction.

Joan Newman said the purpose in looking at the alternate route across Brad Greene's property was to save money. When the ultimate design decision was made, it was based on the fact that the creek bottom was several feet too deep on the southern easement line, and could not economically be used.

Jack Green asked if the RSID had a financial benefit by relocation of it to the Lolo Street area to the detriment of Brad Greene.

John DeVore said it was not a relocation, but simply going back to the original design.

Jack Green said that from Brad Greene's standpoint, that point was irrelevant, since he had never been advised of the original design.

Brad Greene asked John DeVore to explain RSID 426 again.

John DeVore said that any property that abuts the path of the interceptor has been included in RSID 426 to pay for its fair share of cost of construction of the interceptor plus the service line to the property. The cost per unit for RSID 426 is \$1,800.00. For Brad Greene's 4-plex, this would be \$7,200.00. He indicated the streets that would be included in RSID 426, and said that undeveloped land would also be included. He said Brad Greene was not the only landowner approached relative to what they would like to purchase at today's dollars versus what the costs would be in the future.

Barbara Evans asked Jack Green if he felt better about the situation in light of this information.

Jack Green said he felt about the same. He reiterated his position that everything was a case of misinformation and miscommunication. He said he didn't think it was intentional; it was a large project and these kind of things can happen. However, the problem Brad Greene is facing is that he has twelve hookups that he obviously cannot use, and he is only going to be allowed 8 lots plus the 4-plex.

Joan Newman said she did not think he was figuring the duplexes in that figure.

Jack Green said that it is his understanding that after discussions with Tom McCarthy, Brad Greene felt the duplexes wouldn't be developed.

Joan Newman said that the reality, now is, that they could be developed.

Barbara Evans asked Brad Greene if they could be developed, how many hookups would he want.

Brad Greene said he was reviewing his own plans right now, and he was unsure.

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Ann Mary Dussault said he has a permit to do it.

Brad Greene said he had gotten a permit for three.

Ann Mary Dussault said that would make 6, plus 6 lots on the bottom of the property, would make 12.

Janet Stevens said there were four more; she had forgotten to count the 4-plex.

Brad Greene said the duplex thing really wasn't an issue because of the quagmire down below.

Ann Mary Dussault asked him what quagmire he was referring to.

Brad Greene said he was referring to the rerouting of the sewer.

Ann Mary Dussault asked him what that had to do with the fact that he had a valid permit to build three duplexes, and the only reason he didn't build them is because it took 8 years to widen the road 20 feet. She said it was not making a whole hell of a lot of sense. She asked for his patience while she ran through his testimony for the record. She said he received a permit to build three duplexes which was delayed because it took him 8 years to widen the road 20 feet. He then assumed that the permit was invalid, but in apparently in 8 years, he failed to contact the Office of Community Development to check that out; so it seemed to her that it was his problem, and not the County's.

Relative to paragraph two of his written statement, he elected to believe that there was a \$300 incentive for pre-commitments which everybody involved in the project agrees is simply not true;

He then indicated that he signed something in March of 1985 when everybody involved indicates that the materials were not even ready until fall or winter of that year;

He indicated that he illegally, and she would like to emphasize illegally, pumped raw sewage out of a failed cesspool and continued to do that until he was caught;

He then indicated that somehow, there is some wrong-doing on the part of the Office of Community Development because he is in the preliminary stages of designing a subdivision.

She said she failed to see, in any of this testimony, anything except time after time after time, he has chosen to interpret information in a way that suits him, and doesn't seem to be based on an ounce of fact anywhere. She said she was willing to wait until Mr. McCarthy to get back to see what he had to say about all of this, but she did not think that he had presented any credible information anywhere throughout his own testimony.

Jack Green said he thought they were talking about two issues; one is land-use planning, and Brad Greene has changed his mind over and over again about that issue. He said it was his understanding before today's hearing that the duplexes were something that was no longer anticipated. He said his conversations with Tom McCarthy indicated that Brad would be looking at developments closer to the creek. He said land-use planning is a separate issue from today's issue.

Joan Newman said that what is before the Commissioners is 12 units, and Brad was originally basing those twelve units on a 4-plex and 8 lots. At this time, he can look at a 4-plex, three duplexes, and 5 lots.

Jack Green said the point is that Brad Greene does not want to

DECEMBER 23, 1987 (continued)

build the duplex.

John DeVore said that is not the issue. The issue was that the number of units was derived at the potential capacity, and that is where we derive the value of benefit to large landowners in putting the project together.

Jack Green asked if John had taken the issue of the duplexes under consideration.

John DeVore said in this case, it was the owner's choice for 12. How he arrived at that number was incidental.

Brad Greene asked if he would have no intention of building the duplexes does that still mean that he would interpret the rules as him having 6 sewer hookups.

John DeVore said that was correct.

Joan Newman said that was because it was an existing zoning approval. If Brad Greene sold the land tomorrow, somebody else can take the special exemption and go with it.

Brad Greene asked if there was some way he could change that.

John DeVore said that brings up the whole issue of how long the window of opportunity must be left open for people who participate in RSID's, because this Resolution of Intent was created in January of 1986, almost two years ago. He said it was not feasible to leave the opportunity open until people make up their mind about what they want to do with their land, and at that juncture, they can come in and make a presentation to the Commissioners and say, "Gee, when this thing all started, I thought, under the following conditions I was going to have 12 units of housing on my property, and now, I've thought about this for 2 1/2 years and conditions have changed, and gee, now I don't want to do anything". He said the County simply could not operate that way.

Jack Green said he thought they were looking at a separate issue here, the hearing would not be held today if he had built the sewer where he said he was going to build it.

Joan Newman said she would like to ask one more question regarding Brad Greene's testimony relative to discussions with Tom McCarthy, precommitments, etc. His testimony continues with him saying, "I was still reluctant (about choosing the number of hookups) until the day Tom showed me an aerial photo of a plan to re-route the sewer. That plan would cross the creek onto my property to the center of my yet-to-be cul-de-sac". She said that was the date she was interested in. Because that statement indicates to her that it is well after, and she was trying to pin that down.

Brad Greene said that to the best of his recollection, that was March of 1985. He said the reason he said he was so reluctant was he could not see what the benefit was of precommitting. Why not wait until the sewer comes in.

Joan Newman said there were a number of things that the record in its own would testify to about that; that he had got financing for those units for 15 years. If he waits to hook up, he would have to pay it all up front, in cash. So the RSID would be of extreme benefit to him, because he would be able to finance the hookups over a period of years.

After discussion, the Board of County Commissioners agreed to wait until Tom McCarthy could attend and continue the hearing until mid-January. Brad Greene indicated that he may or may not

DECEMBER 23, 1987 (continued)

be in town.

Janet Stevens said that in the meantime, the Shafer's signatures should be checked, and someone should talk with them.

The hearing was recessed at 4:30 p.m.

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DECEMBER 24, 1987

The Board of County Commissioners met in regular session. All three members were present. There was no daily administrative meeting.

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DECEMBER 25, 1987

The Courthouse was closed in observance of the Christmas Day holiday.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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DECEMBER 28, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Ann Mary Dussault was out of the office all day due to her father's illness.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed:

PROFESSIONAL SERVICES CONTRACT BETWEEN MISSOULA COUNTY AND MISSOULA POLICE DEPARTMENT

The Board of County Commissioners signed the professional services contract for the Health Department in regard to participation by Missoula City Police Officers in the DUI Enforcement Team, in accordance with conditions set forth in the contract. The term of the contract is 10/1/87--9/30/88, and total compensation is not to exceed \$6,656. The contract was returned to the Health Department.

AMENDMENT TO THE 1988-'91 MISSOULA COUNTY CHEMICAL DEPENDENCY PLAN FOR FY '88

The Board of County Commissioners approved and signed an amendment to the 1988-'91 Missoula County Chemical Dependency Plan for FY '88 in regard to changes in allocation percentages for the Missoula Indian Alcohol and Drug Services and the Recovery Foundation. The amendment was sent to the Department of Institutions, Alcohol and Drug Abuse Division.

DECLARATION OF COVENANT: AGRICULTURAL USE--ARTHUR GREYDANUS AND MARIE E. GREYDANUS

The Board of County Commissioners signed the Declaration of Covenant for agricultural use made by Arthur E. Greydanus and Marie E. Greydanus, in accordance with the terms and conditions contained therein. The declaration of covenant was returned to Deputy County Attorney Joan Newman.

DECEMBER 28, 1987 (continued)INDEMNITY BOND

Chairwoman Janet Stevens examined, approved and ordered filed an indemnity bond, naming Bonnie J. Arno as principal for payroll warrant no. 15653, paid from the School District #7 general fund, issued 11/20/87, in the amount of \$188.49. The original warrant was lost. The indemnity bond form was returned to the Clerk & Recorder's Office.

INTERLOCAL AGREEMENT: MISSOULA URBAN TRANSPORTATION DISTRICT

The Board of County Commissioners approved and signed a new interlocal agreement between the Missoula Urban Transportation District and Missoula County to Cooperate in the Provision of Elderly and Handicapped Transportation Services. The agreement is to go into effect thirty days following approval by the Attorney General and shall remain in effect until termination by withdrawal of either party by notice in writing to the other governing body. The County is to contribute \$22,096.00 to the M.U.T.D. for the fiscal year October 1, 1987 to September 30, 1988. The agreement was sent to the M.U.T.D. for signatures and then to the Attorney General's Office for review and approval.

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DECEMBER 29, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Ann Mary Dussault was out of the office due to the illness of her father.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decisions were made and documents signed:

AUDIT LIST

The Board of County Commissioners approved and signed the audit list, dated 12/28/87, pp. 4-25, showing a grand total for all funds of \$22,958.55. The audit list was returned to the Accounting Department.

DUI PLAN FOR MISSOULA COUNTY

The Board of County Commissioners reviewed and approved the DUI Plan for Missoula County as presented by Health Education Coordinator Ellen Leahy and Health Education Assistant Lonie Parsons. The Plan was returned to Ellen Leahy for submission to Al Goke, Administrator, Montana Highway Traffic Safety Division.

TAX APPEAL BOARD APPOINTMENTS

The Board of County Commissioners appointed Dan Norman to fill Laura Norman's unexpired term on the Tax Appeal Board. The term will run through 12/31/89.

AREA AGENCY ON AGING BOARD APPOINTMENTS

The Board of County Commissioners appointed Dorothy Curran to a regular three-year term on the Area Agency on Aging. The term will run from 12/31/87-12/31/90. Dallas Rychener was appointed to fill out the remaining two years of Sue Mann's term, until 12/31/89. Lona Jacobson was appointed as second alternate.

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DECEMBER 30, 1987

The Board of County Commissioners did not meet in regular session; a quorum of the Board was not present.

PUBLIC MEETING

The weekly public meeting scheduled for this date was cancelled.

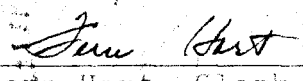
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DECEMBER 31, 1987

The Board of County Commissioners did not meet in regular session; a quorum of the Board was not present.

JANUARY 1, 1988

The Courthouse was closed for the New Years Day Holiday.


Fern Hart, Clerk and Recorder


Ann Mary Dussault, Chair

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JANUARY 4, 1988

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

Welfare Advisory Board

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

DAILY ADMINISTRATIVE MEETING

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

Contract

The Commissioners signed a professional services contract between Missoula County and the Sheriff's Office for the purpose of participation of the Sheriff's Deputies in the Driving Under the Influence Enforcement Team, as per the terms outlined, for the period from October 1, 1987, through September 30, 1988, for a total payment not to exceed \$3,328.00. The Contract was returned to the Health Department for further signatures and handling.

Letter of Agreement

The Board of County Commissioners signed a Letter of Agreement between Missoula County and the Missoula County Deputy Sheriff's Association agreeing to the following provision:

1. For purposes of recall, any deputy sheriff who was laid off on or after June 30, 1987, and before January 1, 1988, will retain seniority through June 30, 1988.

Contract

Chair Dussault signed Contract Number 88-018-51001-0 between the Montana State Department of Social and Rehabilitation Services and Missoula County for the Emergency Shelter Grants Program, as per the terms set forth, effective from January 1, 1988, through June 30, 1988, with a total amount of \$37,901.00 to be allotted to the three agencies--Watson's Receiving Home, Poverello Center, and the YWCA Battered Women's Shelter. District XI Human Resource Council will administer the grant for the County. The Contract was forwarded to SRS for signatures and handling.

Other items included:

- 1) The Commissioners selected Commissioner Dussault to serve as Chair of the Board for 1988; and
- 2) The Commissioners voted to recommend Elmer Frame as the joint City-County appointee to the Missoula Consolidated Planning Board.

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

JANUARY 4, 1988 (continued)Quarterly Jail Inspection

The Board of County Commissioners and Dan Corti of the Health Department conducted the Quarterly Inspection of the Missoula County Jail for quarter ended December 31, 1987.

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JANUARY 5, 1988

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.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated January 5, 1988, pages 4-21, with a grand total of \$53,987.92. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Easement

The Board of County Commissioners signed an Easement by Missoula County to Paul A. and Natalie L. Hanson, Butler Creek Road, for an irrigation pipe of sufficient size to contain irrigation water, as per the terms set forth. The Easement is perpetual and shall run with the land. The Easement was returned to the Surveyor for further handling.

Other items included:

Board Appointments

The following appointments were made to the newly restructured Missoula Consolidated Planning Board:

- 1) Elmer Frame was appointed to a three-year term as the joint appointee by the Missoula Planning Policy Committee;
- 2) The Commissioners appointed John Coffee to a one-year term through December 31, 1988; Argerous Filosofos and Troy Kurth to two-year terms through December 31, 1989; and Steve Bisson was appointed to the alternate member position through December 31, 1988.

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

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JANUARY 6, 1988

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Judy D. Jones as principal for warrant #13457, dated November 23, 1987, on the Missoula County Trust Fund in the amount of \$275.00 now unable to be found.

JANUARY 6, 1988 (continued)

DAILY ADMINISTRATIVE MEETING

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

The Commissioners agreed to contact Charles McGrew, Director of the Health Department, to see if someone from that office would be interested in serving as the Commissioners representative on the Area Agency on Aging Advisory Council because Mary Decker, who was appointed to the position earlier, is unable to arrange her schedule to attend the meetings.

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

PUBLIC MEETING

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

Bid Awards (Surveyor) A. One Full size 1/2 Ton Van
Information provided by Terry Wahl, the County Surveyor's Office indicated that on Monday, December 28, 1987, bids were opened with the following bids received:

Bitterroot Motors	Trade Price	\$13,499.00
	No Trade Price	\$13,699.00
DeMarois Olds-GMC	Trade Price	\$13,120.95
	No Trade Price	\$13,270.95
Grizzly Auto Center	Trade Price	\$13,011.00
	No Trade Price	\$13,211.00
Karl Tyler Chevrolet	Trade Price	\$12,564.55 *
	No Trade Price	\$12,664.55 *

*Bid disqualified for noncompliance with specifications.
The recommendation was to award the bid to DeMarios Olds-GMC for \$13,270.95 (no trade price) as a result of life-cycle costing. \$11,500 was in the budget for this purchase, the extra amount would be obtained from the excess of prior dump truck bids.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for one full size van to DeMarios Olds-GMC for \$13,270.95. The motion carried on a vote of 3-0.

B. Heavy Duty 4x2 Pickup Information provided by Horace Brown, County Surveyor, indicated that on Monday, January 4, 1988, the following bids were received:

Karl Tyler Chevrolet	\$11,131.00	With Trade
	\$11,306.00	No Trade
DeMarios Olds GMC	\$10,912.77	With Trade
	\$11,612.77	No Trade

The recommendation was to award the bid to Karl Tyler Chevrolet for \$11,306.00. \$11,200 was budgeted, the extra amount would be obtained from excess of prior dump truck bids.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for one Heavy Duty 4x2 Pickup to Karl Tyler Chevrolet for \$11,306.00. The motion carried on a vote of 3-0.

Hearing: Proposed Changes in Animal Control Ordinance

Information provided by Linda Hedstrom, Environmental Health Director indicated that several sections in the County ordinance on animal control have not been updated and revised since 1979.

JANUARY 6, 1988 (continued)

Animal Control officials are trying to make the County ordinance uniform in language with the City's ordinance as much as State law allows. The revisions in the County ordinance will also address problems encountered by officers in the areas of vicious dog control, kennels, rabies control and dogs at large. The ordinance will be more comprehensive and clearer to aid the officers in enforcement and to reduce public confusion in those parts of the county immediately adjacent to the city limits. The recommendation was to approve the proposed revisions. She said the impacts will be minor; in fact, with the new kennel licensing requirement, several hundred dollars should be collected per year in addition to the revenue collected through current licensing and impoundment fees.

Judy Vernier, Animal Control Officer said the proposed changes would:

1. Expand and clarify definition section
2. Add section enumeration Officer duties and responsibilities
3. Adding requirements for licensing dogs kept in kennels and setting fees
4. Changing impoundment fee schedule
5. Changing animal adoption requirements
6. Updating language for county rabies control
7. Updating and clarifying section on vicious dogs
8. Adding state law language on animal cruelty and vicious dogs.

Janet Stevens said there seemed to be a need to change the language relative to vaccinations as it seemed incorrect.

Judy Vernier agreed.

The hearing was opened for public comment

Dick Richardson, a Missoula veterinarian, said he felt that the Veterinary Clinics in Missoula should be exempt from the fee and inspection clause, as they are licensed and inspected by the State. In addition, he said it would be difficult and unnecessary to license a home with more than three dogs as a kennel. He said it was not the government's responsibility to know how many dogs a citizen owns, and was an example of too much government.

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

Judy Vernier said that in the ordinance, kennel inspections are not mandatory, the department would only investigate complaints.

Linda Hedstrom said government control of dogs is necessary because of excessive barking, neglect, and abuse of animals.

Barbara Evans noted that she lives in an urban area where dogs bark a lot, and a large number of dogs in one family does not make for good neighbors. People with good dogs won't be bothered by regulations.

Janet Stevens said she thought that veterinary hospitals should be exempt unless they board animals.

A general discussion concerning the amendments, and changes that should be made before they are adopted ensued. It was decided to postpone action on the proposed amendments until January 20, 1988.

Hearing: Certificate of Survey Review- Occasional Sale - Tripp

Information provided by Joan Newman, Deputy County Attorney, indicated that the property proposed for division by occasional sale is a 4.38 acre tract in Lolo (Tract D, Cos 3507) Mr. Tripp's

JANUARY 6, 1988 (continued)

home is on one part of the parcel and the Tripps propose to sell the other part. The proposal is referred to the Board of County Commissioners because of several factors triggered under Resolution #85-077. Claimant has divided a tract contiguous to this one by occasional sale and remainder in COS 1249. The parcel has not been sold, but the remainder was recently sold in October of 1987. Resolution # 85-077 indicates that a claimant may make only one occasional sale from any source during a 12-month period, if otherwise qualified (i.e. not evading the subdivision review process). Mr. Tripp has also used a family gift exemption to create a parcel for his son on land in this same section, but not contiguous. The deed has been recorded. In addition, the parcel presently proposed for division was itself created as a remainder to an occasional sale. The deed to that occasional sale was recorded over a year ago.

Joan Newman indicated the area on a map.

The hearing was opened for public comment.

Nick Kaufman, Land Use Planner with Sorenson and Company, representing Mr. Tripp, discussed the history of the property, and showed the previous divisions of the property on a map, and said that this division was not of a contiguous property; but if the Commissioners saw it that way, a redrawing of a common boundary could be done. He said there was no intent to evade the law, there was not a buyer for the remainder at this time.

Joan Newman indicated that the Attorney General has ruled that one person can not do more than one occasional sale in a 12 month period.

Nick Kaufman said there were three issues involved; whether the previous tracts sold were contiguous or not, whether there is an intent to evade the law; or whether the Commissioners thought a boundary location would be a better way to go. He also said that Mr. Tripp would be willing to agree not to sell the property until October of 1988.

Janet Stevens moved, and Barbara Evans seconded the motion to grant the occasional sale and remainder exemption for the division of COS #3507, Tract D, based on the following reason: There does not appear to be any evidence that an attempt is being made to evade the Montana Subdivision and Platting Act.

As a condition of this approval, the subsequent sale of this property cannot occur until after October 5, 1988. We are requiring that condition to be placed on the face of the plat as a result of the Attorney General's 1980 and 1986 opinions and Missoula County Resolution No. 85-077 which limits one occasional sale per twelve month period to any one individual. the following language must also be printed on the face of the survey:

This Certificate of Survey was not reviewed for adequate access, installation of utilities, or availability of public services; nor does this approval obligate Missoula County to provide road maintenance or other services.

The motion carried on a vote of 3-0.

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

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JANUARY 7, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Audit Letter

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the statements of receipts and disbursements for various programs of the Missoula Area Agency on Aging for Fiscal Year Ending June 30, 1986. The Audit was forwarded to the Clerk & Recorder's Office for filing.

Other items included:

- 1) The Commissioners designated Carole Graham, Welfare Director, to serve as the representative from Welfare on the Human Resource Council Program Council; and
- 2) The Board approved the concept relative to assigning a County employee to MEDC to work specifically with small business enterprises, as set forth in John DeVore's memo of January 6, 1988, and authorized him to proceed with drafting the Agreement.

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

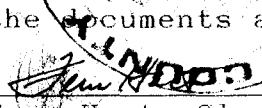
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JANUARY 8, 1988

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

Lease Purchase Documents

Chair Dussault signed the documents pertaining to the lease/purchase of 26 golf cars for Larchmont Golf Course from E-Z-Go, Textron Company in Augusta, Georgia. The documents were returned to E-Z-Go for further signatures and handling; copies of the documents are on file at Larchmont Golf Course.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

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JANUARY 11, 1988

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

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 Payroll Transmittal Sheet for Pay Period #27 (12/13/87 through 12/26/87) with a total

JANUARY 11, 1988 (continued)

Missoula County Payroll of \$322,306.36. The Transmittal Sheet was returned to the Auditor's Office.

Other items included:

Board Appointment

The Commissioners appointed Samuel D. L. Moore to fill the vacancy on the Seeley Lake Rural Fire District Board of Trustees to serve until the School Election which will be held on April 5, 1988.

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

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JANUARY 12, 1988

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

Monthly Report

Acting Chairman Evans examined, approved, and ordered filed the monthly report of Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending December 31, 1987.

Indemnity Bond

Acting Chairman Evans examined, approved, and ordered filed an Indemnity Bond naming Laurie Lee Koschel as principal for warrant #05658, dated November 20, 1987, on the Hellgate Elementary School District No. 4 Payroll Fund in the amount of \$24.64 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

- 1) The Commissioners approved a request from the Auditor's Office to amend the County Travel Policy to reflect the increased mileage reimbursement to \$.225 per mile, retroactive to January 1, 1988; and
- 2) The Board approved transcript costs for Attorney Nancy Moe in the amount of \$500.00.

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

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JANUARY 13, 1988

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

Audit List

Commissioners Evans and Stevens signed the Audit List, dated January 12, 1988, pages 4-34, with a grand total of \$810,779.73. The Audit List was returned to the Accounting Department.

JANUARY 13, 1988 (continued)Monthly Reports

Acting Chairman Evans examined, approved, and ordered filed the monthly reconciliation reports for Justices of the Peace, Michael D. Morris and David K. Clark, for month ending December 31, 1987.

DAILY ADMINISTRATIVE MEETING

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

Board Appointment

The Commissioners reappointed Kent A. Brown to the Seeley Lake Refuse Disposal District Board of Directors for a three-year term through December 31, 1990.

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

PUBLIC MEETING

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

Proclamation-"Clean Air Week"

The Board of County Commissioners signed a proclamation designating January 10-17 as Clean Air Week in Missoula County.

Bid Award - One Heavy-Duty 4 x 4 Diesel Pickup (Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that on Monday, January 11, 1988, the following bids were received:

Karl Tyler Chevrolet	\$12,625.00 (with trade)
	\$13,025.00 (without trade)
Bitterroot Motors	\$12,999.00 (with trade)
	\$13,999.00 (without trade)
DeMarois Olds-GMC	\$12,388.97 (with trade)
	\$13,088.97 (without trade)

The recommendation was to award the bid to DeMarois Olds-GMC for \$12,388.97 - trade price. \$11,200.00 was budgeted for this purchase, the extra amount will be obtained from the excess of the prior dump truck bids.

Janet Stevens moved and Barbara Evans seconded the motion to award the bid to DeMarois Olds-GMC for \$12,388.97 - trade price. The motion carried on a vote of 2-0.

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

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JANUARY 14, 1988

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

JANUARY 14, 1988 (continued)Indemnity Bond

Acting Chairman Evans examined, approved, and ordered filed an Indemnity Bond naming Loaine Peterson as principal for warrant #168557, dated November 25, 1987, on the Missoula County General Fund in the amount of \$48.58 now unable to be found.

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JANUARY 15, 1988

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

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

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JANUARY 18, 1988

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

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Dan Magone showing items of fees and other collections on account of civil business in Missoula County for month ending December 31, 1987.

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 Lorena Hillis, an independent contractor, for the purpose of assisting in the implementation of the Missoula Traffic Safety Program, as per the terms set forth, for the period from January 1, 1988, through September 30, 1988, for a total amount not to exceed \$3,744.00.

Agreement

Chair Dussault signed a Nutritional Services Agreement between Child Start, Inc., sponsor of the Head Start Program, and the Missoula City-County Health Department, whereby the Health Department will provide nutritional services to the Head Start Program, as per the terms set forth, for the period from September 1, 1987, through May 31, 1988, at a rate of approximately five (5) hours per month for a total payment of \$675.00.

Contract

Chair Dussault signed a Contract for Nutrition Services between the Western Montana Comprehensive Development Center and Missoula County for contracted nutritionist services provided by the Health Department, as per the terms set forth, for the period beginning October 1, 1987, and ending June 30, 1988, for a total payment not to exceed \$1,200.00.

JANUARY 18, 1988 (continued)

Other matters included:

Board Appointments

The Commissioners made the following board appointments:

- 1) Bernard T. (Ben) Hanson was appointed to the City-County Library Board for a three-year term, through December 31, 1990; and
- 2) Terry Sehestedt, Ed Mosier, James "Ritt" Bellis, Kevin Randles, Sue Hoell, and Patty Lovaas were reappointed to the Loan Review Committee for one-year terms, through December 31, 1988.

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

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JANUARY 19, 1988

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated January 19, 1988, pages 4-33, with a grand total of \$487,785.27. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following 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'88 budget:

- 1) No. 880025, a request from the Surveyor to transfer \$2,000.00 from the Gas & Diesel Fuel Account to the Meals, Lodging & Incidentals Account because additional meal and travel expenses for road projects reduced available travel/training funds; and
- 2) No. 880026, a request from the Auditor and Financial Administration Departments to transfer \$2,000.00 from the Auditor's Temporary Salaries Account to the Financial Administration Audit Fees Account as the Agreement for the FY'87 Audit changed from \$45,000.00 and two interns to \$47,000.00 and one intern.

RESOLUTION NO. 88-001

The Board of County Commissioners signed Resolution No. 88-001, a budget amendment for FY'88 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447200 (as per attachment to the Resolution)	\$ (55,288.66)

JANUARY 19, 1988 (continued)

This amendment will enable County records to show what was actually expended and received for this grant, and ensure that a clear audit trail is left as required by grant contracts.

<u>Description of Revenue</u>	<u>Budget</u>
2270-612-331325 - NHTSD Traffic Safety Grant 87-88, Contract #87-01-09-4	\$ (55,288.66)

RESOLUTION NO. 88-002

The Board of County Commissioners signed Resolution No. 88-002, a budget amendment for FY'88 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447201 - Traffic Safety 88-89 Grant (as per attachment to the Resolution)	\$ 87,670

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-344278 - Traffic Safety 88-89	\$ 87,670

New Highway Traffic Safety 88-89

Termination of Memorandum of Understanding

The Board of County Commissioners signed approval of the termination of the Memorandum of Understanding, dated October 18, 1982, regarding maintenance responsibilities on Rumble Creek Road No. 560, involving Missoula County, the Flathead National Forest, and Burlington Northern Timber and Lands, as per the recommendation of the Missoula County Surveyor, Horace Brown, and the Assistant Forest Engineer of the Flathead National Forest, Charles K. Snyder. The Memorandum of Understanding was returned to the Forest Service for signatures.

Other items included:

The Commissioners appointed Charles McGrew, Director of the Health Department, to serve as their representative on the Area Agency on Aging Advisory Council.

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

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JANUARY 20, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena January 20th and 21st attending meetings of the MACo Economic Development Task Force and the MACo Resolutions Committee.

DAILY ADMINISTRATIVE MEETING

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

JANUARY 20, 1988 (continued)

Covenant

The Board of County Commissioners signed the Covenant on Certificate of Survey No. 3418, a tract of land owned by Corrinne F. Otoupalik, containing 11.11 acres and located in the NE 1/4 of Section 4, T. 14 N., R. 20 W., PMM; declaring that Tract B of the COS, containing 6.15 acres, will be used exclusively for agricultural purposes and is exempt from review as a subdivision.

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

PUBLIC MEETING

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

Decision On: Proposed Changes in the County's Ordinance regarding Animal Control

Information provided by Linda Hedstrom, Environmental Health Director, and Judy Vernier, Animal Control Supervisor, indicated that on January 6, 1988, the Board of County Commissioners held a public hearing on the proposed revisions in the County Dog Control ordinance. During the hearing, several concerns were raised during public testimony that resulted in the Commissioners requesting further clarification in some of the language in the ordinance revisions. The amendments to the proposal include revising rabies vaccination requirements to match those recommended by CDC, a clarification of the definition for Class I and Class II kennels, and an exemption for licensed veterinarians from the Class I and Class II licensing requirements. They recommended that the Commissioners adopt the ordinance changes as presented and amended.

Judy Vernier, Animal Control Supervisor, read the changes in the amendments, which exclude veterinary hospitals from kennel requirements, enumerated the number of dogs that constitute the need for a kennel license, and licensing of individual dogs in kennels, and called for revaccination of dogs under one year of age within one year then every two years thereafter.

Janet Stevens moved, and Barbara Evans seconded the motion to approve the proposed changes in the animal control ordinance. The motion carried on a vote of 2-0.

Barbara Evans noted that Joan Newman, Deputy County Attorney, had told the Commissioners that the County can enforce the kennel laws.

Decision On: Petition for Abandonment of Pertile Lane (Allomont Orchards) deferred from July 22, 1987 hearing

Information provided by Joan Newman, Deputy County Attorney, indicated that a public hearing on Clarence Rule's petition to vacate Pertile Lane was held on July 22, 1987. At the conclusion of that hearing, the matter was tabled until the third Wednesday in January, 1988 for the purpose of allowing time for the County Attorney's Office to investigate whether there is public access to Pertile Lane; and further, for county officials to work with all parties to determine the feasibility of an RSID to improve Pertile Lane. Since the public hearing was concluded in July, this meeting does not require a public hearing. It should be noted that several letters regarding the issue were received by the Commissioners Office, and are part of the permanent record. Notice of today's meeting was sent to all persons listed on the original petition.

JANUARY 20, 1988 (continued)

Barbara Evans noted that no further comment would be taken at this meeting unless new information that has not previously been noted should be brought out.

Joan Newman said that since there is no deeded access from Pertile Lane to the Tyler Way stub out, she had attempted to research the question whether a prescriptive public easement has been established from the Tyler way stub out to Pertile Lane across from Frank Grover's property. The evidence necessary to establish a prescriptive easement must show that for five years the public has used the claimed easement openly, with the knowledge of the owner, continuously, and under claim of right and not by permission.

Pertile Lane was created in 1979 with the platting of Lots 4A and 4B of Allomont Orchards. There is some indication that people began to use the access across Grover's property as soon as the road was built. However, Frank Grover has indicated that a letter was sent to Tyler Way residents in approximately 1980 or 1981 notifying them that the road crossed private property, but that permission was granted for the time being for use of the road. It also appears that use of the road has been made by some of the Tyler Way residents, the owners of Lots 4A and 4B, and a few other people who have private easements underlying the public easement.

Frank Grover has indicated that he does not concede a prescriptive easement, and would contest it in court. Given the facts and circumstances, it is a very close case, and I could not say with much certainty how a court could decide. Even if a prescriptive easement were established, it is doubtful that a public easement exists. It is quite possible a court would find that only a few of the Tyler Way residents may have established a prescriptive easement. In any event, the Tyler Way residents may assert a public or private easement on their own behalf; it is not required that the county assert or litigate a public prescriptive easement.

In regard to the feasibility of a RSID, she said that considerable time and effort has been spent by Horace Brown and Glen Howard, a Tyler Way resident. At first, it appeared that most of the Tyler Way residents favored an RSID. Therefore, some estimations were done to bring Pertile Lane to County gravel road standards and put in a permanent drainage solution. Preliminary figures indicate that the costs would not be unreasonable, somewhere in the range of \$25,000 to be divided among 12 lots. The major roadblock to an RSID is that legal access through Grover's property would have to be acquired. Mr. Grover was approached and asked to participate in the RSID, and that his contribution of the easement could be made his only assessment. Initially, Mr. Grover was not unequivocally opposed to this idea, if the Rules' and Petersons were agreeable. Because an easement would have to be condemned across Grover's property prior to initiating an RSID, no petition has been prepared.

Glen Howard said there is no problem with the RSID, although a turn-around for the County at both ends of Pertile Lane is necessary, and Mr. Rule does not appear to favor giving up any of the necessary land to make a turn-around on his end.

Clarence Rule said that it would appear to the casual observer that the whole purpose of his request was to get the road moved, and that is not his intention at all. He said he moved out there to live away from people and get a little elbow room, but Frank Grover, who has 16 acres, has development in the back of his mind. He said Frank Grover brought to his attention the fact that the road is in the wrong place and needs to be moved about

JANUARY 20, 1988 (continued)

200 feet to the south. He said the present location of the road is a detriment to future development of the subdivision. In addition, he said he wants to get along with everyone out there, he has incurred quite a bit of harassment himself. He said he has given corn to people out there, has recovered lost dogs and just wants to be a good neighbor.

Diane Peterson said she agrees that the road needs to be moved, and if anyone wants to subdivide, the road needs to be moved. She said she, too, just wants to get along with everyone, and it is not their intention to keep people from using the road, they just want to protect their homes.

Janet Stevens asked Joan Newman if there was anything to preclude reconsidering the matter if the property south of Pertile Lane is ever subdivided.

Joan Newman said there would be no barrier to that at all.

Mike Sehestedt, Deputy County Attorney, said that in the past, the County has allowed vacations as part of a subdivision.

Barbara Evans said that the law requires that the County Surveyor and one Commissioner physically inspect each abandonment. She said she and former County Surveyor Dick Colvill had done that inspection. She said there were three things she always looked for in those inspections, and they were: If the road serves any useful purpose, if the abandonment would cause any adverse impact, and if there is any opposition to the abandonment. She said in this case, she has not heard any good reason for abandoning the road.

Barbara Evans moved, and Janet Stevens seconded the motion to deny the petition for the abandonment of Pertile Lane, noting that if a proposed subdivision comes before the Commissioners, a fair and honest review of that proposal will be given. The motion carried on a vote of 2-0.

Clarence Rule said maintenance is needed on the road, and asked that the Surveyor come out and look at it.

Horace Brown said the road was dedicated, but not up to County standards, and was not currently being maintained because there is no turn-around on it. He said there was no problem with going in and taking a look at it on a one-time basis, but if continued maintenance is required, a turn-around would have to be constructed.

There being no further business to come before the Board, the Commissioners were in recess at 2:05 p.m.

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JANUARY 21, 1988

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

DAILY ADMINISTRATIVE MEETING

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

JANUARY 21, 1988 (continued)Payroll Transmittal Sheet

The Board of County Commissioners signed the Payroll Transmittal Sheet for Pay Period #1 (12/27/87 through 1/09/88), with a total Missoula County Payroll of \$314,110.05. The Transmittal Sheet was returned to the Auditor's Office.

Policy Statement Addendum

The Board of County Commissioners signed concurrence of the Addendum to Policy Statement 82-A, the Travel Expense Reimbursement Policy, to update the new mileage rate allowed by the Internal Revenue Service as follows:

Change Section E - 1. to read:

Personal Vehicle - Mileage will be reimbursed at the statutory rate allowed by the Internal Revenue Service, currently \$.225 cents per mile, with the increase being retroactive to January 1, 1988.

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

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JANUARY 22, 1988

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

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dossault
Ann Mary Dossault, Chair

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JANUARY 25, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the plat for Hansen Addition, a subdivision of a portion of Tract 11 of Curtis & Majors' Addition, located in the SW 1/4 of Section 20, T. 13 N., R. 19 W., PMM, Missoula County, MT, a total area of 3.18 acres, with the owners of record being Harry A. Hansen and Norma L. Hansen.

Agreement

The Board of County Commissioners signed an Agreement designating District XI Human Resource Council as the fiscal administrator of funds received by Missoula County for the Emergency Shelter Grants Program in the amount of \$37,901.00, as per the terms set forth, for the period from January 1, 1988, through June 30, 1988. The Agreement was forwarded to Jim Morton, Executive Director of District XI Human Resource Council, for signature.

JANUARY 25, 1988 (continued)Contract Amendment

The Board of County Commissioners signed an Amendment to the contract between the Missoula City-County Health Department and MIADS (7-1-87 - 6-30-88), amending the contract as follows:

MIADS will receive \$1,250/month for the months of January, February, and March, 1988, upon submission of a request for payment, with the total for this three-month period not to exceed \$3,750.

The Contract Amendment was returned to the Health Department for further signatures and handling.

Other items included:

The Commissioners appointed Robin Campbell to the County Zoning Board of Adjustment to fill the unexpired term of Ivan Leigland, who has resigned, through December 31, 1988.

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

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JANUARY 26, 1988

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated January 16, 1988, pages 4-20, with a grand total of \$175,760.18. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula Economic Development Corporation, whereby the County will loan a professional staff person with experience and training in loan packaging, exploration of grant funding, and coordination with the various agencies who provide assistance in this area, to MEDC on a half-time basis, as per the terms set forth, through June 30, 1988. The Agreement was returned to John DeVore for further signatures and handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Marilyn Wetzal, an independent contractor, for the purpose of providing address research, mailing label preparation, certified letter preparation, title searching and other assistance for the County's 1988 tax deed application process and for the assignee notification process, as per the terms set forth, for the period from January 27, 1988, through April 15, 1988, for a total amount not to exceed \$4,000.

JANUARY 26, 1988 (continued)

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Richard Steffel of Eco-Resource Systems, an independent contractor, for the purpose of computer consultant services for the Health Department's Traffic Safety Automation Project, as per the terms set forth, for the period from January 25, 1988, through September 30, 1988, for a total payment not to exceed \$6,300. 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.

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JANUARY 27, 1988

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

Indemnity Bond

Chair Dussault examined, approved, and ordered filed and Indemnity Bond naming Karen K. Tyson as principal for warrant #'s 10745, 11535, and 12504, dated August 11, 1987, September 16, 1987, and October 18, 1987, on the Missoula County Trust Fund in the amounts of \$125.00 each or a total amount of \$375.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 88-003

The Board of County Commissioners signed Resolution No. 88-003, a resolution accepting assignable easements for public road purposes, located in the SE 1/4 of Section 17, and the NE 1/4 of Section 20, T. 15 N., R. 22 W., PMM, from the United States of America, acting by and through the Forest Service.

PROFESSIONAL SERVICES AGREEMENT

The Board of County Commissioners signed a Professional Services Agreement between the Missoula City-County Health Department and Missoula County Data Processing for the purpose of providing computer consultant services for the traffic safety automation project, as per the terms set forth, for the period from January 25, 1988, through September 30, 1988, for a payment not to exceed \$5,250.00. The Agreement was returned to the Health Department for further signatures and handling.

Other items included:

The Commissioners voted to deny a request from the Seeley Lake Community Council for support in obtaining a moratorium on the State Land Board's new system regarding cabin site leases as they do not agree with that position.

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

JANUARY 27, 1988 (continued)

PUBLIC MEETING

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

Consideration and Approval Of: Planning Policy Committee Bylaws

Mike Kress, Acting Director of the Office of Community Development, said that the recently adopted Interlocal Agreement for Planning requires that the City Council and County Commissioners approve bylaws for the Montana Planning Policy Committee. The City Council adopted them at their meeting of January 25, 1988, and the Missoula Planning Policy Committee recommended adoption at their meeting of January 4, 1988.

Barbara Evans moved and Janet Stevens seconded the motion to adopt the bylaws of the Missoula Planning Policy Committee. The motion carried on a vote of 3-0.

Consideration Of: Modification of Covenant-Meadows of Baron O'Keefe.

Joan Newman, Deputy County Attorney, said that one condition of the settlement of litigation regarding the Meadows development was that the Board of County Commissioners would be a party to the covenants on the property for the purposes of either enforcing the covenants or consenting to amendment of the covenants. Jon Cates has solicited the signatures of most of the owners of lots in the Meadows consenting to a change in the covenants to allow commercial use on lots 11A and 11D. These two lots are on Highway 93 and were among the lots originally designate for commercial use in the restrictive covenants. She said she wished for Mr. Cates to assume responsibility for the determination of whether sufficient signatures have been obtained to amend the covenants. If the Commissioners consent to the change, she said it should be very clear that the County Attorney had not determined in any way the validity of the petition or number of signatures. The consent should be conditioned on the affidavit that the covenant change is otherwise valid, and that the decision be recorded in the form of a resolution.

Barbara Evans moved and Janet Stevens seconded the motion that the Board of County Commissioners grant the request for approval of amendments to the covenants on the Meadows of Baron O'Keefe with the expressed notification that this does not in any way tie the County to having determined the validity of the petition, and the approval is conditioned on the affidavit that the covenant change is valid, and that the resolution contain the provisions listed in Resolution No. 88-004. The motion carried on a vote of 2-0, Ann Mary Dussault abstained.

Hearing: Subdivision & Request to Rezone from C-RR1 to C-RR2 - Linda Vista Supplement (Lloyd Twite)

Paula Jacques, Planner from the Office of Community Development, said the zone change is necessary in order to have the subdivision approved. She said the staff recommendation is that the property described as the southwest one-quarter of Section 12, Township 12 North, Range 20 West, be rezoned from C-RR1 to C-RR2, subject to the findings of fact set forth in the staff report.

The 5th Supplement of the Linda Vista is the proposed addition of 63 single family lots on 42 acres directly south of the existing Linda Vista development. As part of this subdivision, the developer has requested a zoning change to allow construction of

JANUARY 27, 1988 (continued)

the subdivision. The subdivision would have public water extended to it and individual sewage systems. The Community Development Staff recommends that the preliminary plat of Linda Vista, 5th Supplement, be approved, subject to the conditions and findings of fact set forth in the staff report.

She said Lloyd Twite is proposing developing their own, public water system for this development as well as the existing Linda Vista development which does not have public water. To meet the parks and open space requirement, Mr. Twite proposes to develop an existing utility lot, which is also used as a drainfield. She said the staff has questions about this, and would like to see the future uses of that park clearly defined.

She said drainage and traffic are issues in this subdivision, and those things would be discussed by the developer and a representative from the Health Department.

Scott Church from the Health Department said that the Linda Vista area has a nitrate problem and a problem with the wells, especially on the lower portions. He said that some of the concerns regarding drainage and slope are being addressed, but the concerns with the community drainfield which serves as parkland, might pose a potential problem. He said he would recommend that certain activities be prohibited in that area, activities such as equestrian activities, construction of ballfields, underground irrigation, etc. He said the greatest concern is the potential impact of the downgrading of wells because of the significant nitrate problem. 20% of the wells exceed the federal standards for nitrate, and further development may adversely impact the water quality in the area. He said he would recommend a hydrological study before approving the development.

Horace Brown, County Surveyor, said that the drainage question is being studied by his department, but that study is in the preliminary stages.

Chip Johnson, of Stensatter, Druyvestein and Associates, representing Lloyd Twite, presented 8 reasons for supporting the proposed zoning change. They are:

1. Comprehensive Plan is met by this zoning change
2. Integrity of the neighborhood is preserved
3. Expressed opinion of the neighborhood is mixed
5. Zoning change is consistent and compatible with adjacent development and zoning
6. Land is suitable for proposed zoning
7. Zoning Change will allow for the most appropriate use of the land.
8. The zoning change would not take away the communities ability to react to future subdivision within the zoned area.

The full text of those reasons are on file in both the Commissioners Office and the Office of Community Development.

He said concerns about drainage, traffic access, and water quality would be better handled through subdivision review than through the rezoning process.

The developer plans a phased development of these 63 lots, and is willing to sign an agreement relative to the resolution of all these issues.

He said they had been working with the neighbors in the area concerning this subdivision, meeting with the Homeowners Association, and another meeting at the school. The concerns

JANUARY 27, 1988 (continued)

brought forth in those hearings concerned traffic impacts, and this proposal meets the standards as far as widths, and include sidewalks on both sides of the street. The concerns with existing streets, no sidewalks on Linda Vista Boulevard for example, could be cured by bringing that street up to today's standards by widening it up to 40' with curb on both sides and sidewalk on the easterly side. He said the developer would pay 25% of the cost with the assessment to be against the 63 lots in the Linda Vista 5th Supplement, and an additional 10% to be assessed against the remaining 117 acres in the rest of the development. If the improvements are not made by the time Linda Vista 6th comes up, the developer would be willing to pay another 25% of the cost. He said an additional access into the area would be built before Linda Vista 6 is brought before the Commissioners.

On the issue of drainage, he said a concept had been developed where sumps would be provided and a large basin to collect drainage waters would be built; and the drainage system was over designed. He said a lot of work has been done on the drainage, and the attitude will be one of future cooperation. In addition, the developer is willing to agree that if the on-site system fails, and this will be put both in the covenants and on the face of the plat that the residents waive their right to protest an RSID to handle the storm drainage problem. If an RSID is needed to build a swale or pipe, the developer will help pay his fair share and is willing to put a statement on the face of the plat reflecting that.

The final significant concern is of groundwater quality and the concentration of nitrates in the area. He said that the proposed central water system will enable the residents to hook up, which will eliminate the health problems that exist today. He described existing problems with drainage, soil, nitrates and sewage.

The residents also have some concerns with the parkland. He said there already is an existing park, although it is covered with knapweed, and contains a drainfield. He said the recommendation is that no tennis courts, etc should be built there. He said the developer intends to clean out the knapweed, put topsoil on it, and re-seed the area. He said that park plus the new park in Linda Vista 5 will have a maintenance RSID's.

He described the public services that will be available in the area, and said the developer has made an effort to comply with the regulations. He urged the Commissioners to disregard the emotions of the situation and rely on the staff report.

Janet Stevens asked Chip Johnson if the proposed public water system relieves the concern that the health department has regarding the downgrading of the wells in the prior subdivision.

Chip Johnson said yes, because those wells would no longer be needed.

Janet Stevens asked what the purpose of the proposed hydrological study was, and what information would it give to the Commissioners.

Chip Johnson said that before the final plat is brought forth, the developer has to have the sanitary restrictions lifted. He thought, though, that the hydrological study wouldn't tell too much more than is now known.

Lloyd Twite addressed the nitrate problem, and said he thought that the guidelines should be set by the Health Department, and not by the Board of County Commissioners.

JANUARY 27, 1988 (continued)

The hearing was opened for public comment.

Lori Cummings, 3324 Eldora said she had a contaminated well, and she did not foresee any traffic problems. She said the area faces more danger from loose dogs than motorists, and she said she is not against making a larger tax base in Missoula County.

Ed Mosier, a 24 year resident of the area, said he has a lot of argillite in his property, and he said that could increase the rate of underflow toward the existing subdivision. He said the deep core drill should make a depth pattern of the area.

Roger Linehart said he supported the subdivision, and submitted a letter to that effect.

Greg Hamilton 3020 Eldora, said he is in favor of the subdivision, and also submitted a letter in support.

Geoff Bayliss, 709 Lolo, referred to a letter printed in the Missoulian, and said he took an interest in the subdivision as a citizen of Missoula and as a businessman. He said house construction was down, and Missoula needs growth and development.

Cynthia Bryan, of Gillespie Realty, said realtors need more homes to sell, and she said this is a quality project.

Dick Schipporeit, a resident of Linda Vista for 17 years said he was in support of the project, and said that the zoning should remain at two homes per acre.

Bruce Suenram, Missoula Rural Fire Chief, said that with the limitations of I-105, this would be an alternate way of providing fire protection with a covenant requiring an approved residential sprinkling system in every home constructed in the subdivision. He said that Mr. Twite had agreed with that.

Ed Proebble, speaking in behalf of David Hickman, said Mr. Hickman, a resident of Linda Vista, was in support of this project.

Steve Sherrick, 4995 Lower Miller Creek Road, said he had no opinion concerning the project, but he had a concern with the floodplain, and runoff onto his property if a swale is built.

Carl Thompson, 3221 Helena, spoke neither in support of or in opposition to the development because the wells would be better, but he felt that the development would cause a great deal more traffic.

Doris Nordstrom, 4975 Lower Miller Creek Road expressed concern with the potential for runoff, and said her property had experienced flooding in the past. She said the development plans address the issue in Linda Vista, but not on Lower Miller Creek Road.

Gilbert Larson, an Engineer with Stensatter, Druyvestein and Associates, said he was a resident of Linda Vista, spoke in favor of the subdivision. He acknowledged a current problem with drainage, and said the sumps provided in this new subdivision would adequately handle the water. He said the development will also result in a wider and safer road.

Jude Munson, 6108 Raylene, addressed two issues, knapweed in the park, and the drainfield. She wondered who would be responsible for the park.

JANUARY 27, 1988 (continued)

Carl Rummell, 2003 Eldora Lane, said the present development was very nice, and he favored Linda Vista 5. He said half acre lots are easier to maintain, and expressed some concern with the access and future subdivisions in the area. He said the current drainfield is necessary and said it needs to be maintained as is. He noted that the developer had been very good at communicating with the homeowners in the subdivision.

Ann Mary Dussault asked who owns the utility lot at this time.

Carl Rummel said it is owned by Lloyd Twite, and the residents have an easement to use it until a community sewer system is installed.

Robert Harlow, 3105 Eldora Lane, President of the Linda Vista Homeowners Association, said the main concern he has is with access. He referred to a letter that he had submitted, and which is on file in the Commissioners Office. He requested that only 42 acres be zoned, and that the rest of the property be left until later, or rezone the entire 160 acres in the project and dead-end all the streets, to force design of better access.

Rolf Tanberg, 6109 Linda Vista Boulevard, said the Homeowners Association received very little response from the residents when he sent out flyers about the development. He expressed concerns with the traffic flow, drainage, and who would pay for water channeling. He said he felt that current residents should not have to pay for a problem that does not exist now.

Dr. Pat McCarthy submitted a letter regarding the channelling and drainage in the area. He suggested that some good engineering be done in the area to study the water problems.

Larry Prinkki, 3425 Lloyd Court, referred to his two letters that he had previously submitted, and added that he had concerns relating to the surface flow, and suggested that something along the line of the South Hills drainage project would be needed. He suggested that approval of the subdivision should be contingent on a agreement that any future development beyond the 42 would have another access other than Linda Vista Boulevard.

Janet Stevens asked if access was still a problem whether it is all rezoned or just a portion of it.

Larry Prinkki said yes, access is a problem no matter what the zoning is, but doing it in parts would give the homeowners some future leverage in future subdivision hearings.

Barbara Evans noted that Lloyd Twite is willing to put an agreement in writing that will guarantee another access when any future subdivisions are proposed.

Gary Turback, 6217 Linda Vista Boulevard, said he was not opposed to the subdivision, but he was opposed to the rezoning of the whole area because of limited access. He said most current landowners knew what the zoning area was, now Mr. Twite is changing the rules in the middle of the game, and C-RR2 is not the only appropriate zoning for the subdivision. He said the main reason he is opposed to the zoning is because of the access, and it would appear that the chicken is being presented before the egg. He said the homeowners need to know that there will be access, and if they can be guaranteed of that fact when the 6th Supplement comes in, they would have no problem. But he felt that it was premature to rezone the whole area at this time.

Gale Albert, 3415 Lloyd Court, said he was opposed to the rezoning because of a potential for contamination of his well, and with traffic problems because Linda Vista Boulevard is a poor

JANUARY 27, 1988 (continued)

road. He asked the Commissioners to deny the rezoning and the subdivision request.

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

Janet Stevens asked Scott Church what additional information the proposed hydrological study would provide, and if it was an issue that the Commissioners should be looking at, or was it strictly a State issue?

Scott Church, of the Health Department, said it would quantify the ground water flow, give additional information concerning the soils in the area, and determine the impact. He said the Health Department needs to know more about the location and depths of the wells in the area, and the nitrate levels.

Janet Stevens asked if all that information related to the lifting of the sanitary restrictions.

Scott Church said that was correct, and it was not within the Commissioners jurisdiction to decide, but those things that impact the public are within the purview of the Board.

Janet Stevens asked if the proposed water system would alleviate the situation with regard to the downgrading of the present wells.

Scott Church said that if all the residents that are currently on wells were hooked up to that water system, there would not be any more problem with contamination of the water.

Barbara Evans asked if there would still be ground water contamination, or would the water system take care of that, too.

Scott Church said there was not much that could be done in the interim, except to improve the existing system as much as possible. He said if it takes 5 or 10 years to get an RSID in there, the contamination problem would be magnified.

Barbara Evans asked Joan Newman to clarify for her what the County's ability to order an RSID is, if it is needed for public health.

Joan Newman said she thought she was referring to the statute that allows for over ride of protest for an RSID for sanitary sewer, and does not include a water system.

Barbara Evans asked if the Commissioners could require that prior to any additional Supplements being submitted that Linda Vista must either have the entire area on a water system, or they must then do a hydrological report.

Scott Church said that if every current resident who had a well hooked up, the Health Department would have no problem.

Barbara Evans asked if there was already Clark Fork Water in the subdivision, and if Lloyd Twite's system would be a second choice for the residents.

Lloyd Twite said his system was designed to handle the whole area.

Ann Mary Dussault asked Lloyd Twite if the proposed water system could handle the existing development, Supplement 5, and Supplement 6.

Lloyd Twite said yes, he is proposing a 87,000 tank, and noted that he thought that the question of water should be addressed by

JANUARY 27, 1988 (continued)

the local and state Health departments, and should not be a concern of the Commissioners. He said subdivision approval needs to be given before he can have the water system designed.

Ann Mary Dussault said she was uncomfortable with that because of where the contamination lies, however, there is not sufficient information to know whether development above that is going to contribute to the problem.

Lloyd Twite said that determination should come from people in the Health Department.

Ann Mary Dussault said she felt a need to make it clear that her approval of this is going to come with some very strong language to both departments that the water contamination problem should be resolved before approval is given. She said so little is known about the aquifer of this community, and she did not think that the Commissioners could look with approval at individual projects without taking into consideration the contamination of the whole. She said contamination of the Rattlesnake may very well affect the aquifer for the balance of Missoula. She said we know too much to pretend ignorance of that fact.

Lloyd Twite said he still had doubts about what, if any, good information will come from a hydrological survey. He said currently, people are contaminating their own water with cesspools being in the ground water.

Chip Johnson said he did not think that the Commissioners have the ability or knowledge to decide if a hydrological study is needed, and he could not give the answers today, and neither could Scott. He said if there is a problem in the area that is going to require the developer to do more than the adopted regulations, then the people who know, from the health department, should be the ones to make that determination. He said if Linda Vista 5th Supplement had not come into being, there would not have been any talk of any need of a hydrological study. He said improper installation of cesspools and wells in the first place have significantly contributed to the problem. He said there is an existing problem that the Commissioners are trying to make the developer pay for.

Ann Mary Dussault said that at this point, the discussion would be recessed until the following Wednesday, and written testimony would be taken until Tuesday at 5 p.m.

Barbara Evans said the developer would have to agree to the extension as the time limit will have run out by then.

Ann Mary Dussault asked Lloyd Twite if he would agree to continue the hearing until February 3.

Lloyd Twite said he would agree to that extension.

There being no further business to come before the Board, the Commissioners were in recess at 5:05 p.m.

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JANUARY 28, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-004

Commissioners Evans and Stevens signed, with Commissioner Dussault abstaining, Resolution No. 88-004, resolving that the restrictive covenants in the Meadows of Baron O'Keefe to allow commercial use on lots 11A and 11D have been amended.

Declaration of Covenant

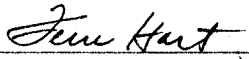
The Board of County Commissioners signed a Declaration of Covenant for Janice E. Wheeler, the owner of certain property described on a Certificate of Survey on file in the Clerk & Recorder's Office, stating that the property will be used exclusively for agricultural purposes and that no building or structure requiring water or sewer facilities will be erected or utilized. The Covenant was returned to Deputy County Attorney Joan Newman for further handling.

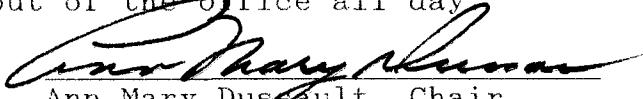
The minutes of the daily administrative meeting are on file in the Commissioners Office.

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JANUARY 29, 1988

The Board of County Commissioners did not meet in regular session; Commissioner Stevens attended the Economic Outlook Seminar which was held at the University of Montana during the day, and Commissioner Evans was out of the office all day


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

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FEBRUARY 1, 1988

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

Welfare Advisory Board

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

DAILY ADMINISTRATIVE MEETING

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

- 1) John Kellogg met with the Commissioners and discussed Thompson Dental's CDBG application; and
- 2) the request to put the Lolo Peak Development issue on the ballot was discussed and will be referred to Mike Sehestedt, Deputy County Attorney.

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

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FEBRUARY 2, 1988

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

Audit List

Commissioners Evans and Dussault signed the Audit List, dated February 2, 1988, pages 5-36, with a grand total of \$112,532.22. 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:

Modification of Agreement

Chair Dussault signed a Modification of Agreement between the MT Department of Health and Environmental Sciences and the Missoula City-County Health Department for the purpose of modifying Section III(1) of the Agreement between them concerning the MCH Block Grant (DHES No. 800053) as follows:

1. The total amount to be paid under the agreement, cited in the introductory sentence of paragraph (1), is \$80,910 instead of \$59,434.

2. A new paragraph (c) is added, reading as follows:

"(c) \$21,476 as soon as possible after this Modification of Agreement is signed by both parties and DHES receives the report(s) due pursuant to Section IA(5)."

The Agreement Modification was returned to DHES in Helena for signatures and handling.

FEBRUARY 2, 1988 (continued)Resolution No. 88-005

The Board of County Commissioners signed Resolution No. 88-005, a budget amendment for FY'88 for the Sheriff's Department, including the following and adopting it as part of the FY'88 Budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Patrol - Salaries 1000-300-420180-111	\$(18,795)
Patrol - Fringe Benefits 1000-300-420180-141	\$ (4,473)

This is a downward amendment for the traffic control position in the Sheriff's Department which was to be funded by increased ticket revenue. The total amount of the amendment is the cost of the position \$26,390 less the increased revenue which was received during the time the position was filled, \$3,122.

Resolution No. 88-006

The Commissioners signed Resolution No. 88-006, a resolution ordering that the remaining balance after payment of all bonds and warrants in the RSID accounts listed on the Resolution be transferred to and become a part of the RSID Revolving Fund.

Resolution No. 88-007

The Board of County Commissioners signed Resolution No. 88-007, resolving that the funds authorized for transfer to the RSID Revolving Fund by Resolution No. 88-006 shall first be used to retire the loans and close out the RSID's where all the bonds and warrants have been fully paid but the District Fund reflects a negative balance (as listed on the Resolution), with the balance of the funds to be transferred to to the RSID Revolving Fund.

Lease Agreement

The Board of County Commissioners signed a Lease Agreement between Missoula County and the Missoula Aging Services, whereby the County will lease to the Aging Services the premises described as "approximately 136 square feet more or less, located in or near the stairwell of the first floor of the Missoula County Courthouse Annex", as per the covenants and stipulations set forth, from January 1, 1988, through December 31, 1991.

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

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FEBRUARY 3, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a Joint Proclamation with the City of Missoula, proclaiming the week of February 7-14, 1988, to be Love Without Fear Week in Missoula, inviting the cooperation of all concerned citizens to join in a coordinated effort to eliminate domestic violence and sexual assault from our lives.

FEBRUARY 3, 1988 (continued)Settlement Agreement

The Board of County Commissioners signed a Settlement Agreement between the City of Missoula, Missoula County, GCR Trust, and Sorenson & Company, all secured creditors in the Chapter 11 proceedings now pending in U.S. Bankruptcy Court regarding Prospect Associates, Inc., setting forth the terms and conditions to settle the claims by working cooperatively to liquidate their security and pay the claims in a proportionate manner provided in the Agreement. The Agreement was returned to Joan Newman, Deputy County Attorney, for further signatures and handling.

Other items included:

Board Appointment

The Commissioners appointed Byrl Thompson as a "regular" member and Tom Porter as the "alternate" member on the Seeley Lake Refuse District Board of Directors through December 31, 1990.

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

PUBLIC MEETING

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

Bid Award- Removal of Junk Vehicles- Mineral County (Health Department)

Information provided by Jon Shannon, Western Montana JV District, indicated that the Health Department manages all junk vehicle activity in Mineral County through an inter-local agreement. A contract is bid and awarded annually for the removal of junk vehicles in Mineral County. Bids were opened February 1, 1988, Bids received were:

Merrill Keehn & Jim Holyk	\$64.50 per vehicle
Schober's Towing	35.00 per vehicle

The recommendation was to award the bid to Schober's Towing and Repair of St. Regis. There is no fiscal impact to the General or the Health Fund, the cost of approximately \$3,500 will come from the junk vehicle fund.

Janet Stevens moved and Barbara Evans seconded the motion to award the bid for the removal of Junk Vehicles in Mineral County to Schober's Towing and Repair of St. Regis for \$35.00 per vehicle. The motion carried on a vote of 3-0.

Decision On: Subdivision & Rezoning Request (Linda Vista 5th Supplement) -Lloyd Twite.

Chair Ann Mary Dussault noted that when this issue was tabled last week, the Commissioners were at the point of being in executive session and asking questions of staff and the developer.

Deputy County Attorney Joan Newman said that after the public hearing last week, she had met with the Health Department and Mr. Twite and representatives of Stensatter Druyvestein and Associates concerning the suggested conditions of approval submitted by the Health department prior to the hearing. She suggested conditions of approval which would address the concerns of the Health Department and her office. She recommended that the Office of Community Development's recommended conditions,

FEBRUARY 3, 1988 (continued)

dated January 26, 1988, be revised. She recommended that the utility lot, which was to be dedicated as a park and community area not be accepted as a dedicated public park. She said she did not oppose it being developed as common area, provided that a separate homeowners association be formed and incorporated for Linda Vista 5th, which will manage the common area. She recommended that a statement be placed on the face of the plat which would state that acceptance of a deed shall constitute a waiver of the right to protest an RSID. Another condition she suggested was to require some hydrological data, with a copy of the study provided to the local health department.

Scott Church, of the Health Department said the department would be doing nitrate analysis of all the existing wells, free of charge, in order to determine the problems in the area.

Janet Stevens asked why that hadn't been done before.

Scott Church said that it had been requested, in the previous subdivisions of this property, but had never been a part of the formal conditions of approval.

Paula Jacques said she had made reference to the Health Department's requests previously, but there was no way to pin down the impact of the nitrate problem, or how to say what the source of the problem was. She said she had spent a considerable amount of time talking to developers, engineers, the Water Quality Bureau and the Health Department regarding the issue. She said after all those discussions, she got a very strong sense that there was not any way to pin down what the impact is, or to tie it to a specific source. She said that with the Health Department participating in the review, that that was the best that could be done. In the 5th Supplement development, the discussions about nitrate began to get more serious.

Barbara Evans asked Scott Church to explain what it means to map the area.

Scott Church said it would be a grid, and where the contour lines are the same, the soil data could be ascertained from the map.

Barbara Evans said her concern is that the map is done in intervals of two feet, yet the wells are 150-500 feet apart. She asked how the Commissioners could assume that the water in one well is the same as another.

Scott Church said the general pattern would emerge after the data is studied.

Barbara Evans said it would be better if the developer had to provide the logs and put them on a map, rather than doing guesswork every two or three feet.

Scott Church said the Health Department would draw the map if the developer provides a list, and the Health Department could do all the work, but feels that the cost should be borne by the developer.

Chip Johnson said he concurs with the staff's report and with all the conditions, and thanked the Planning Staff for their cooperation. He addressed the issue of the park, and said Lloyd Twite would bring in four inches of topsoil in order to keep the park in good condition. He said if the drainfield fails, there would be a great deal of liability for the County if the park is not a dedicated park. In regard to the issue of sewer and the water quality, he said that if the problem is as acute as the Health Department says it is, why did the Health Department wait for a subdivision to come in before the problem is identified.

FEBRUARY 3, 1988 (continued)

He said he hoped the Commissioners would not force Lloyd Twite to cure an existing problem, and wondered where the concern was with the 4th Supplement? He said he did not believe that the Board of County Commissioners has enough information to say that installation of individual sewer systems in Linda Vista 5 poses a real danger or threat to wells in that area. He said it was not a good idea to require this developer to put a waiver on the plat concerning municipal sewer, and he stated that he thought there needed to be more coordination between the local and the State Health Departments.

Barbara Evans asked Chip Johnson if he felt a well test should be done before any house could be sold, and if so, didn't the Commissioners have a responsibility to the residents who live there to be concerned about their Health.

Chip Johnson said he felt the Commissioner should be concerned.

Barbara Evans asked how he thought the Commissioners should have handled this before, that unless people come in with a development, there is no means or leverage to accomplish this.

Chip Johnson said that if the County felt a study was necessary, they should have ordered one, they did not necessarily have to wait for a developer to come in with plans.

Barbara Evans said she did not feel comfortable with the conditions, but felt that any developers must have some responsibility for whatever results come from that development, and the Commissioners also bear some responsibility for the health of residents of the County.

Janet Stevens asked Horace Brown what the future plans were for Lower Miller Creek Road.

Horace Brown said those plans would depend on subdivisions and other tracts in the area, and what kind of traffic develops.

Janet Stevens asked if there was anything in the current Capital Improvement program for Lower Miller Creek Road.

Horace Brown said it is in the program, but outside of the funding area, and will probably not be accomplished unless an RSID is formed.

Janet Stevens asked Gilbert Larson what the plans were for the floodplain area.

Gilbert Larson said there is a route available to take the drainage to the floodway. He said they had not checked beyond the floodway to see if a swale could be constructed to take the water all the way to the river.

Horace Brown said he had talked to Dr. McCarthy about an easement for putting a swale across his property, and they are still in a preliminary study about that location, and the money for that easement will have to come from somewhere besides the road department.

Gilbert Larson said that if an impasse was reached on getting an easement to the river, the conditions after the subdivision are built would still be better than they are today because of the number of sumps and the drainage basin.

Barbara Evans asked why another park, at the site of the utility lot was being planned.

FEBRUARY 3, 1988 (continued)

Lloyd Twite said the entire park requirement could be in Linda Vista 5, but this utility lot is a weed patch, and he would like to see it fixed up, to make it a nicer place for the community.

Barbara Evans asked if Marilyn Park would suffer from lack of attention and money from the Homeowners because they would have to work on this one too, and asked if a maintenance SID could be made for the maintenance of this new park.

Lloyd Twite said that was already in his proposal.

A discussion of the park and "formal" recreation uses ensued.

Janet Stevens moved and Barbara Evans seconded the motion to rezone the southwest one quarter of Section 12, Township 12 North, Range 20 West, from C-RR1 to C-RR2 subject to the findings of fact contained in the staff report, and conditional upon the Board of County Commissioners receiving, in writing, an agreement stating that no further subdivisions, or amendments regarding Linda Vista will be submitted without having usable accesses provided. The motion carried on a vote of 3-0.

Janet Stevens moved, and Barbara Evans seconded the motion to approve the preliminary Plat of Linda Vista, 5th Supplement, subject to the findings of fact in the staff report, and to the following conditions:

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 a potentiometric map with intervals of two feet compiled from 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.
2. A park development and maintenance RSID shall be established for any dedicated parks.
3. Grading, drainage, street and sidewalk plans are subject to the approval of the County Surveyor.
4. The cost of improving Linda Vista Boulevard (widening, curb, gutter and sidewalk on the east side) adjacent to the utility lot proposed for park dedication shall be borne by the lots within the 5th Supplement.

FEBRUARY 3, 1988 (continued)

5. The following statement shall be printed on the face of the plat and in the covenants:

"Acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest an RSID and can be used in lieu of signature on an RSID petition for the improvement of Linda Vista Boulevard and Lower Miller Creek Road and for the design and construction of a drainage system for the area affected by this subdivision and for construction of or extension of municipal or community sewer."

6. If a drainage swale is constructed across Lot 2, Block 4 of Linda Vista, then an easement shall be filed with the Clerk and Recorder.
7. If street lights are installed, the street lighting plan shall be approved by Montana Power and the County Risk Manager.
8. Fire hydrant locations are subject to approval of the Rural Fire District.

The motion carried on a vote of 2-0, Barbara Evans abstained.

Consideration of: Seeley Lake Estates No. 3 Summary Plat.

Paula Jacques, Planner from the Office of Community Development, said that Seeley Lake Estates #3 is the resubdivision of Tract 22 in Seeley Lake Estates No. 3 into two residential lots. Both lots will have individual wells and septic systems, with access off of existing county roads. The staff recommends that the summary plat of Seeley Lake Estates #3 be approved subject to the condition that sanitary restrictions shall be lifted by the state and local health authorities, and subject to the findings of fact contained in the staff report.

Barbara Evans moved and Janet Stevens seconded the motion to approve the summary plat for Seeley Lake Estates No. 3, subject to the following condition and the findings of fact contained in the Staff Report. Condition:

1. Sanitary restrictions shall be lifted by state and local health authorities.

The motion carried on a vote of 3-0.

Hearing: Community Development Block Grant Proposal- Thompson Dental Manufacturing

John Kellogg, Grants Administrator for Missoula County said that Thompson Dental has requested a low-interest loan through the Community Development Block Grant Program in order to help finance an expansion project. The expansion will result in the hiring of 22 new full-time workers within their existing plant at 6th and Ronan Streets in Missoula. The total amount of the expansion plan is approximately \$643,000, of this CDBG would loan through the County \$125,000 would be loaned to Thompson for working capital and payoff of their existing mortgage, and \$15,000 would cover administrative expenses. A bank loan of \$125,000 would also be applied for, and there is an investment of real estate that totals approximately \$70,000, and through conversion of stock, approximately \$300,000 would be added to the project.

FEBRUARY 3, 1988 (continued)

He said that the City Council reviewed this proposal two weeks ago, and supported the concept of Thompson Dental applying through the Board of County Commissioners with the understanding that the beneficiaries for this project would include both residents of the city and the county of Missoula.

He said deadline for submittal of the grant proposal to the Department of Commerce is February 19, 1988.

The hearing was opened for public comment.

Tom Thompson showed the Commissioners some samples of the dental instruments his company manufactures. He said the company is trying to meet the rapid expansion that they have incurred over the past two years, and meet the demands that the market has put on them. He said Thompson Dental had been increasing at the rate of 64% a year through the developmental stage, and had now has to pick up new employees and begin increasing their manufacturing to keep up with the sales. He said the last two years have been very good. He said that Thompson Dental has not been bankable, because through the developmental stage, there was a great deal of money spent on research and development. Because of that, banks have shied away from them. The induction of the CDBG money would make it possible for them to be bankable, and to get money for working capital that they need. He described Thompson Dental as a family business, and related the history of the company.

Ann Mary Dussault asked him to explain the competition between him and American Dental in regard to product line, and whether the expansion will be in competition with another business in the current market.

Tom Thompson said his company sells in 27 foreign countries and every state in the union. He said less than 1% of their sales are done in Missoula and the surrounding area. He said American Dental no longer markets as competitively as they did when the Thompson family owned that business, and they are not on as much of an aggressive track as they once were. Thompson Dental, on the other hand, has picked up quite a bit of American Dental's business, and if the sales projections are accurate, Thompson Dental should have about 25% of the school market. He said Thompson Dental had developed the product that American Dental is selling, and now Thompson has color coded their instruments, which is unique.

Ann Mary Dussault asked about the publicized problems that American Dental had had regarding disposal of hazardous wastes, and asked if Thompson Dental had those same problems.

Tom Thompson said hazardous wastes are not a by-product of his process, because his company does not make instruments from carbon steel, which has to be plated, and that is where the hazardous wastes come from. He said Thompson Dental makes stainless steel dental instruments with no plating involved, and minimal chemicals are used.

Janet Stevens asked if the proposed hiring procedures will be targeted to low income applicants.

Tom Thompson said his proposal targets low and moderate-income employees, and will meet the standards provided for in the grant application. He said he would work through the Job Service to hire low to moderate-income persons.

Janet Stevens asked if it would be possible to restrict the hirings to just low-income persons.

FEBRUARY 3, 1988 (continued)

Ron Ostrander, Assistant Manager of the Missoula Job Service said that the requirement that JTPA eligible applicants will be hired would give a sufficient pool from which to select employees. In addition, applicants that are eligible under the Veterans Administration's OJT program would also be eligible for this hiring through JTPA.

Ann Mary Dussault said she had received some information that would indicate that in the past, Thompson Dental has had difficulty in meeting its payroll for some JTPA eligible clients, and asked Ron Ostrander if he had had experience with that situation with this company, and if it is true, what assurances do the Commissioners have that cash flow will be sufficient to meet payroll.

Ron Ostrander said he had reviewed the last three years to look at the number of On the Job Training Contracts that had been developed with this firm to see what the actual placement rate had been for those people compared to those who had left. He said there had been 5 or 6 within the three year period who had completed their contract with a good entry level wage. In terms of meeting the payroll, he said he could not say what had happened more than two years ago when he had come in and supervised the JTPA program. He had not heard of those specific problems in the past couple of years.

Ann Mary Dussault asked if those JTPA eligible clients still employed at Thompson Dental.

Ron Ostrander said a good number of them are still employed at Thompson Dental, but others that had been placed with the VA OJT Program.

Ann Mary Dussault asked if Tom Thompson wanted to address the question of the company having difficulty meeting payroll.

Tom Thompson said the company had been in a developmental stage, and there had been cash problems, but he felt that the problems were in the past; the last 21 payrolls had been met, and there is no indication that the payrolls will not be met in the future.

Fern Hart, Missoula County Clerk and Recorder/Treasurer questioned Tom about previous problems with delinquent taxes and whether he would be using the CDBG Grant to pay off previous debts. She asked if he had a banker willing to loan the \$125,000 outlined in the proposal.

Tom Thompson said he had a banker that had told him today that the proposal was bankable, but he does not have a firm commitment yet. He then detailed the way the grant would be used, the method for converting stock and property, and future funding plans which would make the company more bankable.

Fern Hart said she would like to see some proof of his receivables and contracts which are listed in the financial sections of the applications. She asked if he owed the IRS any money.

Tom Thompson said he was clear with the IRS but he owes the state some money. He said all his financial statements are open, and since he has come into the company, great strides have been made in making the company more fiscally sound.

Ann Mary Dussault asked if Thompson Dental owes the County any back taxes.

FEBRUARY 3, 1988 (continued)

Fern Hart said the company owes \$4,500.00, and that does not include penalty and interest. That is also personal tax, and she does not know if the real estate taxes are current.

Ann Mary Dussault said that what she was trying to establish was an understanding of the liability and who would be responsible for the liability and if the cash flow will be sufficient to meet the contractual agreements with the County. She asked if the machinery and building will both become part of the corporation.

Tom Thompson answered in the affirmative. He explained how the stock and property was rolled over into the company. He said projections he had done with his accountants show that everything will be very viable.

Barbara Evans asked John Kellogg if he felt that the business is a viable business and will be able to meet the obligations.

John Kellogg said he had confidence in the company, given the track record the family had with American Dental. He said the information he had gathered while preparing the application had covered all areas of concern, and he was confident that there would be a bank that would make the loan.

David Owen, representing the Chamber of Commerce, spoke in support of the application. He called attention to the fact that this is a primary industry, and will help make a healthy, competitive business climate in Missoula.

Mark Byington, a CPA representing Thompson Dental, said American Dental has a 10% share of the national market, and Thompson has a virtual non-existent share, so the advantage they would gain through this grant would probably not be at the expense of American Dental. He addressed questions relating to the company's stocks and fiscal projects, and said he feels the company is financially secure.

Jim Morton, representing the Human Resource Council noted that this project will give jobs to the community, but he would like to see those jobs and the hiring focused on low income persons rather than low and moderate as the income levels for moderate income level people with a family of four to \$21,000. He said he was concerned about the financial health of Thompson Dental and that the debt service is very highly leveraged in this business, and he was concerned that bankers may not be willing to assume the risk for this money. He indicated that he thought it would be a good idea to have an independent, private CPA to look at Thompson Dental's books.

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

A letter of support from the Missoula Economic Development Corporation was read into the record.

Janet Stevens asked when the application would be submitted.

John Kellogg said it would have to be submitted by February 18.

Janet Stevens said she would like to comment on some of Jim Morton's comments. She said she thought he was right in that it was necessary to focus on the low income people in the community, as that is where the basic need is. In addition, she agreed that a look at the company's books was in order, but she cautioned the Commissioners not to get so concerned about it to the point that the banks are in this community, with one or two exceptions, that we fail to take the risks so that some of these fledgling companies have the opportunity to expand and develop without having to start a company from a wealthy position to begin with.

FEBRUARY 3, 1988 (continued)

She said the Board of County Commissioners, and she, personally, feel that some of the banks in the community just simply haven't taken that risk needed to develop some of the small businesses in this community, and if the Board of County Commissioners need to step out into the front and do that, then so be it. She said that is not to say that they are not concerned about a company's economic and financial position, but maybe we need to be taking the risk that some of those banks are not. She said that other Community Development Block Grant Programs that the County has initiated has resulted in some failures, some successes, and some out there that are still hanging on, but the purpose of some of those programs is not just to employ people at those companies that have received the block grants, but to provide a working fund for other businesses and other expansions in the community to provide jobs in that respect.

Barbara Evans said that these companies do expand the tax base, and every time someone gets put to work, that also expands the tax base as well as their individual living conditions. She said if she had to decide where to put the County's trust or faith, it would be in one that has so much of their body and soul and everything they own invested in a corporation. She said she thinks Thompson Dental is in that category, and she was a dental assistant for many years, and has handled instruments not as well built as these, and she feels that they are an extremely good product.

Ann Mary Dussault said she would like to be assured that the pool of workers would be limited to low-income people, and if JTPA eligible were used, a large enough pool would be provided so the hiring capabilities would not be jeopardized.

Ron Ostrander assured the Commissioners that the pool would have approximately 3,500 JTPA eligible workers in Missoula.

Janet Stevens asked if more time would be needed to review the financial records.

Ann Mary Dussault said she felt comfortable with them as long as John Kellogg had reviewed them in depth, and asked Mike Sehestedt, Deputy County Attorney if he had reviewed them.

Mike Sehestedt said he had looked at them briefly, and could see no major problems.

Barbara Evans moved, and Janet Stevens seconded the motion to find the Community Development Block Grant application to be in the public interest, and to authorize the chair to act on the County's behalf in regard to the application and to provide such additional information as may be required.

There being no further business to come before the Board, the Commissioners were in recess at 4:00 p.m

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FEBRUARY 4, 1988

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

Monthly Reports

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

FEBRUARY 4, 1988 (continued)DAILY ADMINISTRATIVE MEETING

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

Quarterly Report

Chair Dussault signed the 2nd Quarter Report, dated February 2, 1988, for the Health Department's MCH Block Grant. The report was forwarded to Robert L. Soloman at the MT Department of Health and Environmental Sciences in Helena.

Resolution No. 88-008

The Board of County Commissioners signed Resolution No. 88-008, a resolution authorizing submittal of a Community Development Block Grant application to assist Thompson Dental Manufacturing Company through a low interest loan.

Audit Letter

The Board of County Commissioners signed a letter to the Auditor's Office acknowledging receipt and review of the audit of the County Clerk & Recorder's Fee and Reception Book for the period from July 1, 1986, through November 30, 1987, and the County Treasurer for the period May 1, 1986, through June 30, 1987. The Audit was forwarded 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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FEBRUARY 5, 1988

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

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of the Sheriff, Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for month ending January 31, 1988.

Fern Hart by Wendy Rose Crowell *Ann Mary Dussault*
 Fern Hart, Clerk & Recorder, Deputy Ann Mary Dussault, Chair

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FEBRUARY 8, 1988

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.

DAILY ADMINISTRATIVE MEETING

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

FEBRUARY 8, 1988 (continued)Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #2 (1/10/88 through 1/23/88) with a total Missoula County Payroll of \$310,016. The Transmittal Sheet was returned to the Auditor's Office.

Other items included:

- 1) the Commissioners approved renewing the subscription to the Montana Tax Foundation, Inc. publication; and
- 2) the Commissioners voted unanimously to accept FHA's offer to settle for \$1,000 for the amount owed on a promissory note to the County by Charlene Finbraaten, one of the housing rehab clients in East Missoula who recently went through bankruptcy and her home went back to the FHA.

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

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FEBRUARY 9, 1988

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated February 9, 1988, pages 6-32, with a grand total of \$121,234.88. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Bonnie Arno as principal for warrant #2636, dated November 20, 1987, on the Missoula Area Special Education Cooperative Fund in the amount of \$38.61 now unable to be found.

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 the State Department of Revenue for the purpose of providing the Department with the computer hardware and software, and the changes to and servicing for computer hardware and software necessary for the Department to appraise and assess property located in Missoula County, as per the terms set forth, for a payment of \$17,500. through June 30, 1988. The Agreement was returned to Jim Dolezal in Information Services for further signatures and forwarding to Helena.

Irrigation Easement

The Board of County Commissioners signed an Irrigation Easement, whereby Missoula County grants and releases to Paul A. and Natalie L. Hanson of Butler Creek Road an easement 15 feet wide for an irrigation pipe of sufficient size to contain irrigation water and to be installed and permanently maintained by the Grantee as shown as the Hatchured Area on the Exhibit attached to the Easement; and said Easement is perpetual and shall run with the land.

FEBRUARY 9, 1988 (continued)

Other items included:

- 1) John DeVore, Administrative Officer, discussed the INTERCAP Program with the Board; he was authorized to proceed to commit to a \$446,000 line of credit with 1% down at this time; and
- 2) the Commissioners met with Dave Demmons, Chief Probation Officer, regarding Youth Court Personnel; he was given authorization to work with the Personnel Director on the reclassification of the work study person to a part-time temporary position to the end of September as long as it can be done within budget limitations.

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

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FEBRUARY 10, 1988

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

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 Randi Burnham RN, an independent contractor, for the purpose of providing health care services as required in the Missoula County Jail, as per the terms set forth, for the period from February 1, 1988, through January 31, 1989, for payment not to exceed \$12.50 per hour with a two-hour minimum.

Bill of Sale and Construction Agreement

The Board of County Commissioners signed a Bill of Sale from Missoula County to Mountain Water Company for the improvements installed pursuant to RSID No. 425 in Sportco Addition, for consideration received and as per the terms set forth. Chair Dussault also signed a Construction Agreement between Missoula County and Mountain Water Company pertaining to the water service in Sportco Addition, as per the terms set forth. The documents were returned to John DeVore, Administrative Officer, for further signatures and handling.

Conciliation Agreement

Chair Dussault signed a Conciliation Agreement between Missoula County and the Montana Human Rights Commission regarding the complaint against the Missoula County Clerk of Court by Janie Rae Schmid, who charged that she had been discriminated against because of her physical handicap and denied a promotion in the Clerk of Court's Office, resolving the matter by paying the charging party \$2,500 as a compromise settlement of the disputed legal claim. The Agreement was returned to Hal Luttschwager, County Risk Manager, for further signatures and forwarding to the Human Rights Commission in Helena.

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

FEBRUARY 10, 1988 (continued)

PUBLIC MEETING

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

Consideration of: Amendments to Linda Vista 5th Supplement

Ann Mary Dussault said that the Commissioners had been requested to reconsider their action regarding the Linda Vista 5th Supplement. Since the last meeting, the Health Department and the developers had discussed the conditions relative to the groundwater, and they had agreed that it would be the Health Department that would actually map the data provided by the Twites. In addition, there was another recommendation that the cost of improving Linda Vista Boulevard adjacent to the utility lot was to be borne by the Linda Vista Homeowners. Since the Commissioners did not approve that improvement of that utility lot, it does not make sense to have the Linda Vista 5th Supplement residents have to assume the cost of improving the sidewalks and curbing in that area.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to reconsider the action of February 3, 1988 relative to the Linda Vista 5th Supplement Preliminary Plat. The motion carried on a vote of 2-0.

Janet Stevens moved to delete in condition #1 the phrase "and a potentiometric map with intervals", and delete condition #4 of the prior approval, making the conditions as follows:

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 compiled from 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.
2. A park development and maintenance RSID shall be established for any dedicated parks.
3. Grading, drainage, street and sidewalk plans are subject to the approval of the County Surveyor.

FEBRUARY 10, 1988 (continued)

4. The following statement shall be printed on the face of the plat and in the covenants:

"Acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest an RSID and can be used in lieu of signature on an RSID petition for the improvement of Linda Vista Boulevard and Lower Miller Creek Road and for the design and construction of a drainage system for the area affected by this subdivision and for construction of or extension of municipal or community sewer."

5. If a drainage swale is constructed across Lot 2, Block 4 of Linda Vista, then an easement shall be filed with the Clerk and Recorder.
6. If street lights are installed, the street lighting plan shall be approved by Montana Power and the County Risk Manager.
7. Fire hydrant locations are subject to approval of the Rural Fire District.

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 1:55 p.m.

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FEBRUARY 11, 1988

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

Monthly Report

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

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'88 Budget:

- 1) No. 880027, a request from the Superintendent of Schools to transfer \$150 from the Contracted Services Account to the Phone - Basic Charge Account because of a potential shortfall in this account; and
- 2) No. 880028, a request from the Commissioners Office to transfer \$1,000 from the Contracted Services Account to the Home to Office Travel Account to cover the shortfall in this account.

FEBRUARY 11, 1988 (continued)Bill of Sale

The Board of County Commissioners signed a Bill of Sale from Missoula County to the State Department of Highways for the former generator building at the Union Peak Radio Site located in the SE 1/4 of Section 7, T. 12 N., R. 14 W., Granite County, Montana, for a total payment of \$1,500. One copy of the Bill of Sale was returned to the Highway Department in Helena for their records.

Other items included:

- 1) the Commissioners approved the list of the current board members of the El Mar Homeowners Association for the term of 1/15/88 to 1/15/89 as submitted by Arna Sharbono, Secretary-Treasurer of the Association;
- 2) the resignations of the current Museum Board members were received and accepted, and the Commissioners appointed John DeVore, Kathy Crego, and Jim Dopp to serve as interim Board members until new board members can be advertised for and appointed; and
- 3) the Commissioners appointed Wayne L. Henneck to the Missoula Consolidated Planning Board to serve until December 31, 1988, as the County's representative on the Board for an individual living outside the 4 1/2 mile radius of the City limits.

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

Luncheon Meetings

At noon, Commissioner Stevens attended the 5-Valleys Future luncheon meeting; and Commissioner Evans attended the Law Enforcement Officer of the Year luncheon and presentation.

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FEBRUARY 12, 1988

The Courthouse was closed for the Heritage Day holiday.

Fern Hart by Wendy Ross Cromwell *Ann Mary Dussault*
 Fern Hart, Clerk & Recorder, Deputy Ann Mary Dussault, Chair

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FEBRUARY 15, 1988

The Courthouse was closed for the President's Day holiday.

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FEBRUARY 16, 1988

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated February 16, 1988, pages 6-28, with a grand total of \$71,889.52. The Audit List was returned to the Accounting Department.

FEBRUARY 16, 1988 (continued)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 #3 (1/24/88 through 2/06/88) with a total Missoula County Payroll of \$306,904.31. 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 Susan R. Thomas RN, an independent contractor, for the purpose of providing health care services as required in the Missoula County Jail, as per the terms set forth, for the period from February 1, 1988, through January 31, 1989, for total payment not to exceed \$12.50 per hour with a two-hour minimum.

Resolution No. 88-009

The Board of County Commissioners signed Resolution No. 88-009, a resolution relating to the Board of Investments' InterCap Program; approving and authorizing participation therein and approving the Commitment Agreement. Chair Dussault signed the Commitment Agreement for the Intermediate Term Capital Program (INTERCAP) between the Board of Investments and Missoula County as per the terms set forth.

Block Grant Application

Chair Dussault signed Missoula County's Community Development Block Grant application on behalf of Thompson Dental Manufacturing Company. The Application was returned to John Kellogg in CDBG/General Services for further handling and forwarding to the Montana Department of Commerce.

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

Dinner Meeting

In the evening, Commissioners Dussault and Stevens attended a MACo Board of Directors dinner meeting in Billings.

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FEBRUARY 17, 1988

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Stevens were in Billings attending MACo Meetings and the DES Conference. Commissioner Evans was out of the office until noon.

Opening Ceremony

In the afternoon, Commissioner Evans participated in the Opening Ceremony of the Providence Center located at 902 N. Orange.

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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FEBRUARY 18 AND 19, 1988

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Stevens were in Billings attending the MACo Midwinter Meeting on February 18th and 19th, and Commissioner Evans was out of the office both days.

Fern Hart, by Wendy Ross Cromwell
Fern Hart, Clerk & Recorder, Deputy

Ann Mary Dussault
Ann Mary Dussault, Chair

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FEBRUARY 22, 1988

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

Indemnity Bond

Chair Dussault examined, approved, and ordered filed an Indemnity Bond naming Burlington Northern, Inc. as principal for warrant #143182, dated March 12, 1986, on the Missoula County Road Fund in the amount of \$1,248.48 now unable to be found.

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 the Declaration of Covenant by Melvin Palin, the owner of certain property described as S 1/2 Tract 'C' on a Certificate of Survey on file in the Clerk & Recorder's Office, declaring that the parcel shall be used exclusively for agricultural purposes and that no building or structure requiring water or sewage facilities will be erected or utilized on said parcel.

Extension Letter

The Board of County Commissioners signed a letter to Nick Kaufman of Sorenson & Company approving a one-year extension to the preliminary plat review period for Grantlands 14 and 15 in accordance with the recommendation from the staff of the Office of Community Development, making the new final plat submittal deadline March 25, 1989, for both subdivisions. The Commissioners also agreed to an extension of the conditions of zoning approval, so an additional year will be allowed to file the two conservation easements (one for the undeveloped portions of the meadows and one for the power line corridor which provides a crossing to the Wildlife Federation property) and a conceptual walkway plan.

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

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FEBRUARY 23, 1988

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated February 23, 1988, pages 5-29, with a grand total of \$816,510.51. 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

Chair Dussault signed an Agreement between Missoula County and the Montana Highway Traffic Safety Administrator for the purpose of aiding Missoula County speed traffic enforcement efforts through the purchase of six (6) radar speed measuring devices, as per the terms set forth, for a total amount not to exceed \$4,350. The Agreement was returned to the Sheriff for further handling.

Resolution No. 88-010

The Board of County Commissioners signed Resolution No. 88-010, a resolution to correct the Notice of Passage of Resolution No. 87-44 regarding RSID No. 418 as the Notice adopted on April 16, 1987, failed to include all the information as required by MCA 7-12-2165.

Notice of Passage of Resolution of Intent to Create RSID No. 418

Chair Dussault signed the Notice of Passage of Resolution of Intent to Create RSID No. 418 for the purpose of road improvements in Goodan Keil Estates, setting the hearing date for March 16, 1988.

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

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FEBRUARY 24, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Board Appointment

The Board of County Commissioners appointed Marguerite Munsche to the Weed Control Board of Supervisors to fill the unexpired term of Charles Tiernan, who has resigned, through December 31, 1988.

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

PUBLIC MEETING

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

FEBRUARY 24, 1988 (continued)

Hearing: Certificate of Survey Review-Mark Blair

Information provided by Joan Newman, Deputy County Attorney, indicated that Mark Blair was requesting to use the occasional sale and remainder exemption to divide his tract (Tract 7-A COS 2603) in the Goodan Keil Estates. Mr. Blair is a building contractor and wishes to build a house on the occasional sale parcel during the slow months for his business and offer it for sale when he is able. The request had been referred to the Commissioners because Mr. Blair previously used the occasional sale, family gift and remainder exemptions to create three tracts from the original 20-acre tract, which was COS 1972. Those tracts were then redesigned by a boundary relocation in COS 2603 which was filed in 1981. She said it was her understanding that the two exemption tracts have been transferred and that Mr. Blair lives on the remainder. He would now like to create one more tract upon which to build a house for sale.

The hearing was opened for public comment.

Mark Blair described the history of the parcel and the previous splits. He said he had no intention of evading the Subdivision and Platting Act.

Janet Stevens moved and Barbara Evans seconded the motion to approve the request regarding division of Tract 7-A COS by occasional sale and remainder, based on the fact that no attempt to evade the Montana Subdivision and Platting Act. This approval is contingent upon the following language being printed on the face of the survey:

"This Certificate of Survey was not reviewed for adequate access, installation of utilities, or availability of public services; nor does this approval obligate Missoula County to provide road maintenance or other services."

The motion passed on a vote of 3-0.

Hearing: Certificate of Survey-Occasional Sale -Marcure

Information provided by Joan Newman, Deputy County Attorney, indicated that Mr. Alverd Marcure has applied to use the occasional sale and agricultural exemption to create two parcels from Portions of Section 28, 29, 32, 33, T.15N., R21W., both for sale to the same person. The buyer will live on the occasional sale parcel. In order to obtain State Board of Housing financing, the buyer must have a two acre parcel upon which the existing home sits. The request has been referred to the Commissioners because Mr. Marcure has created an occasional sale before in COS 1669, done in 1978. That parcel is not of the same parent tract as this one as it is located some miles away in another township.

The hearing was opened for public comment.

Dick Ainsworth, of Professional Consultants Inc., representing Mr. Marcure said the same party is buying both houses. He indicated Mr. Marcure's other holdings in the area.

Barbara Evans moved and Janet Stevens seconded the motion to approve the request for an occasional sale exemption to divide property described as Portions of Section 28, 29, 32, 33, T.15N., R21W., based on the fact that no attempt to evade the Montana Subdivision and Platting Act is evident. The following language is to be printed on the face of the survey:

FEBRUARY 24, 1988 (continued)

"This Certificate of Survey was not reviewed for adequate access, installation of utilities, or availability of public services; nor does this approval obligate Missoula County to provide road maintenance or other services."

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

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FEBRUARY 25, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Wenatchee, Washington participating in a Fire Prevention Conference.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-011

The Board of County Commissioners signed Resolution No. 88-011, a budget amendment for FY'88 for the Health Department, including the following expenditures and revenue and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-613-444900-206 Office Supplies	FROM \$1,824 TO \$3,185
2270-613-444900-342 Office Equip.	<u>1,048</u> <u>1,191</u>
Maint.	\$2,872 \$4,376

<u>Description of Revenue</u>	<u>Revenue</u>
2270-613-331147 WIC Grant	FROM \$171,736 TO \$173,240

Additional funds of \$1,504 received per modification of agreement dated 10/22/87 with DHES.

Resolution No. 88-012

The Board of County Commissioners signed Resolution No. 88-012, a budget amendment for FY'88 for District Court - Public Defender, including the following expenditures and revenue and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Various	\$68,309.

<u>Description of Revenue</u>	<u>Revenue</u>
State Grant-in-Aid 2180-100-333090	\$68,309.

Budget Transfers

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

- 1) No. 880029, a request from District Court - Public Defender & Court Operations to transfer \$428,062 from various accounts listed on the attachment to the Transfer to various accounts listed on the attachment because the budgets for these two departments as originally loaded

FEBRUARY 25, 1988 (continued)

did not reflect where the money would actually be spent; this Transfer moves the spending authority from the original lines to those shown on the attachment;

- 2) No. 880030, a request from the Sheriff's Department to transfer \$11,000 from the Coroner Duties/Equip. (\$6,500), Radio Maintenance (\$1,000), Prescription Drugs (\$2,500), and Microfilm Service (\$1,000) accounts to the Patrol - Permanent Salaries account to cover personnel one-time costs; and
- 3) No. 880031, a request from Youth Court to transfer \$27,987. from the accounts shown on the attachment to the Transfer to the accounts shown on the attachment as the Youth Court Community Services Grant was not correctly coded in FY'88.

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

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FEBRUARY 26, 1988

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

Ann Mary Dussault
Ann Mary Dussault, Chair

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FEBRUARY 29, 1988

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

Welfare Advisory Board

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-013

The Board of County Commissioners signed Resolution No. 88-013, a resolution approving a recommendation from the Long-Range Planning Committee of the Larchmont Golf Course Board of Directors to create a building reserve fund within the Larchmont Golf Course Enterprise Fund, as per the terms set forth, for the purpose of eventually building a new clubhouse at Larchmont Golf Course.

Supplement to Operating and Financial Plan

Chair Dussault signed Supplement No. 1 to the Operating and Financial Plan between Missoula County and the Forest Service dated October of 1983, regarding reimbursable services requested from the Missoula County Sheriff's Department by the Forest Service for extra patrol personnel during the holiday weekends, as per the terms set forth, for the period beginning March, 1988, and ending September 30, 1988. The Plan Supplement was returned to the Sheriff for further signatures and handling.

FEBRUARY 29, 1988 (continued)

Appointment of List of Deputy Registrars

The Board of County Commissioners signed the list submitted by the Elections Office appointing qualified registered voters of Missoula County as deputy registrars, as per the rule change enacted by the 1987 legislature which enables the Commissioners to appoint registrars in certain selected precincts by March 1st of each year. The appointment list was returned to the Elections Office for further handling.

Other items included:

The Commissioners voted unanimously to authorize Diane Conner, Deputy County Attorney, to proceed with negotiations on the Lake County District Court Costs lawsuit with a proposal to settle at \$25,000 due and payable by July 15, 1988.

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

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MARCH 1, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Board Appointments

The Board of County Commissioners reappointed Will Deschamps and Tom Kosena to the Larchmont Golf Course Board for three-year terms through March 31, 1991; and reappointed Judy Wing to a three-year term as the second alternate member of the Larchmont Board.

Also, the Commissioners:

- 1) voted unanimously to cast Missoula County's vote for Dick Rossignol in the Soil Conservation Committee Election; and
- 2) approved paying the invoice for NACo (National Association of Counties) dues for the period from 4/30/88 through 4/30/89 and includes 15 subscriptions to the County News publication.

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

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MARCH 2, 1988

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated March 1, 1988, pages 5-28, with a grand total of \$104,490.09. 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 Professional Services Contract between Missoula County and Karen Ward, an independent contractor, for the purpose of organizing Region V AIDS Health Education/Risk Reduction Training and Resource System, as per the terms set forth, for the period from March 1, 1988, through April 30, 1988, for a total amount not to exceed \$2,000. The contract was returned to the Health Department for further signatures and handling.

Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein & Associates for the purpose of reviewing, assessing and analyzing the RSID 901 water system, as per the terms set forth, for a total payment of \$11,123. The Agreement was returned to General Services for further handling.

MARCH 2, 1988 (continued)Resolution No. 88-014

The Board of County Commissioners signed Resolution No. 88-014, a resolution addressing the personal property tax matter for The Outpost, D/B/A Joker's Wild Restaurant and Lounge for 1985 and 1986, as per the terms set forth in the Resolution.

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

PUBLIC MEETING

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

Proclamation

The Commissioners signed a joint city-county proclamation proclaiming Wednesday, March 16, 1988 as Daffodil Day, recognizing the need for additional funds for cancer research, and asking all residents to purchase and wear a daffodil -- the flower of hope. It was noted that the Commissioners had bought, from personal funds, 400 daffodils as gifts for County employees.

Consideration of Placid Lake-South Shore Tracts (Phase II Final Plat)

Information provided by Paula Jacques, Planner II from the Office of Community Development, indicated that this is the second phase in the development of the 35 lot recreational subdivision. This phase consists of six building lots and one additional lot to be attached to an existing leased tract. The staff recommendation was approval, subject to the following conditions:

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. Road construction plans bearing an engineer's seal shall be submitted with the final plat of each phase of development, including plans for the revegetation of road cuts subject to the approval of the County Weed Supervisor. Where roads cross property outside this subdivision, easements shall be obtained.

Dick Ainsworth, developer, said he had sold 7 of the previous 10 lots of the 1st phase, and this phase has 6 lots. He said the road will be graveled this summer.

Ann Mary Dussault asked if there were any concerns about the water.

Dick Ainsworth said the potential groundwater problems with the property are in the areas of phases 3 and 4. He said Ed Zuleger from the Health Department is monitoring that situation, and had submitted a letter, which was included in the submittal plat.

Barbara Evans moved, and Janet Stevens seconded the motion to approve the final plat of Placid Lake South Shore Tracts, Phase II, subject to the conditions included in the staff report. The motion carried on a vote of 3-0.

MARCH 2, 1988 (continued)

Consideration Of: Brookside (Phase II - Final Plat)

Information provided by Paula Jacques, Planner II from the Office of Community Development indicated that this is the second phase in the 53 unit townhouse development. The existing cul-de-sac will be extended to serve the 13 additional lots. The staff recommendation was for approval of the final plat subject to the following four conditions.

1. Grading, drainage, sedimentation and erosion control for private improvements shall be approved by the Planning Staff.
2. All phases prior to Phase IV shall include a statement on the plat which says that acceptance of a deed for a lot within this subdivision shall constitute the assent of the owner to any future RSID for a sidewalk on Rattlesnake Drive and may be used in lieu of their signature on an RSID petition.
3. Easements shall be granted and shown on the plat for utility purposes for both the proposed sewer lines and future sewer lines traversing the property and their location shall be approved by the City Engineer.
4. The sewer lines traversing the subdivision should be sized to accommodate design flows subject to City standards and approved by the City Engineer.

Dick Ainsworth said he had no problems with the conditions, and all the Brookside units will be connected with the sewer.

Barbara Evans moved and Janet Stevens seconded the motion to approve the final plat of Brookside on the Rattlesnake, Phase II, subject to the conditions as stated in the staff report. 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 1:50 p.m.

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MARCH 3, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Personnel Policies Addendum

The Board of County Commissioners signed Addendum G to the Missoula County Personnel Policies regarding the personnel files of all County employees--what is included, maintenance, and availability. The Addendum was returned to the Personnel Office for further handling.

Other items included:

- 1) Commissioner Dussault requested to be on record as opposing dropping the subscription to the Wall Street Journal and the ICMA membership;
- 2) the CDBG staff will be given notice of potential layoffs; and

MARCH 3, 1988 (continued)

- 3) the Commissioners approved the purchase of a financing package for computers.

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

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MARCH 4, 1988

The Board of County Commissioners did not meet in regular session. Commissioners Evans and Stevens left for Washington, D.C. where they will attend the NACo Legislative Conference; and Commissioner Dussault was in Helena attending a MACo Council of Elected Officials Meeting.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

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MARCH 7 AND 8, 1988

The Board of County Commissioners did not meet in regular session; Commissioners Evans and Stevens were in Washington, D.C. attending the NACo Legislative Conference through March 8th.

Monthly Reports

Chair Dussault examined, approved and ordered filed the monthly reconciliation report for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending February 29, 1988.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for month ending February 29, 1988.

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MARCH 9, 1988

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

Audit List

The Board of County Commissioners signed the Audit List dated March 8, 1988, pages 3-23, with a grand total of \$64,469.05. 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 #4 (2/07/88 through 2/20/88) with a total Missoula County Payroll of \$324,541.96. The Transmittal Sheet was returned to the Auditor's Office.

MARCH 9, 1988 (continued)Resolution No. 88-015

The Board of County Commissioners signed Resolution No. 88-015, a resolution accepting easements from various parties for public road and all other public purposes as shown on Certificate of Survey 3545, located in a portion of the North 1/2 of Section 18, T. 12 N., R. 19 W., PMM, Missoula County, and known as Loraine Drive.

Settlement Agreement

The Board of County Commissioners signed a Settlement Agreement between Missoula County and Lake County for the purpose of settling the lawsuit between the parties entitled "In the Matter of Lake County's Obligation for Operating Costs of the Fourth Judicial District", as per the mutual promises set forth in the Agreement.

Proclamation

The Board of County Commissioners signed a joint proclamation with the City of Missoula proclaiming March, 1988, as Red Cross Month and urging all residents to donate their time and their resources to support Red Cross activities.

Audit Letter

The Board of County Commissioners signed a letter to the Auditor's Office acknowledging receipt and review of the audit of the County Road, Bridge, Surveyor and Working Fund 70 Department for the year ended June 30, 1987. The audit was forwarded to the Clerk & Recorder's office for filing.

Other items included:

- 1) the Commissioners set the hearing regarding the maintenance of Dickinson Street for April 6, 1988, at 1:30 p.m.; and
- 2) John DeVore, Administrative Officer, updated the Commissioners on the City's payment for services for administration of the CDBG program.

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

PUBLIC MEETING

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

Consideration of: Big Sky Lake Estates Summary Plat (Lots 1,2,3,83 and 84)

Information provided by Barbara Martens, Planner II from the Office of Community Development, indicated that Big Sky Lake Estates is a master planned recreational subdivision near Salmon Lake. The lake (formerly Fish Lake) is owned by the Big Sky Lake Property Owners Association. The Corporation attempted to file a plat for the entire subdivision in 1965. At that time, however, the Commissioners did not want the entire area platted. Since that time, a series of summary plats have been filed. This practice continued even after the adoption of the Subdivision and Platting Act in 1973, although in 1976 it was decided that the master plan would be submitted for review by the Planning Board. It was subsequently approved by the Commissioners in December

MARCH 9, 1988 (continued)

1976. The design and improvement standards in effect in 1965 apply to the subdivision. This summary plat consists of five lots. The staff recommends that the summary plat of lots 1,2,3,83 and 84 to Big Sky Lake Estates be approved subject to the following condition:

Sanitary restrictions shall be lifted by state and local health authorities.

Dick Ainsworth said he had no comments, and agreed with the staff report.

Janet Stevens moved, and Barbara Evans seconded the motion to approve the Summary Plat of lots 1,2,3,83 and 84 to Big Sky Lake Estates be approved subject to the condition that sanitary restrictions shall be lifted by state and local health authorities. 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 1:38 p.m.

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MARCH 10, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a MACo Economic Development Committee meeting.

DAILY ADMINISTRATIVE MEETING

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

Audit Letters

The Board of County Commissioners signed letters to the County Auditor's Office, acknowledging receipt and review of the following audits:

- 1) of the Missoula County Fair Commission for the period ended 11/30/87 and the Fair's Parimutuel Account for the time period beginning with the previous net loss report date of 11/7/86-12/15/87; and
- 2) of the Missoula County Superintendent of Schools for the period 7/1/86-6/30/87.

The audits were forwarded to the Clerk & Recorder's Office for filing.

Approval of Agricultural Covenant

The Board of County Commissioners signed approval of a Certificate of Survey Covenant by Patrick L. Hayes for Tracts 3 & 4 of land located in the SW 1/4 of Section 26, T. 13 N., R. 16 W., PMM Missoula County, stating 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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MARCH 11, 1988

The Board of County Commissioners met in regular session in the afternoon; all three members were present. In the forenoon, Commissioner Dussault attended a MACo Constitution/Legislative Committee Meeting which was held at the Sheraton in Missoula; and Commissioner Evans was out of the office until noon.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending February 29, 1988.

Demonstration

In the afternoon, Commissioners Evans and Stevens attended a demonstration of the Home Arrest System.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

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MARCH 14, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office the week of March 14th through March 18th.

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners approved a request from John DeVore to purchase a keyboard for the Compac Deskpro on the Commissioners Mastercard which will save the County approximately \$45.00;
- 2) the Board concurred with the opinion submitted by County Auditor, Susan Reed, regarding the use of Mastercard for the purchases of items not associated with Commissioner travel and business expenses, as per the terms set forth in her memo of March 11, 1988; and
- 3) the unpaid MRL bill was discussed--it was agreed that a reminder be sent after one month asking them to set a date when payment will be made.

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

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MARCH 15, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-016

The Board of County Commissioners signed Resolution No. 88-016, a Resolution of Intent to conditionally rezone from "C-RR1"

MARCH 15, 1988 (continued)

(Residential District) to "C-RR2" (Residential District) property described as the southwest quarter of Section 12, T. 12 N., R. 20 W., PMM.

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

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MARCH 16, 1988

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated March 15, 1988, pages 5-38, with a grand total of \$162,406.05. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Spencer-Mead Medical as principal for warrant #166787, dated October 6, 1987, on the Missoula County Health Fund in the amount of \$43.95 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Audit Letter

The Board of County Commissioners signed a letter to the County Auditor's Office acknowledging receipt and review of the audit of the internal accounting and administrative controls of Larchmont Golf Course for the calendar year 1987. The audit was forwarded to the Clerk & Recorder's Office for filing.

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #5 (2/21/88 through 3/05/88) with a total Missoula County payroll of \$309,394.95. The Transmittal Sheet was returned to the Auditor's Office.

Bid Award and Agreement

As per the recommendation of staff, the Board of County Commissioners awarded the bid for the construction of fencing at the baseball field at the Community Center Park in Clinton to Marchie's Nursery, the low bidder in the amount of \$2,600.00. The Commissioners then signed the Agreement between Missoula County and Marchie's Nursery for the construction of improvements at the Community Center Park in Clinton, as per the terms set forth, to be completed within 45 days of the date of the Agreement for a total payment of \$2,600. The Agreement was returned to John Kellogg in the CDBG Office for further handling.

Other items included:

- 1) the Commissioners authorized the purchase of one 1988 City Directory for their office use; and

MARCH 16, 1988 (continued)

- 2) a request from Jim Fairbanks, Appraisal/Assessor's Office Supervisor, for the County to pay the Assessor's Association dues was approved; however, the request for "convention expenses" will be checked into further before authorization is given.

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

PUBLIC MEETING

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

Hearing: Resolution of Intent to Create RSID No. 418 (Goodan Keil Estates - Paved Roadway)

Information provided by John DeVore, Administrative Officer, indicated that RSID 418 was originally created by the Board of County Commissioners on May 6, 1987. During the process of selling the bonds to finance this project, an error was discovered by Bond Counsel. This error involved the total cost of the project being excluded from the original Notice of Passage. The corrective action suggested by both the Bond Counsel and the County Attorney's Office was to re-notice the creation of this RSID. This process has been completed.

Since this involved starting over, the 15-day protest period from date of first publication of the second notice of passage is still in effect. During this second notice process, two letters of protest were received and are on file in the General Services Office.

John DeVore said he would recommend passage of the creation of this RSID and further recommends that the required repairs to the water system within the right-of-way be included within the scope of work. He said the bond bidder was Grende and Company from Seattle, and they are still interested in the bonds, and since interest rates have dropped since the original creation of this RSID, it would be saving the County some money. He said the original construction bids are holding except for the asphalt bid, which is going to be a little higher.

The hearing was opened for public comment.

Mark Blair, President of the Goodan-Keil Homeowners Association, said he was in favor of the RSID, and the residents both wanted and needed better roads.

Dick Clairmont spoke in favor of the RSID, he said he owns property in the area, and would build his home as soon as the roads are put in. He said the roads are necessary both for good access and for improving the value of the land.

Jim Mickelson a resident of the Goodan-Keil Estates, said he built his home because the RSID was passed earlier, and now that he has his home built, he would like to see the roads improved.

Jess Mickelson, an employee of the City fire department said the roads are necessary for access for emergency vehicles, and for good snow removal, and he urged the Commissioners to create this RSID.

Chip Johnson, an engineer with Stensatter, Druyvestein & Associates, said all the plans and specs for the project have been approved, the bids have been received, and there is a great deal of support for this RSID.

MARCH 16, 1988 (continued)

No one else spoke in favor of the RSID, those speaking in opposition were:

C.H. Rossell said the roads did not need to be improved; the fire trucks can already get into the area; he knows that for a fact, because the firemen who live up there bring the trucks home for lunch. He said the roads are just fine the way they are, land values are down in Missoula, and he can't afford to pay for any new roads.

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

Janet Stevens asked if this RSID would include water meters.

Joan Newman and John DeVore said that it was discussed, but it had been determined that it was a separate issue, and would require a separate RSID.

Janet Stevens said there seemed to be some confusion about the term of the bond; and she wanted to know if it was for 10 or for 15 years.

John DeVore said it was for 10 years, the original petition stated a 10-year period, and if he said 15 years during the original hearing, he was mistaken, and apologized for the error.

Horace Brown, County Surveyor, said that the entrance to Goodan Keil from Butler Creek Road needs some improvements.

Chip Johnson said that the plans for the road reflect improvements in that intersection.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to create RSID, and to pass the Resolution, with the condition that the required repairs to the water system within the right-of-way be included within the scope of work. The motion carried on a vote of 2-0.

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

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Audit Exit Conference

In the afternoon, the Commissioners and members of the Budget Team met with representatives of Dobbins, DeGuire & Tucker to discuss the results of the audit report for Missoula County for year ended June 30, 1987.

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MARCH 17, 1988

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

DAILY ADMINISTRATIVE MEETING

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

MARCH 17, 1988 (continued)

Addendum to Personnel Policies

The Board of County Commissioners signed Addendum II, regarding sexual harassment, to the Missoula County Personnel Policies, stating that all employees have a right to work in an environment free from all forms of discrimination, including sexual harassment, as per the definitions and examples set forth in the Addendum. The Addendum was returned to the Personnel Office for further handling.

Budget Transfers

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

- 1) No. 880032, a request from Centralized Services to transfer \$550 from one Postage account (411701) to another Postage account (411702) to correct the coding;
- 2) No. 880033, a request from District Court to transfer \$779.81 from various accounts of the four District Judges (061, 062, 063, and 064) to the four Capital-Office Equipment accounts for the purchase of an electronic air cleaner as per the attachment to the transfer;
- 3) No. 880034, a request from General Services to transfer \$9,569.35 from the DES (411210 - \$6,588.44) and (411230 - \$2,980.91) Permanent Salaries Accounts to the General Services Permanent Salaries Account, and \$1,921.54 from the DES (411210 - \$1,304.15) and (411230 - \$617.39) Fringe Benefits Accounts to the General Services Fringe Benefits Account which will allow DES to claim part of General Services personnel costs for FEMA federal matching funds; and
- 4) No. 880035, a request from the Sheriff's Department to transfer \$725.00 from the Safety Supplies account to the Capital-Technical Equipment account to replace the radar unit that was ruined in the patrol car fire, unit #458.

Resolution No. 88-017

The Board of County Commissioners signed Resolution No. 88-017, a budget amendment for FY'88 for the Sheriff's Department, including the following expenditure and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Purchase six (6) MPH K Band Radar Units as provided for by the Montana Highway Safety Contract 88-07-03-7	\$4,350.
<u>Description of Revenue</u>	<u>Revenue</u>
Montana Highway Safety Contract 88-07-03-7 will reimburse Missoula County.	\$4,350.

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

Ribbon Cutting Ceremony

In the afternoon, Commissioner Stevens participated in the ribbon cutting ceremony for the new shuttle service at the Airport.

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MARCH 18, 1988

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

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

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MARCH 21, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-018

The Board of County Commissioners signed Resolution No. 88-018, a resolution endorsing the Missoula Chamber of Commerce as the sponsoring organization for Missoula County in the Montana Superhost Program.

Acknowledgment of Audit Report

Chair Dussault signed acknowledgment of the receipt of the audit report for Missoula County for year ended June 30, 1987, which was submitted by Dobbins, DeGuire & Tucker, P.C. The acknowledgment was returned to the accounting firm.

Other items included:

- 1) the Commissioners voted unanimously to approve a request from the Seeley Lake Community Council for County funds in the amount of \$335 to assist them with their expenses;
- 2) the Board authorized Operations Officer, Jim Dopp, to proceed with the land exchange proposal with T & T Construction regarding Lot 50 in Meadowlark Acres as per his memorandum of March 20, 1988; and
- 3) Diane Conner, Deputy County Attorney, met with the Commissioners regarding the Lowe lawsuit settlement-- the Board authorized her to proceed to dismiss civil action if they agreed to dismiss appeal of the criminal action.

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

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MARCH 22, 1988

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.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated March 22, 1988, pages 3-30, with a grand total of \$921,527.00. The Audit List was returned to the Accounting Department.

MARCH 22, 1988 (continued)DAILY ADMINISTRATIVE MEETING

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

Audit Letter

The Board of County Commissioners signed a letter to the Auditor's Office acknowledging receipt and review of the audit of the drug forfeiture fund and narcotics grant. The audit was forwarded 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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MARCH 23, 1988

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Robert Schuyler as principal for warrant #11390, dated March 17, 1988, on the Larchmont Golf Course Fund in the amount of \$765.68 now unable to be found.

PUBLIC MEETING

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

There was no public comment, and no business to come before the Commissioners, and the meeting was recessed at 1:31 p.m.

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MARCH 24, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer request from the Tamarack Federation and adopted it as part of the FY'88 budget:

No. 880036, a request to transfer \$726 from the Books and Resource Materials account to the Capital-Books account as per the memo attached to the transfer.

MARCH 24, 1988 (continued)Resolution No. 88-019

The Board of County Commissioners signed Resolution No. 88-019, a budget amendment for FY'88 for Tamarack Federation, including the following expenditures and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
As listed on the attachment to the Amendment	\$6,756.

<u>Description of Revenue</u>	<u>Revenue</u>
221-411-334061 (surplus funds received in the first three quarterly payments of budget revenue because of record coal sales and tax paid)	\$6,756.

Other items included:

- 1) the Commissioners signed a letter to Dale Dean, the Chairman of the State Tax Appeal Board, regarding the employment status of the County Tax Appeal Board secretary, stating that Missoula County's decision was to have its CTAB secretary remain a state employee; and
- 2) the Commissioners reconsidered their previous decision to drop the ICMA membership and decided to renew the membership for another year.

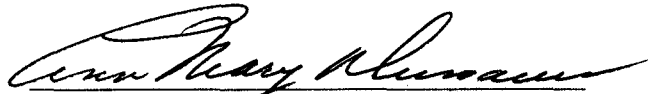
The minutes of the daily administrative meeting are on file in the Commissioners Office.

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MARCH 25, 1988

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


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

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MARCH 28, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-020

The Board of County Commissioners signed Resolution No. 88-020, a resolution accepting real property conveyed by an easement from the United States of America, acting by and through the Forest Service, Department of Agriculture, for public road and all other public purposes, located in portions of Section 8, T. 19 N., Range 16 W., and Section 12, T. 19 N., R. 17 W., PMM, Missoula County.

MARCH 28, 1988 (continued)Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Professional Consultants, Inc., for the street and drainage improvements project to Stonehaven Avenue and Loraine Drive (RSID No. 427), as per the terms set forth, for a total payment of \$12,000. The Agreement was returned to General Services for further handling.

Acceptance of Proposal

Chair Dussault signed Acceptance of the offer from Grande & Company, Inc., of Seattle, WA to purchase \$391,000 RSID #418 bonds as per the terms set forth in their proposal. The document was returned to John DeVore, Administrative Officer, for further handling.

Other items included:

- 1) the Commissioners' decision on the costs of the Magone v. Commissioners lawsuit was to pay the Commissioners' costs from Financial Administration Contingency fund and to include such dollars in this fund in the future; and
- 2) the following appointments to the Missoula County Park Board were made by the Commissioners:
 - Mike Kress of the Office of Community Development and Bob Holm of the Surveyor's Office were reappointed to three-year terms through the first Monday in May, 1991;
 - Maria deMontigny was reappointed as the alternate member through the first Monday in May, 1989; and
 - Mark Hurd was appointed as a regular member to fill the unexpired term of Brian Kellogg through the first Monday in May 1991.

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

MARCH 29, 1988

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Wes Hardin as principal for warrant #171878, dated March 9, 1988, on the Historical Museum Fund in the amount of \$33.89 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

MARCH 29, 1988 (continued)Agreement

Chair Dussault signed an Agreement between Missoula County and the Montana State Highway Traffic Safety Administrator for the purpose of aiding Missoula County in securing consultant engineering services to evaluate no more than 15 traffic cluster areas in Missoula County, as per the terms set forth, to be completed no later than August 31, 1988, at a total amount not to exceed \$17,600.

Other items included:

- 1) the Commissioners authorized the Sheriff to proceed with the purchase of six patrol vehicles, provided that the invoice is not received until after July 1, 1988, as the capital items will be included in the FY'89 budget;
- 2) the Commissioners confirmed the appointment of Lonie Parson of the Health Department as the chairperson of the Missoula Traffic Safety Task Force, which will be in effect until such time that program funds are not available for the coordinator position;
- 3) the Board voted to approve waiving penalty, interest, and administrative costs for Green Tree Acceptance, Inc. pending receipt of documentation from Fern Hart, Treasurer; and
- 4) the SARA/HAZMAT project proposal was discussed--the job descriptions for the temporary positions were approved; Orin Olsgaard will send a letter regarding contributions of administrative costs; and a letter will be sent to Missoula Rural Fire stating that the County is willing to exercise the forbearance clause of the loan agreement entered into on March 21, 1983, between the County and the Missoula Rural Fire District Trustees, provided the Trustees agree to provide \$5,000 in this fiscal year towards interim funding of the Hazmat Coordinator position recently created for the SERA project.

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

* * * * *

MARCH 30, 1988

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

Audit List

Commissioners Dussault and Stevens signed the Audit List dated March 29, 1988, pages 3-26, with a grand total of \$80,295.17. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Audit Letter

The Board of County Commissioners signed a letter to the Auditor's Office acknowledging receipt and review of the audit of the Commissary of the Missoula County Jail. The audit was forwarded to the Clerk & Recorder's office for filing.

MARCH 30, 1988 (continued)Permit

The Board of County Commissioners signed a Missoula County Permit whereby the County agrees to permit Jack Thibodeau of 700 Mount Avenue to use a portion of Missoula County property adjacent to Crystal Creek Road in Section 12, T. 12 N., R. 18 W., excepting the required thirty foot right-of-way for said road, for the purpose of ingress and egress to property now owned by Mr. Thibodeau, which borders the County owned parcel, and for pasture, as per the terms set forth in the Permit.

Agreement to Extend Plat Approval

The Board of County Commissioners signed an Agreement to Extend Preliminary Plat Approval between Missoula County and Larry R. Kolb, Inc., the subdivider of Bitterroot Meadows, agreeing to extend the preliminary plat approval for ten (10) years from the date of approval, February 23, 1983, to February 23, 1993, as per the terms set forth in the Agreement.

Resolution No. 88-021

The Board of County Commissioners signed Resolution No. 88-021, a resolution setting the Sale of Tax Deed Property - 1981 for April 13, 1988, at 1:30 p.m., at which time the following real estate will be offered for sale: Lincoln Hills #6, Lots 10 and 21, with a fair market value of \$20,000 each.

Other items included:

- 1) the Commissioners denied a request from Bob's Pizza Plus for a refund of taxes; and
- 2) the Board supported John DeVore's recommendation for a single ownership water system for Linda Vista, which would be financed by an RSID and under county ownership.

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

PUBLIC MEETING

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

Bid Award (Traffic Line Paint - Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that on Monday, March 28, 1988, the following bids were received:

Norris Paint and Varnish Company	\$22,414.00
Columbia Paint Company	\$21,878.00
Komac Paint Company	No Bid

The recommendation was to award the bid to Columbia Paint Company for \$21,878.00.

Janet Stevens moved and Barbara Evans seconded the motion to award the bid for Traffic Line to Columbia Paint Company for \$21,878.00. The motion carried on a vote of 3-0.

MARCH 30, 1988 (continued)Bid Award: (Road Sanding Materials - Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that on Monday, March 28, 1988, the following bids were received:

	<u>Unit Price</u>	<u>Extended Cost</u>
J.W. Phillips Construction	\$3.70	\$18,500.00
L.S. Jenson & Sons	\$6.98	\$34,900.00
American Asphalt	\$12.00	\$60,000.00
Western Materials	\$9.74	\$48,700.00

The recommendation was to award the bid to J.W. Phillips Construction for \$22,940.00 for 6,200 cubic yards of road sanding materials.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid to J.W. Phillips Construction for \$22,940.00 for 6,200 cubic yards of road sanding materials. The motion carried on a vote of 3-0.

Decision: Reconsideration of Conditions of Preliminary Plat Approval (Linda Vista - 5th Supplement)

Information provided by Joan Newman, Deputy County Attorney, indicated that during Lloyd Twite's proposal for preliminary plat approval for Linda Vista #5, he requested that a 2.5 acre utility lot in Linda Vista #3 be either accepted as public park or common area to be deeded to Linda Vista #5 Homeowner's Association for maintenance as a park area. The commissioners rejected the proffered dedication as public park mainly because it is subject to an easement for drainfield for 12 lots in Linda Vista #3 and unsuitable for park dedication. There were legal problems with the common area proposal at the time. It now appears that Lloyd has solved those problems by obtaining the consent of the 12 lot owners served by the drainfield, so that the common area proposals can be considered. The utility lot could be deeded as common area for the Linda Vista #5 subject to the easement for drainfield use and subject to the limitations on use of the lot set out in Lloyd's letter of March 10. Thus, the deed of utility lot to Linda Vista #5 Homeowner's Association should acknowledge the easement, and both the covenants and the Homeowner's Association documents should state the conditions 2-6 of Lloyd's Memorandum of March 10, 1988. This is more accurately described as a letter from the 12 homeowners in Linda Vista #3 who are served by the drainfield.

Joan Newman said that one of the conditions proposed is that there be a maintenance RSID to be supported by the Linda Vista #5 Homeowners, but this common area is privately owned, so a maintenance RSID could not be used in that manner. So, condition #5 should state: The developer, Lloyd Twite shall create, by covenant, a method of assessment on the owners of lots in Linda Vista #5 to create a method for funding maintenance. So the conditions should be as follows:

1. The use of the lot shall be restricted, by covenant, to passive activities (lawn, picnic area, etc.). No vehicle or motorcycle traffic, no equestrian activities and no other activity leading to compaction of the soil shall be permitted.
2. To protect the life of, and access to the drainfield, no structure of any type shall be permitted on the lot.
3. The developer, Lloyd Twite, shall provide topsoil, leveling and seeding of the lot at his sole expense.

MARCH 30, 1988 (continued)

4. The developer, Lloyd Twite, by covenant, shall create a method of assessment for owners of the lots in the Linda Vista 5th Supplement to provide a method for funding maintenance. The Linda Vista 5th Supplement Homeowners Association shall be required, by covenant, to maintain the lot as open space, in an aesthetic manner conforming in character with the surrounding neighborhood.
5. Maintenance, repair and improvement of the sewer facilities shall remain the sole responsibility, obligation and expense of the Linda Vista 3rd Supplement Homeowners Association served by the drainfield. Reasonable access shall be provided to perform required maintenance. Excavation shall be permitted for replacement purposes.

Gary Turback and Rolf Tandberg both indicated that as Linda Vista residents, they were in agreement with the amended conditions.

Janet Stevens moved and Barbara Evans seconded the motion to reconsider the preliminary plat approval of Linda Vista #5. The motion carried on a vote of 3-0.

Janet Stevens moved, and Barbara Evans seconded the motion to approve the amended conditions of preliminary plat approval for Linda Vista #5. The motion carried on a vote of 3-0.

Consideration of: Rice Addition (Summary Plat)

Information provided by Mike Kress, Planning Director, indicated that the Rice Addition is the resubdivision of Lot 15, Curtis and Majors Addition to create two lots for existing single family dwellings. Both share a single access onto Curtis Street, which requires a variance. Individual wells and septic systems are used by the homes. The subdividers are Don and Patsy Rice, 310 North Curtis. If approved, the filing deadline will be September 26, 1988. The staff recommends that the summary plat of the Rice Addition be approved, subject to the conditions, variance and findings of fact set forth in the staff report.

Barbara Evans moved and Janet Stevens moved to approve the summary plat for the Rice Addition, subject to the following conditions and the findings of fact contained in the Staff Report. The conditions are as follows:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The first 20 feet of the private driveway shall be paved.

In addition, the requested variance to allow continued use of the existing shared access shall be granted. 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 1:50 p.m.

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MARCH 31, 1988

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

DAILY ADMINISTRATIVE MEETING

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

MARCH 31, 1988 (continued)Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #6 (3/06/88 through 3/19/88) with a total Missoula County payroll of \$313,738.21. The Transmittal Sheet was returned to the Auditor's Office.

Resolution No. 88-022

The Board of County Commissioners signed Resolution No. 88-022, a resolution accepting real property conveyed by an easement from the United States of America, acting by and through the Forest Service, Department of Agriculture, for public road and all other public purposes, located in a portion of the NW 1/4, NE 1/4, and N 1/2, NW 1/4 of Section 21, T. 14 N., R. 19 W., PMM, Missoula County.

Notice for Publication

Chair Dussault signed a Notice for Publication of a public hearing on a proposed resolution to continue to assess the extra 0.5% local option motor vehicle fee in FY'89, setting the hearing for April 20, 1988, at 1:30 p.m.

Other items included:

The Commissioners approved a request from Orin Olsgaard, DES Coordinator, to use FY'88 DES budget authority to cover the operating costs itemized in his memo of March 31, 1988, in the amount of \$2,175, for the Interim Hazardous Materials Coordinator.

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

Quarterly Jail Inspection

The Board of County Commissioners and Dan Corti of the Health Department conducted the Quarterly Inspection of the Missoula County Jail.

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APRIL 1, 1988

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

Fern Hart by Wendy Ross Cromwell
Fern Hart, Clerk & Recorder Deputy

Ann Mary Dussault
Ann Mary Dussault, Chair

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APRIL 4, 1988

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

Welfare Advisory Board

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Seeley Swan Activity as principal for warrant #5677, dated January 26, 1988, on the Missoula County General Fund in the amount of \$1,226.84 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-023

The Board of County Commissioners signed Resolution No. 88-023, a resolution addressing the personal property tax matter for Green Tree Acceptance, ordering that penalty and interest be waived from December 4, 1987, to March 7, 1987, because of erroneous information given them by the County Treasurer's Office, and that their 1987 tax bill be adjusted accordingly.

Resolution No. 88-024

The Board of County Commissioners signed Resolution No. 88-024, a resolution accepting real property by an easement conveyed to the County by the United States of America, acting by and through the Forest Service, for public road and all other public purposes, located in portions of Sections 18, 19, 20, 28, 29, 33 and 34, T. 17 N., R. 15 W., PMM, Missoula County.

Resolution No. 88-025

The Board of County Commissioners signed Resolution No. 88-025, a resolution accepting real property by an easement conveyed to the County by the United States of America, acting by and through the Forest Service, for public road and all other public purposes, located in portions of Sections 8, 17, 18, 20, 29, 33 and 34, T. 17 N., R. 15 W., and Section 4, T. 16 N., R. 15 W., PMM, Missoula County.

License Agreement

The Board of County Commissioners signed a License Agreement between Resurrection Cemetery Association of Helena and the Missoula County General Services Department, whereby the Cemetery will grant the use of a 100' x 100' tract of land located in Block 1, School Addition, Five Acre Tracts, to the General

APRIL 4, 1988 (continued)

Services Department to be used for a project denominated as Missoula County General Services/Down Home Project Community Gardens, which is a program intended to promote and facilitate vegetable gardening by people who have no other opportunity to do so. The term of the Agreement is from April 4, 1988, through October 30, 1988, as per the terms set forth. The Agreement was returned to Jim Dopp, Operations Officer, for further signatures and handling.

Agreement

Chair Dussault signed an Agreement between Missoula County and Mountain States Telephone and Telegraph Company relative to the Rural Addressing Project in Missoula County to be performed by the County Surveyor's Office as per the guidelines set forth in the Exhibit attached to the Agreement, "Rural Addressing Guidelines". The work will commence July 1, 1988, and the first phase will be completed by July 31, 1991, for a total payment of \$30,900. The Agreement was returned to Helena for further signatures.

Approval of Declarations of Covenants

The Board of County Commissioners signed approval of three (3) Declarations of Covenants made March 29, 1988, by Sunlight Development Company for certain property described as Parcels Q-1, Q-2, and R on the Certificates of Survey on file in the Clerk & Recorder's Office, stating that the parcels contain less than 20 acres each 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 these parcels.

Other items included:

The Commissioners appointed Pat Holt to fill the unexpired term of Brad Wenz, through December 31, 1989, on the Fair Commission.

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

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APRIL 5, 1988

The Board of County Commissioners did not meet in regular session; Commissioner Dussault attended a Department of Labor meeting in Helena, and Commissioner Evans attended a Communications Seminar, which was held at the Village Red Lion.

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APRIL 6, 1988

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated April 4, 1988, pages 4-29, with a grand total of \$90,250.83. The Audit List was returned to the Accounting Department.

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, 1988.

APRIL 6, 1988 (continued)

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-026

The Board of County Commissioners signed Resolution No. 88-026, a resolution authorizing the establishment of an external bank account for Youth Court entitled Youth Court Restitution for the purpose of payments to victims from juveniles owing restitution.

Other items included:

- 1) the Commissioners voted to pay the Chamber dues for this year; and
- 2) the County Newsletter was discussed, and the Board gave authorization to proceed with developing the budget, format, and content of the Newsletter.

Board Appointments

The Commissioners made the following board appointments:

- 1) Ruth Bennett was reappointed to the City-County Cemetery Board for a two-year term through April 30, 1990; and
- 2) Donna Heilman was appointed to the Museum Board of Trustees for a three-year term through June 30, 1991; Susanne Bessac was appointed to a two-year term through June 30, 1990, on the Museum Board; Chris Roberts was appointed to a one-year term through June 30, 1989, on the Museum Board; and Rod Hochhalter was appointed as the alternate member of the Museum Board for a one-year term through June 30, 1989. The Commissioners advised the new Board members that their terms would become effective on July 1, 1988, but urged them to attend the meetings and work with the interim board in the transition period.

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

PUBLIC MEETING

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

Hearing: Maintenance of East Dickenson Street.

Horace Brown, County Surveyor, said that his department is requesting to change the status of East Dickinson Street from a maintained street to one that is no longer maintained by the County Road Department. It appears that East Dickinson Street, along with West Dickinson, was formally accepted for County maintenance May 2, 1974. The acceptance indicates that the reason for acceptance was that the street was platted prior to 1960. Some of the area residents have asserted that the County maintained Dickinson for many years prior to that, but there is no formal indication of maintenance prior to 1974. The chief reason for discontinuing maintenance is that the eastern end of the street includes a steep grade into a private yard which modern maintenance equipment has difficulty negotiating. There are several instances of County maintenance equipment being damaged in the process. Also, it appears that the reason for acceptance was in error in the beginning in that Dickinson Street was never platted, and has never been formally dedicated or

APRIL 6, 1988 (continued)

deeded. As such, there is a prescriptive easement only roughly the width of the roadway, rather than County standard 60 foot right-of-way. The street is generally of substandard width and condition. The Assessor's Office records show that deeds to property on the north side of East Dickinson probably read so that 30 feet north of the center line is excluded from their legal descriptions. However, the properties on the south side of East Dickinson probably have legal descriptions which do not exclude right-of-way for Dickinson Street. The result is significant uncertainty in the width of the right-of-way. In any event, there is no apparent right-of-way at all on the Gary property where the steep incline is located.

Joan Newman, Deputy County Attorney, said that in 1975, Missoula County adopted Resolution 75-131 as a policy of standards by which to determine which County roads would receive maintenance. The resolution says that roads platted prior to 1961 would be maintained regardless of width of condition. She said that her review of the matter indicates that the formal acceptance, based on an erroneous determination that the street was dedicated right-of-way, did bring Dickinson Street in under the resolution and therefore required a change by the Commissioners in the status of the road pursuant to the regulations. She said that in 1985, the Attorney General made a ruling concerning required maintenance, stating that the County is required to maintain roads that were petitioned for or created by the petition process. The County is not, therefore, required to maintain a road that was created by dedication.

The hearing was opened for public comment.

Pat McDonald, a resident of Ronan, said he owns six duplexes on that road, and asked if Dickenson was the only street in the County that is being treated in this matter, and how the Commissioners decide which street they are going to discontinue service on. He said when he built the duplexes, there was no indication that the road was a problem. He said he and Jack Green looked at fixing the road several years ago, and the cost was going to be close to \$60,000. He said not maintaining the road certainly is not a matter of legality, but the Commissioners should ask themselves "What about the spirit of the law?" He said the County has some sort of moral obligation to service streets that have been serviced in the past. He said there are two parts of Dickenson; a flat portion and a steep portion.

Horace Brown said that there are two other roads near the Indian Reservation that are also narrow and dangerous, and that the County is choosing not to maintain, and he is working with the residents of that area to obtain the right-of-way to maintain the road safely.

Ann Mary Dussault asked Pat McDonald what process he and Jack Green had gone through relative to fixing the road.

Pat McDonald said they had determined access, and had gotten building permits. He said they had not gone through the subdivision process.

Ann Mary Dussault asked Joan Newman to explain how this road came to be in existence without anyone having title to it.

Joan Newman said that the legal descriptions have been looked at, and the property was divided outside the subdivision process. Those descriptions exclude a 33 foot strip on which Dickenson Street is location. From a legal standpoint, that means the County does not know who that strip or Dickenson Street belongs to.

APRIL 6, 1988 (continued)

Janet Stevens asked if it was true that no subdivision review ever occurred so the road situation was never looked at, because the building permit process does not address the road.

Joan Newman said that was correct.

Ann Mary Dussault asked Pat Holt when and why the Sullivan study was done.

Pat Holt said it was done in 1980 because some of the owners wanted to pave the existing street. He said after the study, it was determined that that could not be done because of the cost.

Bill Moon, an agent for Martin Moss, who owns the property to the north of East Dickenson, said that there is a steep part and a flat part of the road. He said the steep part is less than one-quarter of the street, and Dickenson dead-ends at the top of the steep part. He said Mr. Moss has had the driveway plowed, and he has plowed the steep part of the hill in the past. He said it is not feasible for large equipment to turn around on the steep part, but it was possible to turn around on the flat part.

Linda Snyder said her parents live on Dickenson, and the street has been maintained for about 32 years. She said Mr. Colvill, the former County Surveyor lived on the road, and there was no problem with maintenance during his tenure. She asked what has changed since Mr. Colvill was no longer Surveyor: has the road become narrower, has the turn-around changed, has the grade become steeper? She said that in her opinion, both the spirit and the intent of the law say the road should be maintained.

Janet Stevens said that her parents had contacted her, and had reported that vehicles had run into the garage because of the grade of the road, and her father had requested that the road not be maintained. She said she had seen the damaged garage for herself.

Linda Snyder said she was not aware of the incident with the truck, but she knew that her dad had never wanted the road paved because of the speeders in the area.

Henry Gary asked if curbs and gutters would need to be installed if the road was paved.

Ann Mary Dussault said that for the record, the Commissioners never said anything about curbs and gutters; the Sullivan study, which was not commissioned by the County addressed that issue.

Henry Gary said that since the County had maintained the road for 14 years, was it fair for the residents now to pay for the mistake of finding out that the road was not dedicated. He said they had bought their house under the erroneous assumption that the road was dedicated. He said perhaps the Commissioners may have the law on their side, but they should look at what this County government was set up for. He said everyone who pays taxes deserve fire protection and other service. He asked why there is a County Government if the government is not going to provide services.

Ann Mary Dussault asked if he had looked at his tax bill lately.

Henry Gary said he was only 17 and did not pay taxes.

Ann Mary Dussault said there is a very specific road tax, which is a percentage of the total tax for the maintenance of all County roads.

APRIL 6, 1988 (continued)

Aggie Gary, 1610 Dickenson, said she was told in 1974 when she bought her house that the road was dedicated. She said that everyone on the road has helped maintain the road, which cannot be paved because of the 15% grade. She said the residents are not asking a lot; just maintenance of this road.

Dick Colvill, who lives on Whitaker Drive and used to live on Dickenson, said that the truck that went through the garage did not careen off the road, it was parked near the barn, there was no driver in it, and it rolled down the hill. He said that in his opinion, there is no reason why Dickenson can't still be maintained. He said there are many other streets that are not dedicated or large enough for turnarounds that are maintained. He suggested that the Commissioners adopt an over-all policy regarding maintenance of streets, and not just pick on the nice people on Dickenson Street.

Janet Stevens asked what his policy was for accepting streets for maintenance during his tenure as County Surveyor.

Dick Colvill said he had written the standards, and Dickenson had been maintained prior to the standards. He said the turnaround had been done on Martin Moss's property, with his full consent and blessing.

Ann Mary Dussault asked Dick Colvill if the Sullivan study was done in response to the possibility of an SID.

Dick Colvill said that was true. It was generated by the landowners, and never followed up on, because it was found to be too costly.

Peter Talbott, 1501 Dickenson, said that when he bought his property, he assumed that the road had a Right of Way, and was maintained. He said he would allow the County to use his driveway to turn around in, and would be willing to sign a waiver.

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

Ann Mary Dussault asked Horace Brown if there is some probability that the City will annex Dickenson in the future if the sewer is put in.

Horace Brown said that persons from the City Engineering Department told him that it would be primarily up to the City Council to Annex, and the issue would also go through the Planning Board. He said in order for the road to be accepted, it needs to be 60 feet right of way with curb and gutter.

Ann Mary Dussault said that this seems to be a real thorny problem, and it might be real smart to sit down together and try to find out who owns the strip of land that everyone assumed that the County owns, but apparently does not. She said she thinks that the area will be annexed in a year or two, and it would be prudent to try to find out who owns the road. She said that a decision today, it would be short-sighted.

Janet Stevens said that in her mind, there are two issues involved; the hill area clearly does not meet either the City or the County's grade standards, and then the flat road does not have easements for a turn-around.

Barbara Evans asked Joan Newman if, since the County has been using and maintaining the road for many years, someone challenged the County in Court, the County could continue to use and maintain the road.

APRIL 6, 1988 (continued)

Joan Newman said the prescriptive right to the road is there, but for actual title purposes, a legal opinion saying "this is a public street" is needed.

Barbara Evans asked Horace Brown if the County could continue to maintain the flat portion of the road pending Mr. Moss's continued agreement to let the County use his property as a turn-around area..

Horace Brown said that if the County is only going to maintain to the point of Mr. Moss's property, he would agree that maintenance of the flat portion could be done. He said the steep portion poses a real danger to the County vehicles. He said Mr. Talbott's offer to use his property as an easement is good, but he would rather have a turn-around.

Janet Stevens said that rather than hash out the legal question here, it would be appropriate for the persons involved to get together with the County Attorney's Office and Horace Brown to work out a legal easement.

Joan Newman asked if a turn-around needs to be built.

Horace Brown said that was correct.

Barbara Evans said that she would like to see the County come to some kind of agreement with the folks on the flat to maintain the road, and when the City annexes, they take over the maintenance of the road. She suggested that the Commissioners defer action until Horace Brown could meet with the folks to draw up an easement to allow a turnaround to provide easement on the road.

Janet Stevens said that in addition to the easement, it is necessary to find out who owns the road.

Barbara Evans moved and Janet Stevens seconded the motion to continue to maintain the flat portion of the road contingent upon a satisfactory turn-around easement being granted or acquired in negotiations with the affected landowners. The steep, upper portion of East Dickenson Street will not be maintained, and the County will proceed to attempt to find out who owns the entire road. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 3:05.

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APRIL 7, 1988

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was in Helena attending a Human Services Delivery Task Force meeting; Commissioner Dussault attended a MACo District 1, 2, and 3 Counties meeting in Glendive; and Commissioner Evans was out of the office all afternoon.

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APRIL 8, 1988

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

APRIL 8, 1988 (continued)

Election Canvass

In the morning, the Board of County Commissioners canvassed the Missoula Rural Fire District and Seeley Lake Community Council Elections which were held April 5, 1988.

Fern Hart by Wendy Ross Cromwell
Fern Hart, Clerk & Recorder Deputy

Ann Mary Dussault
Ann Mary Dussault, Chair

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APRIL 11, 1988

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

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners appointed Jean Erickson to fill the unexpired term of Pete Hansen on the Animal Control Board through December 31, 1988, at which time she will be eligible for reappointment to a two-year term on the Board; and
- 2) the Commissioners appointed Brad Wenz as an ad hoc member of the Fair Commission through December 31, 1989.

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

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APRIL 12, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Lewistown attending the MACo District 6 & 7 Counties Meeting.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated April 12, 1988, pages 3-25, with a grand total of \$66,221.46. 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:

Approval of Agricultural Exemption

The Board of County Commissioners signed approval of the covenant made by Wendy Ross Cromwell certifying that tracts of land located in the E 1/2 of Section 30, T. 13 N., R. 15 W., PMM, Missoula County, will be used exclusively for agricultural purposes and that the covenant shall be a covenant running with the land and revocable only by mutual consent of the governing body and the land owner of record.

Other items included:

- 1) the training budget for FY'89 was reviewed and corrections were made;

APRIL 12, 1988 (continued)

- 2) the request for isolation cell cameras by the Sheriff was discussed--the Sheriff will find money within his department's budget and within the targeted dollars to purchase the cameras; and
- 3) Commissioners Evans and Stevens authorized Commissioner Dussault to proceed with the Tax Deed Sale at the public meeting on April 13, 1988, and to accept any bids received, as they will be in Helena and not certain if they will be back in time for the public meeting.

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

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APRIL 13, 1988

The Board of County Commissioners met in regular session the latter part of the afternoon; all three members were present. Commissioners Evans and Stevens attended the funeral of Secretary of State Jim Waltermire in Helena in the forenoon, and returned to the office later in the afternoon.

Monthly Report

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

Agreement

Chair Dussault signed an Agreement between Missoula County and the Department of Health & Environmental Sciences for the purpose of providing local sanitary review of minor subdivisions, as per the terms set forth, from July 1, 1988, through June 30, 1989. For these services, DHES will pay Missoula County the fees set out in the most current version of rule 16.16.804 of the Administrative Rules of Montana for the subdivisions it reviews. The Agreement was returned to Helena for further handling.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chair Ann Mary Dussault. Both Barbara Evans and Janet Stevens were absent, due to attending the funeral of Secretary of State Jim Waltermire. Ann Mary Dussault said that the Commissioners decided to proceed with taking any bids for the sale of tax deed land.

Information provided by Jim Dopp, Operations Officer, indicated that land taken by tax deed action is now to be sold for no less than the fair market value as listed below:

Lincoln Hills #6 - Lot 10	\$20,000
Lincoln Hills #6 - Lot 21	\$20,000

There were no written or oral bids submitted for the property.

Mike Sehestedt, Deputy County Attorney, said the property would now be offered at public auction at fair market value. If there are no bidders then, the property becomes the property of Missoula County.

There being no further business to come before the Board, the Commissioners were in recess at 1:35 p.m.

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APRIL 14, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Bozeman attending the MACo Districts 8, 9, and 10 Counties meeting.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-028

The Board of County Commissioners signed Resolution No. 88-028, a resolution to rezone from "C-RR1" (Residential District) to "C-RR2" (Residential District) property described as the SW 1/4 of Section 12, T. 12 N., R. 20 W., PMM.

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #7 (3/20/88 through 4/02/88) with a total Missoula County payroll of \$310,226.25. The Transmittal Sheet was returned to the Auditor's Office.

Professional Services Contract

Commissioners Dussault and Stevens signed, with Commissioner Evans declining to sign, a Professional Services Contract between Missoula County and the University of Montana Center for Population Research, an independent contractor, for the purpose of developing a teen health survey to be administered to a sample of Missoula County High Schools students, as per the terms set forth, commencing on April 11, 1988, and concluding by June 30, 1988, for a total payment not to exceed \$4,000. The contract was returned to the Health Department for further signatures and handling.

Contract

The Board of County Commissioners signed a Contract, dated March 28, 1988, between Missoula County and Western Materials, Inc. for the purpose of constructing, installing and completing the road improvements in Goodan Keil Estates under RSID #418, as per the terms set forth, for a total amount of \$308,133.00, with the work to be completed within 120 days of the Notice to Proceed. The contract was returned to General Services for further handling.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the General Services Department and adopted it as part of the FY'88 budget:

No. 880037, a request to transfer \$245.50 from the Building and Maintenance Repair Account to the Capital Improvements Account for the purpose of purchasing radio/phone inter-connect for mobile communications which replaces and enhances service provided presently by Omnicom.

Resolution No. 88-029

The Board of County Commissioners signed Resolution No. 88-029, a budget amendment for the Health Department for FY'89, including the following expenditures and revenue, and adopting it as part of the FY'88 budget:

APRIL 14, 1988 (continued)

<u>Description of Expenditure</u>	<u>Budget</u>	
Clinic Supplies	From \$ -0-	To \$ 500
Contracted Services	-0-	4,000
Common Carrier	-0-	1,000
Meals, Lodg., Incid.	-0-	1,000
Books	-0-	100
Tuition	-0-	500
Perm. Salaries	\$ 70,415	82,247
Fringe	<u>15,258</u>	<u>17,802</u>
	\$ 85,673	\$107,149

<u>Description of Revenue</u>	<u>Revenue</u>	
MCH Block Grant	From \$ 59,434	To \$ 80,910

Additional funds received per Modification of Agreement dated January 27, 1988, DHES Contract No. 80053-1.

Resolution No. 88-030

The Board of County Commissioners signed Resolution No. 88-030, a budget amendment for FY'88 for Youth Court, including the following expenditures and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
Salaries	\$15,600
Fringe Benefits	3,463
Small Tools	250
Workman's Comp.	870

<u>Description of Revenue</u>	<u>Revenue</u>
Community Service 88 Grant	\$20,183

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

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APRIL 15, 1988

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

Indemnity Bond

Chair Dussault examined, approved, and ordered filed an Indemnity Bond naming Michael R. Biggins as principal for warrant #14383, dated March 20, 1987, on the Missoula Vo-Tech Payroll Fund in the amount of \$71.44 now unable to be found.

Monthly Report

Chair Dussault examined, approved, and ordered filed the monthly report of Sheriff Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for month ended March 31, 1988.

Fern Hart by Wendy Ross Cromwell
Fern Hart, Clerk & Recorder Deputy

Ann Mary Dussault
Ann Mary Dussault, Chair

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APRIL 18, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Contract

The Commissioners signed a contract between Missoula County and J. W. Phillips Construction Company, the lowest and best bidder for furnishing 6,200 cubic yards of road sanding material, as per the terms set forth, for a total amount of \$22,940. The contract was returned to Centralized Services for further handling.

Resolution No. 88-027

The Commissioners signed Resolution No. 88-027, a resolution authorizing the issuance of \$391,000 principal amount of RSID No. 418 bonds; providing the amount, date, designation and form of the bonds; providing for the sale of said bonds; establishing a bond fund, providing that interest on the bonds shall be paid semiannually; providing certain covenants with respect to federal tax law; providing for the effective date of this resolution; and providing for other matters properly relating thereto.

Resolution No. 88-031

The Commissioners signed Resolution No. 88-031, a resolution accepting and approving the petition presented by Sylvia Geshell and Larry Burton of 1107 Dickinson for inclusion in RSID No. 426 to obtain access to the Rattlesnake Interceptor sewer constructed in the Rattlesnake Valley, as per the terms set forth.

Resolution No. 88-032

The Board of County Commissioners signed Resolution No. 88-032, a resolution accepting, subject to warranties and conditions contained in the RSID 901 Board recommendation to accept, the water and sewer lines in the Overlook Subdivision as a part of the facilities to be operated, maintained, and owned by RSID 901.

Agreement

Chair Dussault signed an Agreement, dated April 1, 1988, between Missoula County and the Montana Highway Traffic Safety Administrator for the Seat Belt Educational & Enforcement Program for the purpose of demonstrating the combined effects of education and enforcement in increasing seat belt usage in Missoula County, as per the terms set forth, for a total payment to the County not to exceed \$21,147.

Other items included:

- 1) the Commissioners reviewed and approved the Missoula Office of Community Development Director Agreement and the Bylaws of the Missoula Consolidated Planning Board; and
- 2) "Volunteer Week" was discussed--it was decided that a letter be sent from the Commissioners to all individuals serving on Missoula County Boards and Committees commending them for their volunteer service.

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

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APRIL 19, 1988

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Stevens attended the MACo District 10 & 11 Counties meeting in Polson, and Commissioner Evans was out of the office all day.

Audit List

Commissioners Dussault and Stevens signed the Audit List dated April 19, 1988, pages 3-34, with a grand total of \$803,155.59. The Audit List was returned to the Accounting Department.

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APRIL 20, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Helena where she attended a meeting of the Human Services Delivery Task Force on April 20th and 21st.

Indemnity Bond

Chair Dussault examined, approved, and ordered filed an Indemnity Bond naming Esther Farra as principal for warrant #017103, dated March 31, 1988, on the Missoula County High School Payroll Fund in the amount of \$252.34 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 Professional Services Contract between Missoula County and Mary Lou Gilman, an independent contractor, for the purpose of assisting in the implementation of the Missoula Traffic Safety Program's seat belt project, as per the terms set forth, for the period from April 5, 1988, through September 30, 1988, for a total amount not to exceed \$4,000.

Contract Amendment

The Board of County Commissioners signed an Amendment to the Professional Services Contract between Missoula County and Lorena Hillis, an independent contractor, amending the following sections of the contract as follows:

3. Performance Schedule: 18 hours per week to a maximum of 700 hours.
4. Compensation for Services: \$8.00 per hour up to a maximum of \$5,600 to be paid to Lorena Hillis per county claim system.
5. Other Payments: Reimbursement for mileage on personal vehicle use shall be at \$0.225 per mile.

Signature and No Litigation Certificate

Chair Dussault signed the Signature and No Litigation Certificate for the RSID No. 418 Bonds with a principal amount of \$391,000.00, certifying that she is duly authorized to execute the bonds and that said bonds have been duly executed, and that no litigation of any nature is now pending.

APRIL 20, 1988 (continued)

Other items included:

The Commissioners voted unanimously to recommend the appointment of the DES Coordinator to the 9-1-1 Advisory Board.

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

PUBLIC MEETING

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

Bid Award: Furnace and Boiler for Museum of the Arts

Information provided by Billie Blundell, Manager of Central Services, indicated that bids were received and opened April 4, 1988 for a furnace and boiler for the Museum of the Arts as follows:

Clark Fork Plumbing	Alternate 2	\$5,223.00
	Alternate 5	\$ 726.00
	Alternate 6	\$ 709.50
		<u>\$6,658.50</u>

4G Plumbing and Heating	Alternate 1	\$19,900.00
	Alternate 2	\$10,400.00
	Alternate 3	\$ 650.00
	Alternate 4	\$ 595.00
	Alternate 5	\$ 1,290.00
	Alternate 6	\$ 1,350.00
	Alternate 7	\$ 980.00
	Alternate 8	\$ 1,510.00
	Alternate 9	\$ 1,590.00
		<u>\$38,265.00</u>

Andersons Home Service	Alternate 1	\$15,352.00
	Alternate 4	\$ 748.00
	Alternate 7	\$ 574.00
	Alternate 8	\$ 1,089.00
	Alternate 9	\$ 1,814.00
		<u>\$19,577.00</u>

Alternates:	2	Basement Heating System
	5	Removing of Old Boiler
	6	Removing of old piping and radiators

Recommendation: Awarding to Clark Fork Plumbing for the sum of \$6658.50

Alternates:	1	First and second floor heating
	4	Fresh air provisions 1st & 2nd floor
	9	Installation of electronic air cleaners

Recommendation: Awarding to Anderson's Home Service for the sum of \$17,914.00

Alternates: 7 & 8 (installation of humidity) are to be delayed because of funding and approval of submittal at a later date.

Alternate: 3 (ceiling fan installation) is dropped

Barbara Evans moved and Janet Stevens seconded the motion to award the bids as recommended by the staff. The motion carried on a vote of 2-0.

APRIL 20, 1988 (continued)

Hearing: Proposed Resolution to Continue the Extra .5% Local Option Motor Vehicle Fee in FY '89.

Information provided by Leslie McClintock, Administrative Assistant, indicated that the 1987 Legislature passed a bill which allowed counties a local option motor vehicle tax of 0.5%, which can be added to the 2.0% already assessed under MCA 61-3-504(2). The Missoula County Commissioners exercised that local option in FY '88 and propose to continue using that option in FY '89. If passed, this would mean that the tax on motor vehicles would remain at 2.5% of the average trade-in or wholesale value, effective July 1, 1988.

Mike Sehestedt, Deputy County Attorney, said that proper notice of the hearing was done, and that this local option tax must be renewed each year.

The hearing was opened for public comment.

Tom Grapensteter, representing the Missoula County Freeholders, spoke in opposition to this increase.

Ann Mary Dussault asked if the Freeholders had a position on where they would like the County to reduce the budget by \$74,169.

Tom Grapensteter said the Freeholders were against the increase of any taxes, and had no recommendation about further cuts.

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

Barbara Evans moved, and Ann Mary Dussault seconded the motion to continue the extra 0.5% local option motor vehicle fee in FY '89. The motion carried on a vote of 2-0.

Resolution No. 88-033

The Board of County Commissioners signed Resolution No. 88-033, a resolution to continue the extra 0.5% local option motor vehicle fee in FY '89.

There being no further business to come before the Board, the Commissioners were in recess at 1:43 p.m.

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APRIL 21, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and the State Department of Revenue for the purpose of providing computer hardware and software, changes to and servicing for computer hardware and software, all necessary for the Department of Revenue to appraise and assess property located in Missoula County, as per the terms set forth, until June 30, 1989, for a total payment not to exceed \$30,000. The Agreement was returned to General Services for further signatures and handling.

APRIL 21, 1988 (continued)

Other items included:

- 1) Personnel Director, Kathy Crego, was authorized by the Commissioners to give notice to St. Patrick Hospital regarding the change in the EAP provider to Vocational Resources, Inc., which will be effective June 30, 1988; and
- 2) the Commissioners directed Kathy Crego, Personnel Director, to negotiate contracts so that the Board of County Commissioners must be an "intervenor" prior to arbitration; and that arbitration costs will remain in Personnel's budget.

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

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APRIL 22, 1988

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Chester attending the MACo Districts 4 & 5 Counties meeting, and Commissioner Evans was out of the office all day.

APRIL 23, 1988

On Saturday forenoon, Commissioners Dussault and Stevens participated in the MT Hugh O'Brian Leadership Seminar which was held at the University of Montana.

Fern Hart by Wendy Ross Cornwell
Fern Hart, Clerk & Recorder Deputy

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

APRIL 25, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Agricultural Exemption Covenant

The Board of County Commissioners signed approval of the Covenant made by Alverd Marcure declaring that a tract of land located in the SW 1/4 of Section 28, the SE 1/4 of Section 29, the NE 1/4 of Section 32, and the NW 1/4 of Section 33, T. 15 N., R. 21 W., PMM, Missoula County, will be used exclusively for agricultural purposes and that the covenant will run with the land and revoked only by mutual consent of the governing body and the property landowner of record.

Letter of Agreement

Acting Chairman Stevens signed a Letter of Agreement between Missoula County and Dennis Washington relative to RSID Nos. 395, 396, and 364, as per the terms set forth in the Agreement.

APRIL 25, 1988 (continued)

Other items included:

It was agreed that the claim from the City of Missoula for fuel charges will be paid out of the Contingency Fund.

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

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APRIL 26, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a MACo Economic Development Committee meeting.

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 an Employment Agreement, dated April 18, 1988, for the Director of the Office of Community Development between Michael E. Kress and the Missoula Planning Policy Committee for the purpose of obtaining the benefits of the professional expertise and efforts set forth in the Agreement in return for the compensation and benefits specified, as per the duties and terms set forth. The Agreement was returned to Mike Kress in the Office of Community Development for further signatures and handling.

Non-Arbitrage Certificate

Chair Dussault signed the Non-Arbitrage Certificate for the RSID No. 418 Bonds in the principal amount of \$391,000 as per the provisions set forth in the Certificate.

Other items included:

The Commissioners denied a request from Ken Knie to proceed with the bond sale for Gleneagle.

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

* * * * *

APRIL 27, 1988

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated April 27, 1988, pages 3-36, with a grand total of \$233,446.05. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chair Dussault examined, approved, and ordered filed an Indemnity Bond naming Connie Bullis as principal for warrant #8865, dated June 12, 1987, on the Missoula County Trust Fund in the amount of \$150.00 now unable to be found.

APRIL 27, 1988 (continued)

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 #8 (4/03/88 through 4/16/88) with a total Missoula County Payroll of \$309,224.74. The Transmittal Sheet was returned to the Auditor's Office.

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

PUBLIC MEETING

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

Proclamation

The Board of County Commissioners signed a proclamation recognizing the forest products industry in Missoula County, and proclaiming April 30, 1988 as Timber, #1 in Missoula Day.

Consideration Of: Sun Valley Pines (Summary Plat)

Information provided by Paula Jacques, Planner II from the Office of Community Development indicated that Sun Valley Pines is the proposed subdivision of twenty acres into five lots each, four acres in size. The property is in the Carlton vicinity, located on the south side of Sun Valley Road, approximately one half mile west of Old highway 93. It was originally proposed as a major subdivision of ten-two acre lots; that application was withdrawn in favor of the five lot version. Access to the subdivision is off of Sun Valley Road. A new private road will be constructed to serve the five lots. Variances have been requested from the paving requirement for the new road and for the right-of-way width and construction standards for Sun Valley Road. The staff recommended that the summary plat of Sun Valley Pines be approved subject to the conditions, variances, and findings of fact set forth in the staff report.

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The following statement shall be printed on the face of the plat and in the covenants: Lots 2,3,4,& 5 shall not be further subdivided.
3. The following statement shall be printed on the face of the plat and in the covenants: "Acceptance of a deed for a lot within this subdivision shall constitute a waiver or a right to protest creation of an RSID to improve Sun Valley Road." The private road statement required by the Subdivision Regulations shall also appear on the plat.
4. A building setback line shall be platted on Lot 1 to require setbacks of 100 feet from the northerly lot line.
5. Cash-in-lieu of parkland shall be donated to the County Park Fund.

APRIL 27, 1988 (continued)

Dan Corti, of the Health Department, said there are concerns with the quality of water in the subdivision, and potential problems with the wells, in that there may not be enough water to meet the minimum requirements for adequate drinking water. He said that in his opinion, there is adequate and safe water in that area.

Paula Jacques said she would like to recommend that condition #2 be amended to read:

2. The following statement shall be printed on the face of the plat and in the covenants: "The lots within this subdivision shall not be further subdivided."

She said the subdivision does require two variances, one from the right-of-way width and construction standards for Sun Valley Road and from the Paving requirement for Molly Lane.

The hearing was opened for public comment.

Andy Fisher, of Eli and Associates, representing the Tom Round, the developer, said he agreed with all the conditions set forth by the staff.

Delmer Zuehlendorf said that he had concerns with the water, and wondered why the land is recorded in Mrs. Round's name. He asked what the fee in lieu of parkland meant. He said he has a problem with the irrigation rights on the ditch, and there are no rights from the existing ditch above this property. He said there is a need to get the records up to date regarding the water rights in this area.

Paula Jacques said that the cash-in-lieu of parkland would be \$3,333, which is 1/9 of the value of unsubdivided, unimproved land.

Pam McClain, 19190 Maple Lane, who is a mail carrier that drives the Sun Valley Road, said she has experienced problems with water on the Sun Valley Road, and has concerns with water, drainage, and road with. She said the U.S. Postal Service has encountered so many problems with drainage on that road that they have, on occasion, refused to deliver mail.

Ken Webber noted that his well went dry, and said there were a lot of problems with water in the area, and pointed out the fact that each well in the subdivision interacts with others. He said the wells need to be kept a reasonable distance from each other.

Glen Rogennings said he felt that the hydrologists report was in error, and that he has the water rights to the ditch.

Art Gayvert, 19780 King Road, said the area does have a water problem, there is not enough water for both livestock and agricultural purposes. He also noted the dust problem in the area.

Bud Flatten showed a map of the well locations in the area, and said it was zoned for one dwelling per five acres because of the lack of water in the area.

Mike McCarty said his wife runs a school bus, and she has told him that the road is very narrow and dangerous, and that the Sun Valley Road needs to be upgraded.

Vicky Mittman noted the problems with the water in the area, said she wanted to irrigate, but she is concerned that there would not be enough water.

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

APRIL 27, 1988 (continued)

Janet Stevens asked Dan Corti if the Health Department required that 200 feet between wells be maintained.

A general discussion about how wells work ensued.

Ann Mary Dussault asked if there is enough water in the area to service the wells.

Dan Corti said the Health Department has determined that the wells will produce 8 gallons per minute.

Janet Stevens asked his opinion concerning why the wells were going dry.

Dan Corti said that in his opinion, some of the wells are too close together, and are at identical depths. He said that every year there is a drop in the water table all over Montana because of the low precipitation the last few years.

Barbara Evans asked Dan Corti if the State Health Department looks at irrigation or just household use when they lift sanitary restrictions.

Dan Corti said that under the law, the Health Department cannot look at irrigation.

Barbara Evans asked Andy Fisher if he feels there is enough water to service the area, and if they intend to provide the wells or leave that to the purchasers.

Andy Fisher said the wells will be the responsibility of the purchasers.

Ann Mary Dussault said there has to be some distinction between the two questions: what jurisdiction the Commissioners have in this matter and if there is adequate water for both irrigation and agricultural purposes.

Joan Newman said that the Board of County Commissioners has no jurisdiction over water rights for ditches or irrigation. That is completely outside the subdivision process.

Ann Mary Dussault asked County Surveyor Horace Brown to comment on the road.

Horace Brown said the road is narrow, the ditches are deep so they can carry the water away from the road. He said the County does not have enough right-of-way in the area to build a road, nor does it have enough money to build a road. He said gravel has been added to the road to cut down the dust. He said that road is not a priority road, and his department is operating on a "maintenance only" policy.

Ann Mary Dussault noted that the ability of Missoula County to fix roads has declined, revenue sharing has been cut off, and there is just no money. She then explained the RSID process.

Janet Stevens moved and Barbara Evans seconded the motion to approve the summary plat of the Sun Valley Pines Addition, subject to the following conditions and the findings of fact contained in the Staff Report. The conditions are as follows:

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.

APRIL 27, 1988 (continued)

2. The following statement shall be printed on the face of the plat and in the covenants: "The lots within this subdivision shall not be further subdivided."
3. The following statement shall be printed on the face of the plat and in the covenants: "Acceptance of a deed for a lot within this subdivision shall constitute a waiver of a right to protest creation of an RSID to improve Sun Valley Road." The private road statement required by the Subdivision Regulations shall also appear on the plat.
4. A building setback line shall be platted on Lot 1 to require setbacks of 100 feet from the northerly lot line.
5. Cash-in-lieu of parkland shall be donated to the County Park Fund.

In addition, the requested variance from the right-of-way width and construction standard for Molly Lane shall be granted. The motion carried on a vote of 3-0.

Consideration of: Rainbow Bend Estates (Summary Plat)

Information provided by Paula Jacques, Planner II from the Office of Community Development, indicated that Rainbow Bend Estates is the proposed division of 9.79 acres into five residential lots, each approximately two acres in size. The property is located just west of Rainbow Bend on the Blackfoot River, on a timbered bench above the old railroad grade and Highway 200. A private road will be constructed to serve the five lots. A variance has been requested from the paving requirements. The property is unzoned. The staff recommendation is that the summary plat of Rainbow Bend Estates be approved subject to the conditions, variance request and findings of fact set forth in the staff report.

Barbara Evans moved and Janet Stevens seconded the motion to approve the summary plat for the Rainbow Bend Estates, subject to the following conditions and the findings of fact contained in the staff report. The conditions are as follows:

Conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. Cash-in-lieu of parkland shall be donated to the County Park fund.
3. Section 9 of the covenants regulating the keeping of animals shall be amended as follows: "No raising or breeding of animals shall be permitted except for the keeping of cats, dogs or household birds as pets is allowed. All dogs shall at all times be kept on leash or strictly confined within the property of their owners and shall not be permitted to become a nuisance or annoyance to neighbors or to wildlife. This property is located in white-tailed deer winter range and is seasonally used by elk, mule deer, and black bears and the prior rights of these and other wildlife are recognized and protected by these covenants".
4. Section 6 of the covenants pertaining to maintenance of property shall be amended to read as follows: "Each property owner shall cause the premises, improvements, appurtenances to be maintained in a safe, clean, neat and orderly condition. No rubbish or other waster shall be allowed to accumulate on the property, including composting piles. All containers for the storage and disposal of APRIL

27, 1988 (continued)

garbage shall be kept in a clean and orderly condition and be either bearproof or stored inside of a structure screened from public view".

5. Section 7 of the covenants pertaining to timber shall be amended to read as follows: "No fruit bearing trees or shrubs shall be planted on the property. No timber cutting shall be permitted that reduces the aesthetic or scenic value for adjacent tracts. This shall not be construed to prohibit implementation of a timber management plan developed in consultation with the Missoula Rural Fire District for fire control or other purposes." (Remaining language is acceptable as proposed.)
6. A fuel management program that achieves both fire protection and aesthetic goals shall be developed and implemented in consultation with the Missoula Rural Fire District and the Office of Community Development. Sufficient trees shall be retained to screen the subdivision from public views.
7. A water storage tank shall be installed on site. Its size and location shall be approved by the Missoula Rural Fire District.
8. Final grading, drainage, erosion control and road construction plans bearing the seal of a professional engineer shall be submitted. The road cut shall be revegetated, subject to the approval of the Highway Department.

In addition, the requested variance from the paving requirement for Trout Lane has been granted. The motion passed on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:48 p.m.

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APRIL 28, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon. Commissioner Evans was out of the office all afternoon, and Commissioner Stevens was out of the office on April 28th and 29th.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-034

The Board of County Commissioners signed Resolution No. 88-034, a resolution accepting real property conveyed to the County by an easement from Allen A. and Dianne P. Pickens for public road and all other public purposes located in a portion of the SW 1/4 of Section 25, T. 13 N., R. 20 W., PMM, Missoula County.

Resolution No. 88-035

The Board of County Commissioners signed Resolution No. 88-035, a resolution accepting real property conveyed to the County by an easement from the Goodan-Keil Estates Homeowners Association et.al. for public road and all other public purposes located in a portion of the NE 1/4 of Section 35, T. 14 N., R. 20 W., and a portion of Section 36, T. 14 N., R. 20 W., PMM, Missoula County.

APRIL 28, 1988 (continued)

Plat

The Board of County Commissioners signed the plat for Ridgewood Ranchettes, a subdivision of Missoula County, amending Lots 1 and 10 and Elk Court for relocation of common boundaries located in the NE 1/4 of Section 12, T. 15 N., R. 23 W., PMM, the owners of record being Gary R. and Carol T. Curtis.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula County Fair Board for the purpose of providing \$14,105 for a term of 45 days at an annual rate of interest of 6% to the Fair Board for the financing of the barn repair project, as per the terms set forth in the Agreement. The Agreement was returned to John DeVore, Administrative Officer, for further signatures and handling.

Grant Proposal

Chair Dussault signed an Emergency Shelter Grant Proposal on behalf of the Missoula Poverello Center in the amount of \$7,508. for the installation of a hot water heating system on the second floor of the Poverello Center. The proposal was forwarded to the Economic Assistance Division of SRS in Helena.

Amended Work Plan

Chair Dussault signed an Amended Work Plan which reflects the changes requested by the Y.W.C.A. Battered Women's Shelter in their portion of the Missoula County Emergency Shelter grant for the contract amendment being requested from the Department of Social and Rehabilitation Services.

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

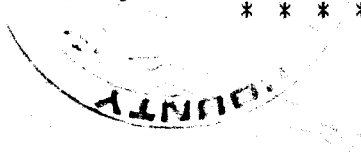
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APRIL 29, 1988

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

Fern Hart by Wendy Ross Cromwell
Fern Hart, Clerk & Recorder Deputy *Ann Mary Dussault*
Ann Mary Dussault, Chair

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MAY 2, 1988

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

Welfare Advisory Board

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-036

The Board of County Commissioners signed Resolution No. 88-036, resolving that a special election be held in the East Missoula Rural Fire District on the question of whether the East Missoula Rural Fire District should be allowed to exceed its 1986 mill by levying approximately 9.76 mills for the purpose of paying off the installment purchase contract on the District's new truck, and setting the special election for July 19, 1988.

Plat

The Board of County Commissioners signed the Plat for Rice Addition, a resubdivision of Lot 15, Curtis & Majors' Addition, with the owners of record being Don L. and Patsy L. Rice.

Resolution No. 88-037

The Board of County Commissioners signed Resolution No. 88-037, a resolution accepting real property by a quitclaim deed for an easement for public road and all other public purposes for Elk Court as shown on Portion D on the "Ridgewood Ranchettes Lots 1 and 10, & Elk Court" subdivision plat and located in a portion of the NE 1/4 of Section 12, Township 15 North, Range 23 West, PMM.

Contract

The Board of County Commissioners signed a Contract, dated March 1, 1988, between the Western Montana Junk Vehicle District and Schober's Towing & Repair, the lowest and best bidder for the collection of junk vehicles in Mineral County, as per the terms set forth in the contract, with payment to be made for each pick-up of a junk vehicle at the rate established by the Contractor's proposal.

Other items included:

- 1) the Commissioners voted unanimously to put the Lolo Peak Issue on the ballot in November;
- 2) Kathy Crego, Personnel Director, and John DeVore, Administrative Officer, were authorized by the Commissioners to proceed to settle the grievance by the Community Development Block Grant employees currently facing lay off; and
- 3) there is no change in position regarding the Sheriff's Department callback list.

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

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MAY 3, 1988

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

Audit List

The Board of County Commissioners signed the Audit List, dated May 3, 1988, pages 4-20, with a grand total of \$40,977.86. The Audit List was returned to the Accounting Department.

Monthly Reports

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

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 Clark Fork Plumbing, the lowest and best bidder for the Museum of the Arts furnace and boiler project, as per the terms set forth, to be completed within 60 days of the date of the contract, for a total payment of \$6,658.50. The contract was returned to Centralized Services for further handling.

Contract

The Board of County Commissioners signed a Contract between Missoula County and Anderson's Heating and Air Condition, the lowest and best bidder for the Museum of the Arts furnace and boiler project, as per the terms set forth, to be completed within 60 days of the date of the contract, for a total payment of \$17,914.00. The contract was returned to Centralized Services for further handling.

Other items included:

The Commissioners voted to approve a request from Wendy Cromwell, Elections Manager, to sell the remaining 278 votomatic compact Model IV vote recorders to San Diego County at a price of \$35 each for a total of \$9,730.00, with Missoula County agreeing to pay the shipping costs of approximately \$250.00.

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

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MAY 4, 1988

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

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners appointed Bob Brunson to break the tie vote in the recent election for a trustee for the East Missoula Rural Fire District Board; the position was for a three-year term, so the appointment will be effective

MAY 4, 1988 (continued)

until the School Election in April of 1991; and

- 2) the fireworks regulations were discussed--Deputy County Attorney Joan Newman will research the regulations and report back to the Commissioners.

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

PUBLIC MEETING

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

Bid Award (Six 1988 4-door sedans - Sheriff's Department)

Information provided by Greg Hintz, Undersheriff, indicated that on April 15, 1988, bids for six patrol vehicles were solicited. One bid was submitted for May 2, 1988:

Grizzly Auto Center \$75,440.00

The bid is for 1988 models. Bitterroot Motors and Karl Tyler Chevrolet had no 1988 models available. The bid by Grizzly Auto Center is the final price after considering allowance for trade-ins. These can be delivered on or about May 15th, with payment on or about July 1, 1988, to be paid from the Capital Improvements Budget. The recommendation was to award the bid to Grizzly Auto Center.

Barbara Evans moved and Janet Stevens seconded the motion to approve the bid award for six 1988 4-door sedans for the Sheriff's Department to Grizzly Auto Center for \$75,440.00, contingent upon the Capital Improvement budget appropriation after July 1. The motion carried on a vote of 3-0.

Consideration Of: Dagen Addition (Summary Plat)

Information provided by Paula Jacques, Planner II from the Office of Community Development, indicated that the Dagen Addition is the proposed division of a portion of Lot 52, Cobban and Dinsmore Orchard Homes, located on Grove Street. One of the lots contains an existing single family dwelling; a second 2.66 acre vacant lot would be created for residential development. The staff recommendation was that the summary plat of the Dagen Addition be approved subject to the conditions and findings of fact set forth in the staff report.

The hearing was opened for public comment.

Steve Inabit, representing the developer and Eli and Associates, said he agreed with the staff report, but felt that condition #2, which dealt with eliminating the flag lot design and access to Tract 1 through a private driveway easement. He said an easement would encumber Ida Dagen's title, and she would have to pay taxes on the easement.

Joan Newman, Deputy County Attorney, noted that easement areas are not being taxed now.

Janet Stevens moved and Barbara Evans seconded the motion that the summary plat for the Dagen Addition be approved, subject to the following conditions and the findings of fact contained in the Staff Report. The conditions are as follows:

MAY 4, 1988 (continued)

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The first 20 feet of the driveways shall be paved.

The motion carried on a vote of 3-0.

Ann Mary Dussault noted that the Commissioners wished to make it clear that the reason for not imposing the condition relative to redesigning the subdivision to eliminate the flag lot design and providing access to Tract 1 through a private driveway easement was based, in part, to the configuration of these particular parcels.

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

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MAY 5, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena where she attended a joint meeting of the BOS PIC (Balance of State Private Industry Council) and Council of Commissioners on May 5th and 6th.

Indemnity Bond

Acting Chairman Evans examined, approved, and ordered filed an Indemnity Bond, naming Louis Vero as principal for warrant #1634, dated January 12, 1987, on the Sunset School District #30 General Fund, in the amount of \$32.60 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Notice of Hearing

Acting Chairman Evans signed a Notice of Hearing on the application of Missoula White Pine Sash Company for tax incentives under Resolution No. 87-080 regarding tax incentives for new and expanding industry, setting the hearing date for May 25, 1988, at 1:30 p.m.

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

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MAY 6, 1988

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

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

* * * * *

MAY 9, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Concurrence with Summary of Agreements

Chair Dussault signed concurrence of the Board of County Commissioners with the letter to Washington Corporation formalizing and concurring with the Agreements reached in the resolution of the problems associated with RSID's 395, 396, and 364, as per the summary set forth in correspondence dated April 22, 1988. The letter was returned to John DeVore, Administrative Officer, for further handling.

Water Connection Agreement

The Board of County Commissioners signed a Water Connection Agreement, dated May 5, 1988, between Missoula County and Grant Creek Water Works, a Montana Corporation, Jack L. Green II, General Partner, for the purpose of creating RSID No. 428 to refinance the balance due on RSID No. 395 as of June 30, 1988, as per the terms and conditions set forth in the agreement. The Agreement was returned to John DeVore, Administrative Officer, for further handling.

Other items included:

- 1) the Commissioners authorized a request for voluntary payroll deductions for employees wishing to make donations to Montana Public Radio, KUFM, at the University of Montana; and
- 2) the Board approved a request from Roy Wilhelm for an encroachment permit--he is to work with the Surveyor's Office and coordinate with Hal Luttschwager, Risk Manager, on the permit.

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

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MAY 10, 1988

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

Monthly Report

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

Audit List

The Board of County Commissioners signed the Audit List, dated May 10, 1988, pages 3-29, with a grand total of \$88,422.92. The Audit List was returned to the Accounting Department.

MAY 10, 1988 (continued)

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #9 (4/17/88 through 4/30/88) with a total Missoula County Payroll of \$313,293.01. The Transmittal Sheet was returned to the Auditor's Office.

Resolution No. 88-038

The Board of County Commissioners signed Resolution No. 88-038, a budget amendment for FY'88 for the Surveyor, including the following expenditure and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Traffic Computer System 2110-504-420151-946	\$ 5,100
<u>Description of Revenue</u>	<u>Revenue</u>
Traffic Grant 2110-000-333041	\$ 5,100

Resolution No. 88-039

The Board of County Commissioners signed Resolution No. 88-039, a budget amendment for FY'88 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Contracted Services 2270-612-447202-328	\$15,000
Capital - Office Equipment	2,600
	<u>\$17,600</u>
<u>Description of Revenue</u>	<u>Revenue</u>
OFF System 2270-612-331329	\$17,600

New contract #88-06-04-1/88-06-05-2 received from Highway Traffic Safety Division.

Resolution No. 88-040

The Board of County Commissioners signed Resolution No. 88-040, a budget amendment for FY'88 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
Permanent Salaries	\$ 1,317
Fringe Benefits	310
Office Supplies	300
Printing	2,000
Advertising/Legal Publications	5,500
Contracted Services	11,320
Meals, Lodging, & Incidentals	100
Mileage - Private Vehicle	300
	<u>\$21,147</u>

MAY 10, 1988 (continued)Description of RevenueRevenue

Seat Belt Contract

\$21,147

New contract #403-88-01-2 Seat Belt Educational & Enforcement Program from the Highway Traffic Safety Division.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Health Department and adopted it as part of the FY'88 budget:

No. 880038, a request to transfer \$4,000 from the Contracted Services Account to the Office Supplies (\$2,000) and Capital - Office Equipment (\$2,000) Accounts for the purpose of purchasing non-capital office furniture and a computer terminal.

Acknowledgement of Letter and Audit Contract

Chair Dussault signed acknowledgement of the letter by which Dobbins, DeGuire & Tucker, P.C. assigns all rights, responsibilities and duties under the audit contract originally dated May 5, 1986, for audits for fiscal years ended June 30, 1986, 1987, and 1988, to Elmore & Associates, P.C., and also serves to modify the contract described above for the audit of the fiscal year ending June 30, 1988, as per the amendments attached to the letter. Chair Dussault also signed the Standard Audit Contract, dated May 2, 1988, between Missoula County and Elmore & Associates, P.C. for the purpose of conducting a financial and compliance audit of the funds and account groups of the County, as per the terms set forth in the Contract, for the period beginning July 1, 1988, through June 30, 1990. The Letter and Contract were returned to Jane Ellis, Fiscal Officer, for further handling.

Other items included:

The Commissioners signed approval and acceptance of a letter from William Maclay to Horace Brown, County Surveyor, whereby the County will construct Clydes Dale Lane in the O'Brien Creek area to a gravel road and will be accepted by the County for maintenance in exchange for free gravel and gravel storage facilities provided by Mr. Maclay for 18 months, beginning May 1, 1988. The letter was returned to the Surveyor for further handling.

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

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MAY 11, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a MACo Constitution/Resolutions Committee Meeting.

DAILY ADMINISTRATIVE MEETING

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

MAY 11, 1988 (continued)

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Extension Office and adopted it as part of the FY'88 budget:

No. 880039, a request to transfer \$948 from the Permanent Salaries Account to the Capital - Office Equipment Account to cover the purchase of a typewriter as per the memo attached to the transfer.

Letter Terminating Contract

Commissioners Evans and Stevens signed, with Commissioner Dussault disagreeing, a letter to Karen Foster, Director of Occupational Health Services at St. Patrick Hospital, terminating the County's contract with them for the EAP (Employee Assistance Program) due to economic considerations, with a termination date of July 31, 1988.

Other items included:

The Commissioners signed a letter to William Rightmire of the Animal Damage Control in Billings authorizing Cenex, Ltd. of Missoula to be the Missoula County designated dealer for supplying U.S. Fish & Wildlife Service rodent control materials.

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

PUBLIC MEETING

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

Hearing: Proposed Capital Improvements Program for 1989-1993.

Information provided by John DeVore, Administrative Officer, indicated that this draft represents the fifth revision of the Capital Improvements Program for Missoula County. All Capital acquisitions and projects which have a value greater than \$5,000 and a usable life of five years or more are listed in the draft document. The document identifies those projects/acquisitions which are recommended for funding during fiscal year 1989 and those acquisitions/projects which have been identified for funding through fiscal year 1993. The value of the projects recommended for funding during fiscal year 1989 is \$537,850 and the value of the projects for the succeeding four years is \$3,991,979. The document also identifies \$1,203,650 in projects which are outside of the funding period. Although these projects outside the funding period have been identified as needed, the revenue projections for the next five years preclude them from being included within the five-year period of the plan. The value of the projects being recommended for funding during fiscal year 1989 is \$781,868 less than those projects which were funded during fiscal year 1988.

He said that the purpose of the hearing is to officially open the public comment period on the draft program and is the first of three hearings on the revisions to the Capital Improvements Program. His recommendation was for approval of the draft program with final decision on the CIP contingent upon final budget adoption by the Board of County Commissioners.

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

MAY 11, 1988 (continued)

There being no further business to come before the Board, the Commissioners were in recess at 1:32 p.m.

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MAY 12, 1988

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

Monthly Report

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

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chair Dussault signed an Agreement for the Smart Heart Program - Pilot between the Missoula County Comprehensive Medical Benefits Plan and the Missoula City-County Health Department for the purpose of offering a heart disease risk reduction program for not more than 25 members of the Plan, as per the terms set forth. The Agreement was returned to the Personnel Department for further handling.

Contract Amendment

Chair Dussault signed Amendment No. 1 to Contract Number 88-018-51001-0 for the HUD, Emergency Shelter Grants Program, amending Attachment B of the Contract as follows:

Deleting in its entirety "Form SRS-EA-82 for the YWCA Battered Women's Shelter" and inserting in lieu thereof the attached "SRS-EA-82 dated 4/27/88".

Amendment to Special Use Permit

Chair Dussault signed Amendment #1 of the Special Use Permit with the U.S. Forest Service for the Missoula County Surveyor's Office Stockpile Site, amending the section describing the lands or improvements as follows, and making it a part of the Annual Permit:

Two Tracts of Land:

1) 200' x 150' known as the west stockpile site, and
2) 100' x 200' known as the east stockpile site,
Barber Creek Gravel Pit, located in the NE 1/4, SW 1/4,
Sec. 32, T. 20 N., R. 16 W., PMM, as shown on the map
attached to the Amendment modified 4/14/88. The permit
covers 1.15 acres and subject to conditions set forth.

The Amendment was returned to the Surveyor.

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

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MAY 13, 1988

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

Fern Hart, Clerk & Recorder

Ann Mary Dussault, Chair

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MAY 16, 1988

The Board of County Commissioners met in regular session in the forenoon; all three members were present. Commissioners Dussault and Stevens left at noon for Helena where they attended an Urban Counties Meeting in the afternoon.

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 Professional Services Contract between Missoula County and Sterling Productions, an independent contractor, for the purpose of consultation regarding the "Missoula Clicks" seat belt promotion, as per the terms set forth, for the period from May 2, 1988, through September 30, 1988, for a total amount not to exceed \$800.00.

Agreement

The Commissioners signed an Agreement between the Missoula City-County Health Department and the Frenchtown School District to work together to provide school health services, including the provision of a public health nurse by the Health Department to the School to perform the job functions set forth in the Agreement, for the period from August 15, 1988, through June 15, 1989, for a total payment by the School not to exceed \$18,573.00.

Resolution No. 88-041

The Board of County Commissioners signed Resolution No. 88-041, a resolution accepting an easement from Roger A. and Sandra R. Weinmann for public road and all other public purposes, located in a portion of the SW 1/4 of Section 25, T. 13. N., R. 20 W., PMM, Missoula County.

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

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MAY 17, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Agricultural Exemption Covenants

The Board of County Commissioners signed approval of the following Declarations of Covenant stating that the parcels

MAY 17, 1988 (continued)

contain less than 20 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.

- 1) made by Gregory L. Schmidt, Trust Officer, for Parcel "B" shown on the Certificate of Survey on file in the Clerk & Recorder's Office; and
- 2) made by Otto Klein Jr. and Susan Vincent Klein for Parcel "U-2" shown on the Certificate of Survey on file in the Clerk & Recorder's Office.

The Covenants were returned to Joan Newman, Deputy County Attorney, for further handling.

Extension Letter

The Board of County Commissioners signed a letter to Gilbert Larson of Stensatter, Druyvestein & Associates, approving a one-year filing extension for the Rush Addition, making the new filing deadline June 13, 1989.

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

Chamber Banquet

In the evening, Commissioners Dussault and Stevens attended the Seeley Lake Chamber of Commerce Annual Banquet, which was held at Lindy's Prime Steak House in Seeley Lake.

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MAY 18, 1988

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

Audit List

The Board of County Commissioners signed the Audit List, dated May 18, 1988, pages 4-34, with a grand total of \$797,514.64. 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 Commissioners signed a Professional Services Contract between Missoula County and Karen Ward, an independent contractor, for the purpose of assisting with the Missoula AIDS Council activities, as per the terms set forth, for the period of 5/8/1988, through 6/30/1988, for a total amount not to exceed \$1,200.

Contract Amendment

The Board of County Commissioners signed an Amendment to the contract with MIADS (7/1/87 - 6/30/88), amending the contract as follows:

MIADS will receive \$1,098.67/month for the months of April, May, and June, 1988, upon submission of a request for payment. The total for this three-month period is not to exceed \$3,296.01.

MAY 18, 1988 (continued)

Agreement and Bylaws for 9-1-1 Advisory Board

The Board of County Commissioners signed an Agreement between Missoula County and the agencies listed as signatories on the Agreement for the purpose of providing consolidated communication services to the parties through an existing governmental structure, benefiting all parties in terms of economy and efficiency; and the Bylaws for the 9-1-1 Advisory Board were also approved as per the articles set forth.

Other items included:

The Commissioners approved a request from Alice Dailey, Missoula County Extension Agent, for a leave of absence from September 15, 1988, to July 15, 1989, in order to accompany her husband to Tokyo, Japan, where he will be an exchange professor for the 1988-89 school year.

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

PUBLIC MEETING

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

Hearing: Proposed CIP (Capital Improvements Program for 1989-1993)

Information provided by John DeVore, Administrative Officer, indicated that this was the second of three public hearings.

The hearing was opened for public comment.

Kim Birck, a resident of Keegan Trail, noted that paving of Snowbowl Road was outside the funding area, and the residents were attempting to get an RSID, but many of the residents object to having to pay for what they consider a public road. She said that based on the latest traffic counts, use of Snowbowl Road has increased dramatically, so the rating sheet upon which the scoring for the CIP is based, should be upgraded, and the project evaluated.

Ralph Kirsher said many of the people in the area questioned the validity of the traffic counts on Snowbowl Road, and asked the Commissioners to reconsider the funding for this project and reevaluate the figures.

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

There being no further business to come before the Board, the Commissioners were in recess at 1:55 p.m.

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MAY 19, 1988

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Don Hjelmseth as principal for warrant #6888, dated April 4, 1988, on the Missoula County High School Fund in the amount of \$6.73 now unable to be found.

MAY 19, 1988 (continued)

DAILY ADMINISTRATIVE MEETING

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

The Commissioners approved a request from the Missoula Community Business Incubator and the Montana Women's Economic Development Corporation (WEDCO) for a commitment of \$20,000 from the CDBG Economic Development Fund to be combined with other funding and used to guarantee loans to microbusinesses; however, there is no three-year guarantee on the County's part, and a year by year request must be submitted.

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

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MAY 20, 1988

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

Audit List

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Neff's Animal Specialties as principal for warrant #6522, dated March 15, 1988, on the Missoula County High School Fund in the amount of \$42.00 now unable to be found.

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MAY 21, 1988

In the forenoon, Commissioner Dussault served as a judge at the Clinton Founders' Day Celebration parade; and in the afternoon, Commissioner Stevens served as a judge at the 4-H Fashion Show held at Orchard Homes Country Life Building.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

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MAY 23, 1988

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 item was considered:

The Commissioners approved abating the 1984 and 1985 taxes for roads in the Six Mile Tracts as requested by the Six Mile Estates Homeowners Association and as per the opinion received from the County Attorney's Office, which stated the taxes were erroneously levied; a Resolution will be drawn up and the Treasurer's Office will be notified.

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

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MAY 24, 2988

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-042

The Board of County Commissioners signed Resolution No. 88-042, a resolution abating the taxes for 1984 and 1985 for SUID No. 2008302, for 18.90 acres of roads located in the Six Mile Tracts, as per the terms set forth.

Resolution No. 88-043

The Board of County Commissioners signed Resolution No. 88-043, a resolution accepting and approving the petition for inclusion in RSID No. 426 for the purpose of obtaining access to the Rattlesnake Interceptor Sanitary Sewer constructed in the Rattlesnake Valley, as presented by David M. and Caroline Emmons.

Resolution No. 88-044

The Board of County Commissioners signed Resolution No. 88-044, a resolution that Missoula County accept from the United States of America, acting by and through the Forest Service, Department of Agriculture, an easement for public road and all other public purposes located in a portion of the N 1/2 NW 1/4 of Section 25, NE 1/4 NE 1/4, S 1/2 NE 1/4, S 1/2 NW 1/4, and NW 1/4 SW 1/4 of Section 26, S 1/2 NE 1/4 and NW 1/4 of Section 27, E 1/2 NE 1/4 of Section 28, T. 16 N., R. 15 W., PMM, Missoula County.

Resolution No. 88-045

The Board of County Commissioners signed Resolution No. 88-045, a resolution that Missoula County accept from Champion International Corporation, a corporation of the State of New York, an easement for public road and all other public purposes located in a portion of the N 1/2 NW 1/4 of Section 25, NE 1/4 NE 1/4, S 1/2 NE 1/4, S 1/2 NW 1/4, and NW 1/4 SW 1/4 of Section 26, S 1/2 NE 1/4 and NW 1/4 of Section 27, E 1/2 NE 1/4 of Section 28, T. 16 N., R. 15 W., PMM, Missoula County.

Resolution No. 88-046

The Board of County Commissioners signed Resolution No. 88-046, a resolution that Missoula County accept from Burlington Northern Railroad Company, a corporation of the State of Delaware, an easement for public road and all other public purposes located in a portion of the N 1/2 NW 1/4 of Section 25, NE 1/4 NE 1/4, S 1/2 NE 1/4, S 1/2 NW 1/4, and NW 1/4 SW 1/4 of Section 26, S 1/2 NE 1/4 and NW 1/4 of Section 27, E 1/2 NE 1/4 of Section 28, T. 16 N., R. 15 W., PMM, Missoula County.

Resolution No. 88-047

The Board of County Commissioners signed Resolution No. 88-047, a resolution that Missoula County accept from John R. and Darinka J. Milodragovich, an easement for public road and all other public purposes, located in a portion of the SW 1/4 of Section 25, R. 13 N., R. 20 W., PMM, Missoula County.

MAY 24, 1988 (continued)

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit, whereby Missoula County agrees to permit John R. and Darinka J. Milodragovich of 4630 Sundown Road, to encroach upon a portion of County right-of-way being the south 30 feet S 1/2 W 1/2 W 1/2 NE 1/4 SW 1/4 of Section 25, T. 13 N., R. 20 W., and shown on Certificate of Survey Number 455 to be known as North Avenue, and the encroachment shall be limited to the existing fence and is effective for a period not to exceed ten (10) years, renewable at the option of Missoula County.

Other items included:

The Fireworks Stand Regulations were discussed with Joan Newman, Deputy County Attorney, and Bill Reed of Missoula Rural Fire--the waiver of the setback requirement and other minor changes will be made. Joan Newman will revise the Resolution.

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

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MAY 25, 1988

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated May 24, 1988, pages 4-34, with a grand total of \$87,242.17. The Audit List was returned to the Accounting Department.

Notice of Hearing

Chair Dussault signed a Notice of Hearing on the application of Stone Container Corporation for tax incentives for new and expanding industry for the installation of a color removal system for waste water treatment at the Stone Container Corporation pulp mill west of Missoula, setting the hearing date for June 8, 1988, at 1:30 p.m.

PUBLIC MEETING

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

Hearing: Summary Plat - O'Brien Valley Estates

Information provided by Paula Jacques, Planner II, from the Office of Community Development, indicated that O'Brien Valley Estates is a five lot residential subdivision proposed for 25.01 acres along O'Brien Creek. The five lots range in size from 1.3 to 5.3 acres, with 13.47 acres being set aside as common area to satisfy zoning and open space requirements. A public hearing is required for this minor subdivision because the original tract of record has already been subdivided through the summary review process. The recommendation from the Office of Community Development is that O'Brien Valley Estates be approved subject to the conditions, variances and findings of fact set forth in the staff report:

May 25, 1988 (continued)

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.

2. A statement waiving the right to protest an RSID for improving O'Brien Creek Road with acceptance of a deed for a lot shall be included in the covenants as well as on the face of the plat. This statement shall also apply to Lot 4 for Clydes Dale Lane. The covenants shall further require that driveway approaches (including Glenwood Court) be paved for a length of at least 20 feet when the access roads are paved.

3. Section 10 of the covenants shall be amended to include the following language:

Section 10: Tree and Vegetation Removal. No substantial tree removal shall be permitted except within fifteen (15) of a planned house wall. Such tree removal shall begin only when excavation for the building site is scheduled. All dead trees, however, must be removed promptly from the premises. Because of the value of riparian areas for wildlife habitat, erosion control and water quality, vegetation along the creek must be kept in its natural state. These provisions shall not be construed to prohibit removal of vegetation to eliminate fire hazards.

4. Building setback lines shall be shown on the face of the plat for Lots 3 and 5 as follows: 50 feet from the centerline of O'Brien Creek for Lot 5 and 45 feet from the top of the bank for Lot 3. The covenants and plat should note that these setbacks are intended to exclude all structures, including decks and accessory buildings. No structures shall be permitted in that portion of Lot 5 lying south of the creek.

5. Article VII, Section 1 of the covenants shall be amended to include the following language: "Further subdivision of these lots is subject to subdivision review and must comply with the existing zoning."

6. Road construction, grading, drainage and erosion control plans shall be subject to the approval of the County Surveyor. Stop signs and road name signs shall be installed by the developer.

7. The right-of-way for Clydes Dale Lane shall be dedicated with this subdivision.

8. The word "private" shall be removed from the maintenance disclaimer on the face of the plat. The covenants shall also advise property owners that roads will not be maintained by the County until built to County standards and accepted for maintenance.

9. Article VII, Section 4 of the covenants pertaining to landscaping shall be amended to advise property owners that gardens, fruit and ornamental trees and shrubs will be subject to damage by deer.

10. Article VII, Section 6 of the covenants pertaining to garbage shall be amended to prohibit compost piles and require garbage to be kept indoors or in bear-proof containers.

Variance Requests:

1. From the right-of-way and surface width requirements for Glenwood Court. The reason for granting this variance is that the design adequately provides for safety, emergency access and

May 25, 1988 (continued)

maintenance and will serve only three dwellings.

2. From the paving requirement for Clydes Dale Lane. With this subdivision, it will only serve one dwelling. As a condition of plat approval, the lot it serves must participate in any effort to pave the road through an RSID.

3. From the criterion requiring county-owned off-site access roads to meet county standards before granting a paving variance. The reason for granting this variance is that the road is substandard only due to the absence of paving and this subdivision is required to share in the cost of upgrading O'Brien Creek Road through waiver of a right to protest an RSID.

The hearing was opened for public comment.

Nick Kaufman of Sorenson and Company, representing the developers said he was present to answer questions, and that he agreed with the conditions and variances.

Ann Chandler, a resident of O'Brien Creek, said she was opposed to the development because the County is not addressing the County is not addressing the condition of the road. This development would put 30 more cars per day on the road, and the pollution levels will raise. She said it would be a good idea if the developers participate in paying for the paving of the road.

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

Janet Stevens moved and Barbara Evans seconded the motion to approve the summary plat for the O'Brien Valley Estates, subject to the conditions, variances and findings of fact contained in the staff report. The motion carried on a vote of 3-0.

Hearing: Planned Variation-Mountain Creek Estates

Information provided by John Torma, Planner from the Office of Community Development, indicated that Mr. John Diddel is proposing a 5-lot subdivision on a 28.38 acre tract of land located in the SE 1/4 of Section 28 and the NE 1/4 of Section 33, T13N, R20W, PMM., and is requesting a planned variation from the required setback and minimum lot width requirements. He said this property is approximately .7 miles up O'Brien Creek Road and is adjacent to the recently approved Mountain Creek Estates Subdivision. This property is zoned "C-A3" residential. A planned variation has been requested by the applicant for variances from the following requirements from the standard C-A3 requirements:

1. That the front yard setback for Lot 1-A be reduced from 50 feet to 25 feet.
2. That the side yard setback for the east side yard of Lot 6, the west side yard of Lot 9, and both side yards of Lots 7 & 8 be reduced from 50 feet to 25 feet.
3. That the requirement that the minimum lot width be at least 1/3 of the average lot depth be waived for Lots 6-9.

The recommendation from the Office of Community Development was that the planned variation be granted subject to the findings of fact set forth in the staff report and subject to the following conditions:

May 25, 1988 (continued)

Conditions of Planned Variation Approval

1. NO BUILDINGS MAY BE ERECTED FURTHER THAN 150 FT. FROM THE FRONT PROPERTY LINE ON LOTS 6-9. ON LOT 1-A ALL STRUCTURES MUST REMAIN SOUTH OF THE ABANDONED IRRIGATION DITCH.
2. LANGUAGE SHALL BE INCLUDED IN THE COVENANTS REQUIRING THAT ALL DOGS WHICH ARE KEPT OUTSIDE MUST BE KEPT IN A KENNEL.
3. VEGETATION ALONG THE CREEK MUST BE KEPT IN ITS NATURAL STATE. DISTURBANCE, DESTRUCTION, OR DAMAGE TO ANY PLANT LIFE, ANIMAL LIFE, OR OTHER CREEKSIDE NATURAL HABITATS IS PROHIBITED, EXCEPT WHERE ABSOLUTELY NECESSARY TO REMOVE DEAD OR DYING TREES OR SHRUBS; TO PRUNE LIMBS OR VEGETATION WHICH POSE A THREAT TO PERSONS OR PROPERTY; OR TO REMOVE ACCUMULATED DOWNFALL, LEAVES, LIMBS, DEBRIS, OR THINNING OF LIVING VEGETATION WHICH COULD BECOME A FIRE HAZARD.
4. THE PROPERTY OWNER(S) MUST SIGN A WAIVER OF RIGHT TO PROTEST AN RSID TO PAVE O'BRIEN CREEK ROAD. THIS WAIVER MUST BE INCLUDED ON THE FACE OF THE PLAT OF THIS SUBDIVISION AND IN THE COVENANTS.
5. STORAGE OF GARBAGE SHALL EITHER BE INSIDE AN ENCLOSED BUILDING OR IN A BEAR-PROOF CONTAINER. ACTIVITIES SUCH AS FRUIT TREES, COMPOST PILES, AND BEE HIVES SHALL BE PROHIBITED.
6. USE OF THE COMMON AREA SHALL BE LIMITED TO PASSIVE RECREATIONAL ACTIVITIES. NO TIMBER SHALL BE REMOVED FROM THIS AREA EXCEPT AS PART OF A FOREST MANAGEMENT PLAN APPROVED BY OFFICE OF COMMUNITY DEVELOPMENT UPON RECOMMENDATION OF THE FORESTRY DIVISION OF THE DEPARTMENT OF STATE LANDS.
7. THE DEVELOPER MUST FORM AND INCORPORATE A HOMEOWNERS' ASSOCIATION FOR THIS SUBDIVISION PRIOR TO FINAL APPROVAL OF THIS PLANNED VARIATION AND SUBDIVISION.
8. ANY FENCES TO BE ERECTED ALONG THE LOT LINES IN THE SUBDIVISION MUST RECEIVE PRIOR APPROVAL FROM THE MAJORITY OF THE HOMEOWNERS IN THE SUBDIVISION. THIS CONDITION SHALL BE INCLUDED IN THE COVENANTS.

The hearing was opened for public comment.

Andy Fisher, from Eli and Associates, representing John Diddel, said he agreed with the staff report, and was available to answer any questions.

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

Barbara Evans asked John Torma why, in condition #3, the creek bed and bank area was not included in condition #3.

John Torma said he thought that additional language should be added to that condition.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the planned variation for Mountain Creek Estates subject to the following conditions:

1. NO BUILDINGS MAY BE ERECTED FURTHER THAN 150 FT. FROM THE FRONT PROPERTY LINE ON LOTS 6-9. ON LOT 1-A ALL STRUCTURES MUST REMAIN SOUTH OF THE ABANDONED IRRIGATION DITCH.
2. LANGUAGE SHALL BE INCLUDED IN THE COVENANTS REQUIRING THAT ALL DOGS WHICH ARE KEPT OUTSIDE MUST BE KEPT IN A KENNEL.

May 25, 1988 (continued)

3. VEGETATION ALONG THE CREEK BANK AND THE CREEK BED MUST BE KEPT IN ITS NATURAL STATE. DISTURBANCE, DESTRUCTION, OR DAMAGE TO ANY PLANT LIFE, ANIMAL LIFE, OR OTHER CREEKSIDE NATURAL HABITATS IS PROHIBITED, EXCEPT WHERE ABSOLUTELY NECESSARY TO REMOVE DEAD OR DYING TREES OR SHRUBS; TO PRUNE LIMBS OR VEGETATION WHICH POSE A THREAT TO PERSONS OR PROPERTY; OR TO REMOVE ACCUMULATED DOWNFALL, LEAVES, LIMBS, DEBRIS, OR THINNING OF LIVING VEGETATION WHICH COULD BECOME A FIRE HAZARD. THIS CONDITION DOES NOT PRECLUDE THE REMOVAL OF NOXIOUS WEEDS AS IN ACCORDANCE WITH STATE LAW.
4. THE PROPERTY OWNER(S) MUST SIGN A WAIVER OF RIGHT TO PROTEST AN RSID TO PAVE O'BRIEN CREEK ROAD. THIS WAIVER MUST BE INCLUDED ON THE FACE OF THE PLAT OF THIS SUBDIVISION AND IN THE COVENANTS.
5. STORAGE OF GARBAGE SHALL EITHER BE INSIDE AN ENCLOSED BUILDING OR IN A BEAR-PROOF CONTAINER. ACTIVITIES SUCH AS FRUIT TREES, COMPOST PILES, AND BEE HIVES SHALL BE PROHIBITED.
6. USE OF THE COMMON AREA SHALL BE LIMITED TO PASSIVE RECREATIONAL ACTIVITIES. NO TIMBER SHALL BE REMOVED FROM THIS AREA EXCEPT AS PART OF A FOREST MANAGEMENT PLAN APPROVED BY OFFICE OF COMMUNITY DEVELOPMENT UPON RECOMMENDATION OF THE FORESTRY DIVISION OF THE DEPARTMENT OF STATE LANDS.
7. THE DEVELOPER MUST FORM AND INCORPORATE A HOMEOWNERS' ASSOCIATION FOR THIS SUBDIVISION PRIOR TO FINAL APPROVAL OF THIS PLANNED VARIATION AND SUBDIVISION.
8. ANY FENCES TO BE ERECTED ALONG THE LOT LINES IN THE SUBDIVISION MUST RECEIVE PRIOR APPROVAL FROM THE MAJORITY OF THE HOMEOWNERS IN THE SUBDIVISION. THIS CONDITION SHALL BE INCLUDED IN THE COVENANTS.

The motion carried on a vote of 2-0, Barbara Evans voted in opposition.

Hearing: Summary Plat - Mountain Creek Estates-Phase 2

Information provided by Paula Jacques, Planner II with the Office of Community Development, indicated that Mountain Creek Estates, Phase 2, is a five lot residential subdivision proposed for 28.38 acres along O'Brien Creek. It is also the subject of a request for approval of a planned variation under the County Zoning Resolution. Each of the lots is one acre in size with the remaining 23 acres to be set aside as common area. The Community Development Staff recommends that the summary plat of Mountain Creek Estates, Phase 2, be approved subject to the conditions and findings of fact set forth in the staff report.

The conditions of summary plat approval are as follows:

1. SANITARY RESTRICTIONS SHALL BE LIFTED BY STATE AND LOCAL HEALTH AUTHORITIES.
2. THE STATEMENT WAIVING THE RIGHT TO PROTEST AN RSID FOR IMPROVING O'BRIEN CREEK ROAD SHALL BE INCLUDED IN THE COVENANTS AS WELL AS ON THE FACE OF THE PLAT. THE COVENANTS SHALL FURTHER REQUIRE THAT DRIVEWAY APPROACHES BE PAVED FOR A LENGTH OF 20 FEET WHEN O'BRIEN CREEK ROAD IS PAVED.

May 25, 1988 (continued)

3. SECTION 14 OF THE COVENANTS SHALL BE AMENDED TO INCLUDE THE FOLLOWING LANGUAGE:

BECAUSE OF THE VALUE OF RIPARIAN AREAS FOR WILDLIFE HABITAT, EROSION CONTROL AND WATER QUALITY, VEGETATION ALONG THE CREEK BANK AND CREEK BED MUST BE KEPT IN ITS NATURAL STATE. DISTURBANCE, DESTRUCTION, OR DAMAGE TO ANY PLANT LIFE, ANIMAL LIFE, OR OTHER CREEKSIDE NATURAL HABITATS IS PROHIBITED EXCEPT WHERE ABSOLUTELY NECESSARY TO REMOVE DEAD OR DYING TREES OR SHRUBS, TO PRUNE LIMBS OR VEGETATION WHICH POSE A THREAT TO PERSONS OR PROPERTY, OR TO REMOVE ACCUMULATED DOWNFALL, LEAVES, LIMBS, DEBRIS OR THINNING OF LIVING VEGETATION FROM-THE-GROUND WHICH COULD BECOME A FIRE HAZARD. THIS CONDITION DOES NOT PRECLUDE THE REMOVAL OF NOXIOUS WEEDS AS IN ACCORDANCE WITH STATE LAW.

4. SECTION 17 OF THE COVENANTS SHALL BE AMENDED TO SPECIFICALLY PROHIBIT THE USE OF ALL MOTORIZED VEHICLES IN THE COMMON AREA.

5. BUILDING SETBACK LINES SHALL BE SHOWN ON THE FACE OF THE PLAT WHICH CONFORM TO THOSE APPROVED WITH THE PLANNED VARIATION. THE PLAT AND COVENANTS SHALL STATE THAT ALL STRUCTURES, INCLUDING DECKS AND ACCESSORY BUILDINGS, ARE PROHIBITED IN THE SETBACKS.

6. SECTION 5 OF THE COVENANTS SHALL BE AMENDED TO PROHIBIT THE KEEPING OF HORSES WITHIN THE SUBDIVISION.

7. THE FOLLOWING LANGUAGE SHALL BE ADDED TO SECTION 8 OF THE COVENANTS REGARDING FIRE SAFETY: "FURTHER INFORMATION ON PROTECTING RURAL HOMESITES FROM WILDLAND FIRES IS AVAILABLE THROUGH THE MISSOULA RURAL FIRE DISTRICT."

The hearing was opened for public comment.

Andy Fisher, from Eli and Associates, representing John Diddel, said he agreed with the staff report, and was available to answer any questions.

Ann Chandler asked who would pay for the RSID.

Paula Jacques said that when the RSID is proposed, the funding mechanism will be determined at that time.

Ann Mary Dussault noted for the record that the road would not be paved unless there is an RSID. She said the County Road Budget is entirely a maintenance budget. There is no money for paving unless RSID's are formed.

Barbara Evans moved and Janet Stevens seconded the motion to approve the summary plat of Mountain Creek Estates, Phase 2, subject to the conditions and findings of fact in the staff report. The motion carried on a vote of 3-0.

HEARING: REQUEST FOR TAX INCENTIVE - NEW & EXPANDING INDUSTRY (WHITE PINE SASH)

Information provided by John DeVore, Administrative Officer, indicated that this application is based on the new construction of a planing building and the sash and frame machining building and the remodeling of the rip and cut plant at the Missoula White Pine Sash Company. The applicant has met the criteria as set forth in Resolution No. 87-080. The applicant expects the addition of 10 to 15 new jobs from this expansion.

John DeVore said that Mike Sehestedt, Deputy County Attorney, had reviewed the application and found that it is complete and in compliance with the resolution, and recommended approval.

May 25, 1988 (continued)

Mike Sehestedt agreed that the application qualifies both under State law, and the County resolution.

Jim Fairbanks, County Assessor asked if this was a future plant, or if the company had already undertaken construction and turned some of these values into the industrial bureau so that the assessment they just got reflected this construction.

Duane Duff, Manager of White Pine Sash, said construction had just started, so any dollar effect will show up in 1989.

Fern Hart, Clerk and Recorder/Treasurer, asked if this was just personal property equipment, or is it improvements and equipment.

Duane Duff indicated that new equipment would come in 1989.

The hearing was opened for public comment.

Duane Duff said the White Pine had been in operation since 1920, and are in some existing buildings that were there at the inception. He said they had tried to get this expansion approved by the parent company in 1979, but interest rates had forced abandonment of the project until now. The plan was resurrected last year, approved by the Board of Directors, and are now on a fast-track to get it done as quickly as possible. He said there are two portions of the mill: the sawmill section, and the millwork plant, where primarily, 4,000 wood windows per day are made and shipped around the company. The plan in the millwork section is to leave the old buildings, and construct a new 82,000 square foot cement/concrete tilt up building. All the machining will be moved into those new buildings. At the same time, the planing building will be moved to a new metal structure, which will be approximately 6,000 square feet, and once that is done, the rip and cut building on the south portion of the mill will be replaced, and extended an additional 20,000 square feet. So the end result will be about 110,000 square feet of new structure. He said since 1979, the mill had been maxed out as far as being able to do any additional expanding. He said in the past, the White Pine had handled expanding by adding a green lean-to onto a lean-to, onto a lean-to, and he had problems with that. Now, the company wants to do it right. He said the estimate of 10-15 additional jobs is very conservative, and over a period of time, as new markets are developed, that number would go up substantially.

Ann Mary Dussault asked if the company would be adding any new products.

Duane Duff said the company wants to go into a limited door line, 300-400 doors per day, and as the market expands, more doors will be made. He said the parent company already has a good market for this door.

Barbara Evans asked when the project would be completed.

Duane Duff said he would like to have the construction done before the snow flies. The third phase may have to wait until spring.

Janet Stevens asked how any increased particulate emissions would be handled.

Duane Duff said there would be no increase, as the only changes would be machining, in fact, the emissions should decrease with the changes.

Janet Stevens thanked him for doing such a forward-looking thing for Missoula.

May 25, 1988 (continued)

Ann Mary Dussault asked Jim Fairbanks if it was true that White Pine had already been given their assessments for this tax year, and any adjustments would be in place for the next taxable year.

Jim Fairbanks said that any building activity would not be included in this year's assessment, but would be after January 1, 1989.

Ann Mary Dussault asked if it was correct that because of the added value of the new facilities, their future assessment would be larger than the current assessment.

Jim Fairbanks said he thought it would be larger dollars, but that was no longer part of his department's responsibility. Industrial property is now handled by the Industrial Bureau out of Helena. Pre-existing structures do not qualify for the tax incentive; only the new buildings will be included in the changed assessment. The current value compared to equal square footage of replacement will probably indicate an increased tax assessment.

Barbara Evans moved and Janet Stevens seconded the motion to approve the application of Missoula White Pine Sash Company for tax incentives under Resolution No. 87-080. The motion carried on a vote of 3-0.

RESOLUTION NO. 88-048

The Board of County Commissioners then signed Resolution No. 88-048, approve the application of Missoula White Pine Sash Company for tax incentives under Resolution No. 87-080.

Continuation of Hearing and Adoption of Proposed CIP (Capital Improvements Program for 1989-1993)

John DeVore, Administrative Officer, said he would like to make the Board aware of some changes based on information provided by residents in the Snow Bowl Road. The grading criteria for identifying priorities would make the Snowbowl Road to the top of the list of projects outside the funding area.

Kim Birck, 9280 Keegan Trail, presented traffic counts from the Forest Service for Snow Bowl road from 1985 to the present time which indicated a large increase in traffic. She asked that the project be placed on the list of projects within the five year funding period.

Lawrence Ayers, a resident of the area, noted that the area is very dusty and dirty because of the increased traffic and the dust on the road.

Horace Brown, County Surveyor, said that the Forest Service has jurisdiction over the upper portion of Snow Bowl Road.

John DeVore said he would like to make a few comments relative to the proposed RSID in the area. He said the original boundaries of the RSID were larger, but had been adjusted because the residents couldn't agree on whether or not they would support the project. He said an engineer working on the project has indicated that some changes in the petition language are being made at this time.

Kim Birck said the boundaries had to be reduced because of a lack of support in the area on the RSID. She said if County funding for the road was guaranteed, she felt that more people would sign the RSID petition.

May 25, 1988 (continued)

Ann Mary Dussault said that the County has no money for building roads, and there is not going to be any more money for capital improvements because of Initiative I-105. General Revenue sharing is gone, and the entire County is on a maintenance budget only.

Janet Stevens moved and Barbara Evans seconded the motion to adopt the Proposed CIP (Capital Improvements Program) for 1989-1993 with the amendment of placing Snow Bowl Road in its proper position on the funding list with the idea and understanding that it is very unlikely that any of the projects will be funded in the next five years. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 3:43.

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MAY 26, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for pay period #10 (5/01/88 through 5/14/88) with a total Missoula County Payroll of \$309,680.35. The Transmittal Sheet was returned to the Auditor's Office.

Plan of Service Approval


Chair Dussault signed the Plan of Service and Budget Request for FY'89 for the Tamarack Federation of the Missoula Public Library, as per the items set forth. The Plan of Service was returned to Ted Schmidt, Library Director, for forwarding to the Montana State Library in Helena.

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

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MAY 27, 1988

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena attending a MACo Executive Board/JPA Trustees Meeting, and Commissioner Evans was out of the office all day.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

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MAY 30, 1988

The Courthouse was closed for the Memorial Day holiday.

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MAY 31, 1988

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

DAILY ADMINISTRATIVE MEETING

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

- 1) the Larchmont Golf Course Liquor License Renewal application for 1988-1989 was signed by the Commissioners;
- 2) the Commissioners voted to renew the subscription to the Great Falls Tribune for one year;
- 3) the Commissioners voted to deny the claim for \$100 submitted by Michaela Murphy of the Public Defender's Office for a fine imposed on her for contempt of court; and
- 4) the Commissioners approved the recommendation of the Larchmont Golf Course Advisory Board that O'Neil and Associates be retained as architects for a site plan for Larchmont at a fee of \$2,500.00, subject to the specifications drawn up by the Long-Range Planning Committee.

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

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JUNE 1, 1988

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

Audit List

The Board of County Commissioners signed the Audit List, dated June 1, 1988, pages 4-34, with a grand total of \$827,145.93. 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:

Modification of Agreement

Chair Dussault signed the second Modification of Agreement #800167 between the Department of Health & Environmental Sciences and Missoula County concerning the WIC Program for the purpose of moving \$400 from personnel to operating in the nine-month contract. The contract was returned to DHES in Helena.

Subgrant Application

Chair Dussault signed a Subgrant Application for the Missoula County Sheriff's Department to the Board of Crime Control and Youth Justice Council for the Operation Crackdown Project for the period from November 1, 1988, through June 30, 1989, with a total project budget of \$56,550. The Application was returned to the Sheriff's Department for further handling and forwarding to Helena.

Earnest Money Receipt and Agreement to Sell and Purchase

Chair Dussault signed an Earnest Money Receipt and Agreement to Sell and Purchase acknowledging receipt of \$500 from Craig A. and Cristina C. Barrier paid as earnest money in part payment of the purchase of Lot 13, Lincoln Hills #6, as per the terms set forth in the Agreement. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Quitclaim Deed

The Board of County Commissioners signed a Quitclaim Deed, whereby Missoula County conveys to T & T Construction, Inc. property described as Lot 50 of Meadowlark Acres, a platted subdivision of Missoula County, the sale of which is part of the requirements necessary to obtain the sight easement on Mount Avenue, as per the terms set forth. The Deed was returned to Jim Dopp, Operations Officer, for further handling.

Other matters included:

The Commissioners approved a request from Horace Brown, County Surveyor, to bid up to \$2,500 on a 5th wheel tilt bed trailer that the Road Department needs to move heavy equipment at an auction of equipment on June 6, 1988. The money to purchase said equipment is available in the Surveyor's Surplus Equipment Fund.

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

JUNE 1, 1988 (continued)

PUBLIC MEETING

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

Consideration Of: Revocation of Agricultural Covenant (Charles Teague)

Information provided by Joan Newman, Deputy County Attorney indicated that Charles and Barbara Teague were requesting that the agricultural covenant on Tract 1 of COS 2615 be revoked. Tracts 1 and 2 of COS 2615 were both created as agricultural parcels in 1981, prior to the BCC resolution for prior review of the use of exemptions and limitation of one agricultural exemption per ownership. The parcels were created by the father and mother of the present claimant, for the purpose of severing joint ownership with another person. Charles and Barbara Teague have purchased Tract 1 and wish to build on it asserting that it is not really suitable for agriculture. If the revocation is granted, the Commissioners will need to decide whether to require a new survey using the occasional sale, or just a resolution that has the effect of crediting the claimants with using and occasional sale. If the latter is chosen, the Clerk and Recorder should be asked to cross reference the Resolution to the COS #2615. She also requested that the Surveyor's Office be sent a copy of the resolution and that office keep track of all COS's and exemptions to assist in the research for exemption approval.

Charles Teague gave a history of the land and said the covenant was place on the land in 1981 to lower the taxes.

Janet Stevens moved and Barbara Evans seconded the motion to revoke the agricultural covenant on tract 1 of COS 2615 and cross reference it to COS 2615 with a copy to the County Surveyor's Office. The motion carried on a vote of 3-0.

Hearing: Amendments to Fireworks Stand Regulations

At issue was a resolution adopting regulations governing the sale of lawful fireworks as enumerated in MCA 50-37-105, and to incorporate by reference Title 50, Chapter 37, titled "Fireworks," of the Montana Code Annotated, as amended. This resolution would supersede the previous resolution regarding the sale of lawful fireworks. Substantive changes in this proposed resolution concern:

- a. Adopting procedures for administrative waiver of the set-back requirement; (See #7); and
- b. Procedure for revocation or denial of permits for violation of the regulations (see #16).

Joan Newman, Deputy County Attorney said the changes were suggested because of concerns relating to the procedure dealing with the 50 foot clear zone and set backs and with the judicial procedure for revocation of licenses upon conviction of violations.

The hearing was opened for public comment

John Peterson, doing business as Beehive Fireworks, spoke in opposition to the new regulations because they would be enforced by the fire department and zoning people and there would be no control by the Board of County Commissioners. He said the imposition of these changes at this time create a burden as it is three weeks from the opening date of the stands.

JUNE 1, 1988 (continued)

Joan Newman said these regulations would make it easier for the stand operators, because they would not have to come before the Board of County Commissioners, the zoning officer could waive the setback requirements.

Janet Stevens said the Commissioners were trying to make it easier for the stand operators, and to clear up problems, not make more.

Anna Marie Claus, owner of the Pink Grizzly, said her stand was a permanent building and did not meet the setback requirements. In addition, she said there are many fireworks stands that rent empty lots that have no street number.

Ann Mary Dussault said the set back is not a new requirement; and that the stand was probably grandfathered, and she would have no problems.

Mike Brown with Art Brown and Company, sells fireworks wholesale, and wanted to know what constitutes illegal fireworks.

Joan Newman said that State law determines the legality of fireworks.

Bill Reed, Missoula Rural Fire Department said the policy would be to notify the stand that they were in violation first, and then give the operator 24 hours to correct the situation. If not corrected, the operator would be cited. He noted that there are no national standards relative to the sale of fireworks except those adopted by the State of Montana.

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

Barbara Evans moved and Janet Stevens seconded the motion to adopt the resolution governing the sale of fireworks, and having this resolution supercede the previous resolutions, 87-090 and 87-059. The motion passed on a vote of 3-0.

Resolution No. 88-049

The Board of County Commissioners then signed Resolution No. 88-049 governing the sale of fireworks in Missoula County.

There being no further business to come before the Board, the Commissioners were in recess at 2:15.

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JUNE 2, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and M. Sam Gappmayer, an independent contractor, for the purpose of performing lawn and exterior grounds services at the Art Museum at intervals indicated as per appropriate seasons of the year, as per the terms set forth, for the period from May 1, 1988, through June 30, 1989, for a total cost not to exceed \$1,700.

JUNE 2, 1988 (continued)Resolution No. 88-050

The Board of County Commissioners signed Resolution No. 88-050, a resolution revoking an agricultural exemption covenant for Tract 1 of Certificate of Survey No. 2615, located in the SE 1/4, Sec. 27, T. 13 N., R. 18 W., Missoula County, as per the terms set forth, as the property owner of record now desires to build a home on said agricultural parcel and it is in the public interest to allow the use of the 3.6 acre parcel for residential purposes.

Resolution No. 88-051

The Board of County Commissioners signed Resolution No. 88-051, a resolution accepting property conveyed by an easement located in the NW 1/4 of Section 29, T. 13 N., R. 19 W., Missoula County, and being a portion of Lots 37 and 38 of West Central Village, a recorded subdivision, from T & T Development (Dan Tuxbury and Timothy Tiffin) for sight distance control purposes.

Budget Transfer

The Board of County Commissioners approved and signed the following budget for DES and adopted it as part of the FY'88 budget:

No. 880040, a request to transfer \$3,100 from the Un-programmed Expense Account to the Capital - Technical Equipment Account for the purpose of purchasing computer equipment to run the Cameo Program; the DES budget is being used to receive and expend funds received from corporate contributions and funds from Missoula Rural Fire for this purpose.

Other items included:

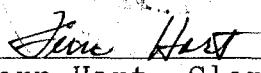
The Commissioners appointed Linda Kikkert to serve as the citizen voting member of the 9-1-1 Advisory Board through December 31, 1989.

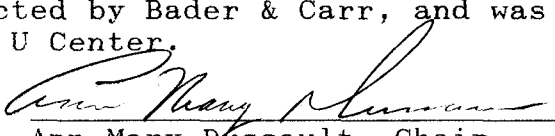
The minutes of the daily administrative meeting are on file in the Commissioners Office.

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JUNE 3, 1988

The Board of County Commissioners attended an all-day Employee/Management Seminar conducted by Bader & Carr, and was held at the University of Montana U Center.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

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JUNE 6, 1988

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

Welfare Advisory Board

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

JUNE 6, 1988 (continued)

DAILY ADMINISTRATIVE MEETING

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

- 1) the request from the Library for a Special Election was discussed and will be continued before a final decision is reached; and
- 2) Argerous Filosofo met with the Commissioners and submitted his resignations from the Missoula Consolidated Planning Board and the Lolo Water and Sewer Board as he has moved out of the state.

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

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JUNE 7, 1988

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Seeley-Swan Student Funds as principal for warrant #6655, dated March 22, 1988, on the Missoula County High Schools Fund in the amount of \$2,713.20 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

The Commissioners appointed the current alternate, Steve Bisson, to fill the vacancy on the Missoula Consolidated Planning Board through December 31, 1989; applicants on file will be interviewed for the alternate position.

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

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JUNE 8, 1988

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated June 8, 1988, pages 4-28, with a grand total of \$41,360.50. 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. 88-052

The Board of County Commissioners signed Resolution No. 88-052, a resolution of intention to create RSID No. 832 for the purpose of installation of a fire hydrant in Orrsdale Addition #1, as per the terms set forth. Chair Dussault also signed the Notice of

JUNE 8, 1988 (continued)

Passage of the Resolution of Intention to Create RSID No. 832, setting the hearing date for June 29th, 1988, at 1:30 p.m.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and David R. Crabtree, an independent contractor, for the purpose of development of the Art Museum grounds along the building, including plantings and ground cover, as per the terms set forth, commencing May 1, 1988, and completing the project by June 30, 1988, with the exception of planting bulbs upon arrival in the fall, for a total payment of \$700.

Amended Grant Request

Chair Dussault signed the amended grant request form for the Poverello Center received from the Department of Social & Rehabilitation Services in the amount of \$4,278. The revised form was sent to SRS in Helena.

Other items included: The Commissioners approved a request from Susan Reed, County Auditor, that she be allowed to hire a replacement for John Koch, former Deputy County Auditor, a 1.0 FTE at 85% of his salary, using the 15% remaining for the purchase of computer equipment.

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

PUBLIC MEETING

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

Consideration Of: Lot 62, Sorrel Springs (Amended Plat)

Information provided by Paula Jacques from the Office of Community Development, indicated that the amended plat of Lot 62, Sorrel Springs, is the resubdivision of an existing ten-acre tract into two five acre parcels. Both will have access onto existing private gravel roads. They will have the individual septic systems and will connect to the community water system. The Community Development staff recommends that the amended plat of Lot 62, Sorrel Springs be approved subject to the following conditions and findings of fact set forth in the staff report.

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The following statement shall be printed on the face of the plat:

"Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners for any future RSID to pave the abutting streets and may be used in lieu of their signatures on an RSID petition."

Eldon Inabnit of Eli and Associates, representing the developer, said that he had no problems with the staff report or the conditions.

Janet Stevens moved and Barbara Evans seconded the motion to approve the amended plat of Lot 62, Sorrel Springs, subject to the conditions and findings of fact in the staff report. The motion passed on a vote of 3-0.

JUNE 8, 1988 (continued)

Consideration of: Lot 116, Orchard Homes (Amended Plat)

Information provided by Paula Jacques, Office of Community Development, indicated that this was a resubdivision of an existing tract into two lots. One lot contains a single family home; the other is vacant. Both will have access onto existing County roads. The Community Development Staff recommends that the Amended Plat of Lot 116, Orchard Homes #6 be approved subject to the conditions and findings of fact set forth in the staff report. The conditions are as follows:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The following statement shall be printed on the face of the plat:

"Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners for any future RSID to pave the abutting streets and may be used in lieu of their signatures on an RSID petition."

Eldon Inabnit of Eli and Associates, representing the developer, said he had no problems with the staff report, and concurred with the conditions.

Barbara Evans moved and Janet Stevens seconded the motion to approve the Amended Plat of Lot 116, Orchard Homes #6 subject to the conditions and findings of fact set forth in the staff report. The motion carried on a vote of 3-0.

Hearing: Certificate of Survey Review: (Use of Occasional Sale and Family Transfer - Grothen)

Information provided by Joan Newman, Deputy County Attorney, indicated that Virgil and Karen Grothen wish to create four parcels using the occasional sale, remainder and two family gift exemptions. Mr. Grothen is being transferred by Burlington Northern out of state. They presently reside on a five acre tract in the Linda Vista area off of Helena Drive. BN will purchase their home and 1.5 acres as part of the relocation, but will not purchase the whole tract. The Grothens would like to retain a portion of the tract for the purpose of building and living there after retirement. They would also like to create two family transfer parcels for their grown children. They have not used any exemptions before. The unusual characteristic of the proposal is that creating the occasional sale for the existing home to sell to BN would require the creation of three tracts in any event because the home and a logical 1.5 acre parcel for it must be taken out of the middle of the tract. The question then, is whether the creation of two family transfer parcels represents an evasion of the subdivision act.

The hearing was opened for public comment

Eldon Inabnit, of Eli and Associates showed the area on the map and discussed the nitrate levels in the wells. He said the nitrate levels are 6.0, the same as the Linda Vista subdivision.

Janet Stevens moved, and Barbara Evans seconded the motion to approve the Certificate of sale requested by Virgil and Karen Grothen finding it to be in the public interest and finding no attempt to evade the Montana Subdivision and Platting Act. The motion passed on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:05 p.m.

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JUNE 9, 1988

The Board of County Commissioners met in regular session in the forenoon; all three members were present. Commissioner Evans was out of the office all afternoon, and Commissioner Dussault left at noon for Seattle to attend a dinner meeting of the Northwest Policy Center Leadership Council Thursday evening and a meeting of the Council on Friday, June 10th.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Western Federal Savings & Loan Association as principal for warrant #172518, dated March 23, 1988, on the Missoula County Refund Suspense Fund in the amount of \$355.52 now unable to be found.

Monthly Report

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #11 (5/15/88 through 5/28/88) with a total Missoula County Payroll of \$311,536.03. The Transmittal Sheet was returned to the Auditor's Office.

Resolution No. 88-053

The Board of County Commissioners signed Resolution No. 88-053, a budget amendment for FY'88 for the Health Department, including the following expenditure and revenue, and adopting it as part of the FY'88 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447204-328 Contracted Services	\$6,650
<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-333276 DUI HB 277	\$6,650

Revenue received from House Bill 277 will be used to pay the DUI Enforcement Team.

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'88 budget:

No. 880041, a request to transfer \$2,701 from the Grounds Maintenance/Repair Account to the Capital - Equipment Account to purchase a computer.

Other items included:

The Commissioners rejected the request from the Library Board to authorize a special election to allow the Library Fund to exceed the mill limits established by I-105, as per reasons set forth in a letter to Jim Weir, Chairman of the Library Board of Trustees, dated June 8, 1988 (BCC-88-307).

JUNE 9, 1988 (continued)

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

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JUNE 10, 1988

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


Election Canvass

In the forenoon, Commissioners Evans and Stevens and County Auditor, Susan Reed, served as the Board of Canvassers for the Primary Election, which was held June 7, 1988.

Other items included:

- 1) the Commissioners voted to approve waiving the penalty and interest on Randy and Julie Block's 1983 personal property tax bill no. 83006339 in the amount of \$6.32 as they did not receive the bill and were not notified of the delinquency; and
- 2) the Commissioners approved the recommendation of the traffic safety ad hoc committee to begin contract negotiations with Marvin and Associates and Stensatter-Druyvestein & Associates who submitted the top proposal to conduct a traffic safety improvement study of off-system county roads.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

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JUNE 13, 1988

The Board of County Commissioners met briefly in the forenoon; a quorum of the Board was present. Commissioner Evans was out of the office the week of June 13th through June 17th; and Commissioners Dussault and Stevens attended the MACo (Montana Association of Counties) Annual Conference which was held at the Missoula Sheraton from June 12th through the 16th, with Missoula as the host county for the 1988 Conference.

Modification of Agreement

Chair Dussault signed the Modification of Agreement #800218 between the Department of Health & Environmental Sciences and Missoula County for the purpose of modifying Section III of the Agreement between them concerning a County Air Pollution Control Program, as per the conditions set forth. The Modification of Agreement was returned to DHES in Helena.

Letter Terminating Contract

The Board of County Commissioners signed a letter to Karen Foster, Director of Occupational Health Services at St. Patrick Hospital, stating that after reviewing the proposal to provide an Employee Assistance Program to Missoula County Employees at the rate of \$1.40 per month per employee, they have decided to terminate the contract for EAP services with St. Pat's effective July 14, 1988, because of being able to contract with another provider at a lesser cost.

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JUNE 14, 1988

The Board of County Commissioners met briefly during the day with a quorum of the Board present. Commissioners Dussault and Stevens attended the MACo Annual Conference being held at the Sheraton.

Letter of Agreement

The Board of County Commissioners signed a Letter of Agreement between Missoula County and the United Food and Commercial Workers International Local 1981, stating that the conditions set forth in the Letter regarding "bumping" situations and layoffs for employees of the Library shall be in effect in conjunction with the provisions set forth in the collective bargaining agreement between the County and the Union for the period from July 1, 1987, through June 30, 1988. The Letter of Agreement was returned to Kathy Crego, Personnel Director, for further handling.

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JUNE 15, 1988

The Board of County Commissioners met briefly with a quorum of the Board present; Commissioners Dussault and Stevens again attended the MACo Conference at the Sheraton.

Monthly Report

Chair Dussault examined, approved and ordered filed the monthly report of Sheriff Dan Magone showing the items of fees and other collections on account of civil business in Missoula County for month ending May 31, 1988.

Audit List

Commissioners Dussault and Stevens signed the Audit List dated June 14, 1988, pages 5-40, with a grand total of \$223,068.97. The Audit List was returned to the Accounting Department.

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 May 31, 1988.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled as the Commissioners were attending the MACo Annual Conference.

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JUNE 16, 1988

The Board of County Commissioners met for a short time in the afternoon following the adjournment of the MACo Annual Conference; a quorum of the Board was present.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond, naming Michael Biggins as principal for warrant #16722, dated May 20, 1988, on the Vo Tech Payroll Fund 60 in the amount of \$216.20 now unable to be found.

JUNE 16, 1988 (continued)

Subgrant Application

Chair Dussault signed the Subgrant Application to the State of Montana Board of Crime Control and Youth Justice Council for the County Attorney's Office Automation Project for the Reduction of Court Delay for the period from August 1, 1988, through March 31, 1989. The Application was forwarded to Helena.

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JUNE 17, 1988

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioners Dussault and Stevens were out of the office all afternoon.

Subgrant Application

Chair Dussault signed a Subgrant Application to the State of Montana Board of Crime Control for the Victim/Witness Assistance Program for the period from October 1, 1988, through June 30, 1989, with a total project budget of \$60,903.12, of which the Board of Crime Control's share would be \$28,175.30. The Application was forwarded to Helena.

Fern Hart
Fern Hart, Clerk & Recorder

Ann Mary Dussault
Ann Mary Dussault, Chair

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JUNE 20, 1988

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 item was considered:

The Commissioners voted to authorize Missoula County's participation in the Board of Investments Intermediate Term Capital (INTERCAP) Program, and also authorized Chair Dussault to execute the bond documents and to sign acknowledgment of loan funds upon their receipt by First Interstate Bank on June 24, 1988. Chair Dussault then signed Resolution No. 88-054, authorizing participation in the Board of Investments Intermediate Term Capital Program, along with the related documents listed on the attachment to the daily administrative meeting minutes on file in the Commissioners Office.

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

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JUNE 21, 1988

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

DAILY ADMINISTRATIVE MEETING

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

JUNE 21, 1988 (continued)

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for Justice Court and adopted it as part of the FY'88 budget:

No. 880043, a request to transfer \$1,359.45 from the Jury/Witness Fees Account to the Contracted Services Account to pay the bill from Ronald MacDonald for legal services for Justice of the Peace, David K. Clark.

Agreement

Chair Dussault signed an Agreement between Larchmont Golf Course and O'Neill & Associates Architects, as per the terms set forth, for a lump sum payment of \$2,500. The Agreement was returned to Bob Schuyler at the Golf Course for further signatures.

Other items included:

The Commissioners concurred with John DeVore's memo to the County Auditor regarding the current contract payment to the Area Agency on Aging, stating that it should not be withheld or delayed at this time, but would be reconsidered during the next contract period if the Agency fails to honor their commitment to an outside audit on an annual basis.

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

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JUNE 22, 1988

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated June 22, 1988, pages 6-22, with a grand total of \$331,533.18. The Audit List was returned to the Accounting Department.

PUBLIC MEETING

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

Bid Award: Legal Advertising (Centralized Services)

Information provided by Billie Blundell, Centralized Services Manager, indicated that the single bid received and opened June 20, 1988 was from the Missoulain:

Legal Advertising

1. Per unit first insertion - \$6.00
Per unit each subsequent insertion - \$4.00

Rule and Figure Work

2. Per unit first insertion - \$8.00
Per unit each subsequent insertion - \$4.00

The recommendation was to award all legal advertising to the Missoulain as per their bid.

JUNE 22, 1988 (continued)

Janet Stevens moved and Ann Mary Dussault seconded the motion to award the bid for all legal advertising to the Missoulian. The motion carried on a vote of 3-0.

Bid Award: Gas and Diesel Fuel (Centralized Services)

Information provided by Billie Blundell, Manager of Centralized Services, and Terry Wahl, Operations Analyst from the Surveyor's Office, indicated that the following bids were received:

			<u>TREMPERS</u>	<u>J.G.L</u>	<u>FINEST OIL</u>
1.	35,300	gallons gas - shop area	27671.67	27770.51	27819.93
2.	3,500	" " fairgrounds	2803.50	2753.70	2838.85
3.	10,000	" " Seeley Lake	8110.00	8271.00	8441.00
4.	8,000	" " Road	6231.20	6253.60	6265.60
5.	3,000	" " Sheriff	2478.00	2450.31	2787.60
6.	3,000	" diesel Seeley Lake	1983.60	2022.26	2073.30
7.	3,000	" " fairgrounds	1953.60	1917.60	1974.30
8.	45,000	" " road	26284.50	26739.00	26352.00
9.	500	" " Asphalt Plant	313.10	297.10	304.30
10.	5,000	" " Seeley Lake	3056.00	3139.50	3208.00
12.	4,000	" " Swan Lake	2384.80	2376.80	2434.40
			83269.97	83991.45	84499.28

The recommendation was to award items 1,3,4,6,8 and 10 to Tremper's Distributing. Items 2,5,7,9, and 12 be awarded to J.G.L. Distributing.

Janet Stevens moved and Ann Mary Dussault seconded the motion to award the bid for diesel fuel as recommended by the County Surveyor. The motion carried on a vote of 3-0.

Bid Award: Typewriter Maintenance

Information received from Billie Blundell, Manager of Centralized Services indicated that this was a bid for typewriter maintenance for fiscal year 1989. The bids received and opened on June 13, 1988 are as follows:

Professional Office Equipment	\$1,040.00 (Canon, Facit)
Tech Service Company	3,417.50 (IBM)
Business Machines/Delaney's	3,396.50 (IBM, Olympia, Brother)

The recommendation was to award Professional Office Equipment Services the bid for \$1,040 for maintenance as they are the only firm able to work on these typewriters; award Business Machines/Delaney's the bid for \$3,396.50 for the remaining typewriters. The contracted amount for both firms is \$4,436.50.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for typewriter maintenance as recommended by the manager of Centralized Services. The motion carried on a vote of 3-0.

Hearing: Variance Request- Zoning District #4 (Baumgartner)

Information submitted by John Torma, and Mike Kress from the Office of Community Development, indicated that Thomas and Tondy Baumgartner are requesting a variance from the general regulations of Planning and Zoning District #4 in order to construct a tennis court on property about a quarter mile up Snowshoe Lane up Pattee Canyon Drive. Zoning District 4 was established in 1957 and one of the general regulations of that district requires that no lot shall be developed in conflict with the natural physiography. He said a development request for a tennis court was submitted for review in February of 1987. After public hearings before the Missoula Consolidated Planning Board and the Missoula County Planning and Zoning Commission, this request was denied on the basis that the proposed development did not satisfy the standards established for Zoning District #4. The Baumgartners are now requesting a variance from these standards in order to be allowed to

JUNE 22, 1988 (continued)

complete construction of the tennis court. He said the staff had no recommendation to make concerning this request, as it has been increasingly clear to OCD staff that there is little to no consensus between the Homeowners Association, the Developers, and County Government on the intent or original purpose of the regulations concerning natural physiography. There are no guidelines or specifics in the regulations concerning this issue.

The hearing was opened for public comment

Dennis Lind, an attorney representing the Baumgartners, gave some background of the property development, apologized for the Baumgartners for proceeding with the construction of the tennis court without proper authorization, and said the only solution now would appear to be a variance request. He said the natural physiography is a difficult term to define, and to not allow this development would create a hardship for the Baumgartners. He said legal opinions concerning hardships would indicate that practical difficulties or special conditions apply. He discussed the various hardships suffered by the Baumgartners, and again apologized in their behalf.

Nick Kaufman of Sorenson and Company showed a map of the area and described the land in question. He said a good landscape plan had been developed, a good drainage area had been developed, and he had met with the Homeowners Association. He said that while the Association does not support the variance, they had added good comments that were incorporated into the plan, making it better. Some of those suggestions were that the fence around the court be grey, and that no outdoor lighting be installed.

Dennis Lind said that the variance is justified, and that literal enforcement of the zoning requirements would be a hardship on the Baumgartners.

John McDonald a resident of Pattee Canyon spoke in support of the variance, and said the installation of the tennis courts would not alter or impact any of the surrounding property.

Greg Martinson, a homeowner in the area, said he and his brother Philip, also a homeowner, both support the variance.

Joyce Swingendorf said only three families live on the road, and she has no objection to the tennis court.

Steve Sickles said he was in support of the variance, and said the Baumgartners have gone beyond what is required. He asked that the resolution regarding natural physiography be disregarded or re-written.

Dan DeWert President of the Pattee Canyon Homeowners Association spoke in opposition to the variance request and deferred to other members of the Association for details.

Ron Erickson discussed the natural physiography and why the Association was opposed to the variance. He said there were only three cases in the past 16 years that involved the natural physiography. He said the Homeowners Association is working on developing new guidelines, and that a tennis court in that area is not appropriate use of the land. He said there was a difference between disturbing the land for the purposes of building a home and disturbing it for building a tennis court.

William Cimono said he had no objections to the tennis court, and said the proposed vegetation will adequately screen the court from neighbors.

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

JUNE 22, 1988 (continued)

Janet Stevens asked if the request would have been denied if the Baumgartners had submitted the original plans for the land with the tennis court included.

Mike Kress said that he doubted whether the inclusion of the tennis court would have changed the impact on the physiography.

Barbara Evans moved and Janet Stevens seconded the motion to grant the variance from the general regulations of Planning and Zoning District #4 in order to construct a tennis court on their property, in accordance with the application subject to the following conditions:

1. No artificial lighting will be installed or utilized
2. Grey chain link fence will be installed
3. Current drainage is to remain to the west

Further, as a fact for approval, The proposal as submitted indicates that no major changes in physiography will occur as development of the site progresses. The motion carried on a vote of 3-0.

Consideration of: Beau Geste (Summary Plat)

Information provided by Paula Jacques of the Office of Community Development, indicated that the Beau Geste Addition is a five lot residential subdivision proposed for 4.5 acres located west of Rattlesnake Creek and immediately south of Lolo Street. Four single family lots and one large lot for an existing four plex are proposed. One variance has been requested from the road standards to allow construction of a cul-de-sac with a landscaped island. The staff recommends that the summary plat of the Beau Geste Addition be approved subject to the conditions and findings of fact set forth in the staff report. The staff also recommended that a variance be denied from the 35 foot paved radius standard for Cales Court, and that the landscaped island be eliminated from the road design. Mike Kress said that Amy Eaton, Rural Planning, would like to have until July 29 in order to make comments relative to the conservation easement. He discussed Mr. Green's proposal relative to the proposed sewer hookups, and the proposed construction of a single-family home on the tract. He also discussed the possibility of the tree in the island being eliminated, but noted that there were two design alternates which were also being submitted, which would allow for the preservation of the tree.

The hearing was open for public comment.

Brad Greene, the developer, said he was currently committed to 12 sewer hookups, but would only ever use 9. He said he had accommodated all the requests from the Planning Staff for this development. He said "Beau Geste" means "good deed". He said he had three issues he wished to address concerning the development. He said he did not think sidewalks should be required in a rural subdivision. In addition, he said he thought the trees should be saved, and the walkway should be graveled.

Gilbert Larson of Stensatter, Druyvestein and Associates said he concurred with all the conditions except that condition #1 be removed and that the tree in the middle of the cul-de-sac be retained.

Janet Stevens moved and Barbara Evans seconded the motion to approve the summary plat of the Beau Geste Addition subject to the findings of fact in the staff report and the following conditions:

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.

JUNE 22, 1988 (continued)

2. Subject to the approval of the Rural Planning Office in consultation with appropriate agencies, a conservation easement shall be granted to the County or other entity which addresses the following criteria identified in the 1975 Comprehensive Plan, the proposed Rattlesnake Valley Comprehensive Plan Amendment, the Inventory of Conservation Resources and the Parks and Recreation Plan: protection of the fishery resource; water quality protection; a buffer strip between the high water mark and residential structures; retaining natural vegetation along the creek bank (to include the cottonwood trees); possible public access; and preservation of the riparian areas.
3. The plat shall include a statement that the public walkway easement and construction of the walkway is being accepted to fulfill the park and open space requirement of the County Subdivision Regulations and MCA 76-3-606.
4. A hydrant shall be installed at the intersection of Lolo Street and Cales Court, subject to the approval of the Missoula Rural Fire District and Mountain Water Company.
5. Sewage disposal plans shall be subject to the approval of the Director of Public Works.
6. Grading, drainage, road construction and erosion control plans shall be subject to the approval of the County Surveyor. The fill slope leading to the upper bench shall be revegetated.
7. Notice shall be given on the face of the plat that any application for a building permit on Lots 1-4 must include an engineering report on the bearing capacity of the soils due to placement of fill on the site. This notice shall not be necessary if such a report is submitted to the Building Inspector prior to filing the plat and no unusual conditions are revealed which will require special design considerations such as engineered foundations.
8. No construction of either public or private improvements, including excavation, shall begin until the conservation easement is filed with the Clerk and Recorder.
9. Approval of this subdivision shall negate the special exception to construct three duplexes granted by the County Board of Adjustment in 1979.
10. The developer shall work with the Health Department and County Surveyor to determine if grass infiltration sumps should be used within the subdivision for drainage, and incorporated into the drainage control plans if determined to be practical by the two reviewing agencies.
11. A public walkway easement separate from the private road easement shall be platted, its location and width subject to the approval of the Office of Community Development. A walkway shall be constructed within the easement, subject to the approval of the Office of Community Development.
12. As part of the review process, the developer shall either commit to constructing the public improvements prior to filing the plat or shall state what form the guarantee will take.

JUNE 22, 1988 (continued)

In addition, the requested variance from the 35 foot paved radius standard for Cales Court be approved, with the condition that the developer will be solely responsible for maintaining the tree in the middle of the cul-de-sac. The motion carried on a vote of 3-0.

The Board of County Commissioners then asked Brad Green who would maintain the tree. He said he would be solely responsible for that.

Hearing: Certificate of Survey Review (Occasional Sale-Doherty)

Joan Newman, Deputy County Attorney, indicated that Mr. Doherty is requesting permission to use an occasional sale and remainder to divide a 20-acre parcel in the Big Flat area. This tract is one of many twenties originally created by Mr. Doherty. The proposal was referred to the Commissioners because Mr. Doherty has previously used exemptions to divide other property.

Dick Ainsworth, of P.C.I., representing the developer, said Mr. Doherty has a buyer for half of the property and in his opinion, he has the option of having one occasional sale per year.

Barbara Evans said that it was clear to her that Mr. Doherty has been subdividing land all over the County, and she wished to have it explained to her why the Commissioners should not deny it and require him to go through the subdivision process.

Dick Ainsworth said he was denied ten years ago. He had spent \$20,000 on that attempt, and thought that this was a better way to go.

Janet Stevens moved and Ann Mary Dussault seconded the motion to deny the request for an occasional sale and remainder exemption for property described as Tract 7A COS 3021 in the Big Flat Area, based on the fact that Mr. Doherty has used the occasional sale and family gift exemption prior to this, and it appears that an evasion of the Subdivision and Platting Act is being used for the purpose of creating these parcels. The motion carried on a vote of 2-0, Barbara Evans abstained.

Janet Stevens said that she wished to acknowledge Joan Newman's past service to the Board of County Commissioners and expressed regrets that Joan was leaving the County's employ.

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

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JUNE 23, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #12 (5/29/88 through 6/11/88) with a total Missoula County Payroll of \$318,095.80. The Transmittal Sheet was returned to the Auditor's Office.

JUNE 23, 1988 (continued)

Settlement Statement and Warranty Deed

The Board of County Commissioners signed the Settlement Statement and Warranty Deed between Missoula County and Craig A. and Christina Barrier for the sale of property described as Lincoln Hills #6, Lot 18, SUID No. 2273354, as per the previous agreement and the terms set forth.

Other items included:

- 1) the Commissioners voted to allow the Chair or the Acting Chair to expedite the hearing process for the Community Hospital IDR Bond request; and
- 2) the public hearings on the FY'89 Preliminary Budget were set for July 20th, 1988, at 2:00 p.m. and 7:00 p.m.

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

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JUNE 24, 1988

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

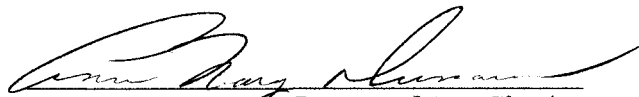
Modification of Agreement

Chair Dussault signed a Modification of Agreement between Missoula County and the Montana Department of Health and Environmental Sciences modifying the terms of the Agreement between them concerning a county air pollution control program (DHES No. 800218) as per the changes set forth. The Agreement Modification was returned to Jim Carlson in the Health Department.

Receipt of Loan Funds

Chair Dussault signed the Intermediate Term Capital Program 1988 Issue Receipt of Loan Funds, acknowledging that Missoula County received \$75,440.00, which amount represents the full amount of the cash advance as requested; that the amount of said cash advance will be used in accordance with the terms of the Installment Purchase Contract; and that the amount of funds received does not cover an amount for the costs of issuance.


Fern Hart, Clerk & Recorder


Ann Mary Dussault, Chair

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JUNE 27, 1988

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 88-055

The Board of County Commissioners signed Resolution No. 88-055, a budget amendment for FY'88 for the Health Department, including the following expenditure and revenue, and adopted it as part of the FY'88 budget:

JUNE 27, 1988 (continued)

<u>Description of Expenditure</u>	<u>Budget</u>
Capital - Technical Equipment 2270-611-442200-946	\$6,000

<u>Description of Revenue</u>	<u>Revenue</u>
Air Pollution Contract 2270-611-331384	\$6,000

Received additional funds from the State to buy an air pollution monitor.

Resolution No. 88-056

The Board of County Commissioners signed Resolution No. 88-056, a resolution of intention to create RSID No. 909 for the purpose of maintenance of Kona East Park, a park located in Kona East and belonging to Missoula County, as per the terms set forth in the Resolution. Chair Dussault also signed the Notice of Passage of the Resolution of Intention to Create RSID No. 909, setting the hearing date for July 20, 1988, at 1:30 p.m.

Agreement

The Board of County Commissioners signed an Agreement between the United Food and Commercial Workers International, Local 1981, and the County of Missoula setting forth the provisions agreed to by the Library Employees for the period from July 1, 1988, through June 30, 1989. The Agreement was returned to Kathy Crego in the Personnel Office for further handling.

Resolution No. 88-058

The Board of County Commissioners signed Resolution No. 88-058, a resolution fixing the annual salaries of certain County elected officials pursuant to Sections 7-4-2107, 7-4-2503, and 7-4-2504 of the Montana Code Annotated, as amended, as follows:

Clerk of the District Court	\$26,294.25
County Sheriff/Coroner	33,952.98
County Auditor	26,294.15
County Superintendent of Schools	27,144.15
County Surveyor	26,294.15
Clerk & Recorder/Treasurer	31,552.98
County Attorney	43,873.69
County Commissioners	28,294.15

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

Quarterly Jail Inspection

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

Public Input Meeting

Commissioner Stevens, a member of the Human Services Delivery Task Force, participated in a Public Input Meeting sponsored by the Task Force in the afternoon and held in the Missoula County Courthouse.

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JUNE 28, 1988

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated June 28, 1988, pages 3-34, with a grand total of \$87,666.94. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Marvin and Associates, an independent contractor, for the purpose of completing a traffic safety improvement study of fifteen sites in Missoula County in accordance with the attachment to the contract, as per the terms set forth, for the period from June 30, 1988, through September 30, 1988, for a total payment not to exceed \$15,000. The contract was returned to the Health Department for further signatures and handling.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Health Department and adopted it as part of the FY'88 budget:

No. 880044, a request to transfer \$9,000 from the Permanent Salaries Account to the Capital - Technical Equipment Account for the purchase of an air pollution monitor.

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

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JUNE 29, 1988

The Board of County Commissioners met in regular session; all three members were present. In the forenoon, the Commissioners participated in the Smart Heart Seminar which was held in the Extension Office Conference Room.

Resolution No. 88-059

The Board of County Commissioners signed Resolution No. 88-059, a resolution fixing the salaries of County Justices of the Peace, resolving that effective July 1, 1988, the annual salary for the County Justices of the Peace is fixed at \$26,744.15.

PUBLIC MEETING

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

Hearing: Intent to Create RSID No. 832 (Installation of Fire Hydrant in Orrsdale Addition #1)

Information provided by Jim Dopp, Operations Officer, indicated that a petition was received with 83% approval of installation of a fire hydrant in Orrsdale Addition #1. All advertising and posting requirements have been completed. The approximate cost of the district is \$226.56 annually, or an estimated \$2.15 per 1000 square feet of assessable land. The staff recommendation was creation of RSID #832.

JUNE 29, 1988 (continued)

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

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt the resolution creating RSID #832. The motion carried on a vote of 2-0.

Resolution #88-057

The Board of County Commissioners signed Resolution No. 88-057, a resolution of intention to create Rural Special Improvement District No. 832.

Hearing: Request to Vacate a Portion of Laurel Street in the Park Addition.

Information provided by Donna Cote, Recording Supervisor, indicated that the owners whose property abuts Laurel Street in this particular area would like to have the street vacated for the following reasons: 1. dust control/snow plowing maintenance, 2. maintenance, and 3. security/safety. A complete list of property owners adjacent to the street is included in the record in the Clerk and Recorder's Office. The hearing was duly publicized as per State law.

The hearing was opened for public comment.

Ronald Roberts a resident of the area said the area in question was a hang out for undesirable people and vacating the area would help the County by not requiring them to plow. He said the street was dangerous and dusty.

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

Ann Mary Dussault noted that by State Law, the Commissioners and the County Surveyor were required to inspect the property before a decision is made. The decision on this vacation would be made at the July 6, 1988 public meeting.

Hearing: Certificate of Survey Review - Occasional Sale- McGinnis

Information provided by Mike Sehestedt and Joan Newman, Deputy County Attorney, indicated that Mr. McGinnis is applying to use the occasional sale exemption to create an 11 acre parcel, out in the DeSmet area. The application is referred to you because Mr. McGinnis previously used the occasional sale to create a 9+ acre parcel adjacent to this one in 1976. Mr. McGinnis also created a parcel for sale to the Rural Fire Department for a new station. This exemption would not prejudice this application, however, because it qualifies as a parcel that could have been condemned by the Fire District.

The hearing was opened for public comment.

Dick Ainsworth of P.C.I., representing Mr. McGinnis said his client had bought the property to build an industrial park, but couldn't sell the lots. He said he now has a buyer for 11.2 acres and is not attempting to evade the Subdivision and Platting Act. He said he realizes that if he sells any more of the property, he would have to go through the subdivision review process.

Barbara Evans moved and Ann Mary Dussault seconded the motion to allow Mr. McGinnis to divide the above mentioned property based on the finding that no attempt to evade the Montana Subdivision and Platting Act is evident. 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 1:55 p.m.

JUNE 29, 1988 (continued)

RATTLESNAKE VALLEY COMPREHENSIVE PLAN AMENDMENT HEARING

The hearing was called to order at 7:00 p.m. by Chair Ann Mary Dussault. Also present were Commissioners Barbara Evans and Janet Stevens, County Administrative Officer John DeVore, and Rural Planner Amy Eaton.

Amy Eaton described the process that had been gone through to get to the final draft, and delineated the changes that had been made since the last hearing.

Ann Mary Dussault noted that Mount Jumbo property owners had received a letter from Warren Little with a great deal of misinformation in it. She distributed a letter from the Board of County Commissioners which corrected some of the misinformation in that letter. (Copies of both letters are on file in the Rural Planning Office.)

The hearing was opened for public comment

Nick Kaufman, a land-use planner with Sorenson and Company, representing Sunlight Development, said the company generally supports adoption of the plan, but wished to have three points clarified:

1. It is their understanding that Missoula County is currently drafting a county wide policy on comprehensive plans, and they feel that it is important that this policy be forthcoming in a timely manner.
2. Goal 13 mentions "occupied wildlife habitat", and it is their desire to have the wording changed to: critical occupied wildlife habitat".
3. They would like to see wording relative to the land outside the riparian zone of Rattlesnake Creek, not designated for parkland, and less than 25% slope, not critical wildlife range, subject to substantial compliance with this plan.

He said that Sunlight Development is continuing to work on the interlocal agreement between themselves, the City and the County which would provide the opportunity for plan implementation on the Sunlight property.

Trudy Foltz, one of the developers of the Lincoln School project, said she would like to see gasoline sales allowed in the Rattlesnake Valley, because it would benefit the community and cut down on air pollution.

Bill Clarke, President of the Rattlesnake Valley Alliance, spoke in support of the plan, presented proxy letters in support of the Alliance's position, and said the group still has some concerns about the proposed density, and suggested that it be targeted lower.

Hal Braun said the plan should be adopted, and expressed some concerns with the air quality and the riparian area along the creek.

Ann Mary Dussault noted for the record that the Commissioners would keep the record open until July 15, 1988 for written testimony.

Ken Lousen, a member of the Missoula Citizens Advisory Committee on Open Space read a letter into the record, discussing goals 3, 4 and 5. He said the preservation of the aesthetic resources of the valley is a major concern of the group, and commended the Planning Staff and Commissioners for clarifying the issue of the Mt. Jumbo property owners with the letter they distributed earlier in the meeting. He asked that the Commissioners consider allowing the most conservative number of residential units in the valley.

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Mike Hillis said some of the goals may be hard to achieve with the increased allowable density, but he said he supports the plan, especially goal #12 which prohibits the sale of gasoline.

Ken Duce said he was a partner in Lincoln Associates, which is buying the Lincoln School and renovating it. He said the group is planning a PUD for neighborhood shopping and it will go through extensive review.

Don Leary said he supports the plan, but he hopes that the 5,500 density limit will be set in concrete and not increased. He said there is no need for any gas stations in the Rattlesnake Valley. A little pre-planning will take care of any grocery or gasoline needs.

Lorena Hillis said she supports the density of the plan, and if the plan is adopted, the quality of life in the Rattlesnake Valley will remain good.

Arnold Finklin spoke in support of the plan, and said that he appreciated the opportunity that the residents had to express their opinion concerning the plan. He said the proposed density of 5,500 is adequate, and said he is against commercial development in the Rattlesnake.

Howard Newman, speaking for the Water Quality Board, said the Board supports the plan, but suggested that geological maps should have been included in the plan, and said that gasoline should not be sold in the area, as wells could be contaminated by a gas spill. He said a limit should be set on commercial development, and the Water Quality Board supports the new storm drainage system.

Warren Little said he opposed the plan. He noted that he was a former member of the Planning Board, and in that capacity had found that each area wants a certain amount of "elitism", without any ugly public housing or commercialism. He said that Missoula needs a community plan before a neighborhood plan is developed, and the Rattlesnake Valley could support commercial development. He said he represents a number of owners of Mount Jumbo property who have developable lots on the mountain, and this plan is unduly restrictive, anti-development, and should be simplified. He said he wrote a letter to the Mount Jumbo property owners and alerted them to the fact that a conservation easement was being considered on the mountain. In regard to public access on Mount Jumbo, he said the mountain is private property, and the property owners have a great deal of trouble with trespassers. He urged the Commissioners not to adopt the plan.

Cass Chinske, said the Rattlesnake Valley is unique and special, and the Friends of the Rattlesnake, a Conservation Organization support the general terms of the document relating to conservation. He said the group is mainly concerned with preservation of the resources of the Rattlesnake Valley. He said the group puts wildlife habitat and preservation of open space in a priority position over recreational use. He said he was also a property owner and a resident of the lower Rattlesnake area, and was concerned with the proposed increased traffic on Van Buren and Duncan Drive. He said he could not support any commercial or non-conforming uses including gas stations, though he supports the document and lauded the staff and Commissioners on the plan.

Dave Andrew said he was primarily concerned with safety and wondered how much development would eventually be allowed. He expressed concern with paving of pathways, and asked if private land used for the access would be paid for by the County.

Jeff Ranff said he no longer has a problem with running out of milk, he now has milk delivered to his home. He noted that he does not have any financial involvement in the Rattlesnake, but he feels that a good plan is essential for good growth and development. He said the plan, as

JUNE 29, 1988 (continued)

presented, is mostly positive, and the proposed commercial area will be mostly utilized by the Rattlesnake Valley residents, and will cut down on some of the traffic in and out of the valley. He said commercial development could be good if it is done correctly.

No one else came forward to speak, and the hearing was recessed at 8:10 p.m.

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JUNE 30, 1988

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was on vacation June 30th and July 1st.

DAILY ADMINISTRATIVE MEETING

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

Notice of Public Hearing

Acting Chairman Evans signed the Notice of Public Hearing on the Proposal for Missoula County to issue revenue refunding and improvement bonds, series 1988, (Community Medical Center) in an aggregate principal amount not to exceed \$26,000,000.00, setting the hearing date for July 27, 1988, at 1:30 p.m.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Fair and adopted it as part of the FY'88 budget:

No. 880042, a request to transfer \$17,440 from and to accounts listed on the memo attached to the transfer for the purpose of balancing line items which have been overdrawn due to changes in program and ground needs.

Other items included:

The Commissioners approved the job description for the half-time home economics position in the County Extension Office, which will be filled on a temporary basis during Alice Dailey's leave from September 15, 1988, to July 15, 1989.

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

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