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December 13, 1982

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and the Clark Ranch and Construction Company for contractor snowplowing in the Condon, Montana area. The contract was returned to Centralized Services for further handling.

AGREEMENT FOR SERVICES

The Board of County Commissioners signed an Agreement for services, dated December 9, 1982, between Missoula County and John Stone for snowplowing on the Sunset Hill Road, from the Blackfoot Bridge to the Potter Ranch driveway. The Agreement was returned to the Surveyor's Office for handling.

RESOLUTION NO. 82-133

The Board of County Commissioners signed Resolution No. 82-133, a resolution authorizing a refund on taxes paid on real property to Jack Schwenk, in the amount of \$2,037.25, for property wrongly assessed in 1978, 1979, 1980 and 1981. County tax records will be amended to show the correction.

Other matters considered by the Board of County Commissioners were:

1. The tax refund issue was discussed with Fern Hart as a result of her trip to Helena; and
2. Commissioner Evans reported on her meeting with Champion officials and the trading of right-of-way to relocate Mullen Road was discussed.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

INTERVIEWS

The Board of County Commissioners conducted interviews in the afternoon with Senate Candidates Arthur Brachebusch, Budd Gould and Aaron Andeason to fill the vacancy in the Senate due to the resignation of Jan Johnson Wolf.

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December 14, 1982

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

INDEMNITY BONDS

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

1. Naming John Stahl as principal for warrant #004503 on Missoula County High School General Fund, in the amount of \$1.00, now unable to be found; and
2. Naming John Stahl as principal for warrant #004248 on Missoula County High School General Fund in the amount of \$20.00, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

EXTENSION LETTER

The Board of County Commissioners signed a letter, dated December 13, 1982, to R.A. Ainsworth of PCI, granting a 120-day extension for the final plat filing deadline for Lakewood Estates, Phase II, from November 30, 1982, which was the expiration date.

INTERLOCAL AGREEMENT NUMBER 101 - PLANNING

The Board of County Commissioners signed Interlocal Agreement Number 101, the third Interlocal Agreement between the City of Missoula and the County of Missoula to cooperate in the provision of planning, building inspection, zoning services and floodplain administration. This Agreement supersedes the Agreements executed on May 31, 1973, and March 30, 1981. The Agreement was returned to the City for further signatures.

LIBRARY INTERLOCAL AGREEMENT

The Board of County Commissioners signed the Interlocal Agreement (Draft No. 5) between the City of Missoula and the County of Missoula to cooperate in the provision of Library Services to the residents of Missoula County. The Agreement was forwarded to the City for signatures.

Ben Hardin and Greg Kennett of the Soil Conservation Service met with the Board of County Commissioners to discuss the Pattee Canyon Watershed situation.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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December 15, 1982

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

AUDIT LETTERS

The Board of County Commissioners signed letters to Linda Reep, Auditor and David Miller, Chief Deputy Auditor, acknowledging review and receipt of the following audits:

- 1. The Missoula County Health Fund for the period November 1, 1981 through August 31, 1982;
- 2. Justice of the Peace, William P. Monger, for the period May 1, 1982, to October 31, 1982; and
- 3. Of the Missoula County Rural Special Improvement District Program for the period December 16, 1981 through October 25, 1982.

The Audits were forwarded to the Clerk and Recorder's Office for filing.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the Board of County Commissioners met with the Deferred Compensation Committee. The Committee's recommendation was presented to the Board. Commissioner Conrad moved, and Commissioner Palmer seconded the motion, that their recommendation that the Deferred Compensation Service be awarded to Equitable Life Assurance Society be accepted. The motion passed unanimously.

RESOLUTION NO. 82-134

The Board of County Commissioners signed Resolution No. 82-134, a Resolution on a Deferred Compensation Program for Missoula County employees, and awarding the program to Equitable Life Assurance Society of the United States, effective December 15, 1982.

RESOLUTION NO. 82-135

The Board of County Commissioners signed Resolution No. 82-135, a resolution establishing policies and procedures for fixed assets for Missoula County, and is subject to annual review from the date of adoption. Other business included discussion of the Golf Course. It was determined that the issue of golf fees as set by the Golf Course Board are subject to the approval of the Board of County Commissioners.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

INTERVIEWS

In the afternoon, the Board of County Commissioners interviewed Arlene Breum, Marilyn Fernelius and A. Reed Marbut, whose names were submitted in accordance with the Commissioners' request for three additional candidates for the Senate vacancy in District No. 49.

SENATE APPOINTMENT

The Board of County Commissioners appointed A. Reed Marbut to fill the vacancy created in the Office of State Senator from District no. 49 due to the resignation of the Honorable Jan (Johnson) Wolfe. The appointment was forwarded to Secretary of State Jim Waltermire in Helena.

PUBLIC MEETING CANCELED

The weekly public evening meeting scheduled for this date was canceled due to scheduling conflicts.

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December 16, 1982

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer attended a District 10 and 11 Counties Meeting in Polson during the day.

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December 17, 1982

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

CONTRACT

The Board of County Commissioners signed a Contract with J.M.S. Construction, Inc., an independent contractor, for the removal of the ceilings in the Youth Court area. The Contract was returned to General Services for further handling.

CERTIFICATE OF SURVEY

The Board of County Commissioners approved and signed a Certificate of Survey for the purpose of creating a parcel of land as an agricultural tract and entering into a covenant that the land will remain in agricultural use and is exempt from review as a subdivision for the owners, Federal Land Exchange of Nevada, Inc. by Ronald N. Strickney, Vice-President. The Certificate of Survey is on file in the Clerk & Recorder's Office.

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December 17, 1982, Continued

BOARD APPOINTMENT

The Board of County Commissioners reappointed Tom Stevens to the Missoula County Airport Authority for a five-year term ending December 31, 1987.

The Commissioners discussed the school tax issue, with Mike Sehestedt, Deputy County Attorney, presenting background information. Commissioner Evans moved to proceed as recommended, with notification to schools of intent and ten days to respond, with Superintendent of Schools Mike Bowman's concurrence as stated. Commissioner Palmer seconded, and the motion passed unanimously.

The Minutes of the Daily Administrative Meeting are on file in the Commissioner's Office.

LUNCHEON

The Board of County Commissioners hosted a luncheon at noon for the District Court Judges at which time a discussion was held on District Court costs.

PREVIEW OF MORGUE

Commissioners Evans and Conrad attended a private preview of the Missoula County morgue in the afternoon.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman, Board of County Commissioners

December 20, 1982

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer attended a MACo. Energy Committee meeting in Helena during the day.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Deann R. Gehrke as principal for Warrant #11193 on the Missoula County High School Payroll fund in the amount of \$141.91, which was destroyed.

RESOLUTION NO. 82-137

The Board of County Commissioners signed Resolution No. 82.137, a Resolution on property tax assessments, stating there is no provision in State law for pro rata tax exemptions from the time of closing, and thereby resolving that property taxes will be paid in full by all owners of record on the preceding January 1st.

RESOLUTION NO. 82-138

The Board of County Commissioners signed Resolution No. 82-138, a Resolution fixing the rate of interest on registered warrants at seven percent (7%) per annum for the period of January 1, 1983, through March 31, 1983, during which time this rate is subject to review and revision by the Board of County Commissioners.

BRIEFING

Commissioner Conrad attended a Legislative Briefing Luncheon Meeting sponsored by Missoula Jobs Development at noon.

December 21, 1982

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

BREAKFAST MEETING

Commissioner Palmer attended a 6 o'clock a.m. breakfast meeting of the Hellgate Lions Club in Milltown.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

CERTIFICATION OF ACCEPTANCE

Chairman Evans signed a Certification of Acceptance for County Maintenance for a portion of Central Avenue, from a point 206 feet West of Kemp to a point 190 feet East of Schilling, or an additional 95 feet of Central Avenue, which has been paved as a portion of RSID Nos. 390 and 398. The form was returned to the Surveyor's Office.

RESOLUTION NO. 82-136

The Board of County Commissioners signed Resolution No. 82-136, a Budget Amendment revising the revenue sharing/fuel facility budget to provide \$6,000.00 in funds to remedy a structural defect identified in November of 1982 in the Missoula County Courthouse, and formally adopting it as part of the Fiscal Year 1983 budget.

APPROVAL OF EXPENSE REIMBURSEMENT

The Board of County Commissioners approved and signed a reimbursement request from the Sheriff's Department in the amount of \$500.00 for Lt. T. G. Hintz's attendance of school at the FBI National Academy, contingent upon the availability of funds within the Sheriff's budget.

LEASE AGREEMENTS

Chairman Evans signed Lease Agreements as presented by John DeVore, Operations Officer, for data processing,

Daily Administrative Meeting, December 21, 1982, Continued

copiers, postage system, and vehicles. The Agreements were returned to General Services for handling.

The following matters were considered by the Board:

1. The Golf Course Survey, to be conducted by John Wicks of the University of Montana along with County staff members, was discussed. Commissioner Conrad moved to proceed with the survey to be funded in the amount of \$250.00. Commissioner Palmer seconded the motion and it passed unanimously; and
2. The heating and cooling system bids were discussed with John DeVore, Operations Officer, and it was decided that all bids be rejected. Also, a proposal postponing the PBX purchase in favor of the heating and cooling system was discussed.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

MEETINGS

Chairman Evans attended a Crimestoppers meeting at noon and a Policy Coordinating Committee meeting in the afternoon. Commissioner Conrad attended a Coalition for Local Government Study Meeting in the evening.

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December 22, 1982

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

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming P.A.R. Associates, Inc., as principal for Warrant No. 2244 on the Hellgate Elementary School District No. 4 General Fund in the amount of \$1,900.36, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 82-139

The Board of County Commissioners signed Resolution No. 82-139, resolving that the County Treasurer shall refund or rebate by either warrant or by correction those taxes which were levied in error as a result of the failure to anticipate revenue under Chapter 614 Laws of 1982, of second-half tax bills as may be most effective and further resolving that no actual refund or rebate be made until the schools have had ten days from this date to take such action as they deem appropriate.

RESOLUTION NO. 82-140

The Board of County Commissioners signed Resolution No. 82-140, a Resolution establishing a 45-mile an hour speed limit on Miller Creek Road from Stonehaven Drive to Trails End Road, and that the posting of speed limit signs shall be accomplished as needed by the County Surveyor's Office.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Peter Nielsen, an independent contractor, for research analysis and technical assistance to the Energy Coordinator for the Energy Element under partial fulfillment of area-specific research for the Department of Natural Resources Conservation Grant No. ED-MEO-599. The contract commenced December 1, 1982, and will run through February 28, 1983.

CORPORATE AUTHORIZATION RESOLUTION

Commissioners Evans & Palmer signed a Corporate Authorization Resolution giving Barbara Evans authorization to sign with respect to the funds of the corporation for Larchmont Golf Course. The form was forwarded to First Security Bank.

NOTICE OF COMPLETION

The Board of County Commissioners signed a Notice of Completion of Water Development for Permit No. 11086 (Fort Missoula) attesting that the water development has been completed and water put to beneficial use. The Notice was returned to Fred Crisp in the Surveyor's Office for further handling.

Other matters included:

1. Mike Kress of the Planning Department and Dick Colvill, County Surveyor, presented the Rural Road Policy to the Board of County Commissioners. Commissioner Conrad moved to maintain the existing policy, Commissioner Palmer seconded, and the motion passed unanimously.
2. Orin Olsgaard, Disaster and Emergency Services Coordinator, submitted a proposal on the purchase of sandbags. Commissioner Palmer moved to pursue the offer, Commissioner Conrad seconded, and the motion passed unanimously, subject to determining if the surplus sandbags could be sold at a profit for Missoula County.
3. Mike Kadas, State Representative for District 95, discussed County legislation with the Commissioners.
4. Randy Miller, one of the three legislative interns, was introduced to the Commissioners.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Commissioners Bob Palmer and Germaine Conrad were also present.

Public Meeting, December 22, 1982, Continued

BID AWARD: HEATING AND COOLING SYSTEM (GENERAL SERVICES)

Information on the heating and cooling system bids provided by Operations Officer John DeVore stated that the following bids had been received on 12/15/82:

4 G Plumbing and Heating	\$316,800.00
Ace Plumbing	317,114.00
Sentinel Plumbing & Heating	308,800.00

In accordance with John DeVore's recommendation, Bob Palmer moved, and Germaine Conrad seconded his motion, that all bids be rejected and that the project be rebid as all bids received exceed budget. The motion carried 3-0.

HEARING: "NO PARKING ZONE" - ST. VRAIN WAY

Information provided by Administrative Officer Gordon Morris stated that the original request for a "no parking zone" on St. Vrain Way had been received from the Grantland-Colorado Gulch Homeowners Association on April 17, 1982. This request had been signed by Stephen Woods, President; Gary S. Marbut, Vice President; and Susan B. Toder, Secretary-Treasurer, and asked the Board to designate St. Vrain Way as a "No Parking Zone" between the hours of midnight and eight a.m. Legal notices were published and the hearing was duly held, resulting in Resolution 82-069, establishing the "No Parking Zone" as requested by the first petitioners.

A second request, dated November 11, 1982, and signed by thirteen residents who live along St. Vrain Way, was received by the Board of County Commissioners. The residents asked that the recently-enacted "No Parking Zone" be changed to allow for parking on the west side of St. Vrain Way at all times. The second request led to today's public hearing.

Chairman Barbara Evans opened the hearing to public comment, asking that proponents speak first. The following people testified:

1. Steve Laughrun, 8680 St. Vrain Way, stated that he and his group felt "grossly misrepresented by the Grantland-Colorado Gulch Homeowners Association." He said that the "No Parking Zone" on St. Vrain Way had not been listed as an agenda item on the meeting in question. He said that therefore, the residents of St. Vrain Way had not attended the meeting. On the other hand, 100% of the residents along St. Vrain Way had signed the petition to allow for parking on the west side of St. Vrain Way at all times, he said. He said that the problem was that parking was difficult in the winter when it was icy and snowy. The grades on many of the resident's driveways prevent them from being able to use them during the winter, he said. He said that at present St. Vrain Way ends in a cul-de-sac and that only two homes (the Cain residence and the Marbut residence) are beyond the cul-de-sac. He said that the cul-de-sac is not supposed to provide an access.

In response to a question from one of the Commissioners at this point, Dick Colvill, County Surveyor, stated that the Plat for Lime Springs Addition says that St. Vrain Way is a cul-de-sac, but it is not drawn as one.

2. Richard Samson, St. Vrain Way resident, stated that he lives on a downhill slope and that in the winter he can't get up and down the driveway without a four-wheel drive vehicle. He said that the homeowners along St. Vrain Way have all agreed to park on the west side of the street so that there is a clear lane of traffic, but that all are agreed that St. Vrain Way should not be a "No Parking Zone". He said that he would like to have the no parking signs that are already there removed as they do not fit in with the natural surroundings.

3. Ken Clark, another St. Vrain resident, stated that he was in the same situation as many of his neighbors in that at times it's hard to get into and out of his driveway, making the requirement that he park off the street difficult for him. He said that he favors the parking on the west side of the street.

4. Robert Perrin, another St. Vrain resident, stated that he too favors having no parking along the west side of the street only.

5. Rita McFarland, St. Vrain resident, agreed with the comments above.

There being no other residents wishing to speak in favor of no parking along the west side of St. Vrain only, Chairman Evans opened the hearing to comments from opponents. The following person testified in opposition:

1. Gary Marbut stated that when the Marbut land was subdivided by his family, it had been decided that the street was supposed to have two driving lands of 26' each and that it had therefore been understood that there should be offstreet parking rather than parking along the street. He said that his Uncle Reed Marbut had made recommendations as to how to situate driveways so that offstreet parking at all times would be possible. He said that it had become obvious over the course of several winters that people were parking on the street during inclement weather and obstructing at least one driving lane and sometimes both lanes, which was an unsafe situation. He said that people along St. Vrain Way have been asked informally to park along one side of the street or the other, but that they have not chosen to do so. Because of this problem, it had been decided at the spring meeting of the Grantland-Colorado Gulch Homeowner's Association, that there be no parking between midnight and eight a.m. He said that the motion in this regard had passed with no "nay" votes and that all the people in the homeowners' association had been invited to attend, so the residents of St. Vrain Way could have attended the meeting if they had wanted to.

He said that there was a serious question in regard to safety and inasmuch as St. Vrain Way was a designated County road, which one could expect to traverse, the County might want to consider the question of liability in regard to the traffic lanes being obstructed by cars. He said that since the signs had gone up in regard to no parking on St. Vrain Way between the hours of midnight and eight a.m., people had found ways of getting around their difficulties with off-street parking. He said that he felt that the off-street parking question was a concern to be dealt with by the average homeowner rather than to be solved by the County.

Public Meeting, December 22, 1982, Continued

Mr. Marbut continued by saying that five people who support the current no parking situation (all of whom live in Lime Springs Addition) think that it's useful for the Board of County Commissioners to conduct an on-site inspection when there is a winter snow buildup on St. Vrain Way. In response to a question from Germaine Conrad as to how people are supposed to address the problem of not being able to get into their driveways, Gary Marbut replied that people who have difficult driveways can pour gravel off the shoulder of the road or form an RSID for a parking land along the length of St. Vrain Way or put a parking pad off the edge of the street. He said that the Homeowners' Association had sent out a newsletter after the meeting at which it was decided that a hearing on a "no parking zone" on St. Vrain Way (would be requested and that the Association had given all members adequate notice, mention and warning about this action.

There being no other testimony either for or against this petition, Barbara Evans closed the hearing to public comment.

In response to a question from Germaine Conrad, Dick Colvill, County Surveyor, stated that as far as snowplowing was concerned, his office would like to have a "no parking zone" there and on every other road in the County for that matter, but that it was not the road crew who would suffer, but the residents, whose cars would get blocked in by the snow after the plows had gone through. He said that having the "no parking zone" from midnight to eight a.m. makes little sense because the snowplow arrives on St. Vrain between eight a.m. and noon. He said that he would suggest no parking between eight a.m. and noon, but that his department could live whatever decision made by the Board.

In response to a question from Germaine Conrad as to why the driveways on St. Vrain were so steep, Steve Laughrun stated that there was no way to build a driveway on any of the lots without there being a steep grade due to the topography. He added that the cost of off-street parking was not economically feasible as each property owner would have to bring in a lot of fill, which would be very expensive. He added that St. Vrain was a residential area, with only thirteen homes along the street and that there was not much traffic.

Germaine Conrad asked if there were parking allowed on the street, would there be room for a cautious driver to get through. The reply was that there are no cars parked along the street after 8 a.m. in general because people go to work in the morning.

Barbara Evans stated that it was an unfortunate situation and that the Board would try to come up with some sort of compromise. She said that on one hand, it was not the public's problem to try to solve individual property owners' problems.

Germaine Conrad moved, and Bob Palmer seconded her motion, that parking be allowed on one side of St. Vrain Way and that the neighbors along the street should meet with County Surveyor, Dick Colvill to determine which side would be in the best interest of the residents. The motion passed by a vote of 3-0.

It was decided that two signs would be erected along Colorado Gulch at the intersection with St. Vrain Way and the other sign on the other end of Colorado Gulch.

There being no further business, the meeting was recessed.

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December 23, 1982

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

INDEMNITY BONDS

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

1. Naming Rebecca Bernhard as Principal for Warrant No. 87945 on Missoula County Trust Fund, in the amount of \$75.00, now unable to be found; and
2. Naming Northwest Collectors, Inc. as Principal for Warrant No. 66024 on Missoula County Payroll Fund, in the amount of \$104.94, now unable to be found.

AUDIT LETTER

The Board of County Commissioners signed a letter dated December 21, 1982, to Linda Reep, Auditor, acknowledging receipt and review of the Audit of the books and records of Justice of the Peace Janet Stevens, for the period May 1, 1982 to November 30, 1982. The Audit was forwarded to the Clerk and Recorder's Office for filing.

RESOLUTION NO. 82-141

The Board of County Commissioners signed Resolution No 82-141, a Resolution stating that DeSmet School of School District No. 20 is approved for opening; and also that a copy of this resolution, the parents' petition, the approval of the Trustees of School District No. 20 and the County Superintendent's estimate of probable ANB (average number belonging) shall be sent to the Superintendent of Public Instruction in Helena for approval or disapproval.

COUNTY ALCOHOL PLAN - FY '84

The Board of County Commissioners signed a letter dated December 20, 1982, to Mike Murray, Administrator of the Alcohol and Drug Abuse Division, Department of Institutions, submitting the FY '84 County Alcohol Plan as mandated by Section 53-24-211, MCA. The Plan was forwarded to the State Department of Institutions in Helena.

December 23, 1982, Continued

PURCHASE AGREEMENT

Chairman Evans signed a Purchase Agreement for software for the Data Processing Department with the MCS Company. The Agreement was returned to D.P. for processing.

WELFARE BOARD MEETING

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 346 cases which were presented for consideration by the Missoula County Welfare Department.

DAILY ADMINISTRATIVE MEETINGS

Two brief Daily Administrative Meetings were held on this date. In the forenoon meeting, the Board of County Commissioners:

1. Voted unanimously to endorse the K. Ross Toole Montana Historical Telecourse Project Grant Proposal, and a letter will be prepared; and
2. Discussed the RSID assignments with John DeVore; and it was the consensus that staff recommendations will be sought.

In the brief afternoon meeting, the costs associated with the Conrad/Palmer; Hart/Cromwell lawsuits were discussed. Commissioner Conrad moved that claims for the County portion of the costs be paid. Commissioner Palmer seconded. The motion passed unanimously.

The Fair Commission Board appointments were discussed. It was decided that a final decision will be made on December 30th, and that Commissioner-Elect Ann Mary Dussault will be invited to participate.

The Minutes for the Daily Administrative Meetings are on file in the Commissioners' Office.

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December 24, 1982

The Courthouse was closed for the Christmas Day holiday.

Fern Hart

Fern Hart, Clerk and Recorder

Barbara Evans

Barbara Evans, Chairman

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December 27, 1982

The Board of County Commissioners met in regular session; all three members were present for a portion of the day. Commissioner Conrad took part of the day off as vacation time.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Linda Zimmerman as principal for Warrant #0302 on Missoula County Special Education Cooperative Fund #1 in the amount of \$43.89, now unable to be found.

CONTRACT

The Board of County Commissioners signed a contract between the Missoula County Alcohol Board of Directors and the Regional Chemical Dependency Program, whereby the "Board" agrees to purchase from the "Provider" the services as outlined in the contract, including outpatient care, preventive public education services, emergency care and consultation to residents of Missoula County. The contract was returned to the Health Department for further handling.

CONTRACT

The Board of County Commissioners signed a contract between the Missoula City-County Health Department and the Montana Department of Health and Environmental Sciences (DHES) which provides for \$10,000.00 to be used only for treatment of emergent dental problems in children kindergarten through sixth grade. The Health Department will help identify those children in need and to facilitate the pass through of monies to the area dentists from whom the children will receive treatment during the period from December 1, 1982, through June 30, 1983. The contract was returned to the Health Department for further handling.

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December 28, 1982

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Conrad was on vacation for the day.

INDEMNITY BONDS

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

1. Naming Michele Hoyt as principal for Warrant #88250 on the Missoula County Trust Fund in the amount of \$130.00, now unable to be found; and
2. Naming Montana Power Company as principal for Warrant #3420 on the Missoula County General Fund in the amount of \$5,331.68, now unable to be found.

MEETING

Commissioner Evans attended a meeting of the Airport Authority in the afternoon.

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December 29, 1982

The Board of County Commissioners met in regular session; all three members were present for a portion of the day. Commissioner Conrad was on vacation for part of the day.

CLAIMS

Claims were presented by warrants to be drawn on the following funds in the following amounts:

Miscellaneous Fund	\$ 145,882.47
Working Fund	63,420.48
Bridge Fund	9,986.00
Road Fund	37,926.35
Planning Fund	37,335.50
Weed Fund	3,986.32
General Fund	337,787.94

The original claims are on file in the Auditor's office.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

PROFESSIONAL SERVICE CONTRACTS

The Board of County Commissioners signed Professional Service Contracts between Missoula County and the following independent contractors: Randal J. Miller, Thomas B. Hartman, and Paul S. Rapp-Svrcek, for the purpose of providing legislative intern services associated with the 1983 Legislative Session as directed by the Board of County Commissioners. The contracts will commence January 1, 1983, and shall conclude in conjunction with the end of the Legislative Session, with total compensation for each intern not to exceed \$1,500.00.

Other matters considered were:

BOND BID AWARD - RSID NO. 403

Commissioner Palmer moved and Commissioner Evans seconded that the bond sale for RSID No. 403 be awarded to Dick Williams and Richard Chambers per their bid of 14% for the 15-year term on an issue of \$5,500.00. RSID No. 403 was created to finance the additional work of relocating the natural gas main and service connections necessary for the construction of RSID No. 399 (paving in Clinton). Because of the small bond issue, the petition was required to guarantee to purchase the bonds in the event no bond bidder was found. No bids were received and the guarantee option was exercised.

John DeVore, Operations Officer, discussed the IFG lease agreement status with the Commissioners. Commissioner Evans moved that blanket approval of leases be given by the Chairman subject to the submission of bids to the daily meeting. Commissioner Palmer seconded and the motion passes unanimously.

The Urban Coalition's legislative lobbyist was discussed. Commissioner Palmer made a motion to fund \$1,500.00 for participation in the lobbying effort. Commissioner Evans seconded and the motion passed unanimously to identify the funds and make the allocation.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' office.

WEEKLY PUBLIC MEETING CANCELLED

The Weekly Public Meeting, scheduled for this date, was cancelled as there were no items on the Agenda.

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December 30, 1982

The Board of County Commissioners met in regular session; all three members were present in the forenoon, Commissioner Conrad took vacation time in the afternoon.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were approved and signed:

RESOLUTION NO. 82-142 - RSID NO. 368

The Board of County Commissioners signed Resolution No. 82,142, resolving that the full amount of \$87,116.68 be contributed to the cost of RSID No. 368, the paving on Schilling Street, as per the Aid-to-Construction Agreement dated July 14, 1981, and that any shortfall between this amount and the amount actually transferred shall be made up from surplus Aid-to-Construction Funds available from other RSID's constructed and granted financial aid during that same fiscal year.

EXTENSION LETTER

The Board of County Commissioners signed a letter to Commercial Investment Associates, granting them a 30-day extension for the final plat filing deadline for Lewis & Clark Addition from December 19, 1982, thereby making the new filing deadline January 19, 1983.

APPROVAL OF PERSONAL LEAVE DAY

The Board of County Commissioners signed Approval of a proposal by Dennis Engelhard, Director of Personnel and Labor Relations, thereby awarding the benefit of Personal Leave Days to non-union employees the same as was granted to union employees during the 1982 collective bargaining negotiations.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' office.

BOARD APPOINTMENTS

The Board of County Commissioners reappointed Dale Mahlum, Harry Hansen, and William Nooney to the Missoula County Fair Commission for two-year terms which will expire December 31, 1984. Sara Stephens was appointed as an ad hoc member of the Fair Commission for a two-year term which will also expire on December 31, 1984.

December 30, 1982, Continued

FINAL PLAT

The Board of County Commissioners examined, approved and signed the final plat for the Lewis & Clark Addition.

RESOLUTION NO. 82-127 - RSID NO. 390

The Board of County Commissioners signed Resolution No. 82-127 (a duplicate of the Resolution signed on November 5, 1982), a Resolution fixing the form and details of up to \$100,000.00 RSID No. 390 bonds and directing their execution and delivery.

CONTRACT

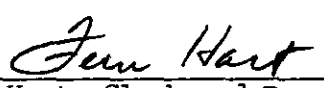
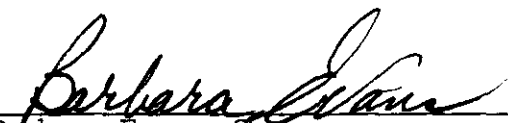
The Board of County Commissioners signed a contract between the Missoula County Alcohol Service Board of Directors and the Missoula Indian Alcohol and Drug Program for the purpose of providing outpatient services from January 1, 1983, through June 30, 1983, for compensation up to an amount of \$6,406.00 on a cost reimbursement basis, based upon monthly financial reports. The contract was returned to the Health Department for further handling.

VENDOR INVOICE

Chairman Evans signed a Vendor Invoice in the amount of \$34,212.94 to request that amount for the Missoula County Junk Vehicle Program from the State Department of Health and Environmental Sciences Solid Waste Management Bureau; and also giving consent, upon the receipt of funds from the department, to the Legislative Auditor to conduct the audit described in Section 5-13-304(7) MCA. The Invoice was returned to the Health Department for forwarding to Helena.

* * * * *
December 31, 1982

The Courthouse was closed for the New Year's holiday.

 _____ Fern Hart, Clerk and Recorder	 _____ Barbara Evans, Chairman
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* * * * *
January 3, 1983

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

SWEARING-IN CEREMONY

The following Missoula County Elected Officials were sworn in at a ceremony held in the large courtroom in the morning:

- Ann Mary Dussault, County Commissioner, for a six year term, which will expire December 31, 1988;
- Fern Hart, Clerk & Recorder
- Janet L. Stevens, Justice of the Peace, Department 1;
- William P. Monger, Justice of the Peace, Department 2;
- Robert L. "Dusty" Deschamps III, County Attorney/Public Administrator;
- Mike Bowman, County Superintendent of Schools;
- Linda Reep, County Auditor;
- Ray Froehlich, Sheriff/Coroner; and
- Richard Colvill, County Surveyor;
- All for four year terms, which will expire December 31, 1986.

Former District Judge, Edward Dussault, administered the oath of office to his daughter, Ann Mary Dussault, and Chairman of the Board of County Commissioners, Barbara Evans, administered the oaths of office to the other elected officials.

EASEMENT

The Board of County Commissioners signed a Public Easement for the South Hills Drainage System which will go through the Catholic Church parking lot and on the east boundary of their property, conveyed to Missoula County by the Roman Catholic Bishop of Helena. The Church was paid \$3,607.00 for the Easement as per a previous agreement. The Easement was forwarded to the Clerk & Recorder for filing.

LEGISLATIVE BANQUET

Commissioner Palmer attended a Legislative Banquet sponsored by the Chamber of Commerce, in Helena, in the evening.

* * * * *
January 4, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Helena attending the Legislative Session during the day.

* * * * *
January 5, 1983

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 was signed:

CONTRACT

The Board of County Commissioners signed a contract for Engineering Services for the Lolo Sewer Facility between Missoula County and the engineering firm of Thomas, Dean & Haskins, Inc., in regard to a grant

CONTRACT (Cont.)

increase from the Environmental Protection Agency to fund a portion of the engineering services as described in the Contract. The Contract will not be in effect until and unless Missoula County obtains the money necessary.

APPOINTMENT OF CHAIRMAN

Commissioner Dussault moved and Commissioner Palmer seconded the motion, that Commissioner Evans continue as Chairman of the Board through June 30, 1983, at which time Commissioner Palmer will become Chairman. The motion passed unanimously.

BOARD APPOINTMENTS

The Board of County Commissioners appointed Commissioner Dussault to serve as the County Commissioner representative on the Missoula City-County Health Board, replacing former Commissioner Conrad.

The Board of County Commissioners reappointed W. V. "Fritz" Thibodeau as the County representative on the Mental Health Board to serve at the pleasure of the County Commissioners.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present were Commissioners Bob Palmer and Ann Mary Dussault.

REPORT - MISSOULA COUNTY FAIR - SAM YEWUSIAK, MANAGER

Sam Yewusiak presented a brief report to the Commissioners and to the public on his department. He stated that there is one fulltime maintenance person at the present time. This person repairs vehicles and does such work as building benches, etc. that is needed for the summer fair. He said that he has been using Workfair people about 20-40 hours per week for various projects. He and his secretary are employed fulltime, he said, and are at work on preparing entertainment contracts for the Western Montana Fair and renting horse stalls, etc. He said that a winter fair has been proposed, and they are working on ideas for that.

BID AWARD: COURTHOUSE ROOF GIRDERS (GENERAL SERVICES)

Under consideration was a bid award to repair roof girders in the courthouse which had cracked. According to information provided by Operations Officer, John DeVore, one bid was received from JMS Construction in the amount of \$4,900.

In accordance with the recommendation of John DeVore, Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the bid for the roof girder repair be awarded to JMS Construction in the amount of \$4,900. The motion passed by a vote of 3-0.

HEARING: VARIANCE REQUEST FROM THE DEPARTMENT OF FISH, WILDLIFE & PARKS IN REGARD TO THE FLOODPLAIN PERMIT - DIKE NEAR COUNCIL GROVE

Chairman Barbara Evans first recognized Barbara Isdahl of the Planning Staff for the Planning Staff Report.

As background material, Barbara Isdahl stated that on October 31, 1979, the Board of County Commissioners had granted a floodplain permit to the Department of Fish & Game for the purpose of relocating a dike on the 100-year floodway of the Clark Fork River near the Council Grove Historic Site. The permit was issued subject to five conditions, which are stated as follows:

1. The proposed dike is less nonconforming than the one it replaces.
2. The County of Missoula does not recognize the old dike or the proposed dike as a flood control measure.
3. The dike will be constructed as specified in designs submitted to the Army Corps of Engineers, with the following additions and amendments:
 - a. The front slope shall be 4:1;
 - b. The front slope shall be rip-rapped up to the 100-year flood elevation prior to the 1980 flood season; and
 - c. The top of the dike shall be 3,079.1 feet M.S.L., which is three feet above the 100-year flood elevation at this point.
4. The Fish & Game Department shall be responsible for maintaining the dike in an as-built condition.
5. Condition #3 of this permit shall be satisfied upon receipt of a letter from a registered surveyor that the elevation, slopes and other design specifications of the dike have been met.

On November 14, 1979, the Board of County Commissioners held a public hearing on a request from the Department of Fish & Game for a variance from two conditions. The first request was to eliminate the rip-rap requirement and the second was that the height requirement of the dike not be set at three feet above the level of the 100-year floodplain. Condition #3 was amended to read as follows:

3. The dike will be constructed as specified in designs submitted to the Army Corps of Engineers, with the following additions and amendments:
 - a. The front slope shall be 4:1;
 - b. Vegetative cover shall be applied on the face of the structure;
 - c. The height of the dike shall be at least a minimum of six (6) inches above the elevation of properties on both the south and north sides of the dike; and the materials and compaction shall meet the specifications of the Missoula County Surveyor.

PUBLIC MEETING, 1/5/83, Continued

The other four conditions remained as previously stated.

The dike was built in 1979 as a diversion dike to maintain and protect a warm water aquatic habitat by diverting high water across the island. The County of Missoula does not recognize the old dike or the proposed dike as a flood control measure.

The dike was an earthen structure without rip-rap. Twenty-five percent (25%) of the dike failed during the high water of 1980. In the spring of 1981, the dike was partially washed out and the remainder was washed out in 1982.

Since 1980, there have been concerns expressed from homeowners within the Mallard Estates Subdivision over erosion problems, property being flooded and a reduction in land values as a result of the dike being washed out.

The Department of Fish, Wildlife and Parks has requested in an August 8, 1982 letter (copy attached) that Missoula County grant a variance to the condition concerning maintenance of the dike. The Department of Fish, Wildlife and Parks has stated that since the dike was not originally constructed as a flood control measure, it should not be maintained as such. Costs would be high to reconstruct the dike and reconstruction would not guarantee flood protection for Mallard Estates residents. Also, the dike was originally built to protect a warm water aquatic habitat. When the dike washed out, so did the habitat that was being protected.

The Staff recommends that the Board of County Commissioners hold a hearing on the variance request.

The Staff recommends that the Board of County Commissioners grant a variance to the condition that Fish, Wildlife & Parks shall be responsible for maintaining the dike in an as-built condition for the following reasons:

1. The original reason for building the dike, which was to protect a warm water aquatic habitat, no longer exists.
2. Missoula County does not recognize the dike as a flood control measure.

Chairman Evans then opened the public comment portion of the hearing for comments from proponents of the variance request. The following persons testified on behalf of the request.

1. Tom Greenwood, of the State Department of Fish, Wildlife & Parks, stated that he wanted to answer questions and provide information in regard to the requested variance. He showed aerial photos of the area to show high water patterns from 1937 to date and stated that the Fish, Wildlife & Parks involvement in the area has been to protect the unique aquatic habitat which had existed prior to the dike washing out. He said that the original intent of Fish, Wildlife and Parks had been to protect the unique values, but that now that the values had changed due to the dike having washed out, it was not felt to be worthwhile to put the dike back in.

2. Dick Meyer, Helena, Department of Fish, Wildlife & Parks, showed maps which delineated the diversion dike which replaced the old dike. These maps showed that during periods of high water, water moves across Council Grove. He said that the new diversion dike had been placed so as to stabilize the area, but that the river channel had shifted.

In response to a question from the audience as to the historic value of the area, Tom Greenwood responded that it was believed that the Treaty of 1888 had been signed at the Council Grove Historic Monument. He said that this area had not been designated a National Historic Site, but that all work indicated that it was the place of actual signing of the treaty.

Again in response to a question from the audience, Tom Greenwood replied that there was a potential of losing the site due to erosion as the bank material is being washed away by the river. He said that he felt it would be a continuous problem unless the river to the south continues to cut a new channel. He said that the channel changes from year to year and the water flow changes also, so every year it's a different story, but that the Department of Fish, Wildlife & Parks felt that they did not have a solution for the problem.

In answer to another question, he stated that there had been access to the island over the dike at one time and that it was still possible to wade or take a boat across to the island; and in response to a question as to how old the dike was, he stated that it had been built in the early 50's in cooperation with the Soil Conservation Service and other landowners. He said that it had been eroded over the course of thirty years.

In answer to a question as to whether this was one of the areas where brown trout was introduced, he replied that it had been, and that brown trout were still breeding there, although they couldn't be seen as well as in the past. He said that as far as a fish resource was concerned, running water was more desirable than what had been true before that.

There were no other persons wishing to testify as proponents of this request for a variance on the part of Fish, Wildlife and Parks. Chairman Evans then opened the floor to comments from opponents. The following people testified:

1. Arnold Bolle, stated that he was interested in the question of the Council Grove Dike as a citizen and because he was involved with the Five-Valley Parks Association and the Audubon Society. He said that various historical groups were interested in improving the Council Grove area as well as the various conservation groups such as the Audubon Society. He said that he had been delighted when the Fish, Wildlife & Parks had purchased the area and that the members of the Audubon Society and various conservation groups had walked over the area with Tom Greenwood. They had discussed whether or not the dike should be repaired as it was shaky and the area was unstable, but the aquatic habitat was unique, and the various groups felt that it was highly

Public Meeting, January 5, 1983, Continued

desirable to maintain the dike, and a downstream location was chosen as an alternative site. He said that he felt that the dike area should be restored; that it was desirable to reestablish the wildlife habitat in that it was conducive to nesting of eagles and osprey.

2. Julio Morales appeared on behalf of his partner, Richard Volinkaty, who was not able to attend the hearing due to a family emergency. He stated that Richard Volinkaty represented Mr. and Mrs. Maynard, of Mallard Estates, in their suit against the Department of Fish, Wildlife and Parks in regard to the dike having not been maintained and the alleged effect on their property. He requested the Commissioners to allow Mr. Volinkaty to testify on their behalf at the next public meeting.

3. Loren Jacobson, also a landowner on Mallard Estates since 1973, stated that the slough in question as having the unique aquatic environment was fed by another slough which was still alive and well and contained all of the aquatic wildlife talked about in this matter, namely the blue-green algae, etc. He stated that the habitat could be regenerated if the dike were properly maintained. In regard to Council Grove, he stated that the trees were still standing, and that since this was state land, public land and an historic site, it needed to be protected. One of the original concerns about placing the original dike, as verified by the Board of County Commissioner Minutes for 1973, was the protection of erosion for downstream banks. He said that even more was at stake, in that it was a matter of principle. One condition of the original permit was to maintain the dike for protection of erosion for downstream banks. He stated that this was for the protection of landowners downstream and that Tom Greenwood himself had been the one who had said he would maintain the dike.

4. Vince Gessen stated that he was in favor of maintaining the dike.

5. Michael Sol, an attorney interested in the area, stated that the Audobon Society had been interested in preserving the Council Grove Site for four or five years and that it was his contention that the original dike was a flood control measure as observation of the area would suggest. He said that the bank was steep and was showing signs of heavy erosion, indicating that the dike had been a flood control device. He said that the replacement dike had been built with Federal money in cooperation with the ranchers in the area, and that the habitat had special characteristics, including the fact that it was an island habitat, including white tail deer. He said that the area was unique as an educational and enjoyable habitat and that the Audobon Society was concerned that it be repaired. He said that the Department of Fish, Wildlife & Parks had contended that it would cost too much money to put in a new dike, but stated that the Audobon Society and the Historical Society felt that the dike was essential to preserve the area. He suggested that there's a need to preserve the area, whether it was called erosion control or flood control or whatever.

6. Lee Ballard agreed with what had been said by those in opposition to granting the variance to the Department of Fish, Wildlife & Parks.

There being no further testimony at this time, other than that of Richard Volinkaty, the Commissioners decided by acclamation that the public hearing would be continued until the public meeting on January 12th for the purpose of hearing Mr. Volinkaty's testimony only.

OTHER BUSINESS

Donald R. Waldron, Superintendent of Schools of Hellgate Elementary School District #4, requested that the Commissioners consider his arguments on behalf of the school district in regard to the question of refunding the taxes erroneously assessed in regard to the school districts not including the motor vehicle flat fee reimbursements in their budgets for FY '83. He made the following points:

"Hellgate Elementary School District #4 still feels that there is a question as to the legality of the Commissioners making the refund of school district monies, as well as the uncertainty of the amount that should be refunded, if any. They would like to request a stay in the implementation of your resolution to refund these said monies. Some of the reasons that come to light are as follows:'

- '1. There is still a question, in our minds, that the County Commissioners have the legal right to give back school district monies;
2. It appears that uniformity and making refunds, if they are made, should be made throughout the State of Montana, not county by county;
3. There is also a question as to whether our levies actually exceeded our needs for funds in lieu of taxes. Some are paid under protest and some are unpaid.
4. There is also a concern about the confusion in the bill in that the legislature did not give adequate instructions about how to handle these in-lieu-of-tax monies.
5. There is also a feeling that public notice was given, and ample time for input from anyone in the county, and especially our school district, to question the budget procedure as it went through its timelines for becoming an approved budget.'

'As Superintendent of Hellgate Elementary School District #4, I am requesting you, as County Commissioners, withhold implementation of your resolution until the following items can be given to the school districts for their scrutiny.'

- '1. A full accounting of the monies that should be anticipated from the state in each budget category and the approximation of the levy involved in each of these budgets. We should also include an accounting, by budget, of the 1982 March payment, so that we can check that against the projected or anticipated March 1983 payments.
2. A review of districts' levies and their needs as compared to taxes being collected and not collected, to see, if in fact, there is an over-levy for the needs of the school districts.

Public Meeting, January 5, 1983, Continued

3. Clarification from the County Treasurer and/or State that all of the 1983 March payments should have been anticipated or only a portion of that should be anticipated since the school district is on a fiscal year and the motor fees are on a calendar year. This has ramifications for the city and the county, if in fact the school district should have anticipated half of that and the counties and the cities have anticipated the whole amount, then they would be under-financed because of their over-anticipation of revenues. In other words, if fifty percent of that should have been used as anticipated revenues, which is a question in my mind, both the city and the county, as well as the school district, are at fault, with fifty percent of these revenues.'

'After the above questions have been answered, I feel that it is necessary for us to look at the litigation going on in the state. I am requesting the County Commissioners watch this litigation and, as soon as a judge gives his blessing for or against or something in between for the payment of these funds, the Commissioners of Missoula County follow suit in handling these funds in the same way.'

'I would appreciate an answer to this request, prior to the end of the ten days that you allowed us to respond to your resolution. If your response is negative, I would like at least 48 hours to contact an attorney and ask them to file a writ to delay this until we can study it properly.'

'I thank you again for any consideration that you give to the above-mentioned items.'

Deputy County Attorney Mike Sehestedt stated that the schools' position was based on a false premise, that the certified mill for FY '82 reflected the inclusion of vehicles as taxable property. He said that in fact the use of this mill was false as taxes were not collected on vehicles for half the year, so the year was a wash, although the County was reimbursed by the State in FY '83. He said that this year the certified millage does reflect the fact that in March the County received a big payment from the State. He said that the County is not allowed by statute to accumulate funds in anticipation of the future. He said that if this were the case, the schools' position would be viable, but there is specific Montana case law which says that taxing jurisdictions can't raise funds for revenue they won't need.

Mr. Waldron responded that the schools were not advised about including the estimate for vehicle tax reimbursement in their budgets.

Mike Sehestedt stated that at best, in a situation like this, one can use one's best judgment and hope for a wash. As it turned out, the payment from the State may exceed what was anticipated.

Fern Hart stated that the legislature does not understand local government tax cycles, stating that motor vehicle fees come in by the end of October. She said that the Treasurer's Office distributes the money as it comes in. With the new flat fee system, she said, the fees won't arrive until December 31, and it's not easy to mesh motor vehicle flat fees with the rest of the taxes. She added that whatever happens, the schools get their money, although the other taxing jurisdictions don't necessarily. She used as an example the library funds, which, although it is budgeted for 3 mills, might not get 3 mills. It depends on what fees come in, she said, but the schools more or less get what they budget. She added that the legislature had intended that the burden for deficits caused by the change in the system to flat fees for vehicles not fall on taxpayers.

In response to Don Waldron's request for 48 hours in addition to the ten days that the school districts have been given to respond to the County Commissioners' decision, stated in Resolution No. 82-139, to refund or rebate taxes erroneously levied by taking such action as deemed appropriate to carry out this decision of the County Commissioners, the Board declined to extend the deadline.

Discussion was then held as to the ordering of tax bills to correct these erroneously-levied taxes, and it was the consensus of the Board that options for paying for these tax bills necessitated by this error will be considered at a morning meeting of the County Commissioners. Before that time, a County Attorney Opinion will be sought as to whether or not an emergency budget may be authorized in this instance.

There being no further business, the meeting recessed at 3:05 p.m.

* * * * *
January 6, 1983

The Board of County Commissioners met in regular session; all three members were present until noon. Commissioner Palmer travelled to Helena in the afternoon for a meeting the following day.

RESOLUTION NO. 83-01

The Board of County Commissioners signed Resolution No. 83-01, a Budget Amendment formally adopting the following as part of the Fiscal Year 1983 Budget (Health Department):

Description of Expenditure	Budget
Replace position description of individual selected with new position of Assistant Director of Environmental Health	Full Time 840 hrs. 9.92-12.92/hr.
Description of Revenue	Revenue
Existing Funds (from salary savings)	5% increase (depends on individual selected) \$450 (Approximately)

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following matters were considered:

1. The Commissioners discussed the issue of the school tax refund with Fern Hart, Clerk & Recorder/Treasurer; Mike Sehestedt of the County Attorney's Office; Jane Ellis, Treasury Supervisor; and Brentt Ramharter, Fiscal Officer. Financing the administrative costs of the refund were discussed and detail sheets for the accounting of the anticipated internal and external costs to fund the tax refund were presented by Fern Hart. Commissioner Palmer moved that the refund be authorized as per the presentation of the costs; Commissioner Dussault seconded, and the motion passed unanimously.
2. A discussion of the evening public meeting was held, with Commissioner Dussault suggesting they be suspended for six months or scheduled only on public need or interest. No action was taken.

The Minutes of the Daily Administrative meeting are on file in the Commissioners' Office.

* * * * *

January 7, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer attended a meeting of the MACo Executive Board in Helena during the day.

MONTHLY REPORTS

Chairman Evans examined, approved and ordered filed the Monthly Reports for collections and distributions for the month ending December 31, 1982, for Justices of the Peace W. P. Monger and Janet Stevens.

Fern Hart

Fern Hart, Clerk & Recorder

Barbara Evans

Barbara Evans, Chairman

* * * * *

January 10, 1983

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

AUDIT LETTER

The Board of County Commissioners signed a letter, dated January 7, 1983, to Linda Reep, County Auditor, acknowledging receipt and review of the audit of the books and records of the Missoula County Fair for the period November 1, 1981, to October 31, 1982. The audit was forwarded to the Clerk & Recorder for filing.

CONTRACT AMENDMENT

Chairman Evans signed Amendment No. 2 to Contract Agreement No. ED-MEO-599 which was necessary due to alterations within the Planning Department and revises the Energy Element's timeline to work within the Comprehensive Plan's scheduling, as per the stipulations set forth in the Amendment. One copy of the Amendment was returned to the Department of Natural Resources and Conservation in Helena.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following matters were considered by the Board:

1. Jerry Johnson, Chief Probation Officer, presented new program details, costs, and concerns of a foster care program. He will prepare a letter to Governor Schwinden for the Board's signatures stating these concerns.
2. The Board discussed the language in the Library Agreement in regard to seeking funds. Commissioner Dussault moved that the language be approved; commissioner Palmer seconded, and the motion passed unanimously. Library Board appointments were also discussed.
3. John DeVore, Operations Officer, discussed a proposal by Fox, Ballas & Barrow for jail design and architectural services, which is tied to the jail study being done by Ray Worring. The matter will be reviewed prior to any action.

The following items were considered and signed:

1. A petition to exclude lands from the Frenchtown Irrigation District, presented by Julio K. Morales, Attorney at Law, on behalf of the landowner, J. T. D. Limited, of Frenchtown, Montana, was discussed. The lands to be excluded are those that were isolated by the Interstate Highway Project. Commissioner Dussault moved that the Consent to Exclude Lands form be approved; Commissioner Palmer seconded and the motion passed unanimously.

CONSENT FORM

Chairman Evans signed the Consent Form to exclude the land described as follows from the boundaries of the Frenchtown Irrigation District:

Approximately 1.34 acres lying in the SW $\frac{1}{4}$ of Section 35, Township 15 North, Range 21 West, M.P.M., being the same tract described in that certain deed recorded in Volume 156 of Microrecords, at page 1048, Records of Missoula County, Montana.

The form was returned to Julio K. Morales, Attorney at Law, for further handling.

2. The Board discussed and voted unanimously to approve the assignment of maps from the County Surveyor's Office in the Courthouse to the Fort Missoula Historical Museum.

CONTRACT OF GIFT

Chairman Evans signed the Contract of Gift form, whereby Missoula County donates the maps as described on the Contract, without limiting conditions, to be the absolute property of the Fort Missoula Historical Museum.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners Office.

January 11, 1983

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

BOARD APPOINTMENT

The Board of County Commissioners reappointed Dave Schroeder to a three-year term on the Missoula County Tax Appeal Board. His new term will expire December 31, 1985.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

BUY-SELL AGREEMENT

The Board of County Commissioners signed a Buy-Sell Agreement between Kim D. and Sandra M. Lambert and Missoula County, whereby for the sum of \$26,000.00, less deductions in the amount of \$26,188.61, leaving a balance in the amount of -\$188.61, Missoula County agrees to buy the property with the street address of 510 Speedway in East Missoula, and more particularly described as follows:

Lots 18, 19, and 20 of Block 27 of East Missoula, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof.

The property is being purchased under the Community Development Block Grant program. The Agreement was returned to Mike Barton in the Planning Office for further handling.

QUITCLAIM DEED

The Board of County Commissioners signed a Quitclaim Deed transferring property described as El Mar Estates, Lot 26, Block 4, from Missoula County to James E. and Leona Gawronski of 2360 Partridge Court, Missoula, Montana. The property was acquired by Missoula County on January 20, 1981, by tax deed due to 1977 delinquent taxes on the property. However, Betty Wing, Deputy County Attorney, reviewed the case and found that no notice had been mailed to the owners; therefore, the tax deed was not valid and the property is being returned to the Gawronskis by a Quitclaim Deed. The Deed was forwarded to the Clerk & Recorder for filing.

Other matters considered were:

1. The Board discussed the Department of Revenue space request with John DeVore, Operations Officer; and
2. Rosie Buzzas of the Coalition for Local Government Study, presented a request to the Board of County Commissioners for printing and copying as an in-kind contribution from the County. Commissioner Dussault moved and Commissioner Palmer seconded the motion that in-kind services in the maximum amount of \$300.00 by the end of the fiscal year be granted to the Coalition. The motion passed by a 2:0 vote. Commissioner Evans was absent as she left the meeting early because of another appointment, but had stated her disapproval of the request previously.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

MEETING

Commissioner Evans attended a luncheon meeting of the Animal Control Task Force at noon.

January 12, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans attended a Jail Standards Committee Meeting in Helena during the day.

AUDIT LIST

The Board of County Commissioners signed the Audit List dated January 11, 1983, pp. 1-25, with a grand total of \$68,928.50; the list was returned to the Accounting Department.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present were Commissioners Bob Palmer and Ann Mary Dussault.

BID AWARD: Purchase and House Removal Bids

This bid award was postponed as no bids were received.

BID AWARD: Appraisal of property located at 223 Alder (Blue Star Tipi Building)

Information provided by Operations Officer, John DeVore, stated that the County presently has the right of first refusal on the above-referenced property in order to explore the possibility of ownership. Quotations were requested to obtain an appraisal of the property, and four requests were received, as follows:

ERA Staninger	\$ 250.00
AAA Appraising	750.00
R. D. Kembel	1,300.00
White-Stevens, Ltd.	1,195.00

The "Request for Commission Action" summary provided by John DeVore stated that in order to obtain a recommendation, the staff had met with Deputy County Attorney Jean Wilcox, who had recommended that the County use the services of a firm with appropriate credentials to avoid future problems. The staff recommendation, therefore, was that the bid be awarded to AAA Appraising, in the amount of \$750.00.

Commissioner Dussault moved, and Commissioner Palmer seconded her motion, that the bid referenced above be awarded to AAA Appraising, in the amount of \$750.00, in accordance with the recommendation of Operations Officer, John DeVore. The motion passed by a vote of 3-0.

PUBLIC MEETING, January 12, 1983, ContinuedCONTINUATION OF HEARING (from January 5): Variance Request from the Department of Fish, Wildlife & Parks; Floodplain Permit - Dike Near Council Grove

The reason for continuing this public hearing from the January 5 Public Meeting was to hear testimony of Attorney Richard Volinkaty, representing Glen and Donna Maynard in their suit against the Department of Fish, Wildlife & Parks. Mr. Volinkaty had not been able to attend the January 5 Public Hearing due to a family emergency.

Mr. Volinkaty stated that Glen and Donna Maynard own a home and property in Mallard Estates, downstream from Council Grove. He stated that his remarks would be limited to the interests of his clients. He stated that the Council Grove Dike had first been built in 1956 as a flood control device and that the property including the dike had been subsequently purchased by the Department of Fish & Game, who requested a floodplain permit in 1979, which they were granted by the Board of County Commissioners. This permit was granted subject to five conditions, one of which was that the Department was responsible for maintaining the dike. He stated that in 1975, the Maynards had bought a house in Mallard Estates and that at that time, the stream-flow past their property had been a slow-moving, warm-water stream. He stated that in 1979 the Department of Fish, Wildlife & Parks had bought the land and subsequently built a diversion dike to maintain their slough habitat by diverting high water across the island. He stated that in 1980 the dike began to wash out, and was not repaired to an "as is" condition by the Department. In 1981, the dike eroded further, and in 1982, it washed out completely. He stated that in 1981, the Maynards first noticed the impact of the high water on their property. Since that time, they had incurred \$6,000 in related costs due to this problem in 1981, and \$14,000 in 1982. He said that they can't use their sewer or water system, and that the bank has eroded six feet. For two years, their home has been in a state of continuous repair, he said, that Mrs. Maynard has been under a doctor's care due to the stress associated with the problem. He stated that the previous market value of the house was \$95,000. He stated that the Department of Fish, Wildlife & Parks had misled the Board of County Commissioners in applying for and receiving their floodplain permit, and stated that they have not protected the Council Grove historic site nor the warm water slough, as they had said they were going to. He stated that the reasons for maintaining the dike are as valid today as they were in 1979, and asked that the Board remain consistent and deny their request for a variance.

At this point, Chairman Evans recognized Tom Greenwood, from the Department of Fish, Wildlife & Parks, for rebuttal of Mr. Volinkaty's comments. He stated that the Department had aerial photos, taken at various times, which showed the characteristic action of the water in that area over the years. He stated that when the Mallard Estates Subdivision was put in in 1972, one of the lots (3.9 acres) did not have access except over the slough. There had been an earth structure with a culvert there at that time. He stated that Missoula County, as part of their park dedication, had an access easement via that road to the County parkland in that area in 1972. He showed a photograph taken in 1972 by the Forest Service which showed that structure in place, and another photograph taken in 1974, which showed that that part of the road was no longer there. He showed another photograph, taken in 1975, which again showed that the structure was no longer there. 1975 was a period of significant high water, he said, and at that time the old dike was still in place. He asked what happened to the road over which the County had access to their parkland and over which the owners of the lot in Mallard Estates had access, if the water in that area were only a slow-moving slough at that time. He contended that the river was moving at a velocity and speed sufficient to significantly erode this roadway in 1975, when the dike was still in place. His point was to demonstrate what the river has done and could do, whether the dike was in place or not.

At this point, Chairman Evans recognized Kevin Meek, Staff Attorney for the Department of Fish, Wildlife & Parks, from Helena, who stated that the Department did not feel that it was liable for any damage to the Maynard property. He stated that the Maynards had built their home in 1975, and that at that time, the only dike in place had been on the Dussault property. This dike had not been intended as a flood-control measure, he stated, and purchasing the property in 1975, did not give the Department of Fish, Wildlife & Parks responsibility for flood control to protect the downstream landowners. He stated that it had never been the Department's intention to provide flood control. He stated that the Board of County Commissioners, when they issued the permit, had stated that it was not a flood control device. He stated again that the Department was not obligated to provide what other people perceived as flood control because when the permit was granted, it was specifically stated that this was not the responsibility of the Department of Fish, Wildlife & Parks. He stated that the Board of County Commissioners did not have the authority to require them to affirmatively provide flood control.

At this point, Commissioner Bob Palmer read into the record letters on this matter which had been received from Don C. Mellgren and Michael C. Rubie. These letters stated that they were in favor of the Board of County Commissioners' denying the Montana Department of Fish, Wildlife & Parks' request for a variance, and having them rebuild and maintain the dike in Council Grove. The letters are on file in the Commissioners' Office.

Bob Palmer noted that the majority of the people who had spoken were in favor of denying the variance request.

A member of the audience asked if further testimony from the public could be heard.

Deputy County Attorney Mike Sehestedt stated that the action which the Board had taken the previous week had been to close the public testimony portion of the hearing and that the only reason for continuing the hearing had been to hear testimony from Attorney Richard Volinkaty, who had not been able to attend the hearing due to a family emergency. He said that the Board could properly refuse to hear other public testimony, and they could also choose to open it up again.

Ann Mary Dussault stated that the only reason for continuing the hearing, as had been clearly stated the previous week, was to hear the testimony of Richard Volinkaty on behalf of his clients, and that she was comfortable with leaving it at that. The other two Commissioners agreed.

PUBLIC MEETING, January 12, 1983, Continued

Commissioner Ann Mary Dussault then moved that the request for a variance from the Department of Fish, Wildlife & Parks from the previously-granted floodplain permit for the dike near Council Grove, be denied.

She stated that she was very familiar with the area, as the land which the Department had purchased had been Dussault property, and she had been involved in the transfer of the property to the Department of Fish, Wildlife & Parks, representing her family. She stated that she no longer had any financial interest in the property, but that she had inside knowledge about it. She stated that when the original dike was put in by the Dussaults, the Sols & the Soil Conservation Service, they had all perceived it as a flood control device, but that it had not been perceived as a flood control device for property owners downstream because there had been no property owners downstream at that time. She stated that this was an important differentiation to make. She stated that she felt that it was the responsibility of the Department of Fish, Wildlife & Parks to reconstruct the dike, but stated further that she did not believe that the people in Mallard Estates were correct in viewing the dike as a flood control device intended to protect their property, and stated that they might consider looking at cost-sharing with the Department of Fish, Wildlife & Parks to reconstruct the dike. She stated that she was interested in seeing the wildlife habitat maintained, and that was the intent of her motion.

Commissioner Bob Palmer seconded her motion, and it passed by a vote of 3-0.

There being no further business, the meeting was recessed at 2:00 p.m.

AUDIT EXIT INTERVIEW

The Board of County Commissioners and several County staff members attended the Exit Audit Interview in the afternoon. Paul Sepp, of Dobbins, DeGuire & Tucker, P.C., presented the findings of the Audit of Fiscal Years '81 and '82, and listed the concerns and recommendations made by the Auditors.

Chairman Evans examined, approved & ordered filed the monthly report showing items of fees & other collections for month ending 12/31/82.
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January 13, 1983

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

RESOLUTION NO. 83-02

The Board of County Commissioners signed Resolution No. 83-02, a budget amendment for the Health Department, formally adopting the following as part of the fiscal year 1983 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Contracted Services (07-613-34-00-195) for dental care provided children screened through dental program	\$10,000
<u>Description of Revenue</u>	<u>Revenue</u>
Montana State Department of Health	\$10,000 (07-934-13-00-252)

AGREEMENT ADDENDUMS

Chairman Evans signed two (2) Equipment Maintenance Agreement Addendums, which will be added to the existing Maintenance Agreement, with Burroughs Corporation for the Missoula County Information Services Department. The addendums were forwarded to Jim Dolezal, Data Processing Supervisor, for further handling.

CLAIMS

Claims were presented by warrants for Pay Period #13 (1/11/83) to be drawn on the following funds in the following amounts:

Planning Fund	\$ 19,053.13
Road Fund	28,441.37
Bridge Fund	6,890.90
Working Fund	21,605.40
Miscellaneous fund	77,559.69
General Fund	186,410.76
Weed Fund	2,058.22

The original claims are on file in the Auditor's office.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following matters were discussed by the Board:

1. The bid procedures currently utilized, the advertising, and other related matters were discussed with John DeVore, Operations Manager, and Billie Bartell, Manager of Centralized Services;
2. The recommendation of Mr. Erv Gysler of the Seeley Lake Refuse District to revise a prior resolution regarding Board membership was discussed. Commissioner Dussault offered to serve as the representative of the Health Board on the Seeley Lake Refuse District Board; and
3. The Animal Control Task Force claims, signatures, and procedures were discussed and approved.

The Minutes of the Daily Administrative meeting are on file in the Commissioners' office.

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January 14, 1982

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer attended an Urban Coalition Meeting in Helena during the day.

WELFARE BOARD MEETING

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 456 cases which were presented for consideration by the Missoula County Welfare Department.

Fern Hart
Fern Hart, Clerk and Recorder

Barbara Evans
Barbara Evans, Chairman

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January 17, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon, with all three members 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 item was signed:

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and JMS Construction Co. for the project of reinforcing the roof girders over two (2) interior supports in the Counthouse, in accordance with the terms set forth in the Agreement. The Agreement was returned to General Services for handling.

Other items considered by the Board were:

1. A discussion on the hearing and cooling system bids was held with John DeVore, Operations Officer; and
2. Howard Schwartz, Executive Officer, presented a Legislative Update to the Commissioners.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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January 18, 1983

The Board of County Commissioners met in regular session; all three members were present for a portion of the day. Commissioner Palmer left in the forenoon to attend an Urban Coalition Meeting in Helena.

Daily Administrative Meeting

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

Library Interlocal Agreement

The Board of County Commissioners signed an Interlocal Agreement between the City of Missoula and the County of Missoula to cooperate in the provision of library services to the residents of Missoula, in accordance with the terms, conditions and covenants contained in the Agreement, which will become effective March 1, 1983. The Agreement was forwarded to the Attorney General's Office in Helena for approval.

Contract Agreement

Chairman Evans signed a Contract Agreement for demolition and land clearance between Missoula County and Russell & Sons Excavating for the demolition of a dilapidated house and garage at 333 Minnesota Street in East Missoula, which was purchased with CDBG funds. The bid from Russell & Sons Excavating was in the amount of \$2,700. The Agreement was returned to John Kellogg in the Planning Office for further handling.

Resolution No. 83-03

The Board of County Commissioners signed Resolution No. 83-03, resolving that effective January 18, 1983, Missoula County quitclaims the mineral interest (6½%) in the SW¼, Section 24, T. 16 N., R. 23 W. (located in the Nine-Mile Drainage) to O.A. Sokoloski and John H. Stiegler in exchange for the consideration of \$100.00.

Board Appointments

The Board of County Commissioners made the following appointments to the Missoula County Zoning Board of Adjustment: Charles Honeycutt and Gary L. Johnson were reappointed. Robert D. Kembel was moved up from the "first alternate" position to a regular membership, and Thomas P. McCarthy and Neil B. Halprin were appointed as members of the Board. James J. O'Neill was appointed as the "first alternate member." All of the above appointments were for two-year terms, which will expire December 31, 1984.

Other matters considered were:

1. A discussion was held on the evening public meetings, with Commissioner Dussault making the recommendation that it be left as is, subject to review after the Legislative Session;
2. Dennis Engelhard presented a deferred compensation release-time request, which was approved by the Commissioners; and

January 18, 1983, continued

3. Mike Kress of the Planning Department discussed the Commissioners' line of responsibility in regard to the Policy Coordinating Committee. Barbara Evans, as Chairman of the Board of County Commissioners, is a member of the committee; however, if she is not able to attend a meeting, one of the other Commissioners would take her place.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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January 19, 1983

The Board of County Commissioners met in regular session in the afternoon, with a quorum of the Board present. Commissioners Evans left for Detroit, Michigan, to attend a Neighborhood Crime Prevention Workshop, sponsored by the U.S. Department of Justice, which will run through January 21, 1983. Commissioner Palmer returned from Helena at noon.

Lease Agreement

Acting Chairman Palmer signed a Lease & Purchase Option Agreement between Missoula County and IFG Leasing Company of Great Falls for systems furniture in the Planning Department. The Agreement was returned to General Services for further handling.

Audit List

Commissioners Palmer and Dussault signed the Audit List, dated January 18, 1983, pp. 1-22, with a grand total of \$83,603.26. The Audit List was returned to the Accounting Department.

PUBLIC MEETING

Acting Chairman Bob Palmer called the meeting to order at 7:30 p.m. Ann Mary Dussault was also present. Barbara Evans was in Detroit, Michigan, attending a Neighborhood Crime Prevention Workshop.

BID AWARD: COURTHOUSE RENOVATION

Information provided by Operations Officer, John DeVore, stated that this represents the results of the re-bid for the above-referenced project. The results of the bid are presented below:

	Base Bid	Less Deductible Alternatives
Ace Plumbing	\$306,200	\$194,300
Sentinel Plumbing & Heating	305,600	218,100
4 G's Plumbing & Heating	316,800	204,600

This bid also included a deductible for four alternatives to the bid.

The information stated that after consultation with the engineers, the staff recommended making the award to Ace Plumbing. The award would then be for \$194,300, which is the base bid less the deductible for Alternatives Nos. 1, 2 and 3.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the bid be awarded to Ace Plumbing in the amount of \$194,300. The motion carried by a vote of 2-0.

ANNEXATION PETITION FOR FRENCHTOWN RURAL FIRE DISTRICT

Information provided by Kathi Doerr Mitchell of the Clerk & Recorder's Office stated that a petition had been received by the Recording Section of the Clerk & Recorder's Office to annex a portion of land located in Sections 6, 7, 16, 17, 21, 27 and 34, Township 16 North, Range 23 West in Missoula County, Montana, containing approximately 1,566.80 acres. The petition for annexation to Frenchtown Rural Fire District presented by Shirley Ramberg 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 for annexation of adjacent territory.

The hearing notice was published in the newspaper 10 days prior to the hearing, and notices were mailed to all taxpayers in the Frenchtown Rural Fire District, and three notices were posted in the Frenchtown Fire District to notify all taxpayers as to time and place of the hearing.

Bob Palmer opened the hearing for public comment, asking that proponents speak first. The following person testified:

1. Tom Charlton, owner of Tract 70, Meadows of Baron O'Keefe, stated that he wanted to go on record as being in favor of annexing this parcel of land to the Frenchtown Rural Fire District.

There were no other persons wishing to testify as proponents or opponents.

Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the above-referenced parcel of land be annexed to the Frenchtown Rural Fire District. The motion passed by a vote of 2-0.

Other Business

1. Maggie Beller, of the Citizens Committee for the Public Library, told the Board that the committee was pleased that the Interlocal Library Agreement had been signed, and expressed the committee's appreciation that the library situation was on the way to being clarified. She said that she was interested in improved library hours.

There being no further business, the meetin was recessed at 7:40 p.m.

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January 20, 1983

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 matters were considered by the Board:

1. RSID fees were discussed with John DeVore, Operations Officer, and Denise Horning, RSID Technician from the Accounting Department;
2. A discussion on the County Aging Programs was held; and
3. Energy Conservation Board issues were discussed with Lois Jost, Energy Coordinator, who stated that the Energy Board has been responding to energy issues in the community and following conservation issues in the Legislature. She also mentioned that street lighting is a major issue at this time and that the energy coordinators are currently working on setting up a conversion program.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

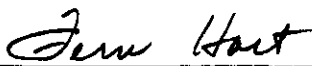
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January 21, 1983

The Board of County Commissioners met in regular session briefly in the morning with a quorum of the Board present. Commissioner Palmer left in the forenoon for Seattle to attend a Local Government Energy Committee Meeting on Commissioner Dussault left for Helena to attend a Department of Natural Resources Meeting.

Resolution No. 83-05

The Board of County Commissioners signed Resolution No. 83-05, resolving that a portion of land located in Sections 6,7,16,17,21,27 and 34, Township 16 North, Range 23 West, in Missoula County, Montana, and containing approximately 1,566.80 acres be included within the boundaries of the Frenchtown Rural Fire District and is to be assessed for said annexation a fire district levy along with other property already a part of said Frenchtown Rural Fire District. The Hearing on the annexation petition was held at the Weekly Public Meeting on January 19, 1983.



Fern Hart, Clerk & Recorder



Barbara Evans, Chairman

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January 24, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was in New Orleans, L.A. from Jan. 24-Jan. 26, attending a NACo Criminal Justice and Public Safety Conference.

Audit Letter

The Board of County Commissioners signed a letter dated January 21, 1983, to Linda Reep, County Auditor, acknowledging receipt and review of the Audit for the County Superintendent of Schools' Office for the period from December 17, 1981 through November 26, 1982. The Audit was forwarded to the Clerk and Recorder's Office for filing.

Resolution No. 83-04

The Board of County Commissioners signed Resolution No. 83-04, resolving that Resolution No. 229 of the Board, dated October 22, 1974, be amended such that the Board of Directors for the Seeley Lake Refuse Disposal District shall be composed of seven members, including six persons residing within the District, at least one of whom shall be a summer home resident, and one County Commissioner, who shall also be a member of the Missoula City-County Board of Health. This Board shall be appointed by the Board of County Commissioners and serve without compensation. All appointments shall be for staggered three-year terms and shall be effective upon receipt of letter of appointment from the Board of County Commissioners. All other respects of Resolution No. 74-229 shall remain in full force and effect.

Nutritional Services Agreement

The Board of County Commissioners signed a Nutritional Services Agreement, whereby Child Start, Inc., a private non-profit corporation, sponsor of the Head Start Program in Missoula, Montana, will contract with the Missoula City-County Health Department to provide nutritional services to the Head Start Program. The nutritional services will be provided by a qualified nutritionist as per the responsibilities set forth in the Agreement, for the total sum of \$675.00, which is dependent upon the availability of Federal funds. The Agreement was returned to the Health Department for further handling.

Budget Transfer

The Board of County Commissioners signed Budget Transfer No. 830007, dated January 21, 1983, a request from J.P. Dept. II, to transfer \$300.00 from the Books, Res. Mat. Sub. Account to the Law Books, Supplements Account, as the coding was incorrect on the original budget request. The transfer was formally adopted as a part of the FY '83 Budget.

Contract

The Board of County Commissioners signed a Professional Services Contract with the University of Montana Department of Chemistry, an independent contractor, to provide the following services:

January 24, 1983, Continued

1. To develop a suitable method for identifying lower molecular weight organic compounds (pollutants) originating from wood combustion in ambient air;
2. To determine the levels of these pollutants present in the ambient air; and
3. To conduct a literature search and report on the potential adverse effects of these pollutants.

The Contract will run from January 24, 1983 to June 17, 1983, for an amount not to exceed \$1,500.00. The Contract was returned to the Health Department for further handling.

Aid-to-Construction Agreement - RSID 402

The Board of County Commissioners signed the Aid-to-Construction Agreement for RSID No. 402 for the street improvements on 7th, humble Road, Sierra, Heather, Walker and Judith Drives in Cottage Grove Addition, Walker Addition and Double "R" Acres No. 1, whereby Missoula County agrees to participate in construction costs of RSID No. 402 by a cash payment to the District in the amount of \$47,489.00 (30%). The Agreement was returned to General Services for further signatures and handling.

Meeting

Commissioner Palmer attended a meeting of the Montana Local Government Energy Committee, which was held in the Missoula County Courthouse, during the day.

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January 25, 1983

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:

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract with Danny Joe Buxton, an independent contractor, for the purpose of assisting the County electrician with the rewiring project in the old Courthouse. The Contract will run from February 1, 1983 to April 20, 1983, for an amount not to exceed \$1,622.40. The Contract was returned to General Services for further handling.

Other matters considered by the Board were:

1. The Waiver of a compensatory time provision. No action was taken as it was proposed to use a Personal Services Contract to accomplish; and
2. The Five-Valleys EDD Grant was discussed - the options open to pay back Missoula County were discussed. A meeting will be requested, and a letter will be sent to Richard Sipes.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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January 26, 1983

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

Daily Administrative Meeting

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

Resolution No. 83-06

The Board of County Commissioners signed Resolution No. 83-06, a Resolution clarifying Attachment A-2 to Resolution 83-083 to reflect a County non-tax revenue from City levies and Motor Vehicle Flat Fees, with a subsequent reduction in the amount displayed to be raised by the County-only levy as shown below:

As Displayed in Resolution No. 82-083, Attachment A-2

Fund	Total	Motor Vehicle Flat Fee	Non-Tax Revenue	Cash Balance	Amount to be Levied	Mills @4.98
Health	1,651,957	78,500	963,100	(1,667)	612,024	\$74,855
		As Clarified				
Health	1,651,957	48,500	1,232,346	(1,667)	372,778	

Description of Non-Tax Revenue

City Participation: \$239,246
30,000

Total City Participation \$269,246

Code Number: 07-925-10-82-281

Declaration of Restrictive Covenants

The Board of County Commissioners signed Declaration of Restrictive Covenants restricting the following property for agricultural use as per the conditions listed:

January 26, 1983, Continued

1. The tract in Certificate of Survey No. 2841, located in the SW $\frac{1}{4}$, P.M.M., Missoula County, Montana, owned by A. P. Hallinger; and
2. The tract in Certificate of Survey No. 2842, located in the S $\frac{1}{2}$, Section 26, T12N, R22W, P.M.M., Missoula County, Montana, owned by Norman A. Close.

Other items considered were:

1. The Commissioners approved Sheriff Ray Froehlich's appointment of Sgt. Steven Gunderson as a Deputy Coroner; and
2. A letter received from the Department of Fish, Wildlife & Parks in regard to the Council Grove Dike was discussed with Deputy County Attorney Jean Wilcox, who will prepare a letter of response from the Commissioners.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Acting Chairman Bob Palmer called the meeting to order at 1:30 p.m. Commissioner Ann Mary Dussault was also present. Barbara Evans was in New Orleans attending a NACo Conference.

BID AWARDS: LENKURT RADIO BID

Information provided by John DeVore, Operations Officer, stated that the equipment contained within this bid was for upgrading current sites to hot standby status, to provide a backup system for the equipment at Union Peak and Point 6 so that if the primary radio equipment went down, there would be a standby system to take over. One bid was received from GTE Lenkurt, in the amount of \$48,470.00. The staff recommendation was to award the bid to GTE Lenkurt.

Commissioner Dussault moved, and Commissioner Palmer seconded her motion, that the bid be awarded to GTE Lenkurt in the amount of \$48,470.00, in accordance with the recommendation of John DeVore. The motion passed by a vote of 2-0.

BID AWARD: BLANKET BOND - CLERK & RECORDER - TREASURER

Information provided by Administrative Officer Gordon Morris stated that the purpose of the bid award was for a faithful performance bond for the County Clerk & Recorder/Treasurer. Four bids were received:

- | | |
|--------------------|------------|
| 1. Bishop Agency | \$2,556.00 |
| 2. Chriss Crawford | 1,704.00 |
| 3. Terry Payne | 1,617.00 |
| 4. Toole & Easter | 2,130.00 |

Gordon Morris recommended that the bid be awarded to Terry Payne & Company, the low bidder, in the amount of \$1,617.00.

Commissioner Dussault moved, and Commissioner Palmer seconded the motion, that the bid be awarded to Terry Payne & Company, in the amount of \$1,617.00. The motion passed by a vote of 2-0.

HEARING: MISSOULA COUNTY ZONING COMMISSION - REQUEST FROM LOU GINGERELLI, ON BEHALF OF MRS. STEPHEN F. JOHNSON, TO DIVIDE A 20.26-ACRE PARCEL OF LAND INTO TWO PARCELS (ALONG PATTEE CANYON DRIVE) - ZONING DISTRICT NO. 4

As this matter was to be held before the Missoula County Zoning Commission, Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the meeting of the Board of County Commissioners be recessed. The motion passed, 2-0.

The Missoula County Zoning Commission, consisting of the Commissioners and Dick Colvill, County Surveyor, was convened. The other member of the Commission, Fern Hart, Clerk & Recorder, was not present for the meeting.

Russ Sorenson, from the Missoula Planning Office, gave the Staff Report. He stated that the request from Lou Gingerelli, on behalf of Mrs. Stephen F. Johnson, was to divide a 20.26-acre parcel of land into two parcels, Tract 1-a, 15.22 acres; and Tract 1-b; 5.04 acres, respectively.

The subject property is known as Tract 1 C.O.S. 1096, located in Section 3, T12N, R19W. The general location is along Pattee Canyon Drive, approximately two (2) miles east of the intersection of Higgins Street and Pattee Canyon Drive. The zoning for this parcel is Zoning District No. 4, and requires that any division of property into two more more parcels must be reviewed by the County Regulatory Commission and approved by the County Zoning Commission. He stated that the County Regulatory Commission had held a public hearing on December 21, 1982. No opposing testimony had been given at that hearing. The Missoula Planning Board had reviewed the recommendation of the Regulatory Commission on January 18, 1983, and both the County Regulatory Commission and the Missoula Planning Board had unanimously recommended approval of Mr. Gingerelli's request, with conditions and findings of fact as stated in the cover letter dated January 20, 1983.

Acting Chairman Bob Palmer opened the hearing for public comment. The following person spoke:

1. Lou Gingerelli stated that he concurred with Russ Sorenson's report and recommendations.

There were no other proponents or opponents.

Acting Chairman Bob Palmer closed the public comment portion of the hearing. Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the request to divide the 20.26-acre parcel be approved, as set forth above. The motion passed by a vote of 3-0.

PUBLIC MEETING, JANUARY 26, 1983, CONTINUED

Approval of dividing the property known as Tract 1 of Certificate of Survey No. 1096, a parcel of 20.26 acres, into two parcels, Tract 1-a, 15.22 acres and Tract 1-b, 5.04 acres, in Zoning District No. 4 (Section T12N, R19W) was granted with the following two conditions:

1. The applicant shall file a Certificate of Survey for the division of land and easement for the access road to the proposed homesite; and
2. Prior to construction of the house, the applicant shall submit specific development plans to be reviewed and approved by the County Regulatory Commission and by the Planning and Zoning Commission to ensure compliance with Zoning District #4 standards.

The approval was also granted in accordance with the following findings of fact:

1. The proposal meets the General Regulations for division of land in Zoning District No. 4;
2. The proposal is consistent with the Missoula Comprehensive Plan, in its land use density;
3. The proposal, as submitted, indicates that no major changes in physiography will occur as development of the site progresses; and
4. Access is available to the property and no major change in physiography is needed to provide such access.

Bob Palmer moved that the Board of County Commissioners reconvene. Ann Mary Dussault seconded the motion, and it passed by a vote of 2-0.

HEARING: REQUEST TO VACATE THE EAST 10 FEET OF JOHNSON STREET, ADJACENT TO BLOCK 20 OF RIVERSIDE ADDITION.

Information provided by Wendy Cromwell, Clerk and Recorder's Office, stated that Fred and James Pulliam, who own the lots adjacent to the portion of Johnson Street to be vacated, request the 10' strip (out of an existing 80' right-of-way) to provide more parking space for their business, and to allow room for loading and unloading heavy equipment which is repaired at their business (Iron Horse Welding).

A letter to the Board of County Commissioners, dated August 16, 1982, from County Surveyor Dick Colvill, stated that Johnson Street is an 80' right-of-way, and could easily be vacated back to 60' at this location. He stated that Pulliam Construction owned 100% of the property on this block.

Acting Chairman Bob Palmer opened the hearing for public comment. The following person testified as a proponent:

1. Bill Jones, an owner of Iron Horse Welding, stated that the business needed the space to load and unload their heavy equipment.

No one testified in opposition.

Bob Palmer then closed the public comment portion of the hearing.

Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the decision on this matter be placed on the public meeting agenda for the February 2, pending one Commissioner and the Surveyor going out to view the property proposed to be vacated, in accordance with state law. The motion passed 2-0.

There being no further business, the public meeting was recessed at 1:50 p.m.

* * * * *

January 26, 1983, Continued

Following the public meeting, Commissioner Dussault, accompanied by County Surveyor Dick Colvill, conducted a site inspection of the east ten feet of Johnson adjacent to block 20 in the Riverside Addition.

* * * * *

January 27, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon, with all three members present in the afternoon.

Seminar

Commission Dussault attended an Economic Outlook '83 Seminar sponsored by the University of Montana in the forenoon.

Audit List

The Board of County Commissioners signed the Audit List, dated January 25, 1983, pages 1-37, with a grand total of \$150,031.13. The Audit List was returned to the Accounting Department.

Meeting

Commissioner Evans attended a meeting of the Gambling Commission in the afternoon.

* * * * *

January 28, 1983

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

January 28, 1983, Continued

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 business was conducted:

Board Appointments

The Board of County Commissioners made the following appointments to the Missoula Area Agency on Aging: Joan Christopherson, Earl Lory and Terry Callahan were reappointed for three-year terms, which will expire December 31, 1985; and Linda Osario St. Peter was appointed to fill an unexpired term through December 31, 1983. Two additional appointments, increasing the membership of the Board to 9, were not made at this time, pending a change in the Bylaws.

The Commissioners appointed Howard Schwartz as the representative to the Five Valleys EDD Council; and John Badgley was appointed to a one-year term as the representative to the Bitterroot RC&D.

Matters discussed by the Commissioners included:

1. The motor vehicle status, and that possible State action is pending; and
2. Legislative issues - a letter opposing the Vet Bill will be prepared.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

Welfare Board

The Board of County Commissioners met in regular session as the Missoula County Welfare Board, and disposed of 390 cases, which were presented for consideration by the Missoula County Welfare Department.

Employee of the Quarter Presentation

The Board of County Commissioners attended the Employee of the Quarter presentation, held at noon, and made the presentation of the award to Bob Schieder, Facilities Manager of the General Services Department, who was selected by the Employees Council as the Employee of the Quarter.

Fern Hart

Fern Hart, Clerk & Recorder

Barbara Evans

Barbara Evans, Chairman

* * * * *

January 31, 1983

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

CERTIFICATION OF ACCEPTANCE

Chairman Evans signed a Certification of Acceptance for Upper Wildcat Road, from the north end of Wildcat Road, east 550 feet, to a dead-end. The road was platted in 1948 and has been maintained for many years as a part of Wilcat Road, but needs a separate name for identification purposes. The Certificate was returned to the Surveyor's Office.

QUITCLAIM DEED

Chairman Evans signed a Quitclaim Deed, whereby for the sum of \$1.00, Missoula County executes a Quitclaim Deed to Mr. and Mrs. Duane L. Neer for half of a vacated street adjacent to his property in El Mar Estates (Lot 1, Block 1). The street was vacated in 1975 by Resolution 75-164 and, under Montana Law, the underlying title of the vacated street reverts to the adjacent landowner. However, Mr. Neer wants to build on a portion of the vacated land and the deed will allow his title ownership in a vacated street will be immediately visible in the record. The original deed was sent to Duane Neer for recording.

Other matters considered by the Board were:

1. The cost overrun provision in the Jail Agreement was discussed;
2. The waiver of compensatory time request for Bob Schieder was discussed with Dennis Engelhard, Personnel Officer, and Orin Olsgaard, DES Coordinator. Commissioner Palmer moved that the waiver be granted; Commissioner Dussault seconded the motion, and it passed unanimously, with the waiver to include language dealing with a non-precedent-setting provision;
3. The Air Quality Mill Levy as related to air pollution was discussed; and
4. R. L. "Dusty" Deschamps, County Attorney, presented the Budget Status Report for the County Attorney's Office. Staff will work with the County Attorney's Office to assemble a tracking of attorney assignment by time.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

MEETING

Commissioner Evans attended a meeting of the Animal Control Task Force in the evening.

* * * * *

February 1, 1983

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:

REQUEST FOR APPROVAL

The Board of County Commissioners signed a letter to Donald L. Dooley, Local Assistance Bureau Chief of the Montana Department of Community Affairs, requesting approval by the State of the destruction list, dated January 26, 1983, per Missoula County retention schedules. The letter was returned to Fern Hart, Clerk & Recorder, for further handling.

WAIVER APPROVAL

The Board of County Commissioners signed an approval of Waiver for Payment of Wages in Lieu of Compensatory Time, submitted by Orin Olsgaard, DES Coordinator, waiving DES Coordinator compensation hour rules to pay Bob Schieder for hours worked beyond 40 per week, subject to the seven specifications of the request; however, the seven criteria used in evaluation are intended for this request only and does not constitute a precedent or establishment of new policy. Bob Schieder will be writing a program for the computer which is necessary for the completion of an emergency resource list of equipment and services for the emergency planning group.

Other matters considered and discussed were as follows:

1. Howard Schwartz, Executive Officer, gave an update on the Workfare Program;
2. A response to the City's billing for felony investigations will be prepared; and
3. Fern Hart, Clerk and Recorder/Treasurer and staff members presented the Budget Status Report for their departments to the Commissioners.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

AUDIT LIST

The Board of County Commissioners signed the Audit List dated January 31, 1983, pages 1-25, with a grand total of \$113,392.70. The Audit List was returned to the Accounting Department.

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February 2, 1983

The Board of County did not meet in regular session in the forenoon as a quorum of the Board was not present. Commissioner Dussault was absent until noon because of illness, and Commissioner Evans participated in a SADD (Students Against Drunk Driving) panel until noon. All three members of the Board were present in the afternoon.

CLAIMS

Claims were presented by Warrants for Pay Periods Nos. 14 & 15 (2/1/83) to be drawn on the following funds in the following amounts:

Miscellaneous Fund	\$145,040.84
Weed Fund	3,986.32
General Fund	374,652.92
Working Fund	73,047.54
Road Fund	43,416.93
Bridge Fund	8,836.75
Planning Fund	37,091.02

The original claims are on file in the Auditor's Office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30. Also present were Commissioners Bob Palmer and Ann Mary Dussault.

DECISION ON: REQUEST TO VACATE THE EAST 10 FEET OF JOHNSON STREET, ADJACENT TO BLOCK 20 OF RIVERSIDE ADDITION

Under consideration was the decision on the above-referenced vacation, the public hearing having been held at the previous week's public meeting on January 26. During the week, Commissioner Ann Mary Dussault had made a site visit with Dick Colvill, County Surveyor, in accordance with State law.

Barbara Evans stated that she had received one call in opposition to this vacation, from Lloyd Twite, who owns the adjoining property. Mr. Twite had not testified in opposition at the public meeting. Barbara Evans stated that Mr. Twite would be happy with an equal 10 feet on the other side of the road. This would make the road 60' rather than the current 80'. Dick Colvill stated that there was no problem with that. Mr. Twite has been advised to go through the vacation process for the 10' on the west of Johnson Street, and he had agreed to do so.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the request to vacate the east 10 feet of Johnson Street be granted. Bob Palmer seconded the motion, and it passed by a vote of 3-0.

Since there was no further business, the meeting was recessed at 1:32 p.m.

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February 3, 1983

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting, the following items were signed:

Budget Transfer

The Board of County Commissioners signed Budget Transfer No. 830008, dated February 2, 1983, a question from the Accounting Department to transfer \$2,200.00 from one Dog License Account to another because there are presently two line items set up under revenue, and adopting the transfer as a part of the Fiscal Year 1983 Budget.

CERTIFICATES OF ACCEPTANCE

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

1. Wyoming Street, an extension of an existing street, which has been upgraded and paved under RSID No. 355;
2. Grant Street, an extension of an existing street, which has been upgraded and paved under RSID No. 355; and
3. Lundberg Road going north to the cattle guard; the road has been maintained for a long time, but has never been formally accepted.

The Certificates were returned to the Surveyor's Office.

Other items considered and discussed by the Board were as follows:

1. The Jail Agreement with Fox, Ballas and Barrow was discussed with John DeVore, Operations Officer and Mike Sehestedt, Deputy County Attorney. Commissioner Dussault moved that the Agreement be amended to include: "which are the responsibilities of the County or its Agents," and Commissioner Palmer seconded the motion and it passed unanimously.
2. The Agreement with Missoula Jobs Development in regard to the Economic Development Dinner and conference was approved;
3. Recommendations for an aggressive County role in all aspects of RSID 901 (Lolo Water and Sewer) operations, including health regulations and other regulatory requirements, as pointed out by the Audit were discussed with John DeVore, Operations Officer;
4. The cost of the Animal Control Task Force brochure, which will be included with the tax bills, was discussed. Commissioner Dussault moved that the notices be printed, contingent upon the adequacy of the paper supply, but not to exceed a total amount of \$275.00. The Commissioners voted unanimously to approve the motion, and
5. Dan Magone, Undersheriff, presented the Budget Status Report for the Sheriff's Department to the Commissioners.

The Minutes of the Daily Administrative Meetings are on file in the Commissioners' Office.

LUNCHEON MEETING

The Board of County Commissioners attended a luncheon meeting at noon, hosted by several members of the Seeley/Condon Chamber of Commerce.

DINNER/MEETING

Commissioners Dussault and Palmer attended the Economic Development Dinner sponsored jointly by the University of Montana, Missoula County and Missoula Jobs Development. Commissioner Palmer also attended the meeting in the evening following the dinner.

MEETING

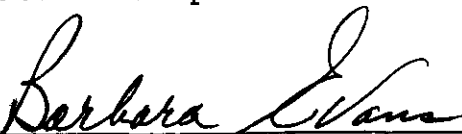
Commissioner Dussault attended a special meeting of the Air Pollution Control Board in the evening.

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February 4, 1983

The Board of County Commissioners did not meet in regular session in the forenoon as a quorum of the Board was not present. Commissioner Evans was in Helena all day on legislative matters and Commissioner Palmer attended an Economic Development meeting at the University of Montana until noon. A quorum of the Board was present in the afternoon.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

* * * * *

February 7, 1983

The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present. Commissioners Dussault and Palmer were in Helena during the day attending an Urban Coalition meeting.

AGREEMENT

Chairman Evans signed an Agreement dated January 26, 1983, between Missoula County and Fox, Ballas & Barrow Associates, an architectural firm, for a schematic master plan study of the Missoula County Courthouse expansion project. The Agreement was returned to General Services for further handling.

* * * * *

February 8, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Helena attending to Urban Coalition/Legislative matters affecting Missoula County.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were considered by the Board:

1. A budget request from the museums was approved;
2. Preparation of a Crime Prevention Week proclamation was approved;
3. The claim for yearly dues from NACo was approved; and
4. Wrecker service problems related to 9-1-1 were discussed with John DeVore, Operations Officer. The Board gave tacit approval to a policy that will be developed. A public hearing will be held prior to adoption.

The minutes of the Daily Administrative Meeting are on file in the Commissioners' office.

SEMINAR

Commissioner Dussault attended an Air Pollution Seminar held at the Health Department in the afternoon.

* * * * *

February 9, 1983

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

AUDIT LIST

The Board of County Commissioners signed the Audit List dated February 7, 1983, pages 1 - 24, with a grand total of \$109,340.25. The Audit List was returned to the Accounting Department.

RESOLUTION NO. 83-07

The Board of County Commissioners signed Resolution No. 83-07, a Budget Amendment for the Fort Missoula Historical Museum, and formally adopted the following expenditures and revenue as part of the fiscal year 1983 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Museum - Operations: (83-12-462-04-00-)	
050 - Utilities	\$ 2,000.00
144 - Small Tools and Supplies	500.00
204 - Special Storage Containers	600.00
501 - Janitorial Supplies	200.00
503 - Building Maintenance and Repair	2,548.00
 <u>Description of Revenue</u>	 <u>Revenue</u>
Museum - Non-Tax Revenue	
IMS (Institute of Museum Services) Grant (83-12-921-04-00-251)	\$ 5,848.00

RESOLUTION NO. 83-08

The Board of County Commissioners signed Resolution No. 83-08, resolving that Missoula County has accepted the following described real property from Mountain View Chapel, Inc. of Missoula, Montana, for public road right-of-way and all other public purposes, a parcel of land located in the northwest quarter (NW¼) of Section 29, Township 13 North, Range 19 West, and being shown as Parcel 4 A 1 on "R.M. Cobban Orchard Homes, Lot 4" an amended subdivision plat of Missoula County Montana. This covers a 30-foot wide strip of right-of-way for 9th Street going east one block from Reserve. The County has 30 feet existing and this will make a 60-foot right-of-way. The street is being paved through a RSID and the wider right-of-way is needed to support this. The Resolution and the Warranty Deed from Mountain View Chapel, Inc., were filed with the Clerk & Recorder.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were approved and signed:

RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners signed, as Grantee, an Agreement to Grant Right-of-Way, whereby Missoula County accepts title to 30 feet of right-of-way on each side of Washo Road in Potomac Valley from George Hagstotz, and resolving the controversy over maintaining the road because the fences were only 20 to 30 feet apart. As part of the Agreement, the County will abandon any of the 1895 Washo Road that falls outside the new 60-foot right-of-way. The Agreement was returned to the Surveyor's Office.

CERTIFICATION OF ACCEPTANCE

Chairman Evans signed a Certification of Acceptance for County Maintenance for Washo Road in Potomac Valley from Hole-in-the-Wall Road north 900 feet, then east 1810 feet to a private drive on the right. The road was petitioned in 1985 and has been maintained off and on for many years. The Certificate was returned to the Surveyor's Office.

BOARD APPOINTMENT

The Board of County Commissioners reappointed Earl Lory to a three-year term on the County Council on Aging. His new term will expire December 31, 1985.

Other matters considered were:

- 1. The Loan Review Committee appointments were discussed; and
- 2. Dick Colvill, Surveyor, and staff members from his office presented the Budget Status Report of the Road/Bridge/Survey Department to the Commissioners.

PUBLIC MEETING

Acting Chairman Bob Palmer called the meeting to order at 1:30 p.m. Commissioner Ann Mary Dussault was also present. Commissioner Barbara Evans came a few minutes later.

PROCLAMATION

Commissioner Palmer read the Proclamation declaring the week of February 6 - 12 as National Crime Prevention Week. Ann Mary Dussault moved, Barbara Evans seconded and the motion carried 3-0 that the Proclamation be approved.

There was no further business, so the meeting was recessed at 1:35 p.m.

RESOLUTION NO. 83-09

The Board of County Commissioners signed Resolution No. 83-09, a resolution amending the fixed tax levies for Missoula County for FY '82 - '83 as set forth in Resolution No. 82-106, the reason being that certain taxing entities did not take into account the anticipated motor vehicle and flat fee distributions for FY '82 - '83 when submitting their budgets, and this non-tax revenue should have been anticipated. Therefore, the levies for those entities are amended as shown on the Attachment to the Resolution, entitled "School Levies, Missoula County FY '82 - '83, Revised" which will amend Resolution No. 82-106.

PRESENTATION

The Board of County Commissioners, along with City officials, attended a presentation by the Missoula Centennial Committee in the afternoon.

* * * * *
February 10, 1983

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

MONTHLY REPORTS

Chairman Evans examined, approved and ordered filed the monthly reports for Justices of the Peace W.P. Monger and Janet L. Stevens for collections and distributions for the month ended January 31, 1983.

NOTICE OF BOND SALE

Chairman Evans signed Notices of Sale of RSID Bonds for RSID Numbers 395 and 396, setting the sale date for March 16, 1983, at 7:30 p.m., at the Commissioners' weekly public meeting.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative meeting held in the forenoon, Jean Johnston, Welfare Director, and members of her staff presented the Budget Status Report for the Poor/Welfare Department to the Commissioners.


The Minutes of the Daily Administrative Meeting are on file in the Commissioners' office.

WELFARE BOARD MEETING

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 280 cases which were presented for consideration by the Missoula County Welfare Department.

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February 11, 1983

The Courthouse was closed for the Lincoln's Birthday holiday.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

* * * * *
February 14, 1983

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

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming 5-Valleys Health Care as principal for warrant No. 83012 on the Missoula County Health Fund in the amount of \$468.00 now unable to be found.

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the Monthly Report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made for the month ended January 31, 1983.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the Commissioners discussed the issue of the Clerk of Court's passport fees with Mike Sehestedt, Deputy County Attorney.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' office.

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February 15, 1983

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

Commissioners Palmer and Dussault signed, with Commissioner Evans dissenting, a Memorandum of Agreement between Missoula County and Arrow Ambulance and Medical Supplies whereby the County will purchase specialized transportation services on an interim basis as per the terms set forth in the Agreement for the period of January 1, 1983, through June 30, 1983, at a total cost not to exceed \$700.00 per month. The Agreement was forwarded to Casey Randles, President of Arrow Ambulance and Medical Supplies, for signature and to be returned to the Commissioners' office for recording.

PROFESSIONAL SERVICES CONTRACT

The Board of County Commissioners signed a Professional Services Contract submitted by Orin Olsgaard, DES Coordinator, between Missoula County and Peter Wall, a/k/a Peter Christian, an independent contractor, to obtain his product and expertise as per the terms set forth in the agreement for the period from February 15, 1983, to June 30, 1983, for a total amount not to exceed \$1,280.00.

Other items considered were:

1. Gerry Marks, Extension Agent, reported to the Commissioners on the progress of the review of the County Weed Program; a written report will be ready in a few weeks, at which time it will be discussed; and
2. Planning Director, Kristina Ford, presented the Budget Status Report of the Planning Department to the Commissioners.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' office.

MEETING

Commissioner Evans Attended a Crimestoppers meeting at noon.

* * * * *

February 16, 1983

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

CERTIFICATE OF ACCEPTANCE

Chairman Evans signed a Certification of Acceptance for County Maintenance for a block long section of North Avenue adjacent to Big Sky High School; this was built and paved by the high school when the school was built and is already being maintained but was never formally accepted. The Certificate was returned to the Surveyor's office.

RESOLUTION NO. 83-10

The Board of County Commissioners signed Resolution No. 83-10, a resolution rescinding Resolution No. 82-69 and establishing a "no parking zone" along the east side of St. Vrain Way, which will be posted as a tow-away zone and the County Surveyor will erect the appropriate signs.

BOARD APPOINTMENTS

The Board of County Commissioners reappointed Terry Sehestedt, Ed Mosier, and Julie Cummings-Motl, and appointed John Van Skelton, Darshan Kang, and Pat Cainan as members of the Loan Review Committee. All terms are for one year and will expire December 31, 1983.

Other matters considered by the Board were:

1. The aging services consolidation issue was discussed by the Board. Commissioner Dussault moved to prepare a letter stating the outline of steps to be taken and ways to address the concerns raised by the RSVP Advisory Board; Commissioner Evans Seconded; and the motion passed by a 2-1 vote, with Commissioner Palmer dissenting.
2. John DeVore, Operations Officer, presented the Budget Status Report of the General Services Department to the Commissioners.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 7:30 p.m. Commissioners Bob Palmer and Ann Mary Dussault were also present.

HEARING: Use variance request - James McDonald - Zoning Dist. 18 - Warnath Orchard Tracts - Request for variance to allow commercial Portion of Tract 12 to be used for light Industrial uses.

Chairman Barbara Evans noted that a petition opposing this request was received and was signed by 24 of the area residents. She also noted receipt of the staff report from the Planning Office and asked Mark Hubbell from the Missoula Planning Office to explain the Planning Department's views and recommendations.

Mark Hubbell directed attention to a map of the area and explained the area in question. Mark read the staff report in full. He referred to handouts presented before the meeting detailing C -I-1 Light Industry intent, requirements, standards & uses, and exceptions. He also referred to Chapter IV Light Industrial Standards.

Chairman Barbara Evans opened the hearing to public comment, asking that Mr. McDonald speak first.

Nick Kaufman (land-use consultant) spoke on Mr. McDonald's behalf saying that Mr. McDonald operates a desk top and institutional furniture manufacturing business and is currently located on a leased parcel north of the airport. Mr. McDonald is expanding his merchandise line & will relocate to a larger facility. He currently employs 32 full-time employees and will expand that by about seven and an ultimate work force of 44. Mr. McDonald would like to remain in Missoula, he has lived here most of his life. He does, however have the opportunity to locate outside of Montana. Mr. McDonald's use is a manufacturing use similar to Sirco Manufacturing or American Dental Manufacturing in that there is no noise, no processing emissions, no outside storage. The only traffic generated is less than 5 trucks per day and employee trips. He stated that Mr. McDonald comes before you tonight asking for a variance from the regulations of zoning Dist. #18. Specifically, his site occupies 8.5 acres near the intersection of Blue Mountain Road with Highway 93 South. Land use in the area consists of industrial, commercial, residential and agricultural. The front 3.3 acres of the subject property will be used for the building and grounds housing Norco manufacturing. The remaining 5 acres are proposed to be used for a church. The buy-sell for the church has been reached contingent on the buyers selling their current facility.

Nick Kaufman then directed attention to a map pointing out the District #18 boundaries, commercial uses zone, unzoned area, U.S.F.S. area, Blue Mountain Road, a Church and Norco. He reviewed commercial zone #4 uses. He stated that commercial uses are allowed within 435' of the highway. There are no performance standards. Highway oriented uses are permitted and the things accessory to them, sign, noise, dust, traffic, highway approaches, 435' of depth would allow a use as large as Eastgate shopping center. Again, no standards for signs, landscaping, or buffering of any kind.

Nick Kaufman then passed out an air photo and identified areas & uses & pointed out impacts of uses without performance standards such as no setbacks, outdoor storage, no paving, no buffering or screening, unlimited access, harsh line between adjoining residential uses, and he showed the proposed berm. He stated that Mr. McDonald is proposing a steel-sided building in soft earthtone color of green or yellow of approximately 35,000 square feet. Parking and loading areas will be paved. A 4 foot high grassed berm about 30 feet wide will be across the side facing the residential area and a 6 foot high chainlink fence with soft green of natural color slats on the side facing the residential uses; a 3-4 foot high Arbor Vitae on 4 foot centers will be planted on top of the berm to aid in buffering; 100 foot building set-back from the residential area, flush mount building sign. In addition, and as a safeguard, Mr. McDonald will meet or exceed the conditions of the C-I-1 zoning district together, with the standards in Chapter III and the additional performance standards of Chapter IV.

Nick Kaufman then ran through the standards none of which are in the existing zoning:

Off Street Parking:

Paving & Drainage; screening to 5 feet high; maintenance of: signs, lights, poles, fences, surfacing, landscaping; extra landscaping for large parking lots; adequate number of off-street parking spaces; driveway approach; width; location & separation standards.

Off Street loading standards:

A 50 foot separation from residential; no front loading; paving; landscaping and buffering; 5 foot wide buffer strip adjacent to residential uses. Along Blue Mountain road will be street trees (seedless green ash) live and maintained. The buffer will be 75% opaque - height restrictive.

Special performance standards:

Dwellings 10 foot perimeter, 100 foot separate residential area, convenient to an arterial. The access to Blue Mountain road is primary and highway 93 secondary. There is control of glare from buildings, noise control from processing (virtually no noise), a screening of outdoor activities, no industrial particulate, no visible air contaminants from processing, sulfur dioxide, control of combustibles, and access to arterial not crossing residential land.

Basically Mr. McDonald will be providing high quality well-maintained area with a buffer between the residential and other industrial uses already in effect on Highway 93. Mr. McDonald is setting an example with quality upgrading of the area and providing a clean safe environment. In conclusion, Mr. Kaufman summarized all of the above. He also stated that in addition he will circulate a petition to rezone not only his 3+ acre site but also the unzoned area to light industrial. This will through attrition clean up the area and bring it into standards of light industrial uses under the adopted zoning resolution 76-113. (Enforcable by misdemeanor fine and impoundment.)

Nick Kaufman asked that Mr. McDonald's proposed use not be judged by his existing operation. He stated that Mr. McDonald now operates out of a leased building which the landlord does not maintain in the best of shape. That his intention is to relocate into a new, well maintained building, providing maintained landscaping, paved parking and loading and buffering and that by initiating zoning on the unzoned area will work to upgrade the entire vicinity.

Public Meeting February 16, 1983 continued.

Nick Kaufman - conclusion

In conclusion Nick Kaufman stated that the regulations in Section II No. 8, allow the Board to grant variances not contrary to the public interest and owing to special conditions which would result in unnecessary hardship. Under public interest this will provide the following which is not required in the current zoning setbacks: 100 feet from residents, landscaping, buffering and controlled access with less intense use. This is of less impact than what is usually allowed. It provides a low intensity buffer from existing uses. Water use would be for employees - no processing, 44 employees times 35 gallons/day = 1500 gallons = 3 single family homes or what could be disposed of on 2.5 acres. It meets all local Health Department regulations. Nick believes that the objections stem from misunderstandings. He then called for questions.

Commissioner Ann Mary Dussault asked about the access - to which Nick responded that the loading and parking area will be on the Blue Mountain Road with employee parking in the same area.

Commissioner Bob Palmer asked questions regarding the method of heating the facility and the water well in reference to a letter received by Mr. & Mrs. Wilbert H. Potter. He asked if the heat would be wood fuel.

Nick responded that "Yes, it would be heated by a special furnace designed for high efficiency." Regarding the well he responded that there is no water used in the manufacturing process. The water use would be similar to three residences or 1500 gallons a day. The only use is for that of employees.

A question was asked regarding the variance. Should Mr. McDonald cease to do business at this location, will the variance cease?

Nick responded that the variance runs with the land. After selling, it does not cease.

Enforcement - under current zoning it would require a civil action from the landowners. Under the revised zoning they would receive a penalty and impoundment and loss of license.

Nick Kaufman stated once again, this is proposed as a well maintained place of business. He showed the audience the map with explanation of boundaries (135 feet into residential).

Chairman Barbara Evans then opened the hearing for opposition.

Milton Datsopoulos, Attorney with Datsopoulos Macdonald & Lind, spoke representing most of the landowners. He pointed out that 24 of 41 landowners executed a petition. Eight or nine were not contacted. He said that this represents 60% of residents who now oppose the zoning change and that these residents are involved in business themselves and are reasonable people who viewed this seriously and carefully and are not only opposed but strongly opposed. He said that Mr. McDonald took no time to talk to those persons and that even though he liked Mr. McDonald personally, he felt that Mr. McDonald was violating the integrity of a residential area. Mr. Datsopoulos stressed that the residents set up the zoning district under the law, setting forth conditions under which to live. To them, this provided security for a lifestyle. They built their houses, corrals, etc. believing in this. The residents feel that they should be able to control their own destiny and the government not do it for them. They chose to control this destiny by creating a zoning district and defined the area to live in and question the government's authority to sanction in 1971. District #18 to them, provided security for a lifestyle both urban and rural close to Missoula. They understood the commercial property zoning and don't oppose it. He went on to say that public interest is the primary concern defining "public" as those persons living in the area concerned. Mr. Datsopoulos stressed that it is not necessary to violate this integrity. He pointed out that there are hundreds of acres near the airport, and that Reserve Street acres are available. He said that there is an excess of 60% opposing. He asked if there is undue hardship to the applicant? He said that Mr. McDonald had full availability of the facts. That he knew what restrictions were involved in this particular neighborhood, but that he disregarded them. He said that in their opinion, there is reason to not grant the variance, saying that it's not in the public interest. He asked "Where is the undue hardship? Mr. McDonald comes in after the fact. The variance has no merit...not legally justifiable. Total emasculation of self induced zoning areas and a slap in the face to the land owners if District #18." Mr. Datsopoulos showed photos of the present business and its industrial use (not to demean Mr. McDonald) but to point out the unsightly storage and the reasons why we have Planning and Zoning requirements.

Chairman Evans asked for further opposition. There was none.

Gary Johnson - real estate broker - member of the Board of Adjustment asked if he might speak in favor. Mr. Johnson commented on variances and why they exist. He stated that under existing zoning in this area there are current hazards which are worse than what Mr. McDonald proposed to do. He said that now is a chance to: a) substitute something with a lot less impact on the area; b) no noise at all; c) 5 trucks a day; d) cleanliness; e) more stringent requirements to which he will comply; f) with a church he felt that this was an advisable thing to do. (Grant the request)

Nick Kaufman spoke briefly in response to Milton Datsopoulos and showed photos of what is proposed.

General Comment

Mr. Peressini - District #18 freeholder - petition signatory - commented on expanding the commercial boundary into the residential section. He pointed out that Mr. McDonald is not staying within the confines of the area zoned commercial.

Chairman Evans asked for comments from the Board.

Ann Mary Dussault directed a question to Mark Hubbell. She asked Mark to speak of those uses currently ALLOWED. Mark responded with examples such as auto sales. He said that 93 strip is an example of roadside commercial uses. Basically anything except that which is specifically banned by the covenant. He said that the Planning staff supports Mr. McDonald in view of what could be built.

Commissioner Dussault asked Mark how a used car lot or a K-Mart get approved. Mark responded that if the business could meet minimum standards, there would be no public hearing.

Mr. Peressini asked if Medicine Bow Motors zoned light industrial? C-I-1?

Mark Hubbell responded that Medicine Bow Motors were grandfathered in. That is, they were there before the zoning was. Yes, they market cars but also renovate which would be hard to justify.

Milt Datsopoulos - personal reaction - not clients - stated that he feels that the Planning Department is condescending because they didn't talk to anyone. He said that under item #14, prohibited uses, nuisances are prohibited "unsightly, obnoxious and offensive heavy industry of any type, nature or kind."

Public Meeting Feb. 16, '83, cont.

Commissioner Dussault questioned Milton Datsopoulos saying that she has a great deal of trouble agreeing with what may be overstatement. She said that it's very hard to understand why people who could wake up with junk are opposing a well planned, well thought out idea that will conform and exceed County standards. She asked what the real opposition to this project is.

Milton Datsopoulos stated that these people framed their own environment, live there, prescribed their own uses - and that the issue here is should you violate their intention in favor of commercial use of that property. He stated that they (the residents) agreed to a "prohibitive use outline" believing that they had a way to control that. He said that the Planning Board has no right to supercede the peoples wishes.

Chairman Evans stated that she shared the same feelings with Commissioner Dussault and wished to make a recommendation for a one month delay to allow Mr. McDonald to meet with the folks and attempt to sell them on the idea. She asked Mr. McDonald to respond to the suggestion.

Nick Kaufman spoke for Mr. McDonald saying that Mr. McDonald just couldn't respond at this time. He said that the Board of County Commissioners has the responsibility to do what is best.

Commissioner Dussault said that she objected to a one month delay and that she would be more inclined to to a one week delay. She stated that she feels there is a misunderstanding of the facts.

Commissioner Palmer stated that he would support a one week delay but unless there is some overwhelming evidence to the contrary, he would vote for the variance. However, if Mr. McDonald would like a week to meet with the residents, that would be fine by him.

Nick Kaufman stated that Jim McDonald wants the variance settled tonight. Then he will meet with the folks.

Ann Mary Dussault moved and Bob Palmer seconded to grant the variance per the Planning Boards recommendation. The motion passed by a vote of 3-0.

OTHER BUSINESS

The Hellgate Rifle Association presented the "Deep Creek Recreation Area Proposal" to the Board of County Commissioners and the general public.

Tom Greenwood was the first speaker and handed out pamphlets on the Proposed Deep Creek State Recreation area to be placed on file in the Commissioners office. Tom gave background of the proposal plus current needs and plans.

He stated that the basic needs assessment stem from Montana having a limited public firearms and archery facility. Montana could use such a facility to a) provide field training for hunter safety programs; b) to provide public access to safe and supervised shooting facilities; c) to limit the private and public property destruction that occurs from indiscriminate shooting; d) to provide needed archery facilities to meet the need of the growing number of archers (in 1982, over 15,000 archery stamps were sold, with approx. one-half of these purchased in Western Montana); e) to provide facilities for public target practice (no area presently exists for the public at this time).

Mr. Greenwood went on to state that the availability is there. That Champion Timberlands, Inc. is willing to voluntarily transfer approximately 300 acres of privately-held prime recreation property for the facility, conditioned upon the development of the property as proposed. He said that the proposal is elaborate, that it would take a full-time caretaker to protect the investment and control vandalism. Development of the site would consist of fishing and boating access areas, a campground, a picnic area, and facilities for shooting and archery ranges. He stated that the Missoula Vo-Tech school and other community groups have offered construction assistance if the recreation area is acquired. Vo-Tech feels that it would be a worthy assignment allowing students to start a project and finish it which would also be of benefit to the community and a lasting landmark. The local Army Reserve unit has offered to help with well drilling and other construction. An appraisal will be required to determine the value of the 60-100 acre area that will be used for the fishing access area and campground.

Lon Dale - Attorney and volunteer spoke. He is a past president of the Hellgate Rifle Club. He pointed out the hazards and problems of the present target range. Mr. Dale stated that the rifle club members would be interested in donating their time and expertise including that of several engineers from the club. He pointed out that there is a need in Missoula County for a shooting facility saying that the average individual has trouble sighting in their hunting rifle and subsequently use the Champion Int., and U.S. government property thereby trespassing said properties. He went on to state that the proposal is an excellent proposal and a unique opportunity. It is to be used in conjunction with the Fish and Game for fishing, boating access sight, and archery. He wishes to solicit support and solicit suggestions on how to bring it to fruition.

Chairman Evans asked the status of the land in question.

Mr. Greenwood answered that it would be 100% Champion Int. Presently 34% is Forest Service which would be in a land trade. It would be right off of Harpers bridge. In answer to a question regarding if the citing of Deep Creek would be affected by the Harpers Bridge Closure he said that "no, it is not."

Chairman Evans asked how much money they needed or just what was it they were asking.

Tom stated that 1/3 of the material cost was from other sources and that they were asking for material. They would appreciate a County supplement of any fraction. He stated that there is nothing like what is proposed in the Pacific Northwest and that only a military installation could equal this. It would bring in lots of people from outside the area. The Y.M.C.A. could use the facility and hunter safety programs could use it to supplement their classroom exercises. He is asking the County for whatever might be available or through a resolution to make an appeal to the Legislature.

Commissioner Palmer asked if Vo Tech would be doing the road work and exactly what kind of assistance would they give. He also asked if they had a bill before the Legislature and asked if they knew there was still time to introduce a revenue measure.

Tom Greenwood answered that Vo Tech would perform the labor in the roadwork using the heavy equipment. They would need materials such as gravel and gas. He said that they did not have a bill before Legislature.

Bob Palmer said that he would agree to support a bill as long as no mills were involved and that he would issue a letter of support but would take a vigorous stand on the mills, that they couldn't come out of the general fund, but some other source of revenue.

Public Meeting Feb. 16, '83 cont.
Deep Creek Recreation Proposal.

Gordon Morris - Administrative Officer for the County - asked if this proposal was contingent on the Harper's Bridge closure and pointed out that it is 4½ miles beyond paving.

There being no further business, the meeting was recessed at 9:20 p.m.

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February 17, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Helena on legislative matters all day.

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List dated February 15, 1983, pages 1 through 32, with a grand total of \$125,304.24. The Audit List was returned to the Accounting Department.

* * * * *

February 18, 1983

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

MEETING

Commissioner Palmer attended a meeting of the Montana Local Government Energy Committee which was held at the Missoula County Courthouse during the day.

Fern Hart

Fern Hart, Clerk & Recorder

Barbara Evans

Barbara Evans, Chairman

* * * * *

February 21, 1983

The Courthouse was closed for the Washington's Birthday Observed holiday.

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February 22, 1983

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:

ACCEPTANCE OF EASEMENT

The Board of County Commissioners signed an Acceptance of an Easement granted to Missoula County by the Board of Trustees of Missoula School District No. 1 for an easement across the old Lincoln School grounds at the corner of Lolo Street and Rattlesnake Drive which will enable the County to move the fence back and improve the sight distance at this high accident corner. The easement was given by the School District to the County without cost. The easement was filed with the County Clerk & Recorder.

RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners approved and signed a Right-of-Way Agreement granted to Missoula County by Laurence R. and Carol L. Mikesell for a small section, 30 feet by 60 feet, of Washo Road (in the Potomac Area) right-of-way. A similar agreement for the major section of the right-of-way was signed on February 9, 1983. The Agreement was returned to the Surveyor's Office.

AGREEMENT

The Board of County Commissioners signed an Agreement, dated February 2, 1983, between Missoula County and Ace Plumbing & Heating, the Contractor, for renovation of the east wing heating/air conditioning system, related electrical work, and miscellaneous general work, including addendums 1 and 2. The Agreement was returned to General Services for further handling.

QUITCLAIM DEED

The Board of County Commissioners signed a Quitclaim Deed whereby Missoula County transfers the following described premises to Montana Pacific International:

Improvements on Leased Land Airport, located in the NE¼ NE¼ of Section 2, Township 13 North, Range 20 West, Principal Meridian Montana, Missoula County Montana. (Airplane Hangar belonging to Montana Pacific International located on Missoula County Airport land.)

The property was acquired by Missoula County on January 31, 1983, due to 1978 delinquent taxes. After review by the County Attorney's Office, it was decided that a tax deed should never have been taken on the property since other parties, who may have a lease on the property, were not contacted before a tax deed was taken. Therefore, the property is being returned to Montana Pacific International.

Other items considered were:

1. The proposed acquisition of the Blue Star Tipi property was discussed with John DeVore, Operations Officer. Commissioner Dussault moved to proceed with the acquisition based

upon John DeVore's presentation as to terms, Commissioner Palmer seconded and the motion passed unanimously;

2. The surplus property policy draft was discussed and will be submitted for review and comment;
3. The social security withdrawal draft was discussed. Commissioner Dussault moved to table the proposal, Commissioner Palmer seconded, and the motion passed by a 2-1 vote, with Commissioner Evans passing; and
4. Lois Jost, City-County Energy Coordinator, presented an Energy Update Report to the Commissioners.

The minutes of the Daily Administrative Meeting are on file in the Commissioners' office.

MEETINGS

In the afternoon, Commissioner Evans attended an Airport Authority meeting and Commissioner Palmer attended a meeting of the Montana Local Government Energy Committee.

* * * * *

February 23, 1983

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

RESOLUTION NO. 83-11

The Board of County Commissioners signed Resolution No. 83-11, a Resolution considering the issuance of Industrial Revenue Bonds pursuant to the Industrial Revenue Bond Act for Washington Corporations, and the setting of a public hearing to determine as to whether or not the project is in the public interest.

NOTICE OF HEARING

The Board of County Commissioners signed a Notice of Hearing on the issuance of Industrial Revenue Bonds for a proposed Washington Corporations facility setting the hearing date for March 23, 1983, at 1:30 p.m., at which time the County Commissioners will consider the ordering of the proposed project and hear all comments regarding the same.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following item was signed:

PLAT

The Board of County Commissioners signed the plat of Raymond Pines, a planned variation of Park Addition, Lots 17, 18, 19 and 20, Block 26 (to include $\frac{1}{2}$ of the vacated alley).

Other items considered were:

1. The passport issue was discussed by the Board. Commissioner Palmer moved to pay the claim for the passports, Commissioner Dussault seconded and the motion passed by a 2 - 1 vote with Commissioner Evans voting no;
2. Bernard Schmitt of the State Highway Department presented an offer of \$10,100.00 to the Commissioners from the State Highway Department for a 0.56 acre parcel of land on Reserve Street, which the State Highway Department wishes to acquire for additional right-of-way for improvements on Reserve Street;
3. The Commissioners discussed the Mullan Road recommendations with Dick Colvill and Bob Holm of the County Surveyor's Office; and
4. Bill Boggs and Cass Chinske of the Open-Space Committee discussed a city-County Park Lands Exchange with the Commissioners. The Committee is seeking a formal commitment from the County on contributing open space. It was the consensus that a policy would have to be developed by the County.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present were Commissioners Bob Palmer and Ann Mary Dussault.

DISCUSSION ON AND CONSIDERATION OF: RESOLUTION AMENDING THE MISSOULA CITY-COUNTY AIR POLLUTION CONTROL PROGRAM OPEN BURNING RESTRICTIONS

Deputy County Attorney Bob Slomski had drawn up a resolution in regard to the above, which Bob Palmer read, providing for revisions and amendments to the open burning restrictions of the Missoula City-County Air Pollution Control Program.

Chairman Barbara Evans stated that although this matter was not scheduled as a public hearing, she would accept public comment on the issue. She explained that the resolution had to do with open burning, not the burning of solid fuel.

Jim Carlson, Director of the Air Quality Unit of the Missoula City-County Health Department, informed the Commissioners that there were two reasons for changing the regulation:

1. to keep the Missoula County regulations in line with State regulations, which had been changed four times since the County regulations were adopted in 1969; and 2. to change open burning regulations so that people inside high density areas inside the City and the County will not be allowed to burn openly. He said that another change would be that residents outside the areas marked high density will need a permit to burn.

No one else wished to speak on this issue.

PUBLIC MEETING, FEBRUARY 23, 1983, CONTINUED

Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the resolution as proposed by the City-County Health Department in regard to changes in the regulations in regard to open burning be approved and signed. The motion passed by a vote of 2-0. Barbara Evans passed.

RESOLUTION NO. 83-12

Bob Palmer and Ann Mary Dussault signed Resolution No. 83-12, which amended the Missoula City-County Air Pollution Control Open Burning Restrictions. The Resolution stated that whereas on October 22, 1969 the Board of County Commissioners passed and adopted the Missoula City-County Air Pollution Control Program, pursuant to Section 75-2-301, MCA, as the local law for requirements imposed by the Clean Air Act of Montana, effective December 1, 1969; and whereas the Missoula City-County Air Pollution Control Board has proposed revisions and amendments to the open burning restrictions of the Missoula City-County Air Pollution Control Program, and after due notice, conducted a public hearing on said amendments on February 3, 1983, and thereafter approved and passed said amendments at a public meeting on February 10, 1983; and whereas said revisions and amendments were approved by the Air Quality Bureau of the State Department of Health and Environmental Sciences on February 17, 1983, the Board of County Commissioners hereby adopt and enact the proposed revisions and amendments to the open burning restrictions of the Missoula City-County Air Pollution Control Program. Barbara Evans did not sign the Resolution.

HEARING: FLOODFRINGE PERMIT REQUEST - HARRY C. ALLEN - GRAVEL PIT (MULLAN ROAD)

Background information provided by Planner Barbara Isdahl stated that Harry C. Allen had applied for a floodfringe permit for mining operations on a 105-acre parcel located in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 13, T13N, R20W, which lies within the 100-year floodplain of the Clark Fork River. The mining site itself will be approximately fourteen to twenty acres in size, she said, and the mining operation proposes extraction, reduction, blending, separating, mixing and processing of gravel to produce materials which is commonly used in the construction of highways, streets, roads, airports, parking lots, foundations and typical construction projects. She stated that the subject property is located in a C-RR1 zone and stated that the Planning Staff recommendation was to approve the request subject to three conditions as stated in the staff report, along with the findings of fact. She then gave the staff report, which is on file at the Commissioners' Office.

Chairman Barbara Evans then opened the hearing to public comment, asking that proponents speak first. the following people testified in its behalf:

1. Harry Allen stated that he was in support of the planning staff report and recommendations and stated that he had nothing further to add.
2. Robert Phillips, attorney representing Hugh Frame and American Asphalt, stated that he was at the hearing to speak generally on behalf of the Allen permit although he had the following concerns, expressed on behalf of his clients:
 - a. That the Allen permit be made contingent upon reclamation of the property after the gravel has been extracted in accordance with that proposed by the adjacent gravel mining operation of American Asphalt. American Asphalt plans to ultimately create a wildlife refuge or residential property on their site, and they are concerned that other gravel mining operations in the area be under the same restrictions; and
 - b. That the estimate of the level of the 100-year flood in the Allen application had been 3,134; whereas the level of the 100-year flood in the American Asphalt application was 3,142.2 feet. He questioned whether adjoining property could had an 8 foot difference in regard to the estimated level of the 100-year floodplain, and asked for an explanation.

Planner Barbara Isdahl stated that she had called State Floodplain Administrator, John Hamill in Helena and that he had stated that these were accurate elevation estimations and that it was possible to have an 8' difference between the two properties.

Discussion was held on this point, since it is a requirement that subject property granted a floodplain permit be 2 feet above the estimated elevation of the 100-year flood. Deputy County Attorney Mike Sehestedt stated that the County's interest is adequately addressed by requiring that the subject property be 2 feet above the estimated elevation of the 100-year floodplain.

Mr. Phillips then asked that Harry Allen be made party to the lawsuit now pending in District Court between Missoula County and Hugh Frame and American Asphalt in regard to manufacturing (a disallowed use) and extraction (permitted under their floodplain permit). Deputy County Attorney Mike Sehestedt stated that if the Allen site were to have manufacturing equipment rather than just extraction equipment placed on the site, Missoula County would file an action against them for declaratory judgment, and that doubtless the two lawsuits would then be combined. He said that the bone of contention between Missoula County and American Asphalt was at what point does extraction become manufacturing, and that Missoula County is arguing for a point considerably earlier than American Asphalt.

The Board declined to address the question of making the Harry C. Allen a party to the above-mentioned lawsuit, since it was not felt to be in the Board's jurisdiction to make such a requirement.

There were no other proponents and no opponents wishing to testify for or against this application.

Barbara Evans then closed the public comment portion of the hearing.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Floodfringe permit be granted for mining operations on a 105-acre parcel which lies within the 100-year floodplain of the Clark Fork River, subject to conditions and findings of fact as stated below. The motion passed by a vote of 2-0, with Bob Palmer abstaining.

PUBLIC MEETING, FEBRUARY 23, 1983, CONTINUED

The Floodfringe permit located just south of Mullan Road, 2 miles west of Missoula, in SE¼, NE¼, E½, SE¼, Section 13, T13N, R20W was therefore granted for mining operations on the 105-acre parcel which lies within the 100-year floodplain of the Clark Fork River; for a mining site of approximately fourteen to twenty acres in size; the subject property lying within a C-RR1 zone. The mining operation proposes extraction, reduction, blending, separating, mixing and processing of gravel which is commonly used in the construction of highways, streets, roads, airports, parking lots, foundations and typical construction projects. The permit was granted subject to the following conditions:

1. That the permit is for extraction only and does not include processing unless the District Court decides processing is an allowable use under zoning and the Comprehensive Plan;
2. That all elements of the applicant's submittal (site plans, proposed flood-proofing measures, landscaping plans, proposed uses and structures, etc.) be followed; and
3. That the applicant and the Floodplain Administrator of Missoula County set up a compliance schedule within thirty days of the Board of County Commissioners' decision. As floodproofing measures are installed, they shall be inspected by the Floodplain Administrator prior to each flood season.

HEARING: LOLO CREEK VISTA SUBDIVISION (PRELIMINARY PLAT)

Background information on the above-referenced subdivision proposal provided by Planner Barbara Isdahl stated that the proposed plat occupies approximately 41 acres and is located one mile south of Lolo on the west side of U.S. Highway 93. The development will consist of 67 lots planned for single family homes and will have a community water system, fire hydrants and paved streets. The subdivision will have a 1.2 acre park and spruce trees will be planted along the highway side of the development as a visual buffer. The proposed development conforms to the Lolo Comprehensive plan and the existing developmental character of the area; and will be developed in three phases. Staff recommendation was for approval of the preliminary plat for Lolo Creek Vista, subject to the conditions listed in the letter dated February 16, 1983 from the Missoula Planning Office.

Barbara Isdahl then gave the Planning Staff report and recommendations, which are on file in the Missoula County Commissioners' Office.

At this point, Barbara Evans opened the hearing for public comment, asking that proponents speak first. The following people spoke:

1. Nick Kaufman, from Professional Consultants, Inc., spoke on behalf of his client, Mr. Kolb. He asked that Germaine Conrad, representing the Missoula Planning Board, and Bruce Suenram, Rural Fire Chief, make their comments first.

2. Germaine Conrad, representing the Missoula Planning Board, explained the process by which the Board had arrived at its recommendations to the Commissioners. The main topic of discussion was whether sidewalks should be required in the subdivision as a developer expense. The final recommendation of the Planning Board was that a waiver be granted from Section III A6d(4), which requires sidewalks or walkways be provided on at least one side of the street in all urban subdivisions for the reasons that abutting land to the north has no sidewalks and the proposed subdivision is a borderline area between urban and rural designations for subdivisions.

3. Bruce Suenram, Rural Fire Chief, requested that the language in regard to the fire facilities capital improvements fee used in the Brookside conditions be applied to this subdivision also.

Nick Kaufman then stated that his client felt that the fire facilities capital improvements fee was unfair at this point because the formula has not yet been arrived at by the Rural Fire Department. He said that his clients were not opposed to a fire facilities fee in concept, but before they agreed to it, they wanted to see the formula and they wanted to see the amount. He said that they did not want to strap themselves with a form of taxation which may or may not be legal and may or may not be fair.

In regard to the Planning Board's waiver of the Section requiring sidewalks or walkways on at least one side of the street in all urban subdivisions, he said that he felt that it would be a hardship imposed on the developer to require sidewalks as a developer cost, and urged the Board to adopt the recommendation of the Planning Board to waive this requirement.

The Board then discussed the memo, prepared by Planning Director Kristina Ford, at their request. The memo, dated February 23, 1983, and titled, "Sidewalk Justification for Lolo Creek Vista," states:

"Originally, the planning staff recommended that a sidewalk variance be granted to Lolo Creek Vista. The developers don't want to install any sidewalks in this proposed subdivision.

A variance is needed because Lolo Creek Vista essentially meets the definition of "urban density" under Missoula's subdivision regulations. The regulations require installation of sidewalks on at least one side of each street in subdivisions of urban density.

The staff has granted variances for similar subdivisions in the past. Variances were granted under the condition that developers agreed to state in the subdivision plat that purchasers would 'waive their right to protest formation of a rural special improvement district for installation of sidewalks.' We discussed this waiver with the Lolo Creek developers and they agreed to provide for it.

However, since then, we also requested an opinion from the County Attorney's Office concerning the legality of the waiver provision. Essentially, that office said that such a waiver is unconstitutional. Requiring citizens to waive their right to protest, the County Attorney said, would deprive them of their right to due process.

PUBLIC HEARING, FEBRUARY 23, 1983, CONTINUED

The staff was trying to enforce what we think is a necessary provision in Missoula's subdivision regulations. The waiver provision, if it were allowable, would have meant that if one resident requested an RSID for sidewalks, no other resident could protest. That being the case, certainly sidewalks would have been put in shortly after people started taking up residence.

Lolo Creek Vista is right on the borderline of being urban, that is of having more than two dwelling units an acre. The developers argue that increasing the density would make sidewalk installation financially feasible. They state that sidewalks are not financially feasible under the proposed density.

When completed, Lolo Creek Vista will include 67 single family houses. At a very minimum then, we're talking about 150-plus people, all of whom, we could probably assume, won't be adults. About half of the subdivision will be located on a hillside.

In addition to the unique characteristics that this subdivision presents, granting a variance for any subdivision of this density will set a precedent of nullifying the sidewalk requirement set forth in Missoula's subdivision regulations (Section III A.6.d.(5)). If a variance is granted, without providing for a recourse which would in effect require compliance, the precedent for non-compliance would be set.

The primary motivation for requiring sidewalks is safety. Convenience for snow shoveling, mail delivery and other residential needs are also better served, however, primarily we're talking about safety separating pedestrians and motor vehicles.

Children under age 10 and older people tend to be most vulnerable to pedestrian accidents. Residential areas are the prime location for pedestrian accidents. People walk back and forth to visit one another, children roller skate, ride tricycles and bikes, go to and from school and play running games. Meanwhile, people use motor vehicles to go shopping, to get to and from work, to run home for something they forgot and to transport visitors in from surrounding areas.

Information comparing pedestrian accidents in areas with sidewalks versus those without is being prepared, federally, now. But from previous studies of pedestrian accidents, experts have recommended sidewalk installation.

The American Association of State Highway and Transportation officials recommends sidewalks on at least one side of all streets involving the amount of traffic and numbers of pedestrians Lolo Creek Vista will involve. The Institute of Transportation Engineers recommends sidewalks on both sides of all streets abutted by residential dwelling units per acre.

We believe Missoula has chosen the least restrictive option in requiring sidewalks that is possible to still provide reasonable safety. The numbers of accidents are substantially reduced by the presence of sidewalks."

The ensuing discussion centered around whether the waiver of sidewalks would stand up in a court of law. Deputy County Attorney Mike Sehestedt stated that the waiver had been suggested as a compromise between requiring and waiving sidewalks and he still thought it was a good faith solution. His recommendation to the Board on this issue was to grant or not grant the waiver in accordance to whether or not they think it was a good idea to require sidewalks in the subdivision or not.

Tom McCarthy, of PCI, stated that he would like to see an instrument created at that time rather than a waiver so that they would know if they had to install curbs and gutters or not. He said that the curbs and gutters were the big expense.

Ann Mary Dussault stated that she wasn't sure that the Board would not be creating one more mess to grant an exemption. She said that in spite of the arguments which had been presented at the hearing, she felt that it did not make sense not to require sidewalks at developer expense.

Mike Sehestedt suggested that there were ways to get a guarantee that sidewalks would be provided through a triggering mechanism guaranteeing that at some point in the phased development, sidewalks would have to go in, whether they were provided by the developer or through an RSID by the residents. He said that as long as the development was still owned by one owner, the developer, it was easier to set up the triggering mechanism.

Barbara Isdahl stated that the developer proposed a three-phase development on the property, which would take from three to five years to complete.

Barbara Evans asked why the developers couldn't agree to an RSID at this point, and Tom McCarthy replied that the developers did not feel that sidewalks were an appropriate part of the design of the subdivision at this time, and that he would like the matter to be treated through a waiver, as it had been for subdivisions granted previously.

Ann Mary Dussault stated that the waiver was not intended to be used for that purpose. She then asked for an explanation of the problem with the fire facilities capital improvement fees.

Nick Kaufman explained that Bruce Suenram felt that when a new development is platted, new burdens are placed on existing fire facilities and that it was not fair for people who have been paying for these services all along to pay the same amount as the new people, who have the benefit of the developed services without having paid for them.

Barbara Isdahl added that the problem with assessing this fee is that the Rural Fire Chief has not yet developed a formula for assessing this fee, so it was not known what percentage or what amount the developer would be charged.

PUBLIC HEARING, FEBRUARY 23, 1983, CONTINUED

Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the preliminary plat for Lolo Creek Vista Subdivision be approved, subject to the following conditions, variances and findings of fact. The motion passed by a vote of 3-0.

The Preliminary Plat for Lolo Creek Vista, therefore, is subject to the following conditions:

1. That grading, drainage, erosion-control and street plans be approved by the County Surveyor's Office;
2. That Meadow Vista Drive be renamed, and that the name be approved by the County Surveyor's Office;
3. That the irrigation ditch easement be outside the road right-of-way at the cul-de-sac;
4. That public utility easements be shown on the back of the lots;
5. That the developer provide a 24-foot pavement width on streets without curbs; that the base width be left as shown on typical sections; and that the remaining roadways have a 28-foot pavement width and curbs and gutters;
6. That fire hydrant locations and fire-flows be approved by the Rural Fire Chief;
7. That curbs and gutters be installed in the upper roads; and
8. That sidewalks, curbs and gutters be approved by the County Surveyor and the Planning Staff.

The approval of the Preliminary Plat for Lolo Creek Vista is also subject to the following variance:

1. A waiver from Section IIIA6d(1) that the maximum cul-de-sac length shall be 1,000 feet. This development proposes a cul-de-sac length of approximately 1,600 feet.

The following are the reasons for granting this variance:

- a. The topography, although it would allow the development of the hillside, would render a loop road impractical because of the steepness of the slope at the west end; and
- b. A limited number of lots (20) will access onto the cul-de-sac.

In addition, the Board of County Commissioners found the Lolo Creek Vista Subdivision to be in the public interest based on the following findings of fact:

- Criterion 1: Based on the policies of the Comprehensive Plan, the development is needed in this area, which is adjacent to Lolo;
- Criterion 2: One written comment was received in favor of this development. Concerns expressed at the hearing before the County Regularity Commission and the Missoula Planning Board included: a) whether overflow of the irrigation ditch would present a potential hazard; b) the possibility of groundwater contamination; c) the suitability of the drainfield; and d) earth berming along Highway 93;
- Criterion 3: Approximately twenty (20) acres of potentially prime agricultural soils (if they would have been irrigated) will be removed from production;
- Criterion 4: Concerns had been expressed by Dr. James Hill, Superintendent of the Lolo School, over overcrowding in the school; however, a letter dated 2/1/83 from Judy K. Hugelen, Chairperson of the Board of Trustees, stated that the Board of Trustees, Lolo Public School District No. 7, Lolo, Montana, will not oppose the Lolo Creek Vista Subdivision;
- Criterion 5: The developer states that he expects the annual property tax to raise from \$1,500 prior to subdivision, to \$31,000-\$40,000 expected annual revenue after the subdivision is developed;
- Criterion 6: No adverse environmental impacts are anticipated;
- Criterion 7: The Montana State Department of Fish, Wildlife & Parks states that because of proximity of the subdivision to winter range (within one mile), there should be strict enforcement of regulations concerning dogs. The developer has submitted covenants requiring dogs to be restrained at all times; and
- Criterion 8: Traffic, sanitary restrictions and drainage are being reviewed by the appropriate agencies to ensure that there will be no safety hazards.

Bob Palmer moved that the language in regard to the fire facilities capital improvement fee that was required of the Brookside developers be required for this subdivision also. There was no second, so the motion died.

HEARING: LOTS J-7, U-8, T-2 and T-3 ADDITIONS TO BIG SKY LAKE ESTATES (SUMMARY PLAT)

Information provided by Planner Barbara Isdahl stated that Big Sky Lake Estates is a recreational subdivision located around Fish Lake, about 4 miles east of Salmon Lake. Lots J-7, U-8, T-2 and T-3 have a total area of 5.26 acres. The maximum size of the lot is 2.01 acres and the minimum lot is .85 acres. The proposed use is for 4 single-family lots. The lots will be served by individual water and sewer systems. These lots follow the Master Plan approved by the County Commissioners on December 21, 1976.

PUBLIC MEETING, FEBRUARY 23, 1983, CONTINUED

She stated that approval of the summary plat for J-7, U-8, T-2 and T-3 additions to Big Sky Lake Estates was recommended by the Planning Board to be subject to two conditions.

She then read the Planning Staff report, which is on file in the Commissioners' Office.

Barbara Evans opened the hearing to public comment, asking that proponents speak first. The following person testified in favor of granting the summary plat:

1. Gordon Hollinger, developer of Big Sky Lake Estates, stated that he wanted condition no. 2, that grading, drainage, erosion control and street plans by approved by the County Surveyor's Office, deleted from the conditions because the roads had been installed and approved previously.

In response to a question from Bob Palmer as to why this particular condition had been included in the staff report, Barbara Isdahl replied that the purpose of including it was to assure that the roads were still up to the standards that had been imposed on the developer at the time of approval of the plat originally in 1965.

Deputy County Attorney Mike Sehestedt suggested the following wording for condition no. 2 as an alternative to the Planning Board's recommended language: "That the County Surveyor certifies that the roads serving these lots has been previously approved."

Mr. Hollinger then stated that he had a letter from the Missoula County Health Department that one of the conditions of Health Department approval would be that lot 7 would have to be an acre in size, and asked that the Commissioners waive that requirement.

Mike Sehestedt stated that the Board of County Commissioners cannot address health regulations, but suggested that the problem could be resolved by granting an easement from the common area for sanitary and sewer services serving that lot to bring the size to the requisite acre for that purpose.

There were no other people wishing to speak either for or against granting the Summary Plat for Big Sky Lake Estates, as presented.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the Summary Plat be approved, subject to the two conditions listed below, the second incorporating the change in language suggested by Deputy County Attorney Mike Sehestedt. The motion carried by a vote of 3-0.

The Amended Plat for Lots J-7, U-8, T-2 and T-3 of Big Sky Lake Estates, Summary Plat, is therefore subject to the following conditions:

1. That sanitary restrictions be lifted by state and local health authorities; and
2. That the Missoula County Surveyor certify that the roads serving these lots has been previously approved.

The Board found the Summary Plat approval to be in the public interest, based on the following findings of fact:

- Criterion 1: The overall density of Big Sky Lake Estates is in compliance with the Comprehensive Plan, which designates the area for one (1) dwelling unit per ten (10) acres;
- Criterion 2: No public opposition was expressed at the above-referenced public hearing on February 23;
- Criterion 3: Effects on agriculture should be minimal;
- Criterion 4: Services are available in Seeley Lake;
- Criterion 5: The tax base is expected to increase;
- Criterion 6: Minimal impact on the environment is expected;
- Criterion 7: The impact on wildlife will be minimal; and
- Criterion 8: Public health and safety are being addressed by the appropriate agencies.

There being no further business, the public meeting was recessed at 4:15 p.m.

* * * * *

PUBLIC HEARING

Commissioners Evans and Dussault attended a public hearing concerning Harper's Bridge held at the Target Range School in the evening.

February 24, 1983

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

RESOLUTION NO. 83-13

The Board of County Commissioners signed Resolution No. 83-13, a resolution to vacate that portion of the County Road described as, "The east ten (10) feet of Johnson Street adjacent to Block 20, Riverside Addition, between Wyoming and Dakota Streets. The public hearing on the petition was held on February 2, 1983.

February 24, 1983, Continued

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following item was signed:

PROFESSIONAL SERVICES CONTRACT

The Board of County Commissioners signed a Professional Services Contract with David Blatchford, an independent contractor, for carpenter work in the Old Courthouse for the period of February 9, 1983, to April 5, 1983, for an amount not to exceed \$600.00.

BOARD APPOINTMENTS

The Board of County Commissioners appointed the following to the Missoula County Weed Control Board of Supervisors: Wendel J. Hann, Billy H. Hardman and Dale L. Johnson were appointed to three-year terms, which will expire on December 31, 1985; and Kristin A. Studer was appointed as the "alternate member" for a three-year term, which will also expire December 31, 1985.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

LUNCHEON MEETING

Commissioner Evans attended a luncheon meeting on crime prevention, sponsored by the Missoula Exchange Club, at noon.

WELFARE BOARD MEETING

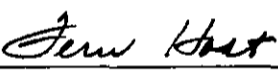
The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 353 cases, which were presented for consideration by the Missoula County Welfare Department.

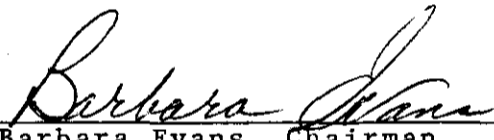
February 25, 1983

The Board of County Commissioners met in regular session briefly in the morning, with a quorum of the Board present. Commissioner Palmer left early in the morning, and Commissioners Evans left in the forenoon for Washington, D.C. to attend the NACo Legislative Conference.

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List, dated February 24, 1983, pages 1-31, with a grand total of \$93,523.73. The Audit List was returned to the Accounting Department.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman
Board of County Commissioners

February 28, 1983

The Board of County Commissioners did not meet in regular session, as a quorum of the Board was not present. Commissioners Evans and Palmer were in Washington, D.C., attending the NACo Legislative Conference.

March 1, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was in Washington, D.C., attending the NACo Legislative Conference through March 2, 1983.

CLAIMS

Claims were presented by warrants for pay periods 16 & 17 (2-28-83), to be drawn on the following funds in the following amounts:

Miscellaneous Fund	\$153,058.04
Working Fund	54,946.68
Bridge Fund	1,825.29
Road Fund	55,538.47
Planning Fund	40,767.44
Weed Fund	4,171.91
General Fund	366,950.45

The original claims are on file in the Auditor's Office.

BID AWARD

The following bids were received for the purchase of six vehicles for the Sheriff's Department:

Bitterroot Motors	\$ 52,694.00
T&W Chevrolet	54,337.02
Grizzly Auto	53,122.00
Treasure State Motors	48,181.30

All of the above prices are less trade-ins.

March 1, 1983, Continued

In accordance with the recommendation of the Sheriff's Department, Commissioner Dussault moved that the bid be awarded to the low bidder, Treasure State Motors, for the sum of \$48,181.30, to supply six (6) Dodge Diplomats to the Sheriff's Department; Commissioner Palmer seconded, and the motion passed by a 2-0 vote. Commissioner Evans was absent.

PROCLAMATION

The Board of County Commissioners signed a Proclamation declaring the week of March 6-13, 1983, as Women's History Week, and calling upon the people of Missoula County to observe the week with appropriate ceremonies and activities.

* * * * *

March 2, 1983

The Board of County Commissioners met briefly in the forenoon; a quorum of the Board was present. Commissioner Dussault left at noon for Helena to attend a MACo meeting.

CANCELLATION OF PUBLIC MEETING

The weekly public meeting, which would have been held March 2, 1983, was cancelled, as Commissioners Evans and Dussault were out of town.

* * * * *

March 3, 1983

The Board of County Commissioners did not meet in regular session, as all three Commissioners were out of town. Commissioners Evans and Dussault were in Helena, attending the MACo Midwinter meeting; and Commissioner Palmer left for Portland, Oregon, to attend a Local Government Energy Committee Meeting, through March 5, 1983.

* * * * *

March 4, 1983

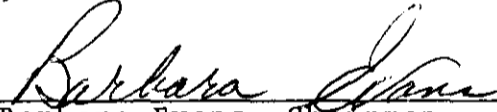
The Board of County Commissioners did not meet in regular session, as a quorum of the Board was not present. Commissioner Dussault was in Helena to attend a MACo committee meeting and the Legislative Session, through March 5, 1983.

INDEMNITY BONDS

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

1. Naming Dickinson's Music as principal for warrant no. 005535, issued 11/4/82; on Missoula County High School General Fund in the amount of \$20.00, now unable to be found;
2. Naming Patty Speer as principal for warrant no. 716, issued 1/25/83, on the Missoula County High School Miscellaneous Federal Fund No. 8, in the amount of \$21.00, now unable to be found; and
3. Naming the Department of Administration/Personnel Division as principal for warrant no. 77152, issued 7/1/82, on the Missoula County Road/Bridge/Surveyor Working Fund, in the amount of \$80.00, now unable to be found.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman
Board of County Commissioners

* * * * *

March 7, 1983

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 3/4/83, pp. 1-38, with a grand total of \$149,911.74. The Audit List was returned to the Accounting Dept.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting, held in the forenoon, the following items were signed:

CERTIFICATES OF ACCEPTANCE

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

1. West Fork Bear Creek Road - a ¼-mile section of this road in the Potomac area. This is a gravel road, which has been maintained for many years, but has never been formally accepted; and
2. South Holland Lake Road - a ½-mile section of road in the Swan Valley, which has been on the Forest Service Agreement since 1967 for summer maintenance only. However, in the 1982 update of the Agreement, the County agreed to year-around maintenance because it is a school bus route.

LEASE AGREEMENT

Chairman Evans signed a Lease & Purchase Option Agreement between IFG Leasing Company of Great Falls, Montana, and Missoula County, for the heating and cooling project (Contract No. 78265), in accordance with the terms set forth in the Agreement, which was returned to General Services for further handling.

March 7, 1983, Continued

REQUEST FOR APPROVAL

The Board of County Commissioners signed a letter dated March 4, 1983, to Donald L. Dooley, Local Assistance Bureau Chief of the Division of Local Government Services in Helena, requesting approval by the State of the Destruction Lists, as of 2/23/83, and 3/4/83, in accordance with the retention schedule. The letter was returned to Fern Hart, Clerk and Recorder, for further handling.

The following matter was discussed by the Board with John DeVore, Operations Officer:

Commissioner Dussault moved that the salvage bid submitted by Helena Body & Pain in the amount of \$985, less towing of \$85 & storage of \$54, for a total of \$846, be approved, for insurance purposes, in regard to the wrecked Skylark; and that the other two Skylarks be purchased as replacements for current vehicles in the motor pool. Commissioner Palmer seconded the motion, and it passed unanimously.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *

March 8, 1983

The Board of County Commissioners met in regular session; all three members were present until noon. Commissioner Evans was out of the office in the afternoon. Commissioner Palmer attended a Montana Local Government Energy Committee Meeting, which was held at the Missoula County Courthouse during the day.

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report of Justice of the Peace, Janet Stevens, for collections and distributions for month ending February 28, 1983.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, David Feffer, Health Officer, and staff members presented the Budget Status Report of the Health Department to the Commissioners.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

MEETING

Commissioners Evans and Dussault, along with Health Department and Planning Department personnel, attended a meeting with Milltown and West Riverside residents held in the Bonner School in the evening.

* * * * *

March 9, 1983

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, dated March 8, 1983, to the County Auditor's Office, acknowledging receipt and review of the Audit of the books and records of the R.S.V.P. Fund for the period from February 1, 1981 to November 30, 1982. The Audit was forwarded to the Clerk and Recorder's Office.

Other matters considered by the Board were as follows:

1. The County response to the Supplementary E.I.S., as prepared by Arlene Braun of the County Attorney's Office, was discussed and approved in general terms and will be presented at the DNRC/BPA Hearings to be held in Missoula, March 10th & 11th.
2. The KUFM broadcast line rates for Room 201 were discussed. Commissioner Dussault moved to approve the installation of the lines at the rates given, of \$24.30 to install and \$16.35 per month thereafter. Commissioner Palmer seconded, and the motion passed unanimously; and
3. The Human Resources Development Council's budget appropriation request was discussed. Commissioner Dussault moved to deny the additional request. Commissioner Palmer seconded the motion, and it passed unanimously.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Commissioner Ann Mary Dussault was also present. Commissioner Bob Palmer was absent.

BID AWARD: ROAD SANDING MATERIAL (SURVEYOR)

Information supplied by County Surveyor Dick Colvill stated that the following bids for the contract for road sanding materials (10,000 tons) were received and opened on February 28, 1983:

Western Materials	\$3.00/ton	- \$30,000
L.S. Jensen & Sons	3.05/ton	- 30,500
Washington Construction	3.45/ton	34,500
American Asphalt, Inc.	3.65/ton	36,500
Nicholson Paving	4.10/ton	41,000

PUBLIC MEETING, MARCH 9, 1983, CONTINUED

He explained that the material is for next winter's road sanding. He also explained that the specifications allow them to increase or decrease the quantity by 25% without changing the unit price.

In accordance with County Surveyor Colvill's recommendation, Ann Mary Dussault moved, and Barbara Evans seconded her motion, that the bid for 10,600 tons of road sanding material be awarded to the low bidder, Western Materials, Inc. at a total cost of \$31,800. The motion carried by a vote of 2-0. (The Surveyor's Office did increase the quantity by 25%).

HEARING: REQUEST TO VACATE THE WESTERLY 10 FEET OF JOHNSON STREET BETWEEN WYOMING STREET AND INTERMOUNTAIN LUMBER COMPANY (LLOYD TWITE)

Under consideration was a request from Lloyd A. and Mary C. Twite to vacate the westerly 10 feet of Johnson Street between Wyoming Street and Intermountain Lumber Company. The Twites felt that the width of Johnson Street at this time could be reduced by ten feet. The County Surveyor concurred that the road plus easement was still an adequate width at 60 feet. The advantage to the County would be that the vacated 10 feet would be added to the tax rolls.

Information provided by Recording Section Supervisor, Kathy Doerr Mitchell, stated that title to the property adjacent to Johnson Street is vested in the following persons:

Lots 1 and 20, Block 19, Riverside Addition, Missoula County Twite Childrens' Trust; and

Lot 1, Block 30, Riverside Addition, Missoula County
Jack Green II, Patrick McDonald and James D. Caras, as Trustees of
Twite Children's Trust

Since the Surveyor and Deputy County Attorney Jean Wilcox had each reviewed and approved the request, and since requirements of Montana Statutes in regard to road vacations had been met, including one Commissioner (Ann Mary Dussault) in the company of the County Surveyor having viewed the site, and since the \$75.00 levied for County administrative costs had been paid by Mr. Twite, Ann Mary Dussault moved, and Barbara Evans seconded her motion, that the westerly 10 feet of Johnson Street between Wyoming Street and Intermountain Lumber Company be vacated. The motion passed by a vote of 2-0.

There being no further business, the meeting was recessed at 1:35 p.m.

* * * * *

RESOLUTION NO. 83-14

The Board of County Commissioners signed Resolution No. 83-14, approving the vacation of "that portion of the County road described as the westerly ten (10) feet of Johnson Street between Wyoming Street and Intermountain Lumber Company." The Resolution was forwarded to the Clerk and Recorder's Office for recording.

TESTIMONY

Commissioner Palmer presented testimony in the afternoon at the Northwest Power Planning Council Hearing, which was held at the University of Montana.

HEARING

Commissioner Dussault attended the Department of Natural Resources/BPA Hearing in the evening.

* * * * *

March 10, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault attended the Department of Natural Resources/BPA Hearings, which were held at the University of Montana all day on March 10th and 11th.

MEETING

Commissioner Palmer spoke at the Sentinel Kiwanis breakfast meeting in the morning.

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report of Justice of the Peace W. P. Monger, for collections and distributions for month-ended February 28, 1983.

WELFARE BOARD MEETING

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 132 cases, which were presented for consideration by the Missoula County Welfare Department.

* * * * *

March 11, 1983

The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present. Commissioner Palmer was in Helena attending a meeting of the Urban Coalition and on legislative matters.

Fern Hart

Fern Hart, Clerk & Recorder

Barbara Evans

Barbara Evans, Chairman
Board of County Commissioners

* * * * *

March 14, 1983

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

BUDGET TRANSFER

The Board of County Commissioners signed Budget Transfer No. 830009, a request from the Bridge Department to transfer \$4,000.00 from the Capital Construction/Dust F.A. Account to the Tools & Materials Account to cover expenses for replacement of bridge guardrails. The expenses were higher than anticipated, mainly due to the Harper's Bridge handrails, and adopted the transfer as a part of the Fiscal Year '83 Budget.

CERTIFICATE OF SURVEY COVENANTS

The Board of County Commissioners signed approval of the Certificate of Survey Covenants for owners Ralph and Teri Peterson, provided that the divided land will be used exclusively for agricultural purposes and exempt from review as a subdivision. The Certificate of Survey was returned to the owners for filing with the Clerk and Recorder.

Other items considered by the Board included:

1. A discussion on telephone long distance. No action was taken, and
2. Gerry Marks, County Extension Agent, presented a review of the Weed Board to the Commissioners, and announced that they would be meeting March 16 to discuss new programs and public response.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *

March 15, 1983

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

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri showing items of fees and other collections made for the month ending February 28, 1983.

MEETING

Commissioner Evans attended a Crimestoppers Meeting at noon.

BOARD APPOINTMENTS

The Board of County Commissioners appointed the following as the County appointees to the Missoula City-County Library Board of Trustees, which was restructured under the Interlocal Agreement: Karen Foster to a three-year term, which will expire December 31, 1985; Keith Nave to a two-year term, which will expire December 31, 1984; and Elaine Shea to a one-year term, which will expire December 31, 1983.

* * * * *

March 16, 1983

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

AGREEMENT

Chairman Evans signed an Agreement for Purchase of Power between Missoula Electric Cooperative, Inc., and Missoula County, whereby the County agrees to purchase and receive from the seller all electrical energy required for Special Improvement Lighting District No. 1, Frenchtown, in accordance with the Seller's Yard Light Schedule attached to the Agreement, and in accordance with the terms set forth in the Agreement. The Agreement was returned to General Services for further handling.

AGREEMENT

Chairman Evans signed approval of the Agreement between the State Highway Department and the Missoula Irrigation District, whereby Missoula County is committed to maintain the culvert at Dore Lane and 39th Street once it is installed. The Agreement was returned to the Surveyor's Office.

RESOLUTION NO. 83-15

The Board of County Commissioners signed Resolution No. 83-15, a Resolution of Intent to Sell Real Property, whereby Missoula County intends to accept an offer of \$10,100.00 from the State of Montana Department of Highways for an 0.56-acre parcel of land on Reserve Street for the purpose of widening the right-of-way. Upon publication of the Resolution of Intent for three weeks, Missoula County will accept the offer and transfer ownership by quitclaim deed to the State of Montana in exchange for \$10,100.00.

RESOLUTION NO. 83-16

The Board of County Commissioners signed Resolution No. 83-16, a resolution accepting easements from Gladys Marie Gray, Roy Gray and Mary Ann Gray for the South Hills Storm

March 16, 1983, Continued

Drain. The easements, for a cost of \$7,783.00, are from Miller Creek going west and completes the acquisition of all required right-of-way for Phase I of the storm drain system (from the Bitterroot River to Meadow Hill School). The easements and resolution were sent to the Clerk and Recorder's Office for filing.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

MEETINGS

In the afternoon, Commissioner Evans attended a Gambling Commission Meeting, and Commissioner Palmer met with Representatives of the involved counties on the BPA Impact Aid Survey.

NOTICES OF SALE

Chairman Evans signed Notices of Sale of Bonds for RSID's Nos. 393 and 394, setting the sale date for April 20, 1983 at 7:30 p.m.

PUBLIC MEETING

Chairman Barbara Evans opened the public meeting at 7:30 p.m. Commissioners Bob Palmer and Ann Mary Dussault were also present.

BID AWARDS

Chairman Evans announced the postponement of the bid award for the word Processing System until all bids can be thoroughly reviewed.

BID AWARD

The following bids were received for traffic line paint for the Surveyor's Office:

Columbia Paint	\$11,857.00
Traffic Control Signs Co.	13,737.00
Redland Prismo Corp.	16,520.00
Ennis Paint Mfg. Inc.	17,707.90
T.P.S. Corporation	17,875.00

The bids consisted of separate prices for yellow traffic paint and white traffic paint. Columbia Paint had the lowest unit price on both kinds of paint. The specifications permit us to vary the quantity of paint 25% up or down without changing the unit price.

Commissioner Dussault moved that the County award the bid to the low bidder, Columbia Paint, per the Surveyors recommendation as follows:

1,600 gal. yellow paint @ \$4.49/gal.	\$ 7,184
1,400 gal. white paint @ \$4.30/gal.	6,020
	<u>\$13,204</u>

This represents an increase in the quantity of yellow paint from 1,300 gal. to 1,600 gal. The quantity of white paint remains at 1,400 gal., as bid. The unit prices are as bid.

Commissioner Palmer seconded the motion. The motion carried 3-0.

BID AWARD

The following bids were received for construction and installation of a ventilation system at the Weed Control Shop:

Missoula Sheet Metal	\$ 3,367.50
Western Sheet Metal	4,300.00

Commissioner Dussault moved that the County award the bid to the low bidder, Missoula Sheet Metal, per the Weed Control Dept. recommendation. Commissioner Palmer seconded the motion. The motion carried 3-0.

OTHER BUSINESS

Chairman Barbara Evans announced that Paul Dwight, the County Budget Officer/Loaned Executive to Larchmont Golf Course, has resigned - effective immediately. She stated that she was sorry to lose Paul and that recently he had been working to help save Larchmont from the financial stress it has been undergoing.

Commissioner Evans stated that as a result of Mr. Dwight's resignation, the structure of Larchmont will be as follows:

There will be a Board of Directors consisting of the (3) County Commissioners, Mike Sehestedt (Deputy County Attorney), Gordon Morris (County Administrative Officer), Howard Schwartz (County Executive Officer), and Jim Van Fossen (City Parks & Recreation).

There will be Advisory committees on 1) Management, 2) Grounds, 3) Tournaments etc..

Dan Desmond will continue as Manager of the Golf Course and will be administratively responsible to Howard Schwartz. He will attend weekly board meetings and work on the adoption of a work plan.

The County Budget Team will continue handling Budget matters.

There being no further business, the meeting recessed at 7:40 p.m.

* * * * *

March 17, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was in Helena on legislative matters during the day.

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List, dated 3/16/83, pages 1-37, with a grand total of \$206,397.65. The Audit List was returned to the Accounting Department.

RESOLUTION NO. 83-17

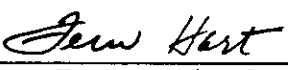
The Board of County Commissioners signed Resolution No. 83-17, a resolution amending the water regulations of the Lolo Sewer and Water District, Missoula Co. R.S.I.D. No. 901,

March 17, 1983, Continued

as reflected in Page W-5, Res. 12-82, attached to and incorporated in the resolution.

March 18, 1983

The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present. Commissioners Palmer and Dussault were in Helena on MACo business and legislative matters.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman
Board of County Commissioners

March 21, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon, and 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:

EMPLOYMENT CONTRACT

The Board of County Commissioners signed an Agreement between Missoula County and Susan Thomas, a registered nurse, for the provision of nursing services as required in the Missoula County Jail, in accordance with the terms set forth in the Agreement, which will become effective on April 18, 1983.

PROFESSIONAL SERVICES CONTRACT

The Board of County Commissioners signed a Professional Services Contract with David Blatchford, an independent contractor, for the purpose of completing the woodworking in the Old Courthouse. The Contract will be effective March 17, 1983, and conclude by April 15, 1983.

RESOLUTION NO. 83-18

The Board of County Commissioners signed Resolution No. 83-18, a budget amendment (Planning Department), adopting the following expenditures and revenue estimates as a part of the fiscal year '83 operating budget:

<u>Description of Expenditure</u>				<u>Budget</u>	
Planning Department 16-260-13-00					
	001	\$6,525	040	\$600	
	002	350	044	50	
	017	1,375	172	400	
	037	100	174	700	
	038	100	195	2,000	
				<hr/>	
				\$12,200.00	
<u>Description of Revenue</u>				<u>Revenue</u>	
Housing Authority 16-925-00-00-549				\$12,200.00	

AGREEMENT

The Board of County Commissioners signed an Agreement between the Board of County Commissioners on behalf of Missoula County and the Trustees of the Missoula Rural Fire District; whereby the County agrees to loan \$5,000.00 to the Trustees, which shall be repayable over a period of five years, and the granting of up to \$5,000.00 in equipment as an in-kind contribution. The equipment list is attached to the Agreement and shall be transferred to the Trustees on or before June 1, 1983. The equipment and loan shall be utilized in the equipping and training of a hazardous material response team for protecting the residents of Missoula County. Such utilization shall be made in accordance with the budget request made by Trustees during fiscal year 1982-1983.

Other matters considered by the Board included:

1. A discussion on the purchase of the three Buick Skylarks, the bank price being \$3,600 each, was held with Operations Officer, John DeVore;
2. The authorization to proceed with the Citizen Survey was given to John Wicks of the University of Montana Economics Department; and
3. A report was given by Jean Wilcox, Deputy County Attorney, on the El Dorado suit, the Bradford Alley situation and the Forest Service Rattlesnake Road Wilderness Plan.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

March 22, 1983

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

PROFESSIONAL SERVICES CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Carolyn Fox, an independent contractor, for the purpose of conducting Ames Test analysis on 110 particulate filters from ambient air and solid fuel appliances and to prepare a final written report which shall include the reduced data concerning the mutagenic potential of the filters analyzed and an evaluation of the potential health impacts of mutagenic particulates on the Missoulapopulation. The Contract is in effect as of March 20, 1983, and

March 22, 1983, Continued

shall conclude by December 1, 1983. The total payment shall not exceed \$1,700.00.

FLOODWAY PERMIT

Commissioners Evans and Palmer signed a floodway permit for Jim Ford, FP-82-014, granting him permission to construct a 23X112-foot livestock and equipment storage shed in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, T12N, R20W in the 100-year floodplain of the Bitterroot River, subject to the following conditions:

1. The applicant advises the Floodplain Administrator on the completion date of the project for a site inspection to determine compliance. Any construction which will take place prior to the next flood season shall be inspected by the Floodplain Administrator on April 1, 1983 and again on September 1, 1983.
2. The applicant shall orient the shed so that the longest side parallels the direction of the flow of the Bitterroot River.

The public hearing was held November 10, 1982, and the Board of County Commissioners voted at that time to approve the permit. Mr. Ford signed the permit on March 18, 1983.

MEETING

The Board of County Commissioners and several County officials and staff members and a representative of the State Highway Department attended a meeting held at the Courthouse in the afternoon, with Milltown, Bonner and West Riverside residents. The meeting was a follow-up to the March 8th meeting.

* * * * *

March 23, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon, and all three members were present in the afternoon. Commissioner Palmer was in Helena on Legislative Matters in the forenoon.

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 with Ann Robinson, an independent contractor, for work on the restoration of the dome on the third floor rotunda of the Courthouse. The contract commences March 21, 1983, and will conclude on May 15, 1983, for an amount not to exceed \$1,500.00. The Contract was returned to John DeVore, Operations Officer, for further handling.

CERTIFICATE OF ACCEPTANCE

Chairman Evans signed a Certification of Acceptance for County Maintenance for an additional 870 feet of Washo Road in the Potomac Area. This is an old petitioned road that we recently accepted for maintenance after a recent dedication. This extends the maintenance the full length of the new dedication. This section was not accepted with the original Washo Road acceptance because it was thought that no one lived on it; however, the County was informed that someone lives year-around on the road. The Certificate was returned to the Surveyor's Office.

POLICY STATEMENT No. 83-B

The Board of County Commissioners signed Policy Statement No. 83-B, dated March 14, 1983, a Surplus Property Accountability Overview, which outlines the general and specific accountability requirements for all fixed assets obtained by the County through the surplus property program. This is an addendum to the "Fixed Asset System Accountability" which was adopted by Resolution No. 82-135.

RESOLUTION NO. 83-20

The Board of County Commissioners signed Resolution No. 83-20, resolving that the appropriate County offices recompute the taxes due for 1982 on Washington Corp. Reserve Street Development Company Grant Creek Center Phase I and II property, abate the original tax bill, issue a new tax bill based on the corrected valuation, and make a refund of the amount overpaid upon submission of a duly executed claim by the taxpayer.

BOARD APPOINTMENT

Upon receipt of a revision in the bylaws, increasing the number of members from 9 to 11, the Board of County Commissioners appointed Don Turner and Mark Jennings to three-year terms on the Missoula Area Agency on Aging Board. Their terms will expire on December 31, 1985.

The Board of County Commissioners unanimously voted to appoint Dan Cox to the Golf Course Board to fill the position vacated by Jim Van Fossen.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

SWEARING-IN CEREMONY

In accordance with Montana State Statute, Chairman Evans swore in Fern Hart as Missoula County Treasurer.

PUBLIC MEETING, MARCH 23, 1983

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Commissioners Bob Palmer and Ann Mary Dussault were also present.

BID AWARDS: BOND BIDS AND CONSTRUCTION BIDS FOR RSID'S NOS. 395 & 396 - GRANTLAND 12 & 13.

Information provided by Operations Officer, John DeVore, stated that the following three bids had been received for construction work on RSID's Nos. 395 & 396, Grantland 12 & 13:

- | | |
|-----------------------|----------------|
| 1. American Asphalt | \$1,216,989.25 |
| 2. L.S. Jensen & Sons | 1,115,946.30 |
| 3. Nicholson Paving | 1,254,844.30 |

No bond bids were received.

In accordance with staff recommendations, Bob Palmer moved, and Ann Mary Dussault seconded his motion, that the bid for contract and construction of the above-referenced project be awarded to L. S. Jensen & Sons, in the amount of \$1,115,946.25, contingent upon receipt of bond bids and sale of bonds. The motion passed by a vote of 3-0.

HEARING: REQUEST TO REZONE LOTS 1 & 2, BLOCK 1; AND LOT 1, BLOCK 2, OF CHARLES ADDITION NO. 1 FROM C-C2 GENERAL COMMERCIAL TO C-RR3 RESIDENTIAL, WITH A MOBILE HOME OVERLAY (KOBLE, LEGAULT, DONALDSON & WICK).

Russ Sorenson, of the Missoula Planning Staff, gave the report and recommendations of the Planning Staff, the County Regulatory Commission and the Missoula Planning Board. He stated that there are presently six residential structures (five mobile homes and one house) on the subject property and that the residential uses were established on the property prior to 1974. The subject property is directly adjacent to existing mobile home developments consisting of the Tina Trailer Court, ElMar Trailer Village and the KOA Campground, which are located across Tina Avenue to the west and to the north. The existing mobile home developments adjacent to the subject property are within the City limits. The City zoning designation is R-VI, mobile home park and multiple-dwelling residential district. The proposed rezoning is compatible with current city zoning, except for allowed density. While the present zoning (C-C2 General Commercial) is in harmony with the Comprehensive Plan, the zoning is out of synch with the area's actual development. At the County Regulatory Commission's public hearing on February 1, 1983, there was no opposing testimony, and the Commission's recommendation was reviewed by the Missoula Planning Board on February 15, 1983. Both boards recommended approval of the rezoning request, based on the staff report, public testimony and findings of fact, he said.

Chairman Evans then opened the hearing for public comment, asking that proponents speak first. The following person spoke:

1. Gene Donaldson, representing himself and the other petitioners, stated that they agreed with the report and recommendations as stated by Russ Sorenson. He stated that the area was 98% retired people, and they wanted to bring the existing use in line with the land use to the north and west of the area. As this was not a commercial area, he said, it should be rezoned residential, and urged the Commissioners to do so.

Since no one else came forward to testify either as a proponent or an opponent, Barbara Evans closed the public comment portion of the hearing.

Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the Resolution of Intent to Zone Lots 1 and 2, Block 1, and Lot 1 of Block 2 of the Charles Addition No. 1 to a C-RR3 Residential with a Mobile Home Overlay, the subject property being located in the SE¼ of Section 7, T13N, R19W, Missoula County, be approved. The motion carried by a vote of 3-0.

RESOLUTION NO. 83-19

The Board of County Commissioners signed Resolution No. 83-19, a Resolution of Intent to Zone Lots 1 and 2, Block 1, and Lot 1 of Block 2 of the Charles Addition No. 1 to a C-RR3 Residential with a Mobile Home Overlay, the subject property being located in the SE¼ of Section 7, T13N, R19W, Missoula County. The Resolution of Intent was forwarded to the Clerk and Recorder's Office for recording and a copy was taken to The Missoulain for legal publication, in accordance with State Statute.

HEARING: INDUSTRIAL DEVELOPMENT REVENUE BONDS (WASHINGTON CORPORATION)

Under consideration was a request to hear and act upon a request for industrial revenue bonds for Washington Corporations in the amount of up to \$3 million. The bonds were requested as part of a financing package to relocate the headquarters for the corporation from its present location at 500 Taylor Street to a new facility on Reserve Street. This relocation will involve substantial external and internal improvements to the existing Modern Machinery Company, Inc. structure, as well as the addition of a new adjacent building. The Washington Corporation will use such improvements for its multi-state headquarters office, including offices for A-1 subsidiaries.

Pursuant to the Missoula County Industrial Revenue Bond Policy passed in March of 1982, the Planning Staff has reviewed the application and has determined that the application meets all mandatory requirements. Planning Staff recommendations state that the application did not provide enough information to evaluate the project's impact on the local economy and documentation has been requested of the applicant in regard to a) number and type of new permanent jobs created by the expansion; b) expanded market opportunities; c) amount of locally contracted construction work; and d) plans to use "technology which conserves energy, uses area resources or increases productivity."

Mike Barton, of the Missoula Planning Office, gave the report and recommendations of the Planning Staff, who had reviewed the application, as stated above. He said that the Planning Staff had not made a decision as to a recommendation as they felt a need for information on the points listed in the foregoing paragraph.

PUBLIC MEETING, MARCH 23, 1983, CONTINUED

HEARING: REQUEST FOR INDUSTRIAL REVENUE BONDS - WASHINGTON CORPORATIONS, CONTINUED

Ann Mary Dussault asked Mike Barton for clarification of an issue which had been raised by his memo to Mike Sehestedt, Deputy County Attorney in regard to whether remodeling an existing structure could be financed by the proceeds from industrial revenue bonds. Mike Sehestedt replied that the use of IDR Bond proceeds to improve existing facilities is clearly authorized by state law. He stated that the state enabling act for industrial revenue bond financing is codified in Title 90, Chapter 5, Part 1. This act in M.C.A. 90-5-102 (1) (d) authorizes the issuance of "revenue bonds for the purpose of defraying the cost of acquiring or improving any project or projects. . ." He stated that this authority has been previously exercised by the county to issue IDR Bonds for the purpose of remodeling and renovation at Community Hospital.

At this point, Chairman Evans opened the hearing for public comment, asking that proponents speak first. The following person testified on behalf of the project:

1. Jack L. Green, III, from the firm of Green, MacDonald, Wagner & Kirscher, which represents Washington Corporations, gave some background information about the company, stating that in 1976, Washington Corporations had done a gross volume business of \$26,000,000, and in 1981 of \$121,000,000. He stated that the company was the second largest heavy equipment business in the country. He gave the following three reasons for the request for IDR bonds: 1) to establish a central purchasing operation for the corporation and its subsidiaries; 2) to consolidate management into one central location and to 3) centralize equipment repair for the corporation in one facility. He stated that by being able to expand in these areas, the corporation will be able to provide new jobs in the County, for example for mechanics and office workers. He stated that 1/3 of the project involved new construction, 1/3 improvements and 1/3 purchase of new equipment for the centralized facilities. He stated that local contractors will be used in the construction project, and in regard to concerns expressed in regard to energy conservation, he stated that the building will be constructed in accordance with local and state building codes and that a passive solar system will be incorporated into the design. He stated that it was difficult to specifically state how many new jobs would be provided, because of the variables involved, but that there would definitely be new jobs as a result of the plant expansion. He stated that the firm employs 16 mechanics now in Missoula County, but would be capable of hiring up to 50-75 mechanics, if the plans went as they were envisioned. He added that office staff would also grow as the corporation expanded. He explained that the centralized repair facility would be handled on the basis of components, so that if an engine went out or some other part of large equipment, the component would be taken out of the equipment and shipped via a Missoula-based trucking company, to Missoula for repair, and then shipped back to the job site and put back into the heavy equipment vehicle that it had been removed from on the site.

There were no other proponents or opponents of this request. Barbara Evans then closed the public comment portion of the hearing.

Ann Mary Dussault then asked Attorney Ralph Kirscher if there were architectural plans that could be reviewed at this point. He replied that there were no architectural drawings as yet because the firm had not wanted to go to that expense until the financing of the project were assured. He stated that the design was in a conceptual stage.

In response to a question from Ann Mary Dussault as to whether the repair shop would be a new or remodeled facility, Jack Green replied that it would be a remodeled facility. She then asked him what percentage of the \$14,000,000 in repairs done at various job sites currently would be brought into Missoula, and Mr. Green replied that about half of that amount would be brought into Missoula when jobs were in a reasonable proximity to Missoula. In response to what locations Washington Corporations has job sites in, Mr. Green replied Nebraska, Washington, Idaho, Montana and several other states, including California and Utah. Attorney Terry Cromwell stated that in the past, when a piece of large equipment broke down, it was hauled in its entire to the nearest place of repair, but by removing the malfunctioning component, i.e. the engine or the transmission, and putting it on Western Transport and hauling it to Missoula for repair, and then back to the jobsite, it would be possible to centralize repair. The results for the County would be jobs, and for the Corporation, a reduction in internal equipment rental costs. He said that currently, the company attaches a certain amount per hour for placing equipment on site and the lower they can keep that cost, the better the company can bid jobs, and the more successful bids they will have, which will have a rippling effect to the community. He said that the company is growing, although not like they want it to, and that the IDR bonds will help them to stay in Missoula and to grow and expand in the community. He said that it was impossible to say that a certain specific number of jobs will be provided as a result of issuance of these bonds, but they could say for sure that more jobs would be provided. He added that local people would also be involved in the construction of the project and stated that they have contacted local union officials, who do support the issuance of these bonds.

In response to a question from Ann Mary Dussault as to how the company prioritizes the project as to which would be completed first, the new construction or the remodeling, Mr. Cromwell replied that the new construction is not necessarily the first priority, but that he suspected that the new construction would start as soon as they can pour concrete and stated that the remodeling portion of the project would take longer to begin because it was not just a question of physical construction but also consolidation of four companies. He said that the company was bursting the seams at their current plant at 500 Taylor but that improvements to the existing Modern Machinery Facility would take longer as they would be more difficult to do than the new construction. He stated that they would like to get the bonds as soon as possible because spring was nearly upon us and they wanted to get started on the project.

Ann Mary Dussault stated that if the greatest economic impact in terms of jobs was going to result from the remodeling project, she was more concerned with when the remodeling project was expected to take place. Mr. Cromwell replied that he had been trying to show that even if immediate improvements to the repair shop did not take place, the company would still grow and expand as a result of the new construction

PUBLIC MEETING, MARCH 23, 1983, CONTINUED

and the consolidation of all the companies under one roof.

Howard Schwartz asked when they planned to begin work at the site, and Mr. Cromwell replied that work would begin as soon as feasibly possible.

Howard Schwartz then asked if his understanding was correct that the company was not going to develop final plans until the final bond financing and sale of bonds were completed, and Mr. Cromwell replied that that was correct.

Mr. Green then added that the time involved in the bond sale was uncertain, but that the firm did not anticipate a problem in selling the bonds and that as soon as their plans were finalized and the bonds sold, the company anticipated beginning the project.

Howard Schwartz asked if Washington Corporation would go ahead with the project if they did not get the bonds, and Mr. Green replied that he did not have the economic analyses available to answer that questions.

Barbara Evans expressed a concern in regard to whether Washington Corporation would use local banks for financing, and Mr. Green stated that the company does quite a bit of its banking with the First Bank System, but the corporation is so large, that its banking needs dictated that it had to go outside the community to accommodate them.

In response to a question from Ann Mary Dussault as to whether the firm would be willing to work with the Missoula City-County Planning Staff not only in regard to construction and design of the building, but also in regard to landscaping, both Mr. Green and Mr. Cromwell replied that the firm would have no problem with that. Mr. Cromwell added that the site had an existing building and that it was located in an industrial site, but that the facility they planned would not only be in harmony with the area, but would also be very attractive. Mr. Green added that the project would be, "done right."

In response to a question from Mike Sehestedt as to whether landscape requirements were detailed in County Zoning Regulations, Mike Barton replied that a detailed site plan would have to be submitted for zoning compliance as well as a building permit. He added that Washington Corporations have assured the Planning Staff that it will comply with Federal, state and local standards. He also added that the old facility was not in compliance with these standards as it was there before the standards were passed. He said that improvements to the site would require that it be brought into compliance. He referred the Commission to Pat O'Herron of the Planning Office for expert word on the matter, but stated that he thought the regulations included a 10% landscape requirement.

In response to a question from Ann Mary Dussault as to whether zoning compliance would be administered by the City and whether Mike Barton were comfortable with this addressing concerns, Mike Barton replied yes to both questions.

In response to concerns expressed by Barbara Evans and Bob Palmer as to whether the company would hire local construction people, Mr. Cromwell replied that they intended to do so. He stated that, without giving absolute guarantees, they have contacted area contractors in regard to the project. Mr. Green added that the company had not considered outside contractors. Barbara Evans then stated that to the degree possible, would they hire locally, and Mr. Cromwell responded, "Absolutely."

In response to a question from Missoula City-County Energy Coordinator, Lois Jost, as to what R factor would be present in the walls and ceilings, Mr. Cromwell stated that he didn't have the specifics on that, but that the R values would be more than adequate. He stated that it was to the company's advantage to make sure that this were so.

Bob Palmer stated that he understood the necessity to be vague on the specifics of such questions as R values, but that conceivably they could end up with an energy-inefficient building, and he wished that the Board had more specific information in this regard. He said that he was concerned with maintaining the integrity of the County IDR Bond Policy, one of the criteria of which was the energy question. He said that he felt it to be in the public interest to get as specific information as possible on this. He said that he wasn't sure what could be done about the vagueness at this point, but he was concerned about it.

Mr. Cromwell stated that the firm had the same concerns as had been expressed by the Commissioners and that they had every intention of complying with the County IDR Bond Policy. He stated that if their track record measured anything, he thought that it measured that this approach has been their approach in the past. He said that they would welcome suggestions that the Commissioners felt would make the project better, and that they were taking the comments made today to heart.

In response to whether they thought a week's delay in the decision would be a problem, Mr. Cromwell replied that it would not be a problem. Mr. Palmer stated that the Board would appreciate a week's delay to make sure that all the agreements were ironed out so that there would be no misunderstandings later on.

Ann Mary Dussault suggested that the firm work with County staff members Howard Schwartz, Mike Sehestedt and Mike Barton to draw up conditions to address some of the concerns which had been expressed in this hearing. Mr. Green stated that this would be no problem, as long as the company could review the conditions.

Bob Palmer moved, and Ann Mary Dussault seconded his motion, that the hearing be continued for a week so that County Staff Members Howard Schwartz, Mike Sehestedt and Mike Barton could work with representatives of Washington Corporations to develop conditions referred to above. The motion passed by a vote of 3-0.

There being no further business, the meeting was recessed at 2:40 p.m.

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March 24, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was out of the office March 24th and 25th.

MEETING

Commissioner Palmer attended a Montana Local Government Energy Committee Meeting and a meeting with representatives of involved counties and George Eskridge of BPA during the day.

DINNER AND MEETING

Commissioners Evans and Palmer attended a dinner in the evening at Holland Lake Lodge, hosted by the Condon Community Club, and later attended a meeting of the Condon Community Club at the Community Hall in Condon.

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March 25, 1983

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

AUDIT LIST

Commissioners Evans and Palmer signed the Audit List, dated March 24, 1983, pages 1-36, with a grand total of \$194,422.51. The Audit List was returned to the Accounting Department.

WELFARE BOARD

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 491 cases which were presented for consideration by the Missoula County Welfare Department.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman, Board of County Commissioners

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March 28, 1983

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

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an indemnity bond naming Motorola Co., Inc. as principal for Warrants No. 80199, 81309 & 83360, a total amount of \$465.00, on the Missoula County Trust Fund, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following was signed:

RESOLUTION NO. 83-21

The Board of County Commissioners signed Resolution No. 83-21, a Resolution providing for a four-way stop sign at the corner of West Riverside and First Street, and also that the County Surveyor shall erect "no parking" signs along First Street and West Riverside Drive in such a manner as to provide adequate visibility at the intersection of First Street and West Riverside.

Other matters considered by the Board were:

1. The purchase of the Blue Star Tipi property from Mr. Van Allen was discussed with John DeVore, Operations Officer. Commissioner Dussault moved that the purchase be approved. Commissioner Evans seconded the motion, and it passed unanimously.
2. Financial management was discussed with Brentt Ramharter, Fiscal Officer, and Jim Dolezal, Data Processing Supervisor. A RFD presentation was made, which included a bid review based on the development of leasing.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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March 29, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer and other County staff members attended a BPA/DNRC meeting in Helena during the day.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following was signed:

LETTER OF AUTHORIZATION

The Board of County Commissioners signed a letter of authorization for the Sheriff's Dept. in regard to their "Bank Agreement." Other matters considered by the Board were:

1. A discussion on rodent control legislation was held with Gerry Marks, Co. Extension Agent; the Rodent Control Board will be reactivated. Prior board members will be contacted, along with recruitments for necessary membership and the bylaws will be checked; and

March 28, 1983, Continued

2. The Jail Study was discussed with John DeVore, Operations Officer. A policy has to be established and a meeting will be scheduled.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

MEETINGS

Commissioner Evans attended a special meeting of Crimestoppers at noon and attended a meeting of the Airport Authority and the Library Board Meeting in the afternoon.

EMPLOYEE OF THE QUARTER PRESENTATION

At noon, Commissioner Dussault attended and made the presentation to the Employee of the Quarter. The employee selected by the Employees Council for the award this quarter was Elloine Jacobson, A District Court Clerk, who will be retiring the end of March.

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March 30, 1983

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

RESOLUTION NO. 83-22

The Board of County Commissioners signed Resolution No. 83-22, a Resolution of Intent to Rezone Lots 1 and 2, Block 1 and Lot 1 of Block 2 of the Charlies Addition No. 1 from C-C2 General Commercial to a C-RR3 Residential with a Mobile Home Overlay. The subject property is located in the SE $\frac{1}{4}$ of Section 7, T13N, R19W, Missoula County. The Resolution replaces Resolution No. 83-19, which was signed March 23, 1983.

ADDENDUM TO TRAVEL POLICY

The Board of County Commissioners signed an Addendum to Policy Statement No. 82-A, Travel Expense Reimbursement Policy. The Addendum, dated 3/28/83, is to clarify what is meant by "high cost areas," and also authorizes employees a meal allowance not to exceed \$30.00 per day for out-of-state travel to designated "high cost areas."

POLICY STATEMENT NO. 83-A

The Board of County Commissioners signed Policy Statement No. 83-A, RSID Aid-to-Construction, for the purpose of clarifying the administrative procedures to be employed in the allocation and transfer of County Aid-to-Construction program funds to individual Rural Special Improvement District projects. This procedure is intended to insure timely and accurate transfers and accounting of Aid-to-Construction funds.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following matter was considered by the Board:

The Bradford Alley vacation request was discussed with Jean Wilcox, Deputy County Attorney, and Dick Colvill, County Surveyor. The costs of an easement for alley purposes was discussed, but no decision was made on the matter.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present were Bob Palmer and Ann Mary Dussault.

BID AWARD: PLANT MIX ASPHALTIC CONCRETE (SURVEYOR'S OFFICE)

Information provided by County Surveyor Richard Colvill stated that bids for 1,300 tons of plant mix asphalt were opened March 28, 1983, with the following bids received:

Nicholson Paving	\$19.83/ton	Total Cost	\$25,779
American Asphalt	20.00/ton	Total Cost	26,000
Western Materials	25.00/ton	Total Cost	32,500

He said that the low bid of \$19.83/ton is \$1.83/ton higher than bids received during the last two years. It now approximates the price the Surveyor's Office can manufacture it for using their own plant; which is more efficient for crew scheduling because the asphalt would be available when needed, Mr. Colvill said. His recommendation to the Board was that the bids for plant mix asphalt should be rejected because for this quantity of asphalt at this time, it is cheaper for the Surveyor's Office to manufacture it.

Bob Palmer moved, and Barbara Evans seconded the motion that all bids be rejected for the reasons stated above. The motion carried by a vote of 2-0, Ann Mary Dussault abstaining because she had come in late and did not feel she should vote on the question since she had not heard Mr. Colvill's presentation.

DECISION ON WASHINGTON CORPORATION'S INDUSTRIAL DEVELOPMENT REVENUE BONDS

Under consideration was the decision on granting up to \$3 million in industrial revenue bonds to Washington Corporation. The hearing on this matter was held on March 23, with the hearing having been continued at that time so that County staff members could work out conditions for the issuance of the bonds, consulting with representatives of Washington Corporation. County Executive Officer Howard Schwartz reported that he, Deputy County Attorney Mike Sehestedt, and Mike Barton from the Planning Department had met with representatives of the Washington Corporations and had agreed that Washington Corporations' representatives would write a letter to the Board explaining how they proposed to handle concerns which had been expressed at the hearing on the 23rd.

PUBLIC MEETING, MARCH 30, 1983, CONTINUED

Howard Schwartz said that the question of how to assure compliance with the conditions that were agreed upon had been discussed, and it had been decided that Mike Sehestedt would draft an agreement at least for discussion purposes, and Mike Sehestedt then provided the Board with copies of the draft agreement. In addition, the Board had copies of the letter, dated March 28, 1983 from Mr. Ralph Kirscher of Green, MacDonald, Wagner & Kirscher, providing supplemental information in response to concerns expressed by the Board and by the Planning Office in regard to the IDR Bond application.

A brief discussion was held on various points of the draft agreement. The concern of the County was to provide a mechanism to assure compliance with agreed-upon conditions and the concern of Washington Corporation was to provide a framework flexible enough to allow for exigencies not apparent at this time.

Mike Barton, from the Planning Department, read into the record the following statement, dated March 29, 1983, from Planning Director Kristina Ford: "Staff has reviewed supplemental information submitted by the applicant's attorney. The additional data addresses all of the concerns raised by you and by this office. Staff recommends adoption of a resolution authorizing issuance of the IDR bonds."

Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the Board of County Commissioners approve the issuance of up to \$3 million in Industrial Development Revenue Bonds to Washington Corporations, contingent upon the execution of a written agreement containing the stated agreements and correspondence that have occurred in the processing of their application. The motion passed by a vote of 3-0. Deputy County Attorney Mike Sehestedt will prepare the agreement for execution.

There being no further business, the meeting was recessed at 2:15 p.m.

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AIRPORT MANAGEMENT DINNER

Commissioner Evans attended a dinner in the evening, sponsored by the Montana Airport Management Association.

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March 31, 1983

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

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Janice Lieber as Principal for Warrant No. 17040, issued March 18, 1983, in the amount of \$1,016.68, on Missoula County School District No. 1 Payroll Fund, now unable to be found.

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated March 30, 1983, pages 1-31, with a grand total of \$187,347.75. 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 with Daniel E. Sinawski, an independent contractor, for the purpose of conducting two DUI Enforcement Schools in Missoula on April 21 and 22, 1983, for a total amount of \$750.00.

GRANT/CONTRACT SIGNOFF

Commissioners Evans and Dussault approved and signed, with Commissioner Palmer dissenting, a grant request from the Health Department, submitted by Dennis Lang, Director of Health Services, for a "Missoula County Child Health Assessment" project, which is a joint effort between Missoula City-County Health Department and the Missoula County Welfare Department, with the Health Department in the lead role. The project is designed to assess the nature and extent of unmet health care needs of Missoula County children, especially those from low-income families that have arisen due to the current economic recession and public services reductions. Once the assessment has been done, the two departments shall hold a community symposium to develop recommended actions and to establish a community task force to facilitate the implementation of the plans. The maximum amount of payment to the Health Department shall be \$24,160.00, and the Agreement shall commence upon award of the grant from the Northwest Area Foundation. The Grant Signoff was returned to the Health Department.

Other matters considered by the Board were:

1. A discussion was held with Dan Magone, Undersheriff, on including a Crimestoppers mailing with the tax bills. This was approved unanimously; and
2. The PILT participation request from NACo was discussed. The Commissioners approved participation in the Public Lands Trust Fund for the purposes of promoting and defending the interests of counties as they relate to Federal public lands, and a warrant for \$150.00 will be sent to MACo and is to be credited to the trust account.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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April 1, 1983

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.

APRIL 1, 1983, CONTINUED

TRAINING CONTRACT

Acting Chairman Palmer signed an On-the-Job Training Contract between the State Department of Labor and Industry, Job Service Division and the Missoula County Planning Department. The effective date of the Contract will be April 4, 1983, and will terminate on September 16, 1983, for a total contract cost of \$2,080.00.

Fern Hart

Fern Hart, Clerk & Recorder

Barbara Evans

Barbara Evans, Chairman, Board of County Commissioners

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April 4, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office until noon and present in the afternoon. Commissioner Palmer left for Helena at noon to attend a DNRC meeting.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Brian Trickel as Principal for Warrant No. 9311, issued 3/18/83, in the amount of \$55.98, on the Missoula County General Fund, now unable to be found.

BUDGET TRANSFER

The Board of County Commissioners signed Budget Transfer No. 830012, a request from the Welfare Department to transfer \$2,000.00 from the Rest Home Care Account to the Contracted Services Account because of the increase in contracted services as associated with Workfare and services provided and adopted the transfer as part of the Fiscal Year '83 Budget.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

PROCLAMATION

The Board of County Commissioners signed a Proclamation declaring the month of April Child Abuse/Neglect Prevention Month in Missoula County.

RESOLUTION NO. 83-27

The Board of County Commissioners signed Resolution No. 83-27, Sale of Tax Deed Property, for certain tracts of land acquired by Missoula County by tax deed on January 31, 1983 and March 31, 1983, so that said parcels of land may be again placed on the assessment rolls. The lists of tax deed properties are attached to the resolution, and the sale date was set for May 11, 1983, at 1:30 p.m.

Other matters considered were:

The Board reviewed and discussed the requests received from the Human Resource Development Council. Commissioner Dussault moved that the \$800 requested for Workfare be approved; Commissioner Palmer seconded the motion, and it passed unanimously. Commissioner Dussault also moved for approval of the \$1,200.00 request for Food Bank money. Commissioner Palmer seconded the motion, and it passed unanimously.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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April 5, 1983

The Board of County Commissioners met briefly late in the afternoon, with a quorum of the Board present. Commissioner Evans was on vacation from April 5-April 8. Commissioner Palmer attended a DNRC Meeting in Helena in the forenoon, and returned to Missoula late in the afternoon.

RESOLUTION NO. 83-23

The Board of County Commissioners signed Resolution No. 83-23, granting a use variance to James McDonald, allowing him to use the "commercial portion of tract 12, Wornath Orchard Tracts, for light industrial use, subject to the conditions listed.

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April 6, 1983

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:

APPROVAL OF BYLAWS

The Board of County Commissioners signed a letter to the Lincolnwood Park Board, dated April 1, 1983, acknowledging receipt and review of the Lincolnwood Park Development Association's (RSID No. 900) Bylaws.

April 6, 1983, Continued

Resolution No. 83-25

the Board of County Commissioners signed Resolution No. 83-25 adopting the new seal design as true and legal stamped representation of Missoula County to be used on all papers and documents as necessary. The Resolution was forwarded to the Clerk & Recorder's Office for recording.

BUDGET TRANSFER

The Board of County Commissioners signed Budget Transfer No. 830011, a request from the Bridge Department to transfer \$1,500 from the Capital Bear Creek Culvert Account to the Bridge Timber Account because the bridge timber inventory was depleted at an unanticipated rate and adopting the transfer as part of the FY '83 budget.

Other matters considered were the following:

The Commissioners discussed felony investigations with representatives of the County Attorney's Office and the Sheriff's Department. It was the consensus that a letter will be prepared in response to Dave Wilcox's memo.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Acting Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Barbara Evans was on vacation.

BID AWARD: CULVERTS (SURVEYOR'S OFFICE)

Under consideration was a culvert bid for the Surveyor's Office. Information provided by Surveyor Dick Colvill stated that the following culvert bids had been opened on April 4, 1983, with the following bids received:

Empire Steel Manufacturing Company	Billings	\$7,052.58
Roscoe Steel & Culvert Company	Missoula	7,222.70
Carl Weissman & Sons, Inc.	Great Falls	9,064.68
Steel Service, Inc.	Spokane	12,289.92

Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the bid for the above-referenced culverts be awarded to the low bidder, Empire Steel Manufacturing Co., in the amount of \$7,052.58, in accordance with the recommendation of Surveyor Dick Colvill. The motion passed by a vote of 2-0. Mr. Colvill informed the Commissioners that \$11,753 remained in the culvert account as of the last budget report.

BID AWARD: TREATED TIMBERS (SURVEYOR'S OFFICE)

Under consideration was a contract for treated timbers for the Surveyor's Office. Information provided by County Surveyor Dick Colvill stated that bids for treated timbers had been opened on April 4, 1983, with the following bids received:

Niedermeyer-Martin Co.	Portland, Or.	\$8,048.75
Permapost Products Co.	Hillsboro, Or.	8,381.00

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the bid for the above-referenced treated timbers be awarded to the low bidder, Neidermeyer-Martin Co., in the amount of \$8,048.75. The motion passed by a vote of 2-0.

HEARING: PIEDMONT COURT - PRELIMINARY PLAT AND PIEDMONT COURT REZONING REQUEST

Under consideration was the approval of the preliminary plat for Piedmont Court subdivision. Barb Isdahl of the Missoula Planning Staff gave the report and recommendations of the Missoula Planning Board, as well as the Planning Staff report. She stated that Piedmont Court consists of four duplexes presently located on a two-acre parcel north of Lower Lincoln Hills Drive and east of Rattlesnake Drive. The duplexes are currently under single ownership. The applicant proposes to subdivide the two acre parcel to create eight single family dwellings and common area. Community water and sewer systems have been provided. One main item of discussion at the County Regulatory Commission Meeting was curbs, gutters and sidewalks. The applicant requested curbs, gutters and sidewalks be waived for the following reasons: that curbs and gutters were not needed to provide for adequate drainage as there was not enough traffic to warrant sidewalks as they would connect with nothing and were not necessary from cost and engineering standpoints. The Planning Commission's opinion was that sidewalks were not necessary because of the substantial cost of installation, because they did not feel that there was an obvious benefit to having sidewalks and that they did not feel that sidewalks were needed. In addition, members of the Planning Commission felt that since the sidewalk would not connect with anything else on Lower Lincoln Hills Drive, they were not necessary. She stated that the Planning Staff had recommended that curbs, gutters and sidewalks be installed on both Piedmont Court and Lower Lincoln Hills for safety reasons having to do with the density of the development and the fact that the school is not far away and because of the dense development further up Lower Lincoln Hills Drive. She informed the Commissioners that the Missoula Planning Board recommended approval of Piedmont Court Preliminary Plat subject to the conditions, variances and findings of fact in their letter dated April 4, 1983.

Mark Hubbell then briefed the Commissioners on the applicant's request for a rezoning of the property from a C-RR2 residential to a C-RR3 residential, as well as approval of the applicant's request for a planned variation on the subject property. He stated that the property was first zoned on May 16, 1955 as part of Planning and Zoning District No. 1, and that the zone provided for single and two-family residential uses. He stated that on April 5, 1976, a zoning compliance permit was issued to allow four duplexes on the applicant's property and that the property was then rezoned to a C-RR2 residential on August 3, 1976. He said that this zone promotes single-family residential development at a density of 2 dwellings per acre and that with the adoption of the C-RR2 zoning, this property became a legal non-conforming use in the district. He stated that on March 1, 1983, the County Regulatory Commission had recommended approval of the applicant's request for rezoning and a planned variation for Piedmont Court. He said that the County Regulatory Commission's recommendation was for the Commissioners to approve the applicant's request for rezoning of Piedmont Court from C-RR2 Residential to C-RR3 Residential and that, further, the Commissioners approve the applicant's request for a Planned Variation to allow modifications of the space and bulk requirements of the C-RR3 zoning designation as specified in the staff report.

PUBLIC MEETING, APRIL 6, 1983, CONTINUED

Acting Chairman Bob Palmer then opened the hearing to public comments, asking that proponents speak first. Both hearings were held at the same time. The following person spoke:

1. Charles Johnson, Stensatter, Druyvestein & Associates, spoke on behalf of his clients, Glenn and Mary Barth, who are developing the property under consideration. He stated that he concurred with the staff report and recommendations in regard to the rezoning recommendation as well as the planned variation. He stated that he had some concerns about the recommendations in regard to the suggested conditions for preliminary plat approval. He stated that he did not feel that suggested condition no. 4 in regard to fire protection for the subdivision was valid in that he had contacted Mountain Water Company, who had informed him that the nearest fire hydrant was within 500 feet and when Brookside was developed, the nearest hydrant would be within 300 feet. He requested that the condition be struck from the preliminary plat approval. In addition, he stated that in regard to sidewalks in the subdivision, he felt that the need for them needed to be assessed. He said that the \$12,000-\$14,000 expense was unwarranted, particularly as the street along Lower Lincoln Hills will in all likelihood become a major collector and at that point would be widened, necessitating tearing up sidewalks that had been installed in the area. He stated that he felt that for the Commissioners to require installation of sidewalks as a condition of preliminary plat approval would be an undue hardship because of the expense and cited the section of the Missoula Subdivision Regulations which states that a variance may be granted when the requirement would pose undue hardship and when it is not essential to public health, safety and welfare.

There were no other proponents or opponents to either of the issues under consideration. However the following general comments were made:

1. Bruce Suenram, Rural Fire Chief, requested that the condition in regard to rural fire protection in terms of requiring hydrants and fire flows remain. He stated that he had sent some of his people to the area that morning and they had measured the distance to the nearest hydrant as 1,200 feet. Deputy County Attorney Mike Sehestedt asked Mr. Johnson and Mr. Suenram to what point in the plat they had measured, and Mr. Johnson replied that he had not actually measured the distance, but that he had called Mountain Water and they had told him the distance. He stated that the distance had been measured to the middle of the plat. Mr. Suenram also replied that his staff members had measured to the middle of the plat. In response to questions from Ann Mary Dussault in regard to the fire protection that could be afforded from a distance of 800 feet, Mr. Suenram replied that to make an 800' hose, two fire engines would be needed. The second engine for that subdivision would be at Bonner, he said, and it would take 10 minutes longer than the first engine to respond to a fire. Mr. Johnson said that he felt that Piedmont Court was not the only area in the Rattlesnake that fell in the gap area in regard to fire protection and that it would be difficult and expensive for the developers to provide fire protection to the level that Mr. Suenram suggested. He stated that they had complied with the subdivision regulations in this regard.

Ann Mary Dussault asked Barbara Isdahl to respond to Mr. Johnson's statements, and she stated that the requirement suggested was not unusual. She stated that the regulations state that fire protection recommendations should be approved by the Rural Fire Chief and that if the Commissioners feel that they want to go beyond that for public health and safety, they are allowed by the regulations to do so. In addition, she stated that this was an urban subdivision and not a rural subdivision and it was not unusual to require hydrants in such a development.

At this point, Bob Palmer closed the hearing to further comment, since no one else wished to testify.

Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the request for rezoning of Piedmont Court from C-RR2 Residential to C-RR3 Residential and the request for a planned variation on the subject property be approved, and that the resolution of intent to rezone the parcel of land in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, Township 13 North, Range 19 West, otherwise known as Piedmont Court from "C-RR2 Residential" to "C-RR3 Residential" be approved and signed. The motion passed by a vote of 2-0.

Ann Mary Dussault then asked Barbara Isdahl from the Planning Department to clarify a point about whether the subdivision regulations would allow the Commissioners to rule that to require the developer to put sidewalks into a subdivision would be an undue hardship. Barbara Isdahl stated that economic hardship is not specifically grounds for a variance. She stated that "undue hardship" would be requiring an applicant to do something that would be adverse to public health and safety and stated also that the mere fact that something's going to cost money is not a reason in and of itself to grant a variance.

Bob Holm of the Surveyor's Office stated that in a sense he felt that providing a short section of walkway along Piedmont Court and Lower Lincoln Hills Drive would not serve the public good at this time. He said that the Surveyor's Office has been requested to build a walkway along Lower Lincoln Hills Drive and this is in the CIP.

Barbara Isdahl stated that having the project identified in the CIP is no guarantee that it will happen. She said that if the money is not allocated, it won't happen, and that it was the Planning Staff's opinion that you have to start somewhere, and considering the density of the development, the sidewalks should be put in now.

Ann Mary Dussault then moved that the Preliminary Plat of Piedmont Court Subdivision be approved in accordance with the conditions, variances and findings of fact recommended by the Missoula Planning Board, with the exception of striking their recommended variance no. 3 which would have waived the requirement for curbs, gutters and sidewalks on Piedmont Court and Lower Lincoln Hills Drive and leaving in Planning Board condition no. 4 requiring fire hydrants and fire flows as approved by the Rural Fire Chief. Bob Palmer seconded the motion, and it passed by a vote of 2-0.

Ann Mary Dussault then made a subsequent motion in regard to Section III A.6.d. (3) and (4) of the subdivision regulations requiring curbs, gutters and sidewalks on both Piedmont Court and Lower Lincoln Hills Drive directing that the developers work with the Planning Department and the Surveyor's Office to develop a design for the internal and external walkways, curbs and gutters and also directing that the final approval for these designs shall be a consensus approval between the Planning Department and the Surveyor's Office. Bob Palmer seconded the motion, and it passed by a vote of 2-0.

PUBLIC MEETING, APRIL 6, 1983, CONTINUED

The Preliminary Plat for Piedmont Court Subdivision was therefore approved subject to the following conditions:

1. That grading, drainage, sedimentation and erosion control for private improvements be approved by the Planning Staff;
2. That the developer provide a ten-foot easement along the south property line for a road sidewalk;
3. That a 40-foot road easement be shown for Piedmont Court and that the lot lines be extended to the centerline of the easement; and
4. That fire hydrant locations and fireflows be approved by the Rural Fire Chief.

Further, the Board of County Commissioners granted the following variance:

1. A waiver from Section IIIA.6.d. (14) in regard to right-of-way width on private streets.

The following are reasons for granting the variance:

- a. The developer has provided adequate common area between the roadway and units to allow for any required maintenance and snow removal.
 - b. In addition, sufficient area has been provided for street run-off.
2. A waiver from Section III A.6.d. (1) which requires 28-foot pavement width. Roads within this development will have a 25-foot pavement width.

The following are reasons for granting the variance:

- a. Off-street parking has been provided.
- b. With the proposed roadway, only eight units will be accessing directly onto the internal street.

In regard to Section III A.6.d. (3) and (4) requiring curbs, gutters and sidewalks on both Piedmont Court and Lower Lincoln Hills Drive, the Board has directed the developers work with the Planning Department and the Surveyor's Office to develop a design for internal and external walkways, curbs and gutters. The final approval for these designs shall be a consensus approval between the Planning Department and the Surveyor's Department.

Further, the Board found the Piedmont Court Subdivision in the public interest based on the following findings of fact:

Criterion A: The Planned Variation for the property is in accord with the goals, objectives and policies of the Comprehensive Plan.

Criterion B: Public comment was expressed in favor of sidewalk installation along Lower Lincoln Hills Drive.

Criterion C: No effects on agriculture are anticipated.

Criterion D: Local services are readily available to this development.

Criterion E: Minimal changes in the tax base are expected.

Criterion F: Minimal impacts on the environment are anticipated.

Criterion G: Minimal impacts are anticipated on wildlife.

Criterion H: Traffic, sanitary restrictions and drainage are being reviewed by the appropriate agencies to ensure that there will be no safety hazards.

RESOLUTION 83-26

The Board of County Commissioners signed the Resolution of Intent to rezone a parcel of land in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, Township 13 North, Range 19 West, otherwise known as Piedmont Court, from C-RR2 Residential to C-RR3 Residential; the planned variation not being subject to protest.

Ann Mary Dussault moved, and Bob Palmer seconded the motion that the following resolution, as prepared by the Planning Department, be approved and signed. The motion passed, 2-0.

RESOLUTION NO. 83-24

The Board of County Commissioners signed Resolution No. 83-24, defining departmental responsibilities for checking final and summary subdivision plats in order to assure compliance with the Montana Subdivision and Platting Act. The Resolution was sent to the Clerk and Recorder's Office for recording, and copies were sent to the County Surveyor, the Health Department, the County Attorney and the Planning Department. In addition, a copy is on file in the Commissioners' Office.

LETTER APPROVING REQUEST TO DIVIDE A 20.26 ACRE PARCEL OF LAND INTO TWO PARCELS, TRACT 1-A, 15.22 ACRES AND TRACT 1-b, 5.04 ACRES, RESPECTIVELY, SUBJECT TO CONDITIONS LISTED IN THE LETTER

The Board of County Commissioners signed a letter approving the request to divide a 20.26 acre parcel of land into two parcels, tract 1-a, 15.22 acres and tract 1-b, 5.04 acres, respectively, subject to conditions listed below:

1. The applicant shall file a Certificate of Survey for the division of land and easement for the access road to the proposed homesite.
2. Prior to construction of the house, the applicant shall submit specific development plans to be reviewed and approved by the County Regulatory Commission and by the Planning and Zoning Commission to ensure compliance with Zoning District 4 standards.

PUBLIC MEETING, APRIL 6, 1983

The recommendation for approval is based on the following findings of fact:

- 1. The proposal meets the General Regulations for division of land in Zoning District 4;
- 2. The proposal is consistent with the Missoula Comprehensive Plan, in its land use and density;
- 3. The proposal, as submitted, indicates that no major changes in physiography will occur as development of the site progresses; and
- 4. Access is available to the property and no major change in physiography is needed to provide such access.

The letter was forwarded to Lou Gingerelli, who had requested the approval to divide the parcel described on the foregoing page, on behalf of Mr. and Mrs. Stephen F. Johnson, owners of the property. The public hearing on this matter was duly published and held before the Board of County Commissioners on January 26, 1983.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the following resolution be approved and signed. The motion passed 2-0.

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

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DINNER AND MEETING

Commissioners Evans and Dussault attended a dinner at the Double Arrow Ranch at Seeley Lake, hosted by members of the Seeley Lake Chamber of Commerce. Later in the evening, they attended the Chamber of Commerce Meeting held in the Community Hall at Seeley Lake.

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April 7, 1983

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

MONTHLY REPORTS

Acting Chairman Palmer examined, approved and ordered filed the monthly reports for Justices of the Peace Janet Stevens and W. P. Monger for collections and distributions for month ending March 31, 1983.

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated April 6, 1983, pages 1-36, with a grand total of \$86,402.75. The Audit List was returned to the Accounting Department.

WELFARE BOARD

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 144 cases which were presented for consideration by the Missoula County Welfare Department.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

BUDGET TRANSFER

The Board of County Commissioners signed Budget Transfer No. 830010, a request from the Road Department to transfer \$5,000 from one contracted services account to another for improvements on Cramer Creek Road in accordance with the agreement by the Commissioners, and adopted the transfer as part of the FY '83 budget.

The following matter was considered: Dennis Engelhard, Personnel Officer, presented a resolution on elected officials' salaries, which was reviewed and discussed by the Board. No action was taken.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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April 8, 1983

The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present. Commissioner Dussault attended a MACo Budget Committee Meeting in Helena during the day.

INDEMNITY BOND

Acting Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Kenneth C. Havener as Principal for Warrant No. 13809, in the amount of \$144.73, issued March 11, 1983, on the Missoula County High School Payroll Fund, now unable to be found.

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April 9, 1983

Commissioners Palmer and Dussault attended a community meeting held in the Nine-Mile Community Hall Saturday evening.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman, Board of County Commissioners

April 11, 1983
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The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation the week of April 11th through the 15th.

MONTHLY REPORT

Acting Chairman Palmer 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 the month-ending March 31, 1983.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

POLICY STATEMENT NO. 83-C

The Board of County Commissioners signed Policy Statement No. 83-C, dated March 24, 1983, in regard to Davis-Bacon compliance and monitoring. The policy outlines the general and specific compliance and monitoring procedures for all construction projects which involve Federal Davis-Bacon regulations.

PLAT

The Board of County Commissioners signed the Plat for Canyon Pines Addition, located in the west ½ of Section 27, T 13 N, R 18W, Missoula County, Montana.

AGREEMENT

The Board of County Commissioners signed an agreement between Missoula County and Jack L. Green II, Developer of the above-referenced plat (Canyon Pines Addition) in regard to certain road modifications, a condition of the plat approval. The physical improvements will be installed and completed no later than November 1, 1983, as set forth in the Agreement.

The following matters were considered by the Board:

1. Approval was given to the Lolo RSID request;
2. The position of RSID Director was discussed; and
3. Legislative matters were discussed, including block grants and HB-798 - State assumption of welfare.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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 April 12, 1983

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 Commissioners met with Orin Olsgaard, DES Coordinator, and discussed the procedures outlined for title and transfer of Civil Defense property. No action was taken.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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 April 13, 1983

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 discussed and signed:

COMPROMISE & SETTLEMENT AGREEMENT

Mike Sehestedt, Deputy County Attorney, submitted the proposed settlement on the Watson Suit as approved by the Golf Board. The Agreement is between Missoula County and Larchmont Golf Course (collectively) and Watson Golf Construction, Inc. of Lincoln, Nebraska, and is made as a compromise between the parties for the complete and final settlement of their claims differences and causes of action with respect to the dispute over required additional work in connection with the construction work at Larchmont Golf Course, which was not covered by the Construction Contract. Commissioner Dussault moved that the proposed settlement be accepted; Commissioner Palmer seconded the motion, and it passed unanimously. The Board of County Commissioners signed the Compromise and Settlement Agreement as per the covenants set forth in the Agreement, which was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Also considered at the Administrative Meeting was the precinct boundaries matter, which was presented by Wendy Cromwell, Elections Supervisor and Dan Obermeyer, Assistant Planning Director. The formal presentation will be made at the weekly public meeting of April 13, 1983, and the Resolution will be signed by the Board of County Commissioners on April 18, 1983.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

APRIL 13, 1983, CONTINUED

PUBLIC MEETING

Acting Chairman Bob Palmer called the meeting to order at 1:30 p.m. Commissioner Ann Mary Dussault was also present. Commissioner Barbara Evans was on vacation.

Since there were no agenda items under new or old business, Bob Palmer proceeded to other business, and the following matters were considered:

INFORMATION ON NEW PRECINCTS PURSUANT TO REDISTRICTING

Information provided by Elections Supervisor, Wendy Cromwell, stated that the Legislative Apportionment Commission had begun working several years ago on new legislative districts in compliance with the Montana Constitutional requirement for reapportionment after each decennial census. The plan developed by the commission was then reviewed by the 1983 Legislature and filed with the Secretary of State on March 4, 1983. The Secretary of State had then instructed his staff to prepare maps of the new districts to be sent to the counties for implementation. By Statute (Section 13-3-102, M.C.A.), the new precinct boundaries must be adopted within 45 days of the date the plan was filed with the Secretary of State (April 18, 1983). The Elections Office received information from the Secretary of State on March 21 and asked the Planning Office (keeper of census information) for assistance in drawing new precinct boundaries. The maps from the Planning Office were delivered on April 12 for Board of County Commission review. In most cases, existing precinct boundaries were followed whenever possible. Some precincts had grown so large in the past ten years that they were split into two more manageably sized precincts. In order to accommodate Missoula County's population growth, a total of nine new precincts were added to the original total of 61. Wendy Cromwell stated that a public hearing on the new precincts was not required, and that the Board of County Commissioners were requested to adopt the proposed precincts on or before April 18. This matter was deferred for action to April 18.

LOW INCOME ENERGY CREDIT POLICY CONCERNS

Tom Connolly, of Low Income Group for Human Treatment (LIGHT), informed the Commissioners of a meeting with various human advocacy groups (Qua Qui, Light, Senior Citizens, Poverello Center) with Montana Power and the Public Service Commission on Friday, April 15 at 2:00 in the City Council Chambers. He said that LIGHT had prepared a position paper in regard to Montana Power credit policies and procedures, which they felt discriminated against low income and various other disadvantaged segments of the population. He asked that a representative of the Commissioners' Office staff attend the meeting, and was assured that a staff member would attend the meeting.

There being no further business, the meeting was recessed at 1:55 p.m.

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CHAMBER BANQUET

Commissioner Evans attended the annual Chamber of Commerce banquet held at UM in the evening.

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April 14, 1983

The Board of County Commissioners met briefly in the morning, with a quorum of the Board present. Commissioner Palmer left for Helena in the forenoon on Legislative matters.

RESOLUTION NO. 83-28 - RSID NO. 402

The Board of County Commissioners signed Resolution No. 83-28, a Resolution creating RSID No. 402 for the purpose of street improvements on 7th Street, Humble Road, Sierra, Heather, Walker and Judith Drives in Cottage Grove Addition, Walker Addition, Double "R" Acres No. 1 all being located in Sections 23 and 26, T13N, R20W, P.M.M.

NOTICE OF SALE OF BONDS - RSID NO. 402

Acting Chairman Palmer signed the Notice of Sale of Bonds for RSID No. 402, setting the sale of bonds for RSID No. 402, setting the sale date for May 18, 1983, at 7:30 p.m. in the City Council Chambers.

AMENDMENT TO MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed an Amendment to a Memorandum of Agreement between Missoula County and District XI Human Resource Council for County Welfare/Workfare participants under the terms of the "Missoula County Public Service Program". The purpose of the Amendment is to provide for administrative services in addition to those anticipated and compensated by the original Agreement, adding \$800.00 to the original reimbursement to District XI for administering the public service program and \$1,200 for oversight of the Missoula County Food Bank Grant. The Amendment was forwarded to District XI Human Resource Council for signatures.

* * * * *
April 15, 1983

The Board of County Commissioners met in regular session in the afternoon, with a quorum of the Board present. Commissioner Palmer was in Helena in the forenoon attending to legislative matters.

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List dated April 15, 198d, pages 1-35, with a grand total of \$95,691.86. The Audit List was returned to the Accounting Department.

APRIL 15, 1983

CLAIMS

Claims were presented by warrants for pay periods 18 and 19 (April 15, 1983) to be drawn on the following funds in the following amounts:

Miscellaneous Fund	\$163,403.74
General Fund	377,237.59
Weed Fund	4,017.25
Planning Fund	40,873.68
Road Fund	42,882.67
Bridge Fund	6,545.53
Working Fund	58,194.08

The original claims are on file in the Auditor's Office.

Fern Hart
Fern Hart, Clerk and Recorder

Barbara Evans
Barbara Evans, Chairman, Board of County Commissioners

April 18, 1983

The Board of County Commissioners met briefly in the morning with a quorum of the Board present. Commissioner Evans was on vacation, and Commissioners Palmer and Dussault left in the forenoon for Helena, where they attended MACo meetings during the day.

RESOLUTION NO. 83-29

The Board of County Commissioners signed Resolution No. 83-29, a resolution fixing and defining election precinct boundaries for Missoula County, as furnished by the County Surveyor, and as shown on the resolution. A total of eight new precincts were added to the original total of sixty-one to accommodate Missoula County's population growth. The resolution was forwarded to Wendy Cromwell, Elections Supervisor, for further handling.

April 19, 1983

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 approved and signed by the Board:

RESOLUTION NO. 83-33

The Board of County Commissioners signed Resolution No. 83-33, amending Resolution No. 83-27, and thereby changing the date of the sale of tax deed property to May 25, 1983, at 1:30 p.m. in Room 201 of the Missoula County Courthouse, which will allow sufficient time for a notice to be placed in The Missoulian at least thirty days before the auction date in accordance with Section 7-8-2302 M.C.A.

BOARD APPOINTMENTS

The Board of County Commissioners was recently authorized by the Legislature (HB 159) to once again appoint a Rodent Control Board for Missoula County, and appointed the following to the Board as submitted by Gerry Marks, County Extension Agent:

Louis Vero (a former Rodent Board Member) and Kim Sol were appointed to three-year terms, which will expire December 31, 1983. Tom Vannoy and Hank Fischer (both former members of the Rodent Board) were appointed to two-year terms, which will expire December 31, 1984, and Eugene Ball (who also perviously served on the Rodent Board) was appointed to a one-year term, which will expire December 31, 1983.

Other matters considered were:

1. Tim Lovely, Chairman of the Lolo Mosquito Board, met with the Commissioners. He reported on general activities of the Board and submitted changes in their Bylaws, which were approved unanimously by the Board of County Commissioners; and
2. R. L. "Dusty" Deschamps, County Attorney, and Arlene Braun, Legal Intern with the County Attorney's Office, met with the Commissioners and discussed various BPA matters, including Rock Creek citizen issues in regard to the siting of the BPA lines and their proposed lawsuit against BPA to bar construction on the line.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

WELFARE BOARD

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 391 cases which were presented for consideration by the Missoula County Welfare Department.

MEETING

Commissioner Evans attended a Crimestoppers meeting at noon.

LIBRARY TEA

Commissioners Evans and Dussault attended the Library tea held at the Library in the afternoon in recognition of National Library Week.

* * * * *

April 20, 1983

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 approved and signed.

RESOLUTION NO. 83-30

Commissioners Evans and Dussault signed, with Commissioner Palmer opposing, Resolution No. 83-30, resolving that the Clerk and Recorder accept and record the notice of purchaser's interest executed by J. L. Van Allen on March 23, 1983, showing Missoula County as purchasing the property known as the "Blue Star Tipi Building," more particularly described as Lot 6, and the west ten feet of Lot 5, Block 9, of the C. P. Higgins Addition, by Contract for Deed. The Commissioners authorized the purchase of the property on February 22, 1983.

BOARD APPOINTMENT

The Board of County Commissioners appointed Jack J. Kempner as a member of the Missoula Area Agency on Aging Board. He will replace Terry Callahan, who has resigned, and fill out his unexpired term through December 31, 1985.

OTHER MATTERS CONSIDERED WERE:

1. Commissioner Dussault reported on the status of the Health Department. The resignation of David Feffer and his replacement were discussed by the Board;
2. The Board approved unanimously the request from the Department of Highways to enter right-of-way for construction at the Fairgrounds;
3. A letter to the State Department of Revenue in regard to space fees for FY '84 was approved by the Board; and
4. The Board discussed the Commissioner District boundaries. Commissioner Dussault moved to direct Fern Hart, Clerk & Recorder, to redraw the Commissioner District boundaries to conform with the precinct boundary lines. Commissioner Evans noted that the District Judges need to approve the final boundary lines. Commissioner Dussault amended her motion to include "contingent upon procedural approval from the County Attorney's Office;" Commissioner Palmer seconded the motion, and the motion passed unanimously.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 7:30 p.m. Commissioner Bob Palmer was also present. Commissioner Ann Mary Dussault arrived later in the meeting.

BID AWARDS: PENETRATING ASPHALT CEMENT (SURVEYOR)

Under consideration was the bid award for 72 tons of asphalt cement, an ingredient for making paving asphalt at the Surveyor's Office Plant. Information provided by County Surveyor Dick Colvill stated that the bids for this award were opened April 18, 1983, with two bids having been received:

Cenex (Laurel, MT)

Unit Price - \$160/ton, total cost \$11,520
Est. freight to Missoula - \$35.20/ton

Simmons Refining Co. (Great Falls, MT)

Unit Price - \$163.00/ton, total cost \$11,736
Est. freight to Missoula - \$20.92/ton

He said that the bid will be awarded for the asphalt cement only. The freight will be paid later by the County directly to the trucker, and, further, that \$6,569 remained in the paving oil budget. Funds could be transferred from the purchased patching line item because the paving asphalt is now being made in the County plant rather than purchased, as before.

Bob Palmer moved, and Barbara Evans seconded his motion, that the contract be awarded to the high bidder, Simmons Refining Company, in the amount of \$11,736.00, because of lower freight charges, in accordance with Surveyor Richard Colvill's recommendation. The motion passed by a vote of 2-0.

BID AWARDS: REMOVAL OF OTHER THAN ABANDONED VEHICLES

Under consideration was the bid for towing and storage services for the Sheriff's Department to tow vehicles other than abandoned vehicles, which fall under the purview of the Health Department.

Information provided by Billie Bartell, Manager of Centralized Services, stated that bids received on this project were as follows:

Sparr's Inc.	\$15.00 - local area pickup
	15.00 - outside local area pickup
	3.00 - outside storage
	2.00 - outside storage
Fred's Towing	14.50 - local area pickup
	14.50 - outside local area pickup
	3.00 - inside storage
	2.00 - outside storage

Public Meeting, April 20, 1983, Continued

Undersheriff Dan Magone had commented in a memo dated 4/18/83 that in reviewing the bids from Sparr's and Fred's Towing he had noted that both firms charge the same amount for storage, but that Fred's had submitted the lower bid for towing. His recommendation was to award the bid to Fred's Towing.

Bob Palmer moved, and Barbara Evans seconded the motion, that the bid be awarded to Fred's Towing in the amounts set forth above. The motion passed by a vote of 2-0.

BID AWARD: RECONSTRUCTION OF UPPER AND LOWER MILLER CREEK ROAD INTERSECTION

Information provided by County Surveyor Dick Colvill stated that bids for the reconstruction of the Upper and Lower Miller Creek Road Intersection were opened on April 18, 1983, with the following bids having been received:

Nicholson Paving Company	\$54,721.50
American Asphalt, Inc.	61,859.50
Long Construction Co., Inc.	62,771.00

The recommendation of the Surveyor was to reject all bids due to a bidder's failure to acknowledge receipt of addendum no. 1 on the project. Because of large differences between the low and next lowest bid (greater than 12%), it was deemed to be in the best interest of Missoula County to rebid the construction project.

Deputy County Attorney Michael Sehestedt informed the Commissioners that as a result of a decision by the Missoula County Auditor, the County now was requiring a certified payroll in order to comply with the Davis Bacon Act and the Little Davis Bacon Act. He stated that the situation in regard to requiring certification of payroll had arisen after the bid specifications for this particular project had already been prepared and mailed out. He said that the memo informing prospective bidders of this requirement had of necessity been mailed out on Thursday, April 21, 1983, less than the legally-required five working day notice time. He stated that two of the three bidders had formally acknowledged receipt of this memo and that the third bidder, Nicholson Paving Company, had acknowledged in a telephone conversation that they understood that the memo was coming, but the memo did not arrive at their office in time to formally acknowledge it in writing. However, their payroll had been certified already. He said that it was his belief that Nicholson's failure to acknowledge receipt of the memo about the addendum to the bid specifications did not legally preclude the Commissioners from awarding the bid. He said that if the bid were rejected on that basis alone, there was a possibility of a lawsuit. He left the decision to the discretion of the Board of County Commissioners, stating that the law allows them to award to the "lowest and best responsible bidder."

At this point, Barbara Evans recognized Milt Datsopoulos, attorney representing Nicholson Paving Company. Mr. Datsopoulos stated that Mr. Nicholson had submitted his bid in accordance with the documents and bid specifications prepared by the County, and requested that the bid be awarded to Nicholson Paving as low bidder. He stated that the bid submittal had been prepared in good faith and that although Mr. Nicholson had been advised by telephone that an addendum was coming, he had not received that addendum until April 18 after the bid opening. He said that Mr. Nicholson had orally stipulated that he would abide by the oral stipulation. He stated that generally a non-substantive, minor irregularity does not affect the bid price or give anyone an unfair advantage. He said that the bid that Mr. Nicholson submitted was substantially lower than any and all other bids and asked if it were proper to punish Mr. Nicholson and his company because the County had not prepared and mailed out the addendum within the five working day time limit. He stated that it was proper and legal for the Board to waive his formal acknowledgment of the memorandum and that to reject the bid on that basis would be to punish Mr. Nicholson for a minor variation that was no fault of his own. He stated that in any bid situation it would be possible for someone to claim an irregularity. He said that the bid was appropriate, proper and legally acceptable.

Bob Holm from the Surveyor's Office stated that the information provided by Mr. Datsopoulos was correct and that he had no problem with the award of the contract if Mike Sehestedt and the Board determined that it should be awarded.

Michael Sehestedt stated that he found himself generally in agreement with Mr. Datsopoulos and that his previous recommendation to reject all bids had been in the interest of producing no litigation.

In response to a question from Ann Mary Dussault, Bob Holm stated that bid specifications state that an addendum to a bid must be mailed within five days of the bid opening, and they had done it within four days, because they had not had the information that it would be necessary to have an addendum until that time.

Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the bid for the reconstruction of the Upper and Lower Miller Creek Road Intersection be awarded to Nicholson Paving Company in the amount of \$54,721.50. The motion passed by a vote of 3-0.

BOND BID AWARDS: RSID'S 393 AND 394

Operations Officer John DeVore requested that the bid award be postponed because their office wanted to check with the engineering firm first to make sure that the interest rate being proposed was acceptable to them. The bid award was therefore postponed.

SUMMARY PLAT - BIG SKY LAKE ESTATES

Under consideration was the Summary Plat for Big Sky Lake Estates. Barbara Isdahl of the Missoula Planning Office gave the Planning Staff Report and the Planning Board recommendations. She stated that Big Sky Lake Estates is a recreational subdivision located about four miles east of Salmon Lake and that it has a total area of 5.38 acres and is proposed for three single-family lots. She stated that the Big Sky Lake Corporation had first tried to file a full subdivision plat in 1965, but that at that time the County Commissioners did not want all of the lots filed at once and recommended that platting take place by a series of summary subdivisions. This practice was allowed to continue even after the passage of the 1973 Subdivision and Platting Act.

Public Meeting, April 20, 1983, Continued

She stated that a private, 60-foot road easement exists around the lake and the dirt road is maintained by an employee of the Big Sky Lake Homeowners Association. She informed the Commissioners that the Missoula Planning Board recommended approval of the summary plat of Klein Addition to Big Sky Lake Estates, subject to the conditions stated in their letter dated April 20, 1983.

Bob Palmer moved and Ann Mary Dussault seconded his motion that the Summary Plat for Big Sky Lake Estates be approved subject to the conditions set forth in the Planning Board's recommendations to the Board of County Commissioners. The motion passed 3-0.

The Summary Plat for Klein Addition to Big Sky Lake Estates is therefore subject to the following conditions:

1. That sanitary restrictions be lifted by state and local health authorities;
2. That the County Surveyor certify that the roads within this development have been previously approved; and
3. That the subdivision name shall be changed to conform with current policy.

Further, the Summary Plat was found to be in the public interest, based on the following findings of fact in regard to the eight criteria set forth by subdivision regulations:

1. Need - The Comprehensive Plan designates this area for a maximum density of one (1) dwelling unit per ten (10) acres. The overall density of the subdivision is in compliance with the Plan;
2. Public Opinion Expressed - no public comments were expressed at the County Regulatory Commission meeting for or against this proposal;
3. Effects on Agriculture - The lots are not being used for agricultural purposes at the present time. The current land use is cut-over timber land and grazing, with summer homes on adjacent lots. The effect on agriculture should be minimal;
4. Effects on Local Services -
 - a. Schools - since this subdivision is designed and intended for weekend and summer homes, the impact on the school system is expected to be minimal;
 - b. Ambulance and fire control - fire protection will be provided by the Seeley Lake Fire Department. Ambulance service will be provided from Seeley Lake by the County medical aid system, MESH; and
 - c. Water and sewer service - the lots will be served by an individual water system, taking water from either the lake or creek, with chlorinators and individual septic tanks and drainfields;
5. Effects on Taxation - the tax base is expected to increase;
6. Effects on Natural Environment - lakeside development must be done carefully to avoid environmental damage. It appears that the developers have taken necessary precautions as setbacks from the lake and compliance with health regulations, which will minimize impact on the natural environment;
7. Effects on Wildlife and Wildlife Habitat - the planning staff knows of no critical wildlife habitat in this area, although some displacement of wildlife may occur; and
8. Effects on Public Health and Safety - The staff has not received any comments from the Health Dept, but this proposal is currently being reviewed by that office.

OTHER BUSINESS - COMMENT BY C.E. ABRAMSON, CHAIRMAN, CITY-COUNTY LIBRARY BOARD

Mr. Abramson asked for clarification from the Board of County Commissioners in regard to the Legislature raising the permissive levy from three to five mills for libraries. He asked if this would be effective July 1, 1983 so that the Library could operate on a five mill levy for FY '84, beginning July 1, 1983.

Bob Palmer stated that the Levy had given the Board of County Commissioners authority to levy up to five mills for this fiscal year, but that this would be up to the discretion of the Board.

Ann Mary Dussault moved, and Bob Palmer seconded her motion, that a formal opinion on whether, if the Board of County Commissioners after its budget hearings decided to levy up to five mills for the Library, funding at that level would be available on July 1, 1983, should be requested from the County Attorney's Office. The motion passed by a vote of 3-0.

* * * * *

April 21, 1983

The Board of County Commissioners met in regular session, with a quorum of the Board present in the forenoon and all three members present in the afternoon. Commissioner Evans was out of the office until noon.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Blackfoot Telephone Cooperative, Inc. as principal for warrant no. 1786, dated September 21, 1982, on the Missoula County General Fund, in the amount of \$491.60, now unable to be found.

COMPROMISE AND SETTLEMENT AGREEMENT

The Board of County Commissioners signed a Compromise and Settlement Agreement, amending the Agreement signed on April 13, 1983, between Watson Golf Construction, Inc. and Missoula County and Larchmont Golf Course (collectively), changing the terms of settlement, per the

April 21, 1983, Continued

covenants set forth in the Agreement. The claim for payment was unanimously approved by the Board and a warrant for the entire amount is to be issued immediately.

SEMINAR

Commissioner Dussault attended a Library Week Seminar held at the City-County Library in the afternoon.

* * * * *

April 22, 1983

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 April 22, 1983, pages 1-33, with a grand total of \$224,119.04. The Audit List was returned to the Accounting Dept.

ELECTION CANVASS

In the afternoon, the Board of County Commissioners canvassed the Missoula Rural Fire District Election, which was held April 5, 1983.

* * * * *

April 23, 1983

CONVENTION WELCOME

On Saturday afternoon, Commissioner Evans gave the welcoming address to the League of Women Voters Convention, which was being held in Missoula.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman, Board of County Commissioners

* * * * *

April 25, 1983

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:

BUDGET TRANSFER

The Board of County Commissioners signed Budget Transfer No. 830013, a request from the Road Department to transfer \$15,000.00 from the Purchased Patching Account to the Asphalt Allocation Account, as the Road Department will make their own asphalt rather than purchase it, and adopted the transfer as a part of the Fiscal Year 1983 Budget.

APPROVAL OF PLANS

The Board of County Commissioners signed a letter to the Supervisor of the Lolo National Forest approving their plans to repair the Gillespie Bridge, which is on a Forest Service Road across the Clark Fork near the Beavertail Exchange. The approval is required by the U.S. Army, Corps of Engineers.

AGREEMENT

The Board of County Commissioners signed an Agreement between the State of Montana Highway Department and Missoula County in regard to Federal Aid Project No. DP8199 (10), the 39th Street and Dore Lane and 23rd Street Project, which will be let to contract in the near future. The Agreement covers part of Urban Route 8122 in Missoula County, a distance of approximately 1.1 miles. Both copies of the Agreement and one set of the plans, which were signed by Chairman Evans, were returned to the State Highway Department in Helena for signatures by the proper highway officials.

Also considered was a grant request presented by Orin Olsgaard, DES Coordinator. The request was approved by the Commissioners. The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *

April 26, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer left in the morning to attend the Western Interstate Region Annual Meeting in Phoenix, Arizona.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following item was signed:

LETTER OF RESOLUTION

Chairman Evans signed a Letter of Resolution, indicating Missoula Policy Coordinating Committee (PCC) approval of a motion made by the Missoula Technical Advisory Committee (TAC) to amend the transportation Improvement Program/Annual Element (TIP/AE) to reflect a change in the construction funding source of M8199(2), South and Grant Project, and M8199(2), V-Z, Dore Lane and 39th Project, from Federal Aid Urban System (FAUS) funds to Economic Growth Center funds. The Letter of Resolution was returned to Mike Kress in the Planning Department for additional signatures.

April 26, 1983, Continued

Other items considered were:

1. The request for a sign on Clarkia Way was discussed. A letter will be sent to recommend an RSID for sidewalks and possibly park development;
2. The 5th Street paving request was discussed. Paving through an RSID or dust oiling are possibilities that will be checked into;
3. The problem of dumping in the Blue Mountain Area was discussed. The County Attorney's Office will check with the Sheriff, Surveyor and the Health Department to determine enforcement and clear-up responsibilities;
4. Jean Wilcox, Deputy County Attorney, discussed with the Commissioners the legal implementation of the Lenore Court Cul-de-Sac Controversy;
5. Clarification of the Irrigation Ditch Agreement will be handled by Jean Wilcox, Deputy County Attorney, who will discuss the matter with the attorney for the Irrigation Ditch; and
6. A policy statement in regard to passport fees will be developed by Mike Sehestedt, Deputy County Attorney.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

MEETINGS

Commissioner Evans attended a meeting of the Animal Control Task Force at noon and an Airport Authority Meeting in the afternoon.

* * * * *

April 27, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer attended the Western Interstate Region WIR Annual Meeting in Phoenix, Arizona from April 26 through April 29, 1983.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Russell Lodge as Principal for Warrant No. 18503, issued April 20, 1983, on School District No. 1 Payroll Fund in the amount of \$899.14, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed and approved:

CONSENT TO TRUST AGREEMENT

The Board of County Commissioners signed a Consent of Landowner form consenting as owners of land lying within the "Jordan Ranch" near Potomac, Montana, to the adoption of a Roadway Maintenance Trust Agreement signed July 8, 1982, without assumption of any responsibility or liability for the purposes of maintaining the road system within the "Jordan Ranch."

BOARD APPOINTMENT

The Board of County Commissioners appointed Howard Schwartz, County Executive Officer, as the Commissioners' representative on the Area Agency Advisory Board.

Other matters considered were:

1. The annexation to Rural Fire of apparently non-contiguous land was discussed. A County Attorney's Opinion will be requested on the matter;
2. The problem of addenda to bids was discussed. It was the consensus that this will be included in the bidding process policy discussions;
3. The CBO packets and review process for FY '84 was discussed; and
4. Howard Schwartz, Executive Officer, reported to the Commissioners on funding possibilities in the new Jobs Bill.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

PROGRESS REPORT

Chairman Evans signed the Project Progress Report for the Missoula RSVP Project, the ACTION Program for Grant No. 440-8584/3, for the period January, 1983 to March, 1983. The Report was returned to RSVP for further handling.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:40 p.m. Commissioner Ann Mary Dussault was also present. Commissioner Bob Palmer was in Phoenix attending the WIR Conference mentioned above.

BOND BID AWARD: RSID'S 393 AND 394 - STREET IMPROVEMENTS ON DAVIS STREET

The award of the bond bids for RSID's 393 and 394 was postponed from the April 20, 1983 meeting so that Operations Officer could contact the developer on the project to make sure that selling the bonds at 12% interest would be acceptable. He had since done so and found out that that would be acceptable. Further information provided by Operations Officer John DeVore stated that the advertisement for these bids had officially closed on Monday, April 18, 1983. At that time, no bond bids had been received; however, on April 20, 1983 bond bids were received as follows:

PUBLIC MEETING, APRIL 27, 1983, CONTINUED

RSID 393 R.J. Rangitsch - 12%
 RSID 394 R.J. Rangitsch - 12%

Ann Mary Dussault moved, and Barbara Evans seconded the motion, to award the bond bids on RSID's 393 and 394 to R.J. Rangitsch in the amount of 12%. The motion passed by a vote of 2-0.

Since there was no further business, the meeting was recessed at 1:42 p.m.

* * * * *
 April 28, 1983

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 approved and signed:

CONTRACT AGREEMENT FOR DEMOLITION AND LAND CLEARANCE

Chairman Evans signed a Contract Agreement for Demolition and Land Clearance between Missoula County and Russell and Sons Excavating, the low bidder, at \$2,200.00, for clearance of a lot at 510 Speedway in East Missoula, which was acquired by the County in January, 1983, with CDBG funds, with the intent of removing an eyesore. The Agreement was returned to John Kellogg in the Planning Department for further handling.

BOARD APPOINTMENTS

The Board of County Commissioners made the following appointments to the Missoula County Park Board: Earl Reinsel was moved up from an alternate member to regular membership; for a three-year term, which will expire the first Monday in May of 1986; and Norma Hober was appointed to a three-year term, which also expires the first Monday in May of 1986. James A. Blackburn was appointed as the alternate member of the Missoula County Park Board.

TRANSFER OF TITLE OF VEHICLES ACQUIRED UNDER THE CIVIL DEFENSE PROGRAM

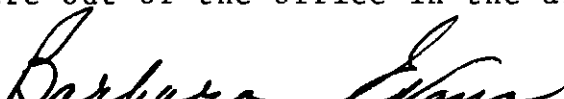
The following matter was also considered by the Board: the Commissioners discussed the transfer of title to vehicles acquired under the Civil Defense Program, with Orin Olsgaard, DES Coordinator, who will develop a policy in regard to this matter.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *
 April 29, 1983

The Board of County Commissioners met briefly in the forenoon, with a quorum of the Board present. Commissioners Evans and Dussault were out of the office in the afternoon.


 Fern Hart, Clerk & Recorder


 Barbara Evans, Chairman
 Board of County Commissioners

* * * * *
 May 2, 1983

The Board of County Commissioners met in regular session in the afternoon with a quorum of the Board present. Commissioner Dussault participated in a Youth Government Program in Helena in the forenoon; Commissioner Evans was out of the Office all day.

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated April 29, 1983, pages 1-47, with a grand total of \$122,027.83. The Audit List was returned to the Accounting Department.

* * * * *
 May 3, 1983

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:

EXTENSION LETTER

The Board of County Commissioners signed a letter, dated May 2, 1983, to Nick Kaufman of Sorenson & Company, granting an additional extension for two years for the plat filing deadline for Belmont and Churchill Downs from the expiration date of May 20, 1983.

CERTIFICATE OF ACCEPTANCE

Chairman Evans signed a Certification of Acceptance for County Maintenance for a section of Lost Mine Loop (off Miller Creek Road) from the end of existing maintenance north to Miller Creek Road. It is a gravel road and not built to County standards, but has been maintained for years and there is an obligation to continue the maintenance. The Certificate was returned to the Surveyor's Office.

May 3, 1983, Continued

LEASE AND PURCHASE OPTION AGREEMENT

Chairman Evans signed a Lease and Purchase Option Agreement between Missoula County and IFG Leasing Co. of Great Falls, Montana for hot standby units (radios) for the microwave site. The Agreement was returned to General Services for handling.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Montana Department of Justice, Highway Patrol Division, whereby they will purchase centralized dispatching services through the Missoula County 9-1-1 Center, in accordance with the terms set forth in the Agreement for the period of July 1, 1983 through June 30, 1984, for a total amount of \$15,483.00.

CONSENT TO AGREEMENT

The Board of County Commissioners signed a Consent to an Agreement of Assignment requested by Bob Minto, Attorney at Law, in regard to Missoula Community Hospital Units 27 through 222, whereby Dr. Browne assigns one-half interest in his suites to Dr. McCoy, an associate. The consent form was returned to the Attorney's Office.

Also considered were the following:

1. An emergency alerting system proposal was presented by Orin Olsgaard, DES Coordinator. The text of the letter was approved by the Commissioners; and
2. The request to dust oil South 5th West was discussed. Other sites for dust oiling will be checked with the Surveyor's Office and reported to the Commissioners.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

LUNCHEON/MEETING

Commissioners Evans and Dussault attended a luncheon meeting at the University at noon, with Neil Bucklew, President of UM, and Mayor Bill Cregg, City of Missoula.

* * * * *

May 4, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault attended a meeting of the Condon Community Club in Condon in the morning and from there went to Townsend for a MACo meeting in the afternoon.

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report for collections and distributions for Justice of the Peace, Janet Stevens, for the month-ending April 30, 1983.

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 with Richard Steffel, an independent contractor, for the purpose of designing, developing, and conducting a wood use and telephone survey. The results will be encoded for a computer tabulation and the contractor will analyze results to submit a final paper. The contract covers the period from April 28, 1983 to June 30, 1983, and the total compensation shall not exceed \$2,500.

RESOLUTION NO. 83-31

The Board of County Commissioners signed Resolution No. 83-31, resolving that the Chairman of the Board of County Commissioners be authorized and directed to execute a quit claim deed conveying to the Lolo Community Center the County's interest in certain property which has been leased by the Lolo Community Center since April 1, 1973. The lease provided that upon completion of the lease term on March 30, 1983, all rights, title and interest would be vested in Lolo Community Center upon adherence with all conditions of the lease.

QUITCLAIM DEED

Commissioners Evans and Palmer signed a Quitclaim Deed conveying to Lolo Community Center the premises described in the Deed in accordance with the conditions set forth in Resolution No. 83-31.

Other matters considered included the following:

1. The Commissioners approved the sale of right-of-way property on Reserve St. to the State Highway Dept. The papers were signed to initiate the claim and the deed will be signed upon receipt of \$10,100.00 from the State Highway Dept; and
2. A request from the Sheriff to transfer an overage in the Sheriff's regular account of \$550.00, which has accumulated over a period of the past fifteen years, and to make a special remittance to the Missoula County Treasurer in that amount, to be credited pursuant to 7-33-2141, MCA, was approved by the Commissioners.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Commissioner Bob Palmer was also present. Commissioner Ann Mary Dussault was in Condon in the morning and then went to Townsend in the afternoon.

MAY 4, 1983
PUBLIC MEETING, CONTINUED

BID AWARDS: CRIMINAL JUSTICE SYSTEM HARDWARE AND SOFTWARE

This bid award was postponed indefinitely.

BID AWARDS: CONTRACT FOR COMMUNITY DEVELOPMENT BLOCK GRANT AUDIT

Information provided by John Kellogg, Planner, stated that the Planning Staff had advertised for an audit of the first year of the County's East Missoula Community Development Block Grant. He stated that the following bids had been received:

Robert D. Doyle	\$3,600
Ronald Paul Rolz	2,570
Dobbins, DeGuire & Tucker	2,400 (or \$1,600 if included in the County's general audit)
Loewen & Rummel	1,985
Joseph P. Eve	1,490

Bob Palmer moved, and Barbara Evans seconded the motion, that the bid for the Community Development Block Grant Audit be awarded to Joseph P. Eve, the low bidder, in the amount of \$1,490, in accordance with the recommendation of John Kellogg. The motion passed by a vote of 2-0

BOND BID AWARDS: RSID'S 395 & 396

Information provided by John DeVore stated that one bond bid had been received on the above-referenced RSID's, as follows:

RSID 395				RSID 396			
D.A. Davidson & Co. Bonds	1	through 33	8.50%	1	through 45	8.50%	
	34	through 42	8.75%	46	through 57	8.75%	
	43	through 50	9.00%	58	through 68	9.00%	
	51	through 59	9.25%	69	through 79	9.25%	
	60	through 67	9.50%	80	through 90	9.50%	
	68	through 76	9.75%	91	through 101	9.75%	
	77	through 84	10.00%	102	through 112	10.00%	
	85	through 93	10.25%	113	through 123	10.25%	
	94	through 101	10.50%	124	through 134	10.50%	
	102	through 110	10.75%	135	through 145	10.75%	
	111	through 127	11.00%	146	through 167	11.00%	

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the bid be awarded to D.A. Davidson & Co., as set forth above, in accordance with John DeVore's recommendation. The motion passed by a vote of 2-0.

CONSIDERATION OF FINAL PLAT - PLACER SUBDIVISION

Barbara Isdahl was asked to give the Planning Staff report and recommendations. She stated that Placer Subdivision is located north and west of the previously platted El Dorado, Phase I and El Dorado, Phase II subdivisions in East Missoula, which are located between Highway 10 and Speedway Avenue. The developer has proposed ten lots and a utility drainfield area on 5.93 acres. The park dedication was taken care of in El Dorado, Phase I. This area is zoned C-RR3. The final plat was originally heard and approved by the Board of County Commissioners on May 19, 1982.

The developer requested an extension to the 120-day filing deadline on September 8, 1982. The reason for this request was because the Department of Health and Environmental Sciences had not as yet given their approval.

The Board of County Commissioners granted a 120-day extension for the plat filing deadline from September 16, 1982, which was the expiration date. The Board stated if this deadline was not met, it would be necessary to resubmit the final plat to the Planning Staff for review.

Barbara Isdahl stated that the Planning Staff recommended approval of the final plat for Placer Subdivision, subject to the conditions in their report dated May 4, 1983.

Bob Palmer moved, and Barbara Evans seconded the motion, that the final plat for Placer Subdivision be approved, subject to the conditions set forth in the planning staff report dated May 4, 1983. The motion carried by a vote of 2-0. The final plat approval is therefore subject to the following conditions:

1. That grading, drainage, erosion control, access and sidewalk plans be approved by the County Surveyor's Office;
2. That permission be obtained to connect to Mountain Water Company system prior to final plat recording;
3. That sanitary restrictions be lifted by State and local health authorities;
4. That the developer provide the County Surveyor with a revegetation and erosion control plan for land disturbed during construction of Placer Lane and individual driveways;
5. That typical driveway design sections and grades be approved by the County Surveyor's Office and County Zoning Staff; and
6. That the subdivision be physically separated from the highway and the Circle K Store (corner of Highway 10 and Staple Street) by a substantial fence to prevent traffic short cuts.

HEARING: FLOODWAY PERMIT REQUEST - RIVER PINES ADDITION (LOTS 2 & 7) - CLINTON & IONA BAERTSCH

Under consideration was the floodway permit request for Clinton and Iona Baertsch to construct a horse shed.

PUBLIC MEETING, MAY 4, 1983, CONTINUED

Barbara Isdahl of the Missoula Planning Staff gave the staff report and recommendations. She stated that Mr. and Mrs. Baertsch had applied for a floodway permit to construct a 12X14 foot horse shed on Lots 2 and 7 of River Pines Addition, west of Maclay Bridge. The property is within the 100-year floodway of the Bitterroot River. She said that the Baertschs intend the shed to be of simple frame and plywood construction and would be anchored by support poles which would extend 18 inches into the soil. The shed would be used to house one horse and to store some equipment. The equipment will be properly anchored and readily movable.

She informed the Commissioners further that the property is fairly level throughout and that no fill was proposed. The building will be constructed and located to minimize obstruction to flood flows in that the longest sides of the building will parallel the expected flood flow. She stated that the staff recommended that the floodway permit be approved as requested, subject to the conditions stated in the staff report, dated May 4, 1983.

At this point, Barbara Evans opened the hearing for public comment, asking that proponents speak first. The following person spoke:

1. Clinton Baertsch stated that he agreed with the planning staff report and recommendations.

No one wished to speak in opposition. Barbara Evans therefore closed the public hearing.

Bob Palmer moved, and Barbara Evans seconded his motion, that the floodway permit requested by Clinton and Iona Baertsch for the construction of a horse shed on property located on lots 2 & 7 of the River Pines Addition be approved, subject to the conditions specified in the letter dated May 4, 1983 from Barbara Isdahl of the Missoula Planning Office. The motion passed by a vote of 2-0. The floodway permit was granted in accordance with the following conditions:

1. That the shed be anchored by support poles extending at least 18 inches into the soil;
2. That the shed shall be constructed so that its longest side parallels the expected floodflow; and
3. That the applicant advises the Missoula Floodplain Administrator concerning the completion date so that a site inspection can be done to verify compliance.

HEARING: FLOODWAY PERMIT REQUEST - FILL AND RIPRAP FOR BOAT LAUNCH SITE - LEE WILSON - LOLO

Under consideration was a request for a floodway permit for the purpose of constructing a 10X47 foot boat launch on property located in the Allomont Orchard Subdivision in Lolo. Barbara Isdahl stated that boat launching ramps are uses allowed in floodways without a permit (Section 3.05, A.3, Missoula Floodplain Resolution No. 75-20 and 75-23). A permit for this ramp is necessary, however, because fill will be used in the floodplain area and rip-rap will be necessary to keep the ramp and surrounding stream banks from eroding. This boat ramp will cut through 30 feet of stream bank. Excavated soil and rock will be used for two purposes. The soil will be used to fill an existing walkway. The rock, which varies in size from 1 and 3 feet in diameter, will be used as rip-rap along the north and south boundaries of the ramp opening into the river. She stated that Mr. Wilson intended to use railroad ties for rip-rap on the bank north of the ramp, to be held in place by a steel cable and four-foot steel stakes. She stated that the definition of rip-rap in the Floodplain Resolution includes: ". . .stones, rocks, concrete blocks or other analogous material." The staff of the Montana Department of Natural Resources Floodplain Management section expressed serious concerns about using railroad ties for rip-rap because the ties could be dislodged and washed downstream in the event of flooding. Rip-rap should be angular material from other than a streambed source.

The staff recommendation was that the floodway permit be approved as requested, subject to the conditions stated in the staff report, dated May 4, 1983.

Barbara Evans opened the hearing for public comment, asking that proponents speak first. No one wished to testify either as a proponent or as an opponent, and Barbara Evans then closed the public hearing.

Bob Palmer moved, and Barbara Evans seconded his motion, that the floodway permit request for the purpose of installing fill and riprap for a boat launch site in the Allomont Orchard Subdivision in Lolo as requested by Lee Wilson be approved, subject to the conditions set forth in the letter of May 4, 1983 from Barbara Isdahl of the Missoula Planning Office. The motion passed by a vote of 2-0. The floodplain permit is therefore subject to the following conditions:

1. The excavation, fill and rip-rap for this boat launch ramp shall meet all applicable laws and regulations of Missoula County Floodplain Resolution No. 75-20 and 75-23 and all other local and state agencies;
2. Rip-rap shall include only rocks, stones or analogous materials;
3. All fill used in the floodplain area meets the definition of "suitable fill" described in Missoula County Floodplain Resolution 75-20 and 75-23; and
4. The Floodplain Administrator shall be contacted upon completion of the project so that an on-site inspection can be done to determine compliance.

HEARING: REQUEST FOR VACATION OF LAST 155 FEET of 2400 BLOCK - SOUTH TENTH WEST (DOMINIC JOB)

Under consideration was a request from Dominic Job to vacate the last 155 feet of the 2400 block of South 10th West. Information provided by Wendy Ross Cromwell, Recording/Elections Manager, stated that the four landowners adjacent to the portion of South 10th West for which abandonment is request submitted a petition for abandonment. The petition was also signed by an additional six landowners in the Missoula County Road District, meeting statutory requirements. She stated that under the street petition process described in Section 7-14-2601 through 2604, the Commissioners must meet and investigate the request for vacation within 30 days of receipt of the petition. The investigation is to be conducted by no more

PUBLIC MEETING, MAY 4, 1984, CONTINUED

than one board member and the county surveyor. If the board decides to vacate the street, notice must be sent by certified mail to abutting landowners within 10 days after the decision is made.

County Surveyor Richard Colvill, in a memo dated March 2, 1983, stated that he did not think that the County could sell the 10th Street right-of-way requested by Mr. Job to be vacated. He said that the strip of land was dedicated as part of the Rangitsch Addition in 1958 and that the narrow part of 10th Street is 19.36 feet by 249.24 feet. He said that the County could only vacate this parcel in accordance with the statute, with the vacated area reverting to the property owner to the north because the property to the south is outside the platted subdivision. He said that he supported the vacation because it would eliminate an access onto Reserve Street, in accordance with a County planning effort to eliminate as many access points as possible onto Reserve Street.

A memo from Michael W. Sehestedt, dated March 10, 1983, stated that, based on the facts stated in Mr. Colvill's memo, he did not think the County can sell the property in question. He said that if it was dedicated as a street, then all the County had acquired was an easement (MCA 7-14-2107 to 7-14-2604 or MCA 7-14-26-4 or MCA 7-14-2616). He stated that when a road is vacated, all that happens is that the public easement is removed from the property and the owner of the underlying fee resumes all the rights and incidents of ownership. He stated that therefore the County does not have any property to sell in the instant case and at the most could, through the vacation process, release the burden imposed by the easement.

At this point, Chairman Barbara Evans opened the public hearing for comment, asking that proponents speak first. The following people spoke:

1. Dominic Job stated that the parcel was no good as it is and would be added to the tax rolls if it were vacated.
2. Del Rose Jacobsen, a neighbor of Mr. Job, stated that she agreed that the parcel should be vacated.

There were no opponents. Barbara Evans then closed the public hearing.

Bob Palmer moved, and Barbara Evans seconded the motion, that the hearing be continued to the public meeting of May 11, 1983 so that one of the Commissioners could view the parcel in question in the company of County Surveyor Dick Colvill, and then make a recommendation to the Board of County Commissioners, in accordance with the statutes. The motion passed by a vote of 2-0.

CONTRACT AGREEMENTS FOR BOND BIDS ON RSID'S 395 AND 396

The Board of County Commissioners signed the Contract Agreements for the bond bid awards on RSID's 395 and 396. The Contracts were returned to General Services so that they could be forwarded to D.A. Davidson & Co. for signatures.

CONTRACT AGREEMENT FOR AUDITING SERVICES

The Board of County Commissioners signed the Contract Agreement for Auditing Services between Missoula County and Joseph P. Eve, Certified Public Accountant, who will, in consideration of the sum of \$1,490.00, perform an audit for the County of Missoula's Community Development Block Grant Numbered B-81-DN-30-0007, covering the period from September 1, 1981 through February 28, 1983, in accordance with audit standards described in U.S. Department of Housing and Urban Development Handbook IG 6505.2. The Agreement was returned to John Kellogg of the Missoula Planning Office for further handling.

There was no further business, and the Meeting was recessed at 1:40 p.m.

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May 5, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer left for Portland to participate in a NW Power Planning Council/BPA Workshop May 5th and 6th.

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List, dated May 4, 1983, pages 1-33, with a grand total of \$229,467.58. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report for the Justice of the Peace, W.P. Monger, for collections and distributions for the month ending April 30, 1983.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 83-32

The Board of County Commissioners No. 83-32, a resolution to rezone lots 1 and 2, block 1 and lot 1 of block 2 of the Charlies Addition #1 from C-C2 General Commercial to a C-RR3 Residential, with a mobile home overlay. The subject property is located in the SE¼ of Section 7, T13N, R19W, in Missoula County.

MAY 5, 1983, CONTINUED

The Commissioners met with Mike Sehestedt, Deputy County Attorney and Candace Fetscher of Garlington, Lohn & Robinson and discussed the IDR Bond request for Community Hospital. The request for a public hearing was approved unanimously by the Board and the following items were signed:

RESOLUTION NO. 83-38

The Board of County Commissioners signed Resolution No. 83-38, a resolution providing for a public hearing on a hospital project and medical office building project proposed to be undertaken by Missoula County, Montana, under Title 90, Chapter 5, Part 1, "Industrial Development Projects," Montana Code Annotated, as amended, and prescribing other matters pertaining thereto.

NOTICE OF PUBLIC HEARING

Chairman Evans signed a Notice of Public Hearing on the Proposal by Missoula County, Montana to issue Hospital Revenue Refunding and Improvements Bonds, Series 1983 (Missoula Community Hospital Project) in a principal amount not to exceed \$13,500,000, setting the hearing date for June 1, 1983, at 1:30 p.m. in Room 201 of the Courthouse Annex.

Also considered was the following:

The Board of County Commissioners discussed the status of the Bradford Alley with Jean Wilcox, Deputy County Attorney, who made a recommendation for abandonment. It was the consensus of the Board to proceed with this recommendation.

The Minutes of the Daily Meeting are on file in the Commissioners' Office.

SWEARING-IN

Chairman Evans swore in Stewart Pearce as Acting Justice of the Peace for the period May 9-13, 1983.

WELFARE BOARD MEETING

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 289 cases which were presented for consideration by the Missoula County Welfare Department.

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May 6, 1983

The Board of County Commissioners did not meet in regular session as all three Commissioners were attending meetings out of town. Commissioner Evans attended a MACo District 10 & 11 meeting in Polson during the day, and Commissioner Dussault attended a DNR Board Meeting in Helena on May 6th and 7th.

 _____ Fern Hart, Clerk & Recorder	 _____ Barbara Evans, Chairman, Board of County Commissioners
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May 9, 1983

The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present. Commissioner Palmer attended a "State Assumption of County Welfare" meeting in Helena during the day, and Commissioner Evans was out of the office all day.

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May 10, 1983

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

INDEMNITY BONDS

Chairman Evans examined, approved and ordered filed the following indemnity bonds:

1. Naming Nelson's Grocery and Husky Service of Seeley Lake, MT as principal for warrant No. 1562, issued April 12, 1983, in the amount of \$151.64, on the Missoula County General Fund, now unable to be found; and
2. Naming A-L Welding Products, Inc. as principal for warrant no. 1257, issued July 12, 1982, in the amount of \$8.50, on Missoula County General Fund, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed.

CONTRACTS

The Board of County Commissioners signed contracts for care and maintenance of Lincolnwood Parks (RSID 900) with Keith Hickethier and Chip Kurzenbaum, for the period beginning May 1, 1983 to October 15, 1983.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

MEETINGS

Commissioner Palmer attended a meeting of the Local Government Energy Committee in the forenoon. Commissioner Evans attended a Crimestoppers Executive Board meeting at noon, and later in the afternoon met with the Missoula County Weed Control Board of Supervisors at the Weed Office. Commissioner Dussault attended a local Youth Justice Committee meeting in the afternoon.

May 10, 1983, Continued

SITE INSPECTION

Commissioners Evans and Dick Colvill, County Surveyor, inspected the site for the request to vacate the east 155 feet of the 2400 block of South 10th West.

* * * * *

May 11, 1983

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

BUDGET TRANSFER

The Board of County Commissioners signed Budget Transfer No. 830014, a request from the Bridge Department to transfer \$1,600.00 from the Harper's Bridge Capital Account to the Consultants Account to further update the Harper's Bridge study, and adopted the transfer as a part of the Fiscal Year 1983 Budget.

CONTRACT

The Board of County Commissioners signed a Contract between Missoula County and Fred's Towing and Crane, the low bidder, for removal of vehicles other than those classified as junked or abandoned, as requested by the Missoula County Sheriff's Office, in accordance with the terms set forth in the contract.

AGREEMENT

Commissioner Evans signed an Agreement between Missoula County and Jack L. Green, II, Milton Datsopoulos and Dennis R. Washington (the owners) as a bond guarantee for D.A. Davidson for RSID 395 bonds in accordance with the terms set forth in the Agreement. The Agreement was returned to General Services for further handling.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present were Commissioners Bob Palmer and Ann Mary Dussault.

BID AWARD: WEED CONTROL CHEMICALS

The bid award for weed control chemicals was postponed indefinitely.

BID AWARD: CONSTRUCTION BIDS - RSID NOS. 393 & 394 - DAVIS ST. IMPROVEMENTS

Under consideration was the award of construction bids for RSID's 393 and 394. Information provided by John DeVore, Operations Officer, stated that three qualified proposals had been received, as follows:

1. Western Materials	\$52,456.15	RSID 393
2. Nicholson Paving	50,070.24	
3. American Asphalt	49,929.00	
1. Western Materials	50,466.15	RSID 394
2. Nicholson Paving	59,615.24	
3. American Asphalt	49,409.00	

The staff recommendation was to award both bids to American Asphalt. Further information was that bonds have been sold for both RSID's.

Bob Palmer moved, and Ann Mary Dussault seconded his motion, that the bid for the construction project for RSID's 393 and 394 be awarded to American Asphalt for the amounts set forth above, in accordance with staff recommendation. The motion carried by a vote of 3-0.

DECISION ON: REQUEST FOR VACATION OF LAST 155 FEET OF 2400 BLOCK OF SOUTH TENTH WEST

The hearing on the request for vacation of the last 155 feet of the 2400 block of South Tenth West had been held at the previous week's public meeting (June 7, 1983). The decision was postponed in order that one Commissioner and County Surveyor Dick Colvill could look at the parcel proposed to be abandoned, in accordance with state statute. Barbara Evans and Dick Colvill having viewed the site during the week, Bob Palmer moved, and Ann Mary Dussault seconded his motion, that the last 155 feet of the 2400 block of South Tenth West be vacated. The motion carried by a vote of 3-0.

RESOLUTION NO. 83-35

The Board of County Commissioners signed Resolution No. 38-35 to vacate the last 155 feet of the 2400 block of South Tenth Street West, located in Section 29, Township 13 North, Range 19 West, from the last 155 feet in the 2400 block to Reserve Street.

HEARING: AMENDMENTS TO ZONING RESOLUTION NO. 76-113 IN REGARD TO UNZONED AREAS

Chairman Barbara Evans asked Planning Director Kristina Ford to give the staff report on these proposed amendments.

Kristina Ford explained that regulations specify that within the municipal building inspection jurisdictional area, the Zoning Officer shall not issue a zoning compliance permit for construction or any use of any property unless and until the property shall be zoned.

PUBLIC MEETING, MAY 11, 1983, CONTINUED

She indicated the map which had been prepared to indicate the areas which would be affected by the changes in the zoning resolution. She stated that the Missoula Planning Board had recommended that the Board of County Commissioners approve the changes proposed, and added that this was part of the City Ordinances.

Kristina Ford went on to explain the reasons for proposing this resolution, stating that it had been occasioned by the Little Decision, which was the case of Little vs. Flathead County, recently reached by the Montana State Supreme Court. This decision held that a building inspector had no duty to issue a building permit for a structure unless it was in substantial compliance with the county comprehensive plan, even on land that was not zoned. Rather than having the chief building official assume so much responsibility, she stated that the Planning Office had chosen a more forthright means of complying with the Supreme Court decision, and stated that this measure was in keeping with the proper functioning of a planning department in Montana, and she then read appropriate citations from the Montana State Code, namely the following:

"It is the Planning Department's objective to improve the present health, safety, convenience and welfare of all citizens and to plan for the future development of the community by assuring that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; and that residential areas provide healthy and desirable surroundings for family life.

She stated that the extent to which her department could reach those goals was in direct proportion to the establishment of proper land-use development standards, and stated that the proposal before the Board would provide proper land-use development. She stated that to turn the proposal down would seriously impede the ability of the County to be developed harmoniously in accordance with the desires of the majority of its citizens.

She then offered responses to concerns that she anticipated the Board would be hearing from its constituents. The first concern, that the cost to owners of unzoned land would be unnecessary, that the current fees for a zoning change are \$300 for a commercial application and \$150 for residential, could be addressed by stating that because she was arguing that passing this resolution was on behalf of the greater welfare of all residents of the County, she felt that it was appropriate that staff time should be paid for out of the planning mill, and suggested that the Board waive either all or some part of the zoning fees. A second concern, that it takes a long time to institute a zoning change, could be addressed by stating that the minimum seems to be 77 days to do so. Part of that time includes a thirty day protest period. She stated that when the County Commissioners agree to a zoning change, that is posted and nothing can be done for thirty days. She stated that she and her staff had thought that in isolated areas, for land which is in the middle of otherwise unzoned land, the only person who would have any standing to protest would be the person who had asked for the change, and the Planning Staff had suggested that in that circumstance the building permit could be issued, conditioned on there being no protest. She stated that Deputy County Attorneys Jean Wilcox or Michael Sehestedt could speak to the legality of doing so. A third point would be that the Planning Department recommended the Board exempting from this resolution any residential remodeling work or any residential accessory uses, such as garages and so forth. A fourth concern is that a number of people had expressed concern that the Planning Department and the citizens in the City and the County are currently revising the Comprehensive Plan. She stated that this was true, but that the Comprehensive Plan is in effect right now, and staff members make decisions based at least in part upon it monthly. She stated that the Little Decision held that the proposed structure had to be in substantial compliance with the plan. She stated that the staff realized that there were mitigating or unusual circumstances that must be taken into account when creating a zoning district, so those problems can be addressed. Her final point was that the Comprehensive Plan was never intended to stand alone without tools to implement it, stating that the County should not jump from the plan's general designation to issuing site-specific building permits. The proper tool, she said, was zoning, the flexible and useful and proper tool for implementing a comprehensive plan.

At this point, Barbara Evans opened the public comment portion of the hearing, asking that opponents speak first. The following people testified as opponents to the requested change in the Zoning Resolution:

1. Helena S. Maclay, from the lawfirm of Knight and Maclay, stated that she was representing two clients, Dr. and Mrs. Walter Cox, who own, in substantial part, Mt. Sentinel, including lower portions of Mt. Sentinel, the development rights of which had been sold to the City of Missoula in an acquisition by the City. She stated that she also owned, with her sister, a piece of property which somehow had escaped the purview of the Reserve Street Corridor, on block 36 of Highline, across from the Southgate Mall. She stated that a letter had previously been submitted to the Planning Board which outlined their concerns. She stated that she and Robert Knight, her partner, felt that the resolution proposed in regard to zoning of unzoned areas was first needless and secondly probably an irrational reaction to a non-existent problem. She stated that their own commitment to that happened to join with their clients' commitment to using their property as best they can, and stated that Dr. Cox would be the last to want to publically appear and oppose something the County was doing, and that he would be the last to be accused of being a bad steward of his property. He stated that the property remained undeveloped, and that in the process of selling development rights to the City, Dr. Cox and the City hammered out a pretty unusual agreement in that he had an appraisal of his property - all a matter of public record - that valued the development rights at approximately \$200,000, and offered to sell it to the City for \$200,000, specifying that if the City wanted not to take all the development rights, he would retain the possibility, under very limited circumstances, of building aesthetically pleasing, single-family units. She said that the City had judged those rights to be worth \$50,000 at that time. She stated that Dr. Cox's land was unzoned, and that the proposal meant that if he were to develop his property in the fashion that the City had already approved, but not choosing to follow the zoning process, to submit his development plans to further criticism and public analysis that sometimes the zoning process yields, Dr. Cox would not be able to develop this property. He would not be able to get a building permit, as they understood building permit issuance at this time. He would not be able to build four single-family units on this property.

PUBLIC MEETING, MAY 11, 1983, CONTINUED

Dr. Cox has asked me to appear here because he owns other land, obviously, upon which there has not been an agreement hammered out as to what he is to do with them, and we also have other clients who will focus their attention on this if the proposal is adopted. She said that what had been so troubling to them was that they're being offered an alternative of coming in if we apply for a building permit and scurrying through until the hurdle is raised for the building permit, as is proposed, or we can apply for zoning, and as Kristina indicated, if you own a lot in the middle of a large area, you'll get it, because the only opponent might be yourself. She said that she thought that that was turning the process upside down in that the process was designed that there be a plan and that it be implemented by zoning. She stated that the implementation of zoning takes 77 to 90 days, and also usually allows the owner the option of not having the land zoned. She said that by adopting the proposal, the plan would stick. She said that the affected landowners were being told that the reason for this was the good of the community and asked how many people were affected by this. She asked whether the County still had the authority to issue building permits countywide and stated that if the County does have that authority, she thought that half of the people present to protest the resolution would leave in that within the purview of the area indicated on the map, there weren't many unzoned landowners and she thought that it then became a question of "whose ox is being gored here." She stated that the intimation was that the owners of unzoned land were so irresponsible in their development and use of their land that we as the community at large must control them, and that there was in fact no evidence first that the lands were being abused by the unzoned landowners or secondly that they would, unless pushed to the wall, take precipitous action in developing those lands. She said that what this action was proposing is that the unzoned landowner shall comply with the hurdles now imposed upon them or they should do something right now. She said that there were a lot of people who might react vindictively to that kind of choice. She said, "You don't like it when you perceive a threat to you. Landowners don't like it when they perceive a threat to them." She said that if the planning process is continued in Missoula County, and if that process required additional tools, the County should acquire the tools using the rules that are set up rather than skinning around claiming that the Little v. Flathead County case requires the County to do this. She said that she had read the case, that she was a lawyer, and that her opinion was that it does not say that you must have zoning before issuing a building permit. The materials given to the Planning Board indicate that this proposal will "bring us into compliance with Little v. Flathead County," she said, and stated that first, that the Little case doesn't require it and secondly Little is an extraordinary case and an example of bad facts making bad law. She said that the question it came down to was whether or not this were legally required, and stated that at the Planning Board hearing there had been representations that Little would yield lawsuits against the County. She said that if suits were filed against the County and if there were a mandate to do this, why was it not done in 1981. She stated that she knew that the County Attorney gets the advance sheets and that they were well aware of the case, and suggested that nothing had happened since 1981, and without this proposal, few of the unzoned landowners would have thought that this was possible since 1981, and she concluded that there had been no threatened litigation necessitating this proposal. There hasn't been a suit filed as a result of the Little case. She stated that no other county in the state of Montana had adopted this approach, and that if that in fact were the case, there must be some other reason to do this. She asked whether the reason weren't to require zoning and that she would have to conclude that it was to require zoning, but stated that zoning had historically and by law been something which the County can't impose on people. You can encourage people to do it, she said, but you can't require them to do so. They do have a protest right, and to use this method to force people into zoning is questionable. On the other hand, why are we here, she asked, and stated that many people in the room had an interest in asking the Board not to adopt this. She said that she had talked to many of the people present and became concerned at first about the principal of what was being suggested and secondly about various oxen being gored. She stated that her advice to her clients is to be very careful about threatening the County with a lawsuit, but in talking about this matter with other attorneys, she felt that there was a very good case to be made. She said that unfortunately for the community, Dr. Cox had the appraisal ready to go, and the difference of the \$50,000 value which was accorded to his development rights for Mt. Sentinel was something which a judge would look at knowing that it's there - the City officials have approved it. The evaluation and appraisal of his land at \$200,000 for the development rights are numbers that other people can use in litigation. They are publically available, she said, and stated that, finally, she ended up because of the personal question she had about the method being used to accomplish the good of the community and whether good government did require that this step be taken, she began to circulate petitions, predominantly in Lolo. She stated that she had been interested in the planning process, which all citizens were encouraged to participate in, and in that process she had realized that all the people in Lolo who had built planned subdivisions subject to restrictive covenants could not make an addition to their homes; they couldn't build a house; and the proposal would restrict them from doing that. She stated that Kristina had heard that that was an objection and that it seemed that that particular problem were being addressed to make it more palatable to the homeowner and the people who have already developed, and she thought that she'd have to say that was a good move, but the question remained of why it had to be made more palatable. She stated that she believed that the reason was that there was something wrong with the proposal itself; as a matter of principal, as a matter of using the planning tools that are available versus grasping at tools that are not legally available. She stated that it was there where the landowners had a philosophical difference with the proposal. This had led her to circulate the petitions, she said, and had put her into the arms of the Freeholders Association and into the arms of many people who oppose zoning. She stated that she didn't think that Dr. Cox would oppose zoning at all; that in fact he would be applying for zoning, but had he been asked to apply for zoning rather than coerced into it created a philosophical difference which Missoula County constituents were concerned about. She stated that it was a dollar and cents question as far as their clients were concerned. She concluded by saying that there were a lot of people who had relied on the tool of zoning as a trowel rather than a club. She stated that there were a lot of bankers who had loaned money using unzoned property as collateral and who had extended credit relying on the fact that those properties have a value. She said that if you have to go through the entire zoning process and have to wait through this entire building season and into the next before you can use your property, almost any person would say that that was a substantial devaluation of it. She said that the security threatened, and that her clients interests were best served by the Board electing not to do anything and that she did not see any big threats of lawsuits against the County and that the County had gotten along very well since 1981 without the resolution and she did not see any mandate to adopt it now.

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Ms. Maclay then gave the Board a stack of petitions in opposition to the proposal.

2. Deborah Hayden stated that Helena Maclay had some reservations about the foundation of this process and that her own were perhaps in more detail. She stated that there had been several points of decision in the process and stated that the Planning Staff had presented the property owners with a fait accompli. She stated that the decision points that had to take place in this were that action was necessary and that Ms. Maclay had spoken to that issue, and that she didn't think that action was necessary. She stated that there was a decision to accomplish this with only the resources of the Planning Staff, and that they were basing the process on a judicial decision and that there were no outside judicial resources sought in formulating this plan of action. She stated that the State Attorney General might have been a proper resource to have asked for an opinion on the matter as to the validity of the Little v. Flathead case. She then stated that there was a decision point that there were only three options to be followed, from which the Planning Staff got the decision that the desired option was the third option, and stated that she would submit that with the combined brainpower of the largest planning staff in the state, that surely they could come up with more than three options in the process. Then the Board was presented with one of the three options, she said, and stated that there had been no public input into the process; that it had all come out of the Planning Staff. She stated that there was no evidence of public support for this resolution. She stated that in circulating her petitions (a different one from the one that Helena had, but still in opposition to the resolution), there was no positive response that she had received from anyone, whether they signed it or did not sign it. The people who did not sign it, she said, were not exactly antipathetic. She stated that their opinion, universally, was that they were going to go ahead and do what they wanted to with their land anyway - let them try and stop me. She said that either the response had been negative or a response which would lead to disobedience in the face of the resolution. The problems that this presents were enormous, she said. She stated that if these lands were zoned in compliance with the Comprehensive Plan and then the Plan were changed, these lands would have to be rezoned. This would double the expense, she said, doubling the burden. She stated that they had heard in the Planning Board meeting that the Planning Staff could not initiate zoning itself because it didn't have the resources and capabilities of doing so and stated that there had been an admission that even if the public were to initiate the zoning under this regulation, the Planning Staff would be overworked. If we double the zoning process, she stated, the Planning Staff would be doubly overworked, and the expenses would be doubled. This wouldn't lead to harmonious development, she said in the process of planning for the County. She reiterated that there was no public support for this; that there had been no public opinion requested by the Planning Staff.

At this point, Ann Mary Dussault stated that she felt a need to clarify where the responsibility lay for the proposed resolution. She stated that she didn't want to debate Deborah Hayden's points, but to clarify that the facts were not as she had perceived them. She said that if the responsibility or blame were going to be placed somewhere, it should be on the three people sitting in the front of the room (the three Commissioners) and not on the Planning Staff. She stated that that was a very important point. She stated that the Board had been discussing how to comply with the Little decision, and there had been discussions for some time, since the case had come out. After the options to pursue were presented to the group several weeks previously, she stated, that had initiated the process the County was now in, and stated that the Planning Staff, Planning Director and Planning Board had not independently directed a way to proceed. This had been determined by the three Commissioners, she said, and stated that the purpose of this hearing was to bring the public into that process and stated that she hoped that the public was not assuming that any of their minds were made up, because hers certainly was not. The purpose of this hearing, she emphasized, was to hear public comment, and stated again that the Board had initiated the alternative, and that the Planning Staff had followed their direction in that.

Deborah Hayden then stated that she had wanted to make the point that this was not a public referendum, and that there was no impetus from the public sector in this resolution.

Ann Mary Dussault stated that that was correct; that the impetus was in the Supreme Court decision.

3. Nancy Senechal stated that she had heard that two Commissioners had publically made a statement that they were in favor of this resolution, so she was glad to hear that their minds were not made up. She stated that she was a real estate broker and that she would be able to give that viewpoint. She stated that there were tens of thousands of dollars worth of land listings tied up pending the Board's decision today and stated that many sellers were anxiously waiting to see how their interests would be affected. She stated that about half of the work she did was land work, and that easily half of the requests she got were from every sort of person - doctors, mill workers, secretaries - for land as close to Missoula as possible, so that there was no question in her mind that the issue had its hand right in her pocket. She stated that specifically she had a transaction pending where a family was not willing to risk a significant portion of their savings investing in a piece of ground that was unzoned only to find themselves standing before a zoning board or officer who may or may not agree with or condone or even care about this family's hopes and dreams and aspirations about what they would like to do with their ground. She stated that as a former Zoning Board member, she knew only too well what those risks could be, and that as a former Planning Board member, she was having a hard time seeing how this kind of piecemeal approach to zoning could be in the best interests of proper land-use planning. She stated that this led her to wonder if maybe there weren't a broader issue lurking here. If the governing officials of our community feel that growth should be restricted or limited or curtailed or whatever, she said, that issue should be put on the table and that the officials should be upfront about it so that it could be discussed without having to come through the door of the Planning or the Building Inspector's Department.

4. Gene Simpson, also a real estate broker, stated that what he was interested in saying did not have a whole lot to do with real estate, other than land values. He stated that first of all he'd like to know - referring to Kristina Ford's statement about this proposal being in the interest of the majority of citizens of the County - where that majority statistic came from. He said that if anyone could address that, he'd be interested in hearing about that. He stated that he questioned whether this approach to zoning was needed in this county and stated that he had concerns about the authority of this county to issue building permits countywide; stating that he believed that the authority was drawn back into the 4½-mile limit due to the fact that the building department didn't have

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the staff to cover the entire county at that time, and he said that if the staff were increased again, then the building permit area could be increased again countywide, which, in effect, would allow this area to be extended countywide rather than merely a radius around the City. He said that he hadn't understood who initiated this proposal, but from what he understood now, it was a County Commissioner-initiated proposal and the Commissioners were asking the Planning Staff to disseminate the information to the public in regard to these issues. He said that he had talked to Mark Hubbell about this proposal and had asked him for a map. He said that this was not available. He said that the map which was available to look at in the Planning Office at that time was different from the one which had been brought to the Commissioners' meeting. He said that he didn't believe that any of the smaller maps had been prepared so that the public could see what area was actually affected and stated that if those were available, he would like to have one. He said that this in some regard restricted the people who are directly affected by this from having the information they need to deal with, even to protest this action. He said that he felt that the Planning Staff has had very little response to the public and read a comment from a paper having to do with land-use problems in Oregon.

5. Bob Hunter stated that he lived in the West Riverside area, an area which has vetoed zoning in the past. He said that the people in the area had not wanted zoning because of the problems that come with it. He said that this method now undermines the citizens' rights to fight zoning. He said that he felt the method was unethical, underhanded and, in his estimation, an unprofessional way to veto people's rights to vote out zoning and stated that he didn't approve of it.

6. Julie Hacker stated that she was an affected landowner of property in the West Riverside area. She stated that her property was on unzoned land and that she wanted to tell the Commissioners that for the first fifteen years of her life as a young woman raising children she had spent her time asking the government to do little things to improve her life. She stated that she was present at the hearing as an individual who was asking the Commissioners as government to save her life, because her land was her life. She stated that she had an investment in property and that the Constitution guaranteed the right to use, own and enjoy our property. She stated that the proposal would deny citizens that right and that after she had heard Ms. Ford's presentation today she had realized that it's right to protest this decision because it sounded to her like the Planning Department was doing everything to violate their own regulations in order to see that they could coerce and force people into being zoned. She stated that zoning is very controversial and that she had spent many hours and had driven many miles on zoning and that she was well versed on the final effect on what zoning would do to her as a private property owner and that she didn't have any more time to spend at public hearings. She said that she read the Sunday Missoulian legal ads every week and stated that there were zoning battles, zoning boards of adjustment, etc. and stated that she didn't want to have to take her property into court because it's land which she wished to use. She then stated that she had questions to ask the Board: 1) how would you compensate landowners for the loss of their property, 2) are you prepared to abolish taxation on land which can't be built on unless it's zoned; 3) are you prepared to purchase this unsaleable and unpurchasable property at its fair market value. She stated that her suggestion would be that the Board defeat this proposed amendment, uphold their oaths of office and defend the rights of the public.

7. John Wittenburg, a resident of Paxson Street, stated that he also owned land in East Missoula which would be devalued considerably if it were zoned. He stated that the Board was establishing a double standard - one for government and one for people. He said that government went by one set of rules and people had another set of rules. He said that if people want to change the zoning, they had to get a petition, get everyone in the district, over 50%, to sign. He said that to create zoning in an area, it was the same process. He said that he felt it was only fair that government abide by the same rules that the people have to. When people want land zoned, he said, then they'll go along with it, and petitions can be circulated in the same way it is now to accomplish zoning. He said that he did not feel it was fair to have a double standard so that the government had one standard and the public had another.

8. Dick Rossignol stated that he was a landowner in the Lolo area and that he owned a large piece of acreage that would be affected by this resolution. He said that he was not adequately prepared for the hearing because it was hard for him to make time for hearings such as this. He said that he didn't feel that he should even need to fight for development rights. He said that he thought they should be guaranteed by the Constitution, but that obviously they weren't. He stated that at a Planning Board hearing Kristina Ford had stated that the reason for the resolution was that it was a good idea because it was "good for us", and stated that at this hearing he had heard her say that it was "good for the people", and stated that he had not met any of those people and had been out looking for some. He said that that seemed to be the only answer available from the Planning Staff and asked if it were good for the Planning Staff, and asked why it was good for them. He stated that he could see some reasons - job security, perhaps; to proliferate a staff which was already two to three times the size of staffs in comparable cities within our state, to set in concrete a master plan created by planner who were interested in their own rather than community needs. He said that these were the real answers to this question the way he saw it, and the way the people in a rural area who would be affected by this see it. He said that he had not found anybody among the people he had talked to that supported it. He stated that the Planning Department for years had been trying to find a way to zone outlying areas and that the people had stopped them. He stated that the people in outlying areas had rejected proposals to zone for years and years. He stated that he did not want regulations and he did not quite understand why no one seemed to hear what seemed to him a majority opinion. He stated that the people had elected the Commissioners to support the people. He stated that he had heard enough reassurances about not worrying because this planning was just a guideline, but stated that this was what Planning had said when they were trying to sell them a plan in Lolo in 1977. He said that this was not the case with this resolution. He stated that he had heard enough about how people had to substantially comply with the master plan that we don't need and that the people don't want. He stated that he was not a lawyer but a rancher and that the Supreme Court decision did not seem to be saying that it was necessary to zone every piece of property before you can build on it. He said that it doesn't say that you have to do anything. He said that this whole resolution was just another attempt for the Planning Department to increase their jurisdiction for their own good and it does not meet legislative requirements for the 60% petition to zone, he said, and

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said that it was not in the best interest of the people. He said that it was not in his best interest or in the best interest of anyone he had talked to. He stated that the most disturbing thing about the whole resolution was that it gave land that was designated in open parks and space no chance for development regardless. He said that his parents lived on a piece of property that was under this designation right now, which in his opinion, had no need to be zoned. He said that the family would not be able to develop any more of that land and stated that it would make the land a gift to the County, which constituted condemnation of land as far as he was concerned. He stated that he was sure that Kristina Ford was going to take those arguments and "use them against him and the people in the rural areas who are against this petition," and stated that he was not an expert but he hoped that the Commissioners as public, elected servants would hear his comments and stand up for the people who had elected them.

9. Fred Schmiedeskamp stated that he had memories of what had happened to him two years previously when the "Zoning Board of Adjustment gave away about \$5,000 of value of a piece of his property." He stated that someone with a "little money or clout; a little money under the table gets what they want."

Barbara Evans asked that Mr. Schmiedeskamp direct his comments to the subject at hand.

Ann Mary Dussault stated that she would rule these comments out of order and asked Mr. Schmiedeskamp to either direct his comments to the particular issue at hand or to leave the microphone.

Mr. Schmiedeskamp left the microphone.

10. Eddie McHatton stated that stated that he concurred with opposing views and urged the Commissioners not to adopt the resolution today.

11. Stan Hendrickson stated that he lived at Lolo and that he agreed with all the views that had been expressed but added that he felt that everytime something like this comes up, the ranchers and old-time landowners in an area panic, put their places up for auction, feeling that they should do what they can do while they can do it because next year it might be zoned for public use, parks, etc. and the feeling was that they would then be stuck with 1,000 acres of land that they could only donate to someone for a park. He said that this happened the last time that this issue had come up four or five years ago. He said that the ranch next to his had been sold because the zoning was proposed at so many houses per acre, so consequently this old-time ranch in the valley was gotten rid of while they could still do it. He said that he saw this happening every year; that ranchers are threatened when something like this comes along. Their property is threatened, he said, and they subdivided land. He said that people were being forced to subdivide and ranchers were being forced out of business because they were fearful. He said that he owned a considerable amount of property and he was in the same shape. He said that he knew that what he didn't do this day or tomorrow, next year he might not be able to do it. Consequently, land which is being used for agriculture right now is going to be exploited or gotten rid of, taken out of production, he said, and that he saw this kind of thing was happening around Lolo and other valleys. Old-time ranchers who had been around for fifty years are no longer ranchers, he said, because they couldn't afford this type of thing. As soon as people get wind of this, there would be "auctions like you've never seen in the valley," he said, for people to get rid of their property while they still could.

12. Por Deschamps stated that he represented the people in the Grass Valley-Frenchtown area, and that they had had several meetings in the last two or three weeks. At each one of these meetings, he said, there had been eight to ten people, all of whom were against this resolution.

Nancy Senechal asked if the Commissioners would ask for a hand count of people in the room who were opposed to the resolution but who had not spoken. Barbara Evans stated that she would do that at the very end.

No one else wished to testify in opposition. Barbara Evans opened the hearing for those wishing to speak as proponents. No one wished to speak as a proponent. Barbara Evans then asked for general comments. The following person wished to make a general comment:

1. Don Sokoloski stated that he was neither for nor against the proposal but asked if there had been any other rulings anywhere else in the state concerning the Little case. He stated that the Little case had been held over their heads through the whole comprehensive plan process, but he wondered if anyone else had challenged. He said that maybe Missoula County should stand up and force the Supreme Court to deal with the issue and see what that ruling would be.

Deputy County Attorney Jean Wilcox stated that to her knowledge the case had not been used by challenge anywhere else in the state at this time. At least it had not reached the Montana State Supreme Court yet, she said.

Deputy County Attorney Michael Sehestedt stated that in challenging the Little decision, we would not be taking a case before the Montana State Supreme Court but rather challenging the Court, which is something different. He said that he would admit that there are legitimate questions about what the County should do to implement the Little decision, but it was a 5-0 vote of the entire Court. All five Justices who were on the Court at that time joined in the decision without any reservation. To challenge Little, he said, was basically challenging the Court.

At this point, Barbara Evans asked for a show of hands from the audience to show how many were opposed to the resolution of the people who had not testified. Thirty or so people raised their hands.

Ann Mary Dussault stated that she wanted to give the Planning Staff a chance to respond to some of the opposition. She said that her own personal request would be that the Board not decide this issue at this meeting as some good arguments had been presented in opposition to this proposal, and she wanted the opportunity to review the Little decision and to look at this proposal and the possibility of some other ways to implement the Little decision.

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Bob Palmer agreed that the Planning Staff should be able to respond to the comments that had been made. He said that it would be advantageous to take some time to look at the ramifications of the proposal and make the decision within the next couple of weeks.

Kristina Ford stated that she wanted to clarify a number of points. One, she said, was that it seemed very convincing on the face of this that there was no one there who was speaking in favor of this proposal, but that she thought one of the reasons was that many people who don't own land but who live in this community, or who own land that is already zoned may not feel that they have an interest in this resolution at all. She said that they in fact do because the complaints that the Board hears often, the Planning Staff had heard when they were up in Milltown and Bonner. She said that people recognize when the community has developed inharmoniously. They recognize the fact that their children have to walk all the way to school, past some things such as a commercial development which has a great deal of truck traffic going in and out, and then they will come to the Commissioners and ask them to do something about it. This resolution would allow the County to anticipate that problem before it occurred. She said that she thought that one of the reasons that there were no proponents was that many people don't recognize the virtues of this kind of an idea. Her second point was that a number of people seemed to think that this approach was unethical or underhanded, unprofessional, a hammer-lock method behind their back. She referred to Nancy Senechal's comment that the County shouldn't come through the door of the building inspection department to do something like this. She said that, as she had indicated in her opening remarks, this method of responding to the Little decision, precisely because it is forthright, there wouldn't be the case that someone would come in to the building inspection department trying to get a building permit who had been told that there would be a brief pause while the Planning Staff decided that whether they had in mind was in compliance with the Comprehensive Plan. That would be a surprise to everyone, she said, and that she thought that they would have a legitimate complaint in that case that they weren't being treated fairly. She said that the purpose was to try to accomplish this up-front, at the beginning. She referred to a statement that she had said that this was being done on behalf of the majority of the people living in this community. The Comprehensive Plan, since it was passed by both governing bodies, in her understanding, represented what the majority of people in Missoula City and County would like to see happen to their community, she said, and stated that that was who she was speaking for - the majority. She referred to another comment that she had remarked that "doing this was better for us," and she had interpreted that to mean the Planning Department. She said that in fact what she meant was that it would be better for us as citizens of Missoula County to go through this procedure precisely because it would allow us to predict how the community will develop so that everyone's interests can get represented at the same time; the majority interests can be represented. Referring to Deborah Hayden's comment that there had been no public input, she stated that this hearing and the hearing before the Planning Board were both advertised in the paper and public input was sought at both. Her final point was that although a number of people had remarked on the way things used to be for a number of years when they did not have to get zoning but could build as they pleased on unzoned land, the Little decision had changed the atmosphere of public decision making and the circumstances under which communities can allow development, which was an important point. She stated that the County had three options and this proposal represented what the Planning Staff thought was the best option and it was also what the Planning Board thought was the best option at the end of the public hearing. She said that thinking about the probability of lawsuits was something that was out of her ken, but that she was sure that Jean Wilcox or Mike Sehestedt would be happy to be respond to questions on legal matters. She stated that that was all she had to respond to.

Ann Mary Dussault stated that whether or not the audience wanted to believe it, she found a few of the comments disturbing in that it was suggested that there is a double agenda involved. She said that quite frankly the issue at hand was the Little decision and that this was an attempt to resolve the issues created by the Little decision and there was nothing more in this than that. This is the point in the process where the public should and, you have chosen to actively participate, she said, and that she appreciated it, but she wanted to let the audience know that there was no double agenda there. She said that all they were attempting to do, and the Commissioners had directed the Planning Staff to proceed, was to look at how we go about implementing the Little decision. She said that in light of that it was appropriate to ask Jean Wilcox or Mike Sehestedt if they chose to comment on that decision in light of the view of the Attorney's Office as to whether the County needs to take some action in order to comply with that decision. She said that it seemed that that was the issue.

Mike Sehestedt stated that he did not hold any particular brief for the Little decision in that parts of its holding were inconsistent with what he'd previously understood the law to be. However, he said, the Supreme Court had spoken on the subject, and, absent legislative change, what that Court said was the law, whether if he agreed with the decision or not. He then quoted from sections of the Little decision and said that it should be borne in mind that they were here today simply to discuss what possible steps the County should take for the issuance of building permits on unzoned land in the light of the Little decision. The decision read that the developers had applied to the City of Kalispell for a building permit, and the issuance of this permit was imminent, although not legal, as they would later explain. He said that the Court went on to explain that city officials could refuse to process a building permit application where the proposed use was not in compliance with the master plan for the area at all. He said that in the summary it was held that the city officials had the right to refuse processing of a building permit application because the proposed use was in violation of the use recommended in the comprehensive plan. He said that basically what happened in Kalispell was the status quo, business as usual, as it exists now in Missoula County. People came in for a building permit to build on unzoned land and as soon as it was ascertained that the property was unzoned, no further inquiry was made; a building permit was issued. He said that the owners sought the right to develop their property, but the neighbors were outraged and they sued the City of Kalispell, Flathead County and the developers. In the decision in Little, the Court said that this was not in accordance with the developed master plan and the governmental entities were wrong to proceed, and the decision went with the people who sued. He said that he didn't agree personally with the decision and that possibly it was overbroad or not necessarily good law and that he hoped it would go away or that it would be modified at re-hearing. He said that it hadn't gone away and there was no hearing on it, the holding stands, the County's business as usual, simply issuing permits for unzoned land without reference to compliance with the comprehensive plan was specifically invalid under the Laws of the State of Montana. The Commissioners, he said, had wisely

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faced up to that and were now trying to figure out what they should do. He said that given the fact that our current procedures, specifically the procedure that the Supreme Court found objectionable in Little, had to be addressed. He said that the simplest option would be to simply tell the Planning Staff to take a look at every building permit application that comes in and make a decision as to whether or not the application was in substantial compliance with the comprehensive plan. He said that given the comments about the Planning Staff that he had heard in the testimony, simply implementing that process wouldn't have made anyone particularly happy. He said that it was not the County that was doing this to the citizens. He said that the County could continue business as usual but the Little decision put us on notice that if you come in and get a building permit and start sticking in a shopping center in an area that the comprehensive plan called residential, the neighbors had a right to sue. He said that this created a substantial degree of uncertainty involved in the rights of landowners. He said that that uncertainty was not created by Missoula County but by the Montana Supreme Court's interpretation of the existing statutes on land-use planning. He said that he personally had grave reservations about using the comprehensive plan as a guide to determine whether or not building permits should be issued because the comprehensive plan was never designed to do that, and that in fact the Supreme Court had said that his own oft-stated position on the effect of the comprehensive plan was also wrong, in that he was one of the people who had represented at various times that the comprehensive plan was merely a plan and that the teeth and the enforcement come through zoning. He said that he still thought that that was better law, but he had been outvoted at least five to one and the five on the other side are Supreme Court Justices. He said that it didn't look like he was going to be able to change that. He said that what action the County ultimately took was a question of policy for the Commissioners to make. He said that he supposed that we could sit until someone similar to Little took the County and some unsuspecting developer or person on and jumped us through the hoops and got the Court to say that Little said what we were doing was wrong and maybe get a judgment against us. He said that there was litigation potential no matter what the Commissioners did and if he were to advise them of anything it would be to simply do what they thought would be in the best interest of the County overall. He advised that if the Commissioners were going to table the decision pending further review, that they table it to a date certain.

Ann Mary Dussault moved that the issue be postponed until the following public meeting, Wednesday, May 18, 1983, at 7:30 p.m. in the City Council Chambers. She further moved that the record be left open so that written testimony could be taken from now until that time with the intent not to open a verbal hearing on this matter at that time. Bob Palmer seconded the motion, and it passed by a vote of 3-0.

Ann Mary then stated that she had heard the comment several times that the Commissioners might choose to do nothing but stated that she was not personally inclined to do nothing but rather that they should do something. She stated that she would appreciate having people in the audience think about what other options might be and submit those in writing to the Board.

Fern Hart, Clerk and Recorder, asked if the Commissioners could take phone calls in the interim. Mike Sehestedt stated that he felt that the hearing should be open to written testimony only from this time on and pointed out that any written testimony received between this meeting and Wednesday would be available for inspection and copying at the Commissioners' Office.

Bob Palmer then read into the record letters from Mrs. Richard Grail, Norma Rossignol and a phone comment from Jeff Macon from the Seeley Lake Chamber of Commerce asking the Board to delay any decision on this matter until such time as they had had further time to study the issue.

Nancy Senechal was then recognized by the chair to ask a question. She asked Ann Mary Dussault why she felt it was necessary to do something.

Ann Mary Dussault stated that it was for the very reasons Michael stated. She said that she felt that the County was simply in a place where its regulations were not in compliance with the Supreme Court decision. He said that some people would argue that that was okay, but that as a matter of policy, she did not like the idea. She said that it was the Commissioners' responsibility to follow the state of the law, and that was the state of the law right now, whether we like it or not, whether we think the decision was right or wrong.

Barbara Evans stated that she would allow Helena Maclay and Dick Rossignol one comment each.

Helena Maclay asked if the County had proposed a legislative solution to this issue knowing as they had before the session that the problem existed. She stated that Ann Mary had been kind enough to share a draft of the proposals for compliance with her and that the first was to do nothing and the second was to issue building permits only to building permits only to determine substantial compliance with a long process for figuring that out. She stated that that was not the option which was chosen but that the County had chosen to go farther than that and require zoning compliance for everything. She asked if the public was to assume that the second option was not available for discussion and if the resolution as published was what would be considered, or if Kristina's suggested variances to it, i.e. the waiver of the usual zoning fees or not making it apply to small remodeling projects, or changing the terms of the ordinance would be the subject of the discussion.

Barbara Evans stated that it would be her recommendation that if anyone had a different recommendation from the one that had been discussed at this hearing, it should be included in written comments. She said that that didn't mean to say that next week when there was a decision made that the decision would be to either adopt or not adopt this. She said that it could be that the Commissioners would not adopt this but look at something else. She asked Executive Officer Howard Schwartz to address the legislative question.

Howard Schwartz stated that the County had not made any attempt to directly deal with the Little decision, that is trying to change what the comprehensive plan meant or what the legal implications were. He said that no one else did, as far as he was aware and that there had been no subsequent legal challenge to it and no attempt to change the meaning of planning from a legislative point of view. He said that one thing they had done

PUBLIC MEETING, MAY 11, 1983, CONTINUED

which probably would have made the process a different one was to try to get the legislature to change the protest provisions for zoning to make it easier to zone unzoned County land, particularly within the 4½ mile limit. He said that many of the people at the hearing were opposed to that, and that it had been defeated without much trouble. He said that one of the reasons that this problem doesn't seem to come up in most parts of the state was that most urban areas our size are completely zoned within 4½ miles of the city limits. He said that one of the problems that he had run into in trying to present Missoula's problem to the legislature was that representatives from Billings in particular asked why not just go and zone the entire 4½ mile radius of the city. He said that there were legal complications involved in all that, but it seemed to him that one of the problems Missoula had was because they had the urban ring around the city, it had particularly difficult problems here addressing the rural concerns which other urban areas simply had managed to solve.

Barbara Evans then recognized Mr. Rossignol asked if the Commissioners could postpone the decision for two weeks rather than one. Barbara Evans stated that the reason she would not like to that was that this had been already advertised for hearing at this meeting and that it was the legal time for the Board to take the testimony and the meeting on May 18 would be the evening meeting which would make it easier for the public to come back rather than having to take time off during the day and for those reasons she did not want to put it off two weeks so that anyone who was interested would have to take another day to come. She stated she felt that the Board had met the legal and the moral requirements for taking public testimony.

HEARING: AMENDMENTS TO ZONING RESOLUTION NO. 76-113 IN REGARD TO SEASONAL COMMERCIAL USES

Under consideration was a hearing on the adoption of a resolution of intention to amend County Zoning Resolution No. 76-113 to include the definition of a seasonal commercial use and to address off-street parking and landscape and buffering standards for such a use.

Barbara Evans asked Russ Sorenson of the Missoula Planning Staff to give the Planning Board report and recommendations. He stated that the changes were proposed to allow seasonal uses such as firework stands, garden produce stands and Christmas tree sales to operate for period of up to 30 days without paving parking areas or providing landscaping. He said that all other requirements appropriate to a commercial use had to be met. The Missoula Planning Board had held a public hearing on April 19, 1983, at which one opponent had testified. The Planning Board had recommended adoption of the changes to County Zoning Resolution 76-113 as stated in their cover letter dated May 5, 1983, by a vote of 7 yes 0 no.

The following changes were recommended at that time:

Section 1.05 - Definitions

- (Add) 65. Seasonal Commercial Use: A use which operates no more than thirty (30) consecutive days, no more than ninety (90) days in one year and is seasonal in nature, such as firework stands, garden produce stands, and Christmas tree sales. Seasonal commercial use shall be allowed in any zone which allows the same activity as a permanent commercial use. Such use shall meet all standards of allowed uses except as specifically noted. If any site is used or licensed for use for more than ninety (90) days in any twelve (12) month period, such site shall meet the same standards as required of any permanent use.

Section 3.02 - Off-Street Parking and Driveway Approaches

(Amend) A. Standards

3. Except for private drives serving one single-family dwelling, paving and a suitable means of drainage retention are required for all private areas located in total suspended particulate non-attainment areas and areas affecting non-attainment.

Instead of paving, a seasonal commercial use may provide a suitable means of dust abatement. Such means shall be approved by the Zoning Officer after considering the situation, season, air quality maintenance, and consultation with the Missoula City-County Health Department.

(Add) C. Joint Uses

- 1.g. Up to ten percent (10%) of the required parking spaces for any existing use may be used by a seasonal commercial use.

Section 3.05 Landscaping and Buffering

(Add) A. General Requirement

7. Landscaping and buffering are not required of any seasonal commercial use.

At this point, Barbara Evans opened the hearing to public comment, asking that proponents speak first. There was no one wishing to speak as a proponent. She then asked for opponents. There was no one wishing to speak as an opponent. Barbara Evans then closed the public hearing.

Ann Mary Dussault moved that the Resolution of Intention to Amend and Add New Sections to County Zoning Resolution 76-113 in regard to the foregoing be adopted. Bob Palmer seconded the motion, and it passed by a vote of 3-0.

PUBLIC MEETING, MAY 11, 1983, CONTINUEDRESOLUTION NO. 83-34

The Board of County Commissioners signed Resolution No. 83-34, a Resolution of Intent to Amend and Add New Sections to County Zoning Resolution No. 76-113 to provide regulations and policies directed at the protection of public health, safety and welfare, pursuant to the authority of MCA 76-2-201 and to address seasonal commercial uses.

HEARING: CAPITAL IMPROVEMENTS PROGRAM HEARING

Information provided by Operations Officer John DeVore stated that Missoula County has developed a draft Capital Improvements Program which delineates Missoula County's tentative capital outlay over a period of five fiscal years (1984-1988). This is the second year of the plan. The Board of County Commissioners had requested citizen input on the FY '84 draft CIP and hearings on May 18 and May 25, in addition to this hearing, had been scheduled. Copies of the draft document are available for public inspection at the Clerk and Recorder's Office, Operations Office and Planning Office, according to John DeVore. At this point, Barbara Evans opened the hearing to public comment, asking that proponents speak first. There were no proponents or opponents. Barbara Evans then closed the public hearing.

HEARING: STATE ASSUMPTION OF COUNTY WELFARE

Information provided by Executive Officer Howard Schwartz stated that House Bill 798 had given the County Commissioners the option of asking SRS to assume all or part of County Welfare programs. These included County Medical Assistance, County General Assistance and Social and Protective Services, he said. He informed the Commissioners that if they opted for State Assumption, they could take General and Medical Assistance back in subsequent years but Social and Protective Services, once assumed by the State, remains with SRS. If the County opted for State Assumption, the Poor Fund Mill Levy for FY '84 would be 11.9 mills, and there would be 4.6 mills of additional authority. If the County did not opt for State assumption, the Poor Fund Mill Levy would be 13.5 mills, he said, and noted special features of House Bill 798, specifically that the Board of County Commissioners, after October 1 may be resolution or ordinance transfer to the Department of Social and Rehabilitation Services all powers and duties for public assistance and protective services for children and adults. The County opting for State assumption does so on a permanent basis unless the County requests to retain or reassume responsibility for medical assistance or monetary payments to needy persons, but may not thereafter request full State assumption. The County opting for a limited State assumption may not thereafter request full State assumption. The County opting for limited or full State assumption does so on a permanent basis, except as provided in the section that he read. He said that this time around, if the Board opted for State assumption, it would have a bearing on the future. He said that upon the request of the governing body of the County having opted for State assumption the Department shall establish a county advisory council for the county. If the County opted for State assumption, the proceeds of the mill levy would be deposited in the State treasury. He said that if the County opted for just State assumption of protective services and kept General Assistance and County Medical, then the mill levy equivalents of what it would take for the Social and Protective Services part would be reduced from the mill levy authority, and the Commissioners would have the authority to levy what was left. He said that those were the major issues on the bill and noted that if the County did not opt for State assumption, Workfare would revert to an optional program and not a required program; however, if the State took over, then Workfare would be required of the State. He then reviewed some of the pros and cons in regard to State assumption, stating that the two main arguments in favor of this would be that it would cost the taxpayers of Missoula County less money since there would be a difference of 1.6 mills which would have to be levied and that it would clarify once and for all the complex and often antagonistic relationship between the County and SRS and it would get the County out of the typical grant-in-aid problems we have had continuously under HB-13. If the County does not opt for State assumption, the Poor Fund would be at 13.5 mills, meaning that we would be in a grant-in-aid situation, meaning we would again have to argue with the Department over what would be allowable costs. He stated that on the other side, the Commissioners would give up the last vestiges of control over the Welfare Department.

Bob Palmer stated that it was an illusion that the Commissioners have any control over the Welfare Department, although the Commissioners have a good relationship with the Welfare Department. However, the Commissioners have no authority to hire and fire, no authority over the greater issues. SRS routinely overturns local government decisions. He said that in reality, the local control has long been gone, particularly in the urban areas, although that might not be the case in the rural areas. He said that he was not happy with the bill, and stated that this was the fault of the Legislature. He said that the urban coalition had wanted the State to assume the cost of welfare, which is a societal problem which should be supported by the State. What has been done, he said, is to continue to ask the taxpayer to support those people less economically well off than themselves. He said that he felt it was a wrong direction. He said that at the last hour, the State assumption bill had been changed from providing some real property tax relief to having to raise the taxes to pay for the program. He said that the people got shortchanged in this instance; that the State should have picked up the cost of welfare.

Barbara Evans then opened the hearing for public comment.

Deputy County Attorney Mike Sehestedt asked if under the bill the County is obligated to levy for welfare purposes 11.9 mills and turn over whatever revenue 11.9 mills produces, or if there was a dollar amount specified since there is always a shortfall.

Bob Palmer stated that it would be whatever revenue 11.9 mills would raise.

Howard Schwartz stated that one of the virtues of State assumption was that it put SRS in the position of having to be property-tax based and in the next Legislative session, SRS will be in along with the counties complaining about what the Legislature does to the funding. He then said that what the law says is that the proceeds of the mill levy must be deposited.

Jim Morton, Director of District XI Human Resource Council asked how the Board of County Commissioners would handle the Workfare Program.

PUBLIC MEETING, MAY 11, 1983, CONTINUED

Bob Palmer responded that he had talked to John LaFaver, Director of SRS, about Workfare because Missoula County is interested in a positive kind of Workfare Program as it has been developed. He said that Missoula County is providing services which are meaningful for the people on General Assistance. He said that there had been good response and good feedback from employers who had used Workfare employees and from the Workfare people themselves. Missoula County is interested in maintaining the integrity of that program to the extent that they had gotten the bill amended to allow SRS to have to contract to the County, but that hadn't been adopted, so Bob had talked to John LaFaver at the end of the Session, and he had assured him that the Department would be most interested in contracting with existing counties and programs that are on-line. He said that it was our understanding that SRS would adopt a budget for Workfare, which would no doubt be much less than our current Human Resources grant, but at that time, should the Commissioners want to continue to maintain the level of services that are being provided, they could then make up the difference between the SRS grant and the contract so that the quality could be maintained. He said that he had no reason to believe that SRS would not honor that kind of commitment. He said that a verification memo had been sent to them. This was how Workfare would be dealt with, he said. SRS would set a budget and Missoula County would then see what it would cost to continue the quality of program currently in place and then if Missoula County has the money, it would contract with HRDC, he would imagine.

Ann Mary Dussault asked if the money would come out of the General Fund if that arrangement were continued or if it were possible to levy the 13 mills and take the money out of the balance of the 13 mills and to continue also the personal care home commitments.

Bob Palmer replied that Missoula County did have the option to do that. He said that the Commissioners might want to look at the value of opting out of SRS assumption of welfare if they were going to go to 13.5 anyway.

Barbara Evans said that the problem with that was that Missoula County would be in the grant-in-aid situation again and if there County Medical costs were large, that would be a problem.

Ann Mary Dussault said that her question was if Missoula County had the option to use the additional mill levy for those costs or if they have to come out of General Fund. This would only add to General Fund problems, if so, she said.

Mike Sehestedt said that even though using the additional authority for these additional programs nominally would make it a wash, the Commissioners were still better off going with State assumption. He said that the County would be better off because they would save on having to make up shortfalls the next year. He said that if the County levied 13.5 and SRS disallowed certain costs, then the County would be forced back onto the General Fund.

Howard Schwartz said that Dave Wanzanreid of the Governor's Office had clarified one point which was that Jim Morton said that the Commissioners this year paid for Workfare out of the General Fund, which was not true. It was paid for out of the Poor Fund and Missoula County is in litigation with SRS as to whether or not administrative costs for Workfare were allowable expenses for the Poor Fund.

Ann Mary Dussault said that her understanding, then, was that if Missoula County opts into State assumption, that the mandate for Workfare would continue but that the State will not fund the mandated Workfare, and asked if we would therefore be in the same position with them as we are now that they will not accept the Workfare program as we have established it, and Missoula County will have to continue to fund certain costs of the program out of our own pockets even though they would have assumed the costs of the program.

Bob Palmer explained that John LaFaver had told him that he recognized that probably there would have to be some monies for administrative costs.

Ann Mary said that now that SRS has to administer it they recognize that there is a need for some administrative costs.

Bob Palmer said that it was also his understanding that SRS would develop a budget for Workfare - a budget that would be much less than what is now being done at the local level. This would be a minimal budget, he said, and then the counties which don't want to get involved in Workfare would not do so.

Ann Mary Dussault said that she had understood that SRS had acknowledged Missoula County's Workfare program as a model program.

Bob Palmer said that this was true and said that LaFaver had told him that SRS would allow Missoula County to contract for the difference between the SRS budget and the amount needed to continue Missoula County's program at the level it is now.

Ann Mary Dussault said that she understood then that SRS would contract with Missoula County which could then continue to contract with HRDC.

Howard Schwartz said that the law explicitly gave SRS the power to contract with counties or with another entity. He said that SRS would contract with us and then we would take the money from our contract with them and add it to money from whatever other source Missoula County thought was appropriate and contract with the Human Resource Council to continue the Workfare program.

Ann Mary Dussault said that it seemed to her that we would be in an impossible situation with SRS and that Missoula County had no bargaining position whatsoever.

Howard Schwartz said that that wasn't entirely true because if SRS had to start from scratch to put together a Workfare Program on virtually no notice whatsoever, it would be very difficult for them, especially as Missoula County's program was acknowledged to be a model program.

PUBLIC MEETING, MAY 11, 1983, CONTINUED

Barbara Evans then stated that she supported the Workfare Program because it was a model program and has done a good job. She said that some people on General Assistance have found jobs and good training through Workfare. She said that the businesses and governmental agencies which have used Workfare personnel have benefitted. She said that the program met the requirements of the public that felt if people got welfare they should work for it and at the same time provided a dignified way for people to earn their benefits and learn a skill and get off the dole and become productive, tax-paying citizens. She said that she wanted to see the program maintained at the same level and high quality that it is currently. She said that anyone who had anything to do with setting it up deserved plaudits because it was a very good program. She said that she had mixed emotions about State assumption. She said that the Commissioners don't have much control over welfare at the moment and that it was distressing to lose the little bit that they had, but at the same time the County did not have the money to support the program, so the Commissioners were left with a very difficult choice.

Ann Mary Dussault asked Warren Wright of the Welfare Department if he would discuss the two concerns that he had raised at an earlier meeting.

Warren Wright stated his concerns as whether people in personal care homes will continue to be funded under State assumption with the understanding that no other people will go into personal care homes and that this will be a maintenance situation until either other places are found for them or they be allowed to remain where they are. His other concern was that a deputy county attorney be funded to handle child protective services. He said that this was an invaluable resource for the office by having Deputy County Attorney Bob Terrazas represent them in these cases involving child protective services, he said, and stated that if the Commissioners opted for State assumption, he hoped that they would also opt for extra millage to cover these two expenses.

Ann Mary Dussault stated that she was interested in having Mr. Wright explain why the Commissioners should fund an attorneys position for a program which the State has assumed responsibility for.

Jean Johnston, Director of the Missoula County Welfare Department, said that it was written into the State assumption law that the County Attorney's Office continue to give its services to County Welfare even under State assumption.

Bob Palmer asked why the County should then pay extra for this mandated service.

Warren Wright replied that child protective services, termination of parental rights and termination of custody in regard to parental rights is very time consuming and emotionally distressing, and might not be a subject of great interest to a lot of deputy county attorneys and it was of great interest to Bob Terrazas, who has done an outstanding job for the Welfare Department. He said that he believed that the only way to keep Bob Terrazas working on these cases full-time would be by funding him to do so.

Ann Mary Dussault asked what the current annual costs for personal care homes were.

Jean Johnston replied that of \$67,000 budgeted for the current fiscal year, \$33,000 had been spent so far this year. Costs for the next fiscal year would be somewhat less, she said, probably around \$20,000. She said that she felt quite strongly that the Department should review the people in personal care homes. She said that many were eligible for nursing homes and should be moved to nursing homes and covered by Medicaid. She said that these people also might need that level of care.

Ann Mary Dussault then asked how much is currently being put into the Workfare budget, and Jean Johnston replied \$55,000. She then summarized the State assumption of welfare situation as follows: the State will assume responsibility for the Welfare program and in order for that to occur, the County would have to levy 1½ mills more than is currently levied and in addition the Commissioners would have to probably levy another mill on top of that in order to pick up the additional costs that the State won't pick up anyway, which would be a total of 13 mills. On top of that, she said, the State was magnanimous enough to let the Commissioners levy the mills instead of them to run State-assumed programs.

Since there were no other comments or testimony, the public hearing was closed to further comment. No decision was made on the State assumption of welfare issue. The decision will be made at one of the Commissioners' morning administrative meetings after further review and study.

There being no further business, the meeting was recessed at 3:40 p.m.

* * * * *
May 12, 1983

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

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report showing items of fees and other collections for Clerk of District Court, Bonnie Henri, for month-ended April 30, 1983.

SEMINAR WELCOME

Chairman Evans gave a welcome in the morning to those attending a hazardous materials seminar at the University of Montana.

DAILY ADMINISTRATIVE MEETING

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

1. The Federal Prisoner Contract was discussed by the Board. Chairman Evans recommended not signing until the research was completed on the basis of percentage of Federal prisoners;

May 12, 1983, Continued

Life-cycle costing was discussed by the Board with Lois Jost, City/Co. Energy Coordinator, who proposed that it be included as part of the bid specification package for vendor-acquired fixed assets. Commissioner Palmer moved to adopt the policy with appropriate press provided by the Energy Coordinator. Commissioner Dussault seconded the motion, and it passed unanimously; and

3. The Commissioners and Fern Hart, Clerk & Recorder/Treasurer, met with Paul Sepp of Dobbins, DeGuire & Tucker and discussed the Audit RFP & the proposal received from that firm. The Commissioners voted unanimously to accept the bid proposal from Dobbins, DeGuire & Tucker for the County Audit for 1982-83 and agreed to further negotiations for a subsequent audit for 1983-84.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

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May 13, 1983

The Board of County Commissioners met briefly in the forenoon; a quorum of the Board was present. Commissioner Palmer attended a Local Government Energy Committee Meeting in Deer Lodge during the day. Commissioner Evans was out of the office all afternoon.

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List dated May 13, 1983, pages 1-43, with a grand total of \$135,758.90. The Audit List was returned to the Accounting Dept.

Fern Hart
Fern Hart, Clerk and Recorder

Barbara Evans
Barbara Evans, Chairman, Board of County Commissioners

* * * * *

May 16, 1983

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. 83-36

The Board of County Commissioners signed Resolution No. 83-36, a resolution amending Resolution No. 83-29, dated April 18, 1983, substituting precinct number 58, which was eliminated from the new precinct maps, and eliminating number 70, now shown on the map, for a total of 69 precincts shown on the new precinct maps.

FLOODWAY PERMIT NO. FP-83-001

The Board of County Commissioners signed Floodway Permit No. FP-83-001, which was approved on May 4, 1983, granting Clinton and Iona Baertsch a permit to construct a horse shed within the 100-year floodway west of Maclay's Bridge near the Bitterroot River, in accordance with the conditions set forth in the permit.

Other matters considered were the following:

1. The Commissioners, John DeVore, Operations Officer, and Dusty Deschamps, County Attorney, discussed bidding procedures in regard to preferential treatment for local versus non-local bidders;
2. A resolution to transfer Welfare to State Assumption was discussed. Commissioner Dussault moved to transfer responsibility for Welfare to the State Department of Social and Rehabilitation Services. Commissioner Palmer seconded the motion, and it passed unanimously;
3. Commissioner Evans proposed a statewide move not to accept Federal prisoners. A decision followed, but no action was taken; and
4. Commissioner Dussault proposed a round table discussion of the amendment to the zoning resolution in regard to the unzoned areas preceding the decision on the amendment which is to be made at the weekly public evening meeting on May 18, 1983. Spokespersons from various points of view will be contacted to participate in the discussion.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *

May 17, 1983

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

RESOLUTION NO. 83-37

The Board of County Commissioners signed Resolution No. 83-37, resolving that, as of July 1, 1983, Missoula County transfers to the Department of Social and Rehabilitation Services all powers and duties for public assistance and protective services for children and adults, as set forth in Chapter 651 Session Laws of 1983 (House Bill 798).

MEETINGS

Commissioner Evans attended a Crimestoppers Meeting at noon, and Commissioner Palmer spoke to a meeting of the Green Thumb Organization in the afternoon.

* * * * *

May 18, 1983

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. 83-39

The Board of County Commissioners signed Resolution No. 83-39, resolving that the Clerk of Court be permitted to retain the execution fee for those passport applications she personally executed and executes, and that the fee for those passport applications executed by Deputy Clerks of Court in the course of their compensated employment duties with Missoula County be deposited with the County Treasurer in accordance with law, and also resolving that accounting procedures will be established to enable review by the County Auditor of all passports processed and all fees collected.

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Nicholson Paving Company for construction, installation and completion of the Miller Creek Road Intersection Project, for the total amount of \$54,721.50. The contract was returned to Centralized Services for further handling.

PROFESSIONAL SERVICES CONTRACTS

The Board of County Commissioners signed Professional Services Contracts with Design and Drafting, Inc. and John Ballas, both independent contractors, for the purpose of reviewing construction plans for conformance with the Uniform Building Code, as required specifically when architects and/or contractors come to the Planning Office to have their building plans reviewed prior to being issued a building permit, for the period from April 26, 1983 through June 30, 1983. The contracts were returned to the Planning Director for further handling.

CONTRACTS

The Board of County Commissioners signed contracts between Missoula County and American Asphalt, Inc. for construction of RSID's nos. 393 and 394, a street, sewer and drainage improvements project for Lot 17 and Lot 19 of Cobbin and Dinsmore's Orchard Homes. The contracts were returned to General Services for further handling.

APPROVAL OF SCHOOL REQUEST

The Board of County Commissioners signed approval of a petition requesting that the Woodman School Board of Trustees approve the opening of a second school for the purpose of creating a middle school for District No. 18. The request form was returned to Mike Bowman, County Superintendent of Schools, for further handling.

Other items considered were:

1. The Board discussed a \$5,000 grant request from DES for EMS training and education with Orin Olsgaard, DES Coordinator. Commissioner Dussault moved to approve the request; Commissioner Palmer seconded the motion and it passed unanimously; and
2. The Commissioners agreed to ask the Elections Office to review Commissioner Districts in order to make them coincide with precinct boundaries.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

PROCLAMATION

The Board of County Commissioners signed a Proclamation declaring May 18, 1983 as "Aber Day," and calling upon the people of Missoula County to observe the day with appropriate ceremonies and activities in conjunction with the University of Montana celebration.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 7:30 p.m. Commissioners Bob Palmer and Ann Mary Dussault were also present.

BOND BID AWARDS: RSID NO. 402 - SEVENTH STREET, HUMBLE ROAD, AND SIERRA, HEATHER, WALKER AND JUDITH DRIVES - STREET IMPROVEMENTS

Under consideration was the award of construction bids on RSID 402. Information provided by John DeVore, Operations Officer, stated that the following two bids were received:

- | | |
|---------------------|---------------|
| 1. American Asphalt | \$ 112,746.80 |
| 2. Nicholson Paving | \$ 104,623.40 |

Bob Palmer moved and Ann Mary Dussault seconded the motion that the construction bids for RSID 402 be awarded to Nicholson Paving in the amount of \$104,623.40, contingent upon sale of bonds, in accordance with John DeVore's recommendation. The motion passed by a vote of 3-0.

BOND BIDS: RSID 402

On RSID 402 there were no bonds received. The award was therefore postponed.

SUMMARY PLAT - WORNATH ORCHARD TRACTS

Under consideration was the Summary Plat for Wornath Orchard Tracts. Barbara Isdahl of the Missoula Planning Office gave the Planning Staff Report:

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The proposed subdivision is located about one mile from Missoula where Blue Mountain Road intersects Highway 93 South. The proposed subdivision is 8.29 acres and is to be divided into two (2) lots, both fronting on existing Blue Mountain Road. Tract 12 A is 3.12 acres and Tract 12 B is 5.17 acres. The lots will be served by individual wells, septic tanks, and drainfields.

The present land use is pasture, surrounded by industrial, commercial, residential and agricultural uses. The proposed use for Tract 12 A is a light manufacturing plant for Norco Products. The greater part of this tract is zoned commercial and a Use Variance was received from the Board of County Commissioners on February 16, 1983, to allow light manufacturing by Norco Products. The applicant is contemplating the sale of Tract 12 B to a church.

Barbara Isdahl also read the Planning Board recommendations, which are listed below.

Ann Mary Dussault moved, and Bob Plamer seconded her motion, that the Summary Plat for Wornath Orchard Tracts be approved subject to the conditions set forth in the Planning Board's recommendations to the Board of County Commissioners. The motion passed 3-0.

The Summary Plat for Wornath Orchard Tracts is therefore subject to the following conditions:

1. That grading, drainage, erosion control, access plans, and impacts of increased traffic on the intersection of Blue Mountain Road and Highway 93 South shall be approved by the County Surveyor's Office.
2. Sanitary restrictions shall be lifted by both State and Local Health authorities.

Further, the Summary Plat was found to be in the Public interest, based on the following findings of fact in regard to the eight criteria set forth by subdivision regulations:

- Criterion 1. Need - The Comprehensive Plan designates this area for suburban residential. This designation allows residential development at a density of two dwelling units per acre, not necessarily achieved by one-half acre lots. The applicant received a Use Variance from the Board of County Commissioners to allow light manufacturing, warehousing and wholesaling activities on Tract 12 A. The proposed light industrial use may act as a buffer between residential uses and the other industrial uses along Highway 93 South.
- Criterion 2. Expressed Public Opinion - No comments have been received against this proposal.
- Criterion 3. Effects on Agriculture - The present land use is pasture. Tract 12 A has received a variance for light manufacturing. The area surrounding this parcel consists of industrial, commercial, residential and agricultural.
- Criterion 4. Effects on Local Services -
- a) Schools - Lots 12 A (3.12 acres) is proposed for light industry and the other lot is contemplated for a church. There is a possibility of Lot 12 B (5.17 acres) being developed for residential purposes, but the expected impact on schools is minimal.
 - b) Ambulance and Fire Control - This parcel is located within the Missoula Rural Fire District. Bob Johnson, Fire Marshal, stated that he sees no problem with this development. He does state that because of the lack of a water system in that area, he would hope to have the opportunity to review the plans for the Norco Products building prior to construction.
 - c) Water and Sewer Service - The lots will be served by individual wells, septic tanks and drainfields.
- Criterion 5. Effects on Taxation - The tax base is expected to increase.
- Criterion 6. Effects on the Natural Environment - Zoning requires landscaping, buffering, controlled access, as well as a 100-foot setback from residential development. Also, no industrial emissions or outside storage are allowed. The facility will be heated by a high efficiency wood-burning furnace. No water will be used in the manufacturing process.
- Criterion 7. Effects on Wildlife and Wildlife Habitat - The Staff knows of no critical wildlife habitats within this area. This development is surrounded by industrial, commercial and residential uses. No adverse effects on wildlife are expected.
- Criterion 8. Effects on Public Health and Safety - Traffic, sanitary restrictions, access and drainage plans are being reviewed by the appropriate agencies to assure there will be no safety hazards.

SECOND HEARING ON CAPITAL IMPROVEMENTS PROGRAM

John DeVore, Operations Officer, gave a brief background on the Capital Improvements Program:

Missoula County has developed a draft Capital Improvements Program which delineates Missoula County's tentative capital outlay over a period of five fiscal years (1984-1988). This is the second year of the plan. The Board of County is interested in seeking citizen input on the FY '84 draft Capital Improvements Program. This is the second of three hearings scheduled by the

PUBLIC MEETING, MAY 18, 1983, CONTINUED

County Commissioners to maximize public comment. This third hearing will be at the May 25th public meeting. Copies of the Draft Document are available for public inspection at the County Commissioners' Office, the Clerk & Recorder's Office, the Operations Office and the Planning Office.

Noone else had anything to say on the Capital Improvements Program.

AMENDMENT TO ZONING RESOLUTION NO. 76-113

Ann Mary Dussault asked Helena Maclay, Richard Rossignol, Stan Hendrickson and Nancy Senechal to participate in this part of the meeting and they came forward and took seats to the right of the Commissioners. Ann Mary felt it was inappropriate to reopen the hearing on this item but felt that some further discussion was warranted due to the public outcry. Kristina Ford, Planning Director, Mike Sehestedt, Deputy County Attorney, and Howard Schwartz, Executive Office, also spoke. Barbara Evans gave a specific period of time for this discussion before the Commissioners made a decision on the Amendment.

1. Ann Mary Dussault: I have invited some different points of view to come and my intention is to generate some discussion to assist our decision. Also, I want to take this issue out of personalized attacks on individuals in the county.

2. Bob Palmer: The purpose is to sort through the emotions and feelings and figure out how to meet the spirit of the Supreme Court's decision and still satisfy the citizens.

Ann Mary Dussault: The format will be discussion of the issue. Let me ask clarifying questions to get at the head of this issue. One question is what is the current jurisdiction of building inspection on issuing permits?

3. Mike Sehestedt: The City has the power to regulate building inspectors within 4½ miles.

Ann Mary Dussault: Then we are not giving the building inspectors additional authority?

4. Kristina Ford: True.

At this point in the meeting the tape was partially erased. There was a discussion held among the Commissioners, Kristina Ford, Mike Sehestedt, and Helena Maclay on how the Little case affects building inspection and issuance of permits in Missoula County.

5. Helena Maclay: I have a problem with being notified that a resolution amending the zoning resolution is to be adopted on a certain date. I realize that the official version has come out but you didn't call us and say to the public you have three options here and we're going to pick the most extreme, then we're going to wait and see if all you people don't come in and protest.

Ann Mary Dussault: I don't believe it.

Helena Maclay: I think you would have adopted it the other day.

Ann Mary Dussault: It's no different than in the legislature. As a legislator you develop a piece of legislation to solve the problem. You take that to a hearing and through that process, as testimony comes out, you look at alternatives and you amend and you change until you come out with the solutions.

Helena Maclay: I didn't know we had that many cracks at it.

Ann Mary Dussault: What do you think we're doing here?

Kristina Ford: Helena, it was also announced before the Planning Board and it was advertised in the paper before the Planning Board.

Helena Maclay: People don't read this.

Kristina Ford: The staff report was available and those three alternatives were specifically listed in the staff report.

Helena Maclay: These options are available and they are set one, two and three, but three is the one you've got to go for and you and the staff lobby for a certain recommended result, don't you?

Kristina Ford: We lobby in a public way. We have a public report which is available to everyone. We invite public testimony so that alternatives can be expressed and taken into account by the Planning Board. The Planning Board makes a recommendation to the County Commissioners. Again, I have a Planning status meeting with the Commissioners, that's an open meeting.

Helena Maclay: Sure. What I'm saying is that I don't think the public perceives there is an opportunity to change the options available and you ask for public input but the decision somewhere along the line was made by the Planning staff.

Bob Palmer: It's pretty clear that that's not the case here or we wouldn't be going through this. What we have, Helena, is a public hearing. It's like a committee hearing. You're familiar with the legislature. I can't tell you how many time I introduced a bill as a legislator with an idea and through the process had that bill amended and changed because somebody had a better idea or somebody else had something they wanted to add to it. This is the same process and I think it's important that the public understands. If the public doesn't understand the process by which County government works then I think maybe they ought to take the time to inform themselves. We have public hearings. That's for the public to come and have input. To say their piece.

Helena Maclay: We're here.

Bob Palmer: Absolutely you're here. You're here because we're having public hearings.

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Bob Palmer: Because the decisions haven't been made. You've been sitting there and been alluding it's all a sham and that we have decided or predecided.

Helena Maclay: No. I have not inferred that you're predeciding. I do hear you on TV saying that the Supreme Court tells you you must have due process.

Bob Palmer: That's exactly right.

Helena Maclay: And there's a panoply, as Mike describes it, a myriad, an infinite number of choices which you could make and I have never accused you of predeciding any of this.

6. Nancy Senechal: Let me clarify something. I made that comment, based upon a Missoulian article that I read which stated that two of the three Commissioners were favoring this option at this time.

Ann Mary Dussault: Only one of the Commissioners has already made up her mind.

7. Barbara Evans: I have made up my mind on this subject. I think there are two ways of approaching a public hearing. You are perceiving, perhaps, that we should have done it one way and we did it another way. One is to say to the public "Look, here's our problem. Would you come and give us ideas and from those ideas we will formulate some proposal and the proposal we will ask your opinion on." The other way is to say "We have a problem. These are the areas that we looked at and this is our proposal. Now will you come and tell us what you think?" Perhaps we should have done it your way. We did it the other way but the desire for public input is not any lessened. If it were we would have walked in this room tonight and said "Look folks, we're going to end the public hearing officially. Now I'll accept a motion from one or the other of you (Commissioners) to decide what we're going to do here and we will either say yes or no." We wanted further input, more hashing of the problem and, hopefully, come to some compromise solution that protects in regard to the Supreme Court edict but still does not take away the rights of the public.

Ann Mary Dussault: Maybe this format is something we should never do again. Maybe we should never ask people to set down and talk with us about alternatives. That's what we're doing. We asked each of you specifically because each of you represented a slightly different point of view in the public hearings. And, frankly, I thought there was merit in your oppositions; that there's reasonableness in your perspectives. My thought and belief is that we have to do something as administrators to implement the Little decision and I am going to do something as a Commissioner to implement it. No action is not an acceptable alternative. To me I think that's hiding your head in the sand. I don't know why they didn't do it a year ago. All I know is I only came on the Commission six months ago. But, we're going to do something; I'm going to do something. So the question is what do we do? We can sit around and talk about what we're doing here or we can spend the next 20 minutes talking about what some of the alternatives might be.

8. Stan Hendrickson: The main reason we started all this was to get off the hook legally, right?

Barbara Evans: That is one of the considerations.

Stan Hendrickson: What would happen if we just didn't require any building permits? As I look around Missoula, I don't go out 4½ miles and see that the buildings 4½ miles out are falling down and the ones inside the line are still standing. I don't think we have a problem there. When people spend \$50,000.00 on materials to build their home, they make sure they're used right and I don't think we have a problem of building shabby construction in Missoula.

Barbara Evans: Let me interrupt you here and we'll ask Michael to give us the legal determination of what would happen if we do stop requiring building permits.

Mike Sehestedt: It doesn't lie within the County's power to stop requiring building permits where they're currently required. That's a result of City ordinances exercising the City's extraterritorial power to require building permits within that 4½ mile area. If anything, the County Commissioners probably concur with you, at least former Boards of County Commissioners did because we got out of the business of requiring building permits county-wide in about 1978. It was a short and unhappy experience. Within that 4½ mile limit, though, it's imposed by City ordinance.

Stan Hendrickson: During that period of time I know of a house that \$500.00 were spent on permits and the only person to see that house was the sewer inspector and electrical inspector. These permits were just a revenue for the County. There was nobody else inspected that house.

Mike Sehestedt: As I said, it was a short and unhappy experience and I think building inspection was one of the unhappy parts of the experiment. That's why we got out of the business.

Stan Hendrickson: Why don't we make it real happy and move it in closer to the center of Missoula?

Mike Sehestedt: We just don't have that power. That's the City Council action exclusively. Given the fact that we don't have the power as a County to keep the City from exercising that power, I won't argue the wisdom or unwisdom of it.

Stan Hendrickson: I would say let the City be responsible for being sued.

9. Howard Schwartz: Mr. Hendrickson raises an important point. I think it is very hard to get untangled as to how we got to the situation where we are now and the frustrations that he feels, that anyone feels, when they get involved with the bureaucracy is as frustrating to those who are inside as to those who are on the outside because we get caught in these same things, too. This is a case in point. What has happened is that the City decided it wants to have building inspections up to 4½ miles out. Then the City

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Howard Schwartz: creates a building inspection department to enforce that. Next, the Little case comes along and says that if you are going to go out and inspect buildings when someone comes in for a permit you can't issue a permit unless it is in compliance with the comprehensive plan. Well, in most large cities there's no problem because they're all zoned within 4½ miles of the city limit. The problem that we've got couldn't happen in Billings or Great Falls. Then you have the city building inspector's department being faced with the problem of what do they do when they go out in the County and there's no zoning. The building inspection department is still funded mostly by the City and operates pursuant to the ordinance that the city passed. So we have now proceeded with the joint City-County employee in the position of trying to deal with the fact that the building inspectors who are responsible to her in an administrative way to enforce city ordinance have to find some way of figuring out what compliance means outside the city limits where the County Commissioners have jurisdiction. And it's those kind of tangles that we're in that force us to the place where we're at now. So, if the City had never passed the ordinance, we wouldn't be in this problem. If at the time of comprehensive plan was adopted, 1976 I think, if the City had zoned extraterritorially we probably wouldn't be in the problem we are now in. But none of those things happened so here we are.

Ann Mary Dussault: I want to talk for a few minutes about what the effect would be if the direction were that building permits could only be issued if they were in substantial compliance with the comprehensive plan.

Kristina Ford: What would happen is that someone would come into our office asking for a building permit on a piece of land they own that is unzoned. Someone on my staff, probably not the building inspector but somebody who had more working knowledge of the comprehensive plan, would be assigned the task of determining whether or not the proposed use was in substantial compliance with the plan. They would give an opinion to the building inspector who then would or would not issue the permit. The difficulty is that if we denied someone a building permit because the use that was being proposed was not in the opinion of the planning staff as expressed by the building inspector in substantial compliance with the plan, it would be fairly easy to litigate that decision. One needs only find another building of similar use or the same use under similar circumstances for which a building permit had been issued irrespective of the time. In other words, the date of your policy is irrelevant to the Court's decision about whether or not the building inspector acted capriciously. What they need find is simply another instance that was very similar in which a building permit was given but in this instance was not and then the person has a suit against the County. Have I said that correctly, Mike?

Mike Sehestedt: That would be the argument that would be made and the fact that five years ago, four years ago, three years ago building permits had been issued under the prior policy and understanding of the comprehensive plan which was that if it was unzoned anything was okay, it would probably weigh against us in a court case and if I was the other side I would certainly find just as many of those as I could and display them proudly to show that my person was being arbitrarily set upon and put upon by a bunch of no-good bureaucrats acting without substantial legislative guidance and everything else. The bottom line would be that we would be sued for practically anything and I really think, as I indicated at the hearing last week, it's up to the Commissioners to decide what's good policy and make that decision. I'd just as soon be sued for defending what you think is the best policy in light of the Little decision as to be sued for anything else. It does weaken our hand. The action, particularly without some further guidance from this Board by the building inspector or zoning staff person making a decision which under current regulations is essentially without any clear machinery to get administrative review, would be a litigation breeder so simply telling them to do that without giving them a little bit more guidance may involve us in some litigation. Helena says we haven't actually had a flood of litigation. I would offer in defense that we haven't actually had a flood of building in the last two years, particularly on unzoned land. I can't think of any non-residential building that's occurred in the County on unzoned land in the past couple of years within the 4½ mile limit, but I could be wrong.

Bob Palmer: Kristina, let's follow up on that discussion of what would happen in that gray area that you and Mike outlined if there was some uncertainty. In terms of is this a binding fact in substantial compliance or not. What about in those areas that are black and white? That truly do fit in the comprehensive plan? What would be the consequence of automatic authorization of the building inspector to issue those kinds of building permits?

Kristina Ford: If it's a black and white situation in which it takes little judgment to decide that the use is in compliance with the comprehensive plan, then we would issue the building permit and I can't imagine that the property owner would bring suit against you. His or her neighbors might, saying that even though the comprehensive plan designated this area for some use that they don't think it's the proper use.

Barbara Evans: But that can happen anyway?

Kristina Ford: Sure.

Ann Mary Dussault: Let me clarify this. If we go the route in which the direction is simply to issue the permit only if in compliance with the plan, if a person comes in the planning staff advises the building inspector and the building inspector issues the permit, it's done and over with in the sense that there's no ability for anybody to comment on that?

Kristina Ford: That's my understanding.

Ann Mary Dussault: Unlike, for example, if we adopt the zoning mechanism, the zoning mechanism would allow for people to comment.

Barbara Evans: It is my understanding that noone could protest that except the landowners themselves.

Kristina Ford: That's correct if it's completely surrounded by unzoned land.

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Helena Maclay: If the landowner has the only area included in the zone.

Kristina Ford: That's right, and it's completely surrounded by unzoned land or land in a different designation, zoning district. Then he's the only one who could protest.

Barbara Evans: Then Ann Mary and I are both correct?

Kristina Ford: Yes, but Ann Mary's question goes earlier than yours.

Ann Mary Dussault: My question was on the ability for anybody to comment, not to protest.

Kristina Ford: That's right. The protest goes after you all have approved a zoning request. But public scrutiny and a chance for public comment occurs when that request comes before the County Regulatory Commission, the Planning Board and you.

Helena Maclay: By requiring zoning you thrust the landowner into the political arena.

Ann Mary Dussault: There's no question about that. I guess the implication that I'm trying to make clear is that if your neighbor, who also has unzoned land and you have unzoned land, comes in and gets a building permit there's nothing you can do about it. If we proceeded with the zoning process you will at least have the opportunity to comment on what your neighbor was doing. It depends on what tradeoff you want for this.

Kristina Ford: It's much like expenses. If you have a chance to come to a public hearing it's much less expensive for you to subject your neighbor's activities to public scrutiny than it is if your only recourse is to take them to court.

Barbara Evans: There is another factor to consider here and that is the people who want to have a say about their land and their neighbor's land choose to live in zoned areas. It is my opinion that the people who live in the unzoned areas are willing to live and let live. "I'll do what I want, you leave me alone; you do what you want and I'll leave you alone." I think that's what they want and they're willing to take their chances.

Ann Mary Dussault: That's not what happened in Flathead when somebody came in and wanted to put a shopping center right in the middle of an unzoned but designated residential area. All of a sudden everybody in the neighborhood wanted to do something about it but they didn't have the tools to do it except to go to court.

10. Richard Rossignol: A case in point, they won.

Helena Maclay: If the County thinks it's so important to protect people in these areas, why aren't you proposing zoning for these currently unzoned areas?

Barbara Evans: Because we'd get lynched.

Helena Maclay: The constituents are saying they don't want it, but if the public good requires it and the best interests of the community demand it it's your responsibility.

Ann Mary Dussault: My understanding is that the reasons these areas are unzoned is because the individuals exercised their right and petitioned out of zoning.

Helena Maclay: That's right. In many instances they have protested and then used their statutory rights and obviously if you can change the statutes then I think that's a message for what the community as a whole wants.

Ann Mary Dussault: Is that basically right, Michael?

Mike Sehestedt: Yes. As far as I understand, I'm not sure how far it went in the Lolo area, if it actually went to the stage of adopting a zoning resolution or protest was so clear and convincing they did not. Almost 100% of the other areas have had zoning proposed and it has been defeated in those areas by a protest. The argument there, let me just say this to counter Helena's point for discussion purposes, is that everyone says general agreement in particular zoning ordinances and picks apart not because it specifies the areas as residential but because it has set-backs or because of the density question and you wind up with a protest coalition of people who probably know one thing no 10% of the people would agree is the reason they're against it. You know, 5% of the people dislike this particular point, 12% dislike that particular specific zoning proposal, and so it goes down. Some people have defeated Chapter 47 zoning because they prefer to maintain their own even more restrictive Chapter 41 zoning. Pattee Canyon is a classic example of that where it preserved local design, required design review to the Zoning Commission by defeating a less restrictive zoning option. There's another side to the coin, a group out on Mullan Road contacts us practically on a daily basis because our zoning is not going far enough to keep one of their neighbors from doing what he wants to do with his property. Fortunately, this issue doesn't impact those that are already zoned or who favor zoning because they have no reason to be here. Again, I think we can probably come up with some guidance to the staff rather than simply saying in substantial compliance. It falls short of requiring zoning. If the comprehensive plan describes the area as residential and we allow only residential use, if the residential use is permitted, for example as commercial under our zoning resolution, we'd probably wind up permitting residential uses anyway. They would be in at least substantial compliance with the comprehensive plan. Commercial, if the comprehensive plan calls for it, any kind of commercial use would be permitted in any of our zoned commercial districts, go ahead and give them a permit. Finally, the industrial use, if it's proposed for a residential area then set up some sort of mechanism to deal with those situations where it clearly deviates from the plan through the Planning Board to the Commissioners. I think the comprehensive plan ought to be just the stuff of dreams and zoning ought to be the thing.

Howard Schwartz: One of the problems we will find ourselves forced into if we go this route is that we would in fact have not-zoning zoning and we would have a kind of parallel administrative process to deal with compliance with the comprehensive plan for building permits in unzoned parts of the county within 4½ miles because we have to have some sort of rational, objective, publicly accountable procedure to do that and then we're going to have a system parallel to the zoning procedure we have in existence already.

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Mike Sehestedt: That's a legitimate objection. On the other hand, another objection is that of just about any course of action this has the advantage of giving some basic instruction to building inspectors and they're not left with their untrammelled discretion. We're looking strictly to the use component of zoning; we're not looking at lopsided density or any of the rest.

Barbara Evans: I'd like to wind this up and I'd like to ask each of the four people sitting there to each take about three minutes and give us your final statement. Nancy, we'll begin with you.

Nancy Senechal: I think the solution is the Supreme Court decision and the Supreme Court decision should stand. It's to be fallen back upon by anybody who objects to a building permit that is issued that is not in compliance with how they feel. I very strongly feel that the solution that has been offered tonight is not a solution. I think we've got a problem in that we're dealing basically with a terribly outdated comprehensive plan. I wish that we could postpone all this discussion and decision until we have a new comprehensive plan.

Stan Hendrickson: This is one of my concerns in going over this comprehensive plan, I find that it's terribly outdated and was turned down because it was not really drawn up very well in the first place. I have property rights through the middle of my hayfields that're in two different zones and I don't know why inconsistencies like this are all through this. I think we've got to get rid of this first before we do anything else. Get rid of this comprehensive plan and bring it up to date.

Richard Rossignol: I'd agree with what Stan says along those lines and I think the problem is probably more far-reaching than that. It seems to me that the philosophy of the planning idea is going to have to change. The first thing we consider is the most strict regulations. It's just a prime example of the coercive action that has been taking place in the County every since the whole planning idea arose. I'm very susceptible to planning; I want planning and would like to zone my property but I would like to do it with a little bit more input than I have in the system right now. I don't feel that the comprehensive plan that is going on now is going to help me at all in this process because as a landowner I am a minority. I feel we should get rid of the plan and that the landowners individually must be the ones that are included.

Helena Maclay: First, I want to say that I appreciate the opportunity to talk. I was pleasantly surprised, I expected that I might be stoned because we received a command to come and perform. We weren't told what we were to do, only that there were some questions to address. You had the advantage of knowing where we were coming from and we had the disadvantage of not having any idea what you wanted. I gather that this process will allow compromise. I would have to say that I think that with an outdated plan people just get schnookered into having to be in substantial compliance with it. With your commitment that it won't be extended beyond the 4½ mile area I think a lot of people will leave. I think you should make a further commitment that although the times may change and the people sitting in your seats may change that the comprehensive plan will be only that and that it will not be used as a defacto zoning without any right to protest by the individuals involved. We are all involved in the updating of the comprehensive plan and everybody tells us not to be involved. But those who are involved are very frustrated, especially from rural areas because we feel that the granolas are taking over, that there may be a moratorium on all development of agricultural land. Some pretty outrageous things are coming in the initial part of it and those who own large areas of land are viewed as robber barons by many others. I think unjustifiably so because the problem is in the updated plan. So, what I'd like is a recommendation from the Commissioners that the plan is only a plan, that the new plan will give broader categories, a greater flexibility to designation of proposed uses and that the Commission might try encouraging landowners to zone. I know our advice to our clients has been that if there's any possibility of getting a zone that you want to get handed out, that suits you, you should go in and apply for it because you're playing Russian roulette with the future. We don't know whether a more extreme approach may be taken and I think this is a good first step. I don't appreciate the format really. When I am invited to a round table discussion I would like to know more than just the general topic. I would like to know what the specific questions are. We do a lot of preparation to do anything before the Commissioners and all four of us took the summons very seriously.

Barbara Evans: You're all doing a very fine job.

Helena Maclay: Thank you. But I think what we're trying to say is that although you ask for public input and you want public input there is a feeling that the extreme is what has been chosen and there's a bias because the Planning Board with a few people missing voted a certain way for that proposal. We'd be glad to see if there is some other possible solution to the perceived problem. I guess I don't believe that there really is a problem, that whatever the perceived problem is it has to be limited to the 4½ mile limit and the solution that you choose should fit the perceived problem and the proposed resolution doesn't do it.

Ann Mary Dussault: If there was some misunderstanding about what tonight was all about that's really my fault. I just thought it would be nice to sit around and chat for awhile and talk about the problems. If that wasn't made clear that's really my fault.

Barbara Evans: With as much trouble and as much happening as I've seen on this operation I do think it was a much more satisfactory arrangement than walking in here innocently and the three of us saying "Thus speaketh us." I'd much rather hear your discussion and I think it was beneficial.

Ann Mary Dussault: I have a procedural question for Mike. If there is substantial amendment to what is before us, is it more appropriate to essentially set this aside and not adopt it and then to proceed with directing the drawing up of a new resolution and run that through the public process or simply to propose the amendment at this time and adopt it tonight?

Mike Sehestedt: I don't know. On the one hand, I know everybody likes to have things

PUBLIC MEETING, MAY 18, 1983, CONTINUED

Mike Sehestedt: done and over with and the decision made instead of the endless round of meetings. On the other hand, I know everybody likes to have a chance to look at a specific proposal and criticize that, or laud it as the case may be, before you take action. As to what's more appropriate I don't think there's a legal answer. What's absolutely, legally the safest I would say the direct preparation of another proposal, run it through the Planning Board, have it come back up with their comments. I don't think that's required.

Barbara Evans: I don't prefer to do that. I would prefer that we direct the staff that anyone who applies for a building permit within the 4½ mile zone and the permit they're asking for is residential that they are to be given the permit as fast as possible. If they are asking for something other than residential and it substantially complies with the plan, such as they want to build a commercial building in a commercial zone, let them have the permit. If they want an industrial in an industrial zone, let them have the permit. If there is a question and you don't feel you can substantially answer that by yourself then they take it to the Planning Board. If they get an answer satisfactory to the folks, fine, you walk away happy. If they don't then they bring it to the Commissioners. If they aren't satisfied with our decision they then take it to Court.

Kristina Ford: When you say residential, do you mean any type of residential use?

Barbara Evans: Yes.

Kristina Ford: The Planning Board will not then be making a recommendation to you if it approves what the person is asking for? It is enough that the Planning Board agrees with the person and the building inspector will issue the building permit?

Barbara Evans: Unless the County Attorney tells me that is a legally poor position to take.

Mike Sehestedt: Somebody has to make the decision on whether or not it's in substantial compliance. You've given some areas and in those close cases let it go to the Planning Board with appeal if it's appropriate.

Barbara Evans: If we had a 12-month building period here I would be a tiny bit more inclined to say it doesn't matter if it takes three months to go through this. But we have at a maximum about 5 to 6 months building weather here unless the weather is exceptionally good and to require 3 months of endless discussion with bureaucrats becomes a real pain to these folks and I'd like to cut the process as much as possible. If it's a clear-cut, simple thing, get it over with.

Bob Palmer: Kristina, what is the time frame for the completion of the comprehensive plan?

Kristina Ford: The original time frame was that the final choice the task force had approved of the alternatives the staff will give them would be presented before you and the City Council at the end of this year. That seems unlikely to me. I think it's more likely to be next March.

Ann Mary Dussault: It seems to me that if we follow your suggestion what we've done is exactly what folks are concerned about, which is making the land use plan more than a planning guide.

Barbara Evans: The Supreme Court has said that. I want it used as a guideline. The way I view it is the staff will be using these guideline but we're not forcing people to zone their property in compliance which I do not believe the Little case calls for. So, I don't think we're doing any more than we're required to do.

Ann Mary Dussault: It's clear then that we are making the comprehensive plan far more specific than we thought it was when it was adopted and we're making a very specific document for development purposes. That then becomes the guideline.

Barbara Evans: I don't see any choice other than we can do nothing, which I'm sure the people out there would prefer, or we can protect the public from liability expenses and whether you like it or not, when we get sued and lose it comes out of your pocket so we're trying to protect you and us from that. I feel this is the path of easiest compromise. But I agree with Helena that there should be some legislative distinction on this that makes it strictly a guideline and not a tablet written in stone signed by the Supreme Court.

Bob Palmer: Mike, Kristina has indicated that it'll take about 10 months or better to finish up the review of the comprehensive plan. Some of the folks who have spoken against this ordinance have suggested that we do a moratorium until the plan has been completed and then take a look at the situation. What kind of litigation posture would we be in during that 10 months should the Commissioners decide to place some sort of moratorium at this time?

Barbara Evans: What kind of moratorium are you asking?

Ann Mary Dussault: Until a new plan is done.

Mike Sehestedt: I don't think that was what they had in mind. I guess I would be real hesitant to find any authority or even suggest that I might be able to find some authority for the County taking that position.

Nancy Senechal: How would you implement the Supreme Court decision until the comprehensive plan is made?

Bob Palmer: In relation to the Little case the question is still what kind of position would we be in in terms of if we did nothing for the 10 months? What would you suspect the legal posture for the county would be if we opted for a no-policy?

Mike Sehestedt: If somebody proposes a shopping center in a residential area the

PUBLIC MEETING, MAY 18, 1983, CONTINUED

Mike Sehestedt: comprehensive plan calls for as residential and the other neighbors sue us, we'll lose. That's exactly what happened in Little. If nobody does anything that's horribly inconsistent with the comprehensive plan, nothing bad is going to happen to us. As a number of people have pointed out, nothing much bad has happened during that interim. Now, partly that may be due to the fact that very little has been happening in the building area period during the time since the Little decision. Hopefully, that state of affairs is ending and the County is picking up so maybe we'll get litigated, I don't know. Our position would be if we issue or approve the issuance of building permits not in substantial compliance with the comprehensive plan and we get sued there are two possibilities: one we lose, two the high court eats crow on the Little decision. Since the high court will be the one to make the decision as to what happens it's unlikely they're going to eat crow. I suggest that we wouldn't be in a real good position. The chances of having to face that kind of litigation, however, are something I can't really estimate at this time. Given the fact that our comprehensive plan is so outdated as everyone agrees, there are probably a number of unzoned pieces that are more suitable for use other than what's called for in the comprehensive plan. If somebody goes to develop one of those and a neighbor objects we could have problems.

Kristina Ford: Mike, when I presented this last week I suggested that the Commissioners could exempt residential remodelling and residential accessory uses and I think I can offer a rationale for why it was I suggested that. The uses exist and typically a residential remodel does not intensify use, therefore, it's not really a change in how the land is used. Is there a legal basis for discriminating between all residential uses, which means dense apartment dwelling versus commercial and industrial?

Mike Sehestedt: Yes. To start with the impact of the residential use is not that heavy on public services or the neighbors. If somebody puts a house up next to you, fine. If somebody puts a hot-mix plant up it's a whole other ballgame. I think there is a rational basis.

Ann Mary Dussault moved, and Bob Palmer seconded, that the amendments to zoning resolution 76-113 not be adopted. The motion carried by a vote of 3-0.

Ann Mary Dussault then moved, and Bob Palmer seconded, that the Planning staff draw new amendments to zoning resolution 76-113 which would clarify that jurisdiction was to 4½ miles outside the city limits with no extension of that area and that the zoning regulation would apply to high density residential, commercial and industrial use building permits. The motion passed by a vote of 3-0.

There being no further business, the public meeting was recessed at 9:30 p.m.

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May 19, 1983

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 was signed:

AUDIT CONTRACT

Chairman Evans signed the Audit Contract dated May 16, 1983, between Dobbins, DeGuire & Tucker, P.C. and the State Administration Division of Local Government Services with the consent of Missoula County, Montana, for audits for the period covering July 1, 1982 to June 30, 1984, in accordance with the terms set forth in the contract. The contract was forwarded to the State Department of Administration for signature.

Also considered was the following matter:

The Commissioners met with representatives of the Missoula Redevelopment Agency and MEFIC. Commissioner Dussault moved approval of the recommendation of the Park Board to proceed with Phase II of the study, and Commissioner Evans seconded the motion. It passed by a 2-0 vote, with Commissioner Palmer abstaining.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners Office.

WELFARE BOARD MEETING

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 336 cases which were presented for consideration by the Missoula County Welfare Department.

MEETING

Commissioner Dussault attended a Board Meeting of the Seeley Lake Refuse District in Seeley Lake in the evening.

* * * * *

May 20, 1983

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

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List dated May 20, 1983, pages 1-27, with a grand total of \$140,892.58. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Robert Laing as Principal for Warrant No. 187, dated January 19, 1983, on Missoula County High School Transportation Fund, in the amount of \$54.00, now unable to be found.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

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May 23, 1983

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

CLAIMS

Claims were presented by warrants for pay periods nos. 20, 21 and 22 (May 20, 1983) to be drawn on the following funds in the following amounts:

Working Fund	\$64,880.61
Bridge Fund	11,423.35
Road Fund	86,195.90
Planning Fund	67,737.75
Weed Fund	6,798.77
General Fund	577,123.39
Miscellaneous Fund	269,282.67

The original claims are on file in the Auditor's Office.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 83-40

The Board of County Commissioners signed Resolution No. 83-40, a Resolution creating RSID No. 393, for the purpose of constructing street, drainage and sanitary sewer improvements to Lot 17, Cobban and Dinsmore's Orchard Homes on Davis Street.

PLAT

The Board of County Commissioners signed the Plat for Lemm's Townhouse Addition, the amended plat of Lolo Center, Block 1, Lots 7 & 8 located in SW $\frac{1}{4}$, Section 26, T12N, R20W, P.M.M., Missoula County, Montana, the owners being Drake A. and Dianne L. Lemm.

Also considered was a tax request from Ken Hayes and Hugh Smith in regard to Greenland Trailer Park. Commissioner Palmer moved that the last half of 1982 taxes be waived. The amount is to be determined, including any possible refund and this was to be prepared by May 31. Commissioner Dussault seconded the motion, and it passed unanimously.

RESOLUTION NO. 83-41

The Board of County Commissioners signed Resolution No. 83-41, a Resolution creating RSID No. 394, for the purpose of constructing street, drainage & sanitary sewer improvements to Lot 19 of Cobban & Dinsmore Orchard Homes on Davis Street.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

ENGINEERING SERVICES AGREEMENT

The Board of County Commissioners signed a Professional Engineering Services Agreement, dated April 13, 1983, between Missoula County and Stensatter, Druyvestein and Associates, to provide professional engineering services for the project of constructing street improvements on 7th Street, Humble Road, Sierra, Heather, Walker & Judith Drives in Cottage Grove Addition, Walker and Judith Drives in Cottage Grove Addition, Walker Addition and Double "R" Acres No. 1, under RSID No. 402. The Agreement was returned to General Services for further handling.

RESTRICTIVE COVENANT REVOCATION

Chairman Evans signed a Revocation of Restrictive Covenants between Dickie D. Lucier, owner, and Missoula County, mutually revoking the restrictive covenants attached to a part of Tract No. 3B on Certificate of Survey No. 2807, thereby reclassifying the land from agricultural to residential; however, the property shall be subject to the terms, conditions and restrictions of Certificate of Survey No. 2891, on file in the Clerk & Recorder's Office.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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May 25, 1983

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

RESOLUTION NO. 83-42

The Board of County Commissioners signed Resolution 83-42, a Resolution to Rezone a parcel of land in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, Township 13 North, Range 19 West, otherwise known as Piedmont Court, from C-RR2, Residential to C-RR3 Residential.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following matters were considered:

1. The Board discussed letters to the Congressional delegation in regard to the BPA powerline, one on the "request for funding" matter, and a letter on BPA activities and the plan for dealing with local governments;

May 25, 1983, Continued

2. The Commissioners agreed to use the form presented by Gerry Marks, County Extension Agent, as the means of securing the landowners' agreement to conditions for participation in the rodent control program; and

3. The \$10,000 received from the State Highway Department for right-of-way on Reserve Street was discussed. Commissioner Dussault moved to assign the money to deposit in the Golf Course Operations Account for addressing the start-up costs for the beer and wine license and the balance to be transferred to the loan/bond account. The motion passed unanimously.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present were Commissioners Ann Mary Dussault and Bob Palmer.

BOND BID AWARD: RSID 402

Under consideration was the award of the bond bid for RSID 402. According to information received from John DeVore, Operations Officer, one bid was received from Glacier General Assurance Co. for 11% on \$90,000.00.

Bob Palmer moved, and Barbara Evans seconded the motion, that the bond bid for RSID 402 be awarded to Glacier General Assurance in the amount of \$90,000.00 at 11% interest. The motion passed by a vote of 2-0. (Commissioner Dussault arrived at the meeting after this vote was taken).

SALE OF TAX DEED PROPERTY

Pursuant to Res. 83-33, dated April 19, 1983, by the Board of County Commissioners of Missoula County, Montana, the Board of County Commissioners had the real estate appraised as described on Notice of Sale of Tax Deed Property and situated, lying and being in the County of Missoula, State of Montana. The resolution, duly published according to law in a paper of general circulation (The Missoulian), stated that the tax deed property would be offered for sale at public auction for cash or on such terms (20%, balance at 8%, five years) as the Board of County Commissioners approved at their public meeting on May 25. As required by Montana State Law and stated in Sections 7-8-2301 and 2302, MCA, the following list of properties was then offered for auction:

<u>Property Description</u>	<u>Fair Market Value</u>
Cooks Addition, Log 25, Block 4	\$5,235
El Mar Estates, Phase I, Lot 20, Block 4	7,080
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, T.14N., R.23W.	7,500
Improvements on leased land, Forest Service Lot 16, Block B	2,760
Clinton Maid #8809 (1/6 interest) Martha #8809 (1/6 interest)	3,525
Hillside Homes Addition No. 1, Supplemental Plat "A", Lot 7, Parcel E	4,000
Hillside Homes Addition No. 1, Supplemental Plat "A", Lot 2, Parcel F	5,000
Hillside Homes Addition No. 1, Supplemental Plat "A", Lot 8, Parcel E	4,000
Hillside Homes Addition No. 1, Supplemental Plat "A", Lot 3, Parcel F	5,000
Hillside Homes Addition No. 1, Supplemental Plat "A", Lot 3A, Parcel F	5,000
Hillside Homes Addition No. 1, Supplemental Plat "A", Lot 9, Parcel E	4,000
Hillside Homes Addition No. 1, Supplemental Plat "A", Lot 9A, Parcel E	4,000
Carline Addition, Lot 11, Block 3	2,500

Barbara Evans read each of the foregoing legal descriptions and asked for bids on each one. No bids were received on any of the properties offered for sale at this tax deed auction.

Clerk and Recorder Fern Hart, whose office prepared the list of tax deed properties, stated that Wendy Holmes, her Deputy, had calculated that the City SID's owing on the Hillside property amounted to \$22,268.78.

Deputy County Attorney Michael W. Sehestedt stated that the situation was that the City had created the SID's on the property but the cost of assessments exceeded the fair market value of the property. This was a problem, he said. The County had had that problem in the past, he said, but was not careful when creating RSID's to avoid this. He said that Mike Lambert of the Appraisor's Office had informed him that these lots would have to have work done on them in order to bring them up to buildable standards. He said that a private sale could be made for an offer of not less than 90% of the fair market value, and that he would explore whether the County could transfer title to other government agencies.

PUBLIC MEETING, MAY 25, 1983, CONTINUEDHEARING: REQUEST FOR NAME CHANGE IN SIX-MILE AREA

Under consideration was a request to hold a public hearing on the request from R.A. Ainsworth, on behalf of Professional Consultants, Inc., to change the name of Brookside Drive in the Six Mile area to Brookview Drive so that the proposed townhouse development in the Rattlesnake would be able to retain the name "Brookside on the Rattlesnake."

For two years, the proposed townhouse project in the Rattlesnake has been known as "Brookside on the Rattlesnake." As the developers moved ahead into the first phase of this project, they discovered a problem in regard to naming the street in the development "Brookside" in that there is already a road in the Six Mile area name "Brookside Drive." Mr. Ainsworth and his colleagues researched this matter and found out that the Six-Mile Brookside was a very short road with six ownerships fronting on it, of which three of the parcels were built on. One of these parcels was found to face Brookside and the other two faced adjoining roads. They also discovered that none of the residents used "Brookside" on their mailing addresses. Since the "Brookside on the Rattlesnake" developers had invested so much time and money in the name, they felt it would be possible to approach the residents in the Six-Mile and ask if they would object to changing the name of their street. They contacted all three owners that have built on their property and found no opposition to changing the name of their road. County Surveyor Richard Colvill stated in a memo to the County Administrative Officer, "It is odd to delete a platted name so it can be used on a private driveway, but if so it should be done by resolution after an opportunity for public comment. Surveyor Colvill said that the new name should not be "Brookview" but some entirely different name.

Barbara Evans opened the hearing for public comment after reading the Request for Commission Action prepared by staff. The following people testified:

1. Dick Ainsworth, of PCI, summarized the problem and their solution to it as stated above.

There was no other testimony in favor of the name change.

County Surveyor Dick Colvill testified against changing the name of "Brookside Drive" in the Six Mile area, stating that name changes of roads were not something to be lightly undertaken. He said that the road names were scattered through public records. He said that he was bothered by the precedent this would set to juggle names of existing County roads to essentially convenience a commercial development.

Bob Palmer said that Dick Colvill's points were well taken and he would not support the motion.

County Clerk and Recorder Fern Hart said that searches would have to be done and deeds would have to be changed for the property owners in the Six Mile.

Ann Mary Dussault asked what impact that would have on Fern Hart's office.

Fern Hart said that this would involve a record change.

Ann Mary said that if no one was using this address as a mailing address, she did not see that it would present a bad problem to change the name of the road.

Dick Ainsworth stated that there would be little record changing in Fern's Office, only the street name on the plat. He said that it would be one thing to change the name of a well-known street, with a name such as Reserve Street, and another to change the name of a road a few miles out of town where not even the people who lived on the road knew the name of it.

There being no further testimony, Barbara Evans closed the hearing to public comment.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the name of "Brookside Drive" in the Six Mile area be changed to "Brookview Drive" so that the name of "Brookside Drive" would be available for the use of the developers of the "Brookside on the Rattlesnake" development, subject to the condition that any costs associated with the name change will be borne by the developers. The motion passed by a vote of 2-1. Bob Palmer voted in opposition to the motion.

HEARING: SPEED LIMIT - BIG FLAT ROAD (HILL ABOVE O'BRIEN CREEK JUNCTION TO FIRST 90° CORNER)

Information provided by County Surveyor Dick Colvill on the above-referenced request stated that the request had been received to increase the existing 35 mph speed limit on the Big Flat Road and Ken Kailey of his office had done a speed study on the road. The Surveyor's Office recommendation was that the speed limit be increased from 35mph to 45 mph from the hill above the O'Brien Creek Junction to the first 90° corner.

Traffic Supervisor Ken Kailey said that he had taken a speed study on Big Flat Road from River Pines Road to mile post 4. There were three locations at which this study was taken: one at mile post 1 in the Hidden Heights subdivision, the 85% speed was 48.5 mph; location two was at mile post 2.6 near Valley Wind Lane (a private road), the 85% speed was 54 mph; and the third location was at mile post 3.3, where the County road parallels the side of the hill, the 85% was 47.5 mph. The overall 85% speed was 50 mph, with a total of 178 autos in the study.

The average speed was 42.7 mph. Based on this figures I would recommend that the speed limit be raised to 45mph. At the same time, there should be two areas that should be signed with a W1-5 (winding road) signs. These signs would carry a recommended speed of 35 mph. He said that some things that make 45 mph undesirable are the number of private driveways in the first 1.5 miles, the fact that out of nine different roads studied between 1978 and 1981, Big Flat Road ranked third behind Mulla Road and Pattee Canyon. The closing of Harper's Bridge has increased

PUBLIC MEETING, MAY 25, 1983, CONTINUED

the traffic slightly. He said that even with those problems, he felt it would be better to raise the speed limit to 45 mph and allow the average driver to travel at the posted speed and ask for more patrols to enforce the speed and reprimand the 60 to 75 mph driver.

Barbara Evans then opened the hearing to public comment. The following people testified:

1. Cleo Case, from Big Flat Road, testified that 35 mph was too slow for the area. He said that he personally drives at 45 mph most of the time, and he felt that was a more accurate speed.
2. Mrs. Sherrine, another Big Flat resident, stated that she agreed with Mr. Case.

No one appeared to speak in opposition, so Barbara Evans closed the public comment portion of the meeting.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the speed limit be changed from 35 to 45 mph between mile markers 0.25 and 4.15, and that the road be signed appropriately by the Surveyor's Office. The motion carried by a vote of 3-0.

HEARING AND ADOPTION OF THE CAPITAL IMPROVEMENTS PROGRAM, FY '84

Operations Officer, John DeVore, under whose direction the CIP Program was drafted, stated that this was the third in a series of three public hearings on the Capital Improvements Program for FY '84, covering a capital outlay over a period of five fiscal years (1984-1988). This is the second year of the plan, he said. The Board of County Commissioners had requested that hearings be scheduled in order to seek citizen input. He added that copies of the draft document were available for public inspection at the Missoula County Commissioners' Office, the Clerk & Recorder's Office, the Operations Office and the Planning Office.

At this point, Barbara Evans opened the hearing for public comment. The following person spoke:

1. Al Hickethier, from the Cold Springs Homeowners Association, stated that he was concerned that the South Hills Drainage Project did not appear on the CIP project list. He said that the project had been designed, the rights-of-way purchased or obtained and the problem was not going to go away, but in fact got worse every year, in addition to construction costs increasing every year.

Barbara Evans said that she had asked Deputy County Attorney Mike Sehestedt about the feasibility of an RSID for this project, had he had put together rough boundaries and estimated that the assessment would be \$1,200 per house per year, which was a high figure. This was assumed on a \$3 million project.

Mr. Hickethier said that he didn't feel that the Cold Springs Homeowners should be saddled with such a high assessment for what was essentially a problem caused outside their area. He said that the homes and paving on the South Hills were the source of the problem, but the water didn't collect up there, but just ran down to the Cold Springs area. He said that he felt the project should be in the CIP.

John DeVore stated that funding restrictions had led the CIP draft committee to exclude projects which would cost more than \$1,000,000 per year, or no other project would have a chance.

Phasing the project was then discussed. Dick Colvill stated that it would cost \$325,000 to take the drainage system to Cardinal Way, and it wouldn't make sense to start with anything less than that.

Ann Mary Dussault stated that one of the problems with the project was that it was so horrendously expensive. She said that the project was almost beyond the County's ability to finance it, but that alternative sources of funding were being looked at.

There being no further business, the meeting was recessed at 2:40 p.m.

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May 26, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans attended a Crimestoppers State Conference in Great Falls May 26 and 27, 1983.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 83-43

The Board of County Commissioners signed Resolution No. 83-43, a Resolution authorizing a refund on taxes paid on the following real property which has been erroneously assessed:

In W 1/1	Plat A-12	16-13-18	10 AC
In W 1/2	Plat A-10	16-13-18	10 AC

belonging to James L. and Mary L. McFarland, Andrew J. and Linda K. Greenwalt, and Hugh W. Smith, et.al., resolving that the second half taxes on the property described above be waived, leaving a remaining tax obligation due by May 31, 1983, at \$1.50 on each piece of property for forest fire levies.

APPROVAL OF AGREEMENTS

The Board of County Commissioners approved agreements for Columbian ground squirrel damage control for areas

May 26, 1983, continued

within one mile of incorporated or unincorporated cities and towns signed by the landowners, Henry Weideman and Eugene Ball, both of Clinton, Montana. The agreements were returned to the County Extension Agent, Gerry Marks.

AMENDMENT TO CONTRACT AGREEMENT

Acting Chairman Palmer signed an Amendment to Contract Agreement, No. ED-MEO-599, between the Department of Natural Resources and Conservation and the City and County of Missoula Energy Office, effective April 30, 1983, whereby the parties agree to the mutual covenants and stipulations set forth in the Amendment. One copy was forwarded to the Department of Natural Resources and Conservation, Energy Division, in Helena and one copy was retained for the files.

CONTRACT FOR REPURCHASE OF PROPERTY

The Board of County Commissioners signed a Contract for Repurchase of Property taken by tax deed between Missoula County and Michael L. Pedersen, the owner of the property described as Lot 9, Block 15, Greenwood Addition, Missoula County, Montana, whereby the owner agrees to pay to the County the amount of \$1,134.17 which represents all taxes, penalties, interest and other legal charges now due the County on this property. The payments will be made in five equal installments of \$226.84. The Contract and Mr. Pedersen's check for the first installment were forwarded to the Clerk & Recorder's office.

APPROVAL OF BOARD APPOINTMENT

The Board of County Commissioners approved the appointment of Earl Helms for a three-year term as the summer home resident member on the Seeley Lake Refuse Disposal District Board.

Other matters considered by the Board included:

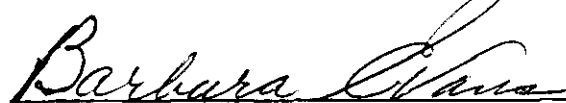
- 1) A discussion was held with Jean Wilcox, Deputy County Attorney, regarding the DeMarois sign zoning situation. The Board of Admustrments will reconsider the previous hearing, the variance will be granted and the findings of fact will be rewritten. There will be a 30-day appeal period from the date of the rehearing and it will be monitored by Jean Wilcox.
- 2) The discharge of firearms in the City and County was discussed.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners office.

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The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present. Commissioner Palmer attended an Urban Coalition meeting in Billings during the day.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

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The Courthouse was closed for the Memorial Day Holiday.

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The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon and all three members were present in the afternoon. Commissioner Dussault attended a Montana Association of Counties Budget Committee meeting in Helena in the forenoon.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 83-44

The Board of County Commissioners signed Resolution No. 83-44, a Resolution fixing the form and details of up to \$67,000.00 RSID No. 393 bonds and directing their execution and delivery.

RESOLUTION NO. 83-45

The Board of County Commissioners signed Resolution No. 83-45, a Resolution fixing the form and details of up to \$64,000.00 RSID No. 394 bonds and directing their execution and delivery.

RESOLUTION NO. 83-46

The Board of County Commisisoners signed Resolution No. 83-46, a Resolution fixing the form and details of up to \$90,000.00 RSID No. 402 bonds and directing their execution and delivery.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners office.

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated May 27, 1983, pages 1-43, with a grand total of \$115,019.16. The Audit List was returned to the Accounting Department.

MEETING

Commissioner Evans attended an Airport Authority meeting in the afternoon.

* * * * *

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

June 1, 1983, continued

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative meeting held in the forenoon, the following items were signed:

CONTRACT

The Board of County Commissioners signed a contract dated May 18, 1983, between Missoula County and Nicholson Paving Co., for the construction of RSID No. 402 street improvements on 7th Street, Humble Road, Sierra, Heather, Walker and Judith Drives in the Cottage Grove Addition. The contract was returned to General Services for further handling.

QUITCLAIM DEEDS

The Board of County Commissioners signed quit claim deeds to the following people for the property, as described, conveying the property from Missoula County back to the original owners who paid the delinquent taxes on the property prior to the tax deed land sale on May 25, 1983:

- 1) to John G. Dailey and Thomas G. Boone, Trustees for Tract 2B in W 1/2 of Plat C, southwest of ditch, Section 27, T 15 N, R 21 W; and
- 2) to James E. and Leona Gawronski for Lot 26, Block 4, in El Mar Estates, Phase I.

The deeds were returned to the Clerk & Recorder's office.

The minutes for the Daily Administrative meeting are on file in the Commissioners office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present were Commissioners Bob Palmer and Ann Mary Dussault.

Chairman Evans read the following Request for Commission Action prepared in advance of the meeting by County Executive Officer, Howard Schwartz:

The action requested is that the Board of County Commissioners hear and act upon a request from Missoula Community Hospital for Industrial Development Revenue Bonds for Refunding and Improvements.

The proposed project has three parts to it: 1) a refunding of Series 1978 and 1982 Industrial Revenue Bonds; 2) reimbursement to the Hospital for certain capital expenditures made by the Hospital and expenditures made in conjunction with beginning construction of a medical office building; and 3) the actual construction and completion of the medical office building previously begun. The new portion of the project, the medical office building, was previously approved for Industrial Revenue Bonds in December, 1980, but the bonds have not been issued. The new Industrial Revenue Bond issue would consolidate all of the existing and proposed revenue bond issues.

Chairman Evans then asked Candace Fetscher, from the firm of Garlington, Lohn & Robinson, appearing on behalf of their client, Community Hospital, to summarize the hospital's IDR Bond request.

Before reviewing the proposed project, Ms. Fetscher introduced the following people who were present at the hearing: Mr. Grant Winn, Executive Director, Community Hospital; Mr. Ty Robinson from Garlington, Lohn & Robinson and also an officer of the Hospital Foundation, which was the original applicant for part of this project; Mr. Alan Mulkey, from the architectural firm of Henry J. Swoboda & Associates; Mr. Alex Drapes, from Drapes Engineering of Great Falls; Mr. John Pew from Pew Construction; Mr. Allen Fetscher, who had developed the Pro Forma for working with physicians who might be interested in office space in the proposed medical office building; and Mr. Ed Lister, President of the Board of Trustees of Community Hospital. She stated that these people were present to answer questions that the Commissioners or the public might have in regard to the proposed project.

Ms. Fetscher outlined the three parts of the proposal as follows: 1. refunding of the Series 1978 and 1982 bonds, which had in part refunded the Series 1975 bonds and had been issued by the County for construction of the emergency room in 1983 and refunding and construction of one operating room and additional work on the hospital in 1978; 2. reimbursement to the hospital corporation for expenditures made since the issuance of the 1978 and 1982 bonds for capital improvements such as the installation of up-to-date equipment, which had improved the security of the bonds; that is, the hospital had installed up-to-date equipment for which they were not able to use the proceeds, since those proceeds had been expended. 3. She stated that the third and largest portion of the project was the proposed physician's office building, which, as had been indicated, would be constructed at the corner of Old Fort Road and the entrance to the hospital. She stated that the proposed Physician's Office Building was the subject of a prior application for revenue bonds, and that a resolution approving that project was adopted in 1978. She said that in order to combine all three portions of the project, the proposed Physicians Office Building was being included in this bond request.

With respect to the proposed Physicians Office Building, Ms. Fetscher stated that she wanted to answer some of the points that had been raised during the Planning Staff review. She said that from the applicants' point of view, they regretted the fact that they weren't able to have a longer dialogue due to time factors as some good questions had been raised by the Planning Staff, and the applicants could have provided more information had they had more time to better prepare the answers. She said that due to a misunderstanding on the hospital's part, there had been no building permit issued when the Physician's Office Building was to have been begun in 1980, and the footings were put in without a building permit, although there was an oral approval to go ahead from a member of the staff of the City Building Inspection Department. She said that it had been the hospital and hospital-related activities alone.

Responding to other concerns that had been mentioned in the Planning Status meeting, she stated that it had been mentioned that reimbursement to the hospital corporation had

PUBLIC MEETING, JUNE 1, 1983, Continued

been mentioned that reimbursement to the hospital corporation had not been specifically mentioned in the bond policy, but stated that the County policy did essentially cover that kind of activity, and that, as the Planning Department recognized, state law allowed that kind of subject for a bond issue as well. She quoted the section of County IDR Bond Policy which stated that one of the concerns was to promote creative and constructive use of bonds for projects that meet and enhance the interests of both the public as a whole and a particular applicant. She stated that in this case, to briefly summarize the benefit to both medical consumers and the hospital corporation itself under the refunding, the intention was to remove the restrictions that presently exist in terms of how much debt the hospital can go ahead and acquire for new kinds of projects, because if the bonds were refunded, the hospital could start out with a clean slate on the debt for putting in the kinds of equipment and permissible expenditures that would otherwise affect what money can be expended other than repaying the bonds. She said that the best comparison that she could draw would be that this was the kind of restriction that the County had to keep in mind in its bond indebtedness restrictions, and so the Board could understand from this why the hospital would want to do the refunding and have that money freed for other necessary expenditures. She said that the hospital would also be able as a result of that to acquire better effective interest rates.

Ms. Fetscher stated that the project would enhance the medical center's ability to function as a regional medical center, and that it seemed clear that this came within the public interest section of the County IDR Bond Resolution.

She stated that one of the other concerns that had been mentioned during the Planning Status review of the application before the Commissioners had been the lack of a formal letter from William G. Ceas & Company, the underwriters. She said that she apologized for that because she had intended for the application to function as an inquiry as to whether the Board wished Mr. Ceas to be present at the public hearing, or whether the Board wished some other kind of documentation. She stated that Mr. Ceas had sent by telecopy after it had been discovered that this might present a problem a letter addressed to the Commissioners and entered this letter for the record. The letter from Mr. Ceas, dated May 31, 1983, indicated the intention of William G. Ceas & Company to purchase the bonds. She also pointed out that the Counsel for William G. Ceas & Company had forwarded to her office and to the County Attorney's Office the first draft of the bond purchase agreement, whereby they would agree to purchase the bonds, so there was no question that there was an existing market for the bonds. She stated that Ceas & Company had retained Coopers & Lybrand to complete the feasibility study, and that they had indicated their intention to proceed with the project.

Ms. Fetscher then responded to the following matters which had been expressed as concerns at the Planning Status meeting earlier, namely employment. She said that while the applicant was not in a position to say that they would be adding a number of new permanent jobs, because they were not in a position to say, with respect to the Physicians Office Building, exactly which doctors would be purchasing space in the building. She said the doctors were hesitant to commit themselves to any particular facility until the facility were actually underway, and therefore those who had expressed an interest had requested anonymity. She said that generally most of the doctors would be moving from existing facilities somewhere in the City of Missoula, or perhaps out of partnership with existing partners, and would rather not disclose their actual intentions. She said that there would be quite a number of jobs for a period of nine months to a year in connection with construction, and that there would be some increase in management and janitorial and that kind of support staff, but they felt that the most important employment-related result of adding additional office space on the hospital campus was enhancing the hospital's role as a medical center, because as it was seen more and more as a medical center on that side of town, there being other medical centers on this side of town, there would be more economical use of all the facilities instead of people running all over town. She said that this would provide a more organized approach to the delivery of medical services in that side of town. She said that eventually there would be an increase in jobs in connection with the increased function of the hospital as a medical center.

In response to Barbara Evans' question as to the total amount of money that was being requested, Ms. Fetscher stated that the applicant had asked for an amount "not to exceed \$13,500,000," and stated that approximately \$8,000,000.00 of that would be used for the refunding of the 1978 bonds; \$1.4 million would be used for the refunding of the 1980 bonds; approximately \$3.5 million would be allocated for the expenditures that the hospital had made on equipment for the hospital itself, and also for expenditures which had been made to date on the footings for the Physicians Office Building, approximately \$175,000.00. She said that this wouldn't quite add up to \$13,500,000.00 because the figures at the time of the application hadn't been quite put together. She said that it was possible that the final bond issue would be somewhat less than \$13,500,000.00. Ms. Fetscher then introduced the following people to testify in regard to their various areas of expertise:

Mr. Grant Winn stated that Community Hospital had had over the past few years expressions of interest for additional office space on the Community Hospital campus. He stated that the need had been expressed a couple of years previously during another bond application for physician office space either adjacent to or attached to the hospital. He said that this would provide more convenient space for both the physician and the patient and said that they had had that expression of interest for some time. He said that the architecture that was being proposed was essentially the same architecture that had been constructed in the past, and the structure was the same for the purchase of the office space as for the previous bond issue.

Mr. Alex Drapes from Drapes Engineering in Great Falls stated that the two most critical points in the design of a building for energy conservation were the envelope of the building and the type of mechanical system that would be put into the building. He said that that was where the "energy hogs" occurred. He said that the design of the Physicians Office Building exceeded both the 1975 requirements of the Department of Energy, which was the bible for the design of buildings today from the standpoint of double glazing but also on the quality of the windows. He stated that the mechanical system was an air-water heat pump system which would have the capability of transferring energy within the building. The type of system was effective on buildings which have multiple

PUBLIC MEETING, JUNE 1, 1983, CONTINUED

exposures because heat was generated in portions of the building. The air-water heat exchange system automatically made these kinds of transfers within the building without using any outside or extra energy. He said that the coefficient of performance which was given for a heat pump on an air-water system was 3:1, and that that meant that for every BTU of energy that is put into the system, 3 BTU's could be transferred, which was a very efficient system.

Chairman Evans asked if City/County Energy Coordinator Lois Jost had any comments or questions on the energy system described by Mr. Drapes, and she replied that she didn't have any at that time.

Mr. John Pew, representing Pew Construction, stated that they would anticipate that, on an average, there would be approximately thirty to forty employees during the construction period, which would take from nine to twelve months. He gave an estimated payroll requirement for those workers of around \$3/4 million for that period of time. He said that on any construction project, the employment fluctuated, but for a project of that size, experience had shown that an average of thirty to forty employees would be needed.

Mike Barton, from the Missoula Planning Staff, gave the staff report. He referred to a memorandum to the Board of County Commissioners from Planning Director Kristina Ford, dated May 31, 1983, outlining their comments and questions on the application. He briefly reviewed the four concerns, as follows:

1. The main concern had been that a building permit had not been issued before the footings for the Physicians Office Building were installed, he said, but added that, as Ms. Fetscher had stated earlier, the applicant had come in and applied for a permit, and the staff did not see any problems with issuance of a permit.

Barbara Evans asked him to explain, for the record, what had happened in this instance so that in the permanent record it did not appear as though this had been done deliberately.

Mike Barton replied that he had not been a principal to that exchange, but that his understanding was that someone from Pew Construction had called Joe Durham in regard to obtaining a building permit as they were concerned about getting a foundation in before the frost hit and Pew had proceeded with work on a verbal assurance from Joe Durham that the building permit would be okay. He said that obviously both parties were acting in good faith, but a permit should have been issued in the traditional manner. He said that the applicant had applied for both a building permit and a zoning compliance permit, and he did not see any problem with zoning compliance because they were in a zone that was designed for the facility that's out there.

2. He stated that the second concern raised by the Planning Staff was more a concern with the IDR Bond Policy than with this particular application, which was that this was the second application they had run into where the activities or the intentions for the proceeds from the bond sale were not explicitly covered in the County policy, whereas they were covered in state law. He said that he had discussed this problem with Deputy County Attorney Michael Sehestedt and had suggested that possibly staff revise the policy so that it would be consistent with state law.
3. He said that the third concern, which had already been discussed, was that of the effect on the local economic base, and stated that this was a key issue in any of these hearings and that it was a question that had to be asked although this project, as a regional medical facility, would qualify under the policy. He said that the issue of whether or not we are supporting a surplus of medical facilities or whether this project would result in a redistribution of already-existing services or jobs was critical.
4. The fourth concern that he reviewed was in regard to the statement from investors on the likelihood of bond purchase, and that Ms. Fetscher had addressed that concern. He asked that Kristina Ford's memorandum be included in the permanent record of this hearing.

Alan Mulkey then commented further on the third concern about the building permit issue, stating that they had been in the process of completing the drawings for the project at the time and that the footings had to be put in before the drawings were completed, and they had understood from Joe Durham that if the drawings were completed at the time that the footings were completed, the building permit could then be issued. He said that the project had had to be stopped before the drawings could be completed.

Lois Jost then asked, for the record, to receive a copy of the plans for the heating and cooling system, and Mr. Drapes stated that this would not be a problem.

At this point, Barbara Evans opened the hearing to public comment, asking for opposing testimony to be given first. No one wished to testify in opposition to the County's issuance of the bonds requested. She then asked for proponent testimony. No one wished to speak as a proponent, and the public comment portion of the hearing was closed.

Chairman Evans then asked the other two Commissioners if they had any questions or comments.

Ann Mary Dussault asked about the second purpose of the bonds, which was the reimbursement to the hospital, and asked if her understanding were correct that the applicant had gone ahead with the project even though the bonds had not been issued.

Ms. Fetscher replied that after the County had approved the issuance of the bonds, but before the closing of the bond purchase, expenditures had been made because before frost set into the ground, the footings had to be set in. She said that right at that time the bond market had changed so drastically that it had become financially unfeasible to proceed so there were expenditures made after the project had been approved by the Commissioners after the public hearing, but before the closing had occurred. She said that that was a risk that the developer takes in that the bond market might not return to an economically feasible state, and stated that she would say that was a small aspect

PUBLIC MEETING, JUNE 1, 1983, CONTINUED

of the reimbursement portion of the bonds, and that it would allow the hospital to essentially get credit to improve the hospital facility, which also would improve the security of the bond holders who had bought the 1978 and 1982 bonds. She said that the hospital had not, in those instances, used proceeds from the bonds, but had used their own money, and this procedure would allow them to take that money back out and re-use it.

Mr. Winn added that some of the new equipment which had been purchased included digital radiography equipment for the new radiology room at a cost of about \$350,000, and other capital improvements of that nature.

Deputy County Attorney Michael Sehestedt stated that he had touched on the idea of some costs incurred prior to the hearing which could be reimbursed out of bond proceeds. He said that to have a good presentation, good building plans would be needed and some preliminary financial feasibility studies would have to be done to find out if there were a potential market for the bonds and some money would have to be invested in bond counsel and the representative for the issuer. He said that these costs were tightly controlled under federal law, but that these particular costs were allowable costs for proceeds from tax-exempt bonds. His point was that there were some costs which could be reimbursed, but that it was not really applicable in this case because there was earlier approval of a bond issue. He said that the ordinary course for any bond issue would be that the applicant would come in with detailed architectural and engineering drawings and these drawings cost money which could properly be reimbursed from bond proceeds. He said that this issue was a bit different because it involved purchasing the improvements and then leasing them back to the hospital so that the proceeds from the bond issue would be available to the hospital for other projects.

Commissioner Bob Plamer asked Mike Barton what the recommendation of the Planning Staff would be.

Chairman Evans then apologized to Mike Barton because she had forgotten to tell the other two Commissioners that the Planning Staff did not wish to make a formal recommendation.

Commissioner Dussault then asked Ms. Fetscher what percentage of the Physicians Office Building space was already committed, and Ms. Fetscher replied that as far as she knew there was one physician who was firmly committed and others had indicated that they would firmly commit, depending on whether or not the hearing resulted in a bond issue, and a number had indicated that they did not want to make a commitment until after they had seen construction actually begin. She stated that if one of the concerns were feasibility, Coopers & Lybrand were doing a feasibility study for the underwriter, and she said that they would be happy to make a copy of the study available to the Commission when it was completed. She stated that preliminary indications were that the firm didn't see any problems with feasibility.

Commissioner Dussault then asked if the space would be available on a lease or a purchase basis, and Ms. Fetscher replied that both options would be available. She clarified this by stating that the purchases would be subject to the bonds, which would have a thirty-year term.

Commissioner Ann Mary Dussault moved that the request for Industrial Revenue Bonds by Missoula Community Hospital for purposes of refunding and improvement be approved in an issue not to exceed \$13,500,000.00 in principal amount. The motion was seconded by Commissioner Bob Palmer and passed unanimously.

RESOLUTION 83-47

The Commissioners then signed Resolution No. 83-47, a resolution reporting the findings of a public hearing on a hospital project and a medical office building project proposed to be undertaken by Missoula County, Montana, under Title 90, Chapter 5, Part 1, "Industrial Development Projects," Montana Code Annotated, as amended, and prescribing other matters pertaining thereto.

There being no further business, the meeting was recessed.

* * * * *

June 2, 1983

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:

MEMORANDUM OF UNDERSTANDING

Chairman Evans signed a Memorandum of Understanding between Missoula County and the Major Events Facility Implementation Committee (MEFIC), whereby the County agrees to allow the second phase of the market evaluation study to continue to conclusion, and MEFIC agrees not to pursue the initiative process in placing a general obligation bond issue on the November, 1983, ballot in favor of the referendum process. Also considered at the meeting was the following:

The Board met with Keith Wright and Dick Colvill, County Surveyor, and discussed the Commerce West Subdivision in regard to the Reserve Street/Tina Avenue access limitations. A letter will be prepared in response to Mr. Wright's letter of April 29, 1983.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

June 2, 1983, Continued

Commissioner Palmer attended a Local Government Energy Committee Meeting in the forenoon.

* * * * *

June 3, 1983

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

BOARD APPOINTMENT

The Board of County Commissioners appointed Tom Kirkpatrick to the Missoula Area Agency on Aging Board to fill out the remainder of Sheila Schreurs' term through December 31, 1983.

AGREEMENT FOR SERVICES

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Weatherly, Germany, McCarthy & Associates, P.C., D/B/A Sorenson & Company, for engineering services for the Grantland RSID No. 395 and RSID No. 396 project which includes the design and supervision of the construction of a basic sewer collection system, a central water system, street improvements, drainage systems, walkways, sanitary sewer mains and service connections, water mains and service connections and related appurtenances. The Agreement was returned to General Services for further handling.

QUITCLAIM DEED


Commissioners Evans and Palmer signed a Quitclaim Deed from Missoula County to Bruce T. Blotkamp for the following property in Missoula County: improvements on leased land, Forest Service Lot 16, Block B, Seeley Lake. The deed was forwarded to the Clerk & Recorder's Office, and Mr. Blotkamp's check in the amount of \$2,485.00 was forwarded to the County Treasurer.

PLATS

The Board of County Commissioners signed the following plats for Anton P. Hallinger, President of Big Sky Lake Company, a Montana corporation:

1. Klein Addition to Big Sky Lake Estates in Government Lots 1 & 5, Section 29, T16N, R14W, P.M.M.; and
2. J-7, U-8, T-2 and T-3, Additions to Big Sky Lake Estates in Government Lots 3, 4 and 6, Section 29, and Government Lot 2, Section 28, T16N, R14W, P.P.M.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman
Board of County Commissioners

* * * * *

June 6, 1983

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated June 3, 1983, pages 1-28, with a grand total of \$122,120.74. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chairman Evans signed an Indemnity Bond naming the Missoula Area Special Education Cooperative as principal for warrant no. 1153, dated December 1, 1982, in the amount of \$4,853.00, on Missoula County School District No. 18 (Woodman) fund, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

CERTIFICATES OF ACCEPTANCE

Chairman Evans signed the following Certifications of Acceptance for County maintenance:

1. Lucinda Drive (Alberton Area) from Bible Lane south to a turn-around (500 ft.), which is an old dedicated road upgraded by the County to a gravel standard; and
2. Wyoming Street from the west boundary of Howell Addition, west 656.59 ft. to the Center line of Davis Street, which was built as part of a new subdivision under RSID No. 392.

The Certificates were returned to the Surveyor's Office.

LICENSE AGREEMENT

The Board of County Commissioners signed a License Agreement between Robert J. and Mava Leighty and Missoula County for a temporary bypass road around the Mill Creek Road (Lolo) Bridge. The bypass will be used for a temporary bridge while the existing bridge is being replaced for the period beginning July 1, 1983 and terminating on October 1, 1983 as per the special terms set forth in the Agreement. The Agreement was returned to the Surveyor's Office for further handling.

JUNE 6, 1983, CONTINUED

The Commissioners met in executive session, with Dennis Engelhard and Nicholas Francis of the Personnel Office in regard to personnel matters and contract negotiations.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

RIBBON-CUTTING CEREMONY

Commissioner Evans attended a ribbon-cutting ceremony for the Emergency Room Project at Community Hospital in the afternoon.

* * * * *
June 7, 1983

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

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report of Justice of the Peace Janet Stevens, for collections and distributions for the month ending May 31, 1983.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 83-48

The Board of County Commissioners signed Resolution No. 83-48, a Resolution fixing the form and details of up to \$5,500 RSID No. 403 bonds and directing their execution and delivery. The issuance and sale of bonds is for the purpose of the relocation of natural gas main and service lines on either side of Clarkson Drive in the Lewis and Clark Addition, Clinton Townsite.

LEASE AGREEMENT

Chairman Evans signed a Lease Agreement between Missoula County and the Westside Little League for the following described real estate situated in Missoula County:

The Northwest Quarter of the Southeast Quarter of the Northeast Quarter
(NW¼ SE¼ NE¼ of Section Twenty-five (25), Township thirteen (13) North,
range twenty (20), West, Missoula County Montana

The Lease is for a term of five (5) years for the total sum of \$1.00. The Lease was returned to General Services for further handling.

APPROVAL OF AGREEMENT

The Board of County Commissioners signed approval of an agreement for Columbian Ground Squirrel Damage Control, signed by Earl M. Pruyn of Missoula. The Agreement was returned to Gerry Marks, County Extension Agent.

ON-THE-JOB TRAINING CONTRACT

Chairman Evans signed an On-the-Job Training Contract between Missoula County Centralized Services and the State Department of Labor and Industry, Job Service Division, for a microfilm clerk in Centralized Services. The Contract was returned to John DeVore, Operations Officer, for further handling.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

RESOLUTION NO. 83-49

The Board of County Commissioners signed Resolution No. 83-49, a Resolution raising the speed limit on Big Flat Road from 35 mph to 45 mph from the hill above O'Brien Creek Junction to the first 90-degree corner.

RESOLUTION NO. 83-51

The Board of County Commissioners signed Resolution No. 83-51, a Resolution renaming Brookside Drive in the Six Mile Area to Brookview Drive; and also resolving that the Clerk and Recorder shall make the appropriate changes on plats and records and that the utility companies and the U.S. Postal Service receive copies of this Resolution so that they may change their records, and that Professional Consultants, Inc. shall be responsible for any costs associated with the County changing its records in regard to this name change.

* * * * *
June 8, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer attended an Economic Development Conference in Helena during the day.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

AGREEMENTS

The Board of County Commissioners signed an Agreement between Missoula County and the Missoula Irrigation District for the cleaning and maintenance of culverts so as to facilitate the purposes for which they are installed without impeding the needs and obligations of the District, as per the terms set forth in the Agreement, which will be effective April 25, 1983, until April 25, 1986.

June 8, 1983, Continued

The Board of County Commissioners signed an Agreement between Missoula County and the Missoula Irrigation District for the residents of the South Hills area, as per the terms set forth in the Agreement, which will be in effect from April 25, 1983 to January 1, 1984.

Both Agreements were forwarded to Jerry Reh of the Irrigation District for the signatures of the Irrigation Board District Members.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Bob Palmer was in Helena on Commission business.

BID AWARD: MICROWAVE RADIO EQUIPMENT (GENERAL SERVICES)

Under consideration was a bid for microwave radio equipment for General Services. This bid award was postponed.

HEARING: FLOODWAY PERMIT - REQUEST FOR DRIVEWAY ACCESS - BRUCE PETERSON

Barbara Evans asked Barbara Isdahl from the Planning Staff to give the staff report and recommendations.

Barbara Isdahl stated that Bruce Peterson had applied for a floodway permit for a driveway access on Lots 2 and 7 of River Pines Addition, west of Maclays Bridge. She said that the property was within the 100-year floodway of the Bitterroot River and that Mr. Peterson's driveway would access the property from Big Flat Road. She quoted from the State Flood Bureau comment, which said, "It appears that the proposed driveway will cross a drainage ditch adjacent to the County road. It may be prudent to install a culvert under this approach to perpetuate drainage needs. If the drainage ditch passes water, especially during times of flooding, then blocking it off with an approach could create very serious problems for Mr. Peterson or his neighbors."

She stated that the staff recommended that the floodway permit be approved as requested, subject to the conditions stated in the staff report.

At this point, Chairman Evans opened the hearing for public comment.

No one wished to testify either for or against this request, but Barbara Isdahl said that she had talked to Mr. Peterson, who had to fly to Denver that day but stated that he had no problems with any of the five conditions suggested.

There being no further public comment, Barbara Isdahl closed the public comment portion of the hearing.

Ann Mary Dussault moved, and Barbara Evans seconded the motion that the request for a floodway permit for an access driveway on Lots 2 and 7 of River Pines Addition, west of Maclays Bridge, be granted to the applicant, Bruce Peterson, subject to the conditions listed below. The motion carried by a vote of 2-0.

The following are the conditions of this permit:

1. That a culvert be installed under the driveway approach to perpetuate drainage needs;
2. That all excavation and fill for this driveway access meet all applicable laws and regulations of Missoula County Floodplain Resolution No. 75-20 and 75-23, and all other local and state agencies;
3. That all fill used in the floodplain area meet the definition of "suitable fill" described in Missoula County Floodplain Resolution 75-20 and 75-23;
4. That the applicant advise the Missoula Floodplain Administrator concerning the completion date so that a site inspection can be done to verify compliance; and
5. That the portion of the driveway access located on Lot 3 of River Pines Addition shall be removed. The driveway access shall be located solely on Lot 2 of River Pines Addition.

HEARING: COUNTY SUBDIVISION RESOLUTION 76-68 - SUMMARY PLAT SUBMITTAL DEADLINES

Barbara Isdahl from the Missoula Planning Staff gave the report and recommendations, as follows:

The Missoula Planning Board recommended to the Board of County Commissioners that Section II.1.20(c), Summary Approval of Minor Subdivision Plats, be amended as follows:

DELETE: Twenty-one (21)
Add: Fourteen (14)

The Amendment would then read as follows:

Summary Approval of Minor Subdivision Plats: A minor plat and required plat supplements shall be submitted to the Missoula Planning Office fourteen (14) days prior to the regular meeting of the County Regulatory Commission, at which time the thirty-five (35) day review and approval period shall commence.

This Amendment would allow for adequate review time within the allowed thirty-five (35) day review period and provide consistency with the review time of the City Regulatory Commission.

JUNE 8, 1983, CONTINUED, PUBLIC MEETING

Barbara Evans then opened the hearing for public comment. No one wished to speak for or against the amendments to County Subdivision Resolution 76-68, so Chairman Evans closed the public comment portion of the hearing.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the amendments to County Subdivision Resolution 76-68 be made as recommended by the Missoula Planning Board. The motion passed by a vote of 2-0.

HEARING: REQUEST FOR SPECIAL EXCEPTION FOR CANDY MANUFACTURING OPERATION - LARRY MAIER - WORNATH ADDITION, ZONING DISTRICT 18

Mark Hubbell from the Missoula Planning Office gave the staff report and recommendations, as follows:

He said that the request from Larry Maier was for approval of a Special Exception to manufacture candy as a home occupation at 5170 Evergreen Road. The history of this request was that on September 14, 1982, Zoning Compliance Permit No. 4645 was issued to Larry Maier for a customary home occupation to manufacture candy on the subject property. Mr. Maier proceeded to secure the necessary health, building and sewer permits and a food purveyor's license. He said that on February 15, 1983, the Planning Office had received a complaint of a zoning violation that standards for customary home occupation were not being complied with. He said that six letters had been received by the Planning Office from adjacent landowners and that the main concerns expressed were odor, increased traffic and parking demands, and the impact on the existing residential character of the neighborhood as a result of a candy manufacturing operation on the subject property.

The recommendation of the Planning Staff had originally been to approve the applicant's request subject to the conditions of approval enumerated on the Staff report. An Addendum to the Staff Report stated that in a meeting with Mr. Maier, he had expressed a willingness to limit the term of the Special Exception to July 1, 1984, at which time he would discontinue candy production at 5170 Evergreen Drive and move the business to a commercially-zoned location. The Planning Staff recommendation was amended to reflect this agreement.

At this point, Barbara Evans opened the hearing to public comment. The following testified as a proponent:

1. Larry Maier appeared on his own behalf. He said that he had made an effort to solve the problems that the neighbors were having with his candy-making operation. He said that when he had been informed that odor and parking were a problem, he had stated that he was willing to terminate the Special Exception Use Permit on July 1, 1984, and that he wanted to stay in business until he had paid off his debt involved with setting up the business.

As there were no other proponents, Barbara Evans asked for opposing testimony. The following people spoke:

1. Don Paresini stated that his property was within a few hundred feet of the candy-making operation. He said that it had originally been established in disregard of the area's zoning designation, which was a residential neighborhood. He said that the permit had been granted in the wake of another exception permit, and that the people who had applied for the other permit were not complying with their permit either, nor were the Maiers. He said that the Maiers had constructed a building on their property to house the operation, and that this structure was not an accessory residential building but a candy factory. He said that he didn't like to be put in the position of having to oppose his neighbors, but he could see his neighborhood taking on the character of an East Missoula or Mullan Road area. He said that when he had bought his property, he had done so with the understanding that the zoning was restrictive to residential uses, and added that he felt he had lost \$5,000 per acre on the ten acres that he owned, and a like amount on his residence due to the problems associated with the candy operation. He said that he had relied on restrictions to protect his property and that he was opposed to the candy factory in that location, and did not want to put up with a year of lollipop manufacture. He asked why Mr. Maier had been issued permit 46-45 on 9/14/82 and asked under what authority a permit like this would be granted to build a small manufacturing building separate from the residence. He asked why the neighborhood wasn't notified as their covenants require a 60% of homeowners' approval for variances. He said that the water permit had been issued on August 31, the building permit on September 29, although he had started construction on September 25. He said that the sewer permit had been applied for in June. Their business license had been issued February 1. He said that one of the requirements was that no employees who lived off the premises work there, but the Maiers had violated that portion of the permit. He concluded by saying that a candy factory was not in keeping with the residential character of the neighborhood, and urged the Commissioners to deny the variance.

2. Bill Patrick stated that he lived next door to the Maiers and that he was concerned about the changing character of the neighborhood also. He said that to grant the variance for a year would be to force him to live with the odor which comes directly over to his property. He said that because of the odor, the Patricks were not able to enjoy their yard in the summer and added that there was a serious problem with parking because of the candy-making operation. In one instance, a car had gone into the ditch trying to get around cars parked along the property, he said. He said that he felt that the factory was devaluing his property.

3. A Mr. Potter said that he did not like to have to come in and protest against neighbors, particularly as Mr. Maier's parents were long-time residents of the neighborhood also. He said that he felt that a candy factory was stretching the definition of a home occupation, and added that the Maiers were a large, industrious family, and many of them participated in the business. He pointed out that 3/4 of the neighbors were present in protest of allowing the variance.

4. Mrs. Wayne Hightower stated that she echoed the concerns which had been raised by her neighbors, and said she was especially concerned about property values being devalued because of the candy-making operation.

PUBLIC MEETING, JUNE 8, 1983, CONTINUED

There being no further testimony, Barbara Evans closed the hearing to public comment.

Commissioner Ann Mary Dussault asked Mark Hubbell by what authority the previous zoning variance had been issued, and he replied that County Resolution 81-132 had been adopted with the intent to provide flexibility in uses allowed homeowners and specifying standards for home occupations in residential areas. He said that candy making fell under the customary home occupation provisions of that resolution and that a permit was issued in September, with conditions. He said that when the use permit was granted in September, the operation was in compliance with the conditions. He said that in February it became apparent that there were problems, chiefly with odor and the Maier had decided to apply for a special exception use permit. Mark Hubbell had contacted the Health Department in regard to air pollution regulations and suggested that one condition could be requiring the applicant to meet with the Health Department over this problem.

Ann Mary Dussault then asked why the business had been closed down in February, and Mark Hubbell said that it was because of the odor and because they had built an accessory building to house the candy-making operation, both of which violated the original terms of the variance.

Ann Mary Dussault then asked Mr. Maier if he had been aware of the restrictions on the permit when it was awarded, and he replied that he had been aware of them. She asked him if he had been aware that he was restricted from building an accessory building on the property for the purpose of making candy, and he replied that he had been aware of that. She then asked him if he agreed that it was his responsibility to inform himself about the nature of the permit, and he replied that it was his responsibility.

Ann Mary Dussault said that she felt that the special exception use permit request was unreasonable because the Maier had been granted a permit and had then violated the provisions of that permit, and then had decided to come in and correct those violations by asking for a special exception use permit.

Barbara Evans said that the Commissioners had passed the resolution to make it easier for people to have a home occupation, which was designed to help people in tough economic times. She said that the Board had felt it important to expand allowances for homeowners for these home occupations, but a home occupation in a basement was one thing and an accessory building was quite another. She said that there was a line between home occupations and commercial ventures, and the candymaking operation had crossed that line in her opinion.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the request for the special exception use permit be denied. The motion passed by a vote of 2-0.

Ann Mary Dussault then said that on the basis that at least three violations of the permit had been demonstrated, she would like to request the County Attorney's Office or the Planning Department look into revocation of the original permit.

Jean Wilcox said that the permit had been issued administratively by the Planning Department, and if the conditions were not met, could presumably be revoked. Barbara Evans agreed that it would be within the purview of the Planning Staff to revoke the permit if standards imposed by it weren't met.

There being no further business, the meeting was recessed at 2:55 p.m.

* * * * *

WELFARE BOARD MEETING

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 434 cases which were presented for consideration by the Missoula County Welfare Department.

* * * * *

June 9, 1983

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

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Lydia F. Undem as Principal for Warrant No. 6482, dated March 23, 1983, on the Missoula County Jury fund, in the amount of \$199.00, now unable to be found.

RESOLUTION NO. 83-50

The Board of County Commissioners signed Resolution No. 83-50, a resolution adopting fireworks stand regulations for Missoula County as per the thirteen regulations listed on the Resolution.

* * * * *

June 10, 1983

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 June 9, 1983, pages 1-25, with a grant total of \$92,595.38. The Audit List was forwarded to the Accounting Department.

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the Monthly Report for the Clerk of District Court, Bonnie Henri, showing items of fees and other collections for the month ending May 31, 1983.

JUNE 10, 1983, CONTINUED

PROCLAMATION

The Board of County Commissioners signed a Proclamation for the L.I.G.H.T. organization, proclaiming June 20-26th, 1983 as Poverty Awareness Week in Missoula County.

MEMORANDUM OF AGREEMENT

Chairman Evans signed a Memorandum of Agreement for Ceta Adult Work Experience between Missoula County and the Department of Labor and Industry, Job Service Division, for the Missoula Planning Office, as per the articles set forth in the Agreement.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *
June 13, 14 and 15, 1983

The Board of County Commissioners did not meet in regular session as all three Commissioners attended the MACo Annual Meeting in Billings June 13-15, 1983.

CANCELLATION OF WEEKLY PUBLIC MEETING

The Weekly Public Meeting scheduled for June 15, 1983 was cancelled as the Commissioners were out of town.

* * * * *
June 16, 1983

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

* * * * *
June 17, 1983

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

CERTIFICATION

The Board of County Commissioners signed a Certificate establishing the existing plan of government for Missoula County as established by Section 7-3-401 to 7-3-442 M.C.A. The Certificate was returned to the Coalition for Local Government Study for further handling.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *
June 20, 1983

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 January 17, 1983, pages 1-42, with a grand total of \$165,391.22. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report of Justice of the Peace W. P. Monger, for collections and distributions, for the month ending May 31, 1983.

NOTICE OF HEARING

Chairman Evans signed a Notice of Public Hearing for the petitions for annexation to the Missoula Rural Fire District to be held on July 27, 1983, at 1:30 p.m.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 83-54

The Board of County Commissioners signed Resolution No. 83-54, a Resolution fixing the salaries of County Justices of the Peace. Effective July 1, 1983, the annual salary of the County Justices of the Peace are fixed at \$24,623.14.

RESOLUTION NO. 83-55

The Board of County Commissioners signed Resolution No. 83-55, a Resolution fixing salaries of certain County Elected Officials. Effective July 1, 1983, the annual salaries of certain County Officials are fixed as follows:

Clerk of District Court	\$24,168.90	County Surveyor	\$24,168.90
County Sheriff	26,168.90	Clerk & Recorder	28,995.20
County Auditor	24,168.90	County Attorney	40,840.96
County Superintendent of Schools	24,568.90	County Commissioners	26,168.90

JUNE 20, 1983, CONTINUED

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Geoffrey Sutton, an independent contractor, for the purpose of scripting, photographic layout and locations, audio mixing, sequence editing, and final production of Wood Use Slide Program, as specified in the DNRC grant, for the period beginning July 7, 1983, and concluding September 30, 1983.

LEASE AGREEMENT

Chairman Evans signed a Lease and Purchase Option Agreement between IFG Leasing Co. of Great Falls and Missoula County for the Energy Management System (General Services). The Agreement was returned to John DeVore, Operations Officer, for further handling.

LEASE AGREEMENT

Chairman Evans signed a Lease Agreement between Missoula County and the Orchard Homes Women's Club for a parcel of land as described in the Agreement for the purpose of operating and maintaining a neighborhood park for a term of five (5) years for the total sum of \$1.00. The Lease Agreement was returned to General Services for further handling.

RESOLUTION NO. 83-52

Chairman Evans signed Resolution No. 83-52, a resolution creating RSID No. 395 fund and prescribing the covenants of the County for the security of the holders of RSID No. 395 bonds. Chairman Evans also signed the Certificate of Minutes relating to \$635,000 RSID No. 395 bonds.

RESOLUTION NO. 83-53

Chairman Evans signed Resolution No. 83-53, a resolution creating RSID No. 396 fund and prescribing the covenants of the County for the security of the holders of RSID No. 396 bonds. Chairman Evans also signed the Certificate of Minutes relating to \$835,000 RSID No. 396 Bonds.

APPROVAL OF SALARY SCHEDULE

The Board of County Commissioners signed approval of the Fiscal Year 1984 Salary Schedule for Non-Union employees. The Schedule was returned to the Personnel Department.

Other matters considered by the Board were as follows:

1. The Commissioners discussed the vision benefits plan with Dennis Engelhard, Personnel Officer. Commissioner Dussault moved that Plan "A" as submitted be approved. Commissioner Palmer seconded the motion, and it passed unanimously;
2. The Commissioners voted unanimously to lift the hiring freeze effective immediately;
3. The Commissioners agreed to allow LIGHT to submit their CBO request even though the deadline has passed; and
4. The Commissioners met with Dusty Deschamps, County Attorney, and discussed his recommendation in regard to settlement of the Sorrel Springs Homeowners lawsuit. The Commissioners agreed to wait until final papers are submitted by Ron MacDonald.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *

June 21, 1983

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

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Cathy Ann Lloyd as Principal for Warrant No. 91437 on Missoula County District Court Trust Fund in the amount of \$130.00, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following appointment was made:

BOARD APPOINTMENT

The Board of County Commissioners reappointed Pattie Wyse to a three-year term on the Museum Board of Trustees. Her term will expire June 30, 1986.

Also, the Commissioners:

1. Authorized the Lolo Mosquito Control District to hire temporary help;
2. Requested John DeVore, Operations Officer, to send letters to all RSID No. 400 petitioners, explaining obstacles to implementing the RSID;
3. Set the hearing date for July 20, 1983, on the Seeley Lake School Board request for street closures; and
4. Discussed street closures for the block party type closure requests. A resolution will be drafted to allow the Sheriff and Surveyor to approve these closures.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

JUNE 21, 1983, CONTINUED

MEETINGS

Commissioner Palmer attended a Local Government Energy Committee meeting during the day. Commissioner Evans attended a Crimestoppers Meeting at noon; and Commissioner Dussault met with representatives of the Seeley Lake Refuse Board and the Health Department in the afternoon.

* * * * *

June 22, 1983

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

RESOLUTION NO. 83-56

The Board of County Commissioners signed Resolution No. 83-56, a Resolution of Intention to Create RSID No. 405 for the purpose of construction of street improvements on Sixth Street and Howard Street in Missoula, Montana. Chairman Evans signed the Notice of Passage of the Resolution of Intention to Create RSID No. 405.

FLOODWAY PERMIT

The Board of County Commissioners signed Floodplain Permit No. FP-003, dated June 9, 1983, granting a floodway permit for Lots 2 & 7 of River Pines Addition, west of Maclay's Bridge, to Bruce Peterson, subject to the conditions listed on the Permit.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were considered:

1. The Commissioners set the parameters for the Public Defender Contracts for FY '84;
2. City-County Budget questions were discussed; and
3. Don Chugg, John Coffee and John Dykstra of MEFIC presented an update on Phase II to the Commissioners.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present were Commissioners Bob Palmer and Ann Mary Dussault.

BID AWARDS:

a. Gas and Diesel Fuel

Under consideration was a bid award for fuel purchase for County vehicles for FY '84. Information provided by Operations Officer John DeVore stated that the County had received the following three bids for fuel purchase:

Finest Oil Co.
Tremper Distributing
JGL Distributing

The staff recommended the rejection of all bids and readvertisement for the following reason: one bidder advised the County that the bid specifications contained conflicting statements in regard to the inclusion or non-inclusion of federal and state excise taxes in bid prices. These conflicting statements were found on page 3 of the general instructions and page 6, the price reconciliation. Because of these conflicting statements, staff was unable to compare prices submitted by the bidders.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that all bids be rejected and the bid award readvertised, in accordance with staff recommendation. The motion passed by a vote of 3-0.

b. Legal Ads

Under consideration was the award of the bid for legal advertising for FY '84. Information provided by Centralized Services Manager Billie Bartell stated that The Missoulian was the single bidder for legal advertising for FY '84 and that no discounts had been offered from the prices set by the code. The prices remained the same with the exception of "per unit each subsequent insertion," which would be \$4.80 instead of \$3.60 for FY '84. Staff recommendation was to award The Missoulian the legal advertising bid for FY '84.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the legal advertising bid for FY '84 be awarded to The Missoulian for FY '84, in accordance with staff recommendation. The motion passed by a vote of 3-0.

c. Jail Laundry

Under consideration was the bid for jail laundry services. Information provided by Undersheriff Dan Magone stated that one bid was received for this service from Missoula Textile Service in the amount of 0.39¢ per pound of dry, clean weight. Dan Magone recommended that the bid be accepted as it was only 2¢ per pound over FY '83. The fiscal impact would be \$9,300.00, he said.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the bid for jail laundry services be awarded to Missoula Textile Service in the amount of 0.39¢ per pound of dry, clean weight, in accordance with the recommendation of Dan Magone. The motion passed by a vote of 3-0.

PUBLIC MEETING, JUNE 22, 1983, CONTINUEDd. Abandoned Vehicle Removal

Information provided by Undersheriff Dan Magone stated that Fred's Towing had submitted the only bid for removal of abandoned vehicles. The bid was as follows: \$15.00 per car in the local area and \$15.00 plus 75¢ per loaded mile outside the local area. Dan Magone recommended that the bid be accepted as it was less than the previous year's bid (\$18.00 plus 90¢ per loaded mile).

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the bid for the Abandoned Vehicle Removal for the Sheriff's Department be awarded to Fred's Towing in the amounts of \$15.00 per car in the local area and \$15.00 plus 75¢ per loaded mile outside the local area. The motion passed by a vote of 3-0.

e. Microwave Equipment for Mt. Sentinel

Information provided by Operations Officer John DeVore stated that two bids were recieved for the microwave equipment award, as follows:

1. GTE Lenkurt \$37,140
2. Motorola \$36,996

The staff recommendation was to award the bid to GTE Lenkurt for the following reasons: a) Missoula presently has GTE Lenkurt equipment in place and has experienced no problems with this equipment; and b) the alarm system provided by GTE Lenkurt is compatible with the present system and would therefore require no additional training or equipment in the 9-1-1 Center; and c) a check of references provided by each vendor supports the recommendation.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the bid for microwave equipment for Mt. Sentinel be awarded to GTE Lenkurt in the amount of \$37,140, in accordance with staff recommendation. The motion passed by a vote of 3-0.

HEARING: BAY MEADOWS ADDITION, PRELIMINARY PLAT

Under consideration was the Preliminary Plat approval for Bay Meadows Addition. Barbara Isdahl from the Missoula Planning Department gave the following staff report: The developers are proposing 35 single-family residential lots on 52 acres of a 132-acre tract for which they have detailed development plans. The 52 acres is bordered by Highway 93 to the west, the railroad to the east and north and by commercial and industrial property to the south. The 35 lots are to be served by individual water and sewer systems and a 24-foot wide road. The lots may ultimately be divided into 10,000-square foot lots as services extend into the area, if the homeowners agree as provided for in the homeowners association agreement. More development will require additions to the water and sewer systems, more roads and possibly a second access onto Highway 93.

This plat represents the first phase of development identified in the Wye-O'Keefe Comprehensive Plan approved by the County Commissioners in 1979. Special provisions include: a 9-acre site set aside for future sale to Missoula County or the school district at fair market value when either entity demonstrates the ability to improve the property for a school; utilities kept as much as possible out of roadways to facilitate future extensions and open spaces designated as "common areas" giving ownership and maintenance responsibilities to the homeowners association. Further investigation into the sewer system was required. If an adequate system is not presently in place, a new system which meets present standards will be required.

Barbara Isdahl stated that Jim Van Fossen, Director of Parks and Recreation, had commented that the proposed park areas were suitable for park development in terms of slope and location; but he would recommend against planning several small "pocket" parks of 1 and 2 acres as these small areas would be difficult to develop into usable recreation areas and would be costly to maintain. He said that usually this type of park remains undeveloped and create a weed maintenance problem and a fire danger. If they are developed, many times they become merely large back yards for adjacent property owners and are not public parks, he said, and stated that he favored the concept of a larger, centrally located community park area where the development and maintenance costs were a responsibility of the entire community and the area would be available for everyone. He stated that the developer had provided, as previously stated, a 9.2 acre school/park area and that the Parks and Recreation staff recommended that the developer add an additional statement to the covenants specifically addressing maintenance of the common area to assure that Mr. Van Fossen's concerns would be addressed. Barbara Isdahl then stated that the developer had submitted an addition to the covenants to address Mr. Fossen's concern.

At this point, Barbara Evans opened the hearing to public comment. The following spoke as proponents:

1. Nicholas Kaufman, of Sorenson and Company, representing the developers of the property, Hall of Fame, testified in their behalf. He stated that the preliminary plat and master plan for a portion of Valley West planned community were submitted to the Commissioners' Office on May 10, 1983. He said that an examination of the master plan with the proposed roads would reveal a pattern of road hierarchies with two arterial roads accessing Highway 93. He said that there would be a local collector large loop road which connects to both arterial roads and that Man-O-War Drive would also serve as a local collector which would bisect the large loop road and form a subneighborhood boundary. He said that the remainder of the roads or local streets would form small loop roads and interior and exterior cul-de-sacs, the longest being in the southeast corner of the master plan, and planned to be 1,000 feet long. He said that this particular street was not being platted with this subdivision. He went on to explain that the preliminary plat for Bay Meadows Addition had two cul-de-sacs, Hill Gale Court and Park Star Drive. Both of these streets are platted at 350 feet in length, he said. He continued by saying that since the master plan is being platted in phases, the preliminary plat for Bay Meadows had the appearance of having an interim cul-de-sac in excess of the 1,000 foot maximum length requirement, and requested a variance from the maximum cul-de-sac length of 1,000 feet for the affected portion of Bay Meadows Addition. He gave the following as reasons for the variance request: a) the current number of proposed lots can be adequately served by one access point to Highway 93; b) the master plan provides for future additional access to Highway 93 such that granting the variance would not be detrimental to the general public health and safety, c) constructing an additional access to Highway 93

PUBLIC MEETING, JUNE 22, 1983, CONTINUED

d) constructing an additional access to Highway 93, which is currently unwarranted by traffic counts, would create a hardship not only on the developer but also on the general public by distributing turning motions over a longer portion of the highway; and e) the current access point is at the most logical point, at the intersection of Waldo Williams Road at the base of the hill.

Mr. Kaufman then discussed recommendation number three from the Missoula Planning Board, that stated: "Collector streets, including Northern Dancer, shall have a 32-foot width to allow for emergency parking." He questioned the requirement for a 32-foot width on these streets in that Bay Meadows was being developed under the planned community approach rather than the tract approach. He explained that the planned community approach allowed for transition to a higher density area at some point in the future. He said that though the covenants and the zoning for the planned community subdivision allowed for transition to a higher density, in other words that expanded services could be provided for in that roads could be widened, sewers installed, etc., the area might never expand to a higher density. He said that that the subdivision regulations called for a 24-foot road width and the developers had planned 28-foot road widths so that if the subdivision became an urban area in the future the roads could easily be widened to 32 or 44 feet. His question to the Board was why the 32' called for in the Planning Board recommendations was not stated in the County regulations. He stated that a 28' road width, with 2' shoulders, as planned for the subdivision, would allow for a travel lane and an 8' emergency lane, which would address concerns as to the possibility of the road not being wide enough to accommodate one lane of cars and an emergency vehicle. He asked the Board to change the condition for width of collector streets to 28' rather than 32' to conform with the County's adopted standards.

In response to Mr. Kaufman's request, County Surveyor Dick Colvill stated that the subdivision regulations did not set maximums for street width but merely were a standard to go by. He stated that the streets in question were arterials, not collectors, and in fact had been labeled arterials on the plat map. He said that the subdivision was intended to be an urban area in the future and that the Board would be quite safe in assuming that this subdivision was clearly going to be an urban subdivision, and the Board should stick with the 32' width for arterial streets and 24' for collectors. The second point that Mr. Colvill made was in regard to drainage, stating that this development represented another South Hills or Miller Creek. He asked where the water was going to go. He said that he would feel more comfortable if the developer were required to submit a master drainage plan which would provide for off-site drainage.

Nike Kaufman responded that if he labeled Northern Dancer an arterial on the master plan, it was a misnomer on his parts. He said that this would be a collector street, not an arterial, and restated his position in regard to the road width at 28' being more than the subdivision regulations called for.

Ann Mary Dussault asked Mr. Kaufman why he had chosen 28', and he replied that this width would more reasonably provide for future expansion of the roads to 44'. He said that 80' of right-of-way had been planned to provide for future expansion.

Dick Colvill stated that 28' made sense if 4' of curbing were provided, indicating that the subdivision was intended to be urban rather than rural, but that otherwise the 28' width did not make sense to him.

Ann Mary Dussault stated that the issue had become the transportation network, and said that it was legitimate to assume that transportation would not only involve interior networks but would also have to involve transportation in and out of the subdivision. She stated that part of the reason for asking for a wider collector street was not only for safety but also for biking and walking.

Bob Palmer asked Barbara Isdahl to comment on Mr. Colvill's comments on the storm drainage plan requirement, and she stated that all drainage and erosion control plans would have to be approved by Dick Colvill's office in any case. Nick Kaufman added that not only would the Surveyor's Office have to approve these plans, but also the State Department of Health and Environmental Sciences.

Dick Colvill stated that an easement would be needed to provide for off-site drainage, and he would like to see these plans required at the development stage rather than a problem develop such as South Hills, after the fact.

Deputy County Attorney Jean Wilcox stated that she could understand Mr. Colvill's concern; that if an easement were necessary, it might go beyond the simple standard condition applied to subdivisions.

Bob Palmer moved that the Preliminary Plat for Bay Meadows Subdivision be approved, subject to the conditions, variances and findings of fact recommended by the Missoula Planning Board with the exception of a change on condition no. 2 that collector streets, including Northern Dancer, shall have a 28 foot rather than a 32 foot width; and the additional condition recommended by Surveyor Dick Colvill that the developer shall submit a master drainage plan for review and approval; this plan to include provisions for disposing of the storm drainage or transporting it to the nearest natural water course (O'Keefe Creek). Ann Mary Dussault seconded the motion, and it passed by a vote of 3-0.

The Preliminary Plat for Bay Meadows Addition, therefore, was approved subject to the following conditions:

1. That grading, drainage, erosion control and street plans be approved by the County Surveyor's Office;
2. That collector streets, including Northern Dancer, have a 28-foot width;
3. That the developer choose street names which are eleven or fewer letters so as to fit a standard sign, or the developer shall furnish the street signs;
4. That utility easements, where possible, be provided outside the street rights-of-way to minimize cutting the street; and
5. That the developer submit a master drainage plan for review and approval, and that this plan include provisions for disposing of the storm drainage or transporting it to the nearest natural water course (O'Keefe Creek).

PUBLIC MEETING, JUNE 22, 1983, CONTINUED

The Board also granted the following variance:

A waiver from Section III A 6d(1) that the maximum cul-de-sac length shall be 1,000 feet.

The following are the reasons for granting this variance:

1. The current number of proposed lots can be adequately served by one access point to Highway 93; and
2. The Master Plan provides for future additional access to Highway 93.

In addition, the Board determined that approval of the preliminary plat for Bay Meadows Subdivision was in the public interest based on the following findings of fact:

DETERMINATION OF PUBLIC INTEREST

Section 76-3-508 of Montana Code Annotated states that to determine whether the proposed subdivision would be in the public interest, the Board shall issue written findings of fact which weigh the following criteria for public interest:

Criterion 1. Need. In the fall of 1978, the Comprehensive Plan in the Wye area was reevaluated with regard to development of the area, and several options were presented, including the transfer of development rights approach, the trend development approach and the planned community approach. After three public hearings, the Planning Board recommended adoption of the planned community approach to development in this area, and the decision was approved by the Board of County Commissioners in August of 1979.

The goals of the planned community development approach are:

- a. Integration of homes with other aspects of daily life, including work, shopping, school and recreation;
- b. A safe and healthy living environment for all ages and income groups;
- c. A feeling of identity and responsibility among all residents towards the community; and
- d. Opportunities for social interaction, political participation and sensitivity to the environment.

In June of 1980, the property was zoned under Section 6.02, Valley West Community Development District, which provides for C-RR3 setbacks from the building site boundaries (25-foot front and rear yards and 12-foot sideyards). Typically, each 1-acre lot has been divided into four building sites.

Criterion 2. Expressed Public Opinion. To date, no comments have been received, either for or against the proposal.

Criterion 3. Effects on Agriculture. The current use of the property is dry-land pasture. This agricultural use will be continued on the undeveloped portions of the property. Fifty-two acres will be taken out of agricultural production.

Criterion 4. Effects on Local Services.

- a. Ambulance, fire and police - This development shall be served by the Frenchtown Rural Fire Department and the County Sheriff's Department. Private ambulance service is available in Missoula.
- b. Schools - Students will attend Frenchtown elementary and high schools. The proposed subdivision is on an existing school bus route.
- c. Water and sewer Service - The lots will be served by individual wells, septic tanks and drainfields.
- d. Utilities - Mountain Bell will provide telephone service and Montana Power will provide gas and electricity. All utilities will be provided by underground installation.

Criterion 5. Effects on Taxation. The developer states in his submittal that development of this subdivision will increase current tax revenues from the property by about \$120,000.

Criterion 6. Effects on the Natural Environment. Storm drainage will be channeled off-site, using roadway gutters. A portion of the run-off will be retained on-site, using French drains. (In addition, see condition 5.) The Soil Conservation Service stated earlier that the soils in this area are derived from tertiary-aged sediments and are high in clay. Road subgrades and building foundations should be designed to compensate for the subsoil materials.

Criterion 7. Effects on Wildlife and Wildlife Habitat. The developer states that the subdivision will have covenants requiring dogs to be restrained at all times. The Planning Staff knows of no endangered wildlife or critical wildlife habitat in the area.

Criterion 8. Effects on Public Health and Safety. Traffic, sanitary restrictions and drainage are being reviewed by the appropriate agencies to insure that there will be no safety hazards.

PUBLIC MEETING, JUNE 22, 1983, CONTINUED

HENDRICKSON ADDITION: SUMMARY PLAT (CONSIDERATION OF)

Under consideration was the Summary Plat for Hendrickson Addition (Amended Plat of Government No. 2).

Karen Timchak of the Planning Staff gave the staff report, stating that the proposal was a division of 3.77 acres into two lots. Both lots are located 667' west of Reserve Street. One lot will front on Strand, the other on Mount. There is a structure and accessory building presently on Lot B.

Single family residence is the proposed use. The parcel is located in Zoning District No. 12, a residential zone, with a minimum lot size requirement of 12,000 square feet. The smallest lot proposed is 78,408 square feet. She stated that the staff recommended approval of the Summary Plat for Hendrickson Addition, subject to the conditions listed in the staff report.

Since a summary plat approval does not require a public hearing, Ann Mary Dussault moved that the Summary Plat for Hendrickson Addition be approved, subject to the conditions recommended by the County Regulatory Commission. Barbara Evans seconded the motion, and it passed by a vote of 2-0, Commissioner Palmer having left the room for a moment.

The Summary Plat for Hendrickson Addition is therefore approved in accordance with the following conditions:

1. Grading, drainage and access plans shall be approved by the County Surveyor's Office;
2. Sanitary restrictions shall be lifted by both state and local health authorities. Proof of an existing sewer system is required. If it is found to be inadequate by the local health department, construction of a new system which meets present standards will be required; and
3. Another name shall be chosen for this subdivision to avoid confusion with the already-filed subdivision called Hendrickson Addition.

In addition, the Board determined that approval of the Summary Plat of Hendrickson Addition was in the public interest, based on the following findings of fact:

- Criterion 1. Need. The Comprehensive Plan designates this area as suitable for urban single-family development, up to six units per acre. This development is within a residential area which has already been built up and is close to existing services.
- Criterion 2. Expressed Public Opinion. These have been no comments to date, either for or against the subdivision.
- Criterion 3. Effects on Agriculture. The land is presently uncultivated.
- Criterion 4. Effects on Local Services.
- a. Schools - Two single-family residences would have minimal impact on local schools.
 - b. Fire Control and Ambulance - The Rural Fire Chief stated that there is a fire hydrant within three hundred feet of this development, and Arrow Ambulance Service is within a mile.
 - c. Sewer and Water Service - The lots will be served by individual wells, septic tanks and drainfields.
- Criterion 5. Effects on Taxation. The tax base would increase if the subdivision were developed.
- Criterion 6. Effects on the Natural Environment. Minimal impact is expected.
- Criterion 7. Effects on Wildlife and Wildlife Habitat. One male pheasant was spotted on the parcel during a site inspection; however, this development is surrounded by suburban tracts; and
- Criterion 8. Effects on Public Health and Safety. Traffic and sanitary restrictions are being reviewed by the appropriate agencies to assure that there will be no safety problems. Since the property is adjacent to an irrigation ditch, sewer drainfields should be located farther than one hundred feet from the irrigation ditch. The Health Department requires more information on the present sewer system to evaluate whether present standards are being met. Another subdivision with the name Hendrickson Addition is already filed, and the County Surveyor's Office recommends that another name be chosen for this subdivision to avoid confusion.

HEARING: FLOODWAY PERMIT - EXPANSION OF SEWAGE LAGOON AT SEWAGE TREATMENT PLANT - DR. JOSEPH HORVATH

This hearing was postponed.

HEARING - REQUEST TO VACATE A PORTION OF OLIVE STREET

Under consideration was a request from Mike Feeley to vacate a portion of Olive Street between Wylie and Raymond Streets in Park Addition. Information provided by Kathy Mitchell of the Clerk & Recorder's Office stated that the owners whose property abutts Olive Street would like to have the road vacated because it is a dangerous intersection. She noted that title to the property adjacent to that portion of Olive Street which has been proposed to be vacated is vested in the following people:

PUBLIC MEETING, JUNE 22, 1983, CONTINUED

Lot 1 and 24, Park Addition
Michael J. Feeley

Lot 12, Block 15, Park Addition
C.D. Wohlschlager

Lot 13, Block 15, Park Addition
Edward J. and June E. Fisher

Chairman Barbara Evans opened the hearing to public comment. The following people testified:

PROPONENT

1. Mike Feeley stated that the petition had been begun two years earlier and that he had already paid the \$75 fee for administrative costs for vacating a road.

OPPONENTS

1. Ed Fisher stated that at the time when he had signed the petition in favor of vacating the road, he hadn't been aware of all the neighbors who were against vacating the road. He said that the intersection was a bad one, and proposed an alternative solution to the problem, which would be to make Olive a one-way street so that people could still turn off Rattlesnake Drive onto Olive but not turn from Olive to Rattlesnake Drive, which was the dangerous part.

2. Marguerite Dodge stated that she had lived on Raymond Street since 1955 and that during that time the need for access onto Raymond has increased rather than decreased and stated that closing Olive would double the traffic past her home. She stated that she was opposed to vacating Olive.

3. Bernice Winter stated that she felt that closing Olive would make it more difficult for emergency vehicles to respond to some areas, such as to Jenny Court.

4. Ralph Starr stated that he had signed a petition in favor of closing Olive, but he hadn't realized at the time how much opposition there would be to it. He said that the biggest point against closing the road would be that in the winter the County could not get in to plow the snow. He said that he supported the idea of making Olive a one-way road.

5. Dan Dodge stated that he was against the Olive Street closure, and also supported the one-way street idea.

Since no one else wished to testify, the public comment portion of the hearing was closed.

County Surveyor Dick Colvill stated that from the viewpoint of traffic flow, he would support limiting access onto Rattlesnake drive, and stated that he would support the one-way concept.

Ann Mary Dussault asked Mike Feeley why he was interested in seeing Olive Street closed, and Mr. Feeley stated that the speed limit on Rattlesnake Drive is 35 mph and the curve above Olive is a blind curve, so turning onto Rattlesnake was a very dangerous proposition.

At this point, Barbara Evans stated that, per Montana statute, one Commissioner, accompanied by County Surveyor Dick Colvill, would have to go out and view the proposed vacation site, and so the decision on the vacation would have to be postponed for one week.

HEARING: REQUEST TO VACATE ALLEY IN BLOCK 12, RIVERSIDE ADDITION, BETWEEN RUSSELL & WASHBURN STREETS

Under consideration was a request to vacate the alley in Block 12, Riverside Addition, between Russell and Washburn Streets. Information provided by Kathy Mitchell, Recording Section Supervisor, Clerk & Recorder's Office, stated that the owners whose property abutts the alley would like to have the alley vacated because: 1) the alley is presently vacated for five blocks to the west, 2) on the east end of the property is Russell Street and 3) the vacation of the alley would provide for a more efficient use of the area because the property owners could clean up the alley and use it more advantageously than it is at present. She noted that title to the property adjacent to Johnson Street is vested in the following:

Lots 1-7, Block 12, Riverside Addition
Donald C. and Lesla J. Olson

Lots 8, 9, 10, Block 12, Riverside Addition
Harry Theodore Tanner

Lot 13, 14, Block 12
William L. Vendenberg

Lots 17, 18, 19, 20, Bloc 12
Paul K. Block

Lots 11, 12, Block 12, Riverside Addition
Walter W. Deines, seller and
Trent A. and Karen A. Fairclough, buyer
in contract for deed

Lots 15, 16, Block 12
Darlene H. Deines, seller and
Arnold Fairclough, buyer in contract for deed

At this point, Barbara Evans opened the hearing to public comment. The following person testified in favor of the vacation:

1. Gary Johnson stated that Russell Street is located on the east end of the property and to the west of the property, the alley is vacated for five blocks.

Since there were no other people wishing to testify, the hearing was closed to public comment.

County Surveyor Dick Colvill stated that closing this portion of the alley would be in keeping with increasing safety on Russell Street by closing one more access. He stated that in addition, the parcel would be added to the Missoula County tax rolls.

PUBLIC MEETING, JUNE 22, 1983, CONTINUED

The decision on this vacation was also postponed, pending one Commissioner and County Surveyor Dick Colvill viewing the site, in accordance with Montana State Statute.

There being no further business, the meeting was recessed at 3:30 p.m.

* * * * *

June 23, 1983

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Palmer left for Helena shortly before noon for an Energy Committee Meeting therein.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Debra Waldbillig as principal for warrant no. 92914 on Missoula County Trust Fund, dated June 2, 1983, in the amount of \$225.00, now unable to be found.

CLAIMS

Claims were presented by warrants for pay periods nos. 23 and 24 (June 20, 1983) to be drawn on the following funds in the following amounts:

Miscellaneous Fund	\$179,151.18
Working Fund	47,192.91
Bridge Fund	9,306.50
Road Fund	57,238.74
Planning Fund	40,746.17
Weed Fund	13,923.60
General Fund	377,706.51

The original claims are on file in the Auditor's Office.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 83-57

The Board of County Commissioners signed Resolution No. 83-57, a resolution to accept right-of-way from John W. and Patricia M. Martin for Tract A as shown on Certificate of Survey No. 2907 for the purpose of clarifying the location of the right-of-way of Rock Creek Road, formerly known as Quigley Road, and releasing any prior right-of-way for that portion of Rock Creek Road by a Quitclaim deed to the Martins.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Britt Finley, an independent contractor, for the purpose of providing technical assistance to the Health Department in controlling the current TB outbreak for the period beginning June 27, 1983, and concluding by September 19, 1983.

EMPLOYMENT AGREEMENT

The Board of County Commissioners signed an Employment Agreement between Missoula County, the employer, and Gary Boe, the employee, whereby the employer employs employee as the Administrative Director of the Health Department and Secretary to the Board of Health in accordance with the duties set forth in the Agreement for the period commencing June 27, 1983 and concluding September 30, 1983. The Agreement was returned to the Personnel Department.

The Commissioners also considered the following matters:

1. The Bradford case was discussed with Deputy County Attorney Jean Wilcox. The Commissioners will agree to the vacation of the alley and Jean Wilcox will follow up with the Court proceedings; and
2. The Superintendent of Schools request for an extra .25 FTE of secretary time was approved, provided that the deputy's budget displays and accounts for non-tax revenue to cover the cost.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *

June 24, 1983

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 Palmer signed the Audit List dated June 23, 1983, pages 1-34, with a grand total of \$141,966.77. The Audit List was returned to the Accounting Department.

WELFARE BOARD MEETING

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 329 cases which were presented for consideration by the Missoula County Welfare Department.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman
Board of County Commissioners

* * * * *

June 27, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was absent because of illness.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were considered:

1. The Commissioners met with John DeVore, Jim Dopp of the General Services Department and Dan Cox of the Surveyor's Office in regard to the fixed asset system. The Board voted unanimously to proceed, and the first report will be generated in September of 1983;
2. The Commissioners voted to approve the transition of RSVP to the Area Agency on Aging; and
3. The Board appointed Bradley Wenz as an Ad Hoc member of the Fair Commission.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *

June 28, 1983

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

RESOLUTION NO. 83-58

The Board of County Commissioners signed Resolution No. 83-58, a resolution fixing the form and details of up to \$20,000.00 RSID No. 401 Bonds and directing their execution and delivery. The bonds were sold to Charles Hall and will bear interest at the rate of 11.19%. They will be used for the purpose of constructing street improvements on 9th Street, east of Reserve Street, in Davis Addition and Rangitsch Addition of Cobban Orchard Homes.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

FLOODWAY PERMIT

The Board of County Commissioners signed Floodway Permit No. FP-83-002, dated May 6, 1983, granting a permit to Lee Wilson of Lolo to construct a 10'X47' boat launch in the floodway near the Bitterroot River in the Allomont Orchard Subdivision south of Lolo, subject to the conditions listed in the permit.

PLANNING INTERLOCAL AGREEMENT MEMORANDUM OF IMPLEMENTATION

The Board of County Commissioners signed the Planning Interlocal Agreement Memorandum of Implementation for the purpose of providing for the implementation of the Interlocal Agreement between the City of Missoula and the County of Missoula to cooperate in the provision of planning, building, and zoning services and floodplain administration to the residents of Missoula, insofar as the transfer of assets is concerned, in accordance with the items listed in the memorandum.

The Board of County Commissioners also signed a Memorandum of Clarification in regard to the above-mentioned Memorandum of Implementation clarifying the last sentence of Paragraph 6b, Page 3, pertaining to the "five vehicles" referred to. The Memorandum of Clarification was forwarded to the City Clerk for the Mayor's signature.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

MEETING

Commissioner Evans attended an Airport Authority Meeting in the afternoon.

SITE INSPECTION

Commissioner Palmer accompanied County Surveyor Dick Colvill on site inspections for the following two vacation requests:

1. A portion of Olive Street, between Wylie and Raymond Streets, located in Park Addition; and
2. The alley in Block 12, Riverside, from Russell Street to Washburn Street.

* * * * *

June 29, 1983

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:

CHANGE ORDER

Chairman Evans signed Change Order No. 1 for the Missoula County Courthouse Renovations, Phases 2 & 3, directing the contractor, Ace Plumbing & Heating, to make the following change in the Contract, which will add \$4,706.00 to the contract sum:

- Item 1: Cooling Tower Re-Work - Revise piping on Cooling Tower in accordance with the attached itemized change order request.

The Change Order was returned to General Services for further handling.

JUNE 29, 1983, CONTINUED

RESOLUTION NO. 83-59

The Board of County Commissioners signed Resolution No. 83-59, a resolution transferring the balance of cash, \$12,615.81 as of May 31, 1983, in the Higgins Bridge Debt Service Fund to the Library Debt Service Fund to the Library Debt Service Fund immediately on passage of this Resolution pursuant to MCA 7-7-2274, 1979.

RESOLUTION NO. 83-60

The Board County Commissioners signed Resolution No. 83-60, resolving that the Missoula Board of County Commissioners endorses the Great Burn (Hoodoo) Roadless Area as recommended by the United States Forest Service as Wilderness, and that the remaining 64,000 roadless acres be considered carefully as to their value as wilderness, and does hereby recognize the extreme value of resources existing in the Great Burn Area.

RESOLUTION NO. 83-62

The Board of County Commissioners signed Resolution No. 83-62, a Resolution of Intention to Create RSID No. 404 for the purpose of construction of paving and drainage improvements and curbs on Traynor Drive, Missoula County, Montana. Chairman Evans signed the Notice of Passage of Resolution of Intention to Create RSID No. 404, setting the hearing date for July 20, 1983, at 7:30 p.m. in the City Council Chambers.

RESOLUTION NO. 83-63

The Board of County Commissioners signed Resolution No. 83-63, resolving that for FY '83, loans are hereby authorized from the RSID Revolving Fund to the following RSID account in the amounts indicated:

<u>RSID Account No.</u>	<u>Amount to be Loaned</u>
No. 215	\$234.78

The purpose of such loan is to make good any deficiency in a certain bond and interest account.

RESOLUTION NO. 83-64

The Board of County Commissioners signed Resolution No. 83-64, resolving that the funds authorized for transfer to the RSID revolving fund by Resolution Number 83-65 shall first be used to retire the following loans:

<u>RSID No.</u>	<u>Amount of Loan to be Repaid</u>
No. 216	\$ 21.13
TOTAL TO BE PAID:	\$21.13

The balance of the funds remaining following repayment of the above loan (\$92.43) shall be transferred to the RSID revolving fund as outlined by the Board of County Commissioners Resolution Number 83-65.

RESOLUTION NO. 83-65

The Board of County Commissioners signed Resolution No. 83-65, resolving that the remaining balance in the following RSID accounts be transferred to and become part of the Rural Special Improvement District Revolving Fund:

<u>RSID ACCOUNT NO.</u>	<u>REMAINING BALANCE AFTER PAYMENT OF ALL BONDS & WARRANTS</u>
No. 214	113.56

Total amount to be transferred to RSID Revolving Fund:

\$113.56

Other matters considered included:

1. The proposed revisions on the advisory relations portion of the RSVP/AAA Agreement were discussed by the Board;
2. Fern Hart, Clerk & Recorder/Treasurer, met with the Board and the collection and reporting of delinquent taxes were discussed; and
3. The Commissioners discussed and approved an insurance binder to Terry Payne & Co.; also, a letter will be sent to the independent insurance agents.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners Office.

PUBLIC MEETING

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

PUBLIC MEETING, JUNE 29, 1983, CONTINUED

BID AWARDS:

a. COMPUTER PAPER AND LABELS (DATA PROCESSING)

This bid award was postponed.

b. JUNKED VEHICLES (HEALTH DEPARTMENT)

Information provided by Junked Vehicle Coordinator James H. Carlson stated that the following bids had been received:

- | | |
|------------------------|---|
| 1. Brown's Towing | \$27.00, flat rate
.90 per mile beyond five miles |
| 2. Knadler Contracting | \$28.82, flat rate
.82 per mile beyond five miles |
| 3. Neil Gardner | \$33.50, flat rate
1.00 per mile beyond five miles |

Bob Palmer moved, and Barbara Evans seconded the motion, that the bid be awarded to the low bidder, Brown's Towing, in the amount of \$27.00 flat rate, and .90 per mile beyond five miles. The motion carried by a vote of 3-0.

c. COUNTY PRINTING (CENTRALIZED SERVICES)

Information provided by Billie Bartell, Manager of Centralized Services, stated that Gateway Printing and Artcraft Printing had submitted their bids for the County printing for FY '84. For evaluation purposes, all discounts listed were extended and added together for each code section to arrive at the lowest acceptable bid.

Gateway Printing submitted the greater discount for the following items: General Forms, Receipts and Requisitions.

Artcraft Printing submitted the greater discounts on the following items: Letterhead, Legal Blanks, General Office Forms, Index Cards and Franklin Pricing.

Gateway Printing offered no bid for several items, including: Special Rules and Printed Forms, Bound Books, Record Books 18"x11½", County & School Warrants, Election Supplies & Ballots, Stock Forms without County Names.

Equal discounts or no discounts offered were received by both firms on the following items: Envelopes, Tax Receipts, Assessment Lists, Imprinting Corner Cards.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that Gateway Printing and Artcraft Printing be awarded the County printing contract for the items each firm offers the greatest discount on, and that Gateway Printing be awarded the bid for envelopes, tax receipts, assessment lists and imprinting corner cards. The motion passed by a vote of 3-0.

d. TYPEWRITER MAINTENANCE (CENTRALIZED SERVICES)

Information provided by Centralized Services Manager Billie Bartell stated that the following bids were received and opened on June 27, 1983:

Ander's Office Equipment	\$5,302.70
Business Machines	5,102.90
P.O.E.S.	5,318.00

The staff recommended the award of the bid to P.O.E.S. in the amount of \$5,318.00 for the following reasons: 1) although Business Machines presented the lowest bid by \$215.10, staff agreed that they did not represent the best and most responsible bidder. This conclusion was reached through their performance relative to both the acquisition and maintenance of a copier purchased some months ago by Missoula County. Problems with this machine have not been resolved to Missoula County's satisfaction; therefore, staff felt that a longterm, contractual relationship with Business Machines should not be negotiated until the matter is resolved; 2) Ander's Office Equipment was the next lowest bid by \$15.30, but the staff agreed that this did not represent the best and most responsible bid because of past performance of the vendor under this type of maintenance agreement. The Staff felt that P.O.E.S. represented the best and most responsible bidder. This conclusion was reached through an assessment of P.O.E.S. performance over the past year. Staff agreed that the \$215.10 additional cost to the County was money well spent in terms of quality and timeliness of service.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the bid be awarded to P.O.E.S. for typewriter maintenance in the amount of \$5,318.00, as the best responsible bidder, in accordance with staff recommendation. The motion passed by a vote of 3-0.

e. CRUSHED ROAD SANDING MATERIAL (SURVEYOR)

Information provided by County Surveyor Dick Colvill stated that the bids for road sanding material were opened June 27, 1983, and one bid was received from L.S. Jensen and Sons for 6,500 c.y. of material at \$3.74/c.y. for a total cost of \$24,310. The specification permits an increase or decrease in quantity of 25%. This material will be crushed from the County pit at Seeley Lake and will be primarily used for road sanding material.

Dick Colvill recommended the award of the contract to L.S. Jensen & Sons with an expanded quantity of 8,000 c.y. for a total cost of \$29,920.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the bid for crushed road sanding material be awarded to L.S. Jensen & Sons in the amount of \$29,920. The motion passed by a vote of 3-0.

PUBLIC MEETING, JUNE 29, 1983, CONTINUED

HEARING: REQUEST FOR APPROVAL OF BUILDING PLANS - ZONING DISTRICT 4 (SOUSA)

As this request for approval of building plans was in zoning district 4, the matter was to be considered before the Planning & Zoning Commission. Barbara Evans recessed the Board of County Commissioners and convened the Planning and Zoning Commission, which consists of the Commissioners and Fern Hart, Clerk and Recorder, and Dick Colvill, Surveyor.

Mark Hubbell, from the Missoula Planning Staff, gave the staff report, as follows: The request from Michael and Jan Sousa was to build a single-family dwelling, horse barn, corral and pasture fence and to construct an access road to a new homesite on property in the East ½ of the Northwest ¼ of the Southeast ¼, Section 4, Township 12 North, Range 19 West. He said that Zoning District No. 4 was established June 17, 1957, and that the general regulations of Zoning District No. 4 require that no lots be developed in conflict with the natural physiography, and that due consideration be given to the land, roads and buildings. The County Regulatory Commission recommendations are forwarded to the Planning and Zoning Commission, who make a final decision on the request.

On June 7, 1981, the County Regulatory Commission held a public hearing and voted to recommend approval of the Sousa request.

On June 21, 1981, the Missoula Planning Board voted to forward a letter clarifying the Regulatory Commission's intent by recommending approval to the Planning and Zoning Commission.

At this point, Barbara Evans opened the hearing to public comment. The following person testified in favor of the request:

1. Jan Sousa stated that the Sousas agreed with the Planning Staff recommendations and the recommendation of the County Regulatory Commission and urged the Planning and Zoning Commission to approve the request.

There were no other proponents, and no one wished to speak in opposition to the request. The public comment portion of the hearing was then closed.

Surveyor Dick Colvill questioned the grade that the road would have to be built to gain access to the property. It was brought up that part of the access would be within the City limits, and, as such, would be governed by City Regulations.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, to approve the applicants' request to build a single-family dwelling, horse barn, corral and pasture fence and to construct an access road within Zoning District 4 to a new home site on the property in Zoning District 4, together with the conditions as provided by the staff report. The Commission recognized that all access within the City limits would be governed by City regulations, and, as proposed, access might not be granted by the City. The motion passed by a vote of 3 yes and 2 no, with Ann Mary Dussault, Bob Palmer and Barbara Evans voting yes and Dick Colvill and Fern Hart voting no.

The approval was therefore subject to the following conditions:

1. The applicant shall file an easement for the access road to the proposed home site;
2. Prior to construction of the house and barn, the applicant shall submit specific development plans to be reviewed and approved by the County Regulatory Commission and by the Planning and Zoning Commission to ensure compliance with Zoning District No. 4 standards, and the findings of fact set forth in the Planning Staff Report and Minutes of the Missoula County Regulatory Commission Meeting, dated June 7, 1983, shall be adopted; and
3. A driveway permit shall be secured by the applicant from the City Engineer's Office prior to construction of the access road.

The following findings of fact were also approved:

1. The proposal is consistent with the Missoula Comprehensive Plan in its land use and density;
2. The proposal meets the General Regulations in Zoning District 4;
3. The proposal, as submitted, indicates that no major changes in physiography will occur as development of the site progresses; and
4. Access is available to the property and a change in physiography is needed to provide such access.

HEARING: REQUEST TO BUILD SINGLE-FAMILY DWELLING - ZONING DISTRICT NO. 4 (BAUMGARTNER)

This matter was also scheduled to come before the Planning and Zoning Commission since it was within Zoning District 4. Mark Hubbell gave the Planning Staff report, as follows:

Thomas Baumgartner had requested approval of plans to build a single family dwelling with an attached garage and to construct an access road on a 5.26-acre parcel located in Pattee Canyon, and to adopt the staff recommendations and findings of fact. He restated the history of Zoning District No. 4 (see previous hearing). He said that the applicant had submitted specific design and construction plans to be reviewed and approved by the County Regulatory Commission, Planning and Zoning Commission and the Building Department to ensure compliance with Zoning District No. 4 standards, and stated that on June 7, 1983, the County Regulatory Commission had held a public hearing and voted to recommend approval of Mr. Baumgartner's request.

Barbara Evans opened the hearing to public comment. There were no proponents or opponents. The public comment of the hearing was then closed.

PUBLIC MEETING, JUNE 29, 1983, CONTINUED

Fern Hart asked if this building project would be within the Rural Fire District, and was told that it would be within the boundaries of the Missoula Rural Fire District.

Ann Mary Dussault moved, and Dick Colvill seconded the motion, that the request from Thomas Baumgartner to build a single-family dwelling with an attached garage and to construct an access road on a 5.26-acre parcel located in Pattee Canyon be approved, and that the recommendations and findings of fact from the Missoula Regulatory Commission be adopted. The motion passed by a vote of 5-0.

There being no further business to be considered by the Planning and Zoning Commission, Barbara Evans declared that the meeting of the Planning and Zoning Commission was recessed, and reconvened the meeting of the Board of County Commissioners.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the recommendations of the Planning and Zoning Commission on the previous two matters be approved. The motion passed by a vote of 3-0.

The approval of the Thomas Baumgartner request was therefore approved subject to the following conditions and findings of fact:

1. The proposal meets the General Regulations in Zoning District Number 4;
2. The proposal is consistent with the Missoula Comprehensive Plan in its land-use and density;
3. The proposal, as submitted, indicates that no major changes in physiography will occur as development of the site progresses; and
4. Access is available to the property and no change in physiography is needed to provide such access.

HEARING: FLOODFRINGE PERMIT REQUEST - O.K. CORRAL

Barbara Isdahl of the Missoula Planning Office gave the following staff report and recommendations: Mr. Ermino Zavarelli, owner of the building at 411 N. California St., had recently changed renters of his property from the local chapter of the Veterans of Foreign Wars to a private individual, she said. Mr. Zavarelli and the new renter subsequently applied for a floodfringe permit to allow an addition to the building. The addition will facilitate changing the use of the building from a private club which served liquor to a public bar. The structure is located in a residential area and all of the building is in the floodfringe.

The staff recommended denial of the floodfringe permit, she said, because Missoula County Floodplain Resolutions 75-20 and 75-23 stipulate that structures approved for a floodfringe ". . . must not be prohibited by any other statute, regulations, ordinance or resolution," and ". . . must be compatible with local comprehensive plans." She said that a letter had come from the County Attorney's Office which had stated that, in the opinion of attorneys in that office, the change in renters constituted a change in the nonconforming use. That letter had also stated that nonconforming uses may not by law be enlarged or expanded. In addition, the building's proposed use did not comply with the County Comprehensive Plan as required by the floodplain resolution, and the staff believed an addition to the building would compound flood dangers in the residential area.

Barbara Evans opened the hearing to public comment. The following spoke:

1. Ron MacDonald, of Datsopoulos, MacDonald & Lind, representing the applicants, stated that since the only issue in regard to the application for the floodfringe permit was in regard to the expansion of the building, the applicants had decided not to extend the walls of the building and hence were withdrawing the application for a floodfringe permit as it had become moot.

Barbara Evans asked Deputy County Attorney Michael W. Sehestedt if this were appropriate, and he said that since the only issue in granting the floodfringe permit would be a permit for the expansion of the building, and since the owners no longer wish to expand the structure, there was no longer an issue. He stated that approval or denial of the floodfringe permit would have had no bearing on the floodplain permit originally granted the owners of the structure.

Leo Might, who had opposed the granting of the floodfringe permit, asked to speak, and was given the floor. He listed the following issues which he felt needed to be addressed in spite of the withdrawal of the floodfringe permit application:

1. An environmental statement should be submitted by the owner;
2. A traffic safety study should be made inasmuch as the flow of traffic - both to and from - has been curtailed to the same route (California Street being a dead-end route);
3. A study of the sewage disposal system should be made by a sanitation engineer. He said that prior to 1968, when the restaurant was in operation, the raw sewage had run directly into the river and stated that the present system serves a three-bedroom house, as well as the bar, and consists of a 1,000 gallon septic tank with a six-ring drain, located in a floodplain, under the parking lot;
4. A study should be made of the parking in relation to the seating capacity, and of the paving of the parking lot;
5. A Health Department inspection should be made to determine the adequacy of the men's bathroom in regard to adequacy;
6. The Fire Marshall should inspect the building as it is an old wooden structure; and
7. Since 1958, when the current zoning regulations were adopted, this building has had three major expansions. He was concerned about the number of expansions.

PUBLIC MEETING, JUNE 29, 1983, CONTINUED

He stated that AMVETS Post No. 3 was chartered in 1953, and housed in the building owned by the Zavarelli family, located at 411 North California Street. Since its inception, the bar had been operated as a private bar, either by Mr. Zavarelli or his designate, as indicated by an investigation conducted by the Department of Revenue. He stated that a business of the type proposed by Mr. Zavarelli and the leasees would abridge the rights of the residents to enjoyment of their residential neighborhood. He gave the Commissioners a petition asking that the zoning district exclude uses such as bars, night clubs, restaurants, etc., but excluding the AMVETS Club if it were allowed to continue at that location.

Deputy County Attorney Michael Sehestedt stated that a pre-existing non-conforming use had a right to be there, and the particular right attaches to the property, not to the leasee.

Other neighbors, who did not identify themselves, expressed concern over the bar being allowed in their neighborhood under the new name OK Corral.

Since the application for a floodfringe permit had been withdrawn by the applicant, as represented by Ronald MacDonald.

HEARING: REVISIONS TO COUNTY FLOODPLAIN REGULATIONS

Under consideration was a hearing in regard to approval of the revised County Floodplain Regulations. Barbara Isdahl of the Planning staff gave the following report and recommendations:

Floodplain regulations are one means by which we as a community provide for public health, safety and welfare in the event of flooding. They provide a local mechanism for the management of flood hazard areas. One of the most important aspects to individual property owners is that by having local regulations, the community is eligible for the community flood insurance program. This program provides flood insurance to property owners at a reduced rate and provides a means for property protection when the property is located in a flood hazard area. She said that the major change which would result from revising these regulations would be that the approval or denial of a floodplain permit was now the responsibility of the City-County Planning Director or her designee, with appeals and variances taken to the Board of County Commissioners. She said that all floodplain delineations will continue to be adopted by the Federal Emergency Management Agency (FEMA) and the State Department of Natural Resources and Conservation. She stated that the Planning staff recommendation was that the Board of County Commissioners adopt the revised set of floodplain regulations, and listed the revisions as being corrections to pages 13 and 17.

Barbara Evans opened the public comment portion of the hearing. No one was present as a proponent or an opponent.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the Board of County Commissioners approve the Revised County Floodplain Regulations as recommended by the Planning staff. The motion passed by a vote of 3-0.

CONSIDERATION AND ACTION ON: RESOLUTION DESIGNATING HANDICAPPED PARKING SPACES ON CLARK AND ERNEST STREETS

Under consideration was action on a request from Wendy Holmes of Summit House to designate handicapped parking spaces on Ernest and Clark Streets, near Summit House, which serves a handicapped clientele.

Barbara Evans asked why there was no offstreet parking, and Ms. Holmes replied that the corporation leased five spaces outside of another business for the able-bodied staff, but that there was a need for parking spaces designated for the handicapped.

Barbara Evans asked for public comment. No one but Wendy Holmes, who had appeared in support of the request on behalf of Summit House, wished to testify for or against the request. The public comment portion of the meeting was then closed.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the request of Summit House for the designation of handicapped parking spaces on Ernest and Clark Streets be approved. The motion passed by a vote of 3-0.

RESOLUTION NO. 83-61

The Board of County Commissioners signed Resolution No. 83-61, designating handicapped parking spaces on Ernest and Clark Streets in response to a request from the Independent Living Center. The County Surveyor was directed to erect signs in conformance with the State's manual on uniform traffic control. The Resolution was forwarded to the Clerk & Recorder's Office for recording and a copy was sent to the Surveyor's Office so that the signs could be erected.

DECISION ON: REQUEST TO VACATE A PORTION OF OLIVE STREET

Under consideration was the decision on the request to vacate a portion of Olive Street between Wylie and Raymond Streets in the Park Addition in the Rattlesnake. The hearing on this request was held at the previous week's public meeting. In accordance with State law, Bob Palmer, accompanied by Surveyor Dick Colvill, viewed the site proposed to be vacated during the week. Dick Colvill stated that it was his opinion that from an engineering viewpoint, it made sense to vacate the street. Ann Mary Dussault stated that in the previous week's public hearing, there had seemed to be concern about access, particularly for the one homeowner who would still need to use the street for access to his property. Dick Colvill suggested that the barricades could be placed beyond this property, so the family could still have access.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the road be vacated, with provision being made to guarantee access for the property owner who lives on the road, and that signs be erected along Rattlesnake Drive stating that the road had been closed, and that barricades be placed in the middle of the road, at the discretion of the Surveyor's Office. The motion passed by a vote of 2-1, with Barbara Evans voting no.

PUBLIC MEETING, JUNE 29, 1983, CONTINUEDDECISION ON: REQUEST TO VACATE ALLEY IN BLOCK 12, RIVERSIDE ADDITION BETWEEN RUSSELL & WASHBURN STREETS.

Under consideration was a request to vacate the alley in Block 12, Riverside Addition, between Russell and Washburn Streets, for the reasons that the alley is presently vacated for five blocks to the west; Russell Street is on the east end of the property; and the vacation of the alley would provide for a more efficient use of the area because the property owners could clean up the alley and use it more advantageously than it is being used at present. The public hearing on this request was held at the previous week's public meeting, and Bob Palmer and Surveyor Dick Colvill, in accordance with state law, made a site visit to inspect the site during the week. Dick Colvill's recommendation was that for the increased safety of Russell Street by eliminating one more access, the portion of alley should be vacated.

Bob Palmer moved, and Ann Mary Dussault seconded the motion that the portion of alley in Block 12, Riverside Addition, between Russell and Washburn Streets be vacated. The motion passed by a vote of 3-0.

There being no further business, the meeting was adjourned at 3:50 p.m.

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June 30, 1983

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

AUDIT LIST

Commissioners Palmer and Evans signed the Audit List, dated June 28, 1983, pages 1-35, with a grand total of \$183,914.40. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an indemnity bond naming Charles Weichler as principal for warrant no. 21016, dated June 21, 1983, on the Missoula County Payroll Fund, in the amount of \$41.00, which was never received by the principal.

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Fred's Towing & Crane Company, for the collection of abandoned vehicles in Missoula County, in accordance with the terms set forth in the contract. The contract was returned to Centralized Services for further handling.

RESOLUTION NO. 83-66

Commissioners Palmer and Dussault signed, with Commissioner Evans opposing, Resolution No. 83-66, a resolution to vacate a portion of the county road described as: ". . . that portion of Olive Street between Wylie and Raymond Streets, on the east and west and Blocks 14 and 15 to the north and south, located in Park Addition, Missoula, County," with appropriate provisions being made for access and egress for the property owner whose home is located such that closing Olive Street would prevent access and egress; the method of blocking the street to be determined by the Missoula County Surveyor.

RESOLUTION NO. 83-67

The Board of County Commissioners signed Resolution No. 83-67, a resolution to vacate that portion of the county road described as, ". . . the alley in Block 12, Riverside, located in Section 20, T13N, R19W, from Russell Street to Washburn Street, in Missoula County."

RESOLUTION NO. 83-73

The Board of County Commissioners signed Resolution No. 83-73, a resolution adopting the Missoula County Floodplain regulations, with the major revision being that the approval or denial of a floodplain permit is now the responsibility of the City-County Planning director or her designee, with appeals and variances taken to the Board of County Commissioners; whereas, prior to this revision, all permits were approved or denied by the Board of County Commissioners.

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July 1, 1983

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

TRANSFER OF CHAIRMANSHIP

Effective July 1, 1983, Bob Palmer became Chairman of the Board of County Commissioners, in accordance with the decision made at the Daily Administrative Meeting of January 5, 1983.

Fern Hart
Fern Hart, Clerk & Recorder

Bob Palmer
Bob Palmer, Chairman

* * * * *

July 4, 1983

The Courthouse was closed for the Independence Day Holiday.

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July 5, 1983

The Board of County Commissioners met in regular session; all three members were present. Commissioner Dussault attended a portion of and gave testimony at the Montana Wilderness Rare II hearing in the forenoon.

July 5, 1983, Continued

INDEMNITY BONDS

Chairman Palmer examined, approved and ordered filed the following indemnity bonds:

- 1) Naming Cheryl Halland as principal for warrant no. 20869, dated June 21, 1983, on Missoula County School District No. 1 Payroll Fund, in the amount of \$37.52, now unable to be found;
- 2) Naming Mincoff Auto Parts as principal for warrant no. 7585, dated April 14, 1983, on Missoula County High School General Fund in the amount of \$79.25, now unable to be found; and
- 3) Naming Mincoff Auto Parts as principal for warrant no. 8046, dated May 18, 1983, on Missoula County High School General Fund in the amount of \$37.50, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

AFFIRMATIVE ACTION PROGRAM FOR EQUAL EMPLOYMENT OPPORTUNITY

The Board of County Commissioners signed the Affirmative Action Program for Equal Employment Opportunity (revised 6/1/83) reaffirming the County's continuing commitment to afford all individuals who have the necessary qualifications an equal opportunity to compete for employment and advancement with the County.

AFFIRMATIVE ACTION PROGRAM - EQUAL EMPLOYMENT OPPORTUNITY FOR THE HANDICAPPED

The Board of County Commissioners signed the Affirmative Action Program - Equal Employment Opportunity for the Handicapped, whereby Missoula County establishes its policy and commitment to employ, advance in employment and otherwise treat qualified handicapped individuals on a nondiscriminatory basis. Both of the above items were returned to the Personnel Department for signatures.

Other items considered were as follows:

BID AWARD

The following bids were received and opened June 27, 1983 for computer paper and labels:

Artcraft Printers	\$8,916.08
Globe Ticket Company	8,968.65
Regal Forms, Inc.	9,927.38
Burroughs Corp.	5,820.28
Imperial Data Supply	7,144.75
Data Documents, Inc.	7,262.35
Gateway Printing	10,749.85
Moore Business Forms	7,014.28

In accordance with the recommendation of the Centralized Services Staff, Commissioner Evans moved to reject all bids because it was not specified in the bid specifications whether recycled or bond paper was desired. The lowest bidder had bid recycled paper, which is not desirable. Commissioner Palmer seconded the motion, and it passed by a 2-0 vote. Commissioner Dussault was absent.

The Commissioners discussed the status of the Airport Mill Levy. A letter will be drafted requesting a lower levy. In addition, the Commissioners discussed the status of the Senior Center. Howard Schwartz, Executive Officer, suggested a possible time frame for realignment tied to the CBO request, with a proposal for establishing goals submitted by August 5, 1983.

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

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July 6, 1983

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

SERVICE AGREEMENT

The Board of County Commissioners signed a Service Agreement for jail laundry services between Missoula County and Missoula Textile Service, in accordance with the terms set forth in the Agreement which will be in effect until June 30, 1984. The Agreement was returned to Centralized Services for further handling.

PROFESSIONAL SERVICES CONTRACT

The Board of County Commissioners signed Professional Service Contracts between Missoula County and the following independent contractors:

1. Susan M. Sandon, for the purpose of filling prescriptions of Rifampin for TB control as prescribed by a physician and directed by the Health Department for the period June 1, 1983 through June 30, 1984 at the rate of \$8 per hour, not to exceed a total amount of \$1,000.00;
2. M. J. Winship, M.D., for the purpose of providing technical assistance and consultation to the Health Department concerning infectious disease control and treatment and to review and sign communicable disease protocols and standing orders as needed for the period July 1, 1983 through June 30, 1984, not to exceed a total amount of \$1,000; and

July 6, 1983, Continued

3. Britt Finley, for the purpose of the creation of constrict validity to measure drinking and driving behavior of Missoula County students in grades 7-12, including pretesting of student population, attaining permission of the schools to survey the students administering the survey tool, compiling and analyzing data and making survey results and recommendations to school officials and the Missoula County Task Force on the prevention of drunk driving and the public for the period July 1, 1983 through September 30, 1983, not to exceed a total amount of \$2,500.00.

The Contracts were returned to the Health Department for further handling.

AGREEMENT

The Board of County Commissioners signed an Agreement for Building Maintenance and Custodial Service between Missoula County and the City of Missoula to allow the City to obtain building maintenance and custodial services for City Hall and the main street division building from the County's General Services Department, in accordance with the provisions set forth in the Agreement until June 30, 1984. The Agreement was returned to the City for additional signatures.

RESOLUTION NO. 83-68

The Board of County Commissioners signed Resolution No. 83-68, a resolution to accept real property for a public highway easement located in the S $\frac{1}{2}$ of Section 27, the SE $\frac{1}{4}$ of Section 28, the NE $\frac{1}{4}$ of Section 33 and the NW $\frac{1}{4}$ of Section 34, T13N, R20W, known as O'Brien Creek Road from Fleta Elizabeth Kenna and William Richard Maclay, Sr., for the realignment and improvement of a portion of O'Brien Creek Road.

The Board of County Commissioners also signed the Agreement which gives Missoula County eleven acres of right-of-way, part of which is along the existing O'Brien Creek Road and part of which is for realignment of a very narrow and dangerous section. Also, the right-of-way goes through a gravel pit and Missoula County will pay to the grantors, William Maclay, Sr., and Fleta Elizabeth Kenna, the sum of \$6,000 for the gravel within the right-of-way. The Resolution, Agreement and Warranty Deed were forwarded to the Clerk and Recorder for filing.

RESOLUTION NO. 83-69

The Board of County Commissioners signed Resolution No. 83-69, a resolution authorizing the County Surveyor to erect signs along County rights-of-way in regard to illegal dumping and littering at the following locations:

1. In the NE $\frac{1}{4}$, Section 34, T13N, R20W, along Blue Mountain Road, next to the Bitterroot River; and
2. In the SW $\frac{1}{4}$, Section 36, T14N, R21W, along Big Flat Road, about one mile east of Harper's Bridge.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present were Commissioners Ann Mary Dussault and Barbara Evans.

BID AWARDS

a. Plant Mix Asphaltic Concrete (Surveyor)

Under consideration was a contract for plant mix asphaltic concrete. Information provided by the Surveyor's Office stated that bids were opened for 4,500 tons of plant mix asphaltic concrete on July 5 and the following bids were received:

American Asphalt	\$84,600
Nicholson Paving	89,100
Western Materials	103,500

The material was needed for Mullan Road repairs, patching and overlays this summer.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that American Asphalt be awarded the bid for plant mix asphaltic concrete for the Surveyor's Office for 4,500 tons for Mullan Road repairs, patching and overlays this summer, in the amount of \$84,600 (unit price, \$18.00/ton). The motion passed unanimously.

b. Mill Creek Bridge Construction Project (Surveyor's Office)

Bids were opened Tuesday, July 5, for the construction of the Mill Creek Bridge LB-3. The following bids were received:

Frontier West, Inc.	\$114,681.37
General Contracting, Inc.	114,764.88
Christy Contracting	117,007.45
E.F. Matelich Construction	127,565.48
Century Paving	138,084.45
D & G Crane Service	140,418.65

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid be awarded to Frontier West, Inc. in the amount of \$114,681.37. The motion passed 3-0.

PUBLIC MEETING, July 6, 1983, ContinuedOTHER BUSINESS: ANNOUNCEMENT IN REGARD TO THE COMMUNITY HOSPITAL INDUSTRIAL DEVELOPMENT BOND PURCHASE AGREEMENT

Chairman Bob Palmer announced that pursuant to the decision of the Board of County Commissioners of June 1, 1983, the Community Hospital Bond Purchase Agreement was to have been executed at this public meeting. However, Candace Fetscher of Garlington, Lohn & Robinson, representing Missoula Community Hospital, informed the Commissioners that the bond market had taken a sudden turn for the worse so that the interest rate that the underwriter could enter into for the bond purchase would not be good. She stated that she hoped that the bond market would improve on July 7 because Mr. William Ceas, President of William G. Ceas & Company, the underwriter, had flown to Missoula and would be staying over until the next day on the chance of improved conditions.

Commissioner Barbara Evans moved, and Commissioner Ann Mary Dussault seconded the motion, that the time for taking action on the proposed bond purchase agreement be continued to the next day, July 7, 1983, at 3:15 p.m. in Room 201 of the County Courthouse Annex. The motion passed by a vote of 3-0.

OTHER BUSINESS: INTERLOCAL AGREEMENT BETWEEN THE CITY OF MISSOULA AND THE COUNTY OF MISSOULA TO COOPERATE IN THE ESTABLISHMENT AND FUNDING OF ENERGY CONSERVATION COORDINATOR.

Ann Mary Dussault moved, and Barbara Evans seconded the motion that the Interlocal Agreement between the City and County of Missoula to cooperate in the establishment and funding of the Energy Conservation Coordinator be approved and signed. The motion passed by a vote of 3-0.

INTERLOCAL AGREEMENT BETWEEN THE CITY OF MISSOULA AND THE COUNTY OF MISSOULA TO COOPERATE IN THE ESTABLISHMENT AND FUNDING OF THE ENERGY CONSERVATION COORDINATOR

The Board of County Commissioners signed the Interlocal Agreement Between the City and the County of Missoula to Cooperate in the Establishment and Funding of the Energy Conservation Coordinator. The Agreement was then forwarded to Dave Wilcox, Administrative Assistant for the Mayor of the City of Missoula, for the Mayor's signature. The Agreement will then be forwarded to the Attorney General of the State of Montana for approval.

There being no further business, the meeting was adjourned at 3:30 p.m.

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WELFARE BOARD

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposed of 163 cases which were presented for consideration by the Missoula County Welfare Department.

REVENUE SHARING HEARING

The hearing in regard to allocation of revenue sharing funds for FY '84, pending their authorization by the U.S. Congress, was called to order by Chairman Bob Palmer at 3:30 p.m. Commissioners Barbara Evans and Ann Mary Dussault were also present.

Bob Palmer summarized a breakdown of the status of Revenue Sharing Funds to date which had been prepared by Administrative Officer Gordon Morris, as follows: He said that the total General Revenue Sharing funds available was \$1,328,000.00, including unexpended Revenue Sharing funds from FY '83. He said that \$829,113.00 had already been appropriated, leaving a total of \$498,887.00 which remained to be appropriated. However, the Board of County Commissioners had discussed appropriating \$85,000.00 of that amount for roads and \$239,000.00 to Larchmont Golf Course, leaving a total of \$174,887.00 to be allocated. The hearing process was a way to allow various departments present their specialized needs and requests for portions of this Revenue Sharing amount, he said, and opened the hearing at that point. The following people made presentations on behalf of their departments or various interests for the Revenue Sharing funds:

1. Gary Boe, Acting Director of the Health Department, stated that FY '84 had been a difficult budget year already in that the management staff of the Health Department had done the difficult job of making hard choices necessary to minimize the reduction of services in all divisions. He said that in spite of concerted efforts, the Health Department had suffered losses of personnel, operations and a complete loss of all continuing education dollars. He said that if the Health Department were to receive additional revenue through Revenue Sharing, its priority would be to restore personnel. He said that the request was \$29,699 in Revenue Sharing Funds to complete the following projects:

1. (Air Quality)-Public Education Contracts

Development of recommendations	\$ 500
Implementation of recommendations	12,000
	<u>\$12,500</u>

2. (Water Quality) - Groundwater Study

Salary	\$ 3,000
Supplies	500
Travel	500
	<u>\$ 4,000</u>

3. (Environmental Health) - Capital Improvement Program

Computer Equipment	\$11,370
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4. (Health Education) - Smoking Cessation Course

Airfare	\$ 496
Meals/Lodging	433
Tuition	900
	<u>\$ 1,829</u>

Overall Total: \$29,699

GENERAL REVENUE SHARING HEARING, JULY 6, 1983, CONTINUED

2. Linda Hedstrom, Assistant Environmental Health Director, then presented information on the \$12,500 request for air quality public education projects. She said that the public education program has been cut back for two successive fiscal years, and this year the budget was cut entirely. She said that the \$12,500 request was for contracted services to carry out the public education program as the staff time previously used on this had been reallocated to other areas.

Barbara Evans asked if a one-time allocation of Revenue Sharing funds for this purpose would be adequate for this purpose, and Ms. Hedstrom replied that the Health Department was taking it one year at a time. She said that if the new woodburning regulations were passed, some of the money from enforcing the regulations would go towards public education.

Ms. Hedstrom then testified on behalf of the \$4,000 request for a groundwater study. She said that within the previous month, the Health Department had received a proposal from a UM graduate student to conduct a groundwater study, and she said that this would be helpful to the Health Department in terms of its compilation of data on water quality in Missoula.

The third request that Ms. Hedstrom reviewed was the \$11,370 request for new computer equipment for Environmental Health. She said that the Health Department has been trying to use the County's computer system, but the project they needed to do was not one which Information Services could do for them at this time. She said that the new computer equipment proposed for Environmental Health would allow them to hook up to remote recording equipment and this would give them much more flexibility in terms of data collection and allocation of staff time.

Barbara Evans asked how large this computer would be and if it would be only for Health Department use.

Ms. Hedstrom replied that the first year the computer equipment would be used for an Environmental Health project on air quality, but stated that eventually, it was hoped it could be used for Health Department administrative purposes and educational services. She said that they hoped that eventually Health Services would be able to use the equipment as well.

The fourth request summarized by Ms. Hedstrom was for \$1,829 to send a Health Department staff member to a smoking cessation course sponsored by the American Health Foundation. This course had a success rate of 63%, she said, and stated that Fran Alves had requested this money in order to have a person trained who could then conduct the course in Missoula.

Gary Boe then stated that the Health Department priorities were: 1. the computer equipment for Environmental Health, 2. funds for air quality public education, 3. funds for the groundwater study, and 4. funds to send someone to be trained to teach smoking cessation in Missoula County.

3. Tom Huff, from the Citizens Advisory Council on Air Pollution Control, stated that he supported the Health Department requests. He said that if the new air quality regulations were approved, money was going to have to be allocated for public education. He said that a lot of information would have to be processed if the regulations were passed.

4. Richard Steffel, also from the Citizens Advisory Council on Air Pollution Control, stated that he supported Tom Huff's comments and added that the Health Department would need increased capabilities in information processing if the new regulations were approved. He said that he had been volunteering time to analyze data, and had spent hundreds of volunteer hours, but he could not volunteer so much time any longer.

5. Bill Woessner, Associate Professor of Geology at the UM, stated that he supported the groundwater study. He said that the awareness that we have a problem in this regard was growing, and the data foundation for making decisions about what to do about it would have to be developed.

6. Bill Snyder, Director of the Missoula City/County Library, stated that the Library roof needed to be replaced. He said that the roof had been put on in 1974, and that it had a two-year warrantee. Within two years, they had started having trouble with it, he said, and since then it has been steadily deteriorating. He said that \$90,000 would be needed to repair and insulate the roof, and stated that the Library could apply for \$45,000 of that amount through the Library Services Construction Act, but it required a 50% match. He said that the Library roof was under the Capital Improvements Program schedule for the County.

Ann Mary Dussault asked what the current CIP request for this was, and John DeVore replied that it was \$69,000, based on an engineering estimate which was two years old. He said that when the possibility had come up for Jobs Bill funding for this project, the estimate had been \$90,000.00.

Bob Palmer asked what the odds were of being awarded the State grant, and Bill Snyder said that the odds were good that Missoula would get the \$45,000. John DeVore said that they had sent in a notice of intent to apply. Bill Snyder said that only high unemployment counties were eligible.

7. Al Hickethier, from the Cold Springs Homeowners Association, stated that he was continually concerned about the South Hills Drainage Problem. He said that they had asked for \$856,000 through the CIP Program, and pointed out that that money could be allocated in three phases: \$324,000 for the first phase, \$284,000 for the second, and \$193,000 for the third. He said that studies had been done of the South Hills drainage problem, and that \$100,000 had been spent for this, as well as \$50,000 for a design of a drainage system. The rights of way had been purchased, which had been \$25,000. He said that the more asphalt and cement that goes up on South Hills, the bigger the problem becomes. He said that this was costing money for street cleaning because if it rained more than fifteen minutes, the rain pooled. He said that he was hoping to see some funds allocated to at least begin the project, because it was not going to go away. It was merely going to get worse.

GENERAL REVENUE SHARING HEARING, JULY 6, 1983, CONTINUED

8. Carmelita Bullock, also of the Cold Springs Homeowners Association, stated that the problem had begun in the '70's, and in January of 1980, Morrison & Morley had done a study of the problem. Sorenson and Company had completed the design for the drainage system, and she hated to see the loss of effort and energy. She said that she would like to see the momentum continue.

9. Minot Pruyn, also of the Cold Springs Homeowners Association, agreed with the previous two speakers and stated that when it rains, the water often collects two-feet deep in the street. He said that the problem is not going to go away. He stated that the County had put in a sump, which now carries the water off in two or three hours, but this was only a temporary solution and that if the drainage system were not funded now, it would certainly have to be funded sometime. He said that the amount needed now was nearly \$1 million, but if the County waited for a few years, the amount could possibly double.

10. Kurt Finch, also of the Cold Springs Homeowners Association, said that school children have trouble getting to school because of the water in the streets and that they often have to walk along Garrett, which also presents a safety problem.

11. Dr. Judy McDonald, a family physician in Missoula, stated her support of the Health Department proposal, especially in regard to the smoking cessation and air quality standards. She said that any money which could be put into that program would be well spent, and that more information was needed in Missoula about our air pollution problem and that specific data collection was needed so the extent of the problem could be clarified.

12. Returning to the South Hills drainage problem, Administrative Officer Gordon Morris asked the Cold Springs people if there would be any interest in creating a storm sewer SID.

Minot Pruyn replied that in the most recent SID proposal, it had been determined that each homeowner would have to pay \$1,000-\$1,200 per year over a ten-year period, and said that the Cold Springs people felt that the sewer district proposal did not first of all cover a wide enough area and secondly they were the victims, not the cause, of the problem, so expecting them to pay \$1,000-\$1,200 per year per home was not fair. He said that half of Missoula was contributing the problem.

Al Hickethier stated that he agreed with this opinion. He said that this drainage system was not just going to benefit the Cold Springs area and stated that the people on the Hill who were the cause of the problem were not being included in the SID and this was not going to go down well in Cold Springs.

Ann Mary Dussault stated that she agreed that if the amount being looked at was \$1,000 or \$1,200 per year, that was not acceptable, but asked if cost-sharing with the County had been looked into.

Al Hickethier stated that it was again dependent upon how wide an area would be assessed and how much money was involved.

Since there was no other testimony, the Revenue Sharing Hearing was adjourned at 4:15 p.m.

* * * * *

July 7, 1983

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated July 7, 1983, pages 1-37, with a grand total of \$155,455.34. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 83-71

The Board of County Commissioners signed Resolution No. 83-71, a resolution authorizing the filing of an application for a grant under the Clean Water Act and the appointment of Elaine Bild, Director of Environmental Health, as the representative authorized to execute and file an application on behalf of Missoula County, with the U.S. Government for a grant to aid Lolo, Montana, RSID 901, in the construction of wastewater treatment plant modifications and to furnish such information as the EPA might reasonably request in connection with such application, subject to the Board of County Commissioners' authorization, and also resolving that only the Chairman of the Board of County Commissioners is authorized to obligate Missoula County to terms and conditions of any grant, payment requests and other executory functions.

PUBLIC DEFENDER CONTRACTS

The Board of County Commissioners signed the Public Defender Retainer Agreements for the period July 1, 1983 through June 30, 1984, in accordance with the terms set forth in the agreements, with the following firms or individuals giving the following percentage of Public Defender work to be performed and the total amount that would be paid to each for the services:

Patterson, Marsillo, Tournabene & Schuyler	15%	\$26,122.50
Ferguson & Mitchell	15%	26,122.50
James Park Taylor	10%	17,415.00
Margaret L. Borg	10%	17,415.00
James P. O'Brien	10%	17,415.00
Martha A. McClain & Colleen Dowdall	30%	52,245.00
John E. Riddiough	administration + 10%	20,640.00

July 7, 1983, Continued

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

CONTINUATION OF TIME FOR TAKING ACTION ON PROPOSED COMMUNITY HOSPITAL BOND PURCHASE AGREEMENT FROM JULY 6, 1983

Chairman Bob Palmer called the continuation of the meeting to order at 3:15 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

Candace Fetscher of Garlington, Lohn & Robinson, representing Missoula Community Hospital, introduced Mr. William Ceas of William G. Ceas & Company, bond underwriter; and Mr. Grant Winn, Administrator of Missoula Community Hospital, who were present in the audience.

Ms. Fetscher presented the following documents to the Board of County Commissioners:

1. Resolution Authorizing the Issuance of \$12,600,000 aggregate principal amount of Hospital Revenue Refunding and Improvement Bonds, Series 1983 (Missoula Community Hospital Project), of Missoula County, Montana, for the purposes therein expressed;
2. Indenture Agreement;
3. Lease Agreement;
4. Guarantee Agreement; and
5. Official Statement.

Ms. Fetscher stated that the effect of the Bond Purchase Agreement was that the Board of County Commissioners would agree to issue the bonds and William G. Ceas & Company would agree to purchase the bonds. She stated that the instruments pursuant to this bond issue were subject to small changes prior to August 17, the date set for bond closing on the issue. She stated that the effective rate of interest would be 9.9%.

Chairman Bob Palmer asked if anyone in the audience wished to comment. There were no comments from the audience. However, Missoula County Executive Officer Howard Schwartz stated that he would like to see prevailing wage language included in the bond resolution.

Deputy County Attorney Michael W. Sehestedt suggested that this would be more appropriately included in the Indenture document.

Ms. Fetscher asked if including language to reflect the prevailing wage statements of the Davis Bacon Act in the Construction Contract would be sufficient to address this concern.

Deputy County Attorney Michael Sehestedt replied that it would be appropriate to include this language in the Construction Contract, and mentioned that the language had also been included in the application for the bonds, and stated that it would therefore be included in bond documentation in these two places.

Executive Officer Howard Schwartz stated that he would like to see a precedent set by including the language in the actual bond document in order to prevent any future misunderstanding on this point. No action was taken on Mr. Schwartz's suggestion.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, to adopt the Resolution Authorizing the Issuance of \$12,600,000.00 Aggregate Principal Amount of Hospital Revenue, Refunding and Improvement Bonds, Series 1983, of Missoula County, Montana, for purposes therein expressed. The motion passed by a vote of 3-0.

RESOLUTION NO. 83-70

The Board of County Commissioners then signed the Resolution Authorizing the Issuance of \$12,600,000 Aggregate Principal Amount of Hospital Revenue, Refunding and Improvement Bonds, Series 1983, of Missoula County, Montana, for purposes therein expressed. The Resolution was forwarded to the Missoula County Clerk and Recorder to be recorded.

BOND PURCHASE AGREEMENT

Chairman Bob Palmer signed the Bond Purchase Agreement dated July 7, 1983, pursuant to the issuance of \$12,600,000 in Missoula County, Montana, Hospital Revenue Refunding and Improvement Bonds, Series 1983 (Missoula County Hospital Project). The Agreement was also signed by William G. Ceas, President of William G. Cease & Company, underwriter, and forwarded to the Missoula County Clerk and Recorder to be recorded.

There being no further business, the meeting was recessed at 3:45 p.m.

KICK-OFF DINNER

Commissioners Evans and Palmer attended the Annual Fair Kick-Off Dinner at the Fairgrounds in the evening.

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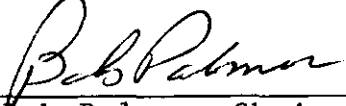
July 8, 1983

The Board of County Commissioners met in regular session in the afternoon, with all three members present. Commissioners Evans and Dussault were out of the office until noon.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the Monthly Report of Justice of the Peace Janet Stevens, for collections and distributions for month-ending June 30, 1983.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman, Board of County Commissioners

* * * * *

July 11, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was out of the office July 11 through July 13, 1983.

* * * * *

July 12, 1983

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 for the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made for month-ending June 30, 1983.

INDEMNITY BONDS

Acting Chairman Evans examined, approved and ordered filed the following indemnity bonds:

1. Naming Mrs. Ollie Gwynn as principal for warrant No. 88652, dated March 17, 1983, on the Missoula County Poor Fund, in the amount of \$181.00, now unable to be found; and
2. Naming Mrs. Ollie Gwynn as principal for warrant no. 89809, dated April 15, 1983, on the Missoula County Poor Fund in the amount of \$225.00, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following matters were considered:

1. A discussion on the Airport levy was held; and
2. The Commissioners discussed the budget process.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *

July 13, 1983

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

PUBLIC MEETING

The Meeting was called to order at 1:30 p.m. by Acting Chairman Barbara Evans. Commissioner Ann Mary Dussault was also present. Chairman Bob Palmer was out of town.

ANNOUNCEMENT IN REGARD TO MINOR CHANGES IN DOCUMENTS PERTAINING TO THE HOSPITAL REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1983

Acting Chairman Barbara Evans announced that there would be a public meeting to approve minor changes in documents pertaining to the issuance of \$12,600,000 aggregate principal amount of Hospital Revenue Refunding and Improvement Bonds, Series 1983 (Missoula Community Hospital Project), of Missoula County, Montana, for the purposes therein expressed on Thursday, July 14, 1983, at 3:15 p.m., in Room 201 of the Missoula County Courthouse Annex.

HEARING: RSID NO. 405 - 6TH & HOWARD STREET - STREET IMPROVEMENTS (REILY ADDITION)

Under consideration was a petition to create RSID No. 405 for the purpose of street improvements on 6th and Howard Street in the Reily Addition. Information provided by RSID Coordinator, John DeVore, stated that the petition had been signed by 62% of the property owners and that the project would provide for \$51,019.00 worth of street improvements on Sixth and Howard Street. The petition had been reviewed and approved by the County Attorney's Office, Surveyor's Office and the Planning Department, and all legal requirements for publication, posting and notice had been met, according to John DeVore. He stated that the total project cost was estimated at \$51,019.00, with the County contributing 30% (approximately \$15,306.00) in Aid-to-Construction. Funds for Aid are available in this year's budget, he said.

Acting Chairman Barbara Evans opened the hearing for public comment. The following people spoke as proponents:

1. Ken Zeller, a resident of 6th Street, stated that he was in favor of the project.
2. Mike Matovich stated that he was in favor of the RSID, but objected to having a parcel which he owns included in the RSID although it was bounded by the irrigation ditch and thus had no access to 6th Street. John DeVore stated that he would check into this.
3. Vaughn Anderson, of Stensatter, Druyvestein & Associates, stated that he understood the problem Mr. Matovich had with the Missoula Irrigation Ditch, and stated that there was an access point at the south end of the property and access off Third Street. He said that further down on the side of the property, the only access would be an inverted siphon in the ditch. The lots on the other side of the road are lower, he said, and the access would have to be obtained through one section of the property. He said that Mr. Matovich had signed in favor of the RSID.

It was decided that John DeVore and Vaughn Anderson would work on this problem and try to help Mr. Matovich.

PUBLIC MEETING, JULY 13, 1983

There was no opposition to the creation of the RSID. There were no general comments. Barbara Evans closed the public hearing.

Ann Mary Dussault stated that in light of the assurance that John DeVore and Vaughn Anderson had agreed to work with Mr. Matovich, she moved, and Barbara Evans seconded the motion that RSID 405 for street improvements on Sixth and Howard Streets be created. The motion passed by a vote of 2-0.

HEARING - ANNUAL REVIEW OF SECTION 6.03 OF ZONING RESOLUTION - RESERVE STREET DEVELOPMENT STANDARDS

Under consideration was a public hearing to receive comment on the development standards for the Reserve Street Special District No. 2, otherwise known as Section 6.03 of the Zoning Resolution. Mark Hubbell of the Missoula Planning Office gave the Planning Staff Report and Recommendations. He said that Section 6.03 of the County Zoning Resolution is commonly known as the Reserve Street Special District No. 2 development standards. This section of the Zoning Resolution requires that an annual revision of the development standards be conducted by the Missoula Planning Board and the Missoula County Commissioners. The annual review will examine development standards in relation to community goals and policies; changes, conditions, if any, which have resulted from new growth; changes in political attitudes; changes in policies which would require changes in standards and methods to better meet policies and goals.

A public hearing is required for the annual review, Mr. Hubbell said, and that amendments shall be made in accordance with Section 8.12 (Regulations and Amendments) of Missoula County Zoning Resolution No. 76-113.

It should be noted that annual review before the Missoula Planning Board and the Missoula County Commissioners is a review of the development standards, not of the zoning designation, he said. He also stated that the Planning Staff recommended that the Missoula County Commissioners hold a public hearing on the Reserve Street Development Standards and direct the staff to draft any changes deemed appropriate.

Barbara Evans stated that the purpose was not to hear whether or not the Reserve Street residents liked the zoning but whether or not they wanted specific standards changed, with specific recommendations as to how. She then opened the public hearing. The following people spoke:

1. James Jewell, 1704 Reserve, representing himself and the Reserve Street Property Owners Association, stated that the annual review held by the Missoula Planning Board on June 21 was not much of a review. He stated that no copies of Section 6.03 of the Zoning Resolution were available for the public to see and look at. He said that a hand-out sheet was left at the door which summarized some of the actions under the new zoning. He said that he wanted to know what "review" meant, and said that this generally meant to "look at" again. He complained that no mention of Reserve Street district boundaries to define the Reserve Street District Permit System had been made and that no completed copy of 76-113 which included Section 6.03 had been provided to the residents. He said that the increase in traffic on Reserve Street is a changed condition from last year and stated that Section 6.03 does not treat the property owners equally, for example those in the middle of the block can access and egress Reserve Street but those on the ends can't. He said that most Reserve Street Property Owners favored the point system.
2. Geraldine Adams stated that she was confused about what the land could be used for and stated that the permit system is unfair, inequitable and expensive.
3. Diane Jacobson stated that she wanted to see seasonal uses exempted from the regulations.
4. Ralph Piccinini stated that his property had been for sale for a year and that every time a buyer looked at the regulations, they would not buy it. He said that the system was too restrictive.
5. Norman Balco stated that he agreed with what had been said - the permit system should go. He said that the Reserve Street corridor should be zoned light commercial. He said he would like to see a car count of the traffic. He said that he had sat in his driveway for four minutes to make a right turn that day and added that his property won't sell.
7. Mike Buckley stated that he agreed that the permit system was too restrictive.
8. Ivan Adams asked the Board to close the Reserve Street Bridge, and was informed that the Bridge was State property, so the Board did not have jurisdiction.
9. Harold Finbraten stated that Reserve Street should be a commercial zone.

Ann Mary Dussault stopped the hearing at this point, stating that the hearing was to have concentrated on specific changes that the residents wished the Commissioners to consider in regard to Reserve Street regulations. She said that the residents had been asked to present specific circumstances which the Board could take into consideration and ask the Planning Staff to take those concerns into account. She said that the only specific comment she had heard was from Diane Jacobson, who had requested that seasonal uses be exempted from the regulations, and suggested recessing the hearing and rescheduling it for two weeks later, and suggested that at that hearing specific suggestions in regard to changing the system be made. She said that the Planning Staff was more than willing to work with the Commissioners and the residents in making specific changes to address specific concerns.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the hearing in regard to the annual review of Section 6.03 of the County Zoning Resolution No. 76-113 in regard to Reserve Street development standards be postponed for two weeks. The motion passed by a vote of 2-0.

PUBLIC MEETING, JULY 13, 1983

HEARING: TO AMEND COUNTY ZONING RESOLUTION NO. 76-113; UNZONED AREAS WITHIN 4½ MILES

Under consideration was a hearing to adopt a Resolution of Intent to amend County Zoning Resolution 76-113 for limiting issuance of building permits to zoned areas within 4½ miles of the corporate limits of Missoula. This action had been requested of the Board of County Commissioners by the Missoula Planning Board.

According to a letter, dated July 12, 1983, from Kristina Ford, Planning Director, the Missoula Planning Board met and conducted a public hearing to amend County Zoning Resolution 76-113 for the purpose of limiting issuance of building permits to zoned areas within 4½ miles of the corporate limits of Missoula on April 19, 1983. The Planning Board then recommended approval of this amendment. On May 11 and 18, 1983, the Board of County Commissioners conducted a public hearing and a round-table discussion of the matter and then decided to ask the Planning Board to consider eliminating low-density residential housing from the amendment's requirements. The Planning Board considered the matter at its meeting of June 21, 1983, and voted down - by a 3 yes, 3 no, 1 abstention vote, the elimination of low-density housing from the amendment. The Chairman had ruled, before this vote, that if the resolution which eliminated low-density housing from the amendment's requirement were to fail, the meaning of the vote was that the Planning Board's previous recommendation would stand.

Therefore, the Missoula Planning Board again recommended approval to the following amendment to County Zoning Resolution 76-113:

Add

Section 1.05 45. Municipal Building Inspection Jurisdictional Area

- a) The area within the limits of an incorporated municipality;
- b) The area within 4½ miles of the corporate limits of a municipality;
- c) All of any platted subdivision which is partially within 4½ miles of the corporate limits of a municipality; and,
- d) All of any zoning district adopted pursuant to Title 76, Chapter 2, part 1 or 2, which is partially within 4½ miles of the corporate limits of a municipality.
- e. Distances shall be measured in a straight line in a horizontal plane.

Amend

SECTION 8.05 PERMITS AND FEES REQUIRED

A. No building, sign, premise or other structure shall be erected, moved, enlarged, rebuilt, added to, changed, converted, or structurally altered without having received a zoning compliance permit issued by the Zoning Officer, who shall first determine that the permit is issued in compliance with the Zoning Resolution and other codes and regulations. No building permit or drainfield permit shall be issued without the applicant having received a zoning compliance permit and presenting the permit to the Building Inspector or Health Department. Within the municipal building inspection jurisdictional area the Zoning Officer shall not issue a zoning compliance permit as set out in this section for construction or use of any property unless and until the property shall be zoned as provided for by this resolution.

The Missoula Planning Board minutes of April 19, 1983 and the staff report stated the background of this issue as that the change is proposed to bring Missoula into compliance with the Montana Supreme Court ruling in the Little v. Flathead County case requiring "substantial compliance" of building permits with the Comprehensive Plan.

The discussion section of these minutes stated that with the Little v. Flathead County Montana Supreme Court ruling requiring building permit compliance with the Comprehensive Plan the Building Inspector has been put in a tenuous position of whether or not to issue a building permit in unzoned areas. Three alternatives were considered to provide direction. The first was to do nothing to implement the Supreme Court ruling. This approach would leave the County and City open to suits similar to the Little case. It would also make future implementation of the Comprehensive Plan more difficult. The second alternative was to have the Planning Office provide the Building Inspector with an interpretation of the plan as to whether or not the building permit application were in "substantial conformance" with the Comprehensive Plan. This alternative leaves the City and the County open to suit for abuse of discretion on the part of administrative officers, the minutes said.

The third alternative was to not issue building permits except for zoned land. In order to development to receive a permit the land must first be zoned. This alternative would minimize suit but would require a more lengthy process for a building permit applicant to go through. The zoning process would take approximately 70 days. During this time the applicant could complete necessary review for health and building code compliance contingent upon successful zoning of the property. This problem could be rectified by the County initiating zoning for all unzoned areas within the building inspectors' jurisdiction. Another concern on the third alternative would be the issue of spot zoning. On the advice of the County Attorney's Office it has been determined that the zoning of individual properties is not spot zoning if the zoning is consistent with the Comprehensive Plan, according to the Minutes.

The Minutes also stated that the proposed change would promote the Comprehensive Plan, implement the Little decision and provide protection to the residents of the urban area.

The Planning Staff report dated June 21, 1983 stated that the underlying reasons for proposing the amendments to 76-113 had remained unchanged from April 19.

PUBLIC MEETING, JULY 13, 1983, CONTINUED

The staff report of July 12, 1983 stated that the reasons for exempting low-density residential uses from the zoning requirement arise from the Commissioners' sense that such development usually does not have a deleterious effect on neighboring landowners sufficient that zoning is a necessary remedy. The definition that the staff recommends for what constitutes "low-density" finds its origins in other regulations enforced by Missoula County. Specifically, at densities greater than 2 dwelling units per acre, a central sewer system is required; the County's Subdivision Regulations consider subdivisions with densities greater than 2 dwelling units per acre to be "urban" and impose more stringent requirements on the developer. These regulations can be interpreted to mean that such densities cause greater impacts among County residents than "rural" densities, and therefore require greater governmental guidance when they are built. Following these general guidelines which suggest under what conditions government should be involved more closely in order to assure that the community's interests are safeguarded, the Planning Staff suggests that all single-family structures be allowed, that all residential accessory uses be allowed, and that residential development of a density no more than 2 dwelling units per acre be allowed without the property's being zoned. This recommendation had been turned down by the Planning Board.

Kristina Ford then stated that the Planning Board had tried to imagine alternative ways to respond to the Little decision, but the resolution idea that they had come up with had failed because essentially the process replicated zoning without the virtues of zoning, for example the requirement of public scrutiny and it required the planning staff to come up with cumbersome alternatives which required too much staff time. She said that the main benefit of that process would be to come up with a process which worked like zoning but which would not be called zoning. She also stated that Missoula was not breaking new ground as had been suggested, but that the other large urban areas in Montana, Billings, Great Falls, Bozeman, Butte and Helena, had either already instituted measures such as the one proposed for Missoula or were in the process of doing so.

At this point, Barbara Evans opened the hearing for public comment. The following people testified:

There were no proponents.

Opponents

1. Helena MacLay stated that she hadn't intended to speak at the hearing, because she had read the Planning Board minutes for the June 21, 1983 meeting, and had noted that the vote had been a tie vote, 3 to 3, with one abstention, so she had assumed that meant that there was no recommendation to the Board of County Commissioners.
2. W. D. Perry stated that he owns land in an unzoned area and that he felt this situation should not change. He asked why the County should go out of its way to spend taxpayer dollars in order to police the required zoning.
3. Julie Hacker said that she owned unzoned land within the 4½-mile limit and she felt that the zoning would be restrictive. She said that in many of the areas that would come under the new regulations, zoning had been attempted and voted out. She said that she felt the Planning Department was not doing productive work and such rules and regulations made people devisive. She said that it was in the public interest for the Board of County Commissioners to vote against the proposal.

There were no other proponents or opponents, so the public comment portion of the hearing was closed.

The consensus of the Board was to defer action on this matter for two weeks, to the public meeting of July 27.

There being no further business, the meeting was recessed at 3:35 p.m.

* * * * *

July 13, 1983

HEARING ON FY '84 PRELIMINARY BUDGET

The hearing on the preliminary budget, as submitted to the Board of County Commissioners, dated 7/8/83, was held Wednesday afternoon, beginning at 2:00. Speaking on behalf of the budget, in order, were the following:

1. Mr. Carl Madsen, who identified himself as a twenty-year resident, spoke to the fact that the County was spending more money than last year, and that we should not look to which are necessary and essential, while at the same time looking to increase the Planning Department's budget. He indicated that he did not understand the process that was being used to set priorities.
2. Ms. Totie Parmeter spoke on behalf of the Museum of the Arts and thanked the Board of County Commissioners for the preliminary budget as submitted at 1.275 mills.
3. Ms. Wendy Holmes, director of Summit, thanked the Board for their preliminary allocation identified for specialized transportation and indicated that there is a need for this service in Missoula County, and urged the retention of this item in the budget.
4. Mr. Ed Brandon, of the Deputy Sheriff's Association, commented on the proposed restructuring of the jail staff and the concerns that this raised within the Deputy Sheriff's Association. He further indicated that in the long run, the impacts would not result in benefits to the County, and that the Deputy Sheriff's Association does not approve or agree with this particular proposal.
5. Shirley Tierney spoke on behalf of the allocation proposed for Child Care Resources, and thanked the Board for consideration of this proposal.
6. Mr. Jack Skelton, of the Qua Qui Corporation, spoke on behalf of the Qua Qui CBO request, and likewise thanked the Board for their consideration.

PUBLIC MEETING, JULY 13, 1983, CONTINUED

7. Ms. Jean Mercer indicated concern over the proposed freeze and its effect on possible road improvements and continued road work. Her interest is in the need for work on the Mercer Land/Evaro Hill road and roads in that area, and stated that a freeze would impact possibilities of getting additional work done on that area. County Surveyor Dick Colvill responded that this public comment raised questions as to dust oil concerns and would require Board of County Commissioner action. Commissioner Evans indicated that the program was currently being explored in conjunction with a countywide policy to deal with dust oil treatment.

8. Howard Schwartz indicated that the CBO's, as presented, were representative of Board decisions effective as of July 8, 1983.

9. Commissioner Evans indicated that the Library mill was a consequence of those decisions, and pointed out that the authorization for the reinstatement of two positions into their budget would put the Library mill as a consequence of those decisions, and pointed out that the authorization for the reinstatement of two positions into their budget would put the Library levy at slightly over three mills.

10. One unidentified gentleman indicated that the County Commissioners were raising a red herring in regard to the Sheriff's budget and using it to generate public recognition of support for tax increases. Commissioner Evans responded that the circumstances were real, and that staffing level considerations dealt with changing the classification of jail staff from sworn deputies to civilian jailers, and not layoffs.

11. Another unidentified gentleman spoke to the CBO requests, stating that if the County had legitimate budget concerns, the CBO requests ought to be examined with a view to perhaps eliminating them entirely. He also indicated that he was weary of the Planning Board and stated that the Planning Department possibly had room for reductions in their budget as a consequence.

The preliminary budget hearing was recessed at approximately 4:00 p.m., to be reconvened Thursday, July 14, at 7:30 p.m. in Room 201 of the Courthouse Annex.

* * * * *

July 14, 1983

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.

CLAIMS

Claims were presented by warrants for pay periods nos. 25 and 26 (July 12, 1983), to be drawn on the following funds in the following amounts:

General Fund	\$374,909.26
Weed Fund	13,912.95
Planning Fund	38,171.18
Road Fund	49,914.88
Bridge Fund	5,104.07
Working Fund	60,987.23
Miscellaneous Fund	178,330.97

The original claims are on file in the Auditor's Office.

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts with the following independent contractors:

1. Pat Hennessy, M.D., for the purpose of providing technical assistance to the Health Department concerning family and sexual disease care and to review and sign protocols and standing orders as needed for the period July 1, 1983 through June 30, 1984, in accordance with the schedule set forth in the Contract. The contract was returned to the Health Department for handling;

2. Aloyshus Antonio, for the purpose of painting the trim and exterior walls of Horizon House for the total sum of \$350.00. The contract was returned to Centralized Services for handling.

3. James Smith, for the purpose of inspecting sewer systems that can't be inspected by the County Sanitarian assigned to the Seeley Lake area, in accordance with the requirements of the City-County Health Department, and will include all portions of Missoula County located north of Clearwater Junction, and extending to the Lincoln County line.

CONTRACT

The Board of County Commissioners signed a contract between Missoula County Health Department and the Montana State Department of Social and Rehabilitation Services to provide health services to refugees from July 1, 1983 through September 30, 1983. The contract was returned to the Health Department for further handling.

CONTRACT

The Board of County Commissioners signed a contract for the Mill Street Bridge in Lolo in the amount of \$114,681.37. The contract was returned to Centralized Services for further handling.

ENCROACHMENT PERMIT

The Board of County Commissioners signed an Encroachment Permit whereby Missoula County agrees to permit William F. Schmidling to encroach upon a portion of County road located on

July 14, 1983, Continued

Barclay Street between Blocks 9 & 10 of the Western Addition. The encroachment is limited to the construction of a wooden fence not more than seven (7) feet into the public right-of-way extending from Lot 6, Block 9, Western Addition; the fence shall be constructed of railroad ties and be no higher than six feet unless a building and zoning permit is obtained. The permit is effective for a period not to exceed ten years.

AGREEMENT

Chairman Palmer signed an Agreement for Professional Services between Missoula County and Christian, Spring, Sielbach & Associates, Engineers, for engineering services for the design and construction of wastewater treatment plant modifications at the Lolo Water & Sewer District Wastewater Plant (RSID 901), and also for certain services required by the EPA Grant. The Agreement was returned to General Services for further handling.

CONTINUATION OF THE PUBLIC MEETING OF JULY 13, 1983 IN REGARD TO THE MISSOULA COMMUNITY HOSPITAL INDUSTRIAL REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1983

The July 14, 1983 continuation of the weekly public meeting of the Missoula Board of County Commissioners held on July 13, 1983 was called to order by Chairman Bob Palmer at 3:15 p.m. Commissioner Ann Mary Dussault was also present. Commissioner Barbara Evans was absent.

Candace Fetscher of Garlington, Lohn & Robinson, representing Missoula Community Hospital, presented changes in bond documents pursuant to the issuance of Hospital Revenue Refunding and Improvement Bonds, Series 1983 (Missoula Community Hospital Project), of Missoula County, Montana, for the purposes therein expressed, as referenced at the Board of County Commissioners' public meeting on July 13, 1983.

Ms. Fetscher stated that the changes were necessary in order to obtain bond insurance at a triple A rating. She stated that the revisions were on pages 30 and 50 of Resolution 83-70 of the Board of County Commissioners of Missoula County, Montana, authorizing issuance of \$12,600,000 aggregate principal amount of Hospital Revenue Refunding and Improvement Bonds, Series 1983 (Missoula Community Hospital Project) for purposes expressed therein.

Ms. Fetscher stated that the changes would have no material impact on the County, and pointed out the changes which required a new Lease, a new Indenture of Trust and Preliminary Official Statement. She also presented the instruments of Declaration of Bylaws of the Physicians Office Building and a draft of the Unit Lease Purchase Agreement which the physicians would sign when they purchased a lease.

She stated for the record that the Guarantee Agreement and Escrow Deposit Agreement were the same as had been presented to the Board of County Commissioners the previous week.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the Board of County Commissioners approve and sign the Resolution supplementing, amending and otherwise ratifying the adoption of Resolution No. 83-70 of the Board of County Commissioners of Missoula County, Montana, authorizing the issuance of \$12,600,000 Aggregate Principal Amount of Hospital Revenue Refunding and Improvement Bonds, Series 1983 (Missoula Community Hospital Project) for purposes therein expressed. The motion passed by a vote of 2-0.

RESOLUTION NO. 83-72

The Board of County Commissioners signed Resolution No. 83-72, Supplementing, Amending, and otherwise Ratifying the Adoption of Resolution No. 83-70 of the Board of County Commissioners of Missoula County, Montana, authorizing the issuance of \$12,600,000 Aggregate Principal Amount of Hospital Revenue Refunding and Improvement Bonds, Series 1983 (Missoula Community Hospital Project) for purposes therein expressed. The resolution was forwarded to the Missoula County Clerk and Recorder to be recorded.

PRELIMINARY BUDGET HEARING

The preliminary budget hearing was continued in Room 201 of the Courthouse Annex at 7:30 p.m. The hearing opened with the distribution of the summary sheets of the County preliminary budget. The following people testified on the preliminary budget.

1. Jack Skelton, Qua Qui Corporation, again thanked the Board for the proposed \$15,000 allocation and indicated that this would provide enough economic base for Qua Qui to sustain itself through the year and indicated that it was their intention to achieve self-sufficiency so that they would not come back next year with a subsequent request.
2. Abe Abrahamson spoke on behalf of the Library budget and thanked the Board for the restatement of the two library positions as indicated by Commissioner Evans during the first part of the preliminary budget hearing held July 13. He further indicated that he felt that the Board ought to go to the full 3½ mills and that, looking ahead, the Board may in fact want to levy 4 mills to solve all of the Library problems. He said that this would allow an additional 11 hours per week by way of overall library hours and further indicated his support for the museum budgets as submitted.
3. Lois Nelson, resident of Missoula, indicated her support for the Art Museum budget and thanked the Board for their preliminary allocation.
4. Bob Crooksey spoke on behalf of the museum budgets and thanked the Board for their support for the museums.
5. Elaine Nagle spoke on behalf of the Qua Qui Corporation and indicated that the Federal impacts are resulting in fewer dollars flowing to Native American associations from the Federal Government, which made even more important the County's contribution to the Qua Qui Corporation, and she thanked the Board for that.
6. Mr. C. C. Jones spoke on behalf of the museum budgets and thanked the Board for their consideration.
7. Betty Swenson, a resident of Nine-Mile, asked the Board to consider upgrading the road, and indicated that there were currently problems with the road, and said that the dust

JULY 14, 1983, PRELIMINARY BUDGET HEARING, CONTINUED

program which had worked the previous year had been graded by a County employee and was no longer effective. Commissioner Dussault asked whether or not the magnesium chloride as applied on an experimental basis had been satisfactory. In response to her question, several residents, including Dick Swenson, indicated that it had been satisfactory, and recommended that dust oil applications in the Nine-Mile area be redone.

8. John Washburn, Missoula County resident, indicated that he did not want to see taxes go up, but instead preferred to see budget cuts. He indicated that there had been two union contracts signed in the area recently wherein no raises were granted whatsoever. He further indicated cuts in the Surveyor's Office, and highlighted his comment with an anecdote dealing with the working hours of several road department employees working in the area of the Pulp Mill paving project. He also indicated that the County Attorney's staff time and money could be better spent if they weren't dealing with pregnancies in the County jail and efforts to recoup medical expenses. He further indicated that the Planning Department had too many people for a county of this size and also indicated that the Health Department was unnecessary and that about the only thing they did was to hold hearings, as illustrated by the woodburning issue, with no solutions resulting from the hearings. He also indicated that the Commissioners might consider giving up their County cars that they use to go back and forth to work, and that the County should withdraw from MACo. He added a consideration that the Health Department's request for revenue sharing money should be denied and the money should be used somewhere else, perhaps to repair the Library roof. In closing, he urged the Board to cut.

9. Ron Mayhew indicated his support for the Qua Qui preliminary allocation and said that he appreciated the Board's recognition of the need on the part of Native American Associations.

10. Phyllis Stout, a Friend of the Library, pointed out that the Library served an important role in the community, and that the Board was to be thanked for considerations of raising taxes to support the Library to the extent necessary to provide the services.

11. Dan Morris, a resident of the Big Flat area, indicated that residents could not stand additional tax increases; that he had heard over the television that the taxes were going to go up 12% in Missoula County. He further indicated that he didn't think that the Sheriff is non-essential, but he did identify Planning, Health and Roads as non-essential services within the county budget insofar as they didn't get anything done in reference to problems with Maclay Bridge and the resurfacing of that bridge, to prove a point.

12. Nancy Dunsmore spoke on behalf of the Qua Qui allocation and indicated that there was an unusually high unemployment rate among Native Americans and that this further served to illustrate the need for funding.

13. Bill Snyder spoke on behalf of the museums and the library and thanked the Board for considerations given to these requests.

There were brief comments made by the Commissioners at the close of the public testimony, and at 9:00, the meeting was recessed.

* * * * *

July 15, 1983

The Board of County Commissioners met briefly in the forenoon, with a quorum of the Board present. Commissioner Evans left in the morning, and Commissioner Palmer later in the forenoon for Milwaukee, Wisconsin to attend the NACo Annual Meeting.

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List, dated July 14, 1983, pages 1-34, with a grand total of \$111,049.17. The Audit List was returned to the Accounting Department.

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Brown's Towing Company, the lowest and best bidder, for the collection of junked vehicles in Missoula County, in accordance with the terms set forth therein. The contract was forwarded to Centralized Services for further handling.

AGREEMENT

The Board of County Commissioners approved and signed the Annual Road Maintenance Agreement with the Lolo Forest. The Agreement, dated March 27, 1967, is renewed every year and there are no changes from the 1982 revision. The Agreement was returned to the Surveyor's Office.

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 with Michael M. McCullough and Massey T. McCullough, whereby the McCulloughs agree to convey by Quit Claim Deeds to Missoula County a tract of land, 1.35 acres, located in Section 12, T12N, R20W, for right-of-way purposes, for the sum of \$1,750.00 paid by Missoula County to each of the McCulloughs.

Other items considered by the Commissioners included:

1. A discussion on the giardia health problem - what action needs to be taken where the responsibilities lie; and

July 15, 1983, Continued

2. A discussion on SRS and housing needs.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

Fern Hart

Fern Hart, Clerk & Recorder

Bob Palmer

Bob Palmer, Chairman, Board of County Commissioners

* * * * *

July 18 & 19, 1983

The Board of County Commissioners did not meet in regular session on July 18 and 19, 1983, as Commissioners Palmer and Evans were in Milwaukee, Wisconsin attending the NACo Annual Meeting.

* * * * *

July 20, 1983

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

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated July 15, 1983, pages 1-6, with a grand total of \$6,598.94. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of Justice of the Peace, W.P. Monger, for collections and distributions for month-ended June 30, 1983.

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 Wornath Orchard Tracts, Tract 12, a subdivision of Tract 12 of the amended plat of Wornath Orchard Tracts, located in the SW $\frac{1}{4}$ of Section 2, T12N, R20W, P.M.M, the owner being James McDonald.

SERVICE AGREEMENT

Chairman Palmer signed an Intergovernmental Service Agreement between the Missoula County Jail and United States Marshall's Service Prisoner Support Division, for the housing of adult male and female prisoners in accordance with the contents set forth in the Agreement. The Agreement was forwarded to the Sheriff's Department for further handling.

BOARD APPOINTMENTS

The Board of County Commissioners appointed Ron Anderson as a member, and Paula Bears as the Alternate Member, of the Missoula Valley Energy Conservation Board. Both were appointed for two-year terms, which will expire on June 30, 1985.

ACCEPTANCE OF AGREEMENTS

Chairman Palmer signed acceptance of the Agreements to Provide Funding between the Montana Arts Council and the Missoula County Commissioners, as sponsor for the following cultural and aesthetic projects to be funded through interest earned by the coal tax trust fund:

1. The Childrens' Art Project; and
2. Montanans for Quality Television - K. Ross Toole's Montana Project.

Other matters considered by the Commissioners included:

1. A discussion on upcoming Board appointments; and
2. A general budget discussion, including the Aging Programs and funding for Nine Mile Road, among other items.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

The monthly evening public meeting was called to order by Chairman Bob Palmer at 7:30 p.m. Commissioners Barbara Evans & Ann Mary Dussault were also present. The meeting was held, as usual, in the City Council Chambers.

BID AWARD

Under consideration was the award of a contract for CRS-2 asphalt oil. According to information provided by County Surveyor, Richard H. Colvill, the bids for the CRS-2 emulsified asphalt oil were opened July 18, 1983, with one bid received. Cenex bid \$180 per ton for 300 tons, with a total bid of \$54,000, F.O.B. refinery. The specifications permit the Surveyor's Office to vary the quantity by 25%, up or down. The oil will be used for chip sealing County roads and streets. \$56,000 has been budgeted in the FY '84 road fund for chipping oil. The recommended award plus \$9,100 freight will cost \$55,900, according to Mr. Colvill.

PUBLIC MEETING, JULY 20, 1983, CONTINUED

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid be awarded in accordance with Mr. Colvill's recommendation. The motion passed by a vote of 3-0. Cenex was therefore awarded the bid for CRS-2 emulsified asphalt oil in the amount of \$180 per ton, for 260 tons, for a total of \$46,800, F.O.B. refinery.

COMPUTER PAPER AND LABELS - BID AWARD

Under consideration was an award for computer paper and labels for Information Services. Information provided by Billie Bartell, Manager of Centralized Services, stated that the following bids were opened on July 18, 1983:

	<u>Computer Paper</u>	<u>Labels</u>
Data Documents	\$6,675.75	\$229.60
Imperial Data Supply	6,931.95	212.80
Moore Business Forms	6,532.61	348.00
Gateway Printing	7,509.25	308.80
Burroughs Corp.	7,333.31	593.60
Globe Ticket Co.	8,731.85	236.80
Regal Forms	9,740.98	186.40

The staff recommendation was to award the computer paper to Data Documents as there are more sheets per carton and their price is cheaper per sheet. Imperial Data Supply was recommended to receive the award for the labels.

Barbara Evans moved, and Bob Palmer seconded the motion, that Data Documents be awarded the bid for computer paper in the amount of \$6,675.75. The motion passed by a vote of 3-0. The bid award for labels was postponed because of a question in regard to why the recommendation on the labels was not to the low bidder.

HEARING: RSID 404 TRAYNOR DRIVE - PAVING, CURBS AND DRAINAGE IMPROVEMENTS

Information provided by RSID Coordinator, John DeVore, stated that a petition had been received by the County for the creation of RSID 404. The petition was signed by 100% of the property owners. The project would provide for \$33,255.16 worth of street improvements and drainage improvements on Traynor Drive.

The petition had been reviewed and approved by the County Attorney's Office and the Surveyor's Office. The Planning Office had also reviewed the petition and recommended that a sidewalk or pedestrian walkway should be provided on at least one side of the street to meet the County subdivision standards.

All legal requirements for publication, posting and notice had been met. Total project cost was estimated at \$33,255.16, with the County contributing 40% (approximately \$13,302.06) in Aid-to-Construction. Funds for aid were available in this year's budget, Mr. DeVore said.

The staff recommended creation of the district. The Surveyor's Office agreed with this recommendation for the following reasons:

1. The right-of-way is not sufficient for a sidewalk;
2. If a sidewalk were included, it would raise the cost by \$15,000; and
3. The district is supported by 100% of the property owners.

Dick Colvill, County Surveyor, and John DeVore, RSID Coordinator, were present to answer questions from the Board. Dick Colvill stated that in order to complete the project, three parcels adjacent to it would have to be acquired. He said that two had been acquired and one was yet to be acquired.

John DeVore stated that there was not a sufficient right-of-way to install sidewalks and the cost would be greater than normal for the installation of sidewalks because the grade was steeper than normal. Installation of sidewalks would cost as much as \$15,000 more, he said.

Barbara Evans asked how long Traynor Drive is, and Dick Colvill answered that it was 1½ blocks long.

At this point, Chairman Palmer opened the hearing for public comment. No one wished to testify either for or against the creation of the RSID. The public comment portion of the hearing was therefore closed.

Barbara Evans asked as to the status of sidewalks in the area, and Dick Colvill stated that the only place you could walk if there were sidewalks would be up Rattlesnake Drive. He said that Traynor Drive was a steep hill with a narrow right-of-way, and that if a sidewalk were included, it would kill the district.

Barbara Evans moved the approval of the creation of RSID 404, Traynor Drive paving, curbs and drainage improvement project, contingent upon the acquisition of an additional piece of property upon which the road must be built, and excluding sidewalks from the district. The motion passed by a vote of 3-0.

SEELEY LAKE SCHOOL REQUEST - CLOSURES OF TWO STREETS - HEARING

Under consideration was a request from the Seeley Lake Elementary Board of Trustees (District 34) that the County Commissioners approve the placement of barricades so as to block streets in the vicinity of the school.

Information provided by the Seeley Lake School District stated that the request was to barricade Juniper Drive south of School Lane and the far east end of School Lane and Spruce Drive. In addition, the Board requested that the south side of the street on School Lane be posted as a "No Parking" area. Such area was requested to

PUBLIC MEETING, JULY 20, 1983, CONTINUED

extend from Pine Drive to Juniper Drive. The rationale was that heavy winter snowfall prohibits the District from effectively erecting a safety fence in front of the school. School children play on the only asphalted area near the street, and the Board is deeply concerned about children who run after playground balls without looking for oncoming traffic. Plans are currently underway to hard surface an area in back of the school and to move the children away from the street; however, such a project would take a considerable amount of time and money to complete. Therefore, the School Board has requested restriction of travel on School Lane for the time being in order to lessen the chances of a student/vehicle accident. In addition, limiting parking to one side of the street would greatly improve congestion and safety in the area because the school ballfield is used during the summer for games and practices.

At this point, Bob Palmer opened the hearing for public comment.

County Surveyor, Dick Colvill, stated that he had sent letters to every property owner of record in the vicinity of School Lane, and stated that if this measure was to be temporary, the Commissioners might consider putting a time limit on it.

1. Boyd Gossard, Chair of the Seeley Lake School Board, stated that he was concerned with safety of the children who play in the school yard. He said that the District had been trying to get more hard surface area behind the school for some time, but it would take approximately three or four years longer before the project was completed. He said that it had not been the School Board's request in making the request to restrict access on the street but to cut down the amount of traffic. In addition, residents had asked that parking in front of their houses be decreased, he said.

2. John Jungers, from the School Board of District 34, stated that he lived on the street in question as well as serving on the School Board and that he had witnessed the increase in traffic over the previous few years. He said that the Board had considered installing speed bumps, but this would create a problem with snow removal. He said that they had also talked about a 6' cyclone fence around the school yard, but there would be no place to put the snow except up against the fence, which would also be a problem.

There were no other proponents of barricading the streets as suggested. The following person spoke in opposition:

1. Dick Tolon stated that he lived on School Lane, and said that his house was halfway up the lane. He said that there was a lot of traffic on the street, and that he would like to see it cut down, but he and his wife were planning to build a home further up on their property. He said that if the Lane were closed at the bottom, there would be a problem with kids coming down from the top and partying at the bottom.

Ann Mary Dussault asked Dick Colvill if speed bumps or a speed dip would be a useful alternative to barricading the street, and he replied that this would raise liability questions if the County created a hazard in the road and someone had an accident because of it. He said that alternatives would be to put a permanent barricade at the top but a movable barricade at the bottom, with a "street closed" sign. He said that this would give Mr. Tolon access to his property.

2. Lois Tolon stated that she didn't want to go in from the bottom. It was easier for them to gain access to their property from the top, she said, and stated that if either end were barricaded, people would come in and turn around on the property and party on the property.

Dick Colvill suggested putting in a forest service gate.

Lois Tolon stated that another of their concerns was that barricades would affect the RFD's ability to get to their house in case of a fire, and stated that this would also affect their fire insurance.

Mr. Gossard stated that the School Board had received a letter from the Fire Chief of the Seeley Lake RFD, who had stated that they had reviewed the suggested barricades and that they would not present a problem for the Seeley Lake RFD.

Barbara Evans asked if they put a barricade at the top, what would they want at the bottom.

Ann Mary Dussault said that it seemed that the road could not be closed indefinitely; that there would have to be a time limit on the barricades. She asked if a maximum two-year period would be reasonable, and Mr. Gossard answered that it would not be possible to put in the hard-top school yard within two years. Ann Mary Dussault asked why it would not be possible to sell the idea to the voters in the School District. She said that the people in Seeley Lake would have to assume some responsibility for the safety of their children.

Mr. Tolon said that one alternative would be non-permanent closures; i.e. gates at the top and the bottom, or a blockade that could, in fact, be driven around.

Mr. Boyd suggested a possible alternative of a barricade on Juniper Drive and signs stating that the road be closed to all but local traffic installed in Spruce Drive.

Since the Tolons agreed that this solution would meet their needs, Barbara Evans moved, and Ann Mary Dussault seconded the motion, that School Lane adjacent to Seeley Lake Elementary School in Seeley Lake between Juniper Drive and Spruce Drive be closed to other than local traffic, and that a barricade, such as a forest service fence, shall be placed on Juniper Drive which shall afford access to local property owners; and signs stating that the road is closed to all but local traffic shall be placed on Spruce Drive, the design of both signs and gate to be determined by the County Surveyor. This motion passed by a vote of 3-0.

Barbara Evans then moved, and Ann Mary Dussault seconded the motion, that the south side of School Lane between Pine and Juniper Drives be designated a "No Parking" zone and shall be posted as such by the County Surveyor. The motion passed by a vote of 3-0.

Since there was no further business, the meeting was recessed at 8:15 p.m.

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July 21, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer attended a meeting of the Western Montana Commissioners in Polson during the day.

AGREEMENT

The Board of County Commissioners signed an Agreement between the Missoula County Health Department and Mineral County, whereby the MCCHD will act as a consultant in the establishment of a quality hypertension screening program within Mineral County, in accordance with the terms set forth in the Agreement. The Agreement was returned to the Health Department for further handling.

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July 22, 1983

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

RESOLUTION NO. 83-74

The Board of County Commissioners signed Resolution No. 83-74, a resolution amending Resolution No. 78-68, County Subdivision Regulations to reflect the new Interlocal Agreement of Planning, Building Inspection, Zoning Services and Floodplain Administration.

RESOLUTION NO. 83-75

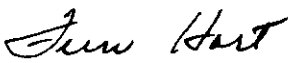
The Board of County Commissioners signed Resolution No. 83-75, a resolution closing School Lane between Juniper and Spruce Drives in Seeley Lake for other than local traffic for safety and construction purposes and designating a "No Parking" zone on the south side of School Lane between Pine and Juniper Drives.

ATTACHMENT TO AGREEMENT

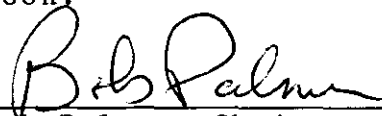
Chairman Palmer signed Attachment I, the Operating and Financial Plan of Reimbursable Services requested by the Forest Service, dated July 11, 1983, for the period beginning April 1, 1983, and ending September 30, 1983, and becomes a part of the Agreement between the Forest Service and the Missoula County Sheriff's Department for the services set forth, and will be dated October 13, 1983 and received in October, 1983. Attachment I was returned to the Sheriff's Department for forwarding to the Forest Service.

LUNCHEON MEETING

Commissioner Evans attended a Luncheon Meeting of the Meeting of the Montana Library Federation held at the University Center at noon.



Fern Hart, Clerk & Recorder



Bob Palmer, Chairman, Board of County Commissioners

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July 25, 1983

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following item was signed:

AGREEMENT

Chairman Palmer signed an Agreement, pursuant to the Small Business Administration's Parks and Recreational Development Grant Program, as authorized under Public Law 98-8 (Emergency Jobs Bill), between Missoula County and the Montana Department of Fish, Wildlife and Parks, for the planting of trees and shrubs by the County as shown on the application. The Agreement will take effect as of August 1, 1983, and shall terminate September 30, 1983, for an amount not to exceed \$6,040.25. Both copies of the agreement were forwarded to Helena.

The following bid awards were made:

The following bids were received for labels for the Information Services Department:

Data Documents	\$229.60
Imperial Data Supply	212.80
Moore Business Forms	348.00
Gateway Printing	308.80
Burroughs Corp.	593.60
Globe Ticket Co.	236.80
Regal Forms	186.40

Commissioner Evans moved, and Commissioner Dussault seconded the motion, that, in accordance with staff recommendation, the bid be awarded to Imperial Data Supply of Spokane, with a delivery date of 7-10 days, because the low bidder, Regal Forms, Inc. of New York, had a scheduled delivery date of 4-6 weeks. The motion carried by a 3-0 vote.

BID AWARD

The bids for gas and diesel fuel were opened on July 18, 1983. A complete bid tabulation is in the original bid file, with two firms, J.G.L. Distributing and Cennex, bidding on

JULY 25, 1983, CONTINUED

all 13 items. Two bidders, Tremper Distributing and Finest Oil Company, bid only 9 of the 13 bid items.

Commissioner Evans moved that, in accordance with the recommendation of the County Surveyor, Dick Colvill, the Contract be awarded as follows:

1. Award Items No. 2, 3, 5, 6, 8, 9, 10, 11 & 12 to Tremper Distributing for \$31,053.20. (This was the low bid for the total of these 9 items);
2. Award Items No. 1, 4 & 13 to Cenex for \$50,666. (This was not the low bid, as JGL bid lower for items No. 1 & 4. After discussion with JGL, they admit that they cannot provide the use and cost records required by the specifications); and
3. Reject all bids for Item No. 7, Diesel No. 2, at the contractor's service station. (The Surveyor considered the bid by the one qualified bidder to be roughly \$10,000 too high, and stated that they would rebid this item to use the diesel tank and pump at the Road Department).

Commissioner Dussault seconded the motion, and it passed by a 3-0 vote.

Other items considered were as follows:

1. Orin Olsgaard, DES Coordinator, distributed the DES phone directories and discussed with the Commissioners possible money that may be available for DES training;
2. Jean Wilcox, Deputy County Attorney, met with the Board and discussed the continuing sewer problems in Lincoln Hills. Meetings will be set up with the homeowners and their attorney as soon as possible.
3. The Commissioners discussed County Surveyor Dick Colvill's position on pumping sumps; and
4. The Board discussed the giardia situation, and Chairman Palmer suggested that a complete update from the Health Department be pursued.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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July 26, 1983

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:

EXTENSION LETTER

The Board of County Commissioners signed a letter to David M. Strate of Strate Builders, granting him a one-year extension for the final plat filing deadline for the Surrey Subdivision, from April 21, 1983, which was the expiration date.

GRANT APPLICATION

The Commissioners discussed the Jobs Bill Grant application with Bill Snyder, Library Director, a grant of \$45,000 for roof repairs and insulation has been applied for, and requires a County match. Commissioner Dussault moved to obligate \$45,000 from unidentified sources for County matching funds. Commissioner Evans seconded the motion, and the motion passed unanimously.

Commissioner Palmer then signed the Jobs Bill Grant Application for the Library.

* * * * *

July 27, 1983

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

CERTIFICATE OF ACCEPTANCE

Chairman Palmer signed the Certification of Acceptance for County Maintenance of Mallard Court, which is on Mullan Road near Harper's Bridge, and is a paved road that was never accepted for maintenance because it had a bad culvert where it crossed a slough. The culvert has now been replaced by County crews because it was completely plugged and washing out the road. The Certificate was returned to the Surveyor's Office.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract with John McQuiston, Ph.D., an independent contractor, for the purpose of providing technical and methodological consultation in survey design, interview design and administration, and in the analysis and interpretation of aggregated project data. The Contract covers 10 days work between July 25, 1983 and June 30, 1984, for a total amount not to exceed \$2,500. The Contract was returned to the Health Department for further handling.

SUBORDINATION AGREEMENT

The Board of County Commissioners signed a Subordination Agreement between Missoula County, the lender, and Shirley Wight, the borrower, whereby the borrower has executed a promissory note and mortgage in the sum of \$9,195.00, in favor of the lender under the specially-funded program for home rehabilitation for low and moderate income individuals, and is reviewed by the Loan

July 27, 1983, Continued

Review Committee. The Agreement was returned to John Kellogg in the Planning Office for further handling.

The Commissioners met with Dick Colvill, Surveyor, and Vaughn Anderson, of Stensatter, Druyvestein & Associates, regarding the RSID for St. Michaels Drive. The matter will be reviewed with John DeVore, Operations Officer, about the additional \$15,000 to be taken from the General Services Budget. No action was taken.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

The monthly evening public meeting was called to order by Chairman Bob Palmer at 7:30 p.m. Commissioners Barbara Evans and Ann Mary Dussault were also present.

AMEND ZONING RESOLUTION NO. 76-113

Chairman Palmer read the action requested to adopt a Resolution of Intent to amend County Zoning Resolution 76-113 for limiting issuance of building permits to zoned areas within 4½ miles of the corporate limits of Missoula.

Commissioner Evans indicated that she would like to make a two-part motion. County Attorney Michael Sehestedt suggested a one-part motion with discussion followed by another motion. It was agreed to proceed.

Commissioner Evans moved and Commissioner Dussault seconded a motion to not approve amending Resolution 76-113 per discussion. The motion carried. 3-0.

Commissioner Dussault suggested a motion whereby a process be established that the Director of the Planning Department or his or her designee be authorized to issue building permits within the 4½ mile limitation when they are found to be in substantial compliance with the Comprehensive Land-Use Plan and that should the decision be reached not to issue a permit because it was not in compliance with the Comprehensive Plan that there would be an avenue of appeal to the Commissioners.

Commissioner Evans applauded her recommendation and seconded the motion.

Discussion:

Commissioner Dussault spoke to Kristina Ford, Planning Director, and stated that what she anticipates happening, is that the direction from the Commissioners obviously has large holes that need filled. She stated that the Board would ask her to refine that process and send it back to the Board for review and approval. She stated that one of the questions that she and Jean Wilcox were discussing was whether or not the Planning Board should be involved in that process. They don't want to make it a particularly encumbering process while on the other hand they don't want to short-circuit any legitimate body involved in planning issues.

Bob Palmer stated: "So if I understand it correctly, the Planning Director would develop this process that we are in the process of voting upon, send the recommendations back to us and we will have a hearing on this based upon their recommendation."

Commissioner Dussault stated that there would be further implications, assuming that Kristina would want to develop some administrative guidelines upon which the decision would be made in that, she believes that for everybody's peace of mind those should come back to the Board for adoption similar to any other set of regulations so that they're formalized and the Planning Department is protected also.

Kristina suggested that the whole process and guidelines for developing the administrative procedure should go through the Planning Board.

Commissioner Dussault agreed.

Chairman Palmer called for further discussion on the motion to set up a process for determining the substantial compliance within the 4½ mile zone. There being no further discussion he called for a vote. The motion carried. 3-0.

ZONING REQUEST - John Campbell

There was a request to adopt a Resolution of Intent to rezone John M. Campbell's property, as described as Lots 46, 47 and 48, Block 51, in Carline Addition 3, from C-R2 to C-R2 with a Mobile Home Overlay.

Jim Edgcomb gave background information stating that this property was zoned on October 8, 1976, as C-R2 Residential. The area provides for multi-family development including mobile homes on lots five acres or more in size. On July 5, 1983, the County Regulatory Commission held a public hearing and voted to recommend approval of the Campbell request.

The staff recommendation was for approval of: The applicant's request to rezone his property from C-R2 to C-R2 with a mobile home overlay be approved and that the findings of fact set forth in the staff report be adopted.

Chairman Palmer opened the hearing for comment asking those in favor to speak first.

John Campbell spoke saying that he had consulted with all the neighbors, and they were in agreement with rezoning. He stated that he used to have two homes on the property and now just has one and it looks a lot better.

Chairman Palmer asked for those against to speak. There being none, he closed the hearing, and called for a motion.

Commissioner Dussault moved that the applicant's request to rezone the property from C-R2 to C-R2 with Mobile Home Overlay be adopted with the Finding of Facts set forth in the

PUBLIC MEETING, JULY 27, 1983, CONTINUED

staff report. Commissioner Evans seconded the motion. The motion carried 3-0.

HEARING - Annexation to Missoula Rural Fire District

Chairman Palmer read the following background information:

Eight petitions have been received by the Clerk and Recorder's Office to annex various parcels of land located in Missoula County, containing approximately 3,886 acres.

All petitions for annexation to the Missoula Rural fire District presented to the Clerk and Recorder have been checked and verified. They all contain signatures of more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the tax-paying freeholders within the area described, so they meet the requirements of 7-33-2125 M.C.A. for annexation of adjacent territory.

It should be noted that a certificate of necessary signatures for the Pattee Canyon area is not attached due to the County Attorney's opinion that the area is not eligible for annexation because it is not contiguous to any existing Missoula Rural Fire District boundary. If the Board of County Commissioners determines that the Pattee Canyon parcels are eligible for annexation, the Clerk and Recorder's Office will certify the validity of the signatures.

Michael Sehestedt, Deputy County Attorney, commented regarding the Pattee Canyon parcels saying that basically these consist of three central ownerships 1/2-3/4 mile away from the nearest boundary of the Missoula Rural Fire district. State statute provides that land may be annexed if it's adjacent to. He referred to an old County Attorney's opinion that states that adjacent to does not necessarily mean contiguous. He would concur in that opinion but feels adjacent to means something closer than 1/2 mile away. He noted that the fire department, in this case, favors this particular petition but that by their opinion that distance is no barrier, Seeley Lake could also petition to have tracts annexed to Missoula Rural Fire District unless 50% of the taxpayers in the existing rural fire district protested. He feels that a contract basis with the property owners and the fire district would be acceptable and a better solution than annexing ground into a district on the grounds its adjacent when its 1/2 - 3/4 of a mile away. He thinks that's stretching adjacent farther than it should be stretched. Should the Commissioners disagree with his view of adjacent, he doesn't think there is a legal gar to the annexation to these parts.

Commissioner Evans asked Bruce Suenram, fire chief for Missoula Rural, if there weren't any special circumstances involving these three properties in Pattee Canyon. Even if not contiguous, do they have agreements with areas that are contiguous?

Bruce Suenram stated that no, they don't have any contiguous property in this particular case but that the opinion that Michael cited from a former county attorney the commissioners have allowed annexations up to a mile away from existing boundaries. The Bonner-Milltown areas are examples as they are near a mile from the Rattlesnake which is the nearest existing boundary. Regarding the three parcels in question, they have to drive right by on the roadway to get to some other portions of the fire district that are way high up Pattee Canyon. They have to physically drive right by these parcels.

Barbara Evans asked if those parcels that are far away are contiguous to another section of their district. Bruce replied that they don't have any particular problem with them being far away. His problem is that the Commissioners haven't established a contracting policy to individual property owners. Presently their policy is that if they respond to a call outside of the fire district they charge that person a flat rate of \$1000 plus \$200 an hour for each fire engine plus the cost. He said that that is really kind of a motivation to get them to annex rather than to be out the money. Barbara asked if they want these parcels. To which Bruce replied that they don't have any objections to providing them protection.

Paul Eichwald, resident of Pattee Canyon, stated that he suffered a mild fire last November at which point the rural fire responded and did an extremely good job putting out the fire. In the process they discovered that they were not a part of rural fire district, much to the surprise of the district. Bob Johnson of the rural district asked him to get up a petition to circulate among his neighbors and turn it in, which they have done. He is surprised that it hasn't already been approved. He feels that it is quite important to them to be included in the rural fire district not only from the cost standpoint but because of the fact that the terrain is such that if you get a fire at his place and there is jurisdictional quibbling over who is to cover it combined with the high fire potential he could lose his place. It makes sense to annex into rural fire.

Phil Bjornstein, also a landowner in the Pattee Canyon district, stated that he was surprised to find out that they were not covered by the rural fire district. He signed up as soon as possible and was pleased to find out that the rural fire department had no objection to that and was somewhat dismayed when he found out that they were supposedly outside the limit for annexation. It seems to him that if there is no objection of the part of rural fire that they should try to allow the annexation to occur so that they receive the protection that they want.

Michael Croker, also a landowner in the area, stated that he feels the major point is that the fire department has to drive right by the property to get to some other land that is covered, and it seems ridiculous not to annex when they have to drive within a couple hundred feet of the property. It makes sense to him to annex plus there are no objections from the fire district.

Linda Eichwald stated that they have covered all the reasons, but she has a comment to make. She added that rules and regulations and laws are made to help people and when they start being harmful to, rather than helpful, maybe we should start making exceptions because people come first.

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Chairman Palmer then asked for opposition speakers.

Charles Deschamps, living and ranching on Mullan road, owns an accumulated acreage of 1,531 acres being asked to annex to the rural fire district. He respectfully asks to be deleted from the proposed rural fire district. Only 1.7 acres have buildings on them and they are adequately insured. The remainder of the area is range and cropland. The following reasons are his arguments to be excluded: 1) If included, he would be financing much more than his share of the district through increased property taxes placing an unfair burden upon him; 2) His ranch has a large area of land which is inaccessible to fire equipment; 3) Less than six months of the year their road would be passable by the districts trucks and then only three months of the year would the gates be open. Of course, these gates would have to be closed after a truck passes through; 4) They have natural and man-made fire breaks and equipment to construct a fire line if needed; 5) Water for fire protection depends entirely on water availability which is seasonal here. 6) Fire trucks would not be able to drive out 1½ miles of road in five minutes. The trucks, disregarding all wild creatures that frequently bound into the road and ruts could possibly arrive in ten to fifteen minutes. 7) They do not feel they can afford this kind of protection on the ranch. It is too cost prohibitive for the protection they would receive. 8) Ranching and farming is based on a cost vs return system. Our costs keep climbing and the returns keep diminishing every year. They cannot afford this additional tax burden. 9) Their open spaces require no fire protection that would justify the cost of questionable protection. Annexation of their property would be grossly unfair.

Barbara Evans asked Mr. Deschamps to explain what percentage of his land is involved in the annexation requested.

Charles Deschamps stated that the law says that if you have 50% of the landowners, you need 1,540 acres. He has 1,531. Owns about half. When asked approximately how much this would cost if approved, Mr. Deschamps stated that he couldn't get a figure from the rural fire department. They said the insurance on his house would go down \$60., taxes would go up about \$3,000 per year.

Wendy Cromwell, election supervisor, stated that she was looking at a copy of the petition that the Election Department received and it appears that most of Mr. Deschamps' land has been deleted from the map.

Chairman Palmer asked Bruce Suenram and Charles Deschamps to come view the map. There was a short recess.

Keith Bomstad, speaking in opposition as Secretary/Treasurer for Clinton Rural Fire District Board of Trustees, was opposed to item #3 (annexation of Portion of Donovan Creek Acres at Milepost 116½ on I-90). Mr. Bomstad presented a list of reasons for protest. 1) Clinton Rural Fire District was not notified of this hearing and not aware of the petition made and presented to the Commissioners; 2) Clinton Rural Fire District Board of Trustees was not presented with this petition or notified of the hearing; 3) Clinton Rural Fire District will have a loss of taxable valuation. Also, the area petitioning into Missoula Rural is over 5 miles away from the fire station. This will put Clinton from a Class 8 to a Class 10 rating. This increases insurance; 4) The mileage from Missoula Rural Station #4 to Kendal Creek (which is the beginning of the portion that wants to annex out) is 5.4 miles while to Donovan Creek is 6.2 miles; 5) The mileage from the Clinton Rural Fire Station to Kendal Creek is 4 miles and to Donovan Creek 3.2 miles. We feel we can adequately cover this area; 6) By splitting the area, there will definitely be trouble in dispatching the proper department to the area. Mr. Bomstad directed attention to the map. He stated that what would happen here is that when a dispatch call comes in (it's very hard for a dispatcher to tell what area is affected) chances are either rural is going to be rolling all the time or we're going to be rolling all the time. When somebody calls they're going to be excited and when asked where do you live, they will just say "Donovan Creek". They have a mutual aid agreement with Missoula Rural, and work very well with them, but just the same there's going to be election problems (who can vote from which district and where), it's going to be a mess. He stated that also, to report an emergency situation, they have to go through 9-1-1. He doesn't want to say anything against 9-1-1. It's a very good system but, for the Blackfoot local exchange to enter into the 9-1-1 dispatch system, there are three lines. That's not just the Clinton Blackfoot, that's any Blackfoot exchange. If they're busy, those folks are going to have to wait. They can dial directly to 9-1-1 per say, by going 1-728-0911, but if that is tied up, they're going to have to wait until it's open. With their system, they dial 825-3000 and are immediately talking directly to the fire department and the department is rolling. Keith stated that they have other comments as well. The petition states that the reason folks want to leave their area is that they want a 24 hour manned station. Again he stated that they work well with Missoula Rural and they are a fine station, but he wants to point out that one man on duty does not constitute a full-fledged department. If they get a call, they are still relying on volunteers and also they (Clinton) have not been requested to as a board to supply this area. Again he said that they were not presented with this petition. In regards to this petition the law states that you are supposed to designate the area that is being petitioned on the petition. Also when its being detracted by a district, it should also state the remainder of that and he did not see that on the petition.

Richard Dunn, also from the Clinton Rural Fire District, spoke saying that the purpose of a fire district is to serve the people and if you take a group of people that have a Class 8 rating and remove them from a Class 8 and put them into a Class 10, you're adding an extra burden to them financially.

Por Deschamps, father of Charles Deschamps spoke. He said that he still has some land left in grass valley, some 130 acres along the Mullan Road, plus some land in the Evoro area that is covered by the Blackfoot protection Association, which was never ever called, and the taxes over the past 25 years cost quite a piece of change. Deleting what Charles calls the horse pasture is a wise thing to do because presently you have the Mullan road which is a boundary and if you start cutting in and chiseling off parts of this which is on the north side of the road, you're going to have problems with where the boundary lines are for trucks responding to fire. This way they think they can control it.

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They have heavy equipment and just a feeling that when you up your taxes as much as this is going to up his son's, he thinks you should take a very good look at it. Things are not all that bright in agriculture today that they can step in and utilize 3,000 or 4,000 acres of our land to pay taxes on property that we shouldn't have it.

Barbara Evans asked Por if he was saying that he doesn't want the Commissioners to delete the land or that he does want the land deleted. Por responded that he does want it deleted.

Chairman Palmer asked Bruce Suenram for more comments.

Bruce Suenram spoke regarding the Donovan-Clinton annexation and said that there should be another hearing held as they are not prepared to take a position on that particular annexation. He said that it's up to the Board of County Commissioners to decide if they can more adequately handle it.

Chairman Palmer then closed the hearing.

Mike Sehestedt commented that this fire annexation petition should be broken up into three groups: Group 1, everything excluding item #3 on the list which is Donovan Creek and item #8, which is Pattee Canyon and should be a separate group. Group 2 should be the main group (and there are 6 of them listed) and he felt the Board should hold the hearing unless protests are presented at the hearing by the owners representing 50% or more of the area of privately owned lands included with the original district constituting a majority of tax-paying freeholders in the district, they would have to approve the annexation. He stated that the Board doesn't have a lot to determine with regard to the others. Regarding Donovan Creek, that involves a detraction. Under the statute, a withdrawal through annexation shall be allowed only upon showing more advantageous proximity and communications with the fire fighting facilities in a district. So, if the Board is going to grant that, you have to find: 1) that there are not sufficient protests to cede it (obviously there hasn't been in terms of gross numbers; 2) you have to find that the area being detracted from one district and added to another is more advantageous proximity and communications with the fire fighting facilities in a district. On Pattee Canyon, you need to make a separate determination whether with your consideration the properties are adjacent or not.

Barbara Evans asked Mike Sehestedt if regarding Mr. Deschamps land there is any problem with deleting his land in that it all is on the opposite side of the ditch which would give a legal boundary whereby they can delete that property. Mike explained how this would relate to what he just read and how they could go about granting this. Barbara asked if regarding the Pattee Canyon area how they legally can include it into the Missoula Rural Fire District. Mike stated that his objection was that if Fire District One is to serve these people by stretching the term "adjacent" we may be stretching the law for the convenience of the fire district. The other part is that it appears to him that by fostering the pattern of annexation, the Missoula Rural Fire District is fostering patchwork fire protection. Basically setting up a situation where the next fire up there is going to be another property owners surprise just like Mr. Eichwald's was. However, he doesn't know whether it is worth it to inconvenience these people when they try to get the fire district to do something and the district agrees. Another suggestion of how to serve these people is by a clear legal contract. Barbara asked if they can not use the rationale that Missoula Rural Fire District has contracts with the Forest Service for the land which is adjacent to these peoples homes. Bruce Suenram said that they have a mutual aid agreement. Barbara asked if by having a mutual aid agreement with an area wouldn't be the same as adjacent to an area covered. Mike pointed out that that could include Seeley Lake. He suggested that they just say given the property and transportation that we hereby determine that this is sufficiently adjacent.

Bruce Suenram gave examples of other parcels that have been included that he felt that had established adjacent to anything within 5 miles.

Barbara Evans made a motion that they annex the parcels listed with the deletion of the piece of property east and north of grass valley ditch owned by Mr. Charles Deschamps.

Ann Mary Dussault interjected moving the section line to the legal boundary of the ditch so that the ditch becomes the eastern boundary of the annexed area (Mike Sehestedt to verify description). Ann Mary Dussault seconded the motion. Motion carried 3-0.

Barbara Evans moved that they delete portion #3 from this and follow the procedure that Michael Sehestedt defined as needing to be followed in regard to deleting anything from a fire district. Barbara Evans changed the motion to accepting numbers 2 (A portion of Sec. 5 T11N R20W North of Lolo Creek; Sec. 32 and 33 T12N R20W south of Highway 12 and north of Lolo Creek), 4 (Klapwyck Addition, Lots 2-5 and 8); 5 (Meriwether Subdivision, Lots 14-22 and Meriwether Park); 6 (Sunny Acre Homesites, Lots 5-11; and 7 (Siesta Acres No. 2, Lots 204, 9013 and 17); that they do grant annexation to the fire district in that there have been no protests. Ann Mary Dussault seconded. The motion carried 3-0.

During discussion on how to proceed with the annexation of the Clinton/Donovan Creek Acres, it was discovered that the individual freeholders within the Clinton Fire District did not receive notice. At that point it was discussed that the petition to annex the area in question be dropped until notice could be given.

Ann Mary Dussault moved that appropriate notice be sent to members of the Clinton Rural Fire District and that within the legal guide lines that we continue this hearing in three weeks from today. Barbara Evans seconded. Motion carried 3-0. There was further discussion to determine that appropriate notice included posting notice in three public places within the area in question as well as mailing notice.
Recess

PUBLIC MEETING, JULY 26, 1983, CONTINUED

Annual Review of Section 603 of Zoning Resolution - Reserve Street Development Standards

Chairman Palmer stated that basically the purpose of this hearing was to give folks time to come back with specific things that they would like to see changed in the development standards.

Neil Halprin spoke "wearing two different hats". He stated that he has been representing the Reserve Street Property owners in a suit in special district No. 2, and also sits on the Board of Zoning Adjustment, so he has some very different perspectives on this particular issue. He mentioned that the first thing that concerns him is relating to the "Little" decision. The reason he is concerned is that as far as he can tell, the comprehensive plan and the standards set up for special district No. 2 are still at odds. He suspects that any standards at all which permit commercial or anything but what the comprehensive plan suggests would be appropriate for the Reserve Street Corridor. It could conceivably be a court action. He pointed out that the odds of this ever becoming commercial is less feasible because the State Highway Dept. opened up the bridge on Reserve Street and has allowed truck traffic on it. This has effectively altered the residential character of the neighborhood. Mr. Halprin believes that the corridor is still changing and becoming less and less residential and that eventually the Board of County Commissioners will have to deal more directly with it. He stated that secondly, speaking about developmental standards in the reserve street corridor are that they seem to create different rights for different parcels of land and they put the county in a somewhat treacherous position as that of upholding the State Highway Department's interests. Right now, the corridor may be expanded by 75' on the west side because the St. Highway Dept. is considering expanding reserve st. The problem is that the St. Highway Dept. has put everyone on notice that it might come in at any time but in effect, they have already confiscated that 75' courtesy of the county in effect trying to protect people by insuring that they won't build too much in an area that in a moment may disappear from their property. Inverse condemnation could be the only course for a lot of those west side Reserve St. property holders. If the State Highway Dept., is going to confiscate that property through eminent domain, the St. Highway Dept. will have to pay for it. If they don't buy that 75' strip and property holders on the west side of the street are in effect forced to receive relief from the county because after all they haven't said for sure that they have any plans for the setback, the county is going to end up paying for it. The county's going to end up acquiring more land that it probably doesn't particularly need and it's going to end up taking more land off the tax roles which given the present fiscal condition of the city and county is also probably not something that the county needs.

Mr. Halprin pointed out that the third thing questioned about development standards relates to, for example, the absolute standards. In effect these create distinction between the rights of the property owners in corner lots or in the middle of the block on Reserve. Apart from any constitutional problems this might create in terms of equal protection of the law, he would suspect that these standards are going to create overflow traffic off Reserve St. into the areas of the Reserve St. corridor which are still residential. If this Reserve St. area truly became commercial, it might possibly protect the residential character of the homes and property behind the main part of the Reserve St. area. If the absolute standards called for access on the side streets rather than onto Reserve St itself were upheld by the commission today, he feels that we would be guaranteed the destruction of the residential character of the entire neighborhood, rather than just the neighborhood that fronts on Reserve St. He stated that the fourth problem that he has is that the character of this one little district is not substantially different even now from the character of parcels of land to the north and the south of it. If you can send truck and other commercial traffic down the street and have no intention of doing anything about that, sooner or later that area is not going to be any different than the area further south or further north to I-90. Opening up that bridge and opening up to commercial traffic has made that entire area unlivable. There have already been so many cut-ins to that special district No. 2 that it already looks like a judicial gerrymandered legislative district. A lot of people in the area are finding that they can't sell their property either for commercial or for residential or for any other purpose because no one really knows what to make of the standards yet. Finally, he stated that he'd like to note that hopefully this whole plan was taken off the Wickersham Plan which was developed to deal with rapid growth in Colorado. Mr. Halprin went on to discuss the plan as developed for Breckenridge, Colorado, and show how it might relate to Missoula. His suggestion is that the development pressure on Reserve St. because it isn't nearly as intense as that of Breckenridge has led to a different result with respect to special district No. 2. In fact, no commercial interest has been shown in the area, people can't sell it for commercial, they can't effectively develop it for commercial. He referred to the Mitchell's who tried to develop a motel and the effort failed.

Mr. Halprin feels that the area can be developed in a couple of different ways. 1) to keep the area truly residential - no truck traffic, no commercial traffic that you will have to do something about. 2) to recognize the commercial character of the district which has been created against most of the residents will over the last few years by the opening of that bridge to truck traffic and other commercial traffic. And to do that, you're going to have to give these people an authentic way to get out. They're not going to be able to sell their homes residential and unless you give them some way so that commercial development knows what is going on, then they're not going to be able to sell commercially either. These people are going to be stuck in a bind and ultimately the county is going to be facing legal action on inverse condemnation for almost all the property that can be dealt with. He doesn't feel that this is in the county's interest and fears that the day will come when as a member of the Board of Zoning Adjustment he will be asked to approve some commercial plan in that area in the present form and it will be a difficult task.

Jim Jewell, a resident on Reserve St., reiterated what Mr. Halprin said. He stated that the Reserve St. property owners association and the landholders are against the point system and they would like to be placed on record again here for this hearing as being against this.

Gene Simpson, real estate broker, has worked quite extensively with the Reserve St. corridor for the exception of the special district. He also has land listed in that area, and has worked with the property owners and has had difficulties due to one exception after another. One being the Highway Dept. buying one piece of property being considered

PUBLIC MEETING, JULY 27, 1983, CONTINUED

as superfunding beings it created \$½ million to purchase this property. He stated that they began in September of 1982 working with the rezoning process. Within that meeting, they did wonder why they were there in the first place, but by the time they got through the process they found out that there were twelve reasons why they shouldn't rezone this property back to CRR3 which had a very adjacent possibility as far as in particular the McClay property on the corner of south and reserve as well as Rosauer's which were both zoned in the same respect. Mr. Simpson listed the various problems which arose within the zoning process. One problem being that after going through the whole process, the potential developers can't live with the 75' setback. Another problem was the sign ordinance and the permit process. They have found through going through this process that the absolute standards must be met before they will accept your application. There are conflicting regulations within the permit system, they bounce back and forth between the absolute standards and the relative standards, that in his opinion are unreasonable and cost his client substantial amounts of money in which to comply with simply to get a sign put back on the property. He thinks it is restrictive. Mr. Simpson stated that it's practically impossible to convince a client to spend large amounts of dollars to go through such a lengthy and expensive zoning process when they could actively pursue developing other areas within the Missoula area. He suggested that the Board of County Commissioners determine some flexibility in absolute standards with different types of property on that street. He stated that between the Reserve St. area plan and all of the underlying designations of density on that particular plan and then you bring in the permit system basically as a point system and that it has the relative standards and the absolute standards in it and also most properties if they were going to attempt to redevelop on Reserve St., they have the right through protest to go to the city through application to get the contract sewer on that street without annexation. In that respect, he said that again then brings in the city redistricting process back into the project on that particular corridor. So you have a various amount of review processes that's going to absolutely guarantee that nobody is going to get hurt during that process, however it does create a substantial amount of restriction for developers to look at that property and conceivably think that he is going to do anything with it within a short period of time. Takes approximately 6 months of time going through processes. One client was simply not aware of the process of protesting out of the zone and was not encouraged by the planning department or even given the indication that he could protest out of that zone. No effort was made to instruct him that he had an option. He passed the protest period and then he fought the system from that time on. The next big problem Mr. Simpson has is the question "Do you have a specific use for the property". When we don't have a specific use for the property and simply want it rezoned for the purpose of letting a developer look at the property and have a little flexibility in which to look at the property. We need that option to encourage the developer to look at the property. The traffic impact is certainly there. Many of the residents have indicated to him that the major reasons they want off the street is that they have to keep their windows closed, they are choked to death by exhaust fumes, and they have to get out. The zoning is too restrictive and they have a terrible time selling.

Commissioner Palmer closed the hearing on Reserve St. as there were no more speakers. He also stated that the Board of County Commissioners is not obliged to do anything at this time. He stated that what is needed is to review the standards and then direct the staff as to any kinds of changes that we wish to make in this matter.

Ann Mary Dussault stated that she would like to meet with a group of realtors to further discuss their concerns.

Barbara Evans stated that they've been hearing these problems for the last couple of years. It has been a very long, painful process and she hopes that the people recognize that it certainly hasn't been easy on the Board either. She stated that she would have no problem of giving them standard zoning if the folks out there could get together and come to an agreement with what they want, but when the Board originally decided to give folks this type of program versus the standard type of zoning, the reason for that was that they had many factions of people and no faction could agree with another faction. The folks that live behind the Reserve St. did not want the Board to make it commercial because they would be fronting on commercial. The folks on Reserve St. wanted commercial for obvious reasons. There was no way to satisfy everyone. What the Board came up with they felt was a compromise which was hopefully designed to help folks to be able to sell their property, use it etc. She stated that apparently that didn't satisfy the folks. Her feeling is that if you can come to the Board with a proposal that the majority of people out there are willing to accept and assuming its legal to make that change, she has no problem with personally looking at it. She thinks its very counterproductive for the Board to sit there and listen to gripes about it when the whole purpose was to come up with proposals to make changes in the standards to give you what you want. We've received very little of that - some but very little. She asked that the folks please come to the Board with a list of changes and requirements they wish. Her feeling is that she's willing to listen, but doesn't want to be put back into the position of having neighbor pitted against neighbor and expect the Board to come up with Solomon's wisdom which isn't going to satisfy them anyway. Bob Palmer stated that if there are any specific recommendations, the Board is willing to listen as this is going to be a continuing process.

Neil Halprin stated that he appreciates all the efforts that have been made by the Board and their continuing efforts. He suggested commercial zoning for the strip but with requirements as follows: 1) Set up standards to require everything to front on Reserve St. so that nothing is going up on the side streets at all. Right now relative standards are forcing traffic to go onto the side streets. 2) Set it up so that the area directly abutting Reserve St. that behind the property there would have to be very substantial buffering requirements or landscaping requirements or what have you which create in effect a real barrier between the area that you are planning to convert to commercial use and the area that you are planning to leave residential. He thinks that previously the real conflict that the Board says is between neighbor and neighbor has been between those people right on the Reserve St. corridor and the people right behind the Reserve St. corridor. Its entirely true that if you just convert the front section to straight commercial zoning without doing anything about the impact on the surrounding people then you're going to have a real continuing problem. He suggested that the Board try to come up with some way to force all the traffic onto Reserve St. itself as much as possible. Barbara interjected that she doesn't think that the Board has a legal right to force

people to front on Reserve St. She thinks the State has to give approval for every access to Reserve St.
Bob Palmer asked if Neil would please submit the specifics in writing. He stated that they won't be able to deal with it for a couple of weeks anyway.

Chairman Palmer called upon Mark Hubbell.

Mark Hubbell, Planning Dept., asked Gene Simpson some questions about the setback problem. He pointed out that the setback requirement can be modified asking what would be the setback that he would recommend. Gene asked for a 25' setback and stated that he thought it was reasonable for commercial property. With a 75' setback he feels that they are forcing the commercial back more into the residential district which seems to be another conflicting problem with these standards.

Chairman Palmer then adjourned the Reserve St. hearing.

RESOLUTION NO. 83-77

Request to the Missoula City Council to amend its ordinance forbidding the discharge of firearms contrary to public safety as follows:

Whereas, the Missoula Board of County Commissioners has received complaints from residents in the vicinity of Mt. Jumbo and Hellgate Canyon that firearms are being discharged contrary to the health and safety of residents of Missoula County; and whereas, these areas are outside the city limits of the City of Missoula; and whereas, the council of the City of Missoula is considering an ordinance to extend the City's restrictions on the discharge of firearms to portions of the County outside the City limits, but within five miles of the City limits; and whereas, residents of the County have requested that the Board of County Commissioners in turn request that the City Council include the Hellgate Canyon area and the vicinity of Mt. Jumbo as areas to be included in the City Council's extension of its ordinance forbidding the discharge of firearms; now, therefore, be it resolved, that the Missoula Board of County Commissioners hereby requests that the Missoula City council amend its ordinance forbidding the discharge of firearms contrary to public safety to include: (1) portions of Mt. Jumbo lying within one mile of the incorporated city limits of Missoula (Map 1) and (2) portions of Hellgate Canyon within 500 yards of the incorporated city limits of Missoula (Map 2).

Chairman Palmer asked Howard Schwartz to speak regarding the proposed resolution.

Howard Schwartz stated that the boundaries have been reviewed by the Sheriff and he is in concurrence with it. He stated that the City Council understands it and will review it next Monday night and are prepared to act next Monday night.

Barbara Evans moved that the Board of County Commissioners officially request the City Council to extend their jurisdiction as to the discharging of firearms in the designated area of Mt. Jumbo and a sliver of Hellgate Canyon. Ann Mary Dussault seconded.
Motion carried 3-0.

There being no further business, the Public Meeting recessed at 3:45 p.m.

July 28, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer left for Lewistown in the forenoon where he will attend a MACo Executive Board meeting on the 29th of July.

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List dated July 27, 1983, pages 1-28, with a grand total of \$214,504.87. The Audit List was returned to the Accounting Department.

RESOLUTION NO. 83-76

The Board of County Commissioners signed Resolution No. 83-76, a resolution creating RSID No. 400 for the purpose of street improvements on St. Michaels and St. Francis Drives in Massey McCullough Acres, Missoula, Montana. Acting Chairman Dussault signed the Notice of Sale of bonds for RSID No. 400, setting the date for August 31, 1983, at 1:30 p.m.

DAILY ADMINISTRATIVE MEETING

At a brief daily administrative meeting held in the forenoon, the request from the Lolo Mosquito Board regarding personnel was approved by the Commissioners.

The Minutes for the daily administrative meeting are on file in the Commissioners' office.

WELFARE BOARD MEETING

The Board of County Commissioners met in regular session as the Missoula County Welfare Board and disposal of 181 cases which were presented for consideration by the Missoula County Welfare Department.

July 29, 1983

The Board of County Commissioners did not meet in regular session; Commissioner Palmer was in Lewistown attending a MACo Executive Board Meeting, and Commissioners Evans and Dussault were out of the office all day.

Fern Hart
 Fern Hart, Clerk & Recorder

Bob Palmer
 Bob Palmer, Chairman

* * * * *

August 1, 1983

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 day and Commissioner Palmer 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 AND ASSURANCE FORM

Chairman Palmer signed the contracts for funding assistance from the Montana Historical Society for the comprehensive historic and architectural survey prospect of the Ft. Missoula Museum. The "Assurance of Compliance with Title VI of the Civil Rights Act of 1964" form was also completed and signed. Both copies of the contract and the assurance form were returned to the Montana Historical Society office in Helena for further handling as per the letter received from them.

PROPERTY TRANSFER LETTER

Chairman Palmer signed a letter to James W. Corn, finally transferring the following properties currently owned by the respective parties - Missoula County and James W. Corn. The specifics of the transfer, which was previously approved in the Daily Administrative Meeting of May 3, 1983, are as follows:

Missoula County agrees to transfer to James W. Corn the existing improvements and antenna structure located on Mt. Sentinel in return for James W. Corn's delivery to Missoula County one new UNR ROHN "SSV-60" antenna structure.

The letter was forwarded to General Services for further handling.

Also considered was the following matter:

A discussion was held on the Community Development Block Grant status. The Housing Authority and the City and the County are all looking for clarification, and the consensus was that the State Attorney General's opinion is "too sweeping."

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

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August 2, 1983

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

MEETING

Commissioner Dussault attended a meeting of the Youth Justice Council in the afternoon.

* * * * *

August 3, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon and 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:

RESOLUTION NO. 83-78

The Board of County Commissioners signed Resolution No. 83-78, a resolution of intent to rezone a parcel of land described as:

Lots 46, 47 and 48, Block 51, Carline Addition 3, Section 32, Township 13 North, Range 19 West, from "C-R2 Residential" to "C-R2 Residential with a Mobile Home Overlay."

RESOLUTION NO. 83-79

The Board of County Commissioners signed Resolution No. 83-79, a resolution resolving that it is Missoula County's intent to sell to Flathead County one (1) 1969 Mobile Sweeper, Serial Number 410594 for \$4,000 thirty (30) days from the date of this resolution, and ordering that publication of this resolution be made for the statutory time period.

APPROVAL OF SIGN

The Board of County Commissioners approved and signed a request from the Lolo Sewer and Water District to post "No Trespassing" signs around the Missoula County RSID 901 water storage tanks for the protection and safety of the citizens of the County. The request was returned to Dave Haverfield, Manager of RSID 901.

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

PUBLIC MEETING

Chairman Palmer called the meeting to order at 1:30 p.m. All three Commissioners were present.

There were no agenda items scheduled for this date. Chairman Palmer called for any items under Other Business and any Public Comment. There was none.

The meeting was adjourned.

FISCAL YEAR '84 FINAL BUDGET HEARING

All members of the Board of County Commissioners were present as were Fern Hart, Clerk & Recorder, John DeVore, Operations Officer and Gordon Morris, Administrative Officer.

The meeting was called to order at 2:00 p.m. by Chairman Bob Palmer.

Commissioner Palmer announced that this was the first of scheduled hearings with another hearing set for 7:30 p.m. in the Library Meeting Room, Thursday August 4th, and the meetings would continue Friday beginning at 1:30 p.m. and continue as necessary.

Commissioner Palmer opened the meeting for comments from members of the audience based on the materials that were made available which included the general revenue sharing summary report, the budget summary and detail of mills for each of the various funds, and a breakdown and comparison of the FY '83 and FY '84 general fund budget requests.

- Susan Tallbull, Acting Director of Qua Qui spoke in behalf of the request submitted by Qua Qui and stated that the Indian community is grateful for the funding considerations made by the Board but that the proposed reduction of \$2,000 would pose a hardship on the Indian community and therefore requested the Board to reinstate the original amount.
 - Eva Brown, President of the Senior Citizens Center spoke in behalf of the seniors and funding for the Senior Center through the Aging Fund. She stated that the Center is an excellent facility and that in order to continue to serve the needs for seniors in the area funding was essential.
 - H. C. Davis, Past-President of the Senior Center, indicated that the County contributions are the core of the senior's budget and, while they have other additional sources of revenue, County help is both appreciated and makes up a sizable portion of their budget.
 - An unidentified woman spoke in behalf of the Senior Citizens Center indicating that the members are taxpayers, represent primarily middle-class residents of the County and have a need for this facility.
 - Amy Walch, a twelve-year volunteer at the Senior Center said that it is a wonderful center, perhaps the best in Montana, and wanted the Commissioners to know she supported the funding request for the center itself.
 - Delaine Nagel, Vice-President of the Qua Qui, requested reinstatement of the \$2,000 that had been cut back in their initial request for \$15,000 of County funding; that this reduction would impact the development of programs by the Qua Qui association and perhaps even limit existing programs.
 - Bob Watt spoke in behalf of the Senior Citizen Center stating that he is in support of the Center and that he supports the Commissioner's efforts to fund the Center.
 - Vi Campbell, a current officer of the Center, said the Senior Center gives service to the entire community and that their funding request is minimal and necessary.
 - Bob Demin, a resident of the Nine Mile area, speaking in behalf of the Nine Mile Community Association, thanked the Board for the tentative allocation for road work in the Nine Mile area. He further indicated that the County might consider saving some money by cutting the mowing program out of the County budget.
 - Peggy Rowe spoke in behalf of funding for the museum saying that there was community support for funding as presented.
 - Nancy Dusmore of Qua Qui spoke for the reinstatement of \$2,000 which had been cut from their initial request.
 - Lillian Hornick spoke in behalf of support for the Senior Center saying the seniors felt wounded and hurt by some of the activities going on within the Area Agency on Aging. She felt the center is a good one and does provide a useful function and should be funded.
- At this point Commissioner Palmer presented a breakdown on the funding consideration to date for the Area Agency, outlining the fact that RSVP, Seniors and the Aging requests were all included within the levy as displayed on the summary sheet and that the tentative distribution of moneys had been presented by the Area Agency in their budget.
- An unidentified member of the audience spoke on the payment of taxes and asked what the collection rate should be, what the collection rate was, and what efforts were being made to collect delinquent taxes.
 - Fern Hart, Clerk & Recorder, indicated that the County is currently making all possible efforts to collect the taxes but she did not know what the current delinquency rate was and that the information was not available.
 - Mary Jane Morin, an outreach nurse for Qua Qui, indicated that it is frustrating to work in programs delivering services to clients when funds are being cut at the same time. She stated that the Program Planner is needed to broaden Qua Qui's overall program offerings and asked the Board to please reconsider the funding to the full level as requested by Qua Qui.
 - John Wicks spoke in favor of Planning and the planning mill levy. He indicated that:
 - 1) Planning makes the community a better place to live, it serves to help avoid problems down the road, and that planning ahead is an investment in the future.
 - 2) Planning is a really good buy insofar as it promotes efficiency, growth and development, as well as efficiency and development of a community-wide capital improvement program, and serves to provide data in a wide array of other community programs.
 - 3) The process of planning, i.e., the Comprehensive Plan, allows a means for the whole community to shape its future - to promote those efficiencies and thereby avoid problems.
 - Deborah Thomas spoke in behalf of her gratitude to the Board for including Women's Place within the budget for funding out of the CBO Trust.
 - Don Waldron spoke against any further cuts in the Sheriff's Department. He said the Sheriff's Department serves the schools in the area and that the service is both appreciated and necessary. In addition, he questioned the loss of revenues which are currently being experienced by both schools and County as well as other taxing jurisdictions within the area. He identified the loss as associated with business inventory, the 34% rollback and the Milwaukee bankruptcy, and asked if there were other considerations as to explaining the overall loss of income.

August 3, 1983, Budget Hearing Cont.

- Fern Hart, Clerk & Recorder, stated she did not know how to measure the total loss to Missoula County but that it came as a consequence of all of the considerations that Mr. Waldron had identified; in particular she noted the 34% rollback and the settlement at the 12% reduction for all commercial properties and stated this had impacted the taxable value within the County. In addition, she cited the Milwaukee bankruptcy and the resulting settlement of the delinquent taxes at a discounted rate for the years 1981, 1982 and 1983 as having an impact in terms of overall reduction on the tax base and that the settlement itself was minimal in comparison to the total tax bill owed by the Milwaukee Railroad. Further, the railroads have received readjustments for taxes at a lower rate which has had an impact, and it is to be noted that the airlines have also initiated a similar action. The result is the overall taxable value is being affected by all of these things as well as considerations which might be given to the tax increment district which is further pulling down taxable value.

- Don Waldron indicated that the overall impact to the schools, by his own assessment, was approximately \$800,000 (to his school) in his particular district.

- Rosemary Peltier spoke in behalf of Qua Qui. She stated that she was in the Elderly Nutritionists Program at Qua Qui and that the organization needs full funding considerations by the Board.

The public comment ended at this point with no further comments being made by members of the audience.

Commissioner Palmer moved to adjourn the meeting and announced that the hearing would continue at the Library Conference Room at 7:30 p.m. on Thursday, August 3rd.

* * * * *

August 4, 1983

The Board of County Commissioners met in regular session in the afternoon with a quorum of the Board present. Commissioner Palmer attended the Human Resources Council Regional Meeting in Butte during the day, and Commissioner Evans was out of the office until noon.

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List, dated August 3, 1983, pages 1-26, with a grand total of \$134,424.78. The Audit List was returned to the Accounting Department.

FISCAL YEAR '84 FINAL BUDGET HEARING

All members of the Board of County Commissioners were present, as were Fern Hart, Clerk & Recorder, John DeVore, Operations Officer, Gordon Morris, Administrative Officer, and Howard Schwartz, Executive Officer.

The meeting was called to order at 7:30 p.m. by Chairman Bob Palmer.

Speaking in regard to the FY '84 Budget were:

- Mike Hardy, living at 1500 McDonald, spoke in behalf of the Museum allocation - in particular the Historical Museum. He indicated that members of the Friends of the Museum and other organizations within the Western Montana Ghost Town Preservation Society worked and cooperated with the Museum's effort to build it and make it a worthwhile community project. There are many people involved with the Museum and he wanted to express appreciation to the Board for funds for the Museum for the coming fiscal year.

- Patty Wise spoke in support of the Museum budget.

- An unidentified woman in the audience agreed with the previous speakers in regards to the Museum and encouraged the Board to continue financial support for both the Art Museum and the Historical Museum.

- Marge Madson, who has been involved with the Museum and is a local area businesswoman who understands the problems of running the Museum, thanked the Board for their continued funding of the Museum.

- John Washburn spoke against any tax increases and indicated that he knows a group of business people in Missoula who are in support of license fees for poker machines which would generate about \$100,000 in additional revenue to the County. In addition, he cited the fact that the Commissioners ought to consider cutting off travel outside of the County except for the Sheriff's Department. He reported from a news story in the U. S. News and World Report entitled "Cutting the Budget" and a letter in response to the article wherein a gentleman cited the fact that "elected officials don't have the guts to do the right thing." Mr. Washburn stated that he agrees with the assessment. Additionally, he added that a recent article in The Missoulian having to do with planning indicated that there is a \$700,000 budget of which most is made up in salary and fringe, and represents a pretty good salary for the proposed 17 people in the Planning Department. He also stated that the Planning Department is one area where the Board could cut a great deal. He further stated that there is no such thing as non-tax revenue and where do people think the money is coming from. He said the Commissioners still have cars and if they wanted to they could cut them from the budget.

Commissioner Barbara Evans responded that after five years of Mr. Washburn's attendance at budget hearings she wanted to know if he had yet read the budget insofar as he had not at any of the previous budget hearings indicated that he had done so. She added that the law allows for mileage and transportation for the Commissioners and that Commissioners should not be singled out for having vehicles when there are many other County employees and many other public employees who also have vehicles.

Mr. Washburn responded that the Board should tell the rest of the people to pay their own way back and forth from work.

Commissioner Evans then asked Mr. Washburn about his attendance at union meetings and whether or not he'd ever traveled in a car provided by Champion. He responded "no, he had always paid his own way."

- Lois Double Lamb spoke in behalf of the Battered Women's Shelter request for \$8,000. She indicated that SRS has cut their allocation from \$12,000 to \$7,000 for the next fiscal year, making an even more pressing need for the money from Missoula County. Their \$8,500 request is actually only 22% of their entire budget. She then submitted a brochure prepared with the cooperation of the Sheriff's Department for review by the Board which outlined the services provided by the Battered Women's Shelter. She closed her comments by stating that people using the shelter receive a variety of services and as a result of these services those people are put back on their feet and given a direction in terms of what to do next.

- Susan Tall Bull, Acting Program Planner for the Qua Qui Corporation and a three-year employee with Qua Qui, spoke in regard to the services which the organization provides and indicated that their original

August 4, 1983, Final Budget Hearing Cont.

request of \$15,000 was in itself barely adequate and asked that the Board reconsider their \$2,000 reduction in that request.

- Abe Abramson spoke as a trustee of the library to thank the Board for their show of support, in particular for their matching funds for the roofwork to be done this coming fiscal year. Abe indicated that the library was asking for the same formula of funding this year as they will next year, with the City to allocate \$50,000. This amount is rapidly disappearing and the aldermen appear to be changing their positions on the matter so as to further confuse the Library Board insofar as their budget at this point is based on getting the funding from the City.

Chairman Bob Palmer indicated that there is a coming election and the Library Board and Friends of the Library ought to look towards determining who their friends are for purposes of the election.

Commissioner Barbara Evans stated that when the Library Board does find out that it is not going to get a dime from the City they must make certain not to cut the County Bookmobile Program.

Mr. Abramson stated that any cut would come by way of reductions in personnel, particularly three clerical positions, and that the library hours would be reduced from 53 to 42 a week.

Commissioner Evans stated that regardless of what cuts were made the library was advised not to cut services - especially to the County.

Chairman Palmer echoed Commissioner Evans' comments and indicated that the library is already receiving approximately 3½ mills plus \$45,000 for the roof renovation, and the County is a good-faith member, participating in the Interlocal Agreement with the library and the City.

- Bill Snyder stated that receiving no money from the City would create a \$58,000 deficit and that would have to be made up out of salaries and the book budget, as they were the only two areas available for making cuts. The three clerical positions would yield approximately \$42,000 and would end up further reducing the hours of service provided by the library. It was pointed out that they were looking to continue to meet with the City in an effort to secure funding and that Alderman Leon Stalcup has been particularly recalcitrant. There appear to be three members who are prepared to support the library's request.

Commissioner Ann Mary Dussault stated that the County will not bail the City out of this predicament; that if the City failed to provide funding for the library in the coming fiscal year then the Interlocal Agreement between the City and the County would be considered null and void - it would no longer serve any useful purpose. Mr. Abramson interjected in this discussion the fact that there is so much confusion over the issue of tax equity that no one knows what is going on. Commissioner Dussault stated that the issue of tax equity was garbage and the City was engaging in economic blackmail.

- Garnet Diddy spoke in behalf of the seniors. Representing himself he said the Senior Center is a way in which seniors can maintain themselves and receive help from others; that the previous \$24,000 went towards serving the needs of a wide array of people. He cited the nutrition program as an example. He indicated he'd been involved with the center since 1970 and has donated a great deal of time in helping get the center on its feet. He said he would hate to see the center suffer as a consequence of budgetary restraints imposed this year.

- Jack Potts spoke in behalf of the Senior Center and asked for funding for the center to maintain its good reputation, the activities, and the games for everybody who is currently being served out of the center.

- Evelyn O'Conner, who indicated she had been a 1½-year member of the center, stated she was concerned that nothing showed on the CBO request sheet for the Senior Citizens Center.

Chairman Bob Palmer stated that nothing showed on the request sheet for the Senior Center due to the fact that the center was incorporated into the Aging Fund and that money had been identified in the Area Agency's budget for the Senior Center.

- Mr. O'Conner, speaking in behalf of the Senior Center, indicated he has gotten to know quite a few people down there in the short time he has been involved with their activities, in particular as a member of the dance committee. He said it keeps everybody lively, up and going, and that the activities do help; that it is the only place to dance where a person's not plagued by cigarette smoke and booze.

- Nick Castiglione spoke in behalf of Specialized Transportation, stating that this was a service not only to the handicapped but to seniors and it meant a means for these groups to get around to the stores for shopping. He read an item that had been mailed to him by his grandmother stating that everyone passes through the stages of adolescence, adulthood and then the senior years and we are all of these, not necessarily at one time, in the course of our life.

- Gail Bromenshenk, a trustee of the library, agreed with the comments made by both Abe Abramson and Bill Snyder and indicated that funding for the library was becoming a political football and she was sorry to see this and wanted to thank the Board for their understanding in their commitment to the library operation.

- An unidentified member of the audience, a County resident, spoke in behalf of funding for the library stating that living outside of the City she didn't feel they pay the right amount of taxes; but nevertheless, the library should be set up in the form of a special taxation district. "If we get more for our taxes, we should be willing to pay more. It's ridiculous to think there shouldn't be extra taxes for the library services. She cited the story hour, reference checks, etc., as examples and pointed out that the library is a convenience available only to the people living in the immediate area of the library, i.e., the City and the adjacent County, urban, and suburban areas.

- Nancy Dunsmore spoke in behalf of Qua Qui and thanked the Board for the opportunity for testimony. She indicated that the original grant of \$15,000 had been responded to by the Board with a tentative decision to cut it back to \$13,000, and asked the Board to reconsider.

- Ivy Meadow spoke in behalf of Women's Place and thanked the Board for supporting Women's Place and the services they provide, particularly in the areas of rape, incest and battering, as well as other crises. She indicated that Women's Place helps get many, many women back onto their feet and that continued financial support from the County was needed.

- Ralph Thisted of Nine Mile thanked the Board for consideration in regard to the needs for Nine Mile residents.

Commissioner Barbara Evans indicated to Mr. Thisted that the Board was planning to be in the Nine Mile area for a meeting with the residents to determine their actual needs.

August 4, 1983, Final Budget Hearing Cont.

- Daisy Jacobs spoke in behalf of the Senior Center and indicated she had sent a letter to the Board wherein she had outlined her sentiments.

- Abe Abramson spoke again and indicated he was switching hats and putting on his realtor hat. He stated that the Planning Department's budget was realistic and that as a realtor he has come to find out that projects are better for the participation and expertise of the planners. He said people in Missoula County see more, hear more and do more due to the review given to projects through the planning process. He indicated he was sincere in his statement that every project he's participated in has turned out to be better as a result of planning's involvement.

- Evelyn Foster-Lake spoke in behalf of the Senior Center stating that the center provides opportunities for the seniors to involve themselves in games, cards, pool and other activities, and she wanted to thank the Board for their help to the center.

- Rose Mary Peltier spoke in behalf of Qua Qui and thanked the Board for the money which has been allocated to Qua Qui and stated that the organization does provide services to Native Americans and the elderly and that the money was necessary.

- Carmel Garnet, a new member of the Qua Qui Board, asked the Board of County Commissioners to reconsider the \$2,000 reduction in the Qua Qui request.

- John Law, a member of the Qua Qui Board, also asked the Board of County Commissioners to reconsider funding the original amount as requested.

- Commissioner Evans noted for the record that Mr. Fred Haggar from Nine Mile had stated he was pleased with the magnesium chloride dust control used by the County last year and would again request the Board to do something about the roads in that area.

With no further comments from the audience, Chairman Bob Palmer said the hearings would continue Friday, as necessary, and the Board would sign the resolution Monday afternoon.

At 8:20 p.m. the meeting adjourned.

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August 5, 1983

The Board of County Commissioners met in regular session in the afternoon; all three members were present. Commissioner Palmer attended a Local Government Energy Committee meeting in the forenoon and Commissioners Dussault and Evans were out of the office in the forenoon.

FISCAL YEAR '84 FINAL BUDGET HEARING

All members of the Board of County Commissioners were present, as were Fern Hart, Clerk & Recorder, John DeVore, Operations Officer, Gordon Morris, Administrative Officer, and Howard Schwartz, Executive Officer.

The meeting was called to order at 1:30 p.m. by Chairman Bob Palmer.

Speaking in regard to the FY '84 Budget were:

- Katharine Lott spoke in support of museums.
- Sharon Kettels spoke in favor of Women's Place.
- Flora Widdecombe also spoke in favor of Women's Place.
- Bob Stouffer spoke in support of museums.

With no further comments from the audience, Chairman Bob Palmer recessed at 5:00 p.m.

Fern Hart

Fern Hart, Clerk & Recorder

Bob Palmer

Bob Palmer, Chairman

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August 8, 1983

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

ADOPTION OF FISCAL YEAR '84 BUDGET

The Board of County Commissioners met at 1:30 p.m. to adopt the Fiscal Year '84 Budget; the following people were present: Chairman Bob Palmer and Commissioners Ann Mary Dussault and Barbara Evans, Clerk & Recorder Fern Hart, Operations Officer John DeVore, Executive Officer Howard Schwartz, and Administrative Officer Gordon Morris.

The Budget Resolution for FY '84 was presented by the Board and upon review of the proposed resolution was moved for approval by Commissioner Evans, with attachments A, B, C, and D. This was seconded by Commissioner Ann Mary Dussault and passed unanimously.

Commissioner Palmer read into the record the County policy on terminations for the coming fiscal year, and indicated this policy was to be adopted by the Board in conjunction with the adoption of the budget and would require department heads to leave positions vacant for a period of time sufficient to pay back the costs of termination and sick leave. The policy as read into the record was moved by Commissioner Dussault for adoption, seconded by Commissioner Evans and passed unanimously.

Abe Abraham, who was present in the audience, questioned the Board on the availability of budget information during the budget process itself, and indicated that a question had been raised by library employees about the availability of the library budget information. It was pointed out after discussion that the budget as it was being developed is a public document and is available to the public and is available in the Commissioners' Office for review. In discussion of this matter, it was pointed out that the budget policies manual is being developed and would serve to clarify for the public questions as to the actual County budget process. Clerk & Recorder Fern Hart indicated that questions had been raised on several occasions

August 8, 1983, Adoption of FY '84 Budget Cont.

by members of the public as to the meaning of the various items displayed in the summary sheets. Upon examination, most of those questions could be answered with additional information.

At 2:00 p.m., the budget resolution having been signed and the policy on termination having been approved and likewise signed, the meeting was recessed.

The items signed at the meeting, as mentioned in the above minutes, are as follows:

POLICY STATEMENT NO. 83-D

The Board of County Commissioners signed Policy Statement No. 83-D, a County Policy on termination payment, as per the items listed on the Statement. The regulations will be in effect from August 8, 1983, and remain through the balance of FY '84. The Policy Statement was distributed to all County Departments.

RESOLUTION NO. 83-80

The Board of County Commissioners signed Resolution No. 83-80, a resolution adopting the final budget for FY '84, as set out in attachments A, B, C, and D, and subject to the conditions set forth in the resolution, as detailed below:

MISSOULA COUNTY-WIDE FUNDS	MILLS
General Fund	35.307
Bridge Fund	2.267
Poor Fund	1.595
Fair Fund	.937
Weed Fund	.641
Museum Fund	1.300
Extension Fund	.910
Planning Fund	1.883
District Court Fund	6.000
Mental Health Fund	.347
Aging Fund	.823
Rodent Control	.033
Park/Recreation Fund	1.247
Library Fund	3.231
Revolving	.405
Airport Bond	.381
Courthouse Bond	.025
Library Bond	.579
Judgement Levy	.324
Health Insurance	1.613
Casualty Insurance	.913
Ambulance	.068
Soil Conservation	.378
CBO Trust Fund	0.000
Animal Control	0.000
Child Daycare	.146
Special Transportation	.100
TOTAL COUNTY-WIDE LEVY	61.450
MISSOULA COUNTY ONLY LEVY	
Road Fund	14.964
Health Fund	5.000
TOTAL COUNTY ONLY LEVY	19.960

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August 9, 1983

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. 83-81

The Board of County Commissioners signed Resolution No. 83-81, a resolution creating RSID No. 404 for the purpose of street and drainage improvements on Traynor Drive near Missoula, Montana.

RESOLUTION NO. 83-82

The Board of County Commissioners signed Resolution No. 83-82, a resolution accepting a deed from the McCullough Brothers for a road right-of-way at Miller Creek Road and St. Michael Drive, as the land is needed for RSID No. 400. The resolution and deed were forwarded to the Clerk & Recorder's office.

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts with the following independent contractors:

1. Ellen Leahy, for the purpose of conducting agency interviews, organizing a community symposium, organizing a community task force, and assisting in the design of survey instruments during the period from August 1, 1983, through June 30, 1983, a total of 521 hours, with total payment not to exceed \$4,342.00; and
2. Fred's Towing, for the purpose of removing 13 junk vehicles and other associated scrap metal from the Clark Fork River and its banks and to deposit them as specified in the contract, for the period August 1, 1983, to September 30, 1983, for a total amount not to exceed \$1,900.00.

Both contracts were forwarded to the Health Department for further handling.

August 9, 1983 Cont.

AGREEMENT

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein & Associates for the construction of street improvements on St. Michael and St. Francis Drives under RSID No. 400. The Agreement was returned to General Services for further handling.

CONTRACT

The Board of County Commissioners signed a contract dated July 1, 1983, between Missoula County and Motorola Communications & Electronics, Inc., for the purpose of engineering services and maintenance on the microwave equipment located at Point 6 and Union Peak as per the terms specified in the contract, which will be in effect until June 30, 1984. The contract was returned to General Services for further handling.

Other items considered included the following:

1. Representatives of the Health Department met with the Commissioners and discussed possible City Council action in regard to the Health Department budget and the possibility of having to cut city services;
2. The Commissioners discussed Qua Qui. The matter of duplication of services will be looked into; and
3. Attorney Ron McDonald met with the Commissioners and discussed the Amvets liquor license application. The Board voted unanimously to write to the Department of Revenue, not taking a position, but stating measures to be implemented to protect the neighborhood.

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

* * * * *

August 10, 1983

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

MONTHLY REPORTS

Chairman Palmer examined, approved and ordered filed the monthly reports of Justices of the Peace Janet Stevens and W. P. Monger for collections and distributions for the month ending July 31, 1983.

NOTICE OF BOND SALE

Chairman Palmer signed the Notice of Sale of RSID No. 404 Bonds for the purpose of street and drainage improvements on Trynor Drive in a total amount not to exceed \$21,000.00, setting the sale date as September 14, 1983, at 1:30 p.m.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 83-83

The Board of County Commissioners signed Resolution No. 83-83, a resolution of intent to transfer titles of federal surplus vehicles to the local taxing jurisdiction (as indicated in the resolution) in accordance with MCA 7-8-101(1). A public hearing on this resolution of intent will be held by the Board of County Commissioners on August 31, 1983, at 1:30 p.m.

Other matters considered at the meeting are as follows:

1. Richard Cochran met with the Commissioners regarding the lease provisions for the Missoula Batting Cages and requested that there be no increase in the monthly lease payments. Commissioner Dussault moved that the payments be increased by 5% to \$105.00 per month; Commissioner Evans seconded and the motion passed unanimously; and
2. Myron Boucher, Chairman of the Lolo Water and Sewer Board (RSID 901), met with the Commissioners regarding the board appointments made on July 26, 1983. After some discussion, the Board of County Commissioners agreed to rescind the appointments made on July 26, 1983, and reappoint Aaron Andreason to a three-year term on the Lolo Water and Sewer Board (RSID 901). His term will expire June 30, 1986. The Commissioners then reappointed Ralph Michaelson as the alternate member of the Lolo Water and Sewer Board.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present were Commissioners Ann Mary Dussault and Barbara Evans.

BID AWARD

Under consideration was a bid award for the replacement of the City garage boiler. Information provided by Billie Bartell, Manager of Centralized Services, stated that the following bids were received and opened August 8, 1983:

Ace Plumbing and Heating	I - \$ 24,160.00
Alternative II	- \$ 1,160.00
Sentinel Plumbing & Heating	I - \$ 23,100.00
Alternative II	- \$ 600.00
4G Plumbing & Heating	I - \$ 28,600.00
Alternative II	- \$ 990.00

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid award be postponed, in accordance with staff recommendation. The motion passed by a vote of 3-0.

No reason had been given for the request for postponement. Ann Mary Dussault suggested that staff be requested to give a reason when postponements are requested. The other two Commissioners agreed.

PUBLIC MEETING, AUGUST 10, 1983, CONTINUED

HEARING: REQUEST TO AMEND THE DEDICATED COMMON AREA IN EL MAR ESTATES

Under consideration was a request by the Homeowners Association of El Mar Estates to dispose of three small parcels of common area which they consider to be useless and a nuisance to maintain. Information provided by Planning Technician Ann Englehart stated that it approved by the Commissioners, the Homeowners Association intended to deed the land to the property owners on either side of the common area parcels. The common area for all phases of El-Mar Estates is well in excess of the 1/9 parkland requirement as stated in Missoula County Subdivision Regulations No. 78-68, Section III.A. 13, according to Ms. Englehart, who also stated that the three parcels of common area would reduce the area dedicated by about 0.2 acre.

In her Planning Staff Report and Recommendations, Ann Englehart stated that Arlin Sharbono, President of the Homeowners Association, had indicated that the Homeowners Association considered the three parcels useless to their original purpose. She stated that one parcel, which is located between Lot 1, Block 2 of Phase 2, and Lot 1, Block 7 of Phase 1, dead-ends at the property line. In the master plan, this parcel of common area was not intended to be a connecting pathway. No other parcel of common area is attached to provide a connecting link, she said, and there is a fence at the edge of this parcel. She said that field inspection had revealed that the parcel had not been seeded or maintained, and that it apparently was not used as a common area and never had been. She said that it was the Staff's opinion that this parcel of common area could be disposed of by the Homeowners Association.

The remaining two parcels together form a strip which connects Hummingbird Drive and Mourning Dove Drive, she said, and that a review of the master plan for El-Mar Estates showed that these two parcels were one of two common areas designed to serve as a connection from Phase 3 on the south to the main common area in Phase I on the North. She said that field inspection had revealed that the common area had not been used for some time, and that there were encroachments which allowed for only a small opening in the fence and a narrow, rather undefined pathway from Hummingbird Drive to Mourning Dove Drive. If the request to dispose of the three parcels were approved, the encroachments should be removed, she said.

Ms. Englehart stated that a consideration was that the allowance for and location of common areas in this subdivision were part of an overall development plan to provide access for the residents and to fulfill the parkland requirement of the subdivision regulations. She said that the master plan for development had intended the common areas to channel pedestrian and bicycle traffic to proposed recreational complexes and a school site with minimum crossings of busy streets in the subdivision. She stated that it was stated in the covenants of the Homeowners Association that no nuisance should be allowed upon the common areas or lots nor any use or practice which would be a source of annoyance to residents, or which interferes with the peaceful possession and proper use of the property by the residents. She said that to be consistent with design of the overall development plan and to maintain the connections to common areas for the residents, it was the Staff's opinion that the strip of common area from Hummingbird Drive to the common area on the north side of Mourning Dove Drive be maintained.

Chairman Palmer then opened the hearing to public comment. The following people testified as proponents of disposing of the three parcels as requested:

1. Gordon Tierney, Secretary-Treasurer of the Homeowners Association, stated that the matter had been brought up a couple of times at meetings of the Association, and no objections had been raised. He said that the following reasons for disposing of the parcels had been offered: a) one parcel in particular posed a hazard as kids used it as a bike path, and would zip down the hill onto the street; and b) the cost of maintaining common areas which are steep is high.

In response to questions from Barbara Evans, Mr. Tierney stated that in El-Mar Estates, 100 lots are sold, and 400 aren't sold. He said that Homeowners Association meetings generally have about twenty people in attendance. He said that no letter had been sent out in regard to the request, but that all homeowners are invited to meetings, and the Board had approved the request.

Barbara Evans stated that she agreed it was distressing to have to maintain small common areas, but she felt irritated when homeowners came in with requests to dispose of common areas when they had been put in during the platting process.

Ann Mary Dussault said that she also had reservations in that when the plat had been originally approved, and the open space defined, it had been done in good faith. She said that she did not want to set a precedent of allowing vacations of parcels of common areas because homeowners associations didn't want to maintain them, and stated that a message should go back to the homeowners that this was not to be interpreted as precedent-setting.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the El-Mar Homeowners Association be allowed to transfer to adjacent propertyowners the common area in Phase II, adjacent to Phase I, and the two parcels of common area connecting phases 1 and 3. The motion passed by a vote of 3-0.

Since the Commissioners approved the recommendation of the Planning Staff in regard to transferring to adjacent property owners the common area in Phase 2 adjacent to Phase I, but reversed the Planning Staff recommendation that the two parcels of common area connecting phases 1 and 3 not be transferred to adjacent property owners, thus allowing these two parcels to also be transferred to adjacent property owners, Ann Mary Dussault stated that the message should go back to the homeowners that in overriding the staff recommendation in the second case, the Commissioners were not inclined to eliminate buffer areas between the phases, but had been persuaded by Mr. Tierney's statements about the hazardous situation in regard to children riding bicycles down the hill onto the road.

Since there was no further business, the meeting was recessed at 2:00 p.m.

* * * * *

August 10, 1983 cont.

HEARING

Commissioner Ann Mary Dussault attended the Board of Health Hearings held at the City Council Chambers in the evening.

August 11, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon, and all three members were present in the afternoon. Commissioner Dussault was out of the office until noon. Commissioner Palmer met with the Local Government Energy Committee most of the day and interviewed candidates for the two positions under the DNRC contract with the League of Cities and Towns.

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List dated August 10, 1983, pages 1-30, with a grand total of \$146,655.74. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made for the month ending July 31, 1983.

LUNCHEON MEETING

Commissioner Evans attended the luncheon meeting at noon sponsored by the Federal Reserve Bank at the Village Red Lion Motor Inn.

WELFARE ADVISORY BOARD

The Board of County Commissioners met as the Welfare Advisory Board in the afternoon with Jean Johnston, Welfare Director, for the regular monthly meeting.

MEETING

Commissioner Evans attended a Gambling Commission meeting at City Hall in the afternoon.

August 12, 1983

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

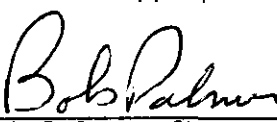
CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Dennis J. O'Donnell, an independent contractor, for the purpose of conducting a transportation cost study as per his proposal (attached to the contract) for the period of August 15, 1983, to November 1, 1983, for a total amount not to exceed \$5,250.00.

RESOLUTION NO. 83-84

The Board of County Commissioners signed Resolution No. 83-84, resolving that Missoula County agrees to continue funding personal care home placements as per the conditions listed, and also resolving that the Board of County Commissioners concurs with the request of the County Welfare Director to the State Social Rehabilitation Services Medicaid Bureau that current residents of personal care homes in Missoula County be screened for eligibility for nursing home care and that those people deemed eligible be promptly placed into appropriate nursing homes. The Board of County Commissioners also requests periodic screening by Social and Rehabilitation Services and continuing review of appropriate placements of all personal care home residents.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman, Board of County Commissioners

August 15, 1983

The Board of County Commissioners did not meet in regular session. Commissioner Evans was out of the office all day, and commissioner Palmer was in Chicago from August 15 through August 18, 1983, for the Bond Closing for the Community Hospital project.

August 16, 1983

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

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 83-85

The Board of County Commissioners signed Resolution No. 83-85, a budget amendment for the City/County Library, because a capital request was incorrectly reported as operations; therefore, the Board of County Commissioners formally adopted the following as part of the FY'84 City/County Library budget:

Capital

25-410-01-00-845-007 Capital Office Equipment \$2,040.00

August 16, 1983 cont.

RESOLUTION NO. 83-86

The Board of County Commissioners signed Resolution No. 83-86, a budget amendment for the City/County Health Department for FY'83, the reason being that the State dollar amount was known after initial budget sheets were submitted; therefore, the Board of County Commissioners formally adopted the following corrections which accurately reflect the dollar amount received as part of the FY'83 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Junk Vehicle Program	
07-611-63-06-171	From 3,108 to \$ 2,387
07-611-63-06-195	22,566 to \$22,766

RESOLUTION NO. 83-87

The Board of County Commissioners signed Resolution No. 83-87, a budget amendment for the City/County Health Department for FY'83, as the original budget reflected a grant proposal sent to the American Lung Association; the application was rejected and sent to the Department of Natural Resources, who accepted the applications with the revisions shown below and which are adopted by the Board of County commissioners as part of the FY'83 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Deletion of personnel budget	
1) 07-611-60-01-001 FT Salaries	From \$23,748 -0-
2) 07-611-60-01-017 Fringe Benefits	\$ 4,512 -0-
Deletion of operations	
1) 07-611-60-01-039	From: -0- \$ 2,100

CONTRACT

The Board of County Commissioners signed a contract dated July 18, 1983, between Missoula County and the Institute for Professional Management-Systems, Inc. for the financial management system as per the covenants set forth in the contract. The contract was returned to John DeVore, Operations Officer, for further handling.

LEASE AGREEMENT

Acting Chairman Evans signed a lease agreement between Missoula County and the Missoula Equestrian Council for a tract of land located in the east half of Section 25, Township 13 North, Range 20 West, Missoula County, Montana, for the purpose of operating and maintaining an Equestrian Park Complex on the property; the lease shall be for a term of three years, and the rent shall be the sum of \$1.00 and other good and valuable consideration as per the terms set forth in the Agreement. The Lease Agreement was returned to John DeVore, Operations Officer, for further handling.

AGREEMENT

The Board of County Commissioners signed an Agreement dated August 3, 1983 between the Missoula City/County Board of Health and Mineral County, whereby the Missoula City/County Health Department will provide a licensed sanitarian to Mineral County as per the terms set forth in the Agreement for the period from July 1, 1983 through June 30, 1984. The Agreement was returned to the Health Department for further handling.

Other items considered at the meeting included:

- 1) The Commissioners discussed and approved continued negotiations regarding a lease request for vacant adjacent property on West Kent from Mr. Jackson; and
- 2) The American Legion Ball Field lease was discussed - a public hearing will be held following a review by the Health Department.

Minutes

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

* * * * *

August 17, 1983

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.

PUBLIC MEETING

The monthly evening public meeting of the Board of County Commissioners was called to order by Acting Chairman Barbara Evans at 7:30 p.m. in the City Council Chambers. Also present was Commissioner Ann Mary Dussault. Chairman Bob Palmer was in Chicago for the Community Hospital Industrial Revenue Bond Closing.

CONSIDERATION OF BROOKSIDE ON THE RATTLESNAKE, PHASE I - FINAL PLAT

Acting Chairman Evans read a letter from R. A. Ainsworth, President of Professional Consultants, Incorporated in regard to the consideration of Brookside on the Rattlesnake, Phase I Final Plat. The letter, dated August 15, 1983, and addressed to Planning Director Kristina Ford, requested a one-month delay in the consideration of the Final Plat of Brookside on the Rattlesnake, Phase I.

The Commissioners agreed to postpone consideration on this matter for one month, in accordance with the request.

CONTINUATION OF HEARING ON ANNEXATION INTO MISSOULA RURAL FIRE DISTRICT (PORTION OF DONOVAN CREEK ACRES-CLINTON) - FROM JULY 27, 1983

Under consideration was the proposed annexation to the Missoula Rural Fire District and detracton from the Clinton Rural Fire District of the property described below:

A portion of Donovan Creek Acres which starts at mile marker 116½ on Interstate 90, thence easterly to mile marker 117½ on Interstate 90 where Donovan Creek runs under the interstate; thence northerly along said creek to Leo Ray Drive; thence westerly to Kendall Creek; thence south down Kendall Creek to the point of beginning.

PUBLIC MEETING, AUGUST 17, 1983, CONTINUED

The Notice of Hearing having been duly published in The Missoulian in accordance with Montana State Statute, mailed to all freeholders of record in the Clinton Rural Fire District as of the last Assessor's list and posted in three places within the boundaries of what is now known as Clinton Rural Fire District and in three places within the boundaries of the proposed area to be detracted from Clinton Rural Fire District, the hearing was continued from the public meeting of July 27, 1983 in order to notify all freeholders within the Clinton Rural Fire District that a petition had been received to detract a parcel of land from the Clinton Rural Fire District and be annexed into the Missoula Rural Fire District.

Acting Chairman Evans opened the hearing to public comment, asking that proponents of the annexation to Missoula Rural Fire District speak first. The following people spoke:

1. Jim Ferrier stated that he was in favor of getting better fire protection than was available through the Clinton Rural Fire District.
2. Glen Smith stated that he was in favor of annexation to Missoula RFD even though the response time would be a few minutes longer.

There were no other proponents. The following people spoke in opposition:

1. Keith Bomstead, Secretary-Treasurer of the Clinton RFD stated that a protest petition with 285 signatures out of 350 cards sent to freeholders by the Clerk and Recorder's Office having been signed. This involved 2,544.31 acres of the fire district and over 50% of the freeholders who did not want to be detracted from the Clinton RFD and annexed into the Missoula RFD. He stated that the Missoula RFD was located so that the response time would be 6 minutes rather than 3.2 minutes for the Clinton facility. In addition, he said, there would be a dispatching problem if the detraction were allowed, and the Clinton Rural Fire District would lose the taxable valuation needed to pay for the new fire station. He said that Clinton has 23 volunteers at the present time, and has mutual aid agreements with the Missoula Rural Fire District. All the districts are members of the Missoula County Fire Protection Association, he said. He said that as a trustee and taxpayer in the district, if he thought the area would be benefited by annexation into the Missoula Rural Fire District, he would be in favor of it, but he felt that the move would not be beneficial. The people at the Clinton RFD are proud of what they had accomplished, he said, and wanted to continue with that.

There was no other opposition.

Barbara Evans asked County Attorney Robert L. "Dusty" Deschamps, who was present at the meeting, if the decision should be postponed, but his opinion was that the Board could not allow the detraction from the Clinton Rural Fire District and annexation into the Missoula Rural Fire District if the petition in protest of the original request contained more than 50% of the signatures of the freeholders of the district, but he recommended the verification of signatures by the Clerk & Recorder's Office.

Deputy Clerk and Recorder, Wendy Ross Cromwell, who was also present at the meeting, stated that it would take her office approximately three weeks to verify all the signatures.

Barbara Evans, therefore, set the determination of this matter for the evening meeting of September 21, 1983.

HEARING: LAKESHORE PROTECTION PERMIT REQUEST - L. W. LINDEMER

Barbara Isdahl, of the Missoula Planning Office, gave the Planning Staff report and recommendations. She said that Mr. Lewis Lindemer had applied for a lakeshore permit to construct a dock at Seeley Lake. She said that he had constructed a dock, Lindy's Landing West, in conjunction with the landing of seaplanes in the southeast bay of Seeley Lake. The floating dock is approximately eight feet in width by eighty-four feet in length, she said, and stated that he intended that it be located approximately twenty-eight feet out from the existing shoreline. A County Attorney's Opinion dated June 21, 1983 stated that the landing of seaplanes on Seeley Lake is not an activity that falls within the scope of the Lakeshore Protection Act, she said, but that this would fall within the jurisdiction of the Department of Commerce of the State of Montana. Therefore, the Staff Report would address only the issue of whether the dock complied with the Montana Lakeshore Protection Act, she said.

She stated that although the Planning Board had recommended approval of the dock itself, it should be noted that there had been concern expressed in regard to a proposed landing area for seaplanes and use of the dock as a seaplane base. Concern had been expressed in regard to noise, reduced property values, and safety hazards, she said, and that existing heavy recreational use in the southeast bay already presented a safety concern, which could be aggravated by seaplanes landing there. She said that a petition signed by lakeshore owners in May, 1983, as well as Memorial Day campers in the area, had been sent to the Montana State Department of Fish, Wildlife and Parks to request that Seeley Lake be "off limits" to seaplanes and amphibious vehicles.

She said that after reviewing all testimony and documentation, the Planning Board had recommended that the Board of County Commissioners approve the Lakeshore Protection Permit for Mr. Lewis Lindemer for a dock at Seeley Lake. The recommendation also was that the Board of County Commissioners make no findings, recommendation or approval in regard to the use of that dock.

Ms. Isdahl stated that State Law, under Section 75-7-201 through 75-7-217, MCA, required that a lakeshore permit be obtained for the construction of a boat dock. She stated that the law required that the regulations should favor issuance of a permit if the proposed work, either during construction or use, would not:

1. Materially diminish water quality

In addressing this requirement, she stated that the dock is constructed basically of untreated cedar for the main dock, and treated pine for bracing and cribs. The flotation is of polyurethane material. The dock will be held in place by 6X6 inch timbers, 20 feet long, with one end of each timber attached to the dock and the opposite attached to the shore.

Ed Zuleger from the County Health Department, had stated in a phone conversation that, based upon his field inspection, there would not be adverse effects from the dock on water quality.

2. Materially diminish habitat for fish or wildlife

In addressing this requirement, she stated that the applicant had said that fish and wildlife habitat would not be diminished. He stated that no dredging, filling or weed treatment activities would be required for construction or use of the dock, and that the Department of Fish, Wildlife & Parks had no comment on this matter.

HEARING: LAKESHORE PERMIT REQUEST - L.W. LINDEMER

3. Interfere with Navigation or Other Lawful Recreation

In addressing this concern, she stated that the dock was in the southeast bay of Seeley Lake, a high-use area for boating, swimming, waterskiing and fishing. According to the County Attorney, the Lakeshore Protection Act regulates projects or alterations of a lakeshore, rather than the type of craft used on the lake with access to end product or work, she said. The dock itself was not expected to interfere with navigation or lawful recreation.

4. Create a Public Nuisance

In addressing this concern, she stated that the applicant had stated that access to the dock would be by foot across private property by individuals with permission, and by canoe, sailboat, motorboat and aircraft from Seeley Lake. She said that, as had been stated by the County Attorney, factors related to the granting of the permit apply to the dock alone, without consideration of the fact that the dock would serve as a loading and unloading point for seaplane passengers. No public nuisance would be expected from the docking facility, she said.

5. Create a Visual Impact Discordant with Natural Scenic Values, as Determined by the Local Governing Body, where such Values Form the Predominant Landscape Elements.

In addressing this requirement, she said that, as had been noted in the field inspection, the dock would be similar to adjacent docks in the area. She said that a letter from Michael Ferguson, Department of Commerce Administrator, Division of Aeronautics, had stated that the dock would be not unlike other boat docks on the lake, and it would not seem necessary to treat it any differently from other docks on Seeley Lake. Therefore, no negative impacts would be expected from the dock on the scenic beauty of the lake, she said.

Ms. Isdahls then stated that the Aeronautics Division of the Montana State Department of Commerce would be the agency responsible for licensing airports and other air navigation facilities as described in MCA 67-3-301.

Ms. Isdahl then referenced a letter dated July 2, 1983, addressed to the Missoula Planning Board, from Mr. Don Larson which had stated that he was unable to testify at the hearing, but that he was a year-round resident of the area and a businessman and former member of Planning Board, and he was in favor of the issuance of the necessary permits for the establishment of the seaplane base because seaplanes on the area lakes would represent a small but significant boost in tourism and recreation development; the use of Seeley Lake by seaplanes is but another of the many uses for this valuable Missoula County recreation resource, which could not rightfully be denied without assessing the legitimacy of other uses such as high-powered speedboats; the use of the lake by seaplanes has not been objectively established as a demnial of the rights of other users, but that statistics seemed to indicate that there are very few instances nationwide of plane--boat or plane--swimmer accidents and both uses could be safely permitted on a small lake such as Seeley Lake; that the issue was highly controversial in Seeley, where a highly-vocal, well-organized minority opposed the seaplane base and a fragmented and apathetic majority supported it. Opponents had made it known to local businesspeople that their businesses would be boycotted if they supported the Lindemers, he said. He stated that the restaurant owned by the Lindemers was a credit to the community and to the County, and that he had little doubt that the dock complex for the seaplanes would be one of the few on that bay which would conform to modern-day environmental standards.

At this point, Barbara Evans opened the hearing to public testimony, asking that proponents of approving the dock speak first. The following spoke:

1. Lewis Lindemer testified on this own behalf, stating that he was a Seeley area businessman and a resident of Montana. He said that he was primarily here to answer questions in regard to the Lakeshore Protection Permit for his dock.

No one came forth to speak in opposition.

Barbara Evans then closed the public comment portion of the hearing.

Ann Mary Dussault asked County Attorney R. L. "Dusty" Deschamps to reconcile the opinion he had issued with MCA 75-7-208, the Lakeshore Protection Act. He stated that the whole tenor of the act had to do with the physical disturbance of the lakeshore or lake bed. He said that he did not see that seaplanes fit within the categories having to do with this. He said that he did not believe that the County Commissioners had the authority to issue a permit for seaplanes, but that the Act was talking about damage to the lake and lakeshore.

Ann Mary Dussault then asked him if it were his opinion that the jurisdiction in regard to seaplanes rested with the Department of Commerce, and he said yes.

Barbara Evans then asked him if it were his opinion that there was a question about whether the County Commissioners had a legal right to rule on the dock itself, and he replied yes because Missoula County does not have regulations in regard to Lakeshore Protection Permits, and it would seem that the first item of business for the local governing body would be to adopt regulations which could be enforced and the second item of business would be to issue permits vis-a-vis the regulations.

Barbara Evans expressed concern that the Board might be acting on a matter where it did not have the legal right to rule one way or the other, and said that the \$10 license fee should be refunded to the Lindemers.

Ann Mary Dussault stated that she disagreed in that each of the applicants understood that Missoula County was in the process of developing regulations.

Ann Mary Dussault moved that Mr. Lindemer's request for a Lakeshore Protection Permit, as set forth above, be approved. The motion was seconded by Barbara Evans, and passed by a vote of 2-0.

Ann Mary Dussault then stated that what she had found extraordinarily frustrating was that no governing body was in a position to assume jurisdiction in this matter. She said that the Lakeshore Protection Act was probably intended to deal with the lakeshore and lake and it appeared that the Commissioners could not deal with the larger issue of ruling on the seaplane question within the context of the Act.

The Lakeshore Protection Permit was therefore granted subject to the five findings of fact as set forth above.

PUBLIC MEETING, AUGUST 17, 1983, CONTINUED

HEARING: REQUEST FOR LAKESHORE PERMIT FOR DOCK AT SEELEY LAKE - DAN LAMBROS

Barbara Isdahl, from the Missoula Planning Office, gave the report and recommendations on this request as well. She stated that Mr. Dan Lambros had requested a permit to install a floating dock adjacent to the property on Lot 20, Block C, T17N, R15, Section 28, on Seeley Lake. The property was located on the west shore of the northern part of the lake, she said, and the dock would be four feet by thirty-two feet. Mr. Lambros planned to construct the dock of a bridge-type truss support and the decking would be permagrid marine plywood. The bridge-type truss support would enable one to have a thirty-two foot dock without any posts for support (rigid support), she said, and the decking of permagrid marine plywood with a high density overlay would make it maintenance free. The porta-dock would roll on wheels, which would permit it to be pushed into the water in the spring and pulled out in the fall. The Department of Fish, Wildlife and Parks and the Soil Conservation Service had replied that they had no comments in regard to water quality and the Health Department had not yet responded, she said.

She stated that the County Regulatory Commissioner on August 2, 1983 had recommended approval of the Lakeshore Protection Permit for Mr. Lambros for a dock at Seeley Lake, based on the following findings of fact:

1. That the Dock will not Materially Diminish Water Quality

The dock will not materially diminish water quality as it is to be constructed of a permagrid marine plywood, a sturdy material which is recognized as a floodproofing measure by the State Flood Bureau and is not expected to diminish water quality.

2. That the Dock will not Materially Diminish the Habitat for Fish or Wildlife

The dock will not materially diminish the habitat for fish or wildlife. The Department of Fish, Wildlife & Parks has stated in a letter that they have no comments on this matter in relation to the proposed dock.

3. That the Dock will no Interfere with Navigation or other Lawful Recreation

The dock will not interfere with navigation or other lawful recreation as the dock itself is small, four feet by thirty-two feet, and is not located in a high-use area of the lake.

4. That the Dock will not Create a Public Nuisance

The dock will not create a public nuisance. This is a private dock located on the western shore of the northern part of Seeley Lake, which is not a high-use area.

5. That the Dock will not Create a Visual Impact Discordant with Natural Scenic Values, as Determined by the Local Governing Body, where such Values form the Predominant Landscape Elements

The dock will not interfere with the scenic beauty of the lake. The proposed construction of the dock meets the Forest Service standards of visual quality of the lakeshore.

At this point, Barbara Evans opened the hearing to public comment, asking that proponents of the request speak first. No one came forward to testify either as proponents or as opponents. Barbara Evans then closed the public comment portion of the hearing.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that a Lakeshore Protection Permit be granted to Mr. Dan Lambros for the construction of a dock at Seeley Lake as set forth above. The motion passed by a vote of 2-0.

The Lakeshore Protection Permit was therefore issued to Mr. Lambros, subject to the five findings of fact set forth above.

There being no further business, the meeting was recessed at 8:05 p.m.

* * * * *

August 18, 1983

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

* * * * *

August 19, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault attended a Department of Natural Resources and Conservation Board meeting in Helena all day.

AUDIT LIST

Commissioners Palmer and Evans signed the Audit List dated August 17, 1983, pages 1-29, with a grand total of \$278,908.79. The Audit List was returned to the Accounting Department.

RESOLUTION NO. 83-88

The Board of County Commissioners signed Resolution No. 83-88, a resolution creating RSID No. 405 for the purpose of constructing street improvements on 6th Street and Howard Street in Missoula, Montana.

ACCEPTANCE OF DRAINAGE EASEMENT

The Board of County Commissioners signed acceptance of a Drainage Easement as set forth on Tract "E" and Tract "F" of Certificate of Survey 2936 from Grant Creek Associates Ltd., for detention and percolation of storm water runoff from the Grantland subdivision and adjacent properties.

Fern Hart

Fern Hart, Clerk & Recorder

Bob Palmer

Bob Palmer, Chairman

August 22, 1983 and August 23, 1983

The Board of County Commissioners did not meet in regular session; Commissioners Barbara Evans and Ann Mary Dussault were out of the office August 22 & 23, 1983.

August 24, 1983

The Board of County Commissioners met in regular session in the afternoon. A quorum of the board was present. Commissioner Evans was out of the office from August 24 through August 26, 1983; however, she was available at the fairgrounds during that time.

BREAKFAST MEETING

Commissioner Ann Mary Dussault attended a breakfast meeting of the Seeley-Condon Chamber of Commerce held at the Double Arrow Ranch in the forenoon.

FAIR PARADE

Commissioners Palmer and Evans participated in the Western Montana Fair Parade held in the forenoon.

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List dated August 22, 1983, pages 1-28, with a grand total of \$123,897.27. The Audit List was returned to the Accounting Department.

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Commissioner Ann Mary Dussault was also present. Commissioner Barbara Evans was absent as she was on vacation.

BID AWARD: DIESEL FUEL (CENTRALIZED SERVICES)

Under consideration was a bid award for diesel fuel for the County shop.

According to information prepared by County Surveyor Dick Colvill, the following three bids were received and opened on August 22, 1983:

Trempers Distributing	\$43,017.50
J.G.L. Distributing	\$51,225.00
Finest Oil Company	\$51,271.25

Ann Mary Dussault moved and Bob Palmer seconded the motion, that the bid for diesel fuel for the County shop be awarded to Trempers Distributing in the amount of \$43,017.50. The motion passed by a vote of 2-0.

BID AWARD: CITY STREET DEPARTMENT BOILER

Under consideration was the bid award for the City Street Department boiler. Information provided by Operations Officer John DeVore, stated that the following three bids had been received:

4-G's Plumbing & Heating	\$28,600.00
Less deduct alternate II	990.00
	<u>\$27,610.00</u>
Ace Plumbing & Heating	\$24,160.00
Less deduct alternate II	1,160.00
	<u>\$23,000.00</u>
Sentinel Plumbing & Heating	\$23,100.00
Less deduct alternate II	600.00
	<u>\$22,500.00</u>

John DeVore stated that all three bids were over budgeting limitations established by the City, but that the Missoula County Attorney had authorized staff to negotiate the bid price with the two lowest bidders. Sentinel Plumbing & Heating failed to negotiate the cost to within budgetary limitations. Ace Plumbing & Heating, on the other hand, submitted a second proposal within budgetary limitations. Therefore, staff recommended the award of the bid to Ace Plumbing & Heating in the amount of \$19,423.00.

Ann Mary Dussault moved and Bob Palmer seconded the motion that the bid be awarded to Ace Plumbing & Heating in the amount of \$19,423.00, in accordance with staff recommendation. The motion passed by a vote of 2-0.

HEARING: REZONING REQUEST - LLOYD TWITE (C-RR3 RESIDENTIAL TO C-R1 Residential)

Under consideration was the adoption of a Resolution of Intent to Rezone Lloyd Twite's property, described as Lots 13 (including the railroad right-of-way) and 14, Curtis Major Addition, from C-RR3 to C-R1.

Mark Hubbell from the Missoula Planning Staff gave the staff report and recommendations, stating that this property was originally zoned as Zoning District #15 in 1959, and rezoned to C-RR3 in June, 1979. The area is designated by Missoula's Comprehensive Plan as "Urban Single Family". This provides for townhouses, duplexes and single family detached houses at a density up to six units per acre.

On July 6, 1983, Mr. Twite requested that his property be rezoned from C-RR3 to C-R2. After reviewing the request the Staff recommended an alternative rezoning action from C-RR3 to C-R1.

On August 2, 1983, the County Regulatory Commission held a public hearing and voted to recommend approval of the C-R1 rezoning request. Mr. Twite was in agreement with the Staff's proposal for C-R1 zoning. There were three adjacent land owners who were opposed to the rezoning request.

He said that the Missoula Planning Board recommends approval of: The request to rezone the subject property from C-RR3 to C-R1 be approved and that the finding of fact set forth in the staff report be approved.

PUBLIC MEETING, AUGUST 24, 1983, CONTINUED

At this point, Chairman Bob Palmer opened the public comment portion of the hearing, asking that proponents speak first: The following people spoke:

1. John Lamb, Land Use Planner & Code Consultant testified on behalf of his client, Lloyd Twite, stating that this request is intended for the purpose of completing residential development plans for property described above including the adjacent railroad right-of-way property. With approval of this request an additional three (3) duplexes and two (2) single family dwellings will be constructed this fall resulting in a total of forty-six (46) residential units on approximately seven and one-half (7 1/2) acres. The reasons for requesting an "C-R2" zoning district are as follows:

1. The proposed zoning will allow for the density at this location to meet the intent of the City-County Comprehensive plan of six (6) units per acre; and
2. The proposed zoning will make the existing and proposed development to be classified as permitted uses rather than as "special exceptions" or "legal nonconforming" property uses; and
3. While the actual density allowance permitted under the "C-R2" zoning district is greater than that suggested by the Comprehensive plan there is no danger that the density at this location will exceed the plan given that this property is over 80% developed right now and the change in zoning can be conditioned to what is currently being proposed.

In summary this proposal will result in conforming permitted property uses at this location and the intent of the City-County Comprehensive plan will have been realized. Any further information which you may need will be provided so please do not hesitate to contact me. Thank you for your consideration on behalf of the property-owner.

2. Ken Hammer an associate of Mr. Lamb's, also representing Mr. Twite, stated that 85% of the development would be primarily duplexes, and the proposed additional mixture will complete the development plans and will ultimately result in a density of 46 dwelling units per acre. He stated that an extra hearing had been held so that concerns expressed by area residents, primarily over the aquifer and provision of services, could be resolved.

No one wished to speak in opposition.

Bob Palmer than closed the public comment portion of the hearing.

Ann Mary Dussault moved and Bob Palmer seconded the motion, that Lloyd Twite's request to rezone a parcel of land described as Lots 13 (including the railroad right-of-way) and 14 Curtis Major Addition, Section 20, Township 13 North, Range 19 West, from C-RR3 Residential to C-R1 Residential, be approved. The motion carried by a vote of 2-0.

Since there was no further business, the meeting was recessed at 1:45 p.m.

DAILY ADMINISTRATIVE MEETING

At the daily Administrative meeting held in the afternoon following the Weekly Public meeting, the following items were signed:

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Edward W. Hall, an independent contractor, for the purpose of completing the rewiring to code at the Fort Missoula Historical Museum commencing August 29, 1983 and completed by October 15, 1983 for a total amount not to exceed \$3,500.00. The contract was returned to General Services for further handling.

RESOLUTION NO. 83-90

The Board of County Commissioners signed Resolution No. 83-90, a budget amendment for FY '84 for the Superintendent of Schools Department and adopted the following as part of the FY '84 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
01-270-02-00-111 Secretary III 520 hrs. .25 7.34	\$3,815.
01-270-02-00-111 Secretary II 520 hrs. .25 6.44	3,347.
01-270-02-00-141 Fringe Sec. III	1,131.
01-270-02-00-141 Fringe Sec. II	1,062.

<u>Description of Revenue</u>	<u>Revenue</u>
01-270-02-00-410 Special Education Cooperative	\$9,355.

RESOLUTION NO. 83-91

The Board of County Commissioners signed Resolution No. 83-91, the FY '84 General Revenue Sharing Appropriations, a resolution for the purpose of total disclosure of the expenditures of the revenue sharing allocations by fund and account code classification as per attachment A of the Resolution.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1983, between Missoula County and the Seeley Lake Water District, whereby Missoula County will financially participate in a study to assess the present and future facilities operated by the Seeley Lake Water District as per the terms and conditions set forth in the Agreement, with the total value of the Agreement being \$6,000.00, will terminate on June 30, 1984. The Agreement was returned to General Services for further handling.

PUBLIC MEETING, AUGUST 24, 1983, CONTINUED

NACo PROXY

Chairman Palmer signed a proxy for Missoula County to vote on the proposed reincorporation of NACo in the District of Columbia and will be used at a special meeting of NACo membership which will be held prior to the 1984 NACo Annual Meeting. The proxy form was returned to the NACo Office in Washington, D.C.

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

* * * * *

August 25, 1983

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 83-89

The Board of County Commissioners signed Resolution No. 83-89, a Resolution of Intent to Rezone a parcel of land described as Lots 13 (including the railroad right-of-way) and 14, Curtis Major Addition from C-RR3 Residential to C-R1 Residential.

NOTICE OF HEARING

Chairman Palmer signed the Notice of Public Hearing for the request for vacation of the portion of Dakota Street from Grant Street to Catlin Street located in Riverside Addition, setting the hearing date for September 14, 1983 at 1:30 p.m.

Other items considered by the Board included:


- 1) A tax waiver request from Ted Petroff was discussed. A resolution will be drawn up; and
- 2) The Commissioners met with Mike Barton and Kristina Ford of the Planning Department and Jean Wilcox, Deputy County Attorney, regarding the various Housing Authority options. It was agreed that the Housing Authority will contract with the Planning Department and that an Interlocal Agreement will be drafted.

The minutes of the Daily Administrative meeting are on file in the Commissioners Office.

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August 26, 1983

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



Fern Hart, Clerk & Recorder



Bob Palmer, Chairman

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August 29, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office all week - August 29th through September 2, 1983.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the Commissioners met with John DeVore, Operations Officer and discussed Brentt Ramharter's memo of August 26, 1983. It was decided that a response will be drafted.

The minutes of the Daily Administrative Meeting are on file in the Commissioners Office.

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August 30, 1983

The Board of County Commissioners did not meet in regular session; Commissioner Palmer attended a meeting of the Local Government Energy Committee in Deer Lodge during the day.

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August 31, 1983

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated August 30, 1983, pages 1 - 27 with a grand total of \$121,353.09. The Audit List was returned to the Accounting Department.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Aloyshus Antonio, an independent contractor, for the purpose of painting the exterior of the building at 223 West Alder for the total sum of \$300.00. The contract was returned to General Services for further handling.

PUBLIC MEETING, AUGUST 31, 1983

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Barbara Evans was absent as she was on vacation.

BID AWARD: DIESEL FUEL

Under consideration was the awarding of the diesel fuel bid for the Surveyor's Office. This bid award had been postponed from the public meeting of August 24, 1983. Background information provided by Billie Bartell, Manager of Centralized Services, stated that it had been brought to the staff's attention by Finest Oil Company that Tremper Distributing had not included the state tax in their submitted bid proposal, whereas JGL Distributing and Finest Oil Co. had included the state tax. Ms. Bartell stated that it had been mentioned in the bid package which each supplier had received that the state tax was to have been included in the bid.

Ms. Bartell stated that on August 29, 1983, Deputy County Attorney Michael Sehestedt had been consulted, and he had stated that according to state statute, Missoula County is exempt from paying state tax on diesel fuel, which is considered "special fuel". If the diesel fuel is obtained at the station, we pay state taxes, but when diesel fuel is delivered, we do not pay state taxes.

Ms. Bartell stated that it was Mike Sehestedt's recommendation that a memo be submitted to this office from each bidder, excluding the state tax from their submitted bids. Each bidder agreed to this. The revised bids are as follows:

Tremper Distributing	\$43,017.50
Finest Oil Company	42,771.25
JGL Distributing	42,725.00

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the bid for diesel fuel be awarded to JGL Distributing in the amount of \$42,725.00, in accordance with staff recommendation. The motion passed by a vote of 2-0.

BOND BID AND CONSTRUCTION BID AWARD

Information provided by Operations Office John DeVore stated that the following two construction bids had been received for RSID 400, as follows:

American Asphalt, Items A through G	\$63,623.30
Alternate H	5,125.00
Western Materials, Items A through G	\$54,966.22
Alternate H	12,000.00

Mr. DeVore stated that the following bond bid had also been received for RSID 400:

Ben L. Smith	\$62,000.00, at par with interest at 11.24%
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Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the construction bid be awarded to Western Materials for items A through G, in the amount of \$54,966.22, with Alternate H not be considered at this time; and that the bond bid be awarded to Ben L. Smith, at \$62,000.00, at par, with interest at 11.24%. The motion passed by a vote of 2-0.

HEARING: RESOLUTION APPROVING TRANSFER TITLE OF FEDERAL SURPLUS VEHICLES

Under consideration was a request from the Disaster and Emergency Services Coordinator, Orin Olsgaard, for the Commissioners to hear and act on a proposed resolution to transfer title of federal surplus vehicles. Information provided by Mr. Olsgaard stated that Missoula County had been notified that it would receive title to federal surplus vehicles now in use by various local taxing jurisdictions. He stated that such jurisdictions had borne the cost of maintenance and repairs of these vehicles for periods ranging from 7 to 15 years, and that the County had determined that these vehicles were not needed for any County purposes, and that title transfer appeared to be in the public interest.

Chairman Bob Palmer opened the hearing to public comment, asking that proponents speak first. There were no proponents or opponents of this request. Chairman Palmer then closed the public comment portion of the hearing.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the resolution approving transfer of titles to federal surplus vehicles, as requested by DES Coordinator Orin Olsgaard, be approved. The motion passed by a vote of 2-0.

HEARING: PROPOSED RESOLUTION ESTABLISHING PROCEDURE FOR DETERMINING COMPLIANCE WITH THE COMPREHENSIVE PLAN

Under consideration was the adoption of a resolution establishing a procedure for determining compliance with the Comprehensive Plan in unzoned areas within the municipal building inspection jurisdictional area. Background information provided by Planning Director Kristina Ford stated that the Montana State Supreme Court had ruled in the case of Little v. Board of County Commissioners of Flathead County that a building permit need not be issued if the proposed use is not in compliance with the Comprehensive Plan. The Board of County Commissioners had requested that the Planning Department propose a plan for Missoula County to be in conformance with this decision. Ms. Ford stated that to this end, the Board had directed the Planning Office to establish a procedure whereby building permit applicants would receive a determination of compliance prior to obtaining a building permit and providing an avenue of appeal to the Board of County Commissioners.

The recommendation of the Missoula Planning Board was that the Commissioners adopt the proposed resolution which was attached to the staff report.

Kristina Ford then referenced a letter, dated August 26, 1983, which had been received from Helena S. MacLay, from the law firm of Knight & MacLay, commenting on the proposed resolution for establishing a procedure for determining compliance with the comprehensive plan.

The letter from Ms. MacLay stated that the proposed resolution was far less objectionable to unzoned landowners than the earlier proposals. She stated that the resolution contained some minor deficiencies, and she had drafted and included in her letter a proposed resolution showing certain additions and deletions. She stated that the word "therefore" had been added to the recitals of the resolution.

PUBLIC MEETING, AUGUST 31, 1983, CONTINUED

Ms. Maclay's letter stated:

Little requires, at most, that a building permit need not be issued if the proposed use is not in "substantial compliance" with the master plan. That word, therefore, has been added to the recitals of the resolution.

Paragraph 1a has been amended to permit someone in addition to the Planning Director herself to make these decisions. This resolution makes the Planning Director the sole person who might make such a decision. Unless you have some other provision that allows for someone to act in the Planning Director's absence from duty, it seems appropriate to permit someone else to exercise that authority in her absence so that the entire building permit process need not be held up while the Director is away from the office on business or personal business for any substantial period of time. I have left a blank in the proposed resolution so that you could fill in someone appropriate, for instance the Acting Director, the Assistant Director or whomever else might be an appropriate individual to act in the Director's absence.

Paragraph 1b has been amended to make clear that both the Building Inspector and the building permit applicant are notified of any determination made by the Planning Director. This notification provision is important to the building permit applicant because, as you see from the new paragraph 4 pertaining to appeal procedure, the applicant for a building permit whose proposed use has been determined to be not in compliance with the comprehensive plan must be entitled to a right of appeal. It would seem appropriate to provide that individual with a 15-day period from the date of receipt of the written determination by the Planning Director in which to file his notice of appeal.

Paragraph 3 as it exists on the proposal prepared by the planning staff does not make clear that the applicant whose proposed use has been rejected does have a right of appeal. The time for any appeal in the original proposal was triggered by publication of a list of applications which have received a determination of compliance. Apparently, determinations of non-compliance are not published, and in the absence of such publication, the original proposal simply does not provide for an appeal or an appeal time. I believe that the amendments enclosed correct this deficiency.

I believe that the 5-day period for "an aggrieved person" to appeal as triggered by the date of publication is appropriate, because there is some considerable time which may elapse between the date of Director's determination and the publication of that determination.

Kristina Ford stated that Helena Maclay's suggestion on Section 1a could be incorporated by adding ". . .or the Director's designated agent" to avoid the problem of having only the Planning Director being responsible to make decisions on issuing building permits.

On Part III, in the section dealing with publication of determination, Kristina Ford suggested that the words ". . .or non-compliance. . ." be added in order to incorporate Ms. Maclay's suggestion that this be clarified.

Chairman Bob Palmer opened the hearing to public comment. No one came forward to testify either as a proponent or as an opponent. Chairman Palmer then closed the public comment portion of the hearing.

Ann Mary Dussault moved, and Bob Palmer seconded her motion, that the resolution establishing a procedure for determining compliance with the Comprehensive Plan in unzoned areas within the municipal building inspection jurisdictional area, as presented by the Planning Staff and recommended by the Planning Board, be approved, with the following amendments:

1. In section 1a (Determination of compliance required), add ". . .or the Director's designated agent. . .";
2. Add the qualifier "substantial" before the word "compliance" wherever appropriate in the proposed resolution; and
3. Add language suggested by Helena Maclay that the applicant for a building permit whose proposed use has been determined to be not in compliance with the comprehensive plan shall be provided with a written notice of determination by the Planning Director, with a 15-day period from the date of receipt of this written determination in which to file his/her notice of appeal; and
4. In section 3 (Publication of determination), add the language ". . .or non-compliance. . ." after the word "compliance" in the first paragraph.

The motion passed with a vote of 2-0.

Since there was no further business, the meeting was recessed at 2:00p.m.

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RESOLUTION 83-92

The Board of County Commissioners signed Resolution 83-92, approving transfer of titles to federal surplus vehicles to local taxing jurisdictions, in accordance with the Resolution of Intent (Resolution 83-83), signed August 10, 1983. The resolution was forwarded to the Clerk & Recorder's Office and a copy to Orin Olsgaard, DES Coordinator, for processing.

* * * * *

September 1, 1983

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

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 83-93

The Board of County Commissioners signed Resolution No. 83-93, a budget amendment for FY '84 for the Library Fund 25, for the purpose of total disclosure of the revenue estimates, including the City contribution by way of non-tax revenues, and adopting the following as part of the FY '84 budget:

September 1, 1983, Continued:

RESOLUTION NO. 83-93

Description of Revenue		Revenue
25-410-01-00-292-001	City of Missoula	\$ 2,000
25-410-01-00-410-010	Revenue Sharing	8,000
25-410-04-00-292-003	City of Missoula	-0-
25-410-04-00-410-003	Revenue Sharing	10,000

RESOLUTION NO. 83-94

The Board of County Commissioners signed Resolution No. 83-94, a budget amendment for FY '84 for the Health Fund 07, for the purpose of total disclosure of the revenue estimates, including the City contribution by way of non-tax revenues, and adopting the following as part of the FY '84 budget:

Description of Revenue		Revenue
07-611-60-01-410-501	Revenue Sharing	\$ 3,870
07-611-60-01-410-502	City Contribution	4,630
07-611-60-05-410-023	City Contribution	11,370
07-611-61-00-410-500	City Contribution	4,000

Other items considered by the Board included:

- 1) the Commissioners authorized the County Surveyor to repair the drainage problems on Lenore Court cul-de-sac;
- 2) Robert L. "Dusty" Deschamps, County Attorney, met with the Commissioners and reviewed the BPA law suit;
- 3) the Commissioners authorized the County Surveyor to erect "No Parking" signs on the Cher-Dee Distributors side of MacDonald Street;
- 4) a letter will be sent to the residents of Dickinson Drive relaying the Surveyor's recommendation and inquire if they want a further meeting; and
- 5) Howard Schwartz, Executive Officer, summarized the Urban Coalition Meeting he attended in Great Falls on August 31st.


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

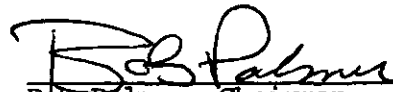
September 2, 1983

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

CONTRACT

The Board of County Commissioners signed a contract dated August 31, 1983, between Missoula County and Western Materials, Inc., for construction, installation and completion of street improvements on St. Francis and St. Michael Drives (RSID No. 400). The total amount of the contract is \$54,966.22. The contract was returned to General Services for further handling.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman

September 5, 1983

The Courthouse was closed for the Labor Day holiday.

September 6, 1983

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 matters were considered by the Board.

- 1) The MEANS system was discussed by the Commissioners with Orin Olsgaard, DES Coordinator, who outlined the procedures and methods and also the funding considerations regarding the system - the Board voted unanimously to approve the procedure and letter,
- 2) The request from NACo for Commissioner Evans to take over the Chairmanship of the NACo Criminal Justice Committee was discussed - the Commissioners approved the request contingent upon NACo acceptance of Missoula County without being tied to MACo at this time; and
- 3) The Workfare Contract was discussed.

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

September 7, 1983

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

RESOLUTION NO. 83-95

The Board of County Commissioners signed Resolution No. 83-95, a Resolution to rezone a parcel of land described as Lots 46, 47 and 48, Block 51, Carline Addition 3, Section 32, Township 13 North, Range 19 West, from "C-R2 Residential" to "C-R2 Residential with a mobile home overlay".

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 Britt Finley, an independent contractor, for the purpose of providing technical assistance to the Health Department in controlling the current TB outbreak and will be funded by the C.D.C. TB Grant. This is an amended contract replacing the one dated June 23, 1983 to increase the amount of the contract from \$2,100.00 to \$2,597.00 in order to finish the TB school screening. The contract was returned to the Health Department for further handling.

LAKESHORE PERMIT

The Board of County Commissioners signed a Lakeshore Permit request for Mr. Lewis Lindemer of Seeley Lake, Montana to construct a dock, Lindy's Landing West, in the southeast bay of Seeley Lake. The request was approved at a hearing held on August 17, 1983. The letter approving the request was forwarded to Mr. Lindemer for his signature.

BOARD APPOINTMENT

The Board of County Commissioners appointed Tottie Parameter to the Museum Board of Trustees to fill the unexpired term of Pattie Wyse, who has resigned. Her term will expire June 30, 1986.

Other matters considered by the Board included:

- 1) The road vacation request by Mel Palin of Lolo was discussed - a letter will be sent to Mr. Palin;
- 2) The Commissioners discussed the Workfare Contract - the termination clause has been negotiated and tentatively approved by SRS; and
- 3) A discussion was held regarding Cascade County's withdrawal from MACo and the upcoming meeting in October.

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

PUBLIC MEETING

Commissioner Bob Palmer called the meeting to order at 1:30 p.m. All three Commissioners were present.

BID AWARD FOR BURROUGHS 206 DISC DRIVE & CABLES FOR INFORMATION SERVICES DEPARTMENT

The only bid received on this date was from Burroughs Corporation:

New Equipment	\$20,454.00
Used Equipment	\$14,454.00

A bid was received from REACT Corporation at 11:30 a.m. this date. This bid was rejected because it was not mailed until September 2, 1983 and was not received at the airport by 10:00 a.m. Federal Express. Their bid proposal is \$12,271.00. The installation charges are not included in their proposal. The firm states "standard installation charges by Burroughs Corporation", which would be approximately \$500.00. Therefore, staff recommended the award of the bid to Burroughs Corporation in the amount of \$14,454.00.

Commissioner Evans moved and Commissioner Dussault seconded the motion that the bid be awarded to Burroughs Corporation in the amount of \$14,454.00, in accordance with staff recommendation. The motion passed by a vote of 3-0.

There being no further business, the meeting was recessed at 1:35 p.m.

MEETING

Commissioner Dussault attended a meeting of the Seeley Lake Chamber of Commerce in the evening.

* * * * *

September 8, 1983

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

MONTHLY REPORT

Chairman Palmer examined, approved, and ordered filed the monthly report of Justice of the Peace, Janet Stevens, for collections and distributions for month ended August 31, 1983.

AGREEMENT

Chairman Palmer signed an Equipment Sale Agreement between Missoula County and Burroughs Corporation for a used Disc Drive with appropriate cables as per the bid price listed. The Agreement was returned to Jim Dolezal, Data Processing Supervisor, for further handling.

DAILY ADMINISTRATIVE MEETING

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

September 8, 1983, Daily Administrative Meeting, cont.

RESOLUTION NO. 83-96

The Board of County Commissioners signed Resolution No. 83-96, a budget amendment for FY '84 for the General Services Department, for the purpose of taking into account the long distance telephone usage of the Welfare Department, which will be reimbursed in full by SRS and adopting the following as part of the FY '84 budget:

<u>DESCRIPTION OF EXPENDITURE</u>		<u>BUDGET</u>
01-190-06-00-535-060	reads	\$68,000.
Tech. Equip R/L	S/B	\$75,800.

<u>DESCRIPTION OF REVENUE</u>		<u>REVENUE</u>
01-190-06-00-425-025	reads	\$68,000.
PEX Chargeback	S/B	\$75,800.

RESOLUTION NO. 83-97

The Board of County Commissioners signed Resolution No. 83-97, a resolution in regard to the re-evaluation of property owned by Ted and Barbara Petroff, 4323 North Avenue, Missoula, Montana and determining that taxes paid for the years 1978, 1979, 1980, 1981, and 1982 shall constitute the full and complete amount due, and that the re-evaluation will commence with the year 1983.

Other matters considered by the Board included:

- 1) The bid from Western Materials, Inc. for construction work on Lenore Court was discussed - no action was taken.
- 2) The removal of the house on the Clark Street property was discussed. It was decided to leave it until such time as road work is planned for that area and the house would be removed then,
- 3) The Commissioners discussed Bench Road in Grant Creek with Jem Wilcox, Deputy County Attorney, who has prepared a letter stating the County's opinion.
- 4) The Commissioners discussed with Dusty Deschamps, County Attorney, the ruling against Missoula County in the BPA lawsuit. Dusty Deschamps stated his opinion was to withdraw from the case. The Board voted unanimously to approve his opinion.
- 5) Commissioner Evans introduced a proposed resolution to put the wood burning regulations on the ballot for a public vote. A lengthy discussion was held on the matter, with Commissioner Dussault stating she felt the regulations did not impact the full electorate and should not be presented for an electorate vote, and Commissioner Palmer agreeing with both to some extent but not in support of putting it on the ballot this coming November. No action was taken.
- 6) The Commissioners approved the Sheriff's request to accept Forest Service monies for additional patrol by deputies, provided the appropriate amendments to the Agreement are made.
- 7) The cost figure breakdowns for the jail study were presented and discussed at some length. The decisions reached by the Commissioners included: Ray Worring's contract not to exceed \$12,000; the architect's contract not to exceed \$33,000; John DeVore, Operations Officer, was named as the liaison and coordinator; the committee will consist of Youth Court, District Court, County Attorney and Commissioners Office; and the entire project will be administered by the General Service Department.

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

September 9, 1983

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.

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated September 8, 1983, pages 1-22, with a grand total of \$174,363.43. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of Justice of the Peace W. P. Monger for collections and distributions for the month ended August 31, 1983.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman

September 12, 1983

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Eastgate Oil Co. as principal for warrant no. 81672 on the Missoula County Working--Road/Bridge/Surveyor Fund, in the amount of \$320.56, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

September 12, 1983

AUDIT LETTER

The Board of County Commissioners signed a letter to Linda Reep, County Auditor, acknowledging receipt and review of the Audit of the books and records of the Missoula County Treasurer for the 12-month period ending January 31, 1983. The Audit was forwarded to the Clerk & Recorder's Office.

CERTIFICATES OF ACCEPTANCE

Chairman Palmer signed Certifications of Acceptance for County Maintenance of two streets, Parker Court and Small Lane, in the Orchard Homes area, and serve new subdivisions. Both streets were constructed to County paving standards through developer RSID's Nos. 393 and 394. Both forms were returned to the Surveyors' Office.

AGREEMENT

The Board of County Commissioners signed an Agreement for Provision of Professional Security Services by Independent Contractor between the University of Montana and the Reserve Deputy Unit of the County Sheriff's Department for the purpose of allowing 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, in accordance with the terms specified in the Agreement for a period of one year from the date it is signed. The Agreement was returned to Ken Willett at the University for further handling.

AGREEMENT

Chairman Palmer signed an Agreement, dated September 8, 1983, between Missoula County and Fox, Ballas & Barrow & Associates, Architects, for the purpose of providing pre-schematic planning/programming assistance and developing preliminary schematic floor plans and cost estimates for the Courthouse Jail Expansion Study for the stipulated sum of \$33,000. The Agreement was returned to General Services for further handling.

CONTRACT

The Board of County Commissioners signed a Contract with Ray W. Worrington & Associates, an independent contractor, for the purpose of aiding in the development of a "total systems" comprehensive pre-design architectural program for an expanded or new County Jail and/or Public Safety Building for Missoula County, in accordance with the procedures set forth in the Contract, total compensation not to exceed \$12,000.00, and with a completion date of March 1, 1984. The Contract was returned to John DeVore, Operations Officer, for further handling.

BOARD APPOINTMENT

The Board of County Commissioners appointed Bill M. Potts to the Area Agency on Aging Board to fill the unexpired term of Jack Kempner, who has resigned, through December 31, 1985.

Other matters considered by the Board included:

1. The Lincolnwood request for chip oil seal for the road was discussed. It will be sent to Dick Colvill, County Surveyor, for review and response, as the work would be done by the Road Department;
2. The Commissioners met with Dennis Engelhard, Personnel Officer, and discussed various options in regard to the administration of the County Insurance Program.
3. The second Contract with Ray Worrington in regard to the Jail Study was discussed. No action was taken, as it needs to be spelled out in greater detail, and requires further review; and
4. The Seasonal Use Resolution, which was approved in May, was discussed, as questions have been raised in regard to the parking spaces requirement.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *

September 13, 1983

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

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made for month ending August 31, 1983.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 83-98

The Board of County Commissioners signed Resolution No. 83-98, a resolution establishing just compensation for property at 410 Montana in East Missoula, owned by Carole Mace, to be acquired by the County under the Community Development Block Grant for the East Missoula Revitalization Project, and resolving that the purchase price for this property shall be \$30,000.00, less any encumbrances against the property.

September 13, 1983, Continued

RESOLUTION NO. 83-99

The Board of County Commissioners signed Resolution No. 83-99, a resolution establishing a procedure for determining substantial compliance with the Comprehensive Plan in unzoned areas within the municipal building inspection jurisdictional area; and there will be an avenue of appeal to the Board of County Commissioners, in accordance with the conditions set forth in the resolution.

RESOLUTION NO. 83-100

The Board of County Commissioners signed Resolution No. 83-100, a budget amendment for FY '84 for the Planning Department, in accordance with the memorandum attached to the resolution from Kristina Ford, Planning Director, and adopting the amendment, which is only an accounting change and no change in total expenditures, in accordance with the FY '84 Budget.

RESOLUTION NO. 83-102

Commissioners Palmer and Dussault signed, with Commissioner Evans opposing, Resolution No. 83-102, a resolution to amend and add new sections to County Zoning Resolution 76-113, as set forth on the resolution, following a 30-day protest period, after the first publication of the Resolution of Intent on May 15, 1983, during which time no protest petitions were filed.

Other matters considered included:

1. The Commissioners met with Bob Holm of the Surveyor's Office, and Jean Wilcox, Deputy County Attorney, and discussed the contract with Western Materials for work on the Lenore Court cul-de-sac. It was agreed to proceed with Western Materials due to the time factor involved;
2. The Commissioners met with Gerald Marks, Extension Agent, and approved the Home Economics position that will be filled in the Extension Office;
3. The aging issues and possible solutions relative to the Area Agency on Aging, the Senior Center and Qua Qui on the nutrition program were discussed. Howard Schwartz, Executive Officer, will follow-up and give an update at a later meeting; and
4. It was noted that Judge Harkin has denied the Reserve Street injunction and ruled on every issue of law in favor of Missoula County.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *

September 14, 1983

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Evans was out of the office until noon, and Commissioner Dussault was in Kalispell attending the Montana Public Welfare Association Meeting.

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Commissioner Barbara Evans was also present. Commissioner Ann Mary Dussault was out of town.

CONSTRUCTION BIDS - RSID 404

Under consideration was the award of construction bids for RSID 404. According to information received from Operations Officer John DeVore, the following three bids were received:

Western Materials	\$27,532.00
Nicholson Paving	31,320.00
American Asphalt	34,329.00

Barbara Evans moved, and Bob Palmer seconded the motion, that the construction bid for RSID 404 for Traynor Drive street and drainage improvements, be awarded to Western Materials, in the amount of \$27,532.00, in accordance with staff recommendation. The motion passed by a vote of 2-0.

BOND BIDS - RSID 404

Under consideration was the award of bond bids for RSID 404, Traynor Drive. According to information received from Operations Officer John DeVore, one bond bid was received from Thomas Geraghty for \$21,000 at par with interest at 12%.

Barbara Evans moved, and Bob Palmer seconded the motion, that bond bids be awarded to Thomas Geraghty for RSID 404, at \$21,000, at par, with interest at 12%. The motion passed by a vote of 2-0.

BID AWARD: MICRO-COMPUTER SYSTEM FOR THE HEALTH DEPARTMENT

According to information from Billie Bartell, Manager of Centralized Services, one bid for the micro-computer system for the Health Department had been received, from Western Telecomputing Corporation, in the amount of \$11,410.00. Ms. Bartell stated that this was the only firm which supplies the equipment that is adaptable to the equipment that the Health Department now has.

Barbara Evans moved, and Bob Palmer seconded the motion, that the bid for the micro-computer system for the Health Department be awarded to Western Telecomputing Corporation in the amount of \$11,410.00, in accordance with staff recommendation. The motion passed by a vote of 2-0.

CONSIDERATION AND APPROVAL OF: SPECIALIZED TRANSPORTATION INTERLOCAL AGREEMENT

Information provided by Executive Officer Howard Schwartz stated that ever since the collapse of Mountain Van, there had been a fragmented provision of transportation to handicapped and senior citizens who required specialized transportation. After several years of discussions among representatives from the planning staff, human service provider agencies, the staff of the County Commissioners' Office, and Mountain Line, a new system had been developed to pool available transportation dollars into a unified system, which would then coordinate rides for people needing specialized transportation in the urban area of Missoula County. The program had been structured as follows: through an Interlocal Agreement, Missoula County will contract

PUBLIC MEETING, SEPTEMBER 14, 1983, CONTINUED

with the Urban Transportation District (Mountain Line) for administration of the system. The Area Agency on Aging will also contract with Mountain Line for administration of rides to Senior Citizens. Mountain Line will, in turn, contract with Arrow Ambulance to actually provide the rides, including record-keeping and dispatching. An advisory board consisting of representatives of Mountain Line, the County Commissioners and the Area Agency, will recommend policies and evaluate requests for rides. Other agencies may be added to the system if they wish to provide funds and have their clients served by the program. County funding for this program comes from the new Specialized Transportation levy created by the 1983 Legislature in order to provide the basis for coordinated specialized transportation in Montana Counties. The recommendation was to approve and sign the Interlocal Agreement, he said, and that this amount had been budgeted for FY '84. He said that \$13,000 would come from the Specialized Transportation levy, and \$3,000 was funds carried over from the 1983 Special Transportation contract.

Howard Schwartz then stated that the Agreement had been a long time in the making, and that John Grew, Manager of Mountain Line, had been very helpful, as well as Mike Kress from the Missoula Planning Office, and Pearl Bruno, Director of the Area Agency on Aging, had worked hard towards developing the Agreement. He said that the Agreement couldn't have been worked out without the cooperation of Mountain Line, so he wanted to thank John Grew. He said that the support of the Board of County Commissioners was crucial as well, as the Specialized Transportation levy provided the funds for specialized transportation.

Barbara Evans stated that she was not opposed to providing specialized transportation, but that she had mixed emotions about it because of the large amount of money and she wanted to compare the amount of service that would be provided under the new agreement, versus what had been provided the previous year by Arrow Ambulance.

Barbara Evans moved, and Bob Palmer seconded the motion, that the Board of County Commissioners approve and sign the Interlocal Agreement between the Missoula Urban Transportation District and Missoula County to cooperate in the provision of elderly and handicapped transportation services. The motion passed by a vote of 2-0.

HEARING: PETITION TO ABANDON COUNTY ROAD (PORTION OF DAKOTA STREET TO CATLIN STREET)

Under consideration was a petition to vacate that portion of Dakota Street from Grant Street to Catlin Street, located in the Riverside Addition in Missoula County. Background information provided by Kathi J. Doerr Mitchell, Recording Section Supervisor of the Clerk & Recorder's Office, stated that the owners whose property abutts that portion of Dakota Street to be vacated would like to have it vacated because the roadway had never been appropriately used. Its highest and best use was for construction of permanent additions to the County of Missoula, she stated, and that it should be noted that the only landowners whose property abutts that portion of Dakota Street to be vacated who have signed the attached petition were Martin and Mary Lou Behner and Clifford E. Jacobson.

She stated that title to the property adjacent to Dakota Street was vested in the following:

Lots 11-12, Block 21, Riverside Addition
C. K. Benson, c/o Martin and Mary Lou Behner

Lots 16-20, Block 21, Riverside Addition
Arnold and Doris Fairclough

Lots 13-15, Block 21, Riverside Addition
Edmund P. and Geneva Poitras

Lots 112-20, Block 22, Riverside Addition
Clifford E. Jacobson

Lots 1-10, Block 27, Riverside Addition
City Electric

Lots 1-5, Block 28, Riverside Addition
Arnold Fairclough

Lots 6-10, Block 28, Riverside Addition
Martin S. and Mary Lou Behner

A written comment from County Surveyor Richard H. Colvill stated that he had no objection to this vacation if all the abutting property owners formally agreed to the vacation. Based on the petition, there were three owners (Poitras, Fairclough & City Electric), who had not agreed with the vacation, he said, and that if the Commissioners vacated a street, the County became liable for any damages caused by that action. He said that if the Commissioners eliminated or reduced the access of three property owners, without their written consent, those damages could be quite costly.

At this point, Chairman Bob Palmer opened the hearing to public comment, asking that proponents of the vacation speak first. The following spoke:

1. John R. McGinnis, from Garlington, Lohn & Robinson, representing Clifford and Gerald Jacobson and City Electric, stated that the original petition in regard to this vacation had been signed by the three property owners mentioned in Dick Colvill's comment as not being in agreement with the vacation. Subsequent to that petition having been filed, Deputy County Attorney Jean Wilcox had informed them that, according to Montana State Statute, they would need ten signatures on the petition rather than five, so another petition with ten signatures had been submitted, and that petition had not included three of the names on the original petition.

Barbara Evans asked Deputy County Attorney Mike Sehestedt if having the two different petitions would be a problem, and he replied that it would not be a problem.

Bob Palmer then explained the requirement of Montana State Law that one Commissioner, in the company of the County Surveyor, view the site of the intended vacation, and that normally this was done after the hearing.

Barbara Evans then moved, and Bob Palmer seconded the motion, that the decision on the petition to abandon a portion of County road (a portion of Dakota Street from Grant to Catlin) be postponed until September 21, the next Commission Public Meeting, which would be held at 7:30 p.m. in the City Council Chambers. The motion passed by a vote of 2-0.

OTHER BUSINESS: RESOLUTION IN REGARD TO ACCEPTING THE REVENUE AND ACKNOWLEDGING THE CIVIC CONSCIOUSNESS DISPLAYED BY CHAMPION INTERNATIONAL, FRENCHTOWN MILL, IN PARTICIPATING IN UPGRADING MULLAN ROAD

Chairman Bob Palmer explained that Commissioner Barbara Evans had initiated, on behalf of the County, negotiations with Champion International in regard to upgrading Mullan Road, and this had resulted in a payment from Champion International in the amount of \$18,300.00 for participation in this project. He said that the County Commissioners wanted to acknowledge, with gratitude, the civic consciousness of Champion International in participating in upgrading Mullan Road.

PUBLIC MEETING: SEPTEMBER 14, 1983, CONTINUED

Chairman Bob Palmer then presented Dan Potts, Vice President and Operations Manager, Champion International, Frenchtown Mill, with a certificate of appreciation from the County.

The Commissioners then signed the following two documents:

AN INTERLOCAL AGREEMENT BETWEEN THE MISSOULA URBAN TRANSPORTATION DISTRICT AND MISSOULA COUNTY TO COOPERATE IN THE PROVISION OF ELDERLY AND HANDICAPPED TRANSPORTATION SERVICES

The Board of County Commissioners signed the interlocal agreement with the Missoula Urban Transportation District to cooperate in the provision of elderly and handicapped transportation services in Missoula County for FY '84. Under the Agreement, the Missoula Urban Transportation District shall provide \$34,500 for the establishment and operation of a specialized transportation system for the period of October 1, 1983 through June 30, 1984; and Missoula County shall contribute \$16,000 for this purpose. The Agreement was given to John Grew, Manager of Mountain Line, so that he could have members of the Missoula Urban Transportation District Board sign it, after which it will be returned to the County so that it can be sent to the Attorney General of the State of Montana for approval.

RESOLUTION NO. 83-101

The Board of County Commissioners signed Resolution No. 83-101 in regard to accepting the revenue and acknowledging the civic consciousness displayed by Champion International, Frenchtown Mill, in participating in upgrading Mullan Road.

Since there was no further business, the meeting was recessed at 2:45 p.m.

* * * * *
September 15, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault left in the morning for Glendive to attend a meeting there on September 16.

AUDIT LIST

Commissioners Evans and Palmer signed the Audit List, dated September 15, 1983, pages 1-27, with a grand total of \$83,386.89. The Audit List was returned to the Accounting Department.

LUNCHEON

Commissioners Evans and Palmer attended the Nutrition Program Luncheon held at Vantage Villa at noon.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed Memoranda of Agreement, dated July 1, 1983, with the following community based organizations, who provide needed services for the citizens of Missoula County, and receive financial assistance from Missoula County, in accordance with the amount and terms set forth in the Agreement for FY '84:

- . YWCA Battered Women's Shelter
- . Bitterroot RC&D
- . Western Montana Comprehensive Developmental Center
- . Child Care Resources, Inc.
- . Five Valleys Health Care, Inc.
- . Western Montana Regional Community Mental Health Center
- . Missoula Council for Child Protection & Family Support
- . Women's Place
- . Missoula County Fire Protection Association

* * * * *
September 16, 1983

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Evans was out of the office until noon, and Commissioner Dussault was in Glendive attending an ACTION for Eastern Montana meeting.

ANNOUNCEMENT OF ELECTION CANVASS POSTPONEMENT

Chairman Palmer announced that the Canvass of the City Primary Election (of September 13, 1983), scheduled for September 16, 1983, at 9:00 a.m., was being postponed until 9:00 a.m., Monday, September 19, 1983, as Commissioners Evans and Dussault were out of the office on September 16th.

CLAIMS

Claims were presented by warrants to be drawn on the following funds in the following amounts (pay periods 1 & 2, September 1, 1983):

Working Fund	\$53,392.35
Bridge Fund	8,668.65
Road Fund	49,971.71
Planning Fund	42,898.19
Weed Fund	12,129.22
General Fund	383,908.18
Miscellaneous Fund	186,578.29

Original claims are on file in the Auditors' Office.

TRAINING CONTRACT

Chairman Palmer signed the Contractor Certification portion of an On-the-Job-Training Contract between the Missoula County General Services Department and the Missoula Job Service, effective on September 19, 1983, to terminate November 25, 1983, for a contract cost of \$1,229.00, in accordance with the terms set forth in the contract.

SEPTEMBER 16, 1983, CONTINUED

CONTRACT

The Board of County Commissioners signed a contract, dated September 14, 1983, between Missoula County and Western Materials, for the construction, installation and completion of street improvements on Traynor Drive (RSID 404), for a total sum of \$27,532.00. The Contract was returned to General Services for further handling.

Fern Hart
Fern Hart, Clerk & Recorder

Bob Palmer
Bob Palmer, Chairma, Board of County Commissioners

* * * * *
September 19, 1983

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

ELECTION CANVASS

The Board of County Commissioners canvassed the City Primary Election (held September 13, 1983) in the morning.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 83-103

The Board of County Commissioners signed Resolution No. 83-103, a resolution proclaiming a special election on the Alternate form of Government to be held November 8, 1983, which is the date of the next General Election, and submitting the question to the electors in substantially the following form:

Vote for one:

FOR adoption of the Consolidation Charter proposed for the City of Missoula, Montana; and Missoula County, Montana, as proposed by petition.

FOR the existing form of government for the City of Missoula, Montana; and Missoula County, Montana.

RESOLUTION NO. 83-104

The Board of County Commissioners signed Resolution No. 83-104, a budget amendment for the Fort Missoula Historical Museum, and formally adopting the following expenditures and revenue as part of the FY '84 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Conducting historical and architectural survey of Fort Missoula grounds for the National Register	
84-12-462-01-00-327 Consultants	3,500.00
84-12-462-01-00-203 Film	123.00
84-12-462-01-00-311 Maps, Printing/Litho	850.00
84-12-462-01-00-356 Travel (Common Carrier)	401.00
84-12-462-01-00-357 Per diem	114.00
(See attached)	<u>4,988.00</u>

<u>Description of Revenue</u>	<u>Revenue</u>
Grant from the Montana Historical Society Historic Preservation Office to conduct historical and architectural survey of Fort Missoula grounds for National Register	
84-12-462-01-00-410	\$4,988.00

RESOLUTION NO. 83-105

The Board of County Commissioners signed Resolution No. 83-105, a budget amendment for the Welfare Department, and formally adopted the following expenditure and revenue as part of the FY '84.

<u>Description of Expenditure</u>	<u>Budget</u>
08-644-01-00-328-004 Food Stamps	\$54,644.00

<u>Description of Revenue</u>	<u>Revenue</u>
08-644-01-00-410-002 State Reimbursement-Food Stamps	\$52,644.00

LEASE AMENDMENT

The Board of County Commissioners signed a Lease Amendment between Missoula County and Richard L. Cochran, owner of the Missoula Batting Cages, to amend the original lease, dated September 22, 1981, increasing the rent to \$105 per month, effective as of September 1, 1983. All other provisions of the lease will remain in force and unchanged.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Montana League of Cities and Towns, whereby Missoula County will provide needed space to the League for the Montana Local Government Energy Office for a reasonable cost reimbursement and in accordance with the terms and conditions set forth in the agreement which will terminate on June 30, 1983. The Agreement was forwarded to the League of Cities and Towns' Office in Helena for signature.

SEPTEMBER 19, 1983, CONTINUED

PARK FUND LETTER

The Board of County Commissioners signed a letter, dated September 14, 1983, to Linda Reep, County Auditor, regarding the Interlocal Cooperation Agreement relative to the Park Fund and the County financial participation under this Agreement, which is \$144,250 for FY '84, and establishes the two line items from which to draw these funds which are as follows:

01-00-328	Park Department	Contracted Services	\$120,250.00
02-00-328	City	Contracted Services	24,000.00
			\$144,250.00

BYLAWS CHANGE

The Board of County Commissioners signed approval of a change in the Bylaws for the Lolo Mosquito Control District Board. The Bylaws were returned to Tim Lovely, Chairman of the Mosquito Board, for signatures.

Other matters considered included:

1. The Commissioners discussed provisions for the hearings to be held on the Air Quality Regulations and approved using a "hearing officer" as submitted by Howard Schwartz, Executive Officer;
2. John DeVore, Operations Officer, and Jim Dopp of Records Management, met with the Commissioners in regard to the County-wide auction to be held at the Fairgrounds on October 22; and
3. The Commissioners unanimously approved the Chairman signing the lease for the Financial Management System.

The Minutes for the Daily Administrative Meeting are on file in the Commissioners' Office.

STOCKHOLDERS' MEETING

The Board of County Commissioners attended the Larchmont Golf Course Stockholders' Meeting held at the Library Meeting Room in the evening.

September 20, 1983

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following item was signed:

CONTRACT

The Board of County Commissioners signed a contract between the Montana State Department of Social and Rehabilitation Services, Missoula County and District XI Human Resource Council for the conduct of a work program for general assistance recipients in Missoula County, effective July 1, 1983 through June 30, 1983, in accordance with the covenants set forth in the contract and naming Howard Schwartz, Executive Officer, as the liaison for the County. One copy was kept for Missoula County, one sent to the District XI Human Resource Council and the rest of the copies were forwarded to SRS in Helena.

Other matters considered included:

1. The Commissioners discussed Qua Qui's hiring of a grant writer;
2. The Board met with Jean Wilcox, Deputy County Attorney, and Elaine Bild and Tom Barger, of the Health Department, and discussed the Lincoln Hills Sewer problem. The three of them will work out the proposed deadlines for compliance and keep the Commissioners informed of their progress; and
3. The Touch America telephone system was discussed with John DeVore, Operations Officer, who identified the advantages of the system. It was the consensus of the Board to experiment, with 3/4 of the County offices participating in the system on a limited basis for several months.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

WELFARE ADVISORY BOARD

The Board of County Commissioners, werving as the Welfare Advisory Board, met with Jean Johnston, Welfare Director, in their regular monthly meeting.

HEARING

Commissioner Dussault attended a meeting of the Health Board, followed by the Air Pollution Control Board SO2 hearings, which were held in the evening.

September 21, 1983

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.

SITE INSPECTION

Commissioner Dussault accompanied County Surveyor Dick Colvill for a site inspection on the request to vacate a portion of Dakota Street to Catlin Street.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following item was signed:

SEPTEMBER 21, 1983, CONTINUED

CONTRACT

The Board of County Commissioners signed a contract between Missoula County (the purchaser) and Browning Ferris Industries (the seller) whereby the County will purchase gravel from the seller at the rate of 0.25¢ per yard at an area owned by them for a period of five years, with the option to renew for an additional five years. The Contract was returned to the Surveyor's Office for further handling.

Other matters considered included:

1. The Commissioners met with Dick Colvill, County Surveyor, regarding the Nine Mile Road. He urged caution in attending the meeting at Nine Mile Saturday evening, September 24th; and
2. The Board met with Jean Wilcox, Deputy County Attorney, and representatives of the County Surveyor's Office regarding Jay Raser's Certificate of Survey (Butler Creek). No action was taken on the matter at this time.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

HEARING: INTENT TO EXCEED DEPARTMENT OF REVENUE'S CERTIFIED MILLAGE: MISSOULA RURAL FIRE, CLINTON RURAL FIRE AND EAST MISSOULA RURAL FIRE

The Board of County Commissioners held a hearing to receive public testimony pertaining to establishing levies in excess of the millage as certified by the Department of Revenue. It had been proposed that the levy for Missoula Rural Fire be 26.381 mills for FY '84, in excess of the certification by 6.601 mills; that the levy for Clinton Rural Fire be 53.488 mills, in excess of the certification by 24.698 mills; and that the levy for East Missoula Rural be 7.929 mills, in excess by 3.199 mills. Clinton Rural Fire submitted a revised budget, below the certified millage during the hearing. The Commissioners therefore resolved that a number of mills in excess of certification be levied sufficient to meet the budget needs as provided by Missoula Rural Fire and East Missoula Rural Fire.

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 7:30 p.m. Commissioners Barbara Evans and Ann Mary Dussault were also present.

BOND BID - RSID 405

Under consideration was the award of construction bids for RSID 405, 6th Street & Howard Street. According to information received from the Operations Officer of General Services, the following three bids were received:

Nicholson Paving Company	\$44,763.10
Western Materials, Inc.	39,662.00
American Asphalt, Inc.	36,191.90

Chairman Palmer stated that the recommendation from the Operations Officer of General Services is to award the construction contract contingent upon sale of bonds, to American Asphalt, Inc. in the amount of \$36,191.90. A letter from the ditch company needs to be attained approving the project.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the construction bid for RSID 405 for 6th Street & Howard Street be awarded to American Asphalt, Inc., in the amount of \$36,191.90, in accordance with staff recommendation. The motion passed by a vote of 3-0.

BOND BID - RSID 405

Under consideration was the award of bond bid for RSID 405, 6th Street & Howard Street. No bids were received and it was the recommendation of the staff to postpone the award until a bid is received.

Barbara Evans moved and Ann Mary Dussault seconded the motion, to postpone per recommendation. The motion passed by a vote of 3-0.

JOINT PROCLAMATION

Chairman Palmer read a joint proclamation between the City and County establishing the week of September 26 - October 1, 1983, as Missoula Home and Community Services Week.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, to sign the proclamation. The motion passed by a vote of 3-0.

ROAD VACATION: PORTION OF DAKOTA STREET FROM GRANT STREET TO CATLIN STREET - RIVERSIDE ADDITION

Chairman Palmer read the action requested and submitted by Kathi Mitchell, Recording Section Supervisor from the Clerk & Recorder's Office, to vacate that portion of Dakota Street from Grant Street to Catlin Street located in Riverside Addition in Missoula County (per attached map).

The background information being that: The owners whose property abutts that portion of Dakota Street to be vacated would like to have the street vacated because the roadway has never been appropriately utilized. It's highest and best use is for construction of permanent additions to the County of Missoula. It should be noted that the only landowners whose property abutts that portion of Dakota Street to be vacated who have signed the attached petition are Martin and Mary Lou Behner and Clifford E. Jacobson.

It was noted that Commissioner Dussault viewed the property and she recommended vacation as she felt that it was not usable as a street.

Barbara Evans questioned the fact of two petitions supposedly having been submitted and only one petition submitted for this hearing.

Michael Sehestedt stated that the earlier petition was under the alternative vacation and was deemed insufficient for this particular street.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, to approve the street vacation as requested. The motion passed by a vote of 3-0.

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Chairman Palmer announced that the Consideration of Brookside on the Rattlesnake Phase 1 - Final Plat has been cancelled.

HEARING - ANNEXATION INTO MISSOULA RURAL FIRE DISTRICT BY CLINTON

Chairman Palmer asked Deputy County Attorney Mike Sehestedt whether this was to be a hearing or a decision.

Mike Sehestedt stated that it should be a hearing because initially they had notice given only to residents of the Missoula Rural Fire District and determined that there was a jurisdictional defect and that Missoula County needed to send notice to the Clinton Rural Fire District and that is what is now before the Board.

Mike stated that since this involves a detraction from one fire district and addition to another, the Board needs to first determine whether or not appropriate notice has been given (which it has). The second question was whether or not we received the protest from 50% of the property owners by number and at least 50% of the property. He said that we have a report from the recording section supervisor on the protest petition which indicates that out of the 3563.39 acres in the area proposed for retraction, the owners of 1974.01 acres have protested so it is sufficient on acreage. However, of the 832 property owners in the area, they have only the signatures of 403, so the protest is not sufficient to deprive the Board of jurisdiction of having a hearing.

He also stated that the issue at the hearing would be essentially whether or not the area proposed to be detracted from Clinton and added to the Missoula Fire District, can be better served by the Missoula Fire District than by the Clinton Fire District; and, in line with that, whether the detraction is in the public interest.

Barbara Evans stated that she thought that if the Board did not get enough signatures protesting the detraction, that the decision was out of the Board's hands and that they automatically had to approve it.

Mike Sehestedt answered that that was true in the case of all annexations, or de-annexations with the exception of one that proposes to detract from one fire district and add to another. And in that case, the statutes allow the Board to make a finding virtually on whether or not the area can be better served by one district over another.

Bob Palmer opened the hearing to public comment and summarized all of the above statements asking for those in favor to speak first.

Phyllis Farrier stated that they wanted to annex into Missoula Rural because they feel that they are a better department, stating that they are a manned station which gives at least 5 minutes advantage, that they have better equipment and the tax base is lower. She mentioned that at the last meeting they were told that Clinton could arrive at 60 mph. They have also been told that no fire truck could go 60 mph on that stretch.

Sharon Smith stated that she is for annexing out of the Clinton District into the Missoula Rural. She feels that Missoula Rural has superior training and newer trucks. They have checked on a few hoses in the area and on Mac trucks and found that parts are not available for three of these trucks and if they can get the part it would take 7 to 10 days to get them. She feels that Missoula Rural's training is superior to what Clinton has and that they have a quicker response time because the station is manned.

Chairman Palmer asked for those in opposition to speak.

Keith Bomsted, Secretary/Treasurer for the Board of Trustees for the Clinton Rural Fire District, spoke stating that his understanding was that this was merely to be a decision based on the previous hearings. He stated that in addition to the petition that was presented in protest, there was a petition at the last hearing of people that had signed the original petition to have their names withdrawn. He said that he doesn't remember that being addressed at all.

He reiterated what he stated two times before, saying that the Missoula Rural is a good organization and so is Clinton Rural Fire. At one hearing he stated that someone had stated to these people, that had signed the original petition, that Missoula Rural could respond in 3½ minutes. Clarifying, he said he merely stated that going 60 mph for approximately the 6 miles to the Donovan Creek to Station Four, the truck would have to be going 100 mph to get there. Clinton is just a fraction over 3 miles to this area. Somewhere in the codes he was told that if it was put into a financial bind, that it would also be taken into consideration by the County Commissioners. Which this does very much so. They lost 23% of their taxable value due to the loss of the Milwaukee and BN. Like he stated in the other hearings, they have a very well manicured operation with Missoula Rural, they have mutual aid, they train with them and have automatic aid with them, they belong to the Missoula County Fire Protection Association as well as Missoula Rural and take advantage of all of their training through there. Missoula Rural, as well as Clinton, has made all training and facilities of both departments available to each other. He stated that he doesn't see where annexation would help those folks because they have all the advantages of Missoula Rural and Clinton combined.

Keith asked Mike Sehestedt to address the original petition. Clinton is operating on an emergency operating budget presently due to their loss of taxable valuations. He said that if this annexation is allowed, it will just compound things and the Commissioners this afternoon set their mill levy and if now they are going to detract a part of their mill levy, it is very confusing to him. The Board will have to make the decision. He believes Clinton can offer just as good a service as Missoula Rural and he would like to have Mr. Suenram to come up and speak as well.

Chairman Palmer asked Mike Sehestedt if he had a response.

Mike Sehestedt stated that basically, the test is which district will best serve the area taking into account the location, equipment, roads and traffic patterns.

Barbara Evans mentioned the referral to petitions, whereby people requested their names to be taken off. She doesn't recall how many people and wonder if it would be considered in reaching a decision.

Mike Sehestedt answered that some Clinton residents had a petition that was filed and certified and a hearing was called because of that. After the petition was certified and determined, they came in with the request to remove the names. He said that we don't let people supplement petitions with names and we don't let people take their names off at that point either.

Bob Palmer asked the question that if those names had been submitted in compliance with the rules, would that have affected the original petition.

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Mike Sehestedt responded that as he understood it, it would have rendered the original petition insufficient. That we would not have had a hearing.

Bob Palmer asked for others in opposition to please speak. The hearing was closed as there were no persons to speak in opposition.

Barbara Evans stated that she is uncomfortable with this issue. She stated that it is very difficult to deal with peoples lives and their home and their property, without really having more information than they have received. She asked Bruce Suenram if he could look at a map and determine a way the boundary could be divided so as to make everyone satisfied without imposing on anyone's desires.

Bruce Suenram stated that his initial reaction is "No" and that Mr. Bomsted made that point fairly clear last time; that, even the annexation as it was outlined in the petition, would make it so that they would be going through part of Missoula Rural's district and vice versa. To try to bring in just the folks that want in would give boundary line problems. Both districts would respond and there would be initial confusion as to which agency is responsible.

Chairman Palmer asked Bruce Suenram what kind of additional service could Missoula Rural provide over Clinton Rural.

Bruce responded that he didn't think that they could provide any additional service. They are physically 6.1 miles away from the intersection of Donovan Creek road and old Highway 93 - Clinton Rural is 3.1 miles away. Missoula Rural's response time is going to be 11 minutes right there in travel time alone, not counting time to get out of their station. He said that we all provide the same services today essentially.

Barbara Evans questioned the cost of fire protection difference based on the tax basis.

Mike Sehestedt stated that Missoula rural is about 22+ mills, Clinton is approximately .28 mills. That's the difference in the tax cost.

Keith Bomsted stated that in conjunction with who would be cheaper, about 3 or 4 years ago it was decided to build some buildings and all the folks had a chance to submit their opinions or whatever. They still have 2½ more years to go to pay on that building. At that time, their budget was slashed \$11,000.00. For this year the emergency operating budget was \$22,000.00+ and they can figure right there it would be \$11,000.00 more with services. He said that they can assume that the folks would want them to improve things, buy more equipment, so you are talking about a budget of about \$15,000.00 and he is sure that would be much cheaper than what Missoula Rural could do.

Keith further stated that they have a Class A rating which insurance companies don't give out easily as well as Missoula Rural. Along with paying \$11,000.00 a year for a new station, as far as their equipment goes, he does not know where the folks up there got their information, but they can get parts for the pumps on their vehicles, their Mac trucks, they can still get parts for, and an estimate on his part says, that if a big truck goes down it will take awhile to fix it. But that they both offer the same services. He wants the Board to please take into consideration that they are paying for a building plus the fact that these folks, that want to pull out, are part of the obligation of paying for a building.

Barbara Evans asked Keith that if one of the trucks went down would they have backup equipment to respond to a fire or would their mutual aid give the folks protection?

Keith responded that with the mutual aid agreement, any time they get a call, they can call for Missoula Rural. If they are already on a call and get another one, they can call Station #4 and get them to back their station up. Missoula Rural has the same options. Regarding equipment, they have 2 Class A pumpers, 8 trucks (2 Class A, 2 - 250 gal. a minute, 1 tanker pumper with 1000 gal. on it, 1 small grass fire rig, 1 - 4x4 emergency van set up to roll for medical emergencies).

He feels that Missoula Rural wouldn't sign a mutual aid agreement with them if Missoula Rural felt that Clinton wouldn't be able to perform.

Bob Palmer stated that the issue is whether the Commissioners will allow the annexation of the Clinton Rural Fire District into the Missoula Rural Fire District. He called for a motion.

Ann Mary Dussault made the motion and Barbara Evans seconded that the request to detract from the Clinton Rural Fire District to the Missoula Rural Fire District be denied for the following reasons:

1. Testimony has indicated that both rural fire districts are under a Class A rating.
2. Testimony has indicated that there would be no improvement in response time in case of fire and in fact testimony has indicated that the response time would be lengthened.
3. There is no indication from the testimony that additional services would be provided to the newly annexed portion of the fire district.
4. Testimony has indicated that the detracton and annexation would likely result in confusion in the traffic.
5. That there is a mutual aid agreement between the two fire districts.
6. Due to the certification of the Clinton Fire District Mill Levy and the result that certification has placed on their budget, that any further impact on their budget could impair their services to the people within that fire district.

The motion passed by a vote of 3-0.

APPROVAL OF INTERLOCAL AGREEMENT BETWEEN MISSOULA COUNTY AND MISSOULA HOUSING AUTHORITY

Chairman Bob Palmer gave the background information stating that the Attorney General recently decided that Montana counties do not have the authority to administer housing rehabilitation funded by the Community Development Block Grant program. He further instructed the Department of Commerce to stop honoring Missoula County's requests for payment for rehabilitation work in connection with the East Missoula Revitalization Project.

Jean Wilcox, Howard Schwartz and Mike Barton have considered a number of options to continue CDBG rehabilitation efforts in East Missoula. The most promising of these choices involves execution of an interlocal agreement between the County and the Missoula Housing Authority and the Planning Board. These agreements are designed to bring the County into compliance with state law while minimally disrupting the ongoing administrative process.

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Dave Cole at the Department of Commerce suggests that our need for this arrangement may be temporary since his staff will draft legislation that will allow counties to administer housing rehabilitation for introduction in the next legislative session.

Barbara Evans moved and Ann Mary Dussault seconded the motion that they sign the Interlocal Agreement with the Missoula Housing Authority so that they can cooperate in the provision of housing rehabilitation services within the 10 mile limit with the City of Missoula. The motion passed by a vote of 3-0.

PROPOSED AMERICAN LEGION BALL FIELD AT SPURGIN ROAD SITE

The American Legion proposed to the Missoula County Park Board that it be allowed to develop a ball field on the Spurgin Road property owned by the County. The American Legion proposal is in several stages which begins with new facilities for Missoula Mavericks Legion Softball League team and with the possibility of a minor league professional level baseball field. The Park Board recommended to the Board of County Commissioners that the county enter into a lease agreement with the legion to begin the development, but the Commissioners decided since this was potentially more than an amateur league field there should be a full blown public hearing with recommendations from both Planning and Health as to impacts and needs that should be addressed. The Planning Department has recommended that the lease be approved with several conditions. These conditions essentially require that use be limited by amateur play and that development problems, particularly traffic and neighborhood impacts be addressed prior to final approval. Subsequent phase development would have to go through further review.

Chairman Palmer read the recommendation which was: "The weight of staff and Park Board recommendations is to approve the project unless there is serious public opposition at the hearing and/or the public hearing reveals new information not previously considered."

Chairman Palmer opened the hearing for those speaking in favor of allowing the American Legion Ball Field to be established at Spurgin Road to speak first.

Fred Brunell, Chairman of American Legion Baseball in Missoula, made comment on presentation that the proposed lease, as being submitted by the Park Board and the American Legion and okay'd by the County Attorney, definitely limits them at this time to only participating in American Legion baseball and that any other agreements subsequent to that will have to be renegotiated. He stated that they have been negotiating since May and made a presentation at the Park Board who took it under advisement and told them to come back in August at which time they presented a schedule and were given a proposed agreement. The Park Board recommended to the Board of County Commissioners that they be given a lease and the Board of County Commissioners asked for a hearing. He then asked Paulette Ferguson to speak.

Paulette Ferguson, resident, and mother of an American Legion Baseball player, spoke giving her own strong recommendation for an adequate American Legion Facility for Missoula in the American Legion Baseball Program. She stated that this is an excellent program and many things can be said for it including giving kids an opportunity to be active in a healthful way. She stated that as a public defender, she can safely say that mothers of the troubled youths that she's dealt with and represented in court have very little outside constructive activity.

Paulette stated that the present facility is inadequate, there is barbed wire, no warning track, and there is no home dugout. She said that having an adequate facility would promote baseball in Missoula, for instance tournaments, and safe tournaments, which in addition to the obvious benefits of the players would also mean revenues in benefits to both the teams, their families, and their fans. There has been a memo from Bob Holm, Surveyor's Department, stating that while this use will generate an increase in the number of vehicles in the area, that the increase will occur during periods of current off-peak use of the existing roadway facilities. And stating that dispersal of traffic both north to Spurgin road along with South Avenue will allow for safe and uniform movement of vehicles to and from the area. The existing roadway facilities can safely handle this expected traffic during these periods of off-peak use; and future planned improvements at Spurgin Road and Reserve Street and along South Avenue will further future traffic flow to and from the area according to Bob Holm's memo.

Paulette went on to state that the American Legion has been busy in contacting people in the area and getting signatures on the petition from people in the area. Saying that there are approximately 330 people who live in areas adjacent to the land who have stated that they have no opposition to the petition. There is one page of the petition which is signed by the Westside Little League parents. She then presented the petition to the Board. A map of the area accompanied by a description, those persons contacted, and the results was also presented by Paulette.

Also presented were several letters of support from Captain Doug Chase, City Police Department; Terry Hober, Local Insurance Broker; Roy Malcolm, Northwest National Life Insurance; Gary E. Eudaily, O.D., American Optometric Associations; and Dan Gallagher, Commander American Legion Post #101.

Lefty Campbell stated that in August 31, 1969, the grandstands burned down in Campbell Park. Since that time the Legion players, parents and spectators have had real tough sledding. He said that in fact, they have been made orphans. He played a lot of legion ball in 1940 and they went with pick and shovels to where Roosevelt Grade School is now. That became their home but the legion players today don't have a place that they can call home. He said that they could not play Campbell Park because of State League. He feels that this is a golden opportunity to get some state leagues to Missoula and that this cannot help but to do good for the entire legion and players. He said that it keeps them off the streets and that they well deserve 100% support.

Dale Clausen, Administrator for Little League Baseball, spoke saying that they have 2200 kids playing in Missoula during the summer. They would like to have the field so that the boys in their senior division would have something to look forward to, also saying that the location is ideal.

Captain Bill Reed, from the Missoula Police Department, said that he is approaching this from about three different angles. He's been involved with the youth program for about 18 years. He said that in 1965, their budget started at \$50.00 and has grown to \$6,000.00. They have put that money back into the youth with the intentions of getting the kids off the street, working and meeting with them, and dealing with them not only as law enforcement, but also as human beings. He stated that in the mid '70's, he was involved as a coach and was fortunate enough to take two teams out of Missoula to Oregon. These kids today are coming out of college. He said that the kids that he dealt with at that time, in his profession, he never had problems with them. He said that one boy went through American Legion Baseball and had not only a fine career, enjoyed it, no problems with parents, and had two small offers to go to college. This gives these kids opportunities to improve their education. He said that we have kids right now that are going to College through the American Legion Baseball program. He finds it very discouraging in the areas that they have played in small towns and played on fantastic facilities and in 1977 they had to get

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the kids out to rake the fields, water and mow the grass, etc., before they could even play on the field. He said that this gives us a good chance to improve the facility.

Bob Holding, also a former American Legion Baseball player, stated that he welcomes the opportunity to speak in behalf of baseball. He said that he feels we need baseball and that this is an excellent opportunity to provide something for American youth. He said that he was an assistant county attorney many years ago and that he never had a kid with youth problems that was engaged in some type of a sporting activity or something that kept him off the streets. He said that he heartily endorses this program and feels that it could be an example of the City of Missoula and the people pulling together to provide something for the youth of Missoula and as far as the taxpayer's standpoint, he does not think there is anyone who does not feel that we would benefit from this. He heartily endorses this proposal.

Renny Malach stated that he has been working with Westside Little League for many years and has been working with the Little League on Spurgin Road. He stated that some of the people who started with him in the Westside Little League has gotten involved in the Legion. He knows that it will be a good project and that they will do a good job. They just need the land to get started just as they did 10 years ago. He said that now, today, they have had this conflict of time and they they had people come in from the Northwest section of the country for tournaments, twice in a row now, in 1979 and now in 1983. He said that you cannot realize how many compliments we get on these fields now. That we have had people from five different states for tournaments here in Missoula because we have such good fields except for the young adults between the ages of 16 through 19. They have to go to Campbell Field to play. He stated that we have championship teams in Little League, when they go to legion, they have good players but they just don't have enough to make them the champions, and that a lot of this is due to the facilities they play on. He had a coach when he played in high school that said if you dress sloppy, you play sloppy. He feels that it is the same with the facilities. If you have good facilities, you will play better. He feels that this would enhance the program in Missoula for the legion, and also it'll keep a lot more kids involved in the program. Our kids in Little League drop out when they reach 16 because they just don't have enough facilities. He said that we also have another group in the little league program which they call Senior Little League, who also use the big field like the legion would use. This is for the youth that can't play the legion ball because they have to work in the summer and they can't stand the schedule of the legion ball, but they still would like to play baseball and they need a place for them to play. His understanding is that some of this could be fit to this complex where they could also use this inbetween times for another program for young men of this age. So he strongly recommends that this is granted to the legion and that a facility of this type will benefit all of Missoula.

Bill Lockwood, baseball player in the mid '50's, said that he was one of the lucky ones. He played on Campbell Field when they had lights and a stadium and sorry to say that they didn't win the State Championship. But, he said, that they had a good baseball field and a good team and coach. He feels that with this complex, that they have a chance that with these facilities, they could be like Billings and have three baseball teams, especially with the good support and financial backing. He said that there are a lot of people who have already volunteered to help get this field built. And if everything would have worked according to how it was set up in the first place, these kids would have a field to play on next year, but, unfortunately, things didn't work like that. He feels that this town is ready for a baseball complex, saying that there is no parking problems, a lot of people got the wrong impression of where the field was going to be, there is no housing around the field. He does not see any reason whatsoever that the County Commissioners should deny this because this is for the kids and he does not think it should be denied.

Fred Brunell stated that since no one else has any further statements to make, he would like to review the American Legion Youth Programs in Missoula to put into perspective what they are asking for. He said the American Legion on youth programs alone in the State of Montana spent \$3 Million a year. They have spent about \$100,000 a year in Missoula. He stated that this is not public funds; that they have found that with young people in Missoula, they have competed on equal terms with everybody in the State when they had equal facilities. They believe that if they can get a good baseball facility here in Missoula, that they can compete on equal terms also on baseball. He said that what they are proposing does not ask for any public funds to develop the field at all. In the State of Montana, and here in Missoula, they have assigned lands for almost all public activities imaginable. They do not think that it is far out of line to request some site some place in Missoula County for this activity. Based on this, they ask the County Commissioners for affirmative action on their request.

John Campbell spoke stating that he played baseball in 1933 and that they got tossed out of the old City League Diamond where the Missoulian is now and that they played on the original Kiwanis Park which resembled the backyard of Alcatraz Prison. It was solid rocks and their uniforms were made by the American Novelty Company. The baseballs were what they call rocket balls. If they were hit twice, sawdust just flew all over. It was the best they had. He said that if you think about it, Missoula does not have a good track record for facilities of any kind in sports until the people at Big Sky High School built a good facility for football, complete with lights and everything. Unfortunately, he does not feel that the University has dealt fairly and squarely with the American Legion on letting them play at Campbell Field. They have not given legion any kind of a break. In 1958, he went out with his own lawnmower and mowed the field because the University wouldn't do it. The American Legion needs its own home and the better the facility, the better the caliber you will find. He said that with so many kids playing ball, they have to have a future and they have got to have a goal. Five years ago he had a call from the Philadelphia Phillies saying that they want Missoula as a farm club for the Pioneer League in baseball and he asked why in Missoula, and they said "because you have the University element, and we have a lot of college graduates". John stated further that Missoula would be nice for baseball and he has always felt that Missoula needs a home team in the summer. For nine months, you are either a Montana Grizzly, Hellgate Knight, Sentinel Spartan, Loyola Ram, Big Sky Eagle, but in the summer you have got to have a baseball program to build spirit. He thinks baseball does four things: 1. It is recreational; 2. Entertainment; 3. A science of learning; and 4. A tremendous impact on the community.

Chairman Palmer asked for those in opposition to speak.

Frank Mitchell, resident on North Avenue asked for clarification of the boundaries. He has seen conflicting reports. He viewed the map and Paulette Ferguson explained the boundaries. He asked if the County had any other ground available that might be more suitable. He stated that he heard that there are not any homes around there. He said that he gets the noise from Spurgin Road which is further away than this new ball park and he said that there are so many softball leagues that they play until 2:00 a.m. He asked if there would be any nuisance in their neighborhood from this park. He also asked if it was just for American Legion and not for a professional league. Are they going to get their foot in the door and become a nuisance? He asked further, when the County Commissioners will make their decision.

Chairman Palmer stated that there would not be a decision made at this hearing and that they were taking it under advisement, and that Ann Mary Dussault had a couple of ideas that she wants to explore. He stated that possibly the decision would come sometime in the next couple of weeks.

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Commissioner Evans responded to Mr. Mitchell's questions that regarding other grounds available that she believes there are some other people exploring that very question but that she does not know what they have come up with. Regarding the question of the foot in the door, she thinks that is also a possibility so at this point, until there are more things out on the table, more explicit plans and proposals, they really can't answer all his questions.

Chairman Palmer asked Mr. Brunell to respond regarding the nuisance aspect.

Fred Brunell said that first of all regarding Mr. Mitchell's statement of some problems created at 2:00 a.m. by other fields, that American Legion would not be playing ball at all at that time. He also would like to bring up one point from earlier in the meeting regarding professional ball. He stated that the agreement that they have at the moment, which was proposed by the County and then reviewed by their attorneys, definitely says that they are not going to enter into any kind of agreement with a pro team without the review by the County Commissioners and County Attorney. He said that as far as disrupting the neighborhood, there will be more traffic as was addressed by the County traffic people. A question was brought up to him regarding liquor. He stated that certainly they would have to get permission from the County officials if they ever talked about dispensing it. As far as their control over people bringing it into the games, it would be similar to the softball league. He said that he can assure everyone that if somebody is out drinking until 2:00 in the morning, that it is not their people.

Chairman Palmer entered into the hearing record that the Commissioners had received a telephone call from a Mrs. Bill Crist, 2109 - 33rd Avenue, who called to state that she was in opposition to the field. Another citizen called, Gary Putnam, who lives in the area and also opposes.

Commissioner Dussault asked where Mr. Mitchell lives. He responded that he lives on the corner of Tower and North.

Donna Cote, also living in the area and also not against the legion field, but also concerned about the possibility of traffic problems, parking problems and lack of information regarding same, spoke saying that she does not know how they are going to handle the situation and feels that they cannot get answers at this time so is expressing her concerns.

Chairman Palmer closed the hearing as there were no more people wishing to speak and stated that the Commissioners would be taking the proposal under advisement.

INTERLOCAL AGREEMENT BETWEEN THE MISSOULA HOUSING AUTHORITY & MISSOULA COUNTY TO COOPERATE IN THE PROVISION OF HOUSING REHABILITATION SERVICES WITHIN TEN MILES OF THE CITY OF MISSOULA

The Board of County Commissioners signed the Interlocal Agreement between the Missoula Housing Authority and Missoula County to cooperate in the provision of housing rehabilitation services within ten miles of the City of Missoula, and to continue to administer the housing rehabilitation program in the same manner as it has been conducted prior to the establishment of the state block grant program. The Agreement was forwarded to Mike Barton of the Planning Office for processing.

Since there was no further business, the meeting was recessed at 8:30 p.m.

MINUTES TAKEN BY FRANKIE ALLEN

September 22, 1983

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Carol Baltz as principal for Warrant No. 95187, dated September 6, 1983, in the amount of \$200.00, on the Missoula County Trust Fund now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 83-106

The Board of County Commissioners signed Resolution No. 83-106, a budget amendment for the Sheriff's Department and formally adopted the following expenditures and revenue as part of the FY '84 Budget:

<u>Description of Expenditure</u>	<u>Budget</u>
84-01-300-01-00-712-074 - Clothing	\$1,870.00
<u>Description of Revenue</u>	<u>Revenue</u>
84-01-300-01-00-410-006 - Forfeitures	\$1,870.00

CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Walter Wallace, Jr., an independent contractor, for the purpose of completing the wiring and to build cards and probes for the EMS System, to be completed by January 31, 1984, for the total sum of \$3,000.00. The contract was returned to General Services for further handling.

RESOLUTION NO. 83-107

The Board of County Commissioners signed Resolution No. 83-107 resolving that a number of mills, in excess of the Department of Revenue's Certification, be levied sufficient to meet the budget needs as provided by Missoula Rural Fire and East Missoula Rural Fire.

SETTLEMENT AGREEMENT

The Board of County Commissioners signed a Settlement Agreement between Missoula County and Virginia L. Mitchell Davis, regarding Missoula County Subdivision requirements for completing the proper construction of Lenore Court, a dedicated county street created by the filing of Cobban and Dinsmore's Orchard Homes No. 3, Amended Plat of Lot 6, as per the covenants set forth in the Agreement. The Agreement was returned to Jean Wilcox, Deputy County Attorney, for further handling.

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

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September 23, 1983

The Board of County Commissioners did not meet in regular session. Commissioners Palmer and Dussault were in Billings, attending a MACo Executive Board of Director's Meeting and Commissioner Evans was out of the office all day.

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September 24, 1983

The Board of County Commissioners attended the Nine Mile Community Center's Annual Meeting and Supper held Saturday evening.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman

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September 26, 1983

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated September 26, 1983, pages 1-29, with a grand total of \$517,168.00. The Audit List was returned to the Accounting Department.

NOTICE OF HEARING

Chairman Palmer signed the Notice of Public Hearing on the creation of Seeley Lake Fire District which will be held October 19, 1983, at 7:30 p.m. in the City Council Chambers.

* * * * *

September 27, 1983

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

INDEMNITY BOND

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Janet S. Yates as principal for Warrant No. 95123, dated August 30, 1983, on the Missoula County Trust Fund in the amount of \$100.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 83-108

The Board of County Commissioners signed Resolution No. 83-108, a resolution to rezone a parcel of land described as Lots 13 (including the railroad right-of-way) and 14, Curtis Major Addition, Section 20, Township 13 North, Range 19 West, from "C-RR3 Residential" to "C-1 Residential".

RESOLUTION NO. 83-109

The Board of County Commissioners signed Resolution No. 83-109, a resolution to vacate that portion of the county road described as, "that portion of Dakota Street from Grant Street to Catlin Street located in Riverside Addition in Missoula County", with the method of blocking the street to be determined by the County Surveyor.

RESOLUTION NO. 83-110

The Board of County Commissioners signed Resolution No. 83-110, resolving that a "no parking" area be designated on the north side of McDonald adjacent to the Cher Dee Distributing driveway and the area shall be posted "No Parking - 2 A.M. - 10 A.M., Monday through Friday".

Other matters considered included:

1. It was noted that the Deputy Sheriffs' Association Contract has been ratified;
2. The Historical Museum's participation in the County Auction was discussed - funds will be used for restoration purposes; and
3. The fence problem at Jordan Ranch Tracts was discussed - the surveyor will review it.

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

MEETING

Commissioner Evans attended an Economic Development Luncheon Meeting at the Village Red Lion Inn at noon.

* * * * *

September 28, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was attending a Northwest Power Planning Workshop in Eugene, Oregon.

Daily Administrative Meeting

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

September 28, 1983, Continued

BUDGET TRANSFER

The Board of County Commissioners signed Budget Transfer No. 840002, a request from Youth Court, dated September 27, 1983, approving the transfer of \$7,541.77, from temporary salaries account to the permanent salaries account, as Pat Wontor is a permanent part-time employee, not temporary, and adopting it as a part of the FY '84 Budget.

Other matters considered by the Board included:

1. The Health Board appointments were discussed; and
2. The Annual Fixed Assets Inventory was reviewed and approved as submitted - it was forwarded to the County Clerk and Recorder for filing.

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

PUBLIC MEETING

Acting Chairman Barbara Evans called the meeting to order at 1:30 p.m. Commissioner Ann Mary Dussault was also present. Commissioner Bob Palmer was absent as he was on vacation.

BOND BID AWARD: RSID 405

Under consideration was the award of the bond bid for RSID 405, a construction project for Sixth and Howard Streets.

Information provided by Operations Officer John DeVore stated that bond bids for this project had been opened officially on September 19, 1983, with no bids having been received. He stated that on September 27, 1983, a bid was given for the bonds at an interest rate of 12% on \$36,000.00 by Charles Hall of Missoula, Montana. He stated that construction was awarded on September 21, 1983, contingent on the sale of these bonds, and recommended the award of the bonds to Charles Hall for RSID 405 in the amount of 12%, for \$36,000.00.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bond bids for RSID 405 be awarded to Charles Hall, of Missoula, Montana, in the amount of \$36,000.00, at 12% interest, in accordance with staff recommendation. The motion passed by a vote of 2-0.

AUTHORIZATION OF: EMERGENCY BUDGET RESOLUTION

Under consideration was the approval and signing of an emergency budget resolution in regard to replacing Deep Creek Bridge. According to information provided by Administrative Officer, C. Gordon Morris, the emergency budget resolution to authorize an expenditure not to exceed \$13,500.00 was necessary as Deep Creek Bridge was recently destroyed by accident. The destruction of the bridge could not have reasonably been foreseen, and the replacement of the bridge was not budgeted for in FY '84, and it was deemed in the public interest to replace or restore the bridge immediately. He stated that the County Surveyor would be authorized through the emergency budget resolution to expend an amount not to exceed \$13,500 from the bridge fund with taxes to be levied against taxable property in Missoula County in FY '85 for payment of all warrants with interest thereon arising out of this incident.

Barbara Evans asked Gordon Morris to explain what had happened to the Bridge, and he stated that a logging truck which was over the posted weight limit had gone through the bridge.

Barbara Evans then asked him if the County intended to subrogate against the trucking company's insurance for this claim, and he replied that this would be the case.

Ann Mary Dussault moved, and Barbara Evans seconded the motion that the emergency budget resolution authorizing the expenditure of an amount not to exceed \$13,500.00 be authorized to replace Deep Creek Bridge. The motion passed by a vote of 2-0.

HEARING: ABANDONMENT OF ALLEY CONNECTING CLARK STREET WITH RESERVE STREET (CARLINE ADDITION)

Under consideration was a request to hear and approve the vacation of a portion of the alley through Block 56, Carline Addition, adjacent to lots 43 through 48.

According to information provided by Deputy County Attorney Jean Wilcox, the petition for vacation was submitted in settlement of civil litigation, and that it was felt to be in the public interest to vacate a portion of the alley through Block 56, Carline Addition adjacent to Lots 43 through 48 in that the width of the dedicated portion of this alley was only 5.81 to 5.82 feet, as shown on Certificate of Survey No. 2774, on file with the Missoula County Clerk & Recorder, and that the remaining width of said alley adjacent to Lots 43 through 48 was held in private ownership and was undedicated. She stated that all legal requirements to date had been met, and that it was requested that the \$75.00 administrative fee charged by the County for road vacations be waived in this case since the petition for vacation was submitted in settlement of civil litigation.

At this point, Acting Chairman Evans opened the hearing to public comment, asking that proponents speak first. No one came forward to testify either as a proponent or as an opponent. Acting Chairman Evans then closed the hearing to public comment.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the petition to vacate that portion of the alley through Block 56, Carline Addition, adjacent to lots 43 through 48, be approved, in accordance with the recommendation of Deputy County Attorney Jean Wilcox, and that the \$75.00 administrative fee be waived as this request to vacate was submitted in settlement of civil litigation. The motion passed by a vote of 2-0.

OTHER BUSINESS: DEPUTY SHERIFFS' LABOR AGREEMENT

Under "Other Business," County Personnel Officer, Dennis Engelhard, submitted for approval and signing by the Board of County Commissioners the agreement between the County of Missoula and the Missoula County Deputy Sheriff's Association for the period July 1, 1983 through June 30, 1985.

Dennis Engelhard introduced Mr. Pat Zinnick and Mr. Pete Larson of the IUPA, who had worked with Personnel during the ratification process. Sheriff Ray Froehlich added his approval to the Agreement.

PUBLIC MEETING, SEPTEMBER 28, 1983, CONTINUED

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Agreement between the County of Missoula and the Missoula County Deputy Sheriff's Association for the period of July 1, 1983 through June 30, 1985, be approved and signed. The motion passed by a vote of 2-0.

The following three items were then signed by the Board of County Commissioners:

RESOLUTION NO. 83-111

The Board of County Commissioners signed Resolution No. 83-111, an Emergency Budget Resolution authorizing the expenditure of an amount not to exceed \$13,500.00 to replace Deep Creek Bridge, which had been destroyed in an accident. The resolution was returned to the Clerk and Recorder's Office for recording and a copy was sent to the Surveyor's Office so that the decision could be carried out and the bridge replaced.

RESOLUTION NO. 83-112

The Board of County Commissioners signed Resolution No. 83-112, authorizing the vacation of a portion of the alley through Block 56, Carline Addition, adjacent to Lots 43 through 46, in settlement of civil litigation. The resolution was returned to the Clerk and Recorder's Office for recording, and a copy was sent to the Surveyor's Office.

AGREEMENT BETWEEN THE COUNTY OF MISSOULA AND THE MISSOULA COUNTY DEPUTY SHERIFF'S ASSOCIATION FOR THE PERIOD OF JULY 1, 1983 THROUGH JUNE 30, 1985

The Board of County Commissioners then signed the Agreement between the County of Missoula and the Missoula County Deputy Sheriff's Association for the period of July 1, 1983 through June 30, 1985. The Agreement was forwarded to Personnel Officer Dennis Engelhard for processing.

Since there was no further business, the meeting was recessed at 2:00 p.m.

* * * * *

September 29, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was on vacation on September 29th and 30th.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following item was signed:

RESOLUTION NO. 83-113

The Board of County Commissioners signed Resolution No. 83-113, a budget amendment for Youth Court for FY '84, and adopting the following expenditure and revenue as part of the FY '84 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Wang Professional Computer & Attachments 17-340-01-00-845-002	\$8,924.00

<u>Description of Revenue</u>	<u>Revenue</u>
Board of Crime Control Grant Award No. 81 15341 for Wang Professional Computer & Attachments 17-920-01-00-329	\$8,924.00

Other matters considered included:

1. The Air Quality Hearing procedures were discussed. Bill Corbett will be the Hearings Officer, and a press release will be prepared as soon as possible; and
2. The Commissioners met with Betty Wing, who is directing the Health Department's Alcohol Program, and discussed the Federal Grant and the Drunk Driving Task Force, which will be appointed in the near future.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

* * * * *

September 30, 1983

The Board of County Commissioners did not meet in regular session; Commissioner Dussault left on vacation, and Commissioner Evans was out of the office all day.

Fern Hart
Fern Hart, Clerk and Recorder

Bob Palmer
Bob Palmer, Chairman, Board of County Commissioners

* * * * *

October 3, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was on vacation from October 3rd until noon on October 6th.

AUDIT LIST

Commissioners Evans and Palmer signed the Audit List dated October 3, 1983 pages 1-27, with a grand total of \$62,809.74. The Audit List was returned to the Accounting Department.

CLAIMS

Claims were presented by warrants to be drawn on the following funds in the following amounts for pay periods #3 and #4 (September 30, 1983):

October 3, 1983, Continued.

Bridge Fund	\$ 5,953.59
Road Fund	60,387.55
Planning Fund	44,904.47
Weed Fund	8,304.84
General Fund	393,383.33
Miscellaneous Fund	178,518.07
Working Fund	51,234.24

The original Claims are on file in the Auditors Office.

LAKESHORE PERMIT

The Board of County Commissioners signed a letter, dated September 15, 1983, to Dan Lambros of Missoula, Montana, granting him a Lakeshore Permit to install a floating dock on Seeley Lake, subject to the conditions listed on the letter. The permit request was approved at a hearing held on August 17, 1983.

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a contract dated October 1, 1983, between Missoula County and American Asphalt, Inc. for completion of street improvements on Sixth Street and Howard Street (RSID No. 405) in Missoula County for the total sum of \$36,191.90. The contract was returned to General Services for further handling.

RESOLUTION NO. 83-114

The Board of County Commissioners signed Resolution No. 83-114, a budget amendment for FY '84, adopting the following as part of the FY '84 Budget:

<u>Description of Expenditure</u>	<u>Budget</u>	<u>Amended</u>
GRS Trust Fund		
270-400		
Health Fund:		
07-00-053	\$8,500.00	\$ 3,870.00
07-00-054	4,000.00	-0-
-055	1,400.00	-0-
-056	9,305.00	-0-
-057	665.00	-0-
Library:		
25-00-(01)	-0-	8,000.00
- (04)	-0-	10,000.00

RESOLUTION NO. 83-115

The Board of County Commissioners signed Resolution No. 83-115, a resolution fixing the form and details of up to \$62,000.00 RSID No. 400 bonds and directing their execution and delivery.

RESOLUTION NO. 83-116

The Board of County Commissioners signed Resolution No. 83-116, a resolution fixing the form and details of up to \$21,000.00 RSID No. 404 bonds and directing their execution and delivery.

RESOLUTION NO. 83-117

The Board of County Commissioners signed Resolution No. 83-117, a resolution fixing the form and details of up to \$36,000.00 RSID No. 405 bonds and directing their execution and delivery.

AGREEMENT

The Board of County Commissioners signed an Agreement, dated September 28, 1983, between Missoula County and Missoula Community Hospital (the subscriber), whereby the County will provide the subscriber with a new MEANS receiver unit as per the terms set forth in the Agreement. The Agreement was returned to Orin Olsgaard, DES Coordinator, for further handling.

AGREEMENT

Chairman Palmer signed an Agreement dated September 1, 1983, between Missoula County and the Montana Department of Fish, Wildlife and Parks, the governmental agency of the State of Montana designated to act for the State of Montana, for the purpose of implementing the "Land and Water Conservation Fund Act of 1965", for the purpose of construction of improvements at Larchmont Golf Course as per the covenants set forth in the Agreement. The Agreement was returned to Gretchen Olheiser, at the Department of Fish, Wildlife & Parks in Helena, for further handling.

CONTRACTS/AGREEMENTS (HEALTH DEPARTMENT)

The Board of County Commissioners signed the following Contracts and Agreements, all of which were returned to the Health Department for further handling:

1. A Contract between the Western Montana Comprehensive Developmental Center and Missoula County for contracted nutritionist services, for the period beginning September 2, 1983 and ending June 30, 1984, as per the provisions set forth in the Contract;
2. A Satellite Agreement between the Missoula City-County Health Department and the Mineral County Health Department regarding the WIC Program, as per the covenants and stipulations outlined in the Agreement for the period from July 1, 1983 through June 30, 1983;

October 3, 1983, Continued

3. A Satellite Agreement between the Missoula City-County Health Department and the Ravalli County Health Department regarding the WIC Program, as per the covenants and stipulations outlined in the Agreement for the period from July 1, 1983 through June 30, 1984;

4. An Agreement between the Missoula City-County Health Department and Child Start, Inc., the sponsor of the Head Start Program, regarding the provision of nutritional services to the Head Start Program, as per the terms set forth in the Agreement from September 1, 1983 until May 31, 1984;

5. An Agreement between the Missoula City-County Health Department and Missoula Community Hospital for Home Health Services, as per the terms set forth in the Agreement from July 1, 1983 through June 30, 1984; and

6. A Contract between the Missoula County Alcohol Service Board of Directors and the Missoula Indian Alcohol and Drug Program, regarding the coordinating of comprehensive alcohol services, as per the terms of the Contract for the period from July 1, 1983 through June 30, 1984.

Other matters considered included:

1. The Air Quality hearings procedures were again discussed by the Board;
2. The Commissioners approved Elaine Bild, Director of Environmental Health, to sign contracts on behalf of the County for the Lolo RSID 901 Grant funding by EPA; and
3. A letter to the State regarding a traffic study done on the Miller Creek Road was approved by the Board.

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

* * * * *

October 4, 1983

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 LETTER

The Board of County Commissioners signed a letter, dated September 29, 1983, to John Koch, Chief Deputy County Auditor, acknowledging receipt and review of the audit of the records of the Missoula County Road, Bridge, Surveyor and Working Fund 70 Departments for the year ended June 30, 1983.

LETTER OF REQUEST

The Board of County Commissioners signed a letter, dated September 30, 1983, to Mayor Bill Cregg of the City of Missoula, as the official request to the City of Missoula to vacate that portion of Pine Street directly abutting the Courthouse Annex, which would be necessary for the expansion and renovation to bring the existing jail facility into full compliance with Constitutional standards, contingent upon final approval of jail design and voter approved funding.

Other matters considered included:

1. The Board discussed the procedures for the upcoming Air Quality Hearings; and
2. Pearl Bruno and Joan Christopherson of the Area Agency on Aging met with the Commissioners and made a presentation on certain aging issues.

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

* * * * *

October 5, 1983

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

DAILY ADMINISTRATIVE MEETING

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

AGREEMENT

Chairman Palmer signed an Agreement between the Montana Highway Traffic Safety Administrator and Missoula County to allow funding for the Missoula County DUI Task Force through December 3, 1983, as per the provisions set forth in the Agreement. The Agreement was returned to Betty Wing in the Health Department, Director of the Drunk Driving Prevention Program, for further handling.

PHONE BANK PROPOSAL

The Board of County Commissioners approved and signed the Phone Bank Proposal, as submitted by Orin Olsgaard, DES Coordinator, and is proposed as the primary means of providing the telephoning public with information and/or instruction during a disaster. The Proposal was returned to Orin Olsgaard for further handling.

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

PUBLIC MEETING

October 5, 1983, PUBLIC MEETING, Continued

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Ann Mary Dussault was absent as she was on vacation.

BID AWARD: VEHICLES - SHERIFF'S DEPARTMENT

According to information prepared by Undersheriff Dan Magone, the following bids were received for the Sheriff's Department vehicles:

4-Seasons Motors (4-Seasons did not bid on Item #1, or Item #3 as well as the trades).	\$45,386.00
Grizzly Auto Center (Grizzly did not bid on Item #1)	\$62,328.68
DeMarois Olds/GMC (DeMarois bid on all items)	\$78,816.00
T & W Chevrolet (T & W bid on all Items)	\$75,540.29

Dan Magone stated that the staff recommendation was to award the bid to T & W Chevrolet for the following reasons:

1. T & W was low bid on all items except item #3. On this item, T & W was \$155.97 higher than Grizzly Auto Center;
2. Grizzly did not meet specification on Item #3 for a four-barrel carburetor. Grizzly stated that this requirement would mean having to go up to the next size engine with an automatic transmission and cost \$594.15 per unit more; and
3. EPA estimates on Item #3 bid by T & W is 16 MPG, and the EPA estimate on Item #3 bid by Grizzly is 13 MPG.

Staff felt that the next size engine requirement with automatic transmission would further increase the spread between T & W and Grizzly relative to the EPA estimates. Based on the above, staff felt that T & W represented the best responsible bid.

Barbara Evans asked Dan Magone if he had checked on various cost factors in keeping with life cycle costing, and he replied that he had asked for estimated upkeep costs.

Barbara Evans moved, and Bob Palmer seconded the motion, that the bid for Sheriff's Department vehicles be awarded to T & W Chevrolet in the amount of \$75,540.29. The motion passed by a vote of 2-0.

BID AWARD: FRONT-END LOADER (SURVEYOR)

Under consideration was the award of a bid for a front-end loader for the Surveyor's Office. Information provided by County Surveyor, Richard H. Colvill, stated that the following bids were received and opened on October 3, 1983:

<u>BIDDER</u>	<u>MANUFACTURER</u>	<u>BID</u>
Stedje Brothers	Ford	\$56,363.00
Plains Power & Equipment	Clark	\$61,872.00
Davies, Inc.	John Deere	\$63,694.00
Long Machinery	Caterpillar	\$63,697.00
Western Equipment	Case	\$65,364.00
Arnold Machinery	International	\$69,655.00
Tri State Equipment	Fiat Allis	\$71,888.00
AC International Equipment	Trojan	\$75,000.00
Modern Machinery	Komatsu	\$94,916.00

Dick Colvill's recommendation was that the bid for this contract be awarded to the second-low bidder, Plains Power & Equipment, in the amount of \$61,872.00. He stated that the low bidder had not met bid specifications because his machine had a 12-volt starting system instead of the 24-volt starting system specified. He also stated that \$120,000 had been budgeted for in the road fund for this loader.

Barbara Evans said that she had started to look at life-cycle costing, in which other costs are factored in besides the initial cost; i.e., comparative costs for maintenance, parts and operation. Other significant factors would be response time for available parts, the comparative resale value, the life-expectancy of the unit, the availability of loaner units in the event of breakdown, delivery time and the recommendations of satisfied versus dissatisfied customers.

With these ideas in mind, Barbara Evans moved that action be deferred for two weeks so that these types of questions could be addressed. Bob Palmer seconded the motion, and it passed by a vote of 2-0.

Bob Palmer stated that the thrust of the motion was to look at the whole issue of life-cycle costing and to allow time for the Commissioners' staff to request the information required for that type of costing.

Barbara Evans asked Deputy County Attorney, Mike Sehestedt, to draft a letter asking the bidders to provide this information.

It was decided by the Board that Mike Sehestedt, Dick Colvill, Energy Coordinator Lois Jost, Executive Officer Howard Schwartz, Administrative Officer Gordon Morris and Surveyor Dick Colvill, would meet to discuss life-cycle costing and make recommendations to the Board in two weeks.

HEARING: GLENEAGLE AT GRANTLAND - PRELIMINARY PLAT

Ann Englehart of the Missoula Planning Staff gave the staff report and recommendations, stating that the preliminary plat for Gleneagle at Grantland was originally granted approval by the Board of County Commissioners on November 21, 1979, with final plat approval having been granted on June 18, 1980. She stated that the plat was subsequently withdrawn due to unstable market conditions.

Ms. Englehart said that Gleneagle at Grantland was a proposed single-family residential subdivision located approximately one-half mile north of Interstate 90 and east of Grant Creek Road. She said that 94 single-

PUBLIC MEETING, October 5, 1983, Continued

family lots were planned for the 72-acre site and that all proposed lots were approximately 13,000 square feet in size and that there would be approximately 28.6 acres of common area. She said that a Public Service Commission - regulated public utility, Grant Creek Waterworks, would own and operate the water system, which would serve Grantlands 12 and 13, along with 400 additional units proposed for the Grantland PUD. Sewage disposal would be septic tank and drainfield installations, she said, and a trail system would run through the subdivision. She said that Gleneagle was the second subdivision of low density in the Grantland PUD and that the subdivision had been annexed to the Missoula Rural Fire District in July, 1980. She said that the Planning Staff recommendation was that the preliminary plat be approved, subject to nine conditions and five variances as listed in the September 15, 1983 memorandum to the Planning Staff.

At this point, Chairman Bob Palmer opened the hearing to public comment, asking that proponents speak first. The following people spoke:

1. Nick Kaufman, Land-Use Planner of Sorenson & Company, representing the developers, went over the history of the Gleneagle plat and stated that since development standards had changed since the original plat approvals, the resubmitted Gleneagle had been changed accordingly. He stated that Grantlands 12 & 13 had been successful in terms of people wanting to buy lots in the subdivisions, and it was anticipated that Gleneagle at Grantland would also be successful.

There were no other proponents. The following person spoke in opposition:

1. County Surveyor Dick Colvill stated that he was present to speak in favor of following the subdivision regulations rather than granting exceptions to them. The point of contention was the lack of curbs in the subdivision. He said that as this subdivision was planned to be built on the hillsides rather than on the valley floor, there was no way that taxes generated from the subdivision would pay for the maintenance of the road system. He said that it behooved the elected officials to hold maintenance costs down and cut the tax subsidy needed to maintain the roads. He said that Gleneagle at Grantland was the first subdivision in that group that was urban (3.35 dwelling units/acre), whereas all of the others had been rural (2 lots/acre), and that it was well beyond the criteria that required curbs and gutters. He said that a culvert system would be expensive and difficult to maintain in a subdivision of that size as there was no way to keep the ditches open other than "hassling" the residents. He said that curbs add two feet to the width of the roads, making the road width 28 feet rather than 30 feet, stating that some places would need that additional width.

Bob Palmer asked Mr. Colvill why he had not made his presentation at the Planning Board stage and he replied that the decisions are made by the Commissioners.

Bob Palmer then asked Ann Engelhart to comment on the adequacy of culvert drainage for this subdivision, and she replied that it was felt that 37 culverts on the uphill lots would take care of the drainage.

Nick Kaufman said that when the Grantland PUD was designed, care was taken to preserve the rural character of the area. He said that when the subdivision was completed, it would not even be visible from the highway. Care had been taken to protect wildlife habitats as well, he said. The policy in developing the Grantland PUD was to develop on the hillside rather than on the valley floor and that when a subdivision was put in a hillside away from public view, the amount of cut-and-fill needed would necessarily be increased. He said that the Grantland PUD was a rural system and Gleneagle was the third phase. As an integral part of the PUD, Gleneagle had been planned in keeping with its rural character and ditches and culverts were in keeping with that. He said that the nature of a PUD required moving the regulations aside to accommodate their special land-use characteristics (chiefly the cluster concept). He pointed out that the Grantland 11 ditches were not cluttered and the culverts were not crushed, and he did not see that Gleneagle would have a problem with this either. Commenting on Mr. Colvill's assertion that the subdivision taxes would not pay for the road maintenance, he said that there wasn't a subdivision in Missoula County that paid its own way, except perhaps Lincolnwood. He urged the Commissioners to support design standards that would encourage the PUD land-use concept. He said that if the Commissioners required curbs and gutters in Gleneagle, the developers would have to go back and consider whether it was worth it to go to the extra time, care and expense of developing according to the PUD concept. As far as keeping the ditches and culverts open was concerned, he suggested giving Mr. Colvill the power to enforce the regulations requiring them to be kept open.

Dick Colvill replied that he was not against the PUD concept for rural subdivisions, but said that Gleneagle was not a rural subdivision. It was too dense for that, he said, and that in his opinion streets with curbs and gutters looked better than ugly ditches.

Tom McCarthy, Professional Engineer with Sorenson & Company, pointed out that only a small portion of the Grantland PUD was being developed at this time, and the decision of the Board would have a drastic effect on future decisions. He said that the developers were merely proposing that they build designs that had been previously approved.

Barbara Evans then stated that her daughter had recently married into the Marbut family, and she had asked for an opinion from the County Attorney as to whether or not her voting on any Grantland subdivision would involve a conflict of interest for her. She then read the following opinion which had been prepared by County Attorney Robert L. Deschamps, III:

In response to your Memorandum of October 3, 1983, please be advised that I have investigated the facts of the Gleneagle subdivision and find it is being proposed by an investment group of which no member of the Marbut family has a share. The group does have a contract with various members of the Marbut family and owes that family money. Gary S. Marbut has a 2% interest in the proceeds of that contract. However, the Marbuts have been insured that their payments will be received regardless of the outcome of the Gleneagle subdivision. You have no connection with the subdivision and no economic interest in it.

The Montana Code of Ethics for public officers only becomes operable where a public officer has a "substantial financial interest". Since you have no financial interest in this matter, there is no conflict, and you may proceed to act upon it.

Barbara Evans then asked Tom McCarthy to address plans for sewage disposal. He replied that the drainfield and collection lines for the sewage disposal system would be installed at once; that there would be one certified operator for the community drainfields and that a separate association, as established in the covenants, would maintain the community drainfields. He also said that the State Department of Health and Environmental Sciences would review the drainfield.

PUBLIC MEETING, October 5, 1983, Continued

Barbara Evans then asked if there weren't some middle ground between Nick Kaufman's and Dick Colvill's concerns.

Tom McCarthy suggested that developers be required to go to Mr. Colvill's office to get an access permit approved before they could even get a building permit or zoning compliance permit.

Barbara Evans asked Dick Colvill if, in giving an access permit, he couldn't require asphalt over culverts so that they would not be crushed.

Dick Colvill replied that the County Commissioners could require this, but he could not.

Deputy County Attorney Mike Sehestedt asked whether anyone had built in Grantlands 12 or 13 yet, and Nick Kaufman replied that they had just finished paving the roads for Grantland's 12 and 13.

Dick Colvill stated that no approach permits had been granted.

Ann Engelhart stated that she had talked to Peter Mion, Building Inspector, in regard to developing coordination among departments for such things as requiring access permits before building or zoning compliance permits.

Nick Kaufman stated that the existing zoning regulations, Resolution 76-113, requires that driveways over 100 feet be paved.

Dick Colvill stated that getting the culverts in was no problem; but the problem was keeping the culverts clean after they were in. He said that Woodland Drive in Grantland had never been accepted for County maintenance because the residents had refused to put culverts under their driveways. He said that there were three or four streets in the original Grantland which had never been accepted for County maintenance.

Dick Colvill then presented some suggestions for changes in language from the Planning Department recommendations.

Chairman Bob Palmer then closed the public comment portion of the hearing, since no one else wished to testify.

Barbara Evans moved approval of the preliminary Plat of Gleneagle at Grantland, subject to conditions and findings of fact as recommended by the Planning Board, with changes as stated in the following motions. Bob Palmer seconded the motion and it passed by a vote of 2-0.

Barbara Evans moved that the following variance be granted: A waiver from Section III.A.6.d.(1), which requires a 60-foot fee right-of-way, for all streets except Gleneagle Way, with the condition that all rights-of-way shall be a minimum of 54 feet wide. The 54 foot width shall be a combination of dedicated right-of-way, plus road and utility easements, and shall be approved by the County Surveyor. Bob Palmer seconded the motion and it passed by a vote of 2-0.

Barbara Evans then moved that the following variance be granted: A waiver from Section IIIA.6.d.(1), the subdivision paving with requirements, to permit 24 foot paving widths on all streets which do not have lots fronting directly on them. Bob Palmer seconded the motion and it passed by a vote of 2-0.

Barbara Evans then moved that the following variance be granted: A waiver from Section III.A.6.d.(d), which requires the installation of curbs and gutters along all roads in subdivisions within which the density of development is greater than two dwelling units per acre, exclusive of public roadways and common areas. Bob Palmer seconded the motion and it passed by a vote of 2-0.

Barbara Evans then moved that waivers #3 and #5 recommended by the Planning Staff be approved. Bob Palmer seconded the motion and it passed by a vote of 2-0.

The Preliminary Plat of Gleneagle at Grantland was, therefore, approved, subject to the following conditions, variances and findings of fact:

1. Grading, drainage, erosion control and street plans shall be approved by the County Surveyor's Office.

a. Cut-and-fill slopes shall be revegetated in order to prevent or minimize the detrimental erosional effect of drainage of surface run-off in roadway ditches, natural drainage ways and exposed soils.

b. The pavement design section based upon the support characteristics of the existing subgrade soils shall be reviewed and approved by the County Surveyor.

c. The parking lot at Grant Creek Road shall be paved for dust purposes.

d. The grade of Gleneagle Way at the intersection with Grant Creek Road, proposed at 4 percent, shall be minimized as much as possible and lengthened, to allow for storage of vehicles waiting to enter Grant Creek Road.

e. A final design for a friction surface on Gleneagle Way shall be approved by the County Surveyor's Office.

f. If curves are widened and turnouts provided on Gleneagle Way, these improvements shall be approved by the County Surveyor.

g. No zoning compliance permit shall be issued until the applicant first obtains a driveway approach permit from the County Surveyor. No certificate of occupancy shall be issued until required driveway approach culverts are installed to County standards.

2. The developer shall provide the necessary off-site utility easements.

3. The developer shall contribute to the improvement of the main Grant Creek Road in accordance with the Agreement for Contribution to Public Improvements, dated October 27, 1982. The cost of the traffic study has already been credited to Grantland 12 and 13. This contribution will be roughly \$17,000.

4. Trail systems shall be constructed by the developer and maintained by the Homeowners' Association. Trails shall be phased and constructed to keep pace with the subdivisions they are designed to serve. Natural trail formation shall be addressed to assure adequate controls for erosion.

PUBLIC MEETING, October 5, 1983, Continued

5. Where drainage swales intersect pathways in the trail system, the developer shall provide a hard surface to avoid deterioration of the pathways.
6. In accordance with P.U.D. condition no. 5, the area "FF," which is not developed, can be transferred and developed in cluster "EE" or "DD," or not developed at all.
7. Sanitary restrictions have been lifted, and the following shall be approved by the Health Department:
 - a. All drainfield and collection lines for the sewage disposal system shall be installed at once.
 - b. There shall be one certified operator for the community drainfields.
 - c. A separate association, as established in the covenants, shall maintain the community drainfields.
8. The following shall be approved by the Missoula Rural Fire District:
9. The location of all fire hydrants shall be approved by the Missoula Rural Fire District.
 - a. Common area shall be widened to provide at least 30 feet of separation from all lots. The common area surrounding home sites shall be planted with grass and maintained, subject to Rural Fire Department approval.
 - b. A condition shall be placed in the covenants requiring all roof materials to have a demonstrated fire-resistant capacity which is subject to prior approval of the Missoula Rural Fire District.
 - c. An additional access shall be provided to the development as soon as possible.
 - d. The developer will receive credit on the fire station site donated for an amount up to fair market value. This credit will, at the developer's option, be applied toward the fee assess on filed lots for the Fire Protection Capital Facilities Fee.

Further, the Board of County Commissioners granted the following variances:

1. A waiver from Section III.A.6.d.(1), which requires a 60-foot fee right-of-way, for all streets except Gleneagle Way, with the condition that all rights-of-way shall be a minimum of 54 feet wide. The 54 foot width shall be a combination of dedicated right-of-way, plus road and utility easements, and shall be approved by the County Surveyor.

The following is the reason for granting the variance:

A functional easement to provide extra width will be provided on St. Andrew's Way, which is proposed to have a 52 foot fee right-of-way. This street will not provide access directly to any lots, and parking will not be permitted. Therefore, in case of fire, there would be a lessened possibility for traffic congestion on the roadway. Drainage will be provided by culverts. There will be no sidewalks, as a trail system is proposed.

2. A waiver from Section III A.6.d.(1), the subdivision paving width requirements, to permit 24 foot paving widths on all streets which do not have lots fronting directly on them.

The following is the reason for granting this variance:

The collector will have 24 feet of paving. There is no direct access onto this street, and additional parking is therefore not necessitated. The interior street, St. Andrew's Way, will have 24 feet of paving. No parking will be permitted. Drainage will be provided by culverts and there will be a trail system for a pedestrian walkway.

3. A waiver from Section III.A.6.d.(1), which requires that all cul-de-sac streets be 1,000 feet or less in length.

The following is the reason for granting the variance:

Due to the topography, few units are located at cul-de-sacs. Lots around cul-de-sacs range in number from 4 to 11. The longest cul-de-sac, St. Andrew's Way West, has 23 lots located along it to its intersection with Perth Place. This lessens the problem of traffic congestion when using this access in case of fire.

4. A waiver from Section III.A.6.d.(d), which requires the installation of curbs and gutters along all roads in subdivisions within which the density of development is greater and 2 dwelling units per acre, exclusive of public roadways and common areas.

The following is the reason for granting the variance:

The principal behind developing the property as a P.U.D. is that the rural atmosphere should be preserved to the greatest extent possible. The subdivision will have fewer than 300 occupants. Urban design standards are not conducive to this concept. The drainage and trail system is being provided. (See condition 1g for zoning compliance permits in regard to drainage.)

5. A waiver from Section III.A.6.d.(4), which requires the installation of sidewalks along all roads in subdivisions within which the density of development is greater than 2 dwelling units per acre, exclusive of public roadways and common areas.

The reason for granting the variance is based on the following:

A trail system is being provided as an alternative to a sidewalk system. This is in keeping with the rural character of the subdivision.

Further, the subdivision is found to be in the public interest, based on the following findings of fact:

Section 76-3-608 of Montana Code Annotated states that to determine whether the proposed subdivision would be in the public interest, the Board shall issue written findings of fact which weigh the following criteria for public interest:

PUBLIC MEETING, October 5, 1983, Continued

1. Need - The Comprehensive Plan designates this area for up to 1 dwelling unit per 40 acres; however, the present PUD zoning has effectively modified that density. The proposal meets the PUD zoning condition no. 5 as the second subdivision of low-density, single-family. Grantland 12 and 13 is the first subdivision of similar density.
2. Expressed public opinion - No public opinion has been received for or against this development
3. Effects on agriculture - Effects on agriculture should be minimal, since other areas of the Grantland Ranch will be continued to be used for agriculture, as provided for the Grantland Ranch PUD.
4. Effects on local services - A County water district will be created by the developer. The sewage system will be individual septic tanks and drainfields. Ambulance service will be provided by Arrow. Police protection will be provided by the Missoula County Sheriff's Department. Missoula Rural Fire will provide fire protection. Students would attend Hellgate Elementary School and Hellgate High School.
5. Effects on taxation - In the submittal of 1979, the proposed subdivision would generate approximately \$154,986.15 per year in real property taxes.
6. Effects on the Natural Environment - Items that should be considered are extensive cut-and-fill and road grades which contribute to erosion problems.
7. Effects on Wildlife and Wildlife Habitat - The Missoula Planning Staff knows of no critical wildlife habitat in this area on the Ranch.
8. Effects on public health and safety - All sewage and water facilities will be reviewed by State and local health authorities. Lots in the subdivision have been designed to eliminate any conflict with the Montana Power Company powerline easement and the BPA 230-KV powerline which traverses the property. Ansel Peterson, BPA, stated in a letter in 1979 that he is unaware of any potential adverse effects to health and safety caused by this line. The Grant Creek Traffic Study accepted by the Surveyor's Office in September, 1981 addresses improvements to the Grant Creek Road to accommodate the increased traffic from development in this area.

OTHER BUSINESS

Nick Kaufman, President of the Missoula Valley Energy Conservation Board, said that he supported life-cycle costing for bid consideration purposes, but that he would like to see it done in a manner that made the process administrable and reasonable.

Since there was no further business, the meeting was recessed at 3:35 p.m.

MEETING

Commissioners Evans and Palmer and representatives of the County Surveyor's Office met in the evening with residents of the Nine-Mile Area regarding their road problems.

* * * * *

October 6, 1983

The Board of County Commissioners met in regular session, all three members were present in the afternoon. Commissioner Dussault returned from vacation at noon.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of Justice of the Peace, Janet Stevens, for collections and distributions for month ending September 30, 1983.

DAILY ADMINISTRATIVE MEETING

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

PLAT

The Board of County Commissioners signed the plat for Hendricks Addition, resubdividing a portion of Lot 3, Cobbin and Dinsmore's Orchard Homes No. 3, a platted subdivision of Missoula County owned by David G. Hendrickson.

Other matters considered included:

1. The Board discussed the hearing procedures for the upcoming Air Quality Hearings; and
2. Leadership-Missoula was presented for the Board's consideration.

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

* * * * *

October 7, 1983

The Board of County Commissioners met in regular session; all three members were present. Commissioner Palmer left for Spokane late in the afternoon where he attended the Inland Northwest Conference of Elected Officials on October 8th and 9th.

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated October 7, 1983, pages 1-32, with a grand total of \$161,984.72. The Audit List was returned to the Accounting Department.

Fern Hart

Fern Hart, Clerk and Recorder

Bob Palmer

Bob Palmer, Chairman

October 10, 1983

The Courthouse was closed for the Columbus Day observed holiday.

October 11, 1983

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

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report for Justice of the Peace, W. P. Monger for collections and distributions for month ended September 30, 1983.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 83-118

The Board of County Commissioners signed Resolution No. 83-118, a budget amendment for FY '84 for the Poor Fund, adopting the following as part of the FY '84 Budget:

<u>Description of Expenditure</u>	<u>Budget</u>	
	<u>From</u>	<u>To</u>
08-643-01-00-717	\$35,000.00	\$41,382.40

<u>Description of Revenue</u>	<u>Revenue</u>
08-920-03-00-394	\$6,382.40

(Interim Assistance - SSI)

RESOLUTION NO. 83-119

The Board of County Commissioners signed Resolution No. 83-119, a budget amendment for FY '84, creating a line item in the District Court Fund against which the interest accrued on registered District Court Fund warrants can be charged:

<u>Description of Expenditure</u>	<u>Budget</u>
District Court--	
84-17-100-03-00-593	\$ -0-

and that such line item be funded by transferring to said line item excess funds remaining on other District Court line items at the close of the fiscal year or by transfer from such other County funds as may be available for the purpose.

The above was formally adopted as part of the FY '84 Budget.

AGREEMENT

The Board of County Commissioners signed an Agreement to Grant Right-of-Way between Missoula County and Fred and Patricia J. Lipscomb, whereby the Lipscombs agree to grant right-of-way to Missoula County for construction of the improvements on St. Michael's Drive, a RSID, for the total sum of \$10,000.00. The Agreement was returned to General Services for further handling.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between School District No. 34 (Seeley Lake) in Missoula County, referred to as "prime agency" and Missoula County, referred to as "cooperating agency" for the purpose of cooperation between the parties in securing, constructing, maintaining and improving recreation facilities located upon real estate owned by the prime agency for the use and benefit of persons living in and traveling to and through the town of Seeley Lake, Montana, as per the terms set forth in the Agreement and shall remain in effect for a period of 25 years. The Agreement was returned to John DeVore, Operations Officer, for futher handling.

Other items considered included:

1. The Commissioners voted unanimously to pay the MACo dues for the current year;
2. A discussion was held on the American Express Credit Card;
3. The Board approved proceeding with the fire coordinator proposal regarding Bruce Suenram, Missoula Rural Fire Chief, as presented by Orin Olsgaard, DES Coordinator; and
4. Commissioner Palmer reported on the Inland Northwest Conference of Elected Officials, which he recently attended in Spokane.

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

AIR QUALITY HEARINGS

The Board of County Commissioners conducted a public hearing all afternoon in the City Council Chambers on the "Extent of Air Pollution Problems" relating to the proposed Air Quality Regulations.

A public hearing on "Health Problems" relating to the proposed Air Quality Regulations was conducted by the Board of County Commissioners in the evening in the City Council Chambers. The minutes of the hearings are on file in the Commissioners' Office and the Health Department.

* * * * *

October 12, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer left in the morning for Portland, Oregon, where he will attend a Local Government/BPA meeting, October 13th through October 15th.

INDEMNITY BOND

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Inland Truck Parts as principal for warrant #102146, dated June 29, 1983, on the Missoula County R/B/S (70) Fund in the amount of \$57.72, now unable to be found.

MONTHLY REPORT

Acting Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri showing items of fees and other collections made for the month ending September 30, 1983.

PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Acting Chairman Barbara Evans. Commissioner Ann Mary Dussault was also present. Commissioner Bob Palmer was absent as he was in Portland at a Northwest Power Planning Council Meeting.

APPROVAL OF: SETTING OF TAX LEVIES - RESOLUTION FOR FY '84

Under consideration was the approval and signing of the resolution fixing tax levies for Missoula County for Fiscal Year 1983 - 1984. Information provided by Administrative Officer Gordon Morris stated that the Board of County Commissioners had approved and adopted the budget for FY '83-'84, as required by law, after having received budgets from the various taxing entities, holding hearings in compliance with State law and in reference to the number of mills to be levied, and having determined the value of the mill as \$119,600.00 countywide and \$75,235.00 outside the city limits. To complete the budget process for FY '83-'84, the resolution fixing tax levies needed to be approved and signed, he said.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the resolution setting tax levies for FY '83-'84 be approved and signed. The motion passed by a vote of 2-0.

CONSIDERATION OF: RESUBMITTAL OF FINAL PLAT - MOMONT INDUSTRIAL PARK, PHASE II

Under consideration was the resubmitted final plat for Momont Industrial Park - Phase II. Ann Englehart, Planning Technician, gave the Planning Staff report and recommendations. She stated that the Board of County Commissioners had approved the preliminary plat for the subdivision on February 25, 1981. The final plat was approved on October 7, 1981, subject to three conditions. This plat was not filed and the final plat was, therefore, resubmitted for approval. She said that the development was part of the Sunlight Development Company's Master Plan for the area on the north side of Highway 10 West, directly across from the airport. She said that Momont Industrial Park, Phase II, previously called Airport Industrial Center, was an extension of Momont Industrial Park - Phase I. The developers were proposing nine light industrial lots on 21.1 acres, which included 2.85 acres of road. Lots ranged in size from 1.43 acres to 4.02 acres, she said, and that the lots would connect to the city sewer and Mountain Water. She said that Montana Power would provide electricity and natural gas, and that the utilities would be underground.

Acting Chairman Barbara Evans asked Woody Germany, of Sorenson and Company, representing the developers of Sunlight Development Corporation, if he had any comments. He replied that the owners were in complete agreement with the staff recommendations.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the resubmitted Final Plat of Momont Industrial Park Phase II be approved subject to the two conditions recommended by the Planning Board. The motion passed by a vote of 2-0.

The final plat for Momont Industrial Park, Phase II, was, therefore, approved subject to the following two conditions:

1. Lighting and security systems shall be reviewed by the Crime Prevention Office; and
2. Fire hydrant locations, fire flows and water supply for fire protection shall be approved and equipment installed according to standards set by the Missoula Rural Fire District.

HEARING (PLANNING AND ZONING COMMISSION): AMEND DEVELOPMENT STANDARDS - ZONING DISTRICT 6

Chairman Barbara Evans then convened the Planning and Zoning Commission. The Planning and Zoning Commission consists of the Board of County Commissioners, Clerk and Recorder Fern Hart and County Surveyor Richard H. Colvill. Present for the Planning and Zoning Commission hearing, then, were Barbara Evans, Ann Mary Dussault, Fern Hart and Richard H. Colvill.

Mark Hubbell from the Missoula Planning Staff gave the Staff Report and Recommendations. He stated that the land under consideration was a citizen-initiated zone. He said that citizen-initiated zones were different from zones which are administered under the County Zoning Resolution - that they had somewhat different set of rules. He said that Planning and Zoning District 6, under consideration today, was originally adopted in March of 1958, and that the terms of this district were further clarified on April 10, 1958. The zone currently allows any use, with the exception of bars, nightclubs or establishments selling liquor, he said, and that it restricts the Amvets Club to its present location.

During the spring and summer of 1983 there was considerable controversy surrounding an attempt to replace the former Amvets Bar with a new bar, which came to be known as the "OK Corral," he said, and that most of the controversy stemmed from the fact that there were no clear guidelines within the existing Zoning District 6 regulations to determine how long a non-conforming use could be discontinued without the use lapsing, so following the many hearings that were held in Missoula County, a number of residents of Planning and Zoning District 6 met to draft amendments to the regulations, he said. They had hoped that these new amendments would more thoroughly express the views and intentions of the neighborhood, he said. The amendments had then been distributed throughout the neighborhood and comments solicited. These revisions were then incorporated into a second draft of the proposed amendments, and that was what was before the Planning and Zoning Commission at this hearing, he said.

PUBLIC MEETING, October 12, 1983, Continued

He then read the following amendment to the original Planning Staff recommendation:

In view of Section 76-2-314, MCA, which allows community residential facilities in all residential zones, provided certain conditions are met, the Planning Staff would recommend that Section II (10) be amended to read:

Rescue missions or halfway houses which do not conform with the provisions of Section 76-2-314, MCA.

He then explained that the proposed amendment was in reference to the fact that in the recommended changes in the development standards of Zoning District 6, one of the prohibited uses within Zoning District 6 would be rescue missions or halfway houses. Since some halfway houses are permitted under State Law no matter what zoning says, this proposed amendment would bring the proposed revisions into compliance with State Law so that there would not be any misunderstandings on this point.

Mr. Hubbell stated that the staff recommendation was that the Commissioners and the Planning and Zoning Commission would adopt the proposed revisions to the Development Standards for Zoning District 6.

Barbara Evans then asked if there were any questions by the Planning and Zoning Commissioner Members of Mark Hubbell at that time. There were no questions. Barbara Evans then opened the public comment portion of the hearing, asking that proponents of the proposed revisions to the Development Standards of Planning and Zoning District 6 testify first. The following people spoke:

1. Patricia Mote stated that she had gotten here late and asked what the proposals were.

Barbara Evans answered that the proposals were revisions to the Development Standards of Zoning District 6.

Ms. Mote asked if there could not be any mission places in the vicinity.

Barbara Evans answered that copies of the proposed revisions were available if she wanted to look at them.

Ms. Mote stated that she paid property taxes down in that district and stated that there were a lot of other people who had businesses down in that area who had not gotten a copy of the proposed revisions.

Barbara Evans said that that was the purpose of the hearing, and that she was certainly welcome to have copies.

Ms. Mote stated that Bert's Repairing had not gotten a copy, or had gotten it late. She said that she realized that there were a lot of people in that part of the Eddy Addition who wanted to be zoned against missions, against more wrecking businesses, used cars or more commercial businesses and asked if that were true.

Barbara Evans stated that ten specific items had been listed to be prohibited.

Mark Hubbell gave her a copy of the proposed revisions.

Barbara Evans stated that she could read through them, and said that it was Section II, and that those were the uses that would not be allowed if the Planning and Zoning Commission and then the Board of County Commissioners approved these zoning changes.

Ms. Mote asked if a property owner did not have direct access, did that mean right off of Russell Street - did that mean property having direct access to Russell, so property further down Montana or Wyoming or any of those other areas that people might have property for sale commercially might not be able to sell it.

Barbara Evans asked Mark Hubbell to address these questions.

Mark Hubbell stated that in the meetings held with the homeowners, they had said that they wanted to keep the area away from further commercial development - not along Russell Street, but down into the neighborhood.

Ms. Mote asked what block numbers would be involved, and Mark Hubbell said that the places where the neighborhood had wanted commercial development were those places that fronted on Russell Street, not entire blocks or down towards the mill, but those properties which have direct access to Russell Street.

Ms. Mote said that in other words they weren't opposed to commercial businesses near the mill.

Barbara Evans said that what needed to be recognized was that the staff did not originate this process or come up with the recommended items. They did this in consultation with the residents of the area, and this is what the residents said they wanted, she said, and that the staff was not trying to impose this on them.

Ms. Mote asked why she had not been included.

Barbara Evans asked Mark Hubbell to address this question, and he said that she would have to ask the residents of the area.

Ms. Mote said that she realized that there were a lot of retirees and people in that area who would be retired in ten years, but she thought that the younger people should be thought of too. She said that twenty years from now some of those people were not going to be around.

Barbara Evans explained the hearing process. She said that what the Commissioners do is ask to hear from the people who do want this done first and then the people who didn't want it done.

Ms. Mote stated that she had come because she had not received one of the proposals.

Barbara Evans asked her if she was saying that she did not want the changes in the zoning or if there was something specific she wanted changed or excluded.

Ms. Mote said that she was against the entire proposal.

Barbara Evans clarified that she wanted all of the ten items proposed to be excluded allowed in the district.

PUBLIC MEETING, October 12, 1983, Continued

Ms. Mote said that she did.

Barbara Evans said that they would go back to hearing from people who would support the changes. The following people spoke:

1. Mike Mite stated that he was a resident of the area, and that the changes were necessitated in that the area that they were in was closed off except for one direct access coming in and out, which more or less as it stands now, the area cannot stand commercial zoning. He said that he felt it was a residential area and the zoning should make it a residential district. He said that he had read the proposal and could see that if you have direct access off Russell Street, which they recognized would be a commercial area up in there, that would be fine; but as far as driving down the side streets there and around there and coming around the residential districts, he felt that this was necessitated so that the residents didn't have to put up with all the traffic.

2. Ellen Chausee stated that she lived in the area and that she was very much in favor of the petition to have the neighborhood zoned, as Mr. Mite had said. She said that it was a congested neighborhood down there with just residential and it would not be proper to have any more businesses or bars in the neighborhood. She said that it was a nice neighborhood with nice people, and there was already too much congestion down there.

3. Franklin L. Trickey got up to speak, and someone in the audience stated that he was not a property owner.

Barbara Evans stated that this was a public hearing and he had the right to speak.

Mr. Trickey stated that what he saw there was that they were trying to shut down everything, and that they wanted to rezone a County area into the City.

Barbara Evans said that it would not change the designation of City or County at all.

Mr. Trickey said that he did not see any reason to be against any game rooms. He said that also he had lived there most of his life, and the Amvets had been there before any of those people and they were wrong to try and change the things that had been there. He said that if you want to live next to a place that's been there, fine, and if you don't, then move.

4. Angela Mite said that, referring to the man who had just spoken, her father had built the bar and she had lived there then, so she was there before Mr. Trickey ever came into the area. She said that she was for the petition for the simple reason that up until May when it closed down, she had had insomnia so bad it wasn't even funny. She said that she had bought Somnifex - you name it, I bought it - and right after May when the place closed down, she found she could sleep eight or ten hours a night with no trouble at all.

Barbara Evans asked the audience to be courteous, referring to audible comments which were being made at the time.

Angela Mite continued, saying that she was definitely for the proposed changes.

Barbara Evans asked if anyone else wished to speak in favor of the proposed regulations.

5. Rachel Pederson stated that she was very much in favor of the proposals.

6. Hazel Richlie stated that she was a property owner from 1309 Idaho Street and that was one of the main access streets to the bar, and they were thoroughly against this, and they definitely wanted the new zoning for District 6. She said that they had put up with traffic and noise for 32 years, and that she wanted to have 32 years without it.

7. Mrs. Cecil Williams stated that she was in favor of the petition in that she had been raised in that area and that she had lived there for 40 years. She said that this was not a personal thing against anybody, but they would like to have the place zoned so that they could have a little bit of peace and quiet around there. She said that they didn't need any bars or restaurants, now. They had a mill there now that they know is there - that makes enough noise, and there were all kinds of reasons to be in favor of the proposed changes.

8. Vern Bowers stated that she lived on the corner of Idaho and California and that they had put up with the traffic for years and all the other things that went with the bar, and that it would be real nice if they could have a little peace and quiet. She said that she had nothing against the people themselves, that that had nothing to do with the questions, but that the situation was bad down there. She said that there was only one way in and out, and with the Sheriff's Department being cut for funding, they would not be able to take care of the problems that they had had in the past. She said that she had been upset several times and had talked with Mark Hubbell, and the other neighbors had too. She said that she was willing to make changes if there were something definite that they wanted to do, because that was what they were trying to do - please the majority down there. She said that if there were any way to change to make them happy, she would be just delighted.

9. Betty Jean Thrasher stated that she had lived in the neighborhood for 37 years, and, like the rest of the neighbors had said, the past four or five months had been peaceful. She said that the neighbors were not against small businesses that somebody might want to bring in to make a living, but they were against bars and anything that would disturb the people who lived down there. She said that they were not trying to hurt anyone personally.

10. Leo Mite stated that it was quite apparent that there should be some sort of zoning down there because the bar had been expanded - major expansions - three times in the past ten or fifteen years. He said that each time it had gotten bigger, but with no more offstreet parking added to it. He said that along with the bar, there had been a chicken coop that had been added onto and built onto to make nine apartments, and it was in the floodplain. He said that there was a body shop that originally had been built for a storage room for beer and what have you, and that this had been turned into a body shop. He said that everything had been run slipshod over the whole thing for the last thirty to thirty-five years. He said that he had moved down there in 1932, and they had been there before the bar and been built. He said that the bar was not their only objection, but that there were other things that were creeping in there like a cancer and, therefore, that should be really looked into, especially as it was a floodplain area. He said that there was no offstreet parking, and people who patronized the bar had used the neighbors' parking spots and they had parked right up on his lawn and all the way down the street so that a fire truck or an emergency vehicle couldn't get in or out of there. He said that he was wholeheartedly in favor of amending the zoning for that area.

PUBLIC MEETING, October 12, 1983, Continued

11. John Rice, from Montana People's Action, said that he had been a resident of that area - his mother and father had both settled in that area - his whole family was from the area - they're still down there - uncles and so forth. He said that Montana People's Action had been asked to help the folks in the neighborhood organize and try and keep any other liquor establishments out of there and to keep a new one from relocating in what used to be the Amvets. He said that he thought that it should be clear that the folks in the area were against having any new establishment at the location of the old Amvets, and that they were against any businesses establishing there that would destroy the peace and tranquility of that neighborhood. He said that this was evident by the number of signatures on the petition and also from the number of folks present here today.

12. June Beckwith stated that she had been a resident for forty years and that they were definitely in favor of the changes.

13. Spencer Rice, a property owner in the area, stated that he was in favor of the changes.

Barbara Evans asked twice if anyone else wanted to speak in favor of the changes. No one else came forward. She said that Ann Mary Dussault had a question she wanted to ask, and that she would give the Board the chance to ask any questions they wanted to ask before going to the opponents.

Ann Mary Dussault stated that she just wanted to clarify something with Mark. She asked Mark Hubbell if there were any other prohibited uses which would be applied to the area except those that were limited to Section II. She said that she had a feeling that, even from what the proponents so far had said, that they thought that there would be no opportunity for any commercial development in the area. She said that she did not read that in the regulations, and said that, in fact, as she read it, commercial uses would be allowed except those specifically mentioned, and asked Mark if that interpretation were correct.

Mark Hubbell replied that that was right, and elaborated on this by saying that Section I stated that any use is allowed that is not specifically called a prohibited use in the ten prohibited uses, so anything that is not one of those ten, and that wasn't against the law, would be allowed.

Fern Hart stated that if there were some misunderstanding, someone might explain the amendment that Mark Hubbell had proposed in reference to the halfway houses. She said that she thought that the reference was to the State law that if the State sets up some kind of a special-help house, that they would go right ahead and do so.

Mark Hubbell stated that that was correct as State Law supersedes zoning law, as he understood it, so basically what you would face there was that if a halfway house were licensed by the State, then local zoning cannot prohibit that. He said that if it were a halfway house that was not a licensed one, it could be prohibited, and that was why the recommendation was not to strike Item 10 under "Prohibited Uses", but rather to modify the way that it reads.

Fern Hart said that that was true of any neighborhood, not just their neighborhood, but all of our neighborhoods.

Mark Hubbell replied that that was correct.

Barbara Evans said that the reason the Board of County Commissioners had had the amended section written was because under the previous way it had been written, one would automatically assume that under no circumstances could the rescue missions or halfway houses go in. She said that they had not wanted people to leave here, if the Planning and Zoning Commission, and then the Commissioners, should pass the changes, with that misunderstanding. She said that they had wanted people to be aware of the fact that State law specifically allows those things if they are licensed, and the people have no say through the zoning as to whether or not it went into your area. She said that they had wanted people to know that so that there would be no misunderstanding, and that was why the amended section had been written.

Barbara Evans then said that they would get back to general comment, and asked Dick Colvill if he had any questions or comments. There were no other general comments, and she then asked for opposing testimony. The following people testified in opposition:

1. Bernie Goldman, who stated that he was an attorney in Missoula, and that he represented Arnie and Nell Zavarelli, gave the background of the situation, stating that it had started back this winter when young Mr. Mite was told to get his gambling machines out of the Amvets. He said that Mr. Zavarelli owns the building, but does not own the bar that was in the building, and, consequently, when Mite was told to get his gambling machinery out of there, and other machinery came in, Mrs. Mite, Angela Mite, who is Arnie Mite's sister, became involved with a heavy family dispute, and what was being asked here of the Commissioners and the Zoning Board was to step into the middle of a family fight and resolve this matter by adopting a new ordinance.

At this point, there were comments from the audience, and Barbara Evans pounded the gavel for order.

Mr. Goldman said that by adopting a new ordinance prohibiting all these things listed in one through ten - by the way he understood zoning - under Zoning District No. 6 - a lot of that stuff was already prohibited, except that some of it came under a grandfather clause. He said that the bar came under a grandfather clause as it was there. He said that if the Zoning Board again ruled that no nightclubs or bars would be allowed down there, they were duplicating what had been done already. He said that further, in number 7, it prohibited auto body shops, but young Mr. Zavarelli - John - had an auto body shop there, which he believed would have to come under a grandfather clause if adopted, or otherwise there would be irreparable damage to a business in that area. He said that young Mr. Zavarelli is Arnie's son, and that this went back to the family fight again. He said that even though it was Mrs. Mite's nephew, they were asking the Commissioners to rule against one side of the family against the other side of the family.

Barbara Evans asked if Mr. Goldman could stick to the issue of whether the changes in the zoning for District 6 were appropriate.

Mr. Goldman stated that he thought that this was totally the issue in this case, and, further that he had a letter that Barbara Evans had written to the Liquor Control Board setting out her biases against the opponent's position, and yet she was sitting there and going to vote as an impartial party, so, by reading the letter, everybody knew her position already, and basically what this was was a rubber stamp situation.

Barbara Evans stated that she did not think that he would find in her letter any reference to the new zoning situation for Zoning District 6.

Mr. Goldman stated that this had to do with the bar.

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Barbara Evans stated that she reflected the view of the public, but she was not going to get into an argument with him.

Mr. Goldman stated that she reflected the view of a few people, and stated that what he would ask this Commission to do was, to be fair and impartial and as unbiased as possible, to sit with the full commission, and also to let the "young County Attorney there" explain to the Commission that there were certain things such as grandfather clauses, and that even if this zoning did go through, it may not affect these businesses that are already in the area, like B & J Auto Body, or is this subjecting themselves to a lawsuit of irreparable damage to a young man who is trying to run a business. He said that Mr. Deschamps, in an opinion, already said that B & J Auto Body is a legitimate business in the area, even though the original building was built as a warehouse, and the man who built the building had turned it into a body shop, it was a legal non-conforming use, and that still stands, and that was from Mr. Deschamps. He asked if it were the intent of the Zoning Board to say that B & J Auto Body's out, and the bar's out, and there's no such thing as a grandfather clause.

Barbara Evans asked if he were asking that question, and if he wished it answered.

Bernie Goldman replied that he was and that he wanted Barbara Evans to respond.

Barbara Evans stated that she was not the attorney, and referred the question to Deputy County Attorney Jean Wilcox, who stated that whether or not the OK Corral was going to be grandfathered was up to Dusty, who had asked her to do a memorandum for him on the law, and they had planned to discuss it the day before, but he had had to leave for Miles City because of a death in the family.

Mr. Goldman stated that Deschamps had already come out and said it was okay under the prior zoning ordinance, and asked if that were correct.

Ann Mary Dussault told Mr. Goldman that she would suggest that he present his testimony because this was not a court of law, and direct interaction between him and the Board's attorney was inappropriate. She said that if he would present his testimony, the Commission would then be in a position to ask the questions of its attorney.

Barbara Evans thanked Ann Mary Dussault and said that she agreed with her.

Mr. Goldman said that he believed that the Commissioners had an obligation to inform the people just exactly what they can do in case of an ordinance change, even though this was brought up by the citizenry, so that they didn't leave people who were against the changes totally defeated, and give the people who were for the proposed changes the sense that they'd won. He said that it wasn't that easy; that it wasn't a black-and-white situation.

Barbara Evans stated that the Board usually attempted to answer the questions of the citizenry, and that they would attempt to answer that one. She asked him to get on with his testimony.

Mr. Goldman asked when they were going to answer and how they were going to answer it.

Barbara Evans stated that this would be done before the hearing was over.

Mr. Goldman asked if this would include what is going to be grandfathered in, and what would the effect - clarification - of many of these points be. He quoted one of the items that would be prohibited as "Adult and/or Pornographic Shop", and said that the U.S. Supreme Court can't even decide what that is.

Barbara Evans asked him to tell the Commission why they ought not to endorse the changes.

Mr. Goldman stated that it was because what he thought they were doing is to say, "Okay, none of these are allowed", to one side; and saying to another side who was against the proposed changes as they did have businesses in the area, "You're out". He said, "Even you know you can't do that. Whether you adopt them in total or whether you not adopt them in total, you know you can't do that, and I believe you have an obligation to the people in this room to tell them that you can't do that". He said that Mr. Zavarelli was sitting in the back of the room, and that he had an auto body shop down there, and he did not know whether he would have a business tomorrow or not, because they were going to ruin him. He said that he felt that they were entitled to some clarification on that.

Barbara Evans stated that they would clarify that.

Mr. Goldman asked when.

Barbara Evans replied that they would clarify that before the hearing was over.

Mr. Goldman asked what was meant by "Adult and Pornographic Shops".

Barbara Evans said that that was self-explanatory.

Mr. Goldman said that he did not think it was, because the Supreme Court could not even decide what an adult or pornographic shop was. He asked if it were the selling of Playboy Magazine or something harder or softer or what. He then went on to the item which specified "New or used car lots, except those having direct access to Russell Street, and auto body shops". He asked if they were going to decide if new ones could come in; old ones could stay or nothing can stay. He asked what about kennels. He said that he understood Mrs. Mite had brought in some horses to pasture over there. He asked if she could still keep her horses, or was she going to have to get rid of them.

Barbara Evans said that she had never heard of anyone keeping a horse in a kennel.

Mr. Goldman told her to read the statute on that, that it did not specifically refer to dogs. He said, "Ask your young County Attorney to read that to you."

Ann Mary Dussault stated, "Bernie, I can hardly wait for you to make reference to the fact that she's pregnant, also".

Mr. Goldman replied, "That's the only thing that's obvious here, other than Madam Commissioner's letter, which I don't think everyone here had the opportunity to see."

Barbara Evans asked him if he'd like to read it for them, and that she was saying that in jest; that she did not expect him to do so.

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Mr. Goldman said that he had been going to do so for the record, because it showed her biases.

Barbara Evans said that she did not think it was necessary.

Mr. Goldman said, "And yet, you're sitting up there to rule on this, so we know where your vote's coming from".

Barbara Evans said, "Do you really? The last group thought they knew too".

Mr. Goldman said that if she voted with Arnie, he would buy her a steak dinner, and that was a promise.

Barbara Evans said that she did not accept bribes.

Mr. Goldman then thanked the Commission for giving him a chance to say something on behalf of Mr. Zavarelli.

Barbara Evans said that he was welcome, and asked if there was anyone else who would care to speak in opposition to the regulations.

2. Patricia Mote spoke again, stating that her name was Patricia Thrasher Mote, and that she had been in the area since 1934, a long time before a few of the people who were there that wanted all the changes. She said that she wanted to say again that they were degrading the low-income people when they refer to missions and halfway houses. She also said that the Commission should bear in mind that the people proposing the regulations were older people - retired people - who wanted a nice, quiet community. She said, "So there's a little noise on Saturday night - what the heck? There's always a little noise all over the city of Missoula on Saturday nights and Friday nights, which I'm not opposed to." She said that the Commission should start thinking about the younger generation. She said that there was a younger woman who might be interested in putting something on her property, and she was a taxpayer, and Patricia herself was a taxpayer - that she was an heir to some property that she and her brother pay taxes on - and she wanted to state again that she was against the proposed changes.

Barbara Evans asked if anyone else cared to speak in opposition.

3. Albert Janzen, from Bert's Automotive Repair, stated that the way he read prohibited use number 7, under Section II was that his business would come under this one. He said that actually, the way the thing was written up, if he closed his business for a period of 90 days, he would have to come in for a variance, and that it said that the Board may grant a variance, which also meant that it might not. He said that it seemed like a questionable thing. He said that he did not border Russell Street, and this would be bad for his business.

Barbara Evans asked him where he was located, and he replied that he was on Montana Avenue, and that if he ever tried to sell the business, it would be hard to do so.

3. Ann Mary Clause, owner of Block 12 in Eddy's Addition, stated that she owned a fireworks stand, which under State law can only be open for twelve days. She explained that she had to go to Mark Hubbell to get a permit, and then she had to go to the Surveyor to get another permit, and finally she gets a license. She said that this was her business, not her husband's business - she wanted that to be made clear - and asked if she was to understand when the legal firework season ends on the fifth of July, she would not be able to open the shop again the next year as she had done for thirteen years.

Barbara Evans replied that that was not the case, and asked Mark Hubbell to respond to this question.

Mark Hubbell stated that the only prohibited uses were the ones in Section Two, stating that fireworks stands were in no way prohibited, or any seasonal commercial use. He said that the only prohibited uses proposed were the bars, nightclubs, restaurants, pornographic shops, game rooms, used car lots - except on Russell Street - body shops and service stations, wrecking yards, kennels and rescue missions, so something like a fireworks stand would not be affected one way or the other by this change.

Ms. Clause then asked if it would be permissible to withdraw Lot 12 from this zoning. She said that the other owner was her husband.

Mark Hubbell stated that the purpose of the hearing was regulations that govern the existing Zoning District 6, as it was set out in 1958. He said that any kind of exclusion as far as exchanging boundaries would have to be done at a separate public hearing, although any amendments to the proposed changes could be done under the terms of this hearing. He clarified his point by stating that the standards, rather than the boundaries, were up for discussion today.

4. Ruth Fassett stated the in Block 5, they owned Lots 1 through 10, and that they paid a good amount of taxes on the property, which they had bought with the understanding of the present restrictions about the bar, and that was fine. She said that the way she felt is that she was in favor of the zoning law as it existed now. She said that if the people in the area wanted to exclude the 10 lots - she was right next door to Bert's Auto Body - and they had leased out the first 5 lots, and there was a new used car lot there, which might have direct access to Russell. She asked what was going to happen: were they going to be left holding some worthless property - the other 5 lots in the back - and, if the property was going to be worthless because of zoning, she wanted to see a big reduction in their tax bill. She said that she wanted to be left out of the new changes and have things left the way they were. She said that she had nothing against anybody down there, but that she wanted the original zoning left.

Barbara Evans said that what would have to be done was that they would have to look at a map to see if the property was in a position where it could be excluded, and if she wished to do so, they could initiate that kind of process. She asked Deputy County Attorney Jean Wilcox if that were correct, and she replied that it was.

5. Jacqueline Mocko stated that she was a property owner right behind Mrs. Clause, and said that what she was worried about was them selling out and another business moving in on that lot, and leaving her stuck with a worthless piece of property, and that would make her upset. She said that she felt that Mr. Zavarelli should be allowed to have his bar there; that the bar should be allowed to be open, because she did not want her land value to go down. She said that she wanted to be able to have a business there or to sell it to someone who wants to have a business there. She said that she wanted to know if the business about auto body shops and wrecking yards would have anything to do with the number of cars that the neighbors had on their property. She said that it looks like a wrecking yard or a car lot, and she thought that if they were allowed to have that, then it should be each to his own, and the old zoning laws should

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stand as they are now. She then referred to the fact that pornography shops would be prohibited, and asked if that meant if the gas station - the Town Pump - across the street would be allowed to sell Playboy.

Barbara Evans said that Mark Hubbell would answer that after her testimony were over.

Mrs. Mocko stated that she had lived in the area all her life, and that you'd have to look around and see all the different businesses coming up all the time. She said that these people were not going to be there in twenty years or so because they were old and they would - you know - that's the way it goes. She said that she was young and had a long time yet, and if she wanted to have a business there, she wanted to be able to do so. She said that if she wanted to have a kennel - because there were a lot of animals in that area - she wanted to be able to do so. She said that she did not feel that dogs in cages would make any difference at all. She said that that was all she wanted to say, except that she was definitely opposed to the proposed changes.

6. Mrs. Bert Janzen stated that they had Bert's Automotive Repair and she did not feel that the traffic to and from their business affected the residential area, so she did not see why they had to be included in the zoning area. She said that their property was about 60 feet from Russell, but it was not next to Russell, so she wanted them excluded.

Ann Mary Dussault asked for a clarification, either from Jean Wilcox or Mark Hubbell, stating that as she understood it, the Auto Body Shop that was currently there could continue to be there.

Mark Hubbell and Jean Wilcox replied that it could.

Barbara Evans stated that, as he had said, if he closed down for 90 days, there would be a concern.

Ann Mary Dussault stated that he would come under the legal, non-conforming use clause, and if he closed down for a period of more than 90 days, that would be it.

Barbara Evans replied that that was true, unless they got a variance.

Ann Mary Dussault asked Mr. Janzen if he understood that, and Mr. Janzen stated that what he was concerned about was the phrase, "... may or may not be granted a variance. . ."

Ann Mary Dussault asked him if his business ever closed down for three months at a time, and he said that part of the business is leased out, and that part could be closed down for three months at a time.

Mark Hubbell said that it was in the same building, though.

Mr. Janzen agreed that it was in the same building, but stated that if he wanted to sell the property ten years down the road, it seemed like he would run into a whole bunch of restrictions.

Ann Mary Dussault replied that that was true, but that was a separate issue. She said that she wanted to make sure that everyone understood that if the proposed changes were adopted today, he would still be in business tomorrow.

Mr. Janzen said that he understood that, but he objected to the way that they had been written up.

Ms. Mote stated that she wanted to say one more thing - that she had a sharecropper's license, and if she wanted to sell rummage, she would; and if she could make a few dollars selling Playboy or any other magazine, she would. She said that she was against the proposed changes.

Barbara Evans said that she had made that adequately clear.

7. Richard Zavarelli said that he was not a landowner in the area, but that he would be in the future, and he felt that the ten items that the majority - they called themselves the majority - had listed that they could not be opened up - after the Commission decided on the zoning, there were businesses down there that were owned by Leo and Angela Mite - Leo's Rock and Prospect Shop located right next to the OK Corral - he wanted to know why that was not listed among the prohibited uses. He then referred to Pioneer Amusement, which was located behind the Amvets Club, and asked why that was not on the list of ten items. He said that some things were singled out, but the businesses that they're running themselves were allowed, but they were small businesses too. He said that people make money off those things that were listed, and if people make money at it, why should it be taken away from them. He said that there had been no problems for the past fifty years, and that the bar had been there longer than most of the people that live there, and that it had been there before the War, and asked how they could decide that they were going to close it down now after it had been open for so long. He said that he was opposed to the proposed changes in the Zoning Regulations.

8. Bob Rock, owner of Lots 13-24, Block 11 in the Eddy Addition, and also President of Rocky Mountain Moving and Storage, a local company, said that the company had commercial plans for the property in that area. He said that none of the things that they were considering were restricted under the current or the proposed zoning, but should their plans fail to materialize, there might be other buyers in the area who might want to buy the property and use it for one of the restricted uses. He said that he had not requested to be included in the zoning changes, but that, obviously, being in that area, he was included, and he said that it was unfortunate that the people in the area did not recognize that they were lying between a commercial area on Russell Street and an industrial zone - the Intermountain Lumber Company. He said that there was only a three-block difference between Russell Street and the back door to Intermountain Lumber Company, and this property in between, he strongly believed, would be commercial in the future. He said that apparently family emotions had run over because of the OK Corral, and now they wanted to restrict what could be done in the area, and he was opposed to those restrictions.

9. Ian Christopherson stated that he was in the process of having a license transferred to the OK Corral for his clients, but that he did not believe that that was an appropriate consideration for that Board to look at today. He said that he believed that the Board was faced with the option of adopting the rezoning, and that there was no mandatory provision that that needed to be done. He said that he believed that there were factors which would apply to any zoning which this Board should consider, and it should not look strictly at the numbers of people who had gotten up and expressed their intentions or reservations about certain uses of this property. He said that he believed that if the Board would take a look at the property, as a lifetime resident of the County and of the City, he was well aware of the nature of that area, the types of uses that the area was suited for, and the intent, he believed, behind the effort to rezone, was to have the area restricted as to its commercial uses. He said that he believed that the nature of the

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restrictions that they were at that point attempting to have imposed were restrictions on businesses which were already in the area. He noted under the first three items one establishment which would qualify in the exception on those three. He said that he was not aware of any under number 4, but that on number 5 there was a question as to whether a bar could qualify as a gameroom. He said that as far as numbers 6, 7 and 8 were concerned, he wanted to point out that there were presently two non-conforming uses at present, and that there might be three or four. He said that he believed that there were people who could qualify under number 9 as a non-conforming use, so what they had was a group of residents who, every time a new business moved in, were going to try to zone the area so that nothing else could move in there. He said that he believed that the non-conforming uses which were being singled out were uses which already existed. He said that if the statutes for zoning were looked at, the Commission would see that there are numerous factors which dictate against improving this zoning ordinance. He said that one of the facts to be considered by the Planning Board - and this was not mandatory in this case, although it was something for the Board to consider as things to take a look at - was the history of the location. He said that the history of the location, as he had pointed out, was that these uses which would be non-conforming in the future, already exist in the neighborhood. He said that over the past twenty years, the residents had viewed the neighborhood as commercial. He said that his view, having driven through the neighborhood, was that there was one stretch, which Mr. Mite had referred to as the "chicken coop", which had been built in the last twenty years, which was residential. He said that all the other buildings which appeared to be new in construction were commercial, and so, consequently, the history of the area was moving away from residential, which was the thrust of the complaint. He said that these uses were supposedly hindering the residential use of the property, despite the fact that the history of the property - the way the property uses are going - is residential.

He said that Mrs. Williams had referred to noise already existing in the area from Intermountain, which was not something to be overlooked - the fact that Intermountain was next door. He said that there was a three-block area there, of which a considerable amount of space was bare land, which was used for mainly agricultural uses. He said that, furthermore, the intent of the rezoning was to make this a more compatible area for residential uses. He said that another consideration was whether or not there are parks or other recreational areas located nearby, and there were none. He said that the economics of the situation would be important here as it would work a severe hardship on those individuals who have businesses which are non-conforming and who are unable to resell the property, if for some reason they are disabled or go out of business, for the use for which the building was intended.

Another point that Mr. Christopherson made was that he was not sure that the Commission was capable of zoning this area as 76-2-109, MCA, prohibited the zoning of any area which was agricultural. He said that he believed that there were agricultural uses within the area, and he believed that the zoning of the property would be affected.

10. Chuck Honeycutt, appearing on behalf of Mr. Rock, to whom he had sold his property in 1980, pointed out that in determining what to do with the property at that time, it had appeared not economically feasible to split up the property and make it into single-family residential lots due to the fact that Mr. Rock paid for commercial square-footage, and there is an irrigation ditch nearby. He said that the current situation of no sewer or water in the area - sanitation - would restrict it to very limited use as residential, and would, therefore, not be able to be used. He said that, as the gentleman before him had said, the use in the area was commercial.

Barbara Evans then asked twice if anyone else wanted to testify in opposition to the proposed changes in the development standards to Zoning District 6. Since no one else came forward to testify, she closed the public comment portion of the hearing.

She then stated that Commissioner Dussault had asked for a short recess and that she had asked Mark Hubbell to call over to the Planning Office and have an aerial map sent over, which would take a few minutes. She, therefore, declared a ten minute break.

After the break, Barbara Evans reconvened the hearing.

Mark Hubbell brought in some aerial maps for the Planning and Zoning Commission to look at.

Barbara Evans asked him to point out the areas where people who wanted out of the zoning district live.

Dick Colvill then moved that the Planning and Zoning Commission adopt the recommendation of the Planning Staff to adopt the proposed revisions to the development standards of Zoning District 6, including the amendment proposed in regard to changing the language on rescue missions and halfway houses to bring that language into compliance with Section 76-2-314, MCA. Fern Hart seconded the motion, and it passed by a unanimous vote, 4-0.

Under the discussion portion, Dick Colvill asked Mark Hubbell what the Comprehensive Plan called for in this area.

Mark Hubbell stated that the Comprehensive Plan generally called for an R-16, or multi-family designation in there. He said that the way they described that was apartments, tenement houses and condominiums, up to a density of 16 dwelling units per acre. The plan states that this designation is for ". . . land suitable, free from hazards and limitations, accessible to service areas and consistent with sewer capacity; that is suitable or in need of redevelopment. It's located to support various commercial sites. It's located to encourage movement into an inner urban area, and for better use of existing facilities, such as schools".

Dick Colvill then commented that it was basically residential, even if it were multi-family residential, then, and he said that the zone, as he understood it, was pretty close to being totally unzoned, with the only restriction being a bar. He asked if it were parallel to the area west of Russell Street that was rezoned last year after a Kalispell court case.

Mark Hubbell said that most of the area west of Russell Street is unzoned, and the court case Mr. Colvill had referred to had held that in a case where an area is unzoned and development is proposed, the development must be in what the court called ". . . substantial compliance with the comprehensive plan". He said that there had been a number of hearings about how to implement that in Missoula, and Missoula had finally adopted a course of action of determining how well the proposed development did comply with the comprehensive plan. He said that that did not apply in this case as Zoning District 6 was already zoned. He said that that Comprehensive Plan did call principally for multiple family residential on the other side of the street as well; and for multiple and single-family residential west of Russell Street up to the area around Davis Street.

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Dick Colvill stated that he was basically in favor of the proposal, mainly because he felt that it was a step between no zoning, which he felt was the case now, and full zoning. He said that he could list 100 commercial and industrial ventures that are not disallowed, and it seemed to him that the list of 10 prohibited activities were reasonable noisy activities, and he could appreciate the people's concern. He said that he did not feel that by revising the development standards as they had that they were going to restrict commercial development, referring to people who have vacant property. He said that he had sympathy with the gentleman at the corner of Montana and Russell Street - Bert's Auto Shop - which he felt, for all practical purposes, was connected to Russell Street because the only thing that separated it from Russell was two billboards.

Dick Colvill then moved to amend the motion that had just passed in regard to item 7, prohibiting auto body shops and automobile service stations, to read in addition to "...except for properties having direct access to Russell Street. . .", "...and except for the lots that are occupied by Bert's Auto Shop." He said that he felt that the bulk of the traffic to that business would go on and off Russell Street and that it would not go into the neighborhood at all. Ann Mary Dussault seconded the motion.

By way of discussion, Barbara Evans said that she did not have any problem with that particular amendment, but that she needed to know if there would be any possibility of specifying the types of businesses that could be included within the zoning district with another type of zoning, such as saying that the only things that would be prohibited would be things that would be open past the normal daytime hours, that make excess noise, etc. - performance zoning, versus specified businesses.

Mark Hubbell stated that that certainly was a possibility and that that had been done with some success on Reserve Street (depending on who was asked). He said that that sort of idea often did get more at the heart of the issue. He said that one woman had made the statement that some people in the area owned quite a few cars, and that it did look like a car repair or auto repair business, but that those homes weren't involved in auto repair. He said that that sort of problem could sometimes be addressed in terms of screening, landscaping, etc., which was not proposed in this particular change. He said that what we had before us today was what the people had brought in for action one way or another. He said that that might be an alternative that they might want to look at at one time or another.

Barbara Evans said that the reason she was bringing it up before the vote was that she hated to get so far down the road that we couldn't change directions if we wanted to. She said that it seemed to her that what the people were trying to exclude was noise, people parking in their yards when they didn't have the right to, and things of that sort, and it seemed to her that performance zoning, where you say that you must have adequate parking for the business that you have or, for example, that a store had to be closed by 9:00 p.m., but you don't specify which types of things that you want to exclude. She said that if you adopt criteria that you must operate in a quiet manner, without infringing on your neighbors, and you meet all the criteria that they come up with, that no specific type of business would be excluded. She said that if anyone was interested in that, they could pursue it, and if not, she would call for the question.

Fern Hart said that it was an interesting proposal because it might increase the value of the property if some screening were required, and off-street parking were required. She said that a question she had along the same line was if the Planning and Zoning Commission asked Mark Hubbell to send the members of Zoning District 6 some of the alternatives, maybe they would be interested in refining the standards in that way. She said that since it was a citizen-initiated zone, the citizens could initiate a change in the zone by petition.

Deputy County Attorney Jean Wilcox said that once the district boundary, hence the district, is created, the regulations are adopted by the recommendations of the Planning and Zoning Commission, and, ultimately, the Commissioners, they have the discretion to change them at any time. She said that the practice has been that, because it's in a citizen-initiated zone, the Commissioners take the advice of the people who live there as to what they would like. She said that if there were changes being considered to what we had now, it would simply be a matter of handing it back to the neighborhood and asking them to discuss it and then coming back before the Planning and Zoning Commission and then the Commissioners for a decision.

Dick Colvill stated that, if his memory served him, an attempt had been made to zone this area under the County Comprehensive Plan - the full-blown zoning that is seen in other places - and the people petitioned out of it, which was why it was left this way. He said that they indicated to him that they were not totally in favor of the complete set of rules and regulations, or at least they weren't at that time - about four or five years ago.

Barbara Evans stated that she had been merely trying to walk the tightrope and find something that would satisfy everyone. She said that her feet were becoming grooved. She said that as long as people were simply wanting to keep noise and intrusions down, it seemed to her that performance zoning would do the same thing and leave it more wide open for the type of business people wanted to put in, as long as they met the don't-infringe-on-the-neighbor rule, whether that meant noise, cars, dust or whatever else. She said that she was simply trying to find a compromise that would satisfy more people than she felt that this decision would satisfy. She said that if no one else was interested, she wouldn't push it.

Dick Colvill said that he appreciated what she was trying to do, but he felt that it would take quite a while to develop it. He said that they would have to go back to square one.

Fern Hart said that it would have to go back to the Planning Staff, more neighborhood hearings would have to be held, etc.

Ann Mary Dussault said that she felt that since this was a citizen-initiated petition, she was willing to act on that as it was. She said that she preferred the kind of process and standard that Barbara Evans was talking about, although she didn't know whether the residents themselves would want that. She said that in some ways, performance zoning ended up being more restrictive than restrictive-use zoning, although in the long run she felt it was far better for the neighborhood and property values and even business and commercial uses, but she felt that that was a decision for the neighborhood to make. She said that if they wanted to do that again, the County resources would assist them in looking at that option.

Barbara Evans stated that before she called for the vote, she wanted to address the issue that had been raised as to her "conflict of interest" or whether or not she could vote on the issue, and asked Deputy County Attorney Jean Wilcox to address the issue before she voted.

Deputy County Attorney Jean Wilcox said that she believed it was Bernie Goldman who had made the statement that Barbara Evans had a conflict of interest here. She said that there certainly was no conflict of interest as defined in the statute, because that required some substantial financial interest in the matter. She said that as far as Barbara Evans' opinions interfering with the right to due process, this was a legislative proceeding, and was just like any other legislative proceeding at the State level, where

PUBLIC MEETING, October 12, 1983, Continued

people continually lobby their legislators in order to influence how they feel about a particular issue. She said that there was nothing wrong with any one of the Commissioners having a particular opinion before a hearing started on a legislative matter, but, of course, they were obliged to provide an opportunity for people to speak. She said that what the people said may or may not change their mind, but legally there was no conflict of interest on Barbara Evans' part, and she was perfectly entitled to vote on the matter.

Barbara Evans then asked for the vote on the amendment made by Dick Colvill and seconded by Ann Mary Dussault in regard to excluding Bert's Auto Shop from restriction number 7.

Mr. Janzen stated that it wasn't an auto body shop, but an automobile repair shop.

Dick Colvill amended the motion to read ". . .Bert's Automobile Repair Shop. . ." Ann Mary Dussault seconded this amendment.

The motion carried by a vote of 4-0.

Fern Hart said that she felt that the vote today on Zoning District 6 was not an issue, at least it wasn't in her mind, about the continuance of a bar at the Amvets location. She said that she suspected that that would be settled by decisions by legal authorities or by courts. She said that it seemed to her that what they were voting on was a list of prohibited uses that apply to Zoning District Number 6 that had been at least presented to the Planning Staff by some residents in that district.

Jean Wilcox said that that was correct.

Since there was no other business to be heard before the Planning and Zoning Commission, Barbara Evans recessed the hearing and reconvened as the Board of County Commissioners.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Board of County Commissioners adopt the recommendations of the Planning and Zoning Commission. The motion passed by a vote of 2-0.

RESOLUTION NO. 83-120

The Board of County Commissioners signed Resolution No. 83-120, Fixing tax levies for Missoula County for Fiscal Year 1983-1984. The Resolution was forwarded to the Clerk and Recorder's Office to be recorded.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 3:10 p.m.

* * * * *

October 13, 1983

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

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 83-121

The Board of County Commissioners signed Resolution No. 83-121, a resolution to amend the development standards of planning and zoning District No. 6 as per the three sections outlined on the Resolution: Permitted Uses, Prohibited Uses, and General Regulations and Variances.

BUDGET TRANSFERS

The Board of County Commissioners signed Budget transfers Nos. 840004 through 840008, approving the following transfer requests from the Poor Fund Department and adopting them as part of the FY '84 budget:

643 Vendor Welfare payments -

transfer from:

01-00-717	rent	to	243	Prescriptions	\$ 900.00
717	rent	to	320	Heat, light, and water	\$1,000.00
717	rent	to	356	Common carrier travel	\$2,000.00
717	rent	to	328	Centralized services	\$ 500.00

and

transfer from:

90-00-243	Prescription drugs	to	374	Hospital care	\$ 50.00
266	Gas and diesel fuel	to	374	Hospital care	\$ 950.00
356	Common carrier travel	to	374	Hospital care	\$ 100.00
713	Food purchases	to	374	Hospital care	\$ 600.00
717	Rent	to	382	Physicians	\$1,000.00

Other items considered were:

1. The Commissioners voted to accept the BPA Energy Project Grant; and
2. The Board approved the County Surveyor's recommendation regarding the Forest Service easement for Lindberg Lake - a letter will be prepared.

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

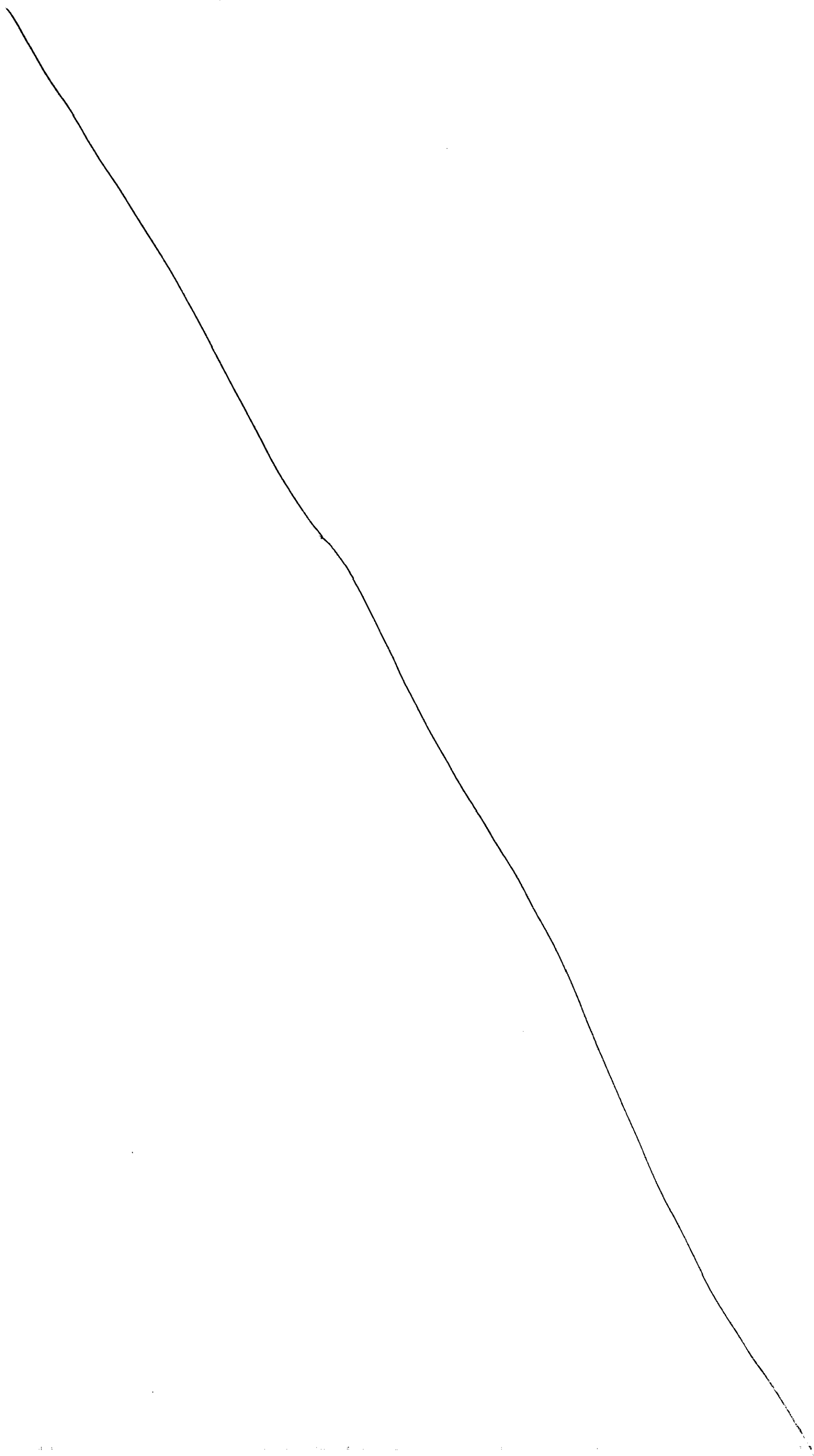
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October 14, 1983

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

Jean Hart
Fern Hart, Clerk and Recorder

Bob Palmer
Bob Palmer, Chairman



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October 17, 1983

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. 83-122

The Board of County Commissioners signed Resolution No. 83-122, a resolution to accept road right-of-way from Dennis R. Washington for a 1.69 acre parcel of land, as shown on Certificate of Survey No. 2957, for purposes of clarifying the status of Beavertail Road as a County road. The Commissioners also signed a Quitclaim Deed to Mr. Washington for that portion of Old Beavertail Road crossing Tract 4 and not now in use to extinguish any possible claim the County may have in the old road. The Resolution, Deed and Certificate of Survey were forwarded to the Clerk and Recorder for filing.

MEMORANDUMS OF AGREEMENT

The Board of County Commissioners signed Memorandums of Agreement with the following community based organizations who provide needed services for the citizens of Missoula County and receive financial assistance from the County in accordance with the amounts and terms set forth in the Agreement for FY '84:

1. The Missoula Area Agency on Aging; and
2. The Qua Qui Corporation

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

* * * * *

October 18, 1983

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Lolo Drug as principal for Warrant #106119, dated September 9, 1983, on Missoula County RSID 901 Fund in the amount of \$18.08 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 for Professional Engineering Services, dated October 3, 1983, between Missoula County and Stensatter, Druyvestein and Associates for the project of constructing street improvements on Sixth Street in Reilly Addition and on Howard Street between Third Street and Seventh Street under RSID No. 405. The Agreement was returned to General Services for further handling.

CONTRACT

Commissioners Palmer and Dussault signed, with Commissioner Evans dissenting, a Professional Services Contract between Missoula County and Brad K. Robison, an independent contractor for the purpose of conducting a field survey of particulate monitoring sites, identifying potential sources of particulates which could impact the site, including but not limited to roads, stoves and fireplaces, construction and vehicle exhaust, developing a regression model which describes the relationship between Boyd Park data and Rose Park data, and evaluating the field survey results, determining those sources which may account for data differences. The Contract will commence on October 14, 1983, with a completion date of December 16, 1983, for a total sum of \$600.00. The Contract was returned to the Health Department for further handling.

BOARD APPOINTMENTS

The Commissioners made the following appointments to the District XI Human Resource Council Board: Howard Schwartz was reappointed to the Board of Directors and the Program Council; Leon Stalcup was appointed to the Board of Directors and reappointed to the Program Council; Jean Johnston was reappointed to the Program Council; and Dennis Lang was appointed to the Program Council. The above appointees will serve at the pleasure of the County Commissioners for up to two years.

Other matters considered included:

1. The Commissioners discussed the possible acquisition of the Missoulia building - it was the consensus of the Board that they were not prepared to enter any negotiated lease at the present time; and
2. A discussion was held on the settlement with American Asphalt - the Commissioners voted unanimously to approve the settlement offer.

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

* * * * *

October 19, 1983

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.

OCTOBER 19, 1983, CONTINUED

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated October 18, 1983, pages 1-31 with a grand total of \$97,999.24. 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:

LEASE

The Board of County Commissioners signed a Lease of Real Property between Missoula County and Walter E., Michael W., and Richard D. Bush for the purchase of gravel in the Potomac area at \$.50/yard for a period of two years. The pit is across the highway from the Bear Creek Road and the gravel will be used for road graveling and bridge repair. The Lease was returned to the Surveyor's Office for further handling.

Other matters considered included the following:

1. It was noted that the City of Missoula has indicated an interest in the Jail Planning;
2. A discussion was held on the procedures for the "Call-In Show" on the air regulations which will be held on Saturday, October 22nd, at KPAX-TV; and
3. The Commissioners discussed Mel Palin's request for consideration of vacation of right-of-way on his property.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 7:30 p.m. in the City Council Chambers. Commissioner Barbara Evans and Ann Mary Dussault were also present.

BID AWARD: FRONT END LOADER
(POSTPONED FROM OCTOBER 5)

Commissioner Barbara Evans read the following statement:

Two weeks ago this Board acted to postpone the bid award for the purchase of a front-end loader.

This action was taken to allow for an assessment of the bid specifications used, set against the stated county policy for adopting Life Cycle Costing considerations into bid procedures. As a consequence of these concerns and based upon staff recommendations, Missoula County is moving to implement the concept of Total Cost Analysis or Life Cycle Costing where applicable into all future bids.

The questions raised at the October 5th Board meeting have been responded to to my satisfaction and I am, therefore, prepared to move the bid award.

She then moved, and Ann Mary Dussault seconded the motion, that the bid for the front-end loader for the Surveyor's Office be awarded to the seconded-low bidder, Plains Power and Equipment, in the amount of \$61,872, as recommended by the Surveyor at the October 5 public meeting. The motion passed by a vote of 2-0. Bob Palmer abstained.

HEARING: CREATION OF SEELEY LAKE FIRE DISTRICT

Information provided by Recording Section Supervisor Kathi Mitchell stated that a petition had been received by the Clerk and Recorder's Office to create the Seeley Lake Fire District for parcels of land located in Missoula County, containing approximately 43,000 acres (total of private and public lands).

She stated that the petition for creation of the Seeley Lake Fire District presented to the Clerk and Recorder had been checked and verified, and that the petition contained signatures of more than 50% of the owners of the privately-owned land in the area to be annexed, and a majority of the tax paying freeholders within the area described, so it met the requirements of 7-33-2101 MCA.

She said that two letters had been received requesting exclusion from the fire district. The first, from David Whitesitt, Plum Creek Timber Company, requested exclusion for lands protected by Montana State Department of State Lands. The parcels referenced in the letter are not within the fire district.

The second, from David M. and Estelle B. Jamieson, requested exclusion for property on Log 4, Sec. 4, T16N, R15W (West Shore, Clearwater River Outlet). This property is within the fire district.

At this point, Chairman Bob Palmer opened the hearing to public comment, asking that proponents speak first:

1. Jack Thomas, a resident of Seeley Lake, stated that there was a volunteer fire department in the area, but that the area was growing, especially considering the Double Arrow subdivision. He said that keeping the fire station going had grown beyond the scope of donations and would need to be supported by mill levy. He said that the fire department was the sponsor of the Seeley Lake Quick Response Unit.

2. Jeff Macon, President of the Seeley Lake Chamber of Commerce, said that the community was strongly in favor of the fire district and he hoped that the Commissioners would approve it.

3. Bill Jacobs, Rural Fire Chief and member of the Seeley Lake District 34 School Board, stated that creation of the district was necessary for the continuation of the fire department in Seeley.

4. Paula Green asked why there wasn't a fire department in Seeley, and was informed that this was the process prescribed by law to institute a fire district.

5. Jerry Williams stated that the creation of the district was vital in order to take care of structural fires in the Seeley Lake area.

6. Carol Jacobs said that it was becoming very hard to raise enough funds to keep the fire district going.

There were no other proponents. The following people spoke in opposition.

PUBLIC MEETING, OCTOBER 19, 1983, CONTINUED

1. Harry Northey stated that he owned property at Lake Inez and that he was not opposed to the creation of the Seeley Lake Fire District, but that he objected to having his property included in the district as his cabin was located seven miles from Seeley Lake and the road was closed six months of the year in any case, as well as being one mile from the highway on a private road. He said that if his cabin did catch fire, by the time the fire department responded, it would have burned to the ground. He said that the Seeley Lake Fire Department had been called to a fire at Lake Inez that year and by the time they got there, there wasn't a wall standing. He said that his last tax bill was \$891 as opposed to \$2 when he bought the property and he did not feel it was fair that his taxes should go up further to be included in a fire district which would not be of any benefit to them. He said that some of the retired people in the lakes could not afford higher taxes and that he wanted to find out in advance how much it would cost.

2. Jess Pearce, who also said he owned a place on Lake Inez, stated that his property was also inaccessible much of the year, being 1½ miles from the highway on a private road. He said that the only way to reach his cabin in the winter was by snowmobile on skis, and that he did not feel he should have to pay taxes toward a fire district which did not benefit him.

3. John Duncan stated that he owned a cabin on Stoner Lake, 27 miles north of Seeley on the Kraft Creek Road. He said that his cabin was three miles off the blacktop and that if a fire would start, it would be impossible for the Seeley Fire Department to respond. He formally requested being excluded from the district.

Clerk and Recorder, Treasurer, Fern Hart stated that her office had the precise legal descriptions for the district, but she did not think either Mr. Duncan's or Mr. Northey's property would be included in the district.

Fire Chief Jacobs said Lake Inez (including Mr. Northey's property) was in the district, but Mr. Duncan's property would not be.

No one else wished to testify in opposition to creating the district.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the Commissioners take no action on this matter until the boundaries of the district could be clarified; and that the decision on creation of the district be made at the Public Meeting of October 26. The motion passed by a vote of 3-0.

There being no further business, the meeting was recessed at 7:50 p.m.

HEARING: PROPOSED AMENDMENTS TO THE MISSOULA COUNTY AIR QUALITY REGULATIONS

The Board of County Commissioners then held the last in a series of three hearings on the proposed amendments to the Missoula County Air Quality Regulations. Bill Corbett acted as the hearings officer, conducting the hearing for the Commissioners. The subject of the last hearing was the regulations themselves: how effective they would be in addressing problems, which had been identified in the two earlier hearings. The minutes of all three hearings on this issue are on file both in the Commissioners' Office and in the Health Department (Environmental Health).

October 20, 1983

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

MEMORANDUM OF AGREEMENT

Chairman Palmer signed a Memorandum of Agreement between the Missoula Area Agency on Aging and the Missoula Retired Senior Volunteer Program, whereby the MAAA will serve as the sponsoring agent for aging programs and funds for RSVP as per the terms and conditions set forth in the Agreement. The Agreement was returned to Pearl Bruno, Director of the Missoula Area Agency on Aging for further handling.

October 21, 1983

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


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman

October 24, 1983

The Board of County Commissioners did not meet in regular session; Commissioners Palmer and Dussault were in Portland, Oregon, attending a Wood Emissions Conference held October 24th and 25th, and Commissioner Evans was out of the office until noon.

October 25, 1983

The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present.

MEETING

Commissioner Evans attended a meeting of the Airport Authority held at the Airport in the afternoon.

OPEN HOUSE

Commissioner Evans attended the Open House held at Hellgate Sites, a Missoula Housing Authority Project located on Stoddard Street in the afternoon.

* * * * *

October 26, 1983

The Board of County Commissioners met in regular session; all three members were present. Commissioners Dussault and Palmer returned from Portland, Oregon in the forenoon.

AUDIT LIST

Commissioners Palmer and Evans signed the Audit List dated October 20, 1983, pages 1-28, with a grand total of \$301,577.63. The Audit List was returned to the Accounting Department.

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated October 26, 1983, pages 1-23, with a grand total of \$106,496.18. 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:

RESOLUTION NO. 83-123

The Board of County Commissioners signed Resolution No. 83-123, a budget amendment for FY '84, due to the BPA energy grant in the amount of \$49,202.00, which was awarded to Missoula County, resulting in changes to the FY '84 budget as per the attachment to the Resolution.

RESOLUTION NO. 83-124

The Board of County Commissioners signed the Resolution No. 83-124, a resolution accepting a 60-foot wide road right-of-way from George Hagstotz and Lawrence R. and Carol L. Mikesell, for the property as shown on Certificate of Survey No. 2962 for the purpose of clarifying the location of the right-of-way of Washoe Road in the Potomac area. A hearing date on the petition to vacate a portion of Washoe Road (which does not match the existing road) for the same section of road was set for November 16, 1983 at 7:30 p.m.

ENCROACHMENT PERMIT

The Board of County Commissioners signed an Encroachment Permit between Missoula County and George Hagstotz regarding the existing fences on County right-of-way on a portion of Washoe Road as per the terms set forth in the Permit.

EMPLOYMENT AGREEMENT

The Board of County Commissioners signed an Employment Agreement dated October 1, 1983, between Missoula County (employer) and Gary Boe (employee), whereby the employer employs the employee as the Administrative Director of the Health Department and Secretary to the Board of Health, as per the duties and terms set forth in the Agreement for the period from October 1, 1983 through June 30, 1984. The Agreement was returned to the Health Department for further handling.

BUDGET AGREEMENT

The Board of County Commissioners signed a Budget Agreement between Missoula County and the Cooperative Extension Service of Montana State University whereby Missoula County will contribute the amounts specified for the purposes listed in the budget shown on the Agreement for the support of cooperative extension work in agriculture, home economics and related subjects. The Cooperative Extension Service and Montana State University will contribute the amounts necessary to pay the balance of the cooperatively financed salaries of County Extension Agents assigned to the above county, for the period from July 1, 1983 through June 30, 1984. The Agreement was returned to Gerry Marks, County Extension Agent for further handling.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

HEARING: LAKESHORE PERMIT REQUEST - BRUCE VORHAUER (SALMON LAKE)

Barbara Martens, of the Missoula Planning Staff, gave the staff report and recommendations stating that Bruce Vorhauer had requested a permit to construct the following:

1. A shorehouse containing a water-level enclosed boathouse and upper level residence along the shoreline near Highway 83 east of Sourdough Island on Salmon Lake;
2. A 12-foot by 40-foot pre-cast concrete boat ramp to replace the existing gravel ramp and to extend approximately 20 feet into the water;
3. A floating pontoon type dock to be secured to the shoreline of Sourdough Island;
4. A carrier pipe which will contain water lines, sewer force mains and possibly electrical, telephone and propane gas lines to be placed in the lake bottom to serve the building which is planned for construction on the island; and
5. A temporary floating bridge to be placed on Sourdough Island to allow for the movement of construction materials, equipment and personnel to and from the island.

She said that after reviewing all testimony and documentation, the County Regulatory Commission had recommended approval of the requested Lakeshore Protection Permit, subject to four conditions and five findings of fact as enumerated in their report.

Bob Palmer then opened the hearing to public comment, asking that proponents speak first. The following people spoke:

1. Sam Yewusiak said that he had a cabin above the proposed boathouse and that he was in favor of granting the necessary Lakeshore Protection Permits for these projects.

PUBLIC MEETING, OCTOBER 26, 1983, CONTINUED

2. Charles Johnson, of Stensatter, Druyvestein and Associates, representing Mr. Vorhauer, stated that he agreed with the conditions and recommendations of the Planning Staff and the County Regulatory Commission.

No one else wished to speak as a proponent. There were no opponents.

Bob Palmer then closed the hearing to public comment.

Barbara Evans moved approval of Bruce Vorhauer's request for Lakeshore Protection Permits for the project as set forth above, subject to the four conditions and five findings of fact set forth below. Bob Palmer seconded the motion, and it passed by a vote of 2-0. (Ann Mary Dussault had not arrived at the meeting at this point).

CONTINUATION OF HEARING (FROM OCTOBER 19): CREATION OF SEELEY LAKE FIRE DISTRICT

Bob Palmer opened the continued hearing, stating that a petition had been received by the Clerk and Recorders' Office to create the Seeley Lake Fire District for parcels of land located in Missoula County, containing approximately 43,000 acres (total of private and public lands). He said that the petition for creation of Seeley Lake Fire District presented to the Clerk and Recorder had been checked and verified and that the petition contained signatures of more than 50% of the owners of the privately owned land in the area to be annexed, and a majority of the tax paying freeholders within the area described, so it meets the requirements of 7-33-2101 M.C.A. He said that two more letters had been received requesting exclusion from the fire district, the first from David Whitesitt, Plum Creek Timber Company, requesting exclusion for lands protected by the Montana State Department of State Lands; and the second, from David M. and Estelle B. Jamieson, requesting exclusion for property on Lot 4, Section 4, T16N, R15W (West Shore Clearwater River Outlet). He stated that information provided by Kathi Mitchell, Recording Section Supervisor, had said that the Plum Creek lands were not within the fire district, while Mr. and Mrs. Jamieson's were.

Chairman Palmer then read a letter of opposition from Carl and Gladys Hedland, as well as the following information about the Seeley Lake Fire District petition, which had been prepared by Recording Section Supervisor Kathi Mitchell:

Number of signatures possible	= 2,823.00	57% of the landowners in Seeley Lake
Actual number of signatures	= 1,610.00	signed the petition
Total number of acres (approximate)	= 16,861.77	55% of the acreage within the district
Number of acres accounted for	= 9,324.64	was accounted for

He then asked if anyone in the audience had any comments. The following people spoke as proponents:

1. Harry Northey stated that at the preceding week's public hearing, he had spoken in opposition to creation of the district, but that since that time he had gotten more information and had changed his mind so that he was now in favor of creation of the district as he felt that any problems he might have with it could be worked out.
2. Bill Jacobs, Seeley Lake Fire Chief, said that 57% of the freeholders in the proposed district had signed in favor of its creation.

The following people spoke in opposition:

1. Jim Rambo said that he owned leased land on Elbow Lake and that there was no access to his cabin between November and April. He said that he had talked to twenty other leasees, and since Sperry Grade was closer to them than Seeley, they all felt that Sperry Grade should respond to fires in that area.

There were no other opponents.

Barbara Evans stated that the Commissioners had no discretion as far as creating the fire districts was concerned because if the petitions contained the appropriate signatures, the law required the creation of the district.

Responding to a question from the audience, Fern Hart said that since the taxable value in District 34 was low, the mill levy would have to be high.

Bill Jacobs, Seeley Lake Fire Chief, said that it was up to the people who sign the petitions to decide where the fire station should be.

Executive Officer, Howard Schwartz, said that it seemed clear that the Board of County Commissioners could not exclude freeholders from the fire district at the initial creation, but that those people wishing to detract would have to follow the detraction procedure specified by law after the creation of the district.

County Attorney, Robert L. "Dusty" Deschamps, III, said that it would be necessary to create the district and after that, people who wanted to could proceed according to MCA 7-3-2122.

Fern Hart asked if the 32 cabin owners (who have cabins on leased land, but who pay property taxes) at Lake Elbow could petition to detract.

Dusty Deschamps said that if 20% of the freeholders in an area proposed to be detracted voted to do so, they could detract, but added that if 50% of the whole district did not want the detraction, then it would not go through.

Barbara Evans moved and Ann Mary Dussault seconded the motion, that the Seeley Lake Fire District be created as presented to the Board. The motion passed by a vote of 3-0.

OTHER BUSINESS - RESOLUTION ON RATTLESNAKE NATIONAL RECREATION AREA AND WILDERNESS APPRECIATION DAY

Bob Palmer read the proposed joint City-County Proclamation declaring November 19, 1983, Rattlesnake National Recreation Area and Wilderness Appreciation Day.

Bruce Bugbee, a proponent of the resolution, said that the President of the United States would sign the bill (creating the Rattlesnake National Recreation Area) into law before the 19th and the celebration would be held on the 19th.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, proclaiming November 19, 1983, Rattlesnake

PUBLIC MEETING, OCTOBER 26, 1983, CONTINUED

Recreation Area and Wilderness Appreciation Day. The motion carried by a vote of 3-0.

RESOLUTION 83-125A

The Commissioners then signed Resolution 83-125A, proclaiming November 19, 1983, Rattlesnake Recreation Area and Wilderness Appreciation Day. Both originals were then forwarded to the City for signatures.

Since there was no further business, the meeting was recessed at 3:00 p.m.

MEETING

Commissioner Evans attended a meeting of the Gambling Commission later in the afternoon.

October 27, 1983

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. 83-125

The Board of County Commissioners signed Resolution No. 83-125, a budget amendment for FY '84, including the following expenditures and revenues and adopting them as part of the FY '84 Budget:

DESCRIPTION OF EXPENDITURE	BUDGET
Expendig allocated funds from the third and final installment of a general operating support grant awarded by the Institute of Museum Services (IMS) in 1982. Expenditures need to be increased because a computer problem in Washington, D.C. held up final payment for several months, resulting in \$459.90 of the original \$1848.00 being encumbered in FY '83 and \$432.70 being already spent by the time the check arrived. Expenditures need to be increased by \$955.40 as follows:	
84-12-462-04-00-334 Building and grounds maintenance	\$ 628.64
84-12-462-04-00-247 Special storage containers	326.76
	\$ 955.40

DESCRIPTION OF REVENUE	REVENUE
Final installment of a general operating support grant from the Institute of Museum Services	\$1848.00

AGREEMENT

Chairman Palmer signed a Cooperative Agreement between Missoula County Sheriff's Department and the Forest Service, USDA, Lolo National Forest. The Agreement supersedes the previous agreement dated October 20, 1978, and is for the purpose of cooperation in better utilizing the resources of both agencies in enforcing the State and local laws in portions of the Lolo and Flathead National Forests located in Missoula County to provide for more adequate protection of persons and property as per the terms set forth in the Agreement. Chairman Palmer also signed Attachment I to the Agreement for the period beginning October 1, 1983 and ending September 30, 1984, which is the operating and financial plan for the reimbursable services requested by the Forest Service and becomes a part of the above Agreement. Both the Agreement and Attachment were returned to the Sheriff's Department for further handling.

Other matters considered included:

1. Betty Wing, Director of the Prevention of Drunk Driving Program, submitted the list of the members of the Drunk Driving Task Force - the Commissioners voted to approve the appointments as submitted; and
2. The upcoming meeting in Las Vegas for Municipal Golf Course Managers and the possibility of someone from the County attending was discussed - it was decided that Gordon Morris, the Administrative Officer, will attend.

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

October 28, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer left in the morning for Seattle, Washington, where he will attend a Conservation Conference sponsored by the Northwest Conservation Act Coalition, at the University of Washington, October 29th and 30th.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman

October 31, 1983

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

OCTOBER 31, 1983, CONTINUED

CLAIMS

Claims were presented by Warrants for pay periods #5 and #6 (October 26, 1983) to be drawn on the following funds in the following amounts:

General Fund	\$393,589.68
Weed Fund	6,637.11
Planning Fund	44,735.71
Road Fund	52,044.07
Bridge Fund	8,954.05
Working Fund	58,232.59
Miscellaneous Fund	177,217.02

The original Claims are on file in the Auditor's Office.

RESOLUTION NO. 83-126

The Board of County Commissioners signed Resolution No. 83-126, resolving that the parcel of land in the Seeley Lake area located as per the description on the Resolution be created as the Seeley Lake Fire District and is to be assessed for such district in accordance with the special tax for this purpose set by the Missoula Board of County Commissioners.

APPROVAL OF GRANT APPLICATION

The Board of County Commissioners approved the Grant application mailed on this date to the Department of Fish, Wildlife and Parks in the amount of \$74,500.00 for the Larchmont Golf Course for the construction of a parking lot, cart paths and an additional putting and practice green for completion in 1984 and 1985.

COSTUME JUDGING

Commissioners Evans and Dussault served as judges for the County Employees' Halloween Costume Contest held at noon.

WELFARE ADVISORY BOARD

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Jean Johnston, Welfare Director, in the afternoon.

* * * * *

November 1, 1983

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

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Britt Finley, an independent contractor, for the purpose of Health Education and serving as school liason in conjunction with the Drinking and Driving Prevention Program for the period from October 19, 1983 through December 31, 1983, for a total sum not to exceed \$1,300.00. The Contract was returned to the Health Department for further handling.

RESOLUTION NO. 83-129

The Board of County Commissioners signed Resolution No. 83-129 resolving that a portion of land located in Sunny Acres Homesites, Lots 5, 6, 7, 8, 9, 10 and 11, in Section 2, T13N, R19W, Missoula County, Montana, be included within said Missoula Rural Fire District, and is to be assessed for said annexation a fire district levy along with other property already a part of said Missoula Rural Fire District.

RESOLUTION NO. 83-130

The Board of County Commissioners signed Resolution No. 83-130, resolving that portions of land in the Pattee Canyon area of Missoula, located in Sections 11 and 12, T12N, R19W, Missoula County, Montana, be included within said Missoula Rural Fire District, and is to be assessed for said annexation a fire district levy along with other property already a part of said Missoula Rural Fire District.

RESOLUTION NO. 83-131

The Board of County Commissioners signed Resolution No. 83-131, resolving that a portion of land located in Section 5, T11N, R20W, north of Lolo Creek, and Section 32 and 33, T12N, R20W, south of Highway 12 and north of Lolo Creek, be included within said Missoula Rural Fire District and is to be assessed for said annexation a fire district levy along with other property already a part of said Missoula Rural Fire District.

RESOLUTION NO. 83-132

The Board of County Commissioners signed Resolution No. 83-132, resolving that a portion of land in Siesta Acres No 2, Lots 1, 2, 3, 4, 9, 10, 11, 12, 13 and 17, in Section 35, T14N, R19W, Missoula County, Montana be included within said Missoula Rural Fire District, and is to be assessed for said annexation a fire district levy along with other property already a part of said Missoula Rural Fire District.

RESOLUTION NO. 83-133

The Board of County Commissioners signed Resolution No. 83-133, resolving that a portion of land located in Lots 14-22 and Meriwether Park, Meriwether Subdivision, located in Section 12, T12N, R20W, Missoula County, Montana, be included within said Missoula Rural Fire District, and is to be assessed for said annexation a fire district levy along with other property already a part of said Missoula Rural Fire District.

NOVEMBER 1, 1983, CONTINUED

RESOLUTION NO. 83-134

The Board of County Commissioners signed Resolution No. 83-134, resolving that a portion of land located in Lots 2, 3, 4, 5 and 8 of Klapwyk Addition, a subdivision located in Section 2, T13N, R12W, M.P.M., be included within said Missoula Rural Fire District, and is to be assessed for said annexation a fire district levy along with other property already a part of said Missoula Rural Fire District.

AGREEMENTS

The Board of County Commissioners signed the following Agreements between Missoula County and A. Warren Wilcox, Robert E. Rowe and Jerome J. Lubbers, the subdividers for Brookside on the Rattlesnake:

- 1) Subdivision Improvements Agreement for Private Open Space Reserve relating to the maintenance and disposition of an area designated as "Private Open Space Reserve" on the preliminary plat and an access road known as Tulip Lane as per the conditions and terms listed on the Agreement; and
- 2) Agreement to Extend Preliminary Plat Deadline, agreeing that preliminary approval for Brookside on the Rattlesnake shall be extended for a period of six (6) years from the date of approval, November 3, 1982 to November 3, 1988, as per the terms set forth in the Agreement.

TERM OF AGREEMENT

The Board of County Commissioners, for the Employer, signed a Term of Agreement as per the terms set forth between the Library and the United Food and Commercial Workers Union, Local 1981, the Agreement was returned to Dennis Engelhard, Personnel Director, for further handling.

Other matters considered included:

- 1) The Commissioners approved sending a letter to the Department of Revenue opposing the liquor license for the OK Corral pursuant to County rezoning to ban bars;
- 2) A memo on Energy matters prepared by Lois Jost, Energy Coordinator was distributed and discussed; and also the intervention in the Colstrip Rate Case before the Public Service Commission was discussed - Lois Jost and Howard Schwartz will present recommendations to the Board;
- 3) The request by the Mineral County Commissioners to oppose Champion's proposal to discharge waste water into the Clark Fork River was discussed. Commissioner Dussault stated that the Health Department is studying the question and will prepare testimony for the hearing; and
- 4) The Commissioners approved the concept of the proposed Interlocal Agreement on the Museums with \$300/month contribution; however, better language should be sought on accounting and bonding funds.

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

* * * * *

November 2, 1983

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

INDEMNITY BOND

Chairman Palmer examined, approved, and ordered filed an Indemnity Bond naming Opportunity Workshop as principal for Warrant #1916 dated June 1, 1983, on the DeSmet School District #20 fund, in the amount of \$5.55, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

LEASE

The Board of County Commissioners signed a Lease for Real Property, dated October 15, 1983, between Missoula County and Roy A. Handley, for gravel at a price of \$.50 per cubic yard for a three-year period, with the gravel to be used for graveling in the Clinton area to be used as needed. The Lease was returned to the Surveyor's Office for further handling.

CERTIFICATE OF ACCEPTANCE

Chairman Palmer signed a Certification of Acceptance for County maintenance of Lenore Court, a dedicated road that was recently upgraded to County standards through a Commissioner funded project. The Certificate was returned to the Surveyor's Office.

PLAT

The Board of County Commissioners signed the Plat for Traynor Addition - Lots 2, 3, 11 and Traynor Drive - an amendment of Traynor Addition located in the SE 1/4 of Section 15, T13N, R19W, P.P.M., Missoula County.

RESOLUTION NO. 83-127

The Board of County Commissioners signed Resolution No. 83-127, a resolution to accept real property for additional right-of-way on Traynor Drive, conveyed to the County by Frank B. and Susanne L. Bessac, Henry S. and Ann C. Pennypacker, and Philip R. and Linda M. Curdy, need for the improvements currently being done under an RSID. The Plat and Resolution were forwarded to the Clerk and Recorder for filing.

RESOLUTION NO. 83-128

The Board of County Commissioners signed Resolution No. 83-128, accepting a road easement in the O'Brien Creek area from Michael T. Peterson, for a road which was constructed in FY '82 on his property.

NOVEMBER 2, 1983, CONTINUED

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Margaret E. VerHey, an independent contractor for the purpose of a Water Quality Study for the period from October 31, 1983 through June 30, 1984, for a total sum not to exceed \$5,000.00. The Contract was returned to the Health Department for further handling.

The Commissioners met with County Attorney, Dusty Deschamps, who reported on the current status of his FY '84 budget.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Commissioners Barbara Evans and Ann Mary Dussault were also present.

CONSIDERATION OF: BROOKSIDE ON THE RATTLESNAKE - PHASE I - FINAL PLAT

Ann Englehart of the Missoula Planning Office gave the Planning Staff report and recommendations.

She said that Brookside on the Rattlesnake was a proposed Planned Unit Development subdivision located approximately two miles north of I-90 on Rattlesnake Drive and immediately south of Tulip Lane. She said that the proposed overall development for the 24.26 acre site included fifty-three townhome units on 14.37 acres, and a private open space reserve on 9.89 acres.

She stated that Brookside on the Rattlesnake, Phase I, was the first of five phases of an overall development plan. This phase was located on 2.28 acres in the southwest section of this development, she said, that there would be ninetownhome units on a lotted area of 0.82 acres, with 1.46 acres of common area.

She stated that approval of the Final Plat of Phase I had been delayed at the Commissioner's meeting on August 17, 1983, and that at that time details of an agreement addressing conditions nos. 6 and 7 of the staff report needed to be worked out. In addition, more time was needed for the developer to obtain final approval from the Montana State Department of Health and Environmental Sciences, she said.

Ann Englehart then referred to the Subdivision Improvements Agreement for Private Open Space Reserve for Brookside on the Rattlesnake and the Agreement to Extend the Preliminary Plat Deadline which had been signed by the Commissioners as well as A. Warren Wilcox, Robert E. Rowe and Jerome J. Lubbers, the Brookside developers, the day before.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the final plat of Brookside on the Rattlesnake be approved, subject to the conditions recommended by the Planning Staff. The motion passed by a vote of 3-0.

The Final Plat of Brookside on the Rattlesnake was, therefore, approved, subject to the following conditions:

- 1) That grading, drainage, sedimentation and erosion control for private improvements shall be approved by the Planning Staff;
- 2) That standard stop signs be required at all exits from the Brookside development;
- 3) That the main entrance road to Brookside shall be aligned directly opposite Lower Lincoln Hills Drive, and the alignment shall be approved by the County Surveyor's Office;
- 4) That the covenants shall include a provision for the Homeowners Association to assume responsibility for insect management and water quality on the ponds; and that the management plan for the ponds shall be approved by the Health Department before construction of the ponds;
- 5) That construction of new phases of development shall not occur until previous stages are at least forty (40) percent occupied;
- 6) That the developer shall give some form of assurance that the private open space reserve will go through subdivision review, should future development occur;
- 7) That maintenance by the developer for the open space reserve (9.89 acres) shall include: 1) preventing vegetation from becoming a fire hazard and 2) controlling the growth of noxious weeds;
- 8) That all covenants and documents transferring the common area to the Homeowners Association, as well as the Articles of Incorporation shall be filed at the time of final plat filing for Phase I; and
- 9) That quantity of sewage flow shall be monitored by the developer under a plan acceptable to the Health Department.

Since there was no further business, the meeting was recessed at 1:45 p.m.

* * * * *

November 3, 1983

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Fairfield to speak at the Teton County Democratic Dinner in the evening.

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 Linda Reep, Auditor, and John Koch, Deputy Auditor acknowledging receipt and review of the Audit of the records of the Missoula County Sheriff's Department for the period June 30, 1983. The Audit was forwarded to the Clerk and Recorder for filing.

NOVEMBER 3, 1983, CONTINUED

PROCLAMATION

The Board of County Commissioners signed a Proclamation declaring the week of November 6 - 12, 1983, as Teen Pregnancy Prevention Week in Missoula County.

DESTRUCTION LIST LETTER

The Board of County Commissioners signed a letter dated October 19, 1983, to Donald R. Dooley, Local Assistance Bureau Chief of the Division of Local Government Services in Helena, requesting approval of a Destruction List of Records, dated October 13, 1983, attached to the letter. The letter was returned to the Accounting Department.

The Commissioners met with Fern Hart, Clerk and Recorder/Treasurer, and representatives of her staff, who reported on the current status of their FY '84 Budget.

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

RECEPTION

Commissioner Evans attended a reception for Lou Brock, former baseball star of the St. Louis Cardinals, held in the evening.

* * * * *

November 4, 1983

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

AUDIT LIST

Commissioners Palmer and Evans signed the Audit List dated November 3, 1983, pages 1-30, with a grand total of \$114,148.97. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Palmer examined, approved, and ordered filed the monthly report of Justice of the Peace, Janet Stevens for collections and distributions for month ending October 31, 1983.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman

* * * * *

November 7, 1983

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

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report for Justice of the Peace, W. P. Monger, for collections and distributions for month ending October 3, 1983.

CLAIMS

Claims were presented by Warrants for pay periods #7 and #8 (November 3, 1983) to be drawn on the following funds in the following amounts:

General Fund	\$384,246.06
Weed Fund	4,490.50
Planning Fund	46,032.47
Road Fund	61,946.27
Bridge Fund	8,369.38
Working Fund	46,368.83
Miscellaneous Fund	177,082.26

The original claims are on file in the Auditor's Office.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 83-135

Commissioners Palmer and Evans signed, with Commissioner Dussault opposing, Resolution No. 83-135, a budget amendment for FY '84 for the Sheriff's Department, adopting the following increase in expenditures and revenue as part of the FY '84 budget:

<u>DESCRIPTION OF EXPENDITURE</u>		<u>BUDGET</u>	
Sheriff's Department:		FROM	TO
84-01-300-01-00-229	Firearm Supplies	\$4,500	\$6,540

<u>DESCRIPTION OF REVENUE</u>		<u>REVENUE</u>
84-01-300-01-00-410-007	Forfeitures	\$2,040

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840009, a request from the Clerk of Court to transfer \$4,888.00 from the Temporary Salaries Account to the Permanent Part-Time Salaries

NOVEMBER 7, 1983, CONTINUED

Account and adopted the transfer as part of the FY '84 Budget.

AUDIT EXTENSION LETTER

The Board of County Commissioners approved of a letter from Dobbins, DeGuire & Tucker, P.C., requesting an extension of certain deadlines, as listed in the letter, set forth in their Contract for Audit Services dated May 16, 1983. The letter was returned to Paul Sepp of the Accounting firm for forwarding to the Local Government Services Division in Helena.

GRANT AGREEMENT

Chairman Palmer signed a Grant Agreement dated October 31, 1983, between the Missoula City-County Library and the Montana State Library for LSCA Title II Construction Projects funds in the amount of \$43,650.00 as per the terms set forth in the Agreement. The Board of County Commissioners also signed the Civil Rights Certificate to be attached to the application. The forms were returned to the Library for further handling.

Other matters considered included:

- 1) The Commissioners discussed the recent earthquake and its impact on the Courthouse bell tower with John DeVore, Operations Officer; and
- 2) John DeVore, Operations Officer, presented a proposal for a 9-1-1 console - the Board voted to approve the request.

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

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November 8, 1983

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.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 83-137

The Board of County Commissioners signed Resolution No. 83-137, a resolution to amend the plat of El Mar Estates Phases 1, 2 and 3, T13N, R20W, Section 15, NE¼ by disposition of common area, as requested by the Homeowner's Association and was approved by the Commissioners at a public hearing held on August 10, 1983.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840010, a request from the General Service's Department to transfer \$26,068 from the Capital - Building and Construction Account to the Capital - Technical Equipment Account, which involves only a change within a department's Capital expenditures, and adopted the transfer as part of the FY '84 Budget.

Other items considered included:

- 1) The Commissioners approved endorsing the Land/Water Grant Check over to the Larchmont Golf Course;
- 2) Orin Olsgaard, DES Coordinator, reported on the Winter Storm Policy - a uniform policy on closures, etc., and
- 3) The Commissioners met with John DeVore, Operations Officer, who reported on the status of his FY '84 Budget for the General Services Department.

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

* * * * *

November 9, 1983

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

MONTHLY REPORT

Chairman Palmer 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 October 31, 1983.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840011, a request from the Road Department to transfer \$1,000.00 from the Morrison Lane Capital Project account to the Capital - Technical Equipment account, as the actual price of the micro computer plus software is slightly higher than the estimates and the Morrison Lane Project is completed, and adopted the transfer as part of the FY '84 Budget.

RESOLUTION NO. 83-136

The Board of County Commissioners signed Resolution No. 83-136, a resolution authorizing the signing of the Lease/Purchase Agreement with Christopher Capital Corporation for purchase of vehicles for the Sheriff's Department.

The following matter was also considered at the meeting:

NOVEMBER 9, 1983, CONTINUED

The Commissioners met with Jean Wilcox, Deputy County Attorney, representatives of the Planning Department and representatives of the developer of the Eastwood Acres Subdivision regarding the improvements which have not been started in the Subdivision, as per the requirements of the preliminary plat. Jean Wilcox will follow up with discussions with the developers and an Agreement will be drawn up.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

PROCLAMATION

Bob Palmer read a Proclamation of the Board of County Commissioners, declaring November 9, 1983, Veterans' Day in Missoula County, Montana.

Ann Mary Dussault moved and Barbara Evans seconded her motion, that the Proclamation be approved. The motion passed by a vote of 3-0. The Commissioners then signed the Proclamation.

HEARING: PROPOSED DISTRICT COURT BUDGET AMENDMENT

Under consideration was the adoption of a budget resolution to amend the District Court Budget for FY '84. Information provided by Administrative Officer Gordon Morris, stated that the District Court Budget for FY '84 had anticipated expending \$4,500.00 for improvements to the courtroom P.A. system, and this had been identified as technical equipment. However, this had been properly anticipated as a year-end encumbrance from FY '83. As a consequence, he said, the savings were proposed to be expended for continuing the renovation of the courtroom. He said that, in accordance with MCA 7-6-2315, a notice had been published announcing this date as the scheduled public hearing.

Chairman Bob Palmer, then opened the hearing to public comment, asking that proponents speak first. There were no proponents or opponents. Bob Palmer then closed the hearing to public comment.

Barbara Evans moved and Ann Mary Dussault seconded the motion, that the Resolution approving the amendment for the District Court Budget for FY '84 be adopted at the public meeting of November 15, 1983 (seven days from the hearing) in accordance with Montana State Law.

OTHER BUSINESS: DECISION ON PROPOSED AMERICAN LEGION BALL FIELD AT SPURGIN ROAD SITE

Background information relative to the decision provided by Executive Officer Howard Schwartz stated that the American Legion had proposed to the Missoula County Park Board that it be allowed to develop a ball field on the Spurgin Road property owned by the County. The American Legion proposal was in several stages which began with new facilities for the Missoula Mavericks Legion Softball League team and with the possibility of a minor league professional level baseball field and that the Park Board had recommended to the Commissioners that the County enter into a lease agreement with the Legion to begin the development, but the Commissioners had decided that since this was potentially more than an amateur league field, there should be a full-blown public hearing with recommendations from both Planning and Health as to impacts and needs that should be addressed. The Planning Department had recommended that the lease be approved with several conditions which essentially required that use be limited by amateur play and that development problems, particularly traffic and neighborhood impacts, be addressed prior to final approval. Subsequent phase development would have to go through further review. A public hearing was held on this question on September 21, 1983 for testimony purposes only. There was no decision made as it was taken under advisement.

Barbara Evans said that the idea of an American Legion field on the Spurgin Road property certainly had support from many people in Missoula. She said that most of the concerns about how such a field would impact the neighborhood were in regard to a professional team using the field, and stated that if the American Legion ever wished to subcontract with a pro team for this field, there would have to be full commission hearings and review.

DECISION: AMENDMENTS TO MISSOULA COUNTY AIR QUALITY REGULATIONS IN REGARD TO WOODBURNING

Information provided by Executive Officer Howard Schwartz, stated that the decision before the Board was approval of the revised and amended amendments to the County Air Quality Plan, which places restrictions on woodburning in specified portions of the County.

Howard Schwartz stated that the woodburning regulations had been developed after a series of public hearings, debates and discussions and that the version to be approved by the Commissioners this afternoon had been significantly amended, since the public hearings in October, and reflected information gathered at the hearings, written testimony submitted in conjunction with the hearings, meetings with individuals and groups, discussions with Health Department staff and the City-County Health Board, and a trip to Portland to a conference on low emission woodburning devices. There had been two work sessions on the proposed regulations, he said, to refine and amend them; and that the principal changes to the regulations originally proposed by the Board of Health were: 1) a statement of intent having been added; 2) low emissions device standards being deferred until Oregon adopted its standards; 3) special needs permits for low income persons to be issued according to a procedure; and 4) the Justice Courts to be used to enforce the regulations.

He said that what was still in the regulations was a fundamental policy of: 1) setting opacity standards for woodsmoke at all times, and 2) placing restrictions on burning during air quality alerts in the air stagnation zone. He said that the amended regulations would still require formal approval by the City-County Board of Health and State Air Quality Bureau. He said that these approvals had been informally cleared and were merely a routine formality.

The staff recommendation was to approve the proposed revised and amended regulations.

Barbara Evans then made the following statement:

Lincoln's Gettysburg Address proclaims that there should be "Government of the people, by the people and for the people", and the Montana Constitution establishes provisions relating to direct public participation in government.

Many governmental actions require public participation either through the ballot or petition signing,

PUBLIC MEETING, NOVEMBER 9, 1983, CONTINUED

or public hearings before action can be taken.

A list of some of those constitutional and legislated provisions is attached and copies of specific codes are in our office.

I strongly believe that elected officials are elected to represent - not to dictate. I was not elected to be a dictator, but a representative. When I stated that this issue should go to a vote of the people, it was not to provide an easy out for myself, but as a means of obtaining, and allowing for, a full knowledge of the community's wishes on the issues.

The other Commissioners refuse to place the issue on the ballot, or to allow a survey of the public's wishes through an opinion poll in order to be certain what actions the majority of the citizens really want; choosing instead to rely on the public hearing process.

That process works well in most cases; however, the testimony provided us with almost an equal split in opinion. If we rely on written opinion, we have about 2,700 signatures opposing these regulations, and less than 200 favoring them - a clear mandate not to pass the regulations! - (if we use only the input we have); however, this County has a population of roughly 76,000. In the air stagnation zone, there are roughly 25,882 households representing 68,203 residents in Missoula County. We don't even approach a clear mandate considering that number of residents.

It is clear these regulations are going to pass. This is an exercise in futility if the citizens of this valley do not support them.

The alert level of 150 micrograms per cubic meter will trigger the no-burning rule. The Health Department employees will then - after 3 hours - begin issuing warnings or notices of violation, assuming of course that they see visible emissions of smoke.

In the Missoula Valley, it is dark after about 5:00 or 6:00 p.m. in the winter. Opacity of smoke cannot be read in the dark (the time when most working people get home and want to snuggle down with a nice cozy fire). If the people who burn wood will not voluntarily support these regulations, the air will not significantly improve.

How then do we get the cooperation of the people: Work with them and try to take it a step at a time; or try to stuff it down their throats all at once?

The residents of this community are reasonable, responsible people who will do the right thing if they are worked with in a reasonable responsible and fair way. They do not think that they have been. This Board has heard the testimony and it is its contention that there has been little, if any, quarter given.

The Commissioners are accused of being "proponents of dirty air". I do not believe or accept that.

It has been said that education has not worked, and that's why we need regulations. I don't agree with that either. We have made a start to educate the folks. Education does not take place overnight, nor does change come overnight. We must continue the strong educational effort, because this is the avenue which I feel would be most significant in reducing air pollution. Missoula's people are good, responsible folks and I am confident that through education we can achieve better air quality.

One of the major reasons I want this issued on the ballot is to that each citizen will have to examine their own conscience and make a personal commitment to improve the air quality here, a written commitment through putting their mark on the ballot. Since it will not be on the ballot, it left me with no alternative but to try and come up with a compromise that would strike a balance between the highly emotional and strongly opposing factions, with the hope that this would result in voluntary compliance.

I met with the president of the Woodburners Association and Gary Marbut on Friday, October 21st to begin working on such compromise. The proposal that we came up with was based on the premise that government has the duty to control the pollution that would come out of peoples chimneys but did not have the right to dictate the kind of stove or chimney insert they own. We proceeded to take out of the proposed regulations all references to certification, testing and low emission devices.

For the next several days, I met with members of the woodburners and representatives of other groups to determine if this approach would be acceptable. Most people that I talked to supported the idea. When Bob and Ann Mary came back from a conference on woodburning emissions in Oregon, they had arrived at the same conclusions for different reasons. The final draft of the regulations reflect that change. However, this is only a delay of a few months until Oregon is due to complete its testing procedure. The regulations as they stand here today call for a plan, based on Oregon's final standards, to be presented to the Board of County Commissioners by August 1, 1984, to include those standards in the regulations. If these provisions were left out, they would result in a more acceptable compromise - one that would go a long way towards gaining the support of the woodburners. Their premise is that it is not governments' business what kind of stove they have in their house; but that it is governments' business what comes out the chimney.

I tend to agree with that. If the stoves they have in their houses don't burn clean, they will be cited; and therefore, unable to burn. If the stoves can't burn in a demonstrably clean manner, then the people won't buy them and the dealers won't stay in business.

I believe the regulations, based on particulate and opacity levels, will result in the same effect without our removing their right to choose.

This is everyone's community - not just Ann Mary's, Bob's and Barbara's. We will cast theirs in months to come. If the people believe we have acted unfairly, or have not listened, they will likely bow their necks and fight back the only way they can, by disregarding these regulations.

You will recall that during the hearing on Health effects, there was little or not provable

PUBLIC MEETING, NOVEMBER 9, 1983, CONTINUED

data to prove an absolute link between wood smoke and specific illnesses; and yet it is clear that these regulations are going to pass - even though most of the testimony from supporters of these regulations are based on the assumption that there is such a link. It is clear to me that the Board of County Commissioners will adopt these regulations based in large part on that premise.

There is much provable data, however, that links tobacco smoke with specific illnesses. Let's look at the testimony from the hearings: Dr. Judy McDonald states: "I would like to voice the other physicians opinions that our primary concern in this area should be cigarette smoking. I think that is the number one problem, but I think that air pollution definitely deserves our attention too."

An opinion expressed by most, if not all, the medical people who spoke at our hearing was that cigarette smoke had been proven as a serious pollutant provably tied to specific illnesses.

In April of 1983, a survey was taken in Missoula County Offices on people's attitudes towards smoking. There were four questions, the first of which asked if they smoked. Of those responding, 77% said no. The second question resulted in 42% saying that smoking should be allowed only in designated smoking areas, 34% saying that smoking should not be allowed at the workplace and 23% saying that smoking should not be interfered with as a matter of personal choice. In response to the third question, 55% said that a no smoking policy would not affect them at all, with 27% saying that it would be difficult to comply with and 18% saying that it would affect them only slightly.

It is clear to me that the employees of the County feel strongly about and want control of smoking in their workplace.

Nationally, 30% of all businesses now have some form of "No Smoking" policy. Two-thirds of today's workforce is composed of non-smokers. Researchers say that those that do smoke cost businesses money because smokers are sick more, absent more often, have twice the job-related accident rate of non-smokers and retire more often on early disability - not to mention the daily time spent lighting and smoking cigarettes.

Consider the following:

Tobacco smoke is a very complex mixture of gases, liquids, and particles. There are hundreds of chemical compounds in tobacco and hundreds more created when tobacco burns.

Most important for nonsmokers, there is sidestream smoke, which goes directly into the air from the burning end. Then, there is mainstream smoke, which the smoker pulls through the mouthpiece when he or she inhales or puffs. Nonsmokers are also exposed to mainstream smoke after the smoker exhales it.

Sidestream smoke - the smoke from the burning end - has higher concentrations of noxious compounds than the mainstream smoke inhaled by the smoker. Some studies show there is twice as much tar and nicotine in sidestream smoke as in mainstream smoke, and three times as much of a compound called 3-4 benzaphyrene, which is suspected of being cancer-causing agent, five times as much carbon monoxide, which robs the blood of oxygen, and fifty times as much ammonia.

Carbon monoxide is a colorless, odorless gas created by incomplete combustion. Car exhaust puts it in the air. So does tobacco smoke.

When you inhale carbon monoxide, the gas bumps oxygen molecules out of your red blood cells and forms a new compound called carboxyhemoglobin, which can be measured. As the amount of this compound increases in your blood, the cells of the body become starved for oxygen. One study shows that after only thirty minutes in a smoke-filled room, the carbon monoxide level in the non-smoker's blood increases as well as the blood pressure and heart beat. Carbon monoxide inhaled by a pregnant smoking woman concentrates at a more rapid rate in the fetus' blood than in the mother's blood. In addition, the fetus retains the carbon monoxide much longer than does the mother after she puts out her cigarette. In effect, the fetus suffers from oxygen starvation every time a woman smokes a cigarette, or sits in a smoke-filled room. Sidestream smoke containing carbon monoxide would similarly affect the developing fetus.

In an automobile, in the seat next to the smoker, the level of carbon monoxide shot up to ninety p/p/m, almost twice the maximum set for industry.

When nonsmokers leave a smoky environment, it takes hours for the carbon monoxide to leave the body. Unlike oxygen which is breathed in and then out again in minutes, carbon monoxide in the blood lasts for hours. After three or four hours, half of the excess carbon monoxide is still in the bloodstream.

Financial studies have been done and are available to anyone who is interested. In our County buildings alone, the need for adequate ventilation due to the increased amount of smokers has resulted in a 20% - 30% increase of energy consumption on certain days. Over the entire year, this may reflect an overall increase of 3% - 5% in energy consumption, resulting in approximately \$2,340 to \$3,900 in costs to the county.

Courts have ruled that smoking bans do not violate smokers' rights, because there are no such rights. A judge has said, "Smoke in the workplace is a non-necessary toxic substance".

In Washington State, smoking is prohibited in a number of confined public places, including indoor arenas, reception areas of any building owned or leased by the state, public areas of retail stores and banks, classrooms and lecture halls, and public meeting rooms. In designated areas of buses and other transport, libraries, restaurants, and theaters, smoking may be permitted as long as the non-smoking public area remains "substantially smoke-free".

PUBLIC MEETING, NOVEMBER 9, 1983, CONTINUED

I would support designated areas in County buildings where smokers may indulge their habit.

Let us not be hypocritical. If we are willing to pass regulations for the protection of our citizens from woodsmoke without provable data supporting links to specific disease, we certainly ought to be willing to pass a resolution to protect the health of non-smoking employees inside County buildings, where the link clearly exists.

If we aren't willing to do this, we are hypocrites indeed.

Barbara Evans then said that she would support the amendments to the Missoula County Air Quality Regulations, with the exception of Xd, calling for later inclusion of low emission standards.

Ann Mary Dussault then moved that the proposed, revised and amended amendments to the Missoula County Air Quality Regulations be approved. Barbara Evans seconded the motion, and it passed by a vote of 3-0.

Since there was no further business, the meeting was recessed at 2:00 p.m.

* * * * *

November 10, 1983

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

ELECTION CANVASS

The Board of County Commissioners canvassed the General Election, which was held November 8, 1983, in the morning.

AUDIT LIST

Commissioners Palmer and Evans signed the Audit List dated November 9, 1983, pages 1-27, with a grand total of \$183,918.30. The Audit List was returned to the Accounting Department

CLAIMS

Claims were presented by warrants for pay period #9 (November 10, 1983) to be drawn on the following funds in the following amounts:

Weed Fund	\$ 1,795.62
General Fund	196,578.33
Planning Fund	24,374.57
Road Fund	23,057.54
Working Fund	29,119.50
Bridge Fund	5,589.29
Miscellaneous Fund	86,235.22

The original Claims are on file in the Auditor's Office.

DAILY ADMINISTRATIVE MEETING

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

Agreement for Services

The Board of County Commissioners signed an Agreement for Services between Missoula County and John Stone for contractor snowplowing on the Sunset Hill Road in the Potomac area at the rate of \$25.00 per hour for the period from December 15, 1983 to March 15, 1984, as per the terms set forth in the Agreement. The Agreement was returned to the Surveyor's Office for further handling.

RESOLUTION NO. 83-138

The Board of County Commissioners signed Resolution No. 83-138, a resolution concerning the proposed issuance of Montana State Water Pollution Discharge permit modifications at the Champion Pulp Mill.

Also considered were the following items:

- 1) The Commissioners discussed the LIGHT Emergency Housing proposal and the performance contract proposed for placement on an emergency basis - a meeting will be scheduled next week on this matter; and
- 2) The Commissioners met with Dick Colvill, County Surveyor, and representatives of his staff, who reported on the status of the FY '84 budget for R/B/S.

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

HEARING

Commissioners Palmer and Dussault attended the hearing on the Champion Pulp Mill Proposed Discharge Permit held at City Hall in the evening.

* * * * *

November 11, 1983

The Courthouse was closed for the Veterans Day Holiday.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, Board of County Commissioners

November 14, 1983

The Board of County Commissioners did not meet in regular session; Commissioner Palmer attended a meeting of Western Montana Local Government Officials held at the City Council Chambers until late afternoon, and Commissioner Evans was out of the office all day.

November 15, 1983

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

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Gail Clarke, an independent contractor for the purpose of conducting agency interviews organizing a community symposium and organizing a community task force which is a continuation of the Northwest Area Foundation grant that was contracted first with Ellen Leahy, who is now a permanent Health Department employee for the period from November 14, 1983, through June 30, 1984, for a total sum not to exceed \$3,793.00. The Contract was returned to the Health Department for further handling.

RESOLUTION NO. 83-139

The Board of County Commissioners signed Resolution No. 83-139, a budget amendment for the Library for FY '84, including the following increase in expenditures and revenue, and adopting it as part of the FY '84 budget:

<u>DESCRIPTION OF EXPENDITURE</u>		<u>BUDGET</u>	
Library:		From:	To:
25-410-03-00-821	Capital Construction	\$45,000	\$88,650
<u>DESCRIPTION OF REVENUE</u>		<u>REVENUE</u>	
25-920-01-00-350	Montana State Library Grant	\$43,650	

RESOLUTION NO. 83-140

The Board of County Commissioners signed Resolution No. 83-140, a budget amendment for RSID No. 901 for FY '84, including the following expenditure and revenue and adopting it as part of the FY '84 budget:

<u>DESCRIPTION OF EXPENDITURE</u>		<u>BUDGET</u>
RSID No. 901		
SA S21 02-00-852	Capital Construction	\$392,850
<u>DESCRIPTION OF REVENUE</u>		<u>REVENUE</u>
SA 920 02-00-312	EPA 201 Grant	\$392,850

RESOLUTION NO. 83-141

The Board of County Commissioners signed Resolution No. 83-141, annexing portions of land located in the Mullan Road area of Missoula located in Sections 3, 4, 5, 6, 8, 9, 10, 16 and 17, T13N, R20W; Sections 31, 32, and 33, T14N, R20W; Section 1 T13N, R21W; Sections 35 and 36, T14N, R21W, (including Primrose Acres #1 and #2 all lots; and Warren Acre Tracts #1 and #2 all lots); deleting the piece of property east and north of Grass Valley Ditch owned by Charles Deschamps, moving the boundary line to the legal boundary of the ditch as shown on the map attached to the Resolution and including it within the Missoula Rural Fire District, and assessing for said annexation a fire district levy along with other property already a part of said Missoula Rural Fire District.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840015, a request from the Health Department to transfer \$800.00 from the Clinical Supplies account to the Common Carrier Travel account (\$325) and the Meals, Lodging and Incidentals account (\$475) to provide funds for the Home Health Administrative meetings, and adopted it as a part of the FY '84 budget.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840016, a request from the Health Department to transfer \$1,000.00 from the Vaccines account to the X-Rays account because of the increase in x-rays due to the T.B. outbreak and adopted it as a part of the FY '84 budget.

ENCROACHMENT PERMIT

The Board of County Commissioners signed an Encroachment Permit for the Placid Lake Road granted by Missoula County to John and Donna Burgess, as per the terms set forth in the Permit for a term of 40 years.

CERTIFICATION LETTER

The Board of County Commissioners signed a letter dated November 14, 1983, to the Planning and Statistics Bureau; State Department of Highways, certifying that the rural road mileage in Missoula County exclusive of the Federal-Aid Interstate System and the Federal-Aid Primary System, amounts to \$1,506.00, 915 miles. Attached to the letter was a list of new county roads constructed in 1983.

Other matters considered included the following:

- 1) The Colstrip rate case intervention was discussed - the Board voted to authorize the County

NOVEMBER 15, 1983, CONTINUED

Attorney to formally intervene in the case on behalf of Missoula County; the research necessary to provide testimony at the hearings will be developed and a contract with John Duffield will be drawn up; and

- 2) The Commissioners met with the Sheriff and representatives of his department and discussed the status of his FY '84 budget.

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

MEETING

Commissioner Evans attended a Crimestoppers meeting at noon.

* * * * *

November 16, 1983

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

CERTIFICATION OF ELECTIONS

The Board of County Commissioners, as members of the Board of Canvassers in Missoula County, signed the Certifications of Votes Cast in the City Primary Election held September 13, 1983 and the City General/County Special Election held November 18, 1983. The Certifications were returned to Wendy Cronwell, Elections Supervisor.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO 83-142

The Board of County Commissioners signed Resolution No. 83-142, a resolution adopting amendments to the Missoula City-County Air Pollution Control Program and enacting the final draft dated November 9, 1983, which is attached to the Resolution.

Other items considered included the following:

- 1) The Commissioners voted to accept the house being donated to the County by Missoula General Hospital;
- 2) Fern Hart, Clerk and Recorder/Treasurer and representatives of her staff and Data Processing presented a report on the FMS (Financial Management System) to the Commissioners;
- 3) The upcoming hearings on the Veterans Preference law were discussed;
- 4) The Grantland Water System was discussed - it was the consensus of the Board that the County accept the offer as per the recommendation of Mike Sehestedt, Deputy County Attorney; and
- 5) Jean Johnston, Welfare Director, met with the Board and discussed the status of her FY '84 budget.

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

PRESS CONFERENCE

Commissioners Evans and Palmer attended a press conference in the afternoon at Missoula General Hospital regarding the donation of the house to the County by the Hospital - the house will be turned over to the Missoula Housing Authority.

PUBLIC MEETING

Acting Chairman Barbara Evans called the meeting to order at 7:30 p.m. in the City Council Chambers. Commissioner Bob Palmer was absent as he was attending another meeting.

BID AWARD: HOUSE REMOVAL - COMMUNITY DEVELOPMENT BLOCK GRANT

Under consideration was the award of the bid for moving a house from the Missoula General Hospital site to East Missoula.

Information provided by John Kellogg, of the Missoula Planning Department, stated that to make room for their expansion, Missoula General Hospital had offered a multi-family house to the County, contingent on the house being moved from the hospital site by November 30. He stated that Mike Barton, the Community Development Administrator, had planned for removal of the house to a site in East Missoula, where it would be renovated and turned over to Missoula Housing Authority for management.

He stated that three housemoving contractors had been given bid packages for the first stage of this project, house removal and placement at 510 Speedway in East Missoula, and that one contractor had responded with the following bid:

Construction Concepts - \$26,945

He said that the staff estimate for the project had been \$25,000, and that the staff had recommended awarding the bid to Construction Concepts for \$26,945.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bid award for moving the house donated to the County by General Hospital from the hospital grounds to East Missoula be awarded to Construction Concepts, in the amount of \$26,945. The motion passed by a vote of 2-0.

APPROVAL AND SIGNING OF BUDGET RESOLUTION IN REGARD TO THE AMENDMENT OF THE DISTRICT COURT BUDGET, FY '84

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Amendment of the District Court Budget be approved in accordance with the hearing held at the previous week's public meeting. The motion passed by a vote of 2-0.

PUBLIC MEETING, NOVEMBER 16, 1983, CONTINUEDHEARING: PETITION TO ABANDON A PORTION OF WASHOE ROAD

Under consideration was a hearing on the petition to abandon a portion of Washoe Road. Information provided by County Surveyor Richard H. Colvill stated that Washoe Road is a County road in the Potomac area and although it had been a County road since 1896, the right-of-way had never been defined. The action was a matter of housekeeping in that the purpose was to clear the right-of-way for that section of road.

Mr. Colvill stated that this action involved, 1. accepting a 60-foot wide donated right-of-way for the road in its present location, and 2. abandoning the petitioned road (which does not match the existing road) for the same section of road.

Acting Chairman Evans then opened the hearing to public comment, asking that proponents speak first. The following person spoke:

1. County Surveyor Dick Colvill stated that the road did not follow the section lines and that the land-owners adjacent to the road had given rights-of-way in order to straighten the road on the County records.

No one else wished to speak as a proponent. There were no opponents.

In accordance with State law, the hearing was continued to the next public meeting, to be held November 25, in order that Barbara Evans and County Surveyor Dick Colvill could view the site proposed to be vacated.

RESOLUTION NO. 83-143

The Commissioners then signed Resolution No. 83-143, authorizing the amendment of the District Court Budget in the amount of \$4,500 to transfer that money from the year-end encumbrances for technical equipment for which it was not needed, to continued renovation of the Courthouse. The resolution was forwarded to the Clerk and Recorder's Office, with copies sent to Accounting, General Services, and District Court.

Since there was no further business, the meeting was recessed at 7:45 p.m.

* * * * *

November 17, 1983

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Helena to attend meetings with the State Water Quality Bureau and the Department of Natural Resources to be held in the afternoon and again in the morning on November 18th.

TASK FORCE MEETING

Commissioners Dussault and Evans attended a portion of the initial meeting of the Drunk Driving Task Force held at City Hall in the forenoon.

SITE INSPECTION

Commissioner Evans accompanied County Surveyor, Dick Colvill, for a site inspection on the request to abandon a portion of Washoe Road located in the Potomac area.

* * * * *

November 18, 1983

The Board of County Commissioners met in regular session; all three members were present in the afternoon. Commissioner Dussault returned from Helena at noon.

Fern Hart
Fern Hart, Clerk and Recorder

Bob Palmer
Bob Palmer, Chairman, Board of Commissioners

* * * * *

November 21, 1983

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated November 18, 1983, pages 1-21, with a grand total of \$143,125.37. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners signed Budget Transfer no. 840018, a request from the Superintendent of Schools Department to transfer \$121.00 from the Microfilm Service account to the Contracted Services account because of a line item excess in the Contracted Services account and formally adopted the transfer as a part of the FY '84 budget.

AGREEMENT AND BILL OF SALE

The Board of County Commissioners signed an Agreement between Western Montana Land Company, doing business as Grant Creek Water Works, and Missoula County for the purpose of having the "Water Works" operate, control, maintain and own the water facilities constructed in the Grantland Planned Unit Development Area, including those constructed under RSID No. 395 and 396, as per the covenants set forth in the Agreement. The Bill of Sale in conjunction with the above Agreement was also signed by the Board of County Commissioners.

NOVEMBER 21, 1983, CONTINUED

BOARD APPOINTMENTS

The Board of County Commissioners made the following Board appointments:

- 1) Philip O'Connell was reappointed to the Missoula Planning Board for a 3-year term which will expire October 31, 1986;
- 2) Karen Ward was appointed to the Missoula Planning Board for a 3-year term which will expire October 31, 1986; and
- 3) Philip Schweber was appointed to the City-County Board of Health to file the unexpired term of Sheila Schreurs, who resigned, through December 31, 1983.

Other business included:

The Commissioners met with Gary Boe, Acting Health Director and representative of the Health Department staff and discussed the current status of their FY '84 budget.

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

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November 22, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Portland, Oregon, where he attended a meeting of officials of the Northwest Power Planning Council, BPA, and Local Government Associations.

DAILY ADMINISTRATIVE MEETING

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

PROFESSIONAL SERVICES CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Dr. John Duffield, an independent contractor for the purpose of Missoula County's intervention in the Colstrip 3 Rate Use case, as per the terms set forth in the Contract, commencing November 15, 1983 and will be concluded by January 16, 1984, for a total sum not to exceed \$7,500.00.

Other business included:

Kristina Ford, Planning Director, met with the Commissioners and discussed the status of the Planning Department's FY '84 budget to date.

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

* * * * *

November 23, 1984

The Board of County Commissioners met in regular session; all three members were present in the afternoon. Commissioner Palmer returned from Portland at noon.

CLAIMS

Claims were presented by Warrants for pay period #10 (November 22, 1983) to be drawn on the following funds in the following amounts:

Bridge Fund	\$ 7,017.63
Planning Fund	22,720.94
Road Fund	21,846.45
Miscellaneous Fund	86,797.09
General Fund	194,091.03
Working Fund	30,280.93
Weed Fund	1,704.32

The original Claims are on file in the Auditor's Office.

DAILY ADMINISTRATIVE MEETING

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

EXTENSION LETTER

The Board of County Commissioners signed a letter to Zenon O. Zazula of Underwood & Associates, Inc., granting one additional 60-day extension for the final plat filing deadline for Placer Subdivision from November 29, 1983, which is the expiration date.

RESOLUTION NO. 83-144

The Board of County Commissioners signed Resolution No. 83-144, a budget amendment for the Planning Department for FY '84, including the expenditures and revenues as noted in the memorandum attached to the Resolution, showing receipt of grants and reduction of overall expenditures, and adopted the above as part of the FY '84 budget.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Ann Mary Dussault came to the meeting later.

PUBLIC MEETING, NOVEMBER 23, 1983, CONTINUEDBID AWARD: CONTRACTOR SNOW/PLOWING (SURVEYOR):

Under consideration was a bid award for contractor snow plowing in the Swan Valley area. Information provided by Surveyor Richard H. Colvill stated that the bids had been opened November 21, 1983, with the following bids received:

<u>BIDDER</u>	<u>TRUCK PLOW</u>	<u>PATROL</u>
M & M Construction	\$35/hr	\$45/hr
Wilderness Excavation	\$50/hr	\$50/hr
Nelcon, Inc.	no bid	\$50/hr

Mr. Colvill stated that this contract was for on-call private snow plowing on County roads in the Swan Valley in order to give the Road Department a back-up plow for heavy snow. He said that the Surveyor's Office had budgeted \$15,000 for this back-up plowing.

Barbara Evans moved, and Bob Palmer seconded the motion, that the contract for contractor snow plowing in the Swan Valley be awarded to the low bidder, M & M Construction for patrol plowing at the rate of \$45/hr (no award for truck plowing), in accordance with the recommendation of the Surveyor's Office. The motion passed by a vote of 2-0.

Commissioner Ann Mary Dussault came to the meeting at this point.

DECISION ON: PETITION TO ABANDON A PORTION OF WASHOE ROAD:

Under consideration was the approval and signing of a resolution to abandon that portion of Washoe Road petitioned by John Deaton and declared a public highway on September 9, 1896, pursuant to state law, lying adjacent to the section line common to the SE $\frac{1}{4}$, Section 21, and the NE $\frac{1}{4}$, Section 28, T13N, R15W, principal meridian, Montana, and lying outside the boundaries of Parcel "A", Certificate of Survey No. 2962; and to accept from two adjacent landowners, George Hagstotz and Laurence R. and Carol L. Mikesell, that parcel shown as parcel "A" on Certificate of Survey No. 2962 for right-of-way purposes for Washoe Road.

The hearing on these requests was held at the Commissioners' Public Meeting of 11-16-83, and the decision was postponed to the public meeting today so that the state law requiring one Commissioner, accompanied by the Surveyor, to view the site of the proposed vacation, could be complied with. Commissioner Barbara Evans and Surveyor Dick Colvill viewed the site of the proposed vacation on 11-17-83. This housekeeping matter was proposed in order to clear up the records for Washoe Road.

Barbara Evans commented that she and Dick Colvill had also viewed the Jordan Ranch Tract site while they were in the area.

The matter of problems with road rights-of-way and maintenance of the road on Jordan Ranch Tracts is scheduled to come before the Commissioners on December 6.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, to approve and sign the resolution to abandon that portion of Washoe Road petitioned by John Deaton and declared a public highway on September 9, 1896, pursuant to State Law, lying adjacent to the section line common to the southeast one quarter (SE $\frac{1}{4}$) of Section 21 and the Northeast one quarter (NE $\frac{1}{4}$) of Section 28, Township 13 North, Range 15 West, principal meridian, Meridian, Montana, and lying outside the boundaries of Parcel "A", Certificate of Survey No. 2962 and to accept from two adjacent landowners, George Hagstotz and Laurence R. and Carol L. Mikesell, that parcel shown as Parcel "A" on Certificate of Survey No. 2962 for right-of-way purposes for Washoe Road. The motion passed by a vote of 3-0.

RESOLUTION NO. 83-145:

The Board of County Commissioners then signed Resolution 83-145 to abandon that portion of Washoe Road, as set forth above; and to accept rights-of-way from two adjacent landowners as set forth above, in order to clear up the right-of-way records for this County - maintained road. The resolution was forwarded to the Clerk and Recorder for filing, with a copy sent to the Surveyor.

PROCLAMATION:

Chairman Bob Palmer then read the proposed proclamation to declare the week of November 27 to December 3, 1983, as National Home Care Week in Missoula County in order to recognize the dedicated service of the Missoula City/County Home Health Agency in the delivery of quality home health care to citizens in Missoula who need these services.

Barbara Evans moved, and Ann Mary Dussault seconded her motion, that this proclamation be approved and signed. The motion carried by a vote of 3-0.

PROCLAMATION:

The Commissioners then signed the above-referenced proclamation, and it was forwarded to the Clerk and Records' Office for filing, with a copy sent to the Health Department.

RESOLUTION AMENDING RESOLUTION 83-126

Chairman Palmer explained that whereas Resolution 83-126 had authorized the creation of the Seeley Lake Fire District, a call from Missoula Rural Fire Chief had informed this office that the correct name for the district should have been "Seeley Lake Rural Fire District", and this resolution was intended to correct that error.

Barbara Evans moved, and Ann Mary Dussault seconded her motion, that the proposed Resolution Amending Resolution No. 83-126 be approved and signed. The motion passed by a vote of 3-0.

RESOLUTION NO. 83-146:

The Commissioners then signed Resolution 83-146, amending Resolution 83-126, as set forth above. The resolution was then forwarded to the Clerk and Recorder's Office for filing, with copies to Bruce Suenram, Missoula Rural Fire Chief; and Bill Jacobs, Seeley Lake Rural Fire Chief.

PUBLIC MEETING, NOVEMBER 23, 1983, CONTINUEDCONTRACT AGREEMENT FOR HOUSEMOVING:

The Commissioners then signed the Contract Agreement for Housemoving between the County of Missoula and Construction Concepts for the purpose of moving the house donated to the County by Missoula General Hospital from the hospital grounds to East Missoula where it will be renovated under the Community Development Block Grant program and then turned over to the Missoula Housing Authority for management as low income housing. The contract was returned to John Kellogg of the Planning Office for processing.

Since there was no further business, the meeting was recessed at 2:00 p.m.

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November 24, 1983

The Courthouse was closed for the Thanksgiving Day holiday.

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November 25, 1983

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.

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated November 25, 1983, pages 1-24, with a grand total of \$84,285.85. The Audit List was returned to the Accounting Department.

 _____ Fern Hart, Clerk and Recorder	 _____ Bob Palmer, Chairman, Board of Commissioners
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November 28, 1983

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 AND TEMPORARY PERMIT

The Board of County Commissioners signed the Plat for Momont Industrial Park Phase 2, a subdivision of Missoula County, Montana, located in NW $\frac{1}{4}$, Sec. 1, T13N, R20W, and SW $\frac{1}{4}$, Sec. 36, T14N, R20W, owned by Sunlight Development Company, Inc. Chairman Palmer also signed a temporary Permit for access on property between Sunlight Development Company and Missoula County, whereby the County desires a permit from Sunlight, for the sum of \$10.00, to use and construct on the property described in the Permit a cul-de-sac to be used for pedestrian and vehicular traffic as per the terms set forth in the Agreement.

BUDGET TRANSFER

The Board of County Commissioners signed Budget Transfer No. 840021, approving a request from the County Auditor to transfer \$49.00 from the Office Supplies Account to the Books, Res. Materials and Subscriptions Account, and adopted the transfer as part of the FY '84 budget.

BUDGET TRANSFERS

The Board of County Commissioners signed Budget Transfers No. 840022 and 840023, approving a request from the Sheriff's Department to transfer \$13,066.00 from the Temporary Salaries Account to the Permanent Salaries Account and also transferring \$1,220.00 from the Temporary Salaries Fringe Account to the Permanent Salaries Fringe Account and adopted the transfers as a part of the FY '84 Budget.

The following matters were also considered:

- 1) The U/M intern proposal regarding Cynthia Klette and Carolyn Hathaway was discussed by the Board; and
- 2) A request from Clint Kammerer regarding off-street parking near MaClay Bridge and potential park development was discussed.

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

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November 29, 1983

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.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following matters were considered.

- 1) The Board met with John DeVore, Operations Officer, and discussed the heating and colling system needs;
- 2) The Commissioners voted to cancel the Weekly Public Evening Meeting for December; and
- 3) The road name change request by Ed Marcure to change "Allen Marcure Lane" to "Marcure Lane" was discussed and approved by the Commissioners.

NOVEMBER 29, 1983, CONTINUED

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

MEETING

Commissioner Evans attended a meeting of the Airport Authority in the afternoon.

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November 30, 1983

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

DAILY ADMINISTRATIVE MEETING

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

- 1) The program letters for Montana Peoples Action were approved by the Board;
- 2) The Commissioners discussed and declined a request from Ray Froehlich, Sheriff, to authorize overtime pay for the Undersheriff and Captain in the Sheriff's Department; and
- 3) The Commissioners approved the requests dated November 23, 1983, from the County Treasurer's Office to delete from the records the following:
 - a. The balance of 1965 through 1972 real estate taxes;
 - b. the balance of the 1971 personal property taxes; and
 - c. the balance of the 1972 personal property taxes.

The letters were returned to Bev Hiday, Real Estate Manager, in the County Treasurer's Office.

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

PUBLIC MEETING

The Public Meeting was called to order at 1:30 p.m. by Chairman Bob Palmer. Commissioner Ann Mary Dussault was also present. Commissioner Barbara Evans was absent due to illness.

CONSIDERATION OF: MUSEUM INTERLOCAL AGREEMENT:

Under consideration was approval of the Interlocal Agreement for the provision of museum services. Background information provided by Executive Officer Howard Schwartz stated that the Interlocal Agreement had been under discussion for a year, and that it had arisen out of the necessity to clarify the lease arrangement between the City of Missoula and the County Art Museum. He said that the original lease which had created the Art Museum was entered into between the City of Missoula and the Missoula Area Arts Council in 1974. The Arts Council, in return, had sublet the Museum to Missoula County so that it could be administered under the auspices of the County Museum Board of Trustees, using the County mill levy. The Missoula Area Arts Council has since ceased to exist, he said, and the necessity had arisen to clarify the relationship between the City and the County in regard to rights and responsibilities for the Museum building. This Interlocal Agreement was essentially a five-year lease in which the City provided the building to be used as the Art Museum and agreed to maintain the basic integrity of the building, he said, and the County agreed to use the County funds to operate the Museum. In addition, the County agreed to set up a capital improvement fund of \$3,600.00 per year to aid the City in meeting major repair bills in the Museum building, he said, and that the Agreement had been approved by the City Council after extended negotiations among City and County staff, the County Commissioners, City Council members and Museum trustees and staff.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the Interlocal Agreement for the Provision of Museum Services be approved and signed. The motion passed by a vote of 2-0.

INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COUNTY OF MISSOULA TO COOPERATE IN THE PROVISION OF MUSEUM OF THE ARTS SERVICES TO THE RESIDENTS OF MISSOULA:

The Commissioners then signed the Interlocal Agreement in regard to the provision of Museum of the Arts services to the residents of Missoula, as described above. Two originals of the Agreement were forwarded to Mike Greely, Attorney General of the State of Montana, for his review and approval. Two originals were also returned to the City of Missoula.

HEARING: SNOW PLOWING AND SANDING POLICY:

County Surveyor Richard H. Colvill had requested that the Commissioners hold a hearing on formalizing the street snow plowing and sanding priorities to help the public understand the services that would be available at various times and days of the week, a process similar to the State Winter Maintenance Plan that is published annually.

Chairman Palmer asked Dick Colvill to comment on the proposed policy. Mr. Colvill said that he had put out a press release announcing that this hearing was going to be held. He said that the County has 515 miles of road, and that there was no way to keep all of it in summer driving conditions 24 hours a day. He said that a consistent, published policy that people could understand would perhaps alleviate some of the frustration expressed by residents over which roads would be sanded and plowed at what time. He said that the County should also be cognizant of lawsuits which could be filed due to accidents on slick roads. He said that if the County published priority plowing and sanding routes, it would perhaps give it a better legal position in regard to such lawsuits.

Mr. Colvill went on to say that snow plowing wasn't as big a problem as sanding, citing as examples 1981, when \$32,000 was spent to sand the roads. 1982 (a bad snow year) when \$92,000 was spent for sanding and 1983 (a mild year) when \$129,000 was spent on road sanding. He said that in 1983, 13,000 tons of sand had been spread on the roads, approximately 26 tons per mile; and that \$46,000 had been spent sweeping it all up again in the spring. He emphasized that the Road Department was still going to sand the road, but overtime was costly, and so sanding would be limited, in general, to snow routes, and would be done only at certain times of the day. He said that residents should realize this and operate their vehicles with caution.

PUBLIC MEETING, NOVEMBER 30, 1983, CONTINUED

Bob Palmer then opened the hearing to public comment, asking that proponents speak first. No one wished to testify either as a proponent or as an opponent. He then closed the public comment portion of the hearing.

Commissioner Ann Mary Dussault asked Mr. Colvill if under the proposed policy there would be any circumstances where plowing would occur between midnight and 5 a.m., and he replied that if the snow-fall was over 8 inches, it would be plowed.

Ann Mary Dussault then asked him if, whenever an accident occurred, an assessment is made of the status of the tires, and if part of the need for sanding weren't that we did not require snow tires.

Dick Colvill replied that requiring snow tires would be a matter for the Legislature to address.

Bob Jacks, Road Department Supervisor, said that lately the calls they had had about slick roads had been from people who did not have snow tires on their cars.

Ann Mary Dussault asked if it would be possible to talk to the Sheriff and Police Department about documenting whether part of the reasons for accidents weren't lack of snow tires.

Ken Kailey, Traffic Supervisor, said that the State Patrol covers accidents in Missoula County, and there is no statement on the accident form as to condition of tires. The report centers on conditions of weather, driver and road, he said, and that he had not heard the questions raised about tires except in posted areas where chains are required. He said that he thought the question would have to be addressed in the Legislature.

Bob Jacks commented that in the past two or three years he had noticed more people with bald tires.

Dick Colvill then stated that he wanted to rewrite the sanding and snow plowing policy in the form of a resolution.

The Commissioners approved this suggestion by acclamation and asked him to send the proposed policy and resolution to Administrative Officer, Gordon Morris, as soon as it was completed for Board review and approval.

Dick Colvill replied that he would get the resolution up to Gordon within the next few days.

OTHER BUSINESS

Clerk and Recorder Fern Hart commented that property taxes were coming in smoothly and she had not received many protests so far. She gave the Commissioners a copy of a letter from Glen Wohl in regard to SUID #2463806, Bill #83024057. He paid his taxes under protest, citing the "...bureaucracy and anti-business attitude of the Planning Department..." as the reason.

Chairman Bob Palmer announced that the Board was looking at making adjustments to the Commissioner Districts more along the precinct lines. He said that if people were interested in looking at the maps, they would be available in the Commissioners' Office. He said that although the Board did not intend to hold a hearing on the matter, the Commissioners would take comments through the rest of the week, and would make a decision on Monday, December 5.

Since there was no further business, the meeting was recessed at 1:50 p.m.

JAIL INSPECTION

The Board of County Commissioners accompanied Health Department staff on an inspection of the County Jail later in the afternoon.

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December 1, 1983

The Board of County Commissioners did not meet in regular session; Commissioners Palmer and Dussault attended a District X and XI Counties meeting in Polson all day.

DINNER/MEETING

Commissioner Evans attended a Montana Criminal Justice Association dinner meeting in the evening at the Village Red Lion Motor Inn honoring the Missoula Crimestoppers Organization.

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December 2, 1983

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 December 2, 1983, pages 1-38, with a grand total of \$206,557.60. The Audit List was returned to the Accounting Department.

CERTIFICATE OF ACCEPTANCE

Chairman Palmer signed Certification of Acceptance for County Maintenance for Gold Nugget Road, which has been built under the Eldorado Subdivision, Phase II, to County standards and recently completed. The Certificate was returned to the Surveyor's Office.

MEETING

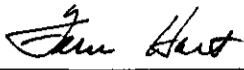
Commissioner Evans attended a meeting of the Gambling Commissioner in the afternoon.

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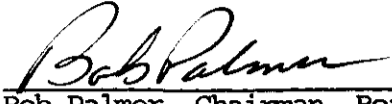
December 3, 1983

RIBBON CUTTING CEREMONY

Commissioner Evans participated in the Ribbon Cutting Ceremony at Westside Bowling Lanes Saturday morning in conjunction with their Grand Opening Celebration.



Fern Hart, Clerk and Recorder



Bob Palmer, Chairman, Board of County Commissioners

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December 5, 1983

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:

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and M&M Construction Company for contractor snow plowing in the Condon, Montana area for the period from December 15, 1983 to March 15, 1984, at the rate of \$45.00 per hour for motor patrol plowing. The Contract was returned to Centralized Services for further handling.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840024, a request from the Fair Department to transfer \$428.00 from the Insurance/Fidelity Bonds account to the Miscellaneous/Other Non-Tax Refunds Account, which is currently overdrawn, and adopted the transfer as a part of the FY '84 Budget.

RESOLUTION NO. 83-148

The Board of County Commissioners signed Resolution No. 83-148, a budget Amendment for FY '84 for the Health Department (Change of WIC Budget Amendment dated September, 1983), including the following expenditures and revenues and adopting it as part of the FY '84 budget:

<u>DESCRIPTION OF EXPENDITURES</u>		<u>BUDGET</u>
CDC Personnel - Permanent Salary	07-613-92-00-111	\$ 830.00
CDC Personnel - Fringe Benefits	07-613-92-00-141	171.00
Head Start Personnel - Permanent Salary	07-613-93-00-111	560.00
Head Start Personnel - Fringe Benefits	07-613-93-00-141	115.00

<u>DESCRIPTION OF REVENUE</u>		<u>REVENUE</u>
Head Start, Inc.	07-920-13-345	\$ 675.00
CDC	07-920-13-00-334	1,001.00

Other matters considered included:

- 1) The Emergency Closures Policy was discussed and will be reviewed by the various departments;
- 2) The Commissioners met with Dan Gallagher, who presented a position relative to Post 101's assessment of the Committee Bill on Veterans Preference;
- 3) Nicholas Francis, County Personnel Specialist, met with the Commissioners and discussed the Employee Assistance Program; and
- 4) The redistricting of Commissioner Districts Resolution was discussed and approved by a 2-0 vote of the Board, Commissioner Evans was absent; however, later in the day, the District Judges declined approval and, therefore, the Resolution was not passed.

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

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December 6, 1983

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming the Clerk of Court of Carconino County, Flagstaff, Arizona as principal for Warrant #94146 dated July 19, 1983, on the Missoula County trust fund in the amount of \$200.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Robert A. Martin, an independent contractor, for the purpose of performing weather balloon releases to determine inversion heights and wind speed and direction, in order to assist in the prediction of stagnant air episodes as this information is vital for the department's air quality forecasting capabilities, for the period from December 1, 1983 through February 29, 1984, for a total amount not to exceed \$1,000.00. The Contract was returned to the Health Department for further handling.

DECEMBER 6, 1983, CONTINUED

AID-TO-CONSTRUCTION AGREEMENT

The Board of County Commissioners signed an Aid-to-Construction Agreement for RSID No. 405, for the purpose of constructing street improvements on Sixth Street and Howard Street in Missoula County, Montana, whereby the County agrees to participate in the construction costs of RSID No. 405 by a cash payment equal to 30% of the final cost, or approximately \$15,306.00, to the District. The Agreement was returned to General Services for further handling.

CONTRACT

The Board of County Commissioners signed a Contract dated December 1, 1983, between the Missoula Home Health Agency and Condon/Seeley In-Home Services for professional nursing and home health aide services in Condon, Montana, for the period from December 1, 1983 through September 30, 1984. The Contract was returned to the Health Department for further handling.

Other matters considered included:

- 1) The Commissioners met with Pat Leeds of the State Highway Department regarding right-of-way for the Evaro Hill Project - action on the request was delayed until December 7, 1983; and
- 2) Jim Costamagna met with the Board regarding Hidden Treasure Court - he was advised to deal directly with Bob Boucher, and a letter will be sent to both parties regarding removal of the fence.

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

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December 7, 1983

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

AUDIT LIST

The Board of County Commissioners signed the Audit List dated December 7, 1983, pages 1-21, with a grand total of \$82,460.20. The Audit List was returned to the Accounting Department.

MONTHLY REPORTS

Chairman Palmer examined, approved and ordered filed, the monthly reports of Justices of the Peace, Janet Stevens and W.P. Monger, for collections and distributions for month ending November 30, 1983.

CLAIMS

Claims were presented by Warrants for pay period #11 (December 6, 1983) to be drawn on the following funds in the following amounts:

Miscellaneous Fund	\$ 89,145.76
General Fund	197,862.46
Weed Fund	1,793.46
Planning Fund	23,144.19
Working Fund	32,036.26
Road Fund	23,609.74
Bridge Fund	2,734.25

The original Claims are on file in the Auditor's Office.

DAILY ADMINISTRATIVE MEETING

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

RIGHT-OF-WAY AGREEMENT

Chairman Palmer signed the Right-of-Way Agreement between Missoula County and the State Highway Department for Project RTF 5-1(5)0, DeSmet-Evaro as per the terms set forth, for total compensation of \$150.00 to the County by the Highway Department.

Other matters considered were:

- 1) The L.I.G.H.T. Emergency Housing Proposal was presented and discussed by the Commissioners - it will be taken under advisement; and
- 2) The Commissioners discussed and approved the HRDC CSBG Workplan.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present were Commissioners Ann Mary Dussault and Barbara Evans.

CONSIDERATION OF: MISSOULA COUNTY SNOW PLOWING AND SANDING POLICY

Surveyor Richard Colvill had presented a proposed Missoula County Snow Plowing and Sanding Policy at the November 30th Public Meeting, and a public hearing on this proposal was held. The Commissioners then approved this policy by acclamation and asked Mr. Colvill to draft a final resolution for Commission approval.

Dick Colvill then presented the proposed resolution, "Missoula County Road Snow Plowing and Sanding Policy" to the Commissioners.

Ann Mary Dussault moved, and Barbara Evans seconded her motion, that the "Missoula County Road Snow Plowing and Sanding Policy" be approved and signed. The motion passed by a vote of 3-0.

PUBLIC MEETING, DECEMBER 7, 1983, CONTINUEDRESOLUTION 83-147

The Board of County Commissioners then signed Resolution 83-147, approving the "Missoula County Road Snow Plowing and Sanding Policy". The original was forwarded to the Clerk and Recorder's Office for filing, and a copy sent to the Surveyor's Office.

Since there was no further business, the meeting was recessed at 1:36 p.m.

WELFARE ADVISORY BOARD

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Jean Johnson, Welfare Director, later in the afternoon for their regular monthly meeting.

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December 8, 1983

The Board of County Commissioners did not meet in regular session; Commissioners Palmer and Dussault were in Helena, where they attended a MACo Board/Selection Committee meeting; and Commissioner Evans was out of the office until noon.

INDEMNITY BOND

Acting Chairman Evans examined, approved, and ordered filed an Indemnity Bond naming Julia S. Schultz as principal for Warrant #22567, dated October 13, 1983, on the Missoula County School District No. 1 Payroll Fund in the amount of \$134.91 now unable to be found.

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December 9, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer attended a Revenue Oversight Committee meeting in Helena December 9th and 10th, 1983.

Fern Hert

Fern Hert, Clerk and Recorder

Bob Palmer

Bob Palmer, Chairman, County Commissioners

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December 12, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Anaconda attending a meeting of the Local Government Energy Committee.

MONTHLY REPORT

Acting Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of District Court, Bonnie Henri; showing items of fees and other collections made for month ending November 30, 1983.

DAILY ADMINISTRATIVE MEETING

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

AID-TO-CONSTRUCTION AGREEMENT

The Board of County Commissioners signed an Aid-to-Construction Agreement for RSID No. 404, which was credited for the purpose of street and drainage improvements on Traynor Drive, whereby the County will participate by a cash payment direct to the District of 40% of the estimated project cost or \$13,302.06. The Agreement was returned to General Services for further handling.

POLICY STATEMENT NO. 83-F

The Board of County Commissioners signed Policy Statement No. 83-F, the Missoula County Snow and Ice Control Program, a policy whereby the public will be informed about snow plowing and sanding priorities and to help residents understand which services will be available at various times and days of the week.

SUBDIVISION IMPROVEMENTS AGREEMENT

The Board of County Commissioners signed a Subdivision Improvements Agreement, dated November 22, 1983, between Missoula County and Patrick G. and Judy R. McDonald, the subdividers of Eastview Acres; a ten-lot subdivision located in East Missoula; whereby the subdividers are unable to complete the installation of the required public improvements by the two-year deadline and agree with the County to complete the improvements within 20 months of the date of the Agreement as per the terms set forth in the Agreement.

ADDENDUM TO CONTRACT

The Board of County Commissioners signed an Addendum to the Contract dated June 24, 1982, between Missoula County and District XI Human Resource Council for the issuance and storage of food coupons under the Federal Food Stamp program, amending the last paragraph on page three to change the termination date to June 30, 1984.

DECLARATION OF COVENENT

The Board of County Commissioners signed a Declaration of Covenant dated December 1, 1983, for Grant Creek Associates, Ltd., whereby the owner declares that Tract 'H' shown on the Certificate of Survey No. 2980, as a parcel containing less than twenty acres, shall be used exclusively for agricultural purposes and that no building or structure requiring water or sewage facilities will be erected or utilized.

Other matters considered included:

DECEMBER 12, 1983, CONTINUED

- 1) It was noted that copies of the County Bid Policy are available - a response time is specified; and
- 2) The "on-call" status for Health Department employees associated with the Woodburning Regulations were discussed and approved by the Commissioners.

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

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December 13, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault left for Washington, D.C., where she will be meeting with EPA officials and the Congressional Delegation for the rest of the week.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 83-149

Chairman Palmer signed Resolution No. 83-149, a resolution providing for the giving of notice of a public hearing on the proposed issuance by the County of Missoula, Montana, of Industrial Development Revenue Bonds in the maximum aggregate principal amount of \$3,000,000 for Allan G. Holmes for the acquisition of an existing building, the renovation of a portion thereof for use as office and manufacturing facility for the production of dental equipment, the construction of an additional building to be used for the manufacture of dental equipment and the equipping and furnishing of the newly remodeled, renovated and constructed facilities, and setting the hearing date for January 11, 1984, at 1:30 p.m.

SUBDIVISION IMPROVEMENTS AGREEMENT

The Board of County Commissioners signed a Subdivision Improvements Agreement between Missoula County and Gilbert C. Dopp and Robert W. Todd, the subdividers of Roske Addition, a seventeen-lot subdivision located northeast of U.S. Highway 10 near Turah, whereby the subdividers are unable to complete the installation of the required public improvements by the two-year deadline and agree with the County to complete the improvements within 20 months of the date of this Agreement as per the terms set forth in the Agreement.

CONTRACT

The Board of County Commissioners signed a Professional Service Contract with Ray W. Worrington & Associates, an independent contractor, for the purpose of developing the basic concepts for a basic risk management strategy to be utilized to help avoid jail litigation during the interim between the jail preschematic phase and new jail construction/renovation and occupancy, a total of 50 days work between September 8, 1983, and June 30, 1984, as per the terms set forth in the contract.

NOTICE OF HEARING

Commissioner Palmer signed a Notice of Hearing on a proposed budget amendment for the fair - FY '84 to provide revenue and expenditures for the Winter Expo setting the hearing date for December 28, 1983, at 1:30 p.m.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following Budget Transfers formally adopting them as part of the FY '84 budget:

- 1) No. 840019, a request from the Budget Department to transfer \$1,500.00 from one Contracted Services account to another for the Ray Worrington Agreement on the Jail Study;
- 2) No. 840020, a request from the Sheriff's Department to transfer \$1,500.00 from one Contracted Services account to another for the Ray Worrington Agreement on the Jail Study;
- 3) No. 840025, a request from District Court - Court Reporter No. 4, to transfer \$300.00 from the Mileage-County Vehicle account to the Mileage - Private Vehicle account to correct a line item excess which has accrued;
- 4) No. 840026, a request from the Superintendent of Schools Department to transfer \$203.70 from the Teacher Center/790 Office Supplies account - transferring \$180.20 to the Phone account and \$23.50 to the Consultants account to correct a line item excesses which have occurred; and
5. No. 840029, a request from the Superintendent of Schools Department to transfer \$0.72 from the Teacher Center/790 Office Supplies account to the Long Distance Phone account to correct a line item excess which has occurred.

Other matters considered included:

The Commissioners met with Mike Sehestedt, Deputy County Attorney, and discussed the request from Hellgate High regarding their property - the School Board approved the abatement as per Mike Sehestedt's recommendation.

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

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December 14, 1983

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:

DECEMBER 14, 1983, CONTINUED

RESOLUTION NO. 83-150

The Board of County Commissioners signed Resolution No. 83-150, a resolution authorizing the signing of the lease/purchase agreement with Christopher Capital Corp. for purchase of microwave equipment, for the General Services Department.

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts between Missoula County and the following independent contractors:

- 1) Anita L. Wilson, for the purpose of selecting and training interviewers for the Northwest Area Foundation Grant project, performing computer data analysis, and finalizing survey instruments for 50 work days between December 12, 1983 and July 1, 1984, for a total sum not to exceed \$2,800.00; and
- 2) Joanne Oreskovich for the purpose of a research intern for the Northwest Area Foundation Grant which involves assisting in development and testing of survey instruments, selecting data entries, supervising, assisting with data analysis, and assisting with community symposium for 50 work days between December 12, 1983 and July 1, 1984, for a total sum not to exceed \$2,800.00. Both Contracts were returned to the Health Department for further handling.

ADDENDUM TO POLICY STATEMENT 82-A

The Board of County Commissioners signed an Addendum to Policy Statement 82-A, the Travel Expense Reimbursement Policy, defining business and entertainment expenses and establishing criteria for reimbursement of expenses incurred by a Missoula County employee or non-County employee while on official County business.

LEASE/PURCHASE AGREEMENT

Chairman Palmer signed an Equipment Lease/Purchase Agreement dated November 9, 1983, between Missoula County and Christopher Capital Corporation, a Missouri Corporation, for the Sheriff's Vehicles as per the terms set forth. The Agreement was returned to General Services for further handling.

MAINTENANCE LEASE AGREEMENT

Chairman Palmer signed a Lease Agreement between Missoula County and Christopher Capital Corporation, a Missouri Corporation, for the Microwave Equipment. The Agreement was returned to General Services for further handling.

Other items considered included:

- 1) The Irrigation Ditch Agreement was discussed; and
- 2) A discussion was held regarding the Bank Shares Tax lawsuit.

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

PUBLIC MEETING

Chairman Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Ann Mary Dussault was absent as she was in Washington, D.C.

There were no items on the Agenda and no one wished to bring up any other business.

Chairman Palmer recessed the meeting at 1:32 p.m.

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December 15, 1983

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:

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840017, a request from the Personnel Department to transfer \$3,000.00 from the General Fund Training Pool account to the Tuition/Registration Fees account and adopted the transfer as a part of the FY '84 Budget.

AFFIDAVITS

Chairman Palmer signed Affidavits regarding the "bank shares" tax, whereby Missoula County and the State of Montana need to know whether the taxes collected from financial institutions under Chapter 373, 1983 Laws of Montana are unconstitutional, and certifying that the information stated in the Affidavits is true and accurate.

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

EMPLOYEE OF THE QUARTER AWARD

Commissioners Evans and Palmer participated in the Outstanding Employee of the Quarter Award Ceremony held at noon - the recipient of the award was Mary Zoe Craig of the Health Department.

OPEN HOUSE

Commissioners Evans and Palmer attended the Open House/Resource Fair held at the Missoula Planning Department in the afternoon.

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December 16, 1983

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Evans was out of the office until noon, and Commissioner Dussault returned from Washington, D.C. in the evening.

AUDIT LIST

Commissioners Palmer and Evans signed the Audit List, pages 1-23, with a grand total of \$292,219.62. The Audit List was returned to the Accounting Department.

Fern Hart
Fern Hart, Clerk and Recorder

Bob Palmer
Bob Palmer, Chairman, County Commissioners

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December 19, 1983

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Portland, Oregon attending a meeting of the BPA/Building Codes Task Force.

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December 20, 1983

The Board of County Commissioners met in regular session; all three members were present in the afternoon. Commissioner Palmer returned from Portland in the forenoon.

CLAIMS

Claims were presented by Warrants for pay period #12 (December 20, 1983) to be drawn on the following funds in the following amounts:

Bridge Fund	\$ 3,145.12
Road Fund	24,004.82
Planning Fund	22,332.74
Weed Fund	1,644.15
General Fund	198,360.40
Miscellaneous Fund	85,352.05
Working Fund	33,707.72

The original Claims are on file in the Auditor's Office.

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 County of Missoula and the Teamster's Local #2 (Civilian Control Officers) for the period covering from July 1, 1983 to June 30, 1985, as per the articles set forth regarding the Missoula County Jailers. The Agreement was returned to the Personnel Department for further handling.

CONSENT AGREEMENT

Chairman Palmer signed a Consent Agreement, dated December 15, 1983, whereby Missoula County consents to the Amendment of the project description in the Loan Agreement, dated January 13, 1981, by and between Missoula County and Missoula Community Hospital (Hospital Equipment Revenue Bond Series 1981 - Missoula Community Hospital Project).

AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and the Missoula Irrigation District regarding the residents of the South Hills area and the drainage problem there - the Agreement is the same as the previous year's, which was signed June 8, 1983, with the term of the Agreement being changed to read from January 1, 1984 to January 1, 1985. The Agreement was forwarded to Jerry Reh of the Irrigation District for the signatures of their Board members.

Other matters considered included:

The Commissioners met with Orin Olsgaard, DES Coordinator, and discussed the Emergency Closure Policy. The Commissioners voted unanimously to adopt the policy, based on referral to the County Attorney's Office to determine is applicable to employees of the Library, Museums, etc.

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

MEETING

Commissioner Evans attended a Crimestopper's meeting at noon.

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December 21, 1983

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

AIRPORT CEREMONY

All three Commissioners participated in the "Record Breaking" Ceremony held at the Missoula County Airport in the forenoon.

DECEMBER 21, 1983, CONTINUED

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Evening Meeting scheduled for this date was canceled due to the holiday season and the fact that there were no items on the Agenda.

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December 22, 1983

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

AUDIT LIST

Commissioners Palmer and Evans signed the Audit List, with a grand total of \$121,531.28. The Audit List was returned to the Accounting Department.

LAKESHORE PERMIT

The Board of County Commissioners signed a Lakeshore Permit, dated November 30, 1983, for Bruce Vorhauer, subject to the conditions and findings of fact listed on the Permit. The request was approved by the Commissioners at a public hearing on October 26, 1983.

DAILY ADMINISTRATIVE MEETING

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

- 1) Jim Morton, Director of Human Resources, gave a report to the Commissioners on the Workfare Program; and
- 2) The Commissioners met with representatives of L.I.G.H.T. and discussed their funding proposal in regard to emergency housing.


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

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December 23, 1983

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 and Recorder


Bob Palmer, Chairman, County Commissioners

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December 26, 1983

The Courthouse was closed for the Christmas Day holiday.

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December 27, 1983

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

MEETING

Commissioner Evans attended an Airport Authority meeting in the afternoon.

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December 28, 1983

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

DAILY ADMINISTRATIVE MEETING

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

AGREEMENT

Chairman Palmer signed an Agreement and Authorization to proceed between Missoula County and the Department of Transportation National Highway Traffic Safety Administration for the Missoula County DUI Task Force as per the terms set forth in the Agreement for the period from January 1, 1984 to September 30, 1984 for a total amount not to exceed \$33,105.00. One original Agreement was recorded and the other two returned to Ellen Leahy in the Health Department.

Other matters considered included:

The Commissioners met with representatives of various service and provider organizations in the community and County Departments and discussed the need for temporary emergency housing needs.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Commissioners Barbara Evans was also present. Commissioner Ann Mary Dussault was absent.

PUBLIC MEETING, DECEMBER 28, 1983, CONTINUEDHEARING: REQUEST TO ABANDON PORTION OF ROAD - GOVERNMENT LOT 3, SECTION 1, T.11N., R.21W., MISSOULA COUNTY

Under consideration was a hearing on a request to abandon a portion of County road located in Government Lot 3, Section 1, T.11N., R.21W.

Information provided by Recording/Elections Manager Wendy Cromwell stated that the petition for abandonment had not included names and addresses of adjacent landowners. She stated that adjacent landowners may not, however, be affected by the abandonment as there was no indication on the petition or its accompanying map of the existence of an actual road built on the right-of-way dedication.

Bob Palmer opened the hearing to public comment, asking that proponents speak first. The following people testified:

1. Cecil Owen, Licensed Land Surveyor, representing property owner Richard Johnson, who had requested the abandonment, stated that the property in question was six miles west of Lolo and that the road itself was thirty feet wide, lying north of the highway. He said that they were asking for the vacation as the road was on mountainous terrain and deadended near the top. It was not maintained by the County, and the land could be used by Mr. Johnson, the adjacent property owner. He said it would be in the public interest to abandon the road as the parcel could be added to Missoula County tax rolls.

2. Richard Johnson said that he agreed with Mr. Owen.

There were no opponents. Chairman Palmer closed the public comment portion of the hearing. He informed Mr. Johnson and Mr. Owen that by law, one Commissioner and the County Surveyor would have to go out and view the site of the proposed abandonment, and the decision could then be made at a later public meeting.

Barbara Evans moved, and Bob Palmer seconded the motion, that the decision on this matter be postponed to the January 11, 1984 public meeting to be held in Room 201 at 1:30 p.m. The motion passed by a vote of 2-0.

HEARING: REQUEST FROM DAVE LAURSEN AND RAY McLAUGHLIN TO REZONE PROPERTY IN CURTIS MAJOR ADDITION FROM C-RR3 AND ZONING DISTRICT 17 TO C-R1 RESIDENTIAL

Information provided by Planning Technician James A. Edgcomb stated that under consideration was the adoption of a resolution of intent to rezone property owned by Dave Laursen and Ray McLaughlin, described as parts of lots 4 and 5, Curtis Major Addition, from C-RR3, Zoning District 17, to C-R1.

He said that on December 6, 1983, the County Regulatory Commission had held a public hearing and voted to recommend approval of the C-R1 zoning request. He said that John Lamb, of Code Consultants, had represented the property owners, who agreed with the staff recommendation to rezone the property to C-R1. No adjacent landowners had been present in opposition or as proponents to the rezoning request.

The recommendation from the Missoula Planning Board was that the request to rezone the subject property from C-RR3 and zoning District 17 to C-R1 be approved and that the findings of fact set forth in the staff report be approved.

Planning Technician, Jim Edgcomb, gave the staff report, stating that Dave R. Laursen and Ray McLaughlin were requesting that their property, described as parts of Lot 4 (the southern 100 feet of the railroad right-of-way) and Lot 5 (the northern 213 feet and the western 460 feet), Curtis Major Addition, be rezoned from C-RR3 and Zoning District 17 to C-R1. He said that the subject property was platted on February 1, 1909 and that originally, the Curtis Major Addition was part of Zoning Districts 15 and 17, both of these having been established in July of 1959. Zoning District 17 includes lot 5 and fractions of lot 4 lying south of the railroad right-of-way. The other portion of lot 4, originally Zoning District 15, rezoned as C-RR3 on June 18, 1979 by Resolution 79-101.

He said that the C-RR3 district provides for moderate density, single-family housing in areas served by an adequate public water and sewer system and promotes a residential density consistent with availability of public facilities and with the physical limitations of the land and that Zoning District 17 was a citizen-initiated zone which allows one and two-family dwellings as permitted uses. The majority of the property in this rezoning request is currently in Zoning District 17.

On November 3, 1983, the application was received from Mr. Laursen and Mr. McLaughlin requesting that their property be rezoned to C-R1. This request was required so they could request contract sewer after the rezoning. They proposed to build six (6) additional duplexes on lot 4, which would result in a total of twenty-four (24) residential units on 3.94 acres.

Bob Palmer then opened the hearing to public comment, asking that proponents speak first. The following proponents spoke:

1. John Lamb, of Code Consultants, representing the developers, stated that the bulk of the property in question was in Zoning District 17, which allowed duplexes to be built under the subdivision regulations. He said that the C-RR3 district provided for moderate density, single-family housing in areas served by an adequate public water and sewer system. He said that in order to contract for these services, the property would have to be rezoned to C-R1. He said that they were anticipating asking the City to contract for these services as early as the next day.

There were no other proponents. The following person spoke in opposition:

1. Joan Lefler, 115 South Curtis, stated that she and other property owners in the neighborhood felt that there were enough duplexes in the area already. She said that she and other property owners had tried to attend the Regulatory Commission hearing in order to protest and the room had been changed at the last minute, resulting in confusion, and they had not been able to find the hearing.

Jim Edgcomb affirmed that the meeting had been switched at the last minute from City Hall to Room 201 because of the mayoral interviews, but said that notices had been posted.

Barbara Evans moved, and Bob Palmer seconded the motion, that since this confusion over the room had occurred and since Mrs. Lefler had informed them that there were other people interested in protesting the request, the hearing be continued to the evening public meeting, to be held January 18, 1984, in City Council Chambers, City Hall, at 7:30 p.m. The motion passed, 2-0.

Deputy County Attorney, Michael Sehestedt said that if the resolution of intent to rezone were passed, and

PUBLIC MEETING, DECEMBER 28, 1983, CONTINUED

40% of the property owners in the district protested the intention to rezone, the request would fail and the Commissioners would no longer have jurisdiction.

HEARING: FAIR COMMISSION BUDGET AMENDMENT

Information provided by Administrative Officer Gordon Morris stated that the FY '84 budget for the Missoula County Fair did not include authorization for expenditures related to a "Winter Expo", and since it could not have reasonably been foreseen that the Winter Expo would attract such widespread attention and public participation, this hearing was scheduled to determine whether it is in the public interest to approve the budget amendment for the Fair, FY '84, to provide for the Winter Expo. He said that the \$4,000 amendment for expenditures would be offset by \$4,000 in revenue from exhibit fees.

Chairman Bob Palmer opened the public comment portion of the hearing, asking that proponents speak first.

No one came forward to testify as a proponent or as an opponent. Bob Palmer then closed the public comment portion of the hearing.

Deputy County Attorney Mike Sehestedt commented that the "could not have reasonably been foreseen" exception had been used once before in FY '84 and said that the aggregate limit for this exception in one fiscal year was \$25,000.

Gordon Morris commented that between the \$8,000 for replacing the Deep Creek Bridge and \$4,000 for the Fair, they would have used a total of \$12,000 for FY '84.

Barbara Evans moved, and Bob Palmer seconded the motion, that the budget amendment for the Missoula County Fair, FY '84, in the amount of \$4,000, contingent upon its being offset by \$4,000 in revenue from exhibit fees. The motion passed by a vote of 2-0.

Since Montana State Statute requires a waiting period of one week between approval and signing in order to allow for protest from the public, the budget amendment was not signed. It was decided that signing of the budget amendment would be put on the next public meeting agenda: January 4, 1984.

Since there was no further business to come before the Board, the meeting was recessed at 2:05 p.m.

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December 29, 1983

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:

CONTRACT

The Board of County Commissioners signed a contract between the Missoula Home Health Agency and the Seeley-Ovando-Swan Health Center for professional nursing services of a qualified registered nurse as per the terms set forth in the Contract for the period from October 1, 1983 through September 30, 1984. The contract was returned to the Health Department for further handling.

Other matters considered included:

- 1) The proposed smoking policy was discussed - it is currently being reviewed by staff members and the Employee's Council.
- 2) John DeVore, Operations Officer, and Billie Blundell, Manager of Centralized Services, gave a presentation on Purchasing Policy Procedures - the Commissioners gave their approval to proceed with support for general policies, and
- 3) A discussion was held on "Handicapped Policies and Procedures" as required by General Revenue Sharing - Helen Medina, EEO Specialist in the Personnel Department will serve as the Compliance Officer, a notice will be prepared and published that the County does not discriminate, a grievance procedure will be established, and notice will be provided of where individuals can obtain information about these services.

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

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December 30, 1983

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

INDEMNITY BOND


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

- 1) Naming R.A. Sterling, M.D. as principal for Warrant #87379, dated February 1, 1983, on the Missoula County Poor Fund in the amount of \$16.38 now unable to be found; and
- 2) Naming Donald J. McConnel as principal for Warrant #89200, dated December 23, 1983, on the Missoula County Payroll Fund in the amount of \$63.04 now unable to be found.

COUNTY FOUR-YEAR CHEMICAL DEPENDENCY PLAN

Commissioners Palmer and Dussault signed the Proposed Missoula County Alcohol and Drug Abuse Plan for FY '84-'87, covering the period from July 1, 1983 through June 30, 1987. Two copies were forwarded to the Alcohol and Drug Abuse Division of the State Department of Institutions for approval.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

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January 2, 1984

The Courthouse was closed for the New Year's Day holiday.

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January 3, 1984

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

INDEMNITY BONDS

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

- 1) Naming Joyce D. Olson as principal for Warrant #95711, dated September 20, 1983, on the Missoula County Trust Fund, in the amount of \$301.67, now unable to be found; and
- 2) Naming Howard R. Reed as principal for Warrant #89216, dated December 23, 1983, on the Missoula County Payroll Fund, in the amount of \$516.40, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

CERTIFICATE OF ACCEPTANCE

Chairman Palmer signed a Certification of Acceptance for County Maintenance for Walker Drive, a total of .085 mills, which has been upgraded and paved under RSID No. 402. The Certificate was returned to the Surveyor's Office.

Other matters considered included:

The Commissioners discussed the request received from the Hellgate Lions Club, regarding the RSID assessments exemption - a letter will be prepared.

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

* * * * *

January 4, 1984

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 matters were considered:

- ✓ 1) The Commissioners voted to rename Bob Palmer as Chairman of the Board through calendar year 1984;
- 2) The Board met with Ken Dove of the Salvation Army regarding the Emergency Housing meeting held the previous week; and
- 3) The Board of County Commissioners made the following Board Appointments:
 - ✓ a. Dick Ainsworth was reappointed to a 5-year term on the Airport Authority - his term will run through December 31, 1988.
 - ✓ b. Marion Anderson was appointed to the Missoula Rural Fire Board of Trustees to fill a vacancy on the Board due to a resignation, and she will serve until the School Election in April, 1984;
 - ✓ c. Terry Sehestedt, Ed Mosier, Julie Cummings-Motl; Pat Cainon and John Van Skelton were reappointed to one-year terms on the Loan Review Committee and will serve through December 31, 1984 - the sixth member will be appointed at a later date;
 - ✓ d. Laura Norman was reappointed to the Missoula County Tax Appeal Board for a three-year term, through December 31, 1986;
 - ✓ e. Elaine Shea was reappointed to the City-County Library Board for a three-year term through December 31, 1986 - the Commissioners will interview applicants for the other vacancy due to a resignation;
 - ✓ f. Kristen Studer was appointed as a "regular" member of the Weed Control Board of Supervisors for a three-year term through December 31, 1986 - interviews will be conducted for the "alternate" member position;
 - ✓ g. Tom Kirkpatrick was reappointed to the Missoula Area Agency on Aging Board for a three-year term through December 31, 1986 - interviews will be conducted for the other two positions;
 - ✓ h. Fred Reed was appointed to the Lolo Mosquito Control Board for a three-year term through December 31, 1986 - interviews will be conducted for the other position; and
 - ✓ i. Robert F. Johnson, Jeff E. Macon, David D. Whitesitt, Richard C. Lewis and Robert Aumaugher were appointed to serve as trustees for the recently created Seeley Lake Rural Fire District - they will serve until the School Election in April of 1984, at which time the Board of Trustees will be elected by the residents within the boundaries of the Fire District.

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

PUBLIC MEETING

Acting Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Bob Palmer was absent as he was at another meeting.

PUBLIC MEETING, JANUARY 4, 1984, CONTINUED

BID AWARD: 9-1-1 CONSOLES, GENERAL SERVICES

Acting Chairman Barbara Evans stated that this bid award had been postponed to the following week's public meeting.

✓ SIGNING: BUDGET AMENDMENT, FAIR - FY '84

Barbara Evans explained that the proposed resolution authorizing a budget amendment for the Fair Budget, FY '84, had been approved at the public meeting of December 28, 1983; but that, in accordance with state statute, it had been necessary to wait one week between the approval and signing of the resolution.

Ann Mary Dussault noted for the record that no protests had been received.

No one in the audience came forward to protest.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Budget Resolution authorizing expenditures for the "Winter Expo" by amending the Fair Budget, FY '84, be signed, noting that no protests had been received, and making clear that the approval of this resolution is contingent upon receipt of revenue in the amount of \$4,000 to offset the expenditure of \$4,000. The motion passed by a vote of 2-0.

RESOLUTION 84-001

The Commissioners then signed Resolution 84-001, authorizing expenditures for the "Winter Expo" by amending the Fair Budget, FY '84. The approval was contingent upon the receipt of \$4,000 in revenues to offset the \$4,000 in expenditures. The resolution was held for Bob Palmer's signature later that afternoon and then forwarded to the Clerk and Recorder's Office for recording. A copy was sent to Fair Manager, Sam Yewusiak.

HEARING: MULLAN TRAIL ESTATES - PRELIMINARY PLAT

Under consideration was a hearing on the preliminary plat for Mullan Trail Estates.

Ann Englehart, of the Missoula Planning Staff, gave the staff report and recommendations, stating that the proposed residential subdivision is located on the north side of Mullan Road, approximately one-quarter of a mile west of Reserve Street. She said that eight residential single-family lots were proposed for 9.9 acres, and that the lots ranged in size from 1.0 to 1.4 acres, and would be served by individual sewer and water systems. She said that a house and driveway, which accessed Mullan Road, currently existed on Lot 8, and went on to say that single-family dwellings in the medium income range were anticipated for the development. She said that the submittal represented a redivision of Lot 2, Halling Farms.

She stated that a unique feature of this subdivision was that the developer had provided for future resubdivision of the one-acre lots by showing building restricting lines on the plat, which would allow for lots which would be approximately 14,000 square feet.

She then stated that the County Regulatory Commission had recommended approval of this plat on December 6, 1983, subject to seven conditions and eight findings of fact. She concluded her report by saying that the Missoula Planning Board recommended approval of Mullan Trail Estates, subject to the seven conditions and eight findings of fact as listed in the staff report.

At this point, Barbara Evans opened the hearing to public comment, asking that proponents speak first. The following person spoke:

Nicholas Kaufman, Land Use Planner for Sorenson and Company, stated that he was representing Bob Lake, of Lake Land and Livestock, developer of the subdivision, and that he wanted to take a few minutes both to speak on behalf of the subdivision, but also to address comments made by the Rural Fire Department. He said that he felt it was important to look at comments made by the Rural Fire Department regarding subdivisions in the past, and consider whether or not those comments were appropriate, because he was sure that they would be making comments in the future as subdivisions came before the Board of County Commissioners.

He said that this particular subdivision had no requested variance from the subdivision regulations. He said that it provided 24-foot wide paving, with 10:1 back-slope swales, so there were no problems with Surveyor Colvill. He said that these swales were to avoid culverts, and this would provide parking areas or emergency go-arounds if there were a problem with the 24'-wide paved road. He said that he should point out that the 24'-wide road could park two cars, with a 12' driving lane down the center.

He stated that this particular subdivision would not be designed with a community water system, saying that there were community water systems and sewer on Reserve Street, a little over a quarter mile away, and said that it was not economical at this time to bring the City sewer or City water to this development. He said that would come in the future, and that was why they had proposed re-dividing the lots. He said that they had contacted the adjacent property owners to see if any of the other property owners were interested in subdivision so that they could make the sewer and water extension feasible, but that none of them had been interested at the time of this plat submittal.

Mr. Kaufman then stated that the County subdivision regulations require a 35-foot radius on a cul-de-sac, for the paved portion of the radius. He said that a fire truck, according to design standards, takes about 42' to turn around at the outside radius. He said that Mr. Suenram maintained that his fire trucks required 50' to turn around, and that he would not argue with that because Mr. Suenram was the expert on that, but he thought it was important for the Commissioners to realize that a fire truck could turn around using a driveway, and in that particular subdivision there would be at least two driveways; so that when it was redivided there would be up to five different driveways. He said that when the Rural Fire Department answers a call, they answer with their pumper trucks for medical emergencies, but they only get their tanker trucks in there after a fire has started. He said that the pumpers are already there because the tanker trucks are slow, so a tanker truck virtually never gets on the wrong street, although a pumper truck could get on the wrong street because they are the first responders in medical or fire emergencies. He said that the pumper trucks can turn around. He said that they did not design their streets for the convenience of a particular fire truck in a one out of five hundred day event, which may be a fire or a medical emergency. He said that it did not make sense to do that because the County had to provide the sand and the plowing for those streets, and the developer, and subsequently the people that live there, pay for that extra paving. He said that the fire chief's letter said that they were opposed to that subdivision, and he had looked at the subdivision and asked himself what characteristic there was about a thousand-foot cul-de-sac with a 35-foot turn-around and 24-feet of paving that is so bad that the fire department can't support it. He said that there were three things in the Fire Chief's letter, the first being that he wanted a 50-foot turn-around at the end of the cul-de-sac. He said that from a design standpoint, if you go from a 24-foot wide road into a 50-foot turn-around, it would not gain the fire truck anything, because the fire truck

PUBLIC MEETING, JANUARY 4, 1984, CONTINUED

can't make the tight right-hand turn to get into the 50-foot radius to start with, so all they had done was to pave 50-feet of street for no particular reason.

Mr. Kaufman said that what the Rural Fire Department seemed to be asking for was better access to turn around in that cul-de-sac, so they had taken a 42-foot design vehicle and given him 42 feet of radius, but they had also redesigned all the cul-de-sacs. He then demonstrated for the Commissioners the flare on the cul-de-sac, which would only be on one side rather than on both, so the fire truck could go straight in and use the full 42 feet. With the back slopes, he said that the fire truck could go off the side of the road with no problems whatsoever.

Mr. Kaufman said that the second thing that the Rural Fire Department had asked for was that no parking be allowed on the street. He said that the street was 24-feet wide, and with cars parked on both sides of the street, there would still be 12 feet down the center to get through, and stated that this would not be a problem. He said that we should not disallow parking on 24-foot wide streets in Missoula County, as it did not make sense from a design standpoint, from a fire standpoint, or from an economic standpoint.

Mr. Kaufman said that the last point that the Rural Fire Department had brought up was that they wanted to review the water system and the hydrant locations, but that since they were proposing individual wells there would not be hydrant locations or a water system. He said that the only reason he was pointing this out was that the Rural Fire Department had been absent from the meeting which was provided specifically for technicians and local government staff to review these plans before they go through the public hearing process, in order to address any problems.

Secondarily, he said, the Rural Fire Department was very close to "motherhood, apple pie and the American flag", and when those experts come before local officials and say they need a 50-foot turn-around and there should be no parking on the street and we have to have a water system, the officials have to rely on their advice or the advice of the person bringing the subdivision before them. He said that he thought that the Sorenson & Company's record indicated that they took careful time to design their projects, and he thought that in this case, the Rural Fire Department had made some significant errors. He said that he was pointing them out because somehow, sometime they had to get the Rural Fire Department to become more sensitive to what they were asking for, in terms of not only their needs, but Rural Fire's ability to provide safe access for their fire trucks and the needs of the people who live in the subdivision.

Barbara Evans then asked if anyone else wished to speak in favor of this subdivision. There were no other comments in favor of the subdivision. She then asked if there were any opponents. No one wished to speak in opposition. She, therefore, closed the public comment portion of the hearing.

Commissioner Ann Mary Dussault then asked Mr. Kaufman whether he had called Rural Fire Chief Bruce Suenram about what the Rural Fire Department wanted.

Mr. Kaufman said that he had called him and asked by Mr. Suenram hadn't called him with those concerns. Mr. Suenram had replied that Mr. Johnson had written the letter as he was out of town and hadn't gotten to see it. They had then worked out the compromise which the Rural Fire Department had agreed to, but he said that the point was that the letter had been written, and he found that hard to justify and swallow, coming from an agency with that much credibility.

Barbara Evans said that she agreed with that, stating that when they had heard Brookside and other subdivisions, Bruce Suenram had repeatedly brought in, by way of the Planning Board hearings or letters to the Commissioners, concerns and requested changes without ever going to work with the Planning Staff to come up with regulation changes that would meet the needs of the Rural Fire Department. She asked Ann Englehart if Rural Fire had ever yet gotten around to working with the Planning Department, and she replied that they usually did not supply Planning with the specifics as to why they were requesting certain standards. She said that she had had to research the reason for the 50-foot turn-around request, and she said 35-feet was fine, but that was all she had to go on.

Barbara Evans said that her attitude was that, as she had personally told Bruce Suenram, she would not agree to change the rules in the middle of the game. She had told him upfront that if he wanted changes in the regulations he should do that upfront, so that when people came and wanted to build, the regulations were there, based on good reasoning. She said that if he had no intention of doing that, she personally had no intention of making changes in the middle.

Ann Mary Dussault then moved that the preliminary plat for Mullan Trail Estates be approved, subject to the conditions and findings of fact as listed in the Planning Staff report. Barbara Evans seconded the motion, and it passed by a vote of 2-0.

The preliminary plat of Mullan Trail Estates, therefore, was approved subject to the following conditions and findings of fact:

1. Grading, drainage and street plans shall be approved by the County Surveyor's Office prior to filing of the plat.
2. The developer shall furnish the "Bridle Path Lane" road sign.
3. A twenty-foot easement for the property abutting Mullan Road shall be provided for road and utility purposes.
4. Sanitary restrictions shall be lifted by state and local health authorities.
5. The existing single-family house shall access the interior roadway, and a one-foot "no-access" strip shall be provided on Mullan Road.
6. A school bus waiting area shall be provided on the west side of Bridle Path Lane. This area shall meet the approval of the County Superintendent of Schools and the County Surveyor's Office.
7. The cul-de-sac shall have a paved radius of forty-two (42) feet.

Section 76-3-608, MCA, states that to determine whether the proposed subdivision would be in the public interest, the Board shall issue written findings of fact which weigh the following criteria:

1. Need - The Comprehensive Plan designates this area for up to six dwelling units per acre. The zoning allows residential development for up to four dwelling units per acre. The Comprehensive Plan adopted in 1976 has designated residential use as appropriate for future development in the area.

PUBLIC MEETING, JANUARY 4, 1984, CONTINUED

2. Expressed public opinion - To date, there has been no written expression of public opinion. A few people have telephoned that the proposal is for one dwelling unit per acre, rather than up to the maximum density allowed in the zoning.
 3. Effects on agriculture - The current use of the property is pasture, with one existing residence. The surrounding land use is residential and grazing.
 4. Effects on local services
 - a. Schools - Grade school children will attend Hellgate Elementary. High school children will attend Hellgate High School. The development is on an existing school bus route.
 - b. Fire control and ambulance - Fire protection will be provided by Missoula Rural Fire Department. Water for fire protection will be by tanker truck and individual wells.
 - c. Sewer and water service - Household water will be provided by individual wells. The sewer system will be individual septic tanks and drainfields.
 - d. Utilities - All utilities will be underground. Power and natural gas will be supplied by Montana Power. Telephone service will be provided by Mountain Bell. Street lighting is not proposed. Utilities are estimated to be installed in 1984.
 5. Effects on taxation - Eight homes priced at \$80,000 would generate \$15,500 in taxes per year. Full development is expected in four years.
 6. Effects on the natural environment - The major vegetation on the site is pasture grass and lawn. There are no critical plant communities on this site. The cut-and-fill backslopes for the driveways will be 10:1. This will reduce erosion and allow easy re-vegetation. The land in this proposed subdivision is relatively flat. Soils here are well suited to development. No development of surface water is intended. The development should have no negative impacts on groundwater or recharge areas. The principal recharge areas are the mountains to the north, and the Clark Fork River, which is a half mile from the subdivision, to the southeast.
- Article IV, Section 4 of the covenants does provide some protection to the natural vegetation and terrain. Cash-in-lieu of parkland will be used to satisfy the parkland dedication requirement.
7. Effects on wildlife and wildlife habitat - There are no key wildlife areas on the property. The area is heavily grazed and may be used by small common birds and mammals. Article VI, Section 10 of the covenants does provide some protection to animals that inhabit the area.
 8. Effects on public health and safety - There are no apparent health or safety hazards near the proposed subdivision. There are no off-site land uses which would create a nuisance. Solid waste will be collected by Browning Ferris Industries. Storm drainage will be disposed on site, using roadway gutters and sumps.

✓ DECISION: ABANDONMENT OF PORTION OF ROAD - GOVERNMENT LOT 3, SECTION 1, T11N, R21W, MISSOULA COUNTY

The public hearing on this matter was held at the December 28, 1983 public meeting. At that time, the Board postponed action, pending viewing of the site by one Commissioner, accompanied by Surveyor Dick Colvill, in accordance with state statute.

Barbara Evans then read the request for commission action on this matter, which stated that due to the icy condition of the roads on Tuesday, January 3, when Bob Palmer would have viewed the site with Dick Colvill, this was not done, and the staff recommendation was to postpone the decision once more so that state statute could be complied with.

The decision was postponed to the public meeting on January 11, 1983.

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

* * * * *

January 5, 1984

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Clayton D. Hopper as principal for Warrant #106304, dated September 15, 1983, on the Missoula County General Fund in the amount of \$23.18 now unable to be found.

RESOLUTION NO. 84-002

Chairman Palmer signed Resolution No. 84-002, a resolution providing for the giving of notice of a public hearing on the proposed issuance by the County of Missoula, Montana, of Industrial Development Revenue Bonds in the maximum aggregate principal amount of \$500,000 for Gordon E. Sorenson, Kenneth Hayes and Marvin Stenerson for the acquisition of an existing building, the renovation of a portion thereof for use as a motel and commercial facility and the equipping and furnishing of the newly remodeled, renovated and constructed facilities, in Lolo, Montana, and setting the public hearing date for February 11, 1984 at 1:30 p.m.

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 a part of the FY '84 budget:

- 1) No. 840030, a request from the Commissioners Department to transfer \$2,500.00 from the Contracted Services account to the Common Carrier account to correct a line item overexpenditure; and

JANUARY 5, 1984, CONTINUED

2) No. 840031, a request from the Ad Staff Department, to transfer \$250.00 from the Printing and Litho Costs account to the Copy Costs account as the line item will be overexpended.

Other matters considered included the following:

- 1) The meeting with Paul Sepp of Dobbins, DeGuire & Tucker regarding the Audit was discussed - no action was taken; and
- 2) John Badgley, Missoula County's representative to the Bitterroot RC&D, met with the Commissioners and discussed the upcoming Western States RC&D Conference in Tucson, Arizona later this month which he will be attending along with Commissioner Evans.

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

MEETINGS

Commissioner Dussault attended a meeting with the Missoula wood stove dealers at the Health Department in the evening, and Commissioner Palmer attended a meeting of the Missoula Economic Development Task Force held at the City Council Chambers in the evening.

January 6, 1984

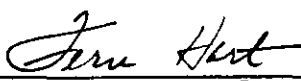
The Board of County Commissioners met in regular session, all three members were present.


AUDIT LIST

The Board of County Commissioners signed the Audit List, pages 1-29, with a grand total of \$101,032.30. The Audit List was returned to the Accounting Department.

WELFARE ADVISORY BOARD

The Board of County Commissioners serving as the Welfare Advisory Board, met with Jean Johnston, Welfare Director, in the forenoon.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

January 9, 1984

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.

CLAIMS

Claims were presented by Warrants for pay period #13 (January 6, 1984) to be drawn on the following funds in the following amounts:

Bridge Fund	\$ 3,479.25
Road Fund	35,035.12
Planning Fund	23,284.11
Weed Fund	2,127.85
General Fund	203,190.99
Working Fund	23,378.37
Miscellaneous Fund	87,393.24

The original Claims are on file in the Auditor's Office.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula County Humane Society, whereby the County will subsidize spay and neutering services for dogs and cats in Missoula County, which will be provided by the Humane Society as per the terms set forth in the Agreement, for a period of six months, terminating on June 30, 1984, for a total sum of \$6,000.00.

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 transfers and adopted them as a part of the FY '84 budget:

- 1) No. 840032, a request from the Clerk & Recorder Recording Department to transfer \$50.00 from the Office Supplies account to the Law Books account because of an increase in the cost of code books; and
- 2) No. 840033, a request from the CBO Fund to transfer \$864.04 from the Animal Control Task Force account and \$135.96 from the Specialized Transportation account, a total of \$1,000.00, to the Animal Control account to satisfy the contract obligation of \$6,000.00 to the Humane Society.

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

January 10, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans left for Tucson, Arizona, where she will be attending the Western RC&D Conference from January 11 - January 13, 1984.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly reports of Justices of the Peace, Janet L. Stevens and W. P. Monger, for collections and distributions for month ended December 31, 1983.

SITE INSPECTION

Chairman Palmer accompanied County Surveyor, Dick Colvill, on a Site Inspection to the Lolo Canyon area on the request to abandon a portion of the road (Government Lot 3, Sec. 1, T11N, R21W).

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 a part of the FY '84 budget:

- 1) No. 840034, a request from the County Attorney's Department to transfer \$500.00 from the Consultants account and \$500.00 from the Contracted Services account, a total of \$1,000.00, to the Copy Costs account due to an increase in copy costs; and
- 2) No. 840035, a request from the Road Department, to transfer \$1,568.00 from the Contracted Services account to the Chipping Oil account because there is a 3% overrun on chip oil costs.

RESOLUTION NO. 84-003

The Board of County Commissioners signed Resolution No. 84-003, a budget amendment for FY '84 for Health Education, because the original Preventive Drunk Driving budget of \$57,229.00 was based on receiving funds from October 1, 1983 - June 30, 1984, and instead, an interim contract for October - December, 1983, in the amount of \$10,000.00 was received, so the revised \$10,000.00 budget is as shown on the memo attached to the Resolution.

RESOLUTION NO. 84-004

The Board of County Commissioners signed Resolution No. 84-004, a budget amendment for FY '84 for the Health Department, for the Preventive Drunk Driver Contract from January - September, 1984, in the amount of \$33,105.00, with the budgeted expenditures shown on the memo attached to the Resolution.

RESOLUTION NO. 84-006

The Board of County Commissioners signed Resolution No. 84-006, a resolution on the disposition of receipts from the sale of the following property which was taken by Missoula County for tax deed;

Lots 8, 9 and 9A in Parcel E, Block 5, and Lots 2, 3 and 3A in Parcel F, Block 5, all of Hillside Homes No. 1, Supplemental Plat A.

BOARD APPOINTMENTS

The Board of County Commissioners made the following Board appointments:

- ✓ 1) Carl Magno was appointed to a one-year term on the Loan Review Committee to serve through December 31, 1984;
- ✓ 2) Philip Schweber was reappointed to the City-County Health Board for a three-year term, which will run through December 31, 1986;
- ✓ 3) Carol Stem was appointed to the City-County Library Board to fill the unexpired term of Keith Nane, who has resigned, through December 31, 1984; and
- ✓ 4) Mabel M. Watt and Patricia Nichols were appointed to the Missoula Area Agency on Aging Board for three-year terms, which will run through December 31, 1986.

Other matters considered included:

- 1) the request for tax data received from the Seeley-Condon Chamber of Commerce was discussed - a breakdown showing revenue and expenditures for their area will be forwarded to them; and
- 2) Orin Olsgaard, DES Coordinator, met with the Board and discussed the sandbags received from the Army Corps of Engineers, which are stockpiled at the County Road Department - the delegation of responsibility for administering the distribution of sandbags was approved by the Commissioners.

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

* * * * *

January 11, 1984

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

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Nancy Lair Heil, an independent contractor, for the purpose of developing and implementing a community relations program in Milltown as part of EPA's Superfund clean-up effort - tasks may include developing a newsletter, holding informational meetings, establishing telephone networks, and responding to public inquiries about progress at the Milltown site, for the period from January 4, 1984 through June 30, 1984, for a total sum

JANUARY 11, 1984, CONTINUED

for services not to exceed \$500.00, and the amount spent on supplies, materials and postage not to exceed \$450.00. The Contract was returned to the Health Department for further handling.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget transfer No. 840036, a request from the Sheriff's Department to transfer \$5,000.00 from the Gas & Diesel Fuel account to the Hospital Care account because of a line item excess.

Other items considered included:

- 1) The Commissioners authorized a \$10,000 transfer to Larchmont for operational/personnel costs as approved by the Golf Course Board; and
- 2) Elaine Bild and Dennis Lang of the Health Department met with the Board and gave an update on the Home Health Program.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Barbara Evans was absent as she was in Tucson, Arizona at an RC&D Conference.

BID AWARD: 9-1-1 Consoles - General Services (Postponed from January 4)

Information provided by Operations Officer John DeVore stated that the County had received one bid response on the above-referenced project, as follows:

Motorola \$167,427.00

He said that staff had constructed the specifications to determine the cost of a system in the ideal world. Based on that premise, staff had then begun negotiations with Motorola after the bid opening and had cut back the total bid price by \$27,558.00. The following is a break-down of features which were included in the final bid:

<u>ITEM</u>	<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>PRICE</u>	<u>EXTENDS</u>
26	4	Call check control modules	\$ 276.00	\$ 1,104.00
15	5	Call check recorders	2,120.00	10,600.00
35	25	Headsets	185.00	4,625.00
31	12	BIMS	644.00	7,728.00
	1	Digital Analyzer Controller	4,026.00	4,026.00
<u>TOTAL DEDUCTIONS</u>				<u>\$28,083.00</u>
<u>ADDITIONS</u>				
	1	BI402 CEB P.S.	\$1,012.00	
	1	Motorola Factory Rep.	2,000.00	
<u>TOTAL ADDITIONS</u>			<u>3,012.00</u>	
<u>NET DEDUCTIONS</u>			<u>\$25,071.00</u>	
Total Amount deducted			\$25,071.00	
Total Motorola additional disc.			<u>2,487.00</u>	
<u>GRAND TOTAL DEDUCTION</u>			<u>\$27,558.00</u>	
Bid Price	\$167,427.00			
Grand Total				
Deduction	<u>27,558.00</u>			
Adjusted Bid				
Price	\$139,869.00			

John DeVore stated that the staff recommended the award to Motorola for an adjusted bid price of \$139,869.00 and stated that there was no fiscal impact in FY '84 because \$20,000.00 had been budgeted for consoles in FY '84, and General Services would not expend all that, but would encumber the funds left over into FY '85, so the impact in FY '85 would be \$27,681.00 because of the encumbered funds.

The staff recommendation was to award the bid to Motorola for an adjusted bid price of \$139,869.00.

Ann Mary Dussault moved that the bid be awarded to Motorola in the amount of \$139,869.00, in accordance with staff recommendation. Bob Palmer seconded the motion, and it passed by a vote of 2-0.

DECISION: REQUEST TO ABANDON PORTION OF ROAD - GOVERNMENT LOT 3 (LOLO CANYON AREA) - POSTPONED FROM JANUARY 4th

Under consideration was a request to vacate that portion of County road from the northerly 415 feet to the westerly 30 feet of Government Lot 3, located in section 1, township 11 north, range 21 west, Missoula County, Montana.

A petition had been received from ten owners of real property in Missoula County, Montana, requesting the abandonment of that portion of County road set forth above. Legal posting and notice requirements pursuant to this request were met, and a hearing was held before the Missoula Board of County Commissioners on December 28, 1983.

In accordance with state statute, Bob Palmer, accompanied by County Surveyor Richard Colvill, viewed the site of the proposed vacation on Tuesday, January 10, 1984.

The recommendation was to vacate that portion of the County road as set forth above and in the proposed

PUBLIC MEETING, JANUARY 11, 1984, CONTINUED

resolution for the reason that it had been deemed to be in the public interest as the road serves no useful purpose as such, although the land could be used by adjacent landowner, Richard Johnson, and could be added to the Missoula County tax rolls.

RESOLUTION NO. 84-005

The Commissioners then signed Resolution 84-005, vacating that portion of County road from the northerly 415 feet to the westerly 30 feet of Government Lot 3, located in section 1, township 11 north, range 21 west, Missoula County, Montana. A more complete legal description was attached to the resolution as "Attachment A", and the Certificate of Survey as "Attachment B". The resolution was forwarded to the Clerk and Recorder's Office for recording.

PRESENTATION: CONTINUED SUPPORT OF BLACKFOOT RIVER CORRIDOR PROGRAM - TOM GREENWOOD, DEPARTMENT OF FISH, WILDLIFE & PARKS; AND HANK GETZ, MANAGER OF LUBRECHT FOREST AND PROFESSOR, SCHOOL OF FORESTRY, UM

Tom Greenwood explained that Mr. Getz had been chairman of the Blackfoot Forest Recreation Committee since they had started in 1975. He said that the group of cooperators had had a meeting just before Christmas to bring everybody up to date on the status of the project to review with them the successes and failures over the years. He then asked Mr. Getz to continue with the presentation.

Mr. Getz then gave a status report on the project and said that the program allowed public access and use of private land along the Blackfoot River. This corridor program begins at Johnsrud Park and runs all the way to the County line at Sperry Grade, he said, and 90% of the river bank in that stretch of the river is privately owned by the Lindberg Cattle Company, the D Bar L Ranches and some smaller land owners. In addition, he said, there is a little public land; i.e. a small portion of the Lubrecht Forest abuts the river, and there is some Fish, Wildlife and Parks land and some that belongs to the Department of State Lands. He said that the original group had noted what was happening along some of the other rivers in Missoula County and noticed that many people were using the river corridor, and the private landowners wanted to continue the tradition of public use of the river corridor, but they needed some help with the management of it. The landowners and land managers of the river corridor had gotten together, and, with the help of Fish, Wildlife & Parks and the Bureau of Outdoor Recreation, had devised a recreation use plan for the river, as well as a long-term preservation plan for the river. These were instituted in 1975, and Missoula County was involved at that time. The group had worked closely with the Director of Parks and Recreation and with the County Commissioners. He said that some studies had been done after the first two years and had found that over 60% of the people who were using that stretch of the river were, in fact, from Missoula County. The whole program was designed for day-use activities: fishing, rafting, etc.; although there were a few over-night camp spots along the river. He said that each landowner determines the location of public access points to the river, and that it had been a very successful program. Unlike some of the other rivers in the state - the Dearborn - where access questions were being disputed in court, the Blackfoot Corridor was seen as a model program in the United States.

Mr. Getz said that the County had started out contributing \$2,000 per year during the trial period, and that they had since increased that figure to \$5,000. He said that the Department of Fish, Wildlife & Parks contributed \$35,000. He said that the landowners felt that this program was working and that they could live with public use of their private land, and they were satisfied with the amount of assistance they were getting from the various agencies involved. He said that there is a full-time river ranger during the summer and during the winter months, he is involved with the walk-in hunting and skiing areas. He said that at the recent meeting, the landowners had voted to go ahead and extend the contract with the Department of Fish, Wildlife & Parks for a ten-year period. He said that since no one from the County had been able to make that meeting, and because there had been a change in the Commission since the project had been instituted almost ten years ago, it might be a good idea to bring the Commissioners up to date on the project and let them know that the landowners had been very happy with the project. He said that the public, by and large, had been very happy also, as they had a 30-mile stretch of river for recreational activities, largely 90% of this area being on private land. He then asked the Commissioners to continue to support the project at the levels that they had in the past.

The Commissioners asked Mr. Greenwood and Mr. Getz to bring their request for continued County support of the Blackfoot River corridor in the amount of \$5,000 per year to the Missoula County Park Board, and the Park Board could then make a decision on this matter and recommend that decision to the Board of County Commissioners.

HEARING: AMERICAN DENTAL IDR BONDS

Under consideration was a request to hear and act upon an application for Industrial Development Revenue Bonds in the amount of \$3 million on behalf of Allan G. Holms and American Dental Manufacturing Company. Information provided by Howard Schwartz stated that the application for IDR Bonds, in the approximate amount of \$3,000,000, was intended to finance the acquisition and remodeling of the Lolo Shopping Center so that approximately one-half, or 40,000 square feet, would be suitable for manufacturing purposes, and that the application was for the construction of a new building located adjacent to the Lolo Shopping Center for the purpose of plating the manufactured products. The application was also for the acquisition of equipment to be used in conjunction with the operation of these facilities.

The Planning Staff had reviewed the application in accordance with the County's Industrial Revenue Bond Policy, and had found that the application generally was in compliance with the County Policy, but there was not enough information on the impact on public services or air and water quality. The proposed project also lacked significant energy conservation measures, they said.

The staff recommendation was that approval of the applicant's request be withheld until the County Commissioners receive satisfactory assurances relating to the capacity of the local sewer system and to the applicant's plan for containment of toxic substances, and that any conditions the Board wished to oppose in these areas be included in the bond agreement. It was also recommended that the Commissioners seek further information on energy conservation to be included in the project.

Executive Officer Howard Schwartz then stated that Mike Barton, from the Missoula Planning Staff, had reviewed the application.

Mike Barton, then gave his report. He said that the staff had reviewed the application, and, as Commissioner Palmer had stated, had found it to be in compliance with the mandatory requirements of the IDR bond policy, and that, in general, their findings with regard to the supplemental considerations had also been positive. He said that, as had also been mentioned, in contacting staff from the Health Department and from General Services, they had found that there were serious questions in regard to environmental impacts, as well as impacts on public services, particularly the Lolo Sewer System. He said that because there had been a delay in getting adequate information to John DeVore and Elaine Bild, the staff recommendation was that the

PUBLIC MEETING, JANUARY 11, 1984, CONTINUED

Commissioners withhold approval of the application until satisfactory information is received, and adequate assurances could be made relative to the project's impact on the sewer system. He said that as far as any of the technical aspects of those situations were concerned, he would refer questions to John DeVore, Operations Officer, or Elaine Bild, Director of Environmental Health.

John DeVore stated that some new information had become available that day from the project engineers of the Lolo Sewer Plant, who had been requested to review the plans for the American Dental facility in relationship to the plant. It was the engineers' opinion that pre-treatment standards did apply to this project, and that even though there are specific citations in the regulations that are applicable, in all cases of toxic waste dumps, whatever is done must be approved by EPA. He said that the state had a copy of this and was reviewing it, but the issue from the 901 Sewer Board's perspective was that if they didn't follow the EPA requirements, it would put the whole grant in jeopardy, since the EPA had funded the installation of the sewer system in Lolo. He said that the appropriate modifications would have to be done to bring the plant into compliance with EPA standards, should the American Dental facility be built and hooked up to the Lolo sewer facility.

Environmental Health Director, Elaine Bild, said that she would agree with what John DeVore had said, and stated that they had received the letter from the engineers that morning, and it was one of the major pieces of information that they had been waiting for. She said that they wanted to make sure that EPA had the chance to review that letter as well as the other pieces of information that had been sent to them.

Howard Schwartz then said that some clarification needed to be made in the area of energy conservation. He said that he was not sure whether it was sufficiently clear what the Commissioners' expectations in regard to energy conservation were, but that Energy Coordinator Lois Jost had communicated with American Dental in terms of having the plant comply with the Northwest Power Plan in terms of energy conservation, as well as with some of the other codes. He said that, apparently, from the information available so far, there had been no significant attempt in the plan to meet any of those standards, and that if this decision were postponed for any amount of time, the County should ask American Dental to go back and perhaps review their plans to show an increase in energy conservation measures.

Since these comments concluded the staff report, Bob Palmer then opened the hearing to public comment, asking that proponents of the proposal speak first.

Mr. J. Patrick Giblin, Vice President of Dougherty, Dawkins, Strand & Yost, Inc., an investment banking firm, stated that the applicant in the case was Allan Holms, of Missoula, and the bond counsel was Dorsey & Whitney of Missoula, Great Falls, and Minneapolis. He said that the applicant intended to acquire the Lolo Shopping Center with the proceeds of industrial development revenue bonds, and to make certain renovations to the project, including the construction of a new chrome plating facility. He said that the renovations to the project would entail the remodeling of approximately 40,000 square feet of space that would then be released to American Dental, presently located in the City of Missoula. He said that American Dental and affiliated companies would occupy this space, including the new plating facility, for the purposes of their corporate offices, their manufacturing plant, research and storage. He said that American Dental was presently located on Reserve Street and that their current facility was 19,000 square feet in size. He said that the facility was being completely utilized at this time, and the companies were in need of more space. He said that in addition, they needed a new, modern chrome plating plant. He said that, as had been indicated in the application and during some of the earlier meetings, the existing chrome plating plant had been accidentally polluted, and the company was working with the State of Montana, the City of Missoula, and the EPA to clean up this facility, and that it would be much easier to clean up the existing chrome plating plant if the company could move to a new site, such as the Lolo Shopping Center. He said that it would be a safer method of cleaning up the chrome plating plant, too, if they could completely move out and then move on to the new site. He said that one of the things that would result from the new facility would be increased productivity. He said that it was estimated that American Dental's sales at the end of 1982 were approximately \$4 million, and that they expected, moving into the new facility, that they could have sales by the year 1988 of \$9 million. He said that with the additional sales, they expected that employment would increase from the current approximately 100 full-time employees to approximately 150 full-time employees within three years. He said that during the construction phase they would employ local people to work on the remodeling and renovation of the project, and that this would be of benefit to the economy and to the community.

Mr. Giblin said that American Dental and affiliated companies, particularly American Dental, were involved in the manufacturing of small hand-tool dental instruments, and that they were one of the leading companies in the United States - not the largest, but one of the largest - that makes these tools. He said that the product was exported entirely out of the State of Montana, but that it was a good small business to have within the State of Montana, and particularly within Missoula County. He said that the company would be in compliance with all the equal employment laws and with the local zoning ordinances and other regulations and laws that would be applied if the proposal were approved. He said that in regard to the issues of the environment, the water, sewer and energy questions, he wished to refer to Mr. Bill McKay, employed by American Dental, and that he would complete his presentation.

Mr. McKay stated that he wanted to address some of the different questions that had been brought up. He said that he was surprised at concerns over conservation because at the meeting in December he had understood that, inasmuch as it would be nice to build a building in compliance with conservation in mind, that this was a little bit after the fact, and the building had in fact been constructed five years ago and the heating system and the air conditioning systems had been installed at that time. He said that, basically, the things that they could do to improve conservation were completed. He said that it would be a great expense to retrofit a building at this point to meet these requirements. He said that, certainly, the equipment that they had that would be moved into the new facility was the latest, state of the art, equipment available, built and designed along the lines of power conservation. He said that he had had the feeling after the meeting in December that this would not be required, but could, if possible, be implemented into the new building. He said that the treatment plant in Missoula had not had any problems with the waste water, although they had been approximately ten years on the sewer system now. He said that he had talked to Mr. Haverfield and he had said that he couldn't remember any problem that he could particularly direct at American Dental. He said that the test which they had made through an outside laboratory had showed that nickel and chrome content (in milligrams) were within the Federal requirements. He said that the Federal government required anything over 5 grams per liter to be treated, and American Dental felt that they were well within the requirements. He said that the specifications that had been handed to him that day were 2.77 grams per liter and 3.98 grams per liter on nickel. He said that that alone would put them within the Federal requirements. He said that the State of Montana did have some stringent requirements, but he did not think that they could require more stringent controls than the EPA did. He said that the new plating facility was going to be a much-improved version of the one that they had right now. He said that the current facility was ten years old, and that it did not have the room for the additional rinse tanks that would be implemented in the new system, but that at this point it was too early to tell.

PUBLIC MEETING, JANUARY 11, 1984, CONTINUED

exactly what their chrome and nickel content would be in the new rinse systems, but that it would be substantially less than they were showing today, although they still comply with Federal EPA requirements. He said that he felt that with the new building, and with some of the systems implemented, the readings will be considerably less, and he said that he wanted to ask that those factors be taken into consideration before a decision were made on awarding these bonds.

He concluded his remarks by saying that the environmental concerns of the new facility would be much better than the existing facility, and that it would satisfy all the State and Federal requirements in regard to the plating facility. He said that they believed that the increased productivity of the company as a result of the move to the new facility would strengthen the County's economic base, and that this would benefit the overall economy of the Missoula area. He said that it would create more employment, and that they believed that it was the type of industry that Montana, and particularly Missoula County should seek to attract and to retain. He told the Commissioners that he appreciated the opportunity to appear before the Commissioners and the effort put in by the various County staff members.

Chairman Bob Palmer then asked if there were any other people who wished to speak in support of the request for IDR bonds. No one came forward to testify. He then asked if anyone wished to speak as an opponent. No one came forward to testify as an opponent. Bob Palmer then closed the public comment portion of the hearing and asked if Commissioner Dussault had any questions.

Commissioner Dussault said that she had some things that she wanted Mr. McKay to clarify. She said that she would let the energy conservation question go for a minute because she understood that it was perfectly reasonable on his part to be confused about expectations here. She said that she was more concerned about the other two issues, particularly the disposal of the hazardous wastes currently at the site, and also the content of what would be going into the Lolo sewer and water system. She said that he had made the statement that from the sewage treatment plant's perspective there had been no problem with the wastewater discharge into that system. She said that that was probably true, but that, unfortunately, the Missoula Sewage Treatment Plant had done little or no testing as she understood it, of the content of that discharge. She said that they knew the volume of that discharge and had accurate records on that, but that the question if volume into the treatment plant was not at issue. She said that our research had indicated that the last data that the plant had on the content of that discharge was 1973. She said that what that told her was that, unfortunately, and she was not holding American Dental responsible for that, the County was in a position of not having the data that tells what the content is, and therefore there was reason on the County's part to be very concerned about that issue specifically. She said that that was information that she had been given, and she wanted to give American Dental the chance to respond. She said that if Mr. McKay was aware of data that the Commissioners were not aware of, it would be helpful to know about it.

Mr. McKay said that he did not have any information to the contrary. He said that over the years since 1973, Mr. Haverfield had been at the Missoula Sewage Treatment Plant and had run samples for 24-hour periods. He said that he could not verify what tests were taken, but said that he did know that if an excessive amount of nickel were discharged into the plant, it would shut the plant down by killing the bacterial action. He said that if that hasn't happened, he could assume that the nickel had not been a problem.

Ann Mary Dussault said that she understood that chromium was the primary concern; that it was the primary contaminant that was currently being held in the sump.

Mr. McKay stated that that was correct, but he wanted to make something completely clear in his mind. He said that there were two different systems involved; that what they were holding in the sump today had nothing to do with the treatment plant either now or in Lolo.

Ann Mary Dussault replied that she understood that, and she wanted to be very sure that those issues were kept very separate, because the Commissioners saw two very separate environmental issues there. She said that the first was the concern about what would go into the 901 system in Lolo, and that the Commissioners had to be assured, and in the end would have to require a coordinated agreement among the County, the State, EPA and American Dental on all of the conditions necessary to assure, primarily from EPA's point of view, that we do not jeopardize the grant that we have for that system. She said that truly is one issue, and that the Commissioners' problem right now, as she saw it, was, from all available information that she had, that the Commissioners did not have data from the Missoula Sewage Treatment Plant on what the content of American Dental's discharge was.

Elaine Bild, Director of Environmental Health, stated that they had searched the records carefully at the Missoula Treatment Plant, and they had been unable to come up with anything since December, 1976.

John DeVore stated that to show the level of concern over the Lolo Treatment Plant versus the Missoula Treatment Plant, Mr. McKay was correct that too much nickel going into the Missoula system would shut the plant down, but the difference between the Missoula and Lolo facilities was that the City system could be flushed out and a new reactivating agent could be added, and the start-up time would not be long. In contrast to that, he said that the Lolo 901 system was a lagoon system, and if it were shut down, it would be necessary to truck out the toxic wastes because there is no way to flush the system. He said that was why there was such concern about this in regard to the Lolo system.

Mr. McKay stated that he understood that if toxic wastes were put into the lagoon, they would have to be trucked out. He said that his biggest concern was whether the County were going to require stricter standards than EPA recommendations.

Elaine Bild replied that the standards that American Dental had been given were EPA requirements.

Ann Mary Dussault stated that the letter that the Commissioners had received that day in regard to the "Lolo Wastewater Treatment Plant Modifications Basis of Design Report", dated January 6, 1984, had been prepared by Christian, Spring, Sielbach & Associates, engineers for the 901 Sewer and Water District.

Elaine Bild added that they were the people who had the EPA contract to come up with the plans and requirements.

Mr. McKay said that what they were saying, then, was that the requirements were from the engineering firm.

Elaine Bild said that the requirements were EPA requirements.

Ann Mary Dussault stated that, as she understood it, the report was what the engineering firm was telling the County what the EPA requirements were, and, secondly, what they would recommend that Missoula County require of American Dental in terms of systems to ensure that these levels are monitored and not exceeded.

She referred Mr. McKay's question over whether or not the State could require more stringent standards than

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the Federal government to Elaine Bild, who said that the State could do so.

Mr. McKay asked whether if they required them they could enforce them, and Elaine Bild answered that they could.

He then asked if the requirements would be that he hold his rinsewater as well. He said that he wasn't sure whether the report from the engineers was referring to spills or fresh water rinse tanks. He said that he had no problem with holding the spills in a tank, because they already intended to do that. He said that at the same time, the freshwater rinse tanks would be in the number of approximately ten to twelve, possibly more, and they constantly overflow. He said that he would only be able to operate a very short period of time, and the holding tank would be completely full and he would have to shut down. He said that if they were referring to a monitoring system, such as the one that they had in place at this time, and similar to the one Mr. Haverfield at the Missoula Treatment Plant had used for years, this would be easily implemented. He said that if these were the requirements that the EPA was setting, he did not see a problem with that. He said that the tests that Mr. Haverfield had run the previous week had showed that, in a 24-hour period, the nickel and chrome contents were negligible amounts. He said that he hadn't even bothered recording them because they were so low. He said that Mr. Haverfield had told him that verbally, but that he did not have any figures to back that up.

Ann Mary Dussault said that the point of all this was that before she could agree to issue the IDRB's that all of the parties concerned would have to agree to, first of all, what the figures prepared by the engineering firm meant. She said that she wanted to be absolutely assured that EPA, the State of Montana, the City/County Health Department and American Dental agreed to: 1. whatever construction requirements were necessary to ensure that these standards were met and not exceeded. She said that unless they did that, they would not have a handle on whether or not they were placing the EPA grant in jeopardy. She said that American Dental might think those requirements were unreasonable; that that was up to them to decide.

Ann Mary Dussault then said that she did not anticipate that the State would review the EPA requirements and come back and suggest that there be more stringent levels at all.

Elaine Bild commented that the people who would be more likely to put more stringent levels on them would be the local officials or the sewer district.

Mike Sehestedt stated that the State can impose more severe wastewater treatment standards, just as the State can impose higher air standards. He said that there was absolutely no question about that. He said that the EPA was not going to cut off the grant unless their standards were violated. He said that it seemed to him that everyone had the same standards here.

Mr. McKay asked if American Dental, primarily the new plating plant as it is proposed to be constructed, were in compliance with the Chritian, Spring letter, and if the EPA and the State were satisfied, would that satisfy Missoula County.

Ann Mary Dussault stated that that would satisfy her.

Ann Mary Dussault stated that her understanding was that the information from the December meeting was before the State. She said that one thing that the State had not done was to reply.

She stated that the second issue was what was currently in the holding tank. She said that her understanding was that it was primarily chromium, and that that was a material that was used in their industrial process, and that that batch was contaminated by Mt. St. Helen's fallout, so that basically it was a store of chromium that normally would have been used in the industrial process, which had to be gotten rid of somewhere. She said that the material had gone into the sump tanks and that the majority was still there at this time.

Mr. McKay stated that that assessment was essentially correct. He said that the chrome tank itself was one of the last processes when they chrome-plated their carbon-steel instruments. He said that the chrome tank had ventilation fans on it to keep the atmosphere as clean as possible, as well as the plant. He said that, at the same time, the ventilation fans exited through the overhead in the roof. He said that when they had the rain which ran the ash down the suction pipe, it had contaminated the chrome tank and it had become necessary to get rid of that batch of chrome. He said that it was a very expensive process to dump a tank, and that it was not done very easily, but they had had to dump the tank in order to put a new batch in in order to continue. He said that, through ignorance more than anything else, they had not realized the content of the chrome in it, or how the EPA would look on it. He said that they had since been educated along those lines. He said that it had gone into the holding tank, which was what the tank was designed for, and they had held it. He said that the only reason that that had even come to light was that they had been pumping it out into a landfill which was not licensed. He said that the operator of the landfill had finally had to renew their landfill license, and this had been brought to light. At this point, the EPA had said that they could not accept the wastes which had been dumped in there, and had asked them to dump it elsewhere. The EPA had then asked them exactly what they were dumping, so American Dental had had tests run by an outside laboratory, which had determined that they were substantially over the EPA limits in the holding tank. He said that they had made contact with a disposal company in Idaho - Enviro-safe - which would pump it out for them and put in in approved barrels, which would be stored under their protection. He said that that was to be done the day after Christmas, but the plating shop was not heated. He said that the contents of the holding tank had frozen solid, and it was still frozen. He said that there was frozen, yellow ice under the floor. He said that they had talked to John Arrigo at EPA in Helena, who had told them that EPA did not expect them to pump ice, but to keep an eye on it, and as soon as they could pump it, they should notify him so that they could come over and oversee the pumping of that waste. He said that that was where it stands right now. He said that they were still holding it, and there was no danger of it going anywhere. He said that it was not connected to sewer lines or anything, and it would not run down a sewer line right now.

Ann Mary Dussault said that she assumed that they would have a similar holding system in their new facility.

Mr. McKay stated that the new system would be an improved one inasmuch as the sump they had now incorporates a crawlspace under the building with a latticework deck. He said that any and all spills go through the latticework into the holding area. He said that, at best, it was a difficult system to pump out, because it was impossible to get to all the different areas under the floor without removing the floor. He said that they were working with the EPA in terms of the final cleanup. He said that they were trying to put off the cleanup until they could move because they would have to dismantle the building in order to pump it out and clean up any residue under the floor.

Ann Mary Dussault asked if Mr. Arrigo were the person in Helena that they had been working with, and Mr. McKay had replied that that was correct.

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Mr. McKay stated that Mr. Arrigo wanted primarily for them to get the liquids pumped out as soon as possible and he said that as soon as they could get the plant shut down, they would clean up the remainder of the residue that was left on the floor. He said that the new system which they had designed was a 3500 gallon holding tank outside the building. He said that it was a concrete tank that had double layers of a plastic liner in it to prevent any leakage. He said that it was fed by a large PVC pipe which would drain off any of the waste from any of the tanks which might be washed off the floor. He said that the new building would have a concrete floor, and it would be washed down, so that any residue on the floor would be washed into the sumps, and in turn it would wash into the holding tank, which could be conveniently pumped from outside and put into barrels and disposed of, so it would be a much improved system over the one that they were currently using.

Bob Palmer asked if they had a contract with the people in Idaho to pick up the waste in the folding tank.

Mr. McKay said that the company had a route through Montana because there were no other companies in this area for toxic waste disposal, at least at this point. He said that they ran a truck through the area periodically and picked up barrels, and that they could legally hold up to 900 liters prior to the 90-day clock, but that the waste had to be disposed of within ninety days.

Ann Mary Dussault said that she thought that she would be satisfied on this issue if they had a clear written plan, that the State and the local Health Department agreed on, on the removal of the current contaminated material from their present site, and, secondly, assurances from the same groups that what was engineered in their new facility was adequate, and that there would be no further dumping of such materials in Montana, since we do not have any licensed facilities for the dumping of hazardous materials.

Mr. McKay asked her if she wanted a letter from the EPA that American Dental's clean-up procedures were adequate.

Ann Mary Dussault stated that she believed that Mr. Arrigo was with the State rather than with the EPA.

Mr. McKay stated that Mr. Arrigo worked with the EPA in Helena.

Ann Mary Dussault said that he worked for the Solid Waste Management Bureau for the State of Montana. She said that Mr. Harris was the EPA person.

Mr. McKay asked whether, if American Dental came up with a plan to clean up the sump, and if Mr. Arrigo signed off on it, then would that satisfy the Commissioners.

Ann Mary Dussault said that Mr. Arrigo and Mr. Harris would have to sign off on it. She said that she would also need a demonstration of American Dental's contract with the hazardous waste disposal company in Idaho. She said that the last information they had had was that there was no contract, and she wanted clarification on that.

Ann Mary Dussault said that on all of the points that they had discussed, she was assuming that if Mr. Arrigo or the EPA representative in Helena agreed to these matters that the Missoula City/County Health Department and John DeVore would concur with that. She said that she did not ever mean to imply that if they didn't have concurrence at the local level that those other assurances wouldn't satisfy her concerns.

Elaine Bild said that Scott Anderson was with the Water Quality Bureau in Helena, and that he was in charge of the grant, and he was the one that they were waiting for to review this situation.

Ann Mary Dussault said that Mr. Arrigo appeared to be the person who would oversee the disposal of the waste materials in the sump, and Mr. Anderson was the key individual in terms of the impact on the Lolo Sewer and Water System.

John DeVore said that an additional requirement would be that the Lolo 901 Sewer Board would be recommending to the Board of County Commissioners that we would not, in this case, be talking about a letter of authorization for American Dental to hook up to the sewer facilities, but rather a contract, which would specify the conditions of hook-up and the punitive action that could be taken for violation of the contract.

Executive Officer Howard Schwartz asked John DeVore if he were suggesting that the Commissioners defer making a decision on the bonds until that contract is worked out between American Dental and the 901 Board.

John DeVore replied that that would be their preference.

Bob Palmer said that they had covered all areas except the conservation question, and asked if anyone wished to comment on that.

Howard Schwartz said that that was the easiest of all these matters to handle. He said that Mr. McKay's points were well taken in terms of the difficulty of remodeling the old building in order to retrofit it for energy conservation, but it was hard to believe that new construction couldn't be reasonably high in energy conservation standards. He said that he would prefer that, and he didn't know what the Commissioners wanted to do about that. He said that the building plans did not reveal any significant energy conservation measures, and he wouldn't think it would be too difficult to review them since that would be new construction to make some significant headway towards meeting the Northwest Power Act standards, the American Association of Building Officials 1983 Model Energy Codes and those sorts of things. He said that he thought the intent of the policy was to favor those projects which make significant energy conservation contributions to the community.

Mr. McKay said that the new constructed is constructed. He said that they had not built it. He said that if they were talking about a plating facility, it did not even have any heating or cooling system. It's simply a cinder block building which is on a very small scale compared to the main building. He said that perhaps it should be qualified whether they were talking about the main building, the main manufacturing facility, corporate offices, or the plating facility as such.

Mr. Giblin commented that everything would be in the existing shopping center, with the exception of the new facility.

Mr. McKay said that in the plating facility, the tanks heat the building, so that was some energy saving in itself.

Howard Schwartz said that as long as they were going to be delayed, there would be time for American Dental to prepare something to be formally reviewed along energy conservation lines. He said that as far

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as the remodeling went, it seemed to him that there would be energy conservation measures that could be done. He said that obviously there would be limits insofar as what is possible, but not being technically expert in this area, he could not say what limits or possibilities there would be.

Howard Schwartz was then asked if the standards for the Northwest Power Plan had been enacted yet, and he replied that they exist in the model plan, but that they only apply to electrical power. He said that the 1983 Association of Building Officials 1983 Model Energy Codes had set standards for electrical and heating, and those standards were in existence, although they had not been enacted into law. He said that they do exist, and the Commissioners are free to require them.

Energy Coordinator Lois Jost said that the Northwest Power Plan's intent was to conserve energy and to promote an economic base in the community and in the region as a whole, which was why the Commissioners had supported the Northwest Power Plan. She said that most engineers and architects in the City were building all buildings to the Power Plan's standards, or exceeding them, and that was why the County had asked that any applicant for IDR bonds build to those standards or exceed them.

Mr. McKay said that he could understand the need for that, and that American Dental was as concerned about conservation as anyone else was, in light of power bills which continuously go up. He said that as far as the Lolo Shopping Center building was concerned, it was built five years previously, and he could not attest to its conservation features. He said that the heating and air conditioning systems were in place, and he did not think it was realistic to go in and tear those out and modify the building.

Lois Jost said that it might not seem realistic, but that she thought that it might be of benefit to American Dental to look at exactly what the economic benefits might be in doing some retrofitting to the existing heating and ventilating systems, and also the insulation systems. She said that to chalk it up was not worth their while may be a little hasty.

Ann Mary Dussault said that she wanted American Dental to know that the Commissioners were not picking on them, but that everyone who comes before them with an IDR request with any kind of construction or renovation in it has been required or encouraged to go a step further in energy conservation. She said that what she would suggest, since this was a slightly different project than we have had before, and since it was renovation rather than new construction, that American Dental be willing to work with Energy Coordinator Lois Jost and review the Northwest Power Planning Council's recommended conservation standards. She said that it might be an interesting exercise for them as well as for American Dental to go through the Northwest Power Planning Act with Lois Jost, and for her to look at the facility and look at their plans to see what she would recommend.

Bob Palmer asked if American Dental had a problem with that, and they replied that they did not. He then said that he felt they had covered the major areas in terms of the concerns, and asked if we could run through them one more time to make sure that we were all on track.

Elaine Bild asked if American Dental could ask Bob Haverfield at the Missoula Sewage Plant if they would provide the County with a copy of their latest results.

Mr. McKay said that he would see to that.

Mike Barton said that a minor point that had caused confusion that day was that the application called for IDR bonds to support construction of a new facility. He said that as he understood it, the proceeds of the bond sale would be used to acquire that facility.

Mr. McKay confirmed that the proceeds would be used to acquire the existing facility and the renovation of this and building a new plating facility, in addition to expenses and fees incidental to the bonds.

Mike Barton said that what he was trying to pin down was whether the proceeds were being used for the construction of a new building or for the acquisition of the new building. He said that he was actually suggesting to the applicant that they revise their application and call for the acquisition rather than the construction of the building, because to call it construction when construction was already underway meant that some of those costs could not be covered. He said that it might be expeditious to amend the application and call for the acquisition of the new facility rather than to call it new construction.

Bob Palmer then asked Ann Mary Dussault to summarize the concerns that she had specified.

Ann Mary Dussault said that the first issue was relative to the wastewater treatment plant in Lolo. She said that there would need to be contractual concurrence or sign-off by the following parties on the recommendations for construction and monitoring data contained in the engineering report: the State EPA representative in Helena, assuming that is Jim Harris; Scott Anderson of the Department of Health and Environmental Sciences for the State; the Lolo 901 Board; Elaine Bild of the Missoula City-County Health Department and John DeVore, Operations Officer for Missoula County.

She said that the second concern was to be sure that there is a written plan and approval of that plan for removal of the current contaminated materials and to be sure that the new holding facilities that American Dental was planning to construct would be agreeable to everybody, and that would mean concurrence, again, by Mr. Arriago, from the Solid Waste Management Bureau of the State Department of Health and Environmental Sciences and Elaine Bild, of the Missoula City-County Health Department; and a letter from Envirosafe, indicating that the two companies were doing business together.

Howard Schwartz stated that he believed John DeVore had a good point in waiting for the agreement or contract between the sewer district and American Dental.

Ann Mary Dussault said that she had included that in the first part. She said that regardless of whether the IDR's are issued, the sewer board would probably require those kinds of things anyway before they would allow the hook-up.

John DeVore stated they had enough information from the engineering firm to begin to draft out the contract.

Bob Palmer asked the representatives from American Dental if they had any comments to make.

Mr. McKay said that the only other comment he wanted to make at that point would be to address the partial construction issue: why construction was started and why they had done the things they had done. He said that primarily it had been done at the issuance of the building permit in December; which all the offices, including the Health Department, had signed off on, and also he had wanted to beat the weather. He said that he had not wanted to have a lot of concrete work in the middle of that type of weather they had had at the end of December.

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Bob Palmer said that he did not think the building construction that they had done was an issue here. He said that it might be an issue with bond counsel, but they would have to solve that with the bond counsel.

A brief discussion was held about continuing the hearing. Deputy County Attorney Mike Sehestedt said that he would advise continuing the hearing to a date certain.

Ann Mary Dussault asked if it were possible from John DeVore's and Elaine Bild's points of view to have contracts drafted and circulated among all of the parties, on both of the issues, and they replied that they believed that would be possible.

Bob Palmer stated that it seemed that a two-week continuation of the hearing would be appropriate.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the hearing be continued to the public meeting on January 25, 1984, at 1:30 p.m., in Room 201 of the Missoula County Courthouse Annex. The motion passed by a vote of 2-0.

✓ REQUEST FOR FILING DEADLINE EXTENSION FOR RODEO RANCHETTES PUD

John Verberg of the Missoula Planning Staff gave the following staff report: On December 19, 1982, Missoula County approved a planned unit development known as the Rodeo Ranchettes PUD.

In 1982, the Bonneville Power Administration (BPA) announced that the 500 KV powerline would cross the proposed PUD, though the exact location was not announced. Consequently, it was impossible for the applicant to submit a preliminary plat of the first phase of development, and a development schedule for the remainder of the property.

On September 22, 1982, the Missoula County Commissioners granted Mr. Michael McCullough a one-year extension to the filing deadline for the first phase of the Rodeo Ranchettes PUD. With this extension, filing of the first phase was to be completed by December 19, 1983.

On December 15, 1983, the Planning Office received a request for an additional extension, as the BPA had not firmed up a route for the powerline yet.

The Planning Staff's recommendation was that the Missoula County Commissioners grant Mr. McCullough a two-year extension for the filing deadline for the first phase of the Rodeo Ranchettes PUD.

Ann Mary Dussault moved that the filing deadline for Rodeo Ranchettes PUD be extended for two years, per the recommendation of the Planning Staff. Bob Palmer seconded the motion, and it passed by a vote of 2-0.

Since there was no further business, the meeting was recessed at 3:00 p.m.

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January 12, 1984

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Palmer attended a MACo Executive Board Meeting most of the day, which was held in the Missoula County Courthouse.

AUDIT LIST

Commissioner Palmer and Commissioner Dussault signed the Audit List, dated January 11, 1984, pages 1-21, with a grand total of \$59,270.54. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the Monthly report for the Clerk of the District Court, Bonnie J. Henri, showing items of fees and other collections made in Missoula County for month ended December 31, 1983.

EXTENSION LETTER

The Board of County Commissioners signed a letter to Michael M. McCullough granting a two-year extension of the filing deadline for the first phase of Rodeo Ranchettes PUD, with all other conditions detailed in Resolution No. 81-193 remaining the same.

CONTRACT

Chairman Palmer signed a Contract for Sale of Tax-Deed Land between Missoula County and Kim McCambell the purchaser of the following described property situated in Missoula County and taken for tax deed:

Lots 8, 9, and 9A in Parcel E and Lots 2, 3, and 3A in Parcel F of Hillside Homes No. 1, Supplemental Plat A;

for a total sum of \$24,300.00 to be paid over a period of five years, as per the terms and condition set forth in the Contract.

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January 13, 1984

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

Fern Hart

Fern Hart, Clerk and Recorder

Bob Palmer

Bob Palmer, Chairman, County Commissioner

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January 16, 1984

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:

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following Budget Transfers and adopted them as a part of the FY '84 Budget:

- 1) No. 840037, a request from Indigent Legal to transfer \$10,000.00 from the Legal Services account to the Consultants account as the legal services (major litigation) costs are down and consultants (investigations) costs are up;
- 2) No. 840038, a request from Youth Court to transfer \$500.00 from the Postage account to the Copy Costs account as the expenditures in Copy Costs are in excess of the amended budget amount;
- 3) No. 840040, a request from the Health Department to transfer \$801.27 from the Health Education - Program Support - Permanent Salaries and Fringe accounts to the Health Services - Home Health - Permanent Salaries and Fringe accounts as the Administrative Assistant position was changed to Business Manager of Home Health;
- 4) No. 840041, a request from the Health Department to transfer \$2,221.70 from the Administrative - Program Support - Permanent Salaries and Fringe accounts to the Health Services - Home Health - Permanent Salaries and Fringe accounts as the Administrative Assistant Position was changed to the Business Manager of Home Health;
- 5) No. 840042, a request from the Health Department to transfer \$2,497.45 from the Environmental Health - Program Support - Permanent Salaries and Fringe accounts to the Health Services - Home Health - Permanent Salaries and Fringe accounts as the Administrative Assistant position was changed to Business Manager of Home Health;
- 6) No. 840043, a request from the Health Department to transfer \$2,211.29 from the Health Services - Program Support - Permanent Salaries and Fringe accounts to the Health Services - Home Health - Permanent Salaries and Fringe accounts as the Administrative Assistant position was changed to the Business Manager of Home Health;
- 7) No. 840044, a request from the Health Department to transfer \$894.92 from the Environmental Health - Food/Shelter - Permanent Salaries and Fringe accounts to the Health Services - Home Health - Permanent Salaries and Fringe accounts as the Administrative Assistant position was changed to the Business Manager of Home Health;
- 8) No. 840045, a request from the Health Department to transfer \$894.92 from the Health Education - Hypertension - Permanent Salaries and Fringe accounts to the Health Services - Home Health - Permanent Salaries and Fringe accounts as the Administrative Assistant position was changed to the Business Manager of Home Health;
- 9) No. 840046, a request from the Health Department to transfer \$894.92 from the Health Services - OPCC - Permanent Salaries and Fringe accounts to the Health Services - Home Health - Permanent Salaries and Fringe accounts as the Administrative Assistant position was changed to the Business Manager of Home Health;
- 10) No. 840047, a request from the Health Department to transfer \$894.92 from the Health Services - Family Health - Permanent Salaries and Fringe accounts to the Health Services - Home Health - Permanent Salaries and Fringe accounts as the Administrative Assistant position was changed to the Business Manager of Home Health; and
- 11) No. 840048, a request from the Health Department to transfer \$1,575.00 from the Administrative Program Support - Ann Merit account to the Health Services - Program Support - Ann Merit account as the Administrative Assistant position was changed to the Business Manager of Home Health.

AGREEMENT

Chairman Palmer signed an Agreement between the Montana Power Company and the State of Montana Department of Highways relating to the ownership, operation and maintenance of the existing structures of two 4000 lumen incandescent luminaires on wood poles located at Grant Street and South Avenue in Missoula as per the mutual promises set forth in the Agreement. The Agreement was returned to Montana Power Company for further signatures.

Other matters considered included:

The Commissioners discussed a request from Montana People's Action for \$500.00 towards the financing of Lois Gibbs' participation in the Hazardous Waste Conference which will be held in Missoula on January 20th and 21st - the Board agreed to allocate \$250.00 to Montana People's Action.

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

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January 17, 1984

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.

INDEMNITY BOND

Chairman Palmer examined, approved, and order filed an Indemnity Bond naming Science Research Associates, Inc. as principal for Warrant #00336, dated June 10, 1983, on the School District No. 14 Block fund in the

JANUARY 17, 1984, CONTINUED

amount of \$559.71, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840050, a request from the Health Department to transfer \$4,200.00 from the Contracted Services account to the Rent account as the rent for the junk vehicle car site was budgeted under Contracted Services and Rent is a more appropriate coding; and to transfer \$50.00 from the Contracted Services account to the Tuition/Registration Fees account as Health Education needs a tuition line item for a training course (total amount of transfer is \$4,250.00); and adopted the transfer as a part of the FY '84 Budget.

BOARD APPOINTMENTS

The Board of County Commissioners reappointed Michael Harsell and appointed Bradley Wenz to the Missoula County Fair Commission for two-year terms, which will expire December 31, 1985. Betty Jo Johnson and J. Edwin Gilchrist were appointed as ad hoc members to the Missoula County Fair Commission for two-year terms which will expire December 31, 1985.

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

MEETING

Commissioner Evans attended a Crimestoppers Meeting at noon.

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January 18, 1984

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

AUDIT LIST

The Board of County Commissioners signed the Audit List dated January 17, 1984, pages 1-22, with a grand total of \$143,108.57. 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;

APPROVAL OF AGREEMENT

Chairman Palmer signed approval of an Agreement between the office of the County Attorney, Missoula County, and the Department of Justice, Office of the U.S. Attorney in Billings, Montana, Yellowstone County, whereby the County Attorney agrees to provide the services of four of its staff - Ed McLean, Karen S. Townsend, R. Russell Plath, and Robert J. Sullivan - to perform the functions of Special Assistant U.S. Attorneys; in return for these services the Missoula County Attorney's Office will be reimbursed by the Attorney at the rate of \$25.00 per hour. The Agreement was returned to R. L. Deschamps, County Attorney, for further handling.

APPROVAL OF SANDBAG SALES

The Board of County Commissioners signed approval of a Policy, dated January 16, 1984, whereby the DES Coordinator may sell sandbags at cost to retail outlets in Missoula County under the conditions listed in the Policy. The letter was returned to Orin Olsgaard, DES Coordinator.

RESOLUTION NO. 84-007

The Board of County Commissioners signed Resolution No. 84-007, a resolution regarding liquor license fees and the pro-rata basis, resolving that the County of Missoula license any and all persons, firms, corporations and clubs selling liquor at retail outside of any incorporated city in said county having a state license and therefore and that said license fee be five eighths (5/8) of the fee imposed by the State of Montana for all beverages licenses and one-hundred (100) percent for beer and wine licenses and also providing that where a license hereunder is issued for a period commencing subsequent to the first of the license years, a pro rata fee shall be charged for the balance of the current year. Any and all licenses granted by said county shall expire on the 30th day of June of each year as per the attachments to the Resolution.

Other items considered included:

- 1) An update on the Emergency Housing matter was presented by Howard Schwartz, Executive Officer;
- 2) John Badgley met with the Commissioners and reported on the Western RC&D Conference in Tucson, Arizona, which he attended recently as representative of Missoula County;
- 3) Karen McMullen met with the Commissioners and gave a brief presentation on the upcoming "Bridging the Gap" conference - Commissioner Palmer indicated his support for the program; and
- 4) The Commissioners met with Ray Froehlich and John Brewer of the Sheriff's Department and John DeVore, Operations Officer, and discussed the renovation of the booking area in the jail and also the changes at the Blue Star Tipi Building - no action will be taken until the plans are reviewed.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting, held in the City Council Chambers, to order at 7:30 p.m. Commissioner Barbara Evans was also present. Commissioner Ann Mary Dussault was absent.

PUBLIC MEETING, JANUARY 18, 1984, CONTINUEDCONSIDERATION OF: RESOLUTION ON CITIZENS UTILITY BOARD

This matter was postponed at the request of the organizers of the Citizens Utility Board.

✓ ✓ CONTINUATION OF HEARING: REQUEST FROM DAVE LAURSEN AND RAY McLAUGHLIN TO REZONE PROPERTY IN CURTIS MAJOR ADDITION FROM C-RR3 AND ZONING DISTRICT 17 TO C-RI RESIDENTIAL (CONTINUED FROM DECEMBER 28, 1983)

Under consideration was the adoption of a Resolution of Intent to rezone Dave Laursen and Ray McLaughlin property described as parts of lots 4 and 5, Curtis Major Addition, from C-RR3 and zoning district 17 to C-RI.

Information provided by Planning Technician James Edgcomb stated that on December 6, 1983, the County Regulatory Commission held a public hearing and voted to recommend approval of the C-RI rezoning request. Mr. Laursen and Mr. McLaughlin were represented by John Lamb, of Code Consultants, who agreed with the staff recommendation to rezone property to C-RI.

James Edgcomb said that no one had been present at the County Regulatory Commission hearing to oppose the rezoning request. He said that the Missoula Planning Board recommendation was to approve the request to rezone the subject property from C-RR3 and zoning district 17 to C-RI and the findings of fact set forth in the staff report.

This matter had been continued from the December 28, 1983 public hearing due to confusion about the room in which the December 6, County Regulatory Commission Meeting was held. The room had been changed on the day of the hearing and a property owner who had wanted to attend that hearing had not been able to find the room. She had reported that other property owners in opposition to this request had also not been able to find the room. The Commissioners wished to give those property owners ample opportunity to testify at the hearing.

Bob Palmer asked John Lamb, Land Use Planner, representing the developers, if he had a comment in regard to this matter.

Mr. Lamb apologized to the homeowners for the confusion in regard to the room, but said that it had been changed by the City at the last minute and signs had been placed on the door. He said that the developers had come up with an alternative site development proposal which could alleviate the concerns of the neighbors. He said that the original parcel had been purchased in 1978 and that there were already six duplexes in the area. He said that the developers had decided to purchase and develop the property under the current mixed zoning, which was not economically feasible at this time. He said that with the current market situation, it would be necessary to build eight dwellings to make the project economically feasible and to leave the property with the current mixed zoning would prohibit them from contracting with the City for sewer services. He said that the option of asking for rezoning on the parcel would make the development of rental property feasible. He said that the developers were concerned with the quality of development in order to ensure that the development was a good one, and said that they had explored both single-family rental units and duplex units. He said that as the zoning stood now, they could put one duplex unit in and meet the subdivision requirements and, within the subdivision requirements, they could put in seven single family units. With the change in zoning, they would be able to contract with the City for sewer services and extend them, adding value to the entire area, he said.

There were no other proponents. Bob Palmer then asked if anyone wished to speak in opposition.

The following people spoke:

1. Joan Leffler said that she opposed the construction of either duplexes or single-family dwellings as she felt the district was over-developed.
2. Mike Bower requested that a blueprint be put upon a wall so people could see what was intended in terms of development.
3. Barbara Bush said that she felt that the ratio of owners vs. renters should be better balanced and that renters did not make good neighbors. She cited examples of renters who did not keep the irrigation ditch free and did not act neighborly.

John Lamb responded that whether the developers built single-family units or duplexes, they intended to subdivide the property into lots. He said that if they were able to get approval for the zoning change, they would only be able to build light single-family units.

4. James Bower said that he lived north of the Milwaukee track and that the Twite development had brought several duplexes into the area already. He said that when people buy property, they know what it's zoned already and asked why they can't comply with the way it's zoned. He said that the property owners who had been in the area twenty years were not getting the consideration they deserved.

5. Gwen Farnsworth agreed with Mr. Bower's comments and said that when she had looked for a house she had looked for an area that was primarily home-owner occupied housing rather than a majority of rental units. She said that it was a moral question for someone to come along later and ask for rezoning. She said that she had bought her home for \$70,000.00 and it was now worth about \$90,000.00 and she did not want to see her property devalued. She asked what the value of the houses the developers were proposing would be.

John Lamb replied that they had not yet solicited bids, but that, given the square footage for the single-family units, the approximate value would be \$60,000.00.

6. Bunny Buck said that she had been in the area for six years and all that time she had had to constantly come down and fight about the zoning. She said that she was opposed to duplexes in the area and would like to see single-family homes put in instead.

7. Rita Sharbono said that she was hemmed in by duplexes and she didn't want any more. She also said that she didn't want to do away with her well or be on the City sewer. She said that another concern was the tax structure and said that if she wanted to live in a congested area, she would move. As it was, she had to keep the doors locked day and night. Her property isn't safe, she said, and she opposed duplexes going into the area.

8. Norma Bower said that the traffic on Curtis Street is already a hazard and more duplexes would mean even more traffic. She said that she was opposed to more duplexes in the area.

PUBLIC MEETING, JANUARY 18, 1984, CONTINUED

9. Jim Trembler said that in a four-square block area, there were thirty duplexes, if not more. He said that when he had first moved in there, it had been a quiet area. He said that his house had been robbed on Christmas Day and that what had already been said went double for him.

10. Glen Pine said that there were enough buildings in the area already. He said that he felt that the zoning laws were absolutely worthless.

11. Harry Adson said that he was opposed to the idea of more duplexes in the area because they were hemmed in by duplexes already.

Since no one else wished to speak in opposition, the public comment portion of the hearing was closed.

Barbara Evans suggested that the homeowners in the area begin a neighborhood watch program if they were having problems with crime. She suggested that they get in touch with Sergeant Newlon of the Sheriff's Department about this.

She said that she understood people's feelings about preferring single-family homes to duplexes but that duplexes were an allowed use under the current zoning and that it was a citizen-initiated zone. She said that if the people in zoning district 17 wanted a change in the zoning, they should come in to the Planning Office and request that.

Barbara Evans then moved to deny the request to allow the number of duplexes proposed by the developer, but said that if the developer would come in with a proposal for single-family houses, she would support that.

Deputy County Attorney, Mike Sehestedt said that he was not familiar with the zoning in the area, but that people should realize that even if the Board of County Commissioners denied the requested rezoning, duplexes were still a permitted use in Zoning District 17, a citizen-initiated zone. He said that in the ordinary course, duplexes could be built consistent with the zoning, and if duplexes were the problem that people there perceived them to be, they should be initiating some zoning changes. He said that it appeared from some of the testimony that many of the area residents didn't like the existing zoning.

Bob Palmer said that he was not going to second Barbara Evans' motion, so the matter would have to be decided when all three Commissioners were present. He too suggested that if the residents did not like the zoning they were living under, they should change the zoning.

The decision on this matter was deferred to the public meeting of January 25, 1984 to be held in Room 201 of the Courthouse Annex at 1:30 p.m.

At this point there was a five-minute recess, after which the following matter was taken up:

✓✓ HEARING: AMENDMENTS TO SECTION 6.03; RESERVE STREET DEVELOPMENT STANDARDS

Information provided by Mark Hubbell of the Planning Department stated that the action requested was adoption of the proposed additions and amendments to Section 6.03 of the County Zoning Resolution.

The information stated that Section 6.03, the Reserve Street District No. 2 development standards, requires an annual review of these standards; and, further, that on June 21, 1983, the Missoula Planning Board had conducted a public hearing to receive testimony on Section 6.03 of the County Zoning Regulation. Similar public hearings were conducted before the Missoula County Commissioners on July 13 and 27, 1983. On November 16, 1983, the County Commissioners directed the Planning Staff to draft revisions to Section 6.03 to allow seasonal commercial uses in certain areas of the Reserve Street Special District No. 2. On December 20, the Missoula Planning Board conducted a public hearing on the revisions drafted by the Planning Staff, and recommended approval of these changes.

Bob Palmer opened the hearing to public comment, asking that proponents speak first. No one came forward to speak as a proponent or as an opponent. He then closed the public comment portion of the hearing.

Barbara Evans moved that the amendment to the Section 6.03 Reserve Street Development Standards be approved as proposed. Bob Palmer seconded the motion, and it passed by a vote of 2-0.

✓✓✓ HEARING: ZONING INITIATIVE - PORTION OF LOLO

Barbara Evans moved and Bob Palmer seconded the motion, that the Board adjourn as the Board of County Commissioners and that the Planning and Zoning Commission (consisting of the Board of County Commissioners, County Surveyor Dick Colvill and Clerk and Recorder Fern Hart) be convened. The motion passed by a vote of 2-0.

Information provided by Mark Hubbell of the Planning Staff stated that the action requested was approval of the proposed zoning district and regulations, with the amendments proposed by the Planning Staff. The information went on to say that Lolo is currently unzoned, although a Comprehensive Plan for the area was adopted in 1978. This plan designated the subject area as residential, parks, open space and public/quasi-public.

In December 1983, a group of freeholders from a portion of Lolo requested that a citizen-initiated zoning district be established, and that development standards relating to this district be adopted.

Petitions were filed with the Clerk and Recorder's Office on January 18, 1984.

The Planning Staff recommended approval of the request, subject to the modifications indicated in the staff report.

Bob Palmer asked Mark Hubbell to elaborate on this information. Mr. Hubbell stated that the area in question was roughly one-quarter mile northeast of Lolo. He said that it was the intent of the freeholders to limit development to single-family dwellings. He said that concerns over increased traffic had been expressed to the Planning Staff and that the residents intended to limit densities even further than six dwelling units per acre. He said that the proposed uses would comply with the types of uses in the comprehensive plan proposed for Lolo. He said that, generally, the Planning Staff recommends against zoning districts, and that staff members prefer the County zoning resolution approach as performance standards are built in to them, regulating such matters as densities, and set-backs. He said that state statutes provide for the establishment of citizen-initiated zones, and that the staff was recommending that the Board initiate and create the requested zone, with the recommendations suggested by the staff.

PUBLIC MEETING, JANUARY 18, 1984, CONTINUED

Surveyor Dick Colvill asked if under the proposed zoning it would be permissible to build condominiums.

Mark Hubbell replied that under the terms of zoning, a condominium is defined as a single-family lot; but added that it would be impossible to divide the lots in such a way as to build condominiums, given the densities proposed.

Fern Hart then mentioned a letter which had been received from Norma Rossignol and asked if the Rossignol property were within the area to be zoned.

Mark Hubbell indicated the Rossignol property on the map which he had hung on the wall for reference. He then read Mrs. Rossingol's letter dated January 13, 1984, for the record, as follows:

Att. Mark H. Hubbell
Re. Zoning in Section 26, of Township 12N. Range 20W
Lolo, Montana

Mark:

You requested a land description for our property to be deleted from zoning request in the Lolo area. Our Abstract of Title describes this as:

The West 52.1 rods of the Northeast Quarter (NE $\frac{1}{4}$) of Section 26

The line is fairly close to the sewage disposal plant. All of the slough depicted on the map is on our property and the road south of the plant is next to our fence line.

Thanks for your cooperation.

Norma Rossignol

Bob Palmer then opened the hearing to public comment, asking that proponents speak first. The following people testified as proponents of the zoning proposal.

1. Diana Kwapy said that the area in question was one which was undeveloped river bottom twelve to fifteen years earlier. She said that the developers had envisioned a secluded area with a low-density population. The three original developers had written into the covenants the stipulation that the development was to be strictly single-family residential. She said that there were seventy-eight homeowners in the area and that most of them wanted seclusion, isolation and large lots. If there were to be more development in the area, they wanted it to be consistent with that, she said.

Addition considerations for limiting development in the area that she mentioned, included the condition of the roads which enter Highway 93. She said that the entire subdivision has to use Lakeside or River Road. She said that both of these roads are two-lane and have no curbs or gutters.

A second consideration that she mentioned was the residents' desire to keep commercial development out of the area. She said that of the people who live in the developed area, 142 owned their property and 138 had signed the petition to zone the area, so the residents were overwhelmingly in favor of the zoning proposal.

She said that she had heard people express the same sentiments over and over; that they didn't want condominiums or tract homes. She said that they wanted minimum lot sizes specified, saying that the average lot size in the area now was 17,500 square feet.

She then stated that the proposed zoning would not affect land developed for agricultural purposes. She said that all of the undeveloped area was still owned by the original developers.

2. Bob Kwapy added one or two additional points to his wife's testimony. He said that some of the lots had been granted a variance for duplexes, and the residents were trying to eliminate the variance for duplexes. He asked whether zoning would eliminate the original covenants. He said that the residents wanted to retain the covenants as they prohibit livestock in the developed area. He said that in the past, they have had occasional problems with traffic, parties, noise, trespassing, trash and theft when people come into the area to the lake and he believed that if duplexes were allowed, the problems would increase. He said that the increased traffic would result in more of those types of problems.

3. Richard Gilligan said that three-fourths of the land in that area was in the floodplain and it would not be wise to build in the floodplain.

4. Dave Foss said that he was a fairly new resident and that one of the reasons he hadn't bought in Missoula was because he had not wanted to be near multi-family developments or condominiums.

5. Brian Parson stated that he agreed with the previous statements.

6. Basil Haverfield said that he had not signed the petition in regard to single-family versus duplex development because the three people who had already signed were the developer, the owner and the builder.

7. Ossavio Canta said that he was living in Lolo because of the single-family residential character of the district. He said that he did not wish to be living near condominiums or duplexes. He wanted the area to remain serene.

No other proponents came forward to testify. The following person spoke as an opponent:

1. Dick Ainsworth, PCI, representing Hindsight Associates and Norman Tiefalt, said that his clients were not opposed to the proposed zoning per se, but Norman Tiefalt owns four duplexes and got a variance for them some time ago. He has had this variance and doesn't feel that it should be taken away, he said.

Hindsight Associates is in the process of developing Lakewood Estates, he said, which had received final plat approval from the Board of County Commissioners. He said that in Lakewood Estates, two lots of forty-five are on the very tip of the peninsula which sticks out into Hayden Lake, and these are proposed for multi-family development. He said that the rest of the development was proposed for single-family residential, similar to what is already there. He said that Hindsight owns most of the land to the river, and, although they don't oppose the zoning as such, but wanted things left as they were. He said that Mr. Tiefalt owns lots 1 through 4, block 16, of the Greenwood Addition and wanted this variance to remain in effect and not lose it.

PUBLIC MEETING, JANUARY 18, 1984, CONTINUED

He said that he wanted to clarify that Hindsite was not the original developer. John Hayden and Glacier General were the original developers, and Hindsite bought the property a few years ago. He said that they were following the original scheme that the original developers had proposed for the area, and the plan for Lakewood Estates was a good plan. He asked the Planning and Zoning Commission not to rescind the approvals already given for the two lots at the end of the peninsula if the proposed zoning were adopted.

In answer to Barbara Evans' question as to how many duplexes were involved, Mr. Ainsworth replied that there would be two.

Dick Colvill said that he was puzzled about how they had gotten a variance, since the property is currently unzoned.

Dick Ainsworth said that the variance was to the original covenants which called for single-family homes.

Dick Colvill clarified the point that the variance was not granted by any public body.

Diana Kwapy said that the variance was granted by the architectural control committee of the homeowners association.

No one else wished to speak as an opponent.

Bob Palmer then closed the public comment portion of the hearing.

Bob Palmer asked Mark Hubbell if zoning would eliminate the homeowner covenants, and he replied that they would not; the more stringent rule would apply.

Fern Hart asked Mark Hubbell to clarify the Lakewood Estates situation in that the subdivision plat had been through the hearings process and had received final approval from the Board of County Commissioners.

Mark Hubbell said that the subdivision plat had been designed under the existing rules, and since there was no zoning which would prohibit duplexes, it was approved with multi-family units as well as single-family.

Deputy County Attorney Mike Sehestedt said that it was legal to zone retroactively, but it was a classic situation for a variance. He said that a person who had the rules changed on him had a reasonable argument for a hardship variance.

Dick Colvill then moved that the recommendation of the planning staff, that the Planning and Zoning Commission create the proposed planning and zoning district and adopt the proposed regulations with the amendments set forth in the Planning Staff Report dated January 18, 1984, be approved.

Barbara Evans asked if that would retroactively zone the area, and Dick Colvill said that it would.

Barbara Evans then asked if the request for zoning had gone before the Planning Board, and Mark Hubbell replied that citizen-initiated zoning does not come before the Planning Board but comes directly before the Planning and Zoning Commission.

In answer to Barbara Evans' question as to what the Comprehensive Plan calls for, Mark Hubbell said that it called for residential at a density of six units per acre.

Fern Hart said that there were two situations involving multi-family housing involved and asked if both were in Lakewood Estates.

Mark Hubbell said that four duplex lots were proposed for Greenwood Estates and two for Lakewood Estates.

Barbara Evans said that in regard to Lakewood Estates, Phase II, she hated to go back on the approvals that the Planning Board and the Board of County Commissioners had already granted.

She then asked Dick Colvill to amend his motion to approve the proposed regulations with the amendments set forth in the Planning Staff Report with the exception of Lakewood Estates, Phase II, which was to be allowed to be developed in accordance with the final plat approval already received.

Dick Colvill agreed to amend his motion as Barbara Evans requested, she seconded the amended motion and it passed by a vote of 4-0.

Dick Colvill then said that the motion should be amended to include minimum lot sizes.

Mark Hubbell said that the minimum lot sizes in Lakewood Estates averaged 12,746 square feet, with the largest being 30,100 square feet. He said that the minimum lot size within this zoning district could be made 10,000 square feet.

Dick Colvill then moved that the minimum lot sizes within the newly-created zoning district be 10,000 square feet. Barbara Evans seconded the motion, and it passed by a vote of 4-0.

Fern Hart moved that the Planning Staff be instructed to initiate another type of zoning within one year. Bob Palmer seconded the motion, and it failed by a vote of 2 yes, 1 no (Dick Colvill) and 1 pass (Barbara Evans).

Fern Hart then explained that comprehensive zoning would provide enforcement for the regulations which can be delineated in comprehensive zoning.

Barbara Evans suggested that the residents consult with Planning Staff to see if another kind of zoning, i.e. Chapter 47 - County - initiated zoning - would not be better than the type of zoning district by the citizens.

At this point the Planning and Zoning Commission was adjourned and the Board of County Commissioners was reconvened.

Barbara Evans moved that the Board of County Commissioners adopt the recommendations of the Planning and Zoning Commission, with the two amendments as set forth above, as the regulations governing the use, development, construction and improvements on property in Zoning District 41. The motion passed by a vote of 2-0.

The following regulations shall govern the use of lands and structures within the newly created Zoning

PUBLIC MEETING, JANUARY 18, 1984, CONTINUED

District No. 41:

SECTION I - PERMITTED USES

No use shall be permitted except single-family residential uses, grazing, horticulture, agriculture, and timber growing activities.

Single-family residential uses shall be restricted to one single-family dwelling per lot.

SECTION III - GENERAL REGULATIONS AND VARIANCES

1. Mobile homes shall not be interpreted to be single-family dwellings. A mobile home is defined as any residential structure larger than two hundred fifty-six (256) square feet in area which is either wholly or in substantial part manufactured at an off-site location, over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two (2) or more units separately towable, but designed to be joined into one integral unit, as well as a portable residential structure composed of a single unit.
2. A legal nonconforming use shall be defined as a use of land which was an actual and lawful use at the time of adoption of the current Zoning District No. 41 development regulations, but which use because of such adoption or subsequent changes in district boundaries or regulations does not conform to the existing regulations.
3. A legal nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption the Zoning District No. 41 Regulations.
4. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the Zoning District No. 41 Regulations.
5. If any such nonconforming use of land or structure ceases for any reason for a period of five (5) years, any subsequent use of land shall conform to the standards specified by the Zoning District No. 41 Regulations.
6. The minimum lot size of lots shall be ten-thousand (10,000) square feet.
7. Lots 40 and 41 of Lakewood Estates - Phase II may be developed as four-plex lots, as per the Final Plat approval of the Lakewood Estates, Phase II subdivision.
8. The Board of County Commissioners may authorize variances which will not be contrary to the public interest where, owing to special conditions, literal enforcement would result in unnecessary hardship.

Since there was no other business to come before the Board of County Commissioners, the meeting was recessed at 9:50 p.m.

* * * * *

January 19, 1984

The Board of County Commissioners met in regular session; all three members were present. Commissioner Dussault met with EPA Officials from Washington, D.C. and Health Department staff most of the day; she then left for Helena late in the afternoon to attend a DNRC Dinner meeting in the evening.

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Cheryl Walton as principal for Warrants #94928 and #97112, dated August 18, 1983 and November 10, 1983, on the Missoula County Trust fund in the amount of \$100.00 each now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 84-008

The Board of County Commissioners signed Resolution No. 84-008, a resolution of intent to amend and add new sections to County Resolution No. 76-113, as follows:

1. Add to Section 6.03 B (Space and Bulk Requirements)

Minimum required yard - front: Twenty-five (25) feet from any street for seasonal commercial uses

2. Add to Section 6.03 D (Permitted Uses)

5. Seasonal Commercial Uses

3. Amend Section 6.03 G.2.c.(1) (Parking)

Except for seasonal commercial uses, interior curbs for any commercial use shall be constructed within the property lines to separate driving surfaces from sidewalks and landscaped areas and along property lines adjacent to street.

LABOR AGREEMENT

The Board of County Commissioners signed a Labor Agreement for the Weed Department between Missoula County and the International Brotherhood of Teamsters Local #2. The Agreement was returned to Dennis Engelhard, Personnel Officer, for further handling.

JANUARY 19, 1984, CONTINUED

PLAT

The Board of County Commissioners signed the Plat for Cobban and Dinsmore's Orchard Homes, Lot 8, and Longpre Addition, Lot 1 - (the tract was resurveyed and replatted into lots and streets as shown on the plat, with Gleason Street dedicated to the public forever) and the owners of record are as follows:

Lot 1A - Royal G. and Lily Lee Barnell
 Lot 2A - Stephen James and Carol D. Pace
 Lot 3A - Viola E. Siebert, et. al.
 Lot 4A - Thomas L. and Gloria J. Wheatley
 Lot 5A - Ray J. Gibbs and David P. Cook

Other matters considered included:

A discussion was held on the draft smoking policy for County employees - no action was taken.

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

* * * * *

January 20, 1984

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming PDP & Associates as principal for Warrant #107489, dated October 18, 1983, on the Missoula County General Fund in the amount of \$50.00 now unable to be found.

CLAIMS

Claims were presented by Warrants for pay period #14 (January 17, 1984) to be drawn on the following funds in the following amounts:

General Fund	\$194,276.26
Weed Fund	1,690.41
Bridge Fund	2,011.54
Planning Fund	22,550.24
Road Fund	29,097.26
Working Fund	32,384.10
Miscellaneous Fund	85,858.75

The original claims are on file in the Auditor's Office.

EXIT AUDIT INTERVIEW (SRS)

The Board of County Commissioners and County staff members met with representatives of the SRS in the forenoon regarding the Audit of the Welfare Department.

APPROVAL OF GRANT APPLICATION

The Board of County Commissioners reviewed and approved the Grant application for the Missoula City-County Library which is being sent to the Montana State Library - Library Services and Construction Act (LSCA) funds for titles I and II, requesting funds for continuation of the library's retrospective conversion of catalog records into machine readable form (Recon) and entry of holdings records into the Washington Library Network (WLN) computer data base.

Fern Hart

Fern Hart, Clerk and Recorder

Bob Palmer

Bob Palmer, Chairman, County Commissioners

* * * * *

January 23, 1984

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

MEETING

Commissioner Dussault attended a meeting of the Local Youth Justice Committee in the morning.

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 L.I.G.H.T., Inc. whereby the County will purchase the services of L.I.G.H.T., Inc. to develop and administer a pilot emergency housing trust fund program in Missoula County for a period of six months, terminating June 30, 1984, for a total amount of \$5,597.50 as per the terms set forth in the Agreement.

LEASE

The Board of County Commissioners signed a Lease dated November 1, 1983, between Missoula County and Philip A. and Amy L. Cyr of Huson, Montana for certain property located in the Nine-Mile area and described on the lease for use by Missoula County and includes the storage of road building and sanding materials for the sum of \$1,000.00 per year as per the terms set forth in the Lease. The Lease was returned to the Surveyor's Office for further handling.

JANUARY 23, 1984, CONTINUED

POLICY STATEMENT 84-A

The Board of County Commissioners signed and approved Policy Statement 84-A, adopting a schedule as developed by Jim Van Fossen, Parks and Recreation Director, for the purpose of providing the necessary maintenance and improvements of County recreation facilities and fields reserved by various organizations for periods of exclusive use.

Other matters considered included:

1. The Emergency Closure Policy was discussed - no action was taken;
2. The Commissioners discussed the Citizens Utility Board with representatives of the Board and voted to endorse the concept of the Board;
3. Jean Wilcox, Deputy County Attorney, reported to the Commissioners on the status of the El Dorado lawsuit; and
4. Howard Schwartz, Executive Officer, reported on the Colstrip Rate Case.

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

* * * * *

January 24, 1984

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

MEETING

Commissioner Evans attended a Gambling Commission meeting held in the County Attorney's Office in the forenoon.

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 with Nordbye's Advertising and Marketing, an independent contractor, for the purpose of public education materials for woodburning, commencing December 25, 1983 and a completion date of March 30, 1984, for a total sum not to exceed \$8,500.00. The Contract was returned to the Health Department for further handling.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840038A, a request from the Personnel Department to transfer \$300.00 from the Office Supplies account to the Long Distance Phone Charge account to cover a possible "short" appropriation in the account.

AUDIT LETTER

The Board of County Commissioners signed a letter to Linda Reep and John Koch of the County Auditor's Office, acknowledging receipt and review of the Audit of the records of the Missoula County Rural Special Improvement District program for the period ending June 30, 1983. The Audit was forwarded to the County Clerk and Recorder for filing.

RESOLUTION NO. 84-009

The Board of County Commissioners signed Resolution No. 84-009, a budget amendment for FY '84, for the Superintendent of Schools Department including the following expenditures and revenue and adopting them as part of the FY '84 Budget.

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
01 00.206 Office Supplies	1,495.58
01 00.322 Phone, Basic Chg	180.92
01 00.327 Consultants	23.50
01 00.328 Contracted Services	1,700.00
01 00.357 Meals, Lodge, Incid.	1,900.00
01 00.358 Mileage, Co. Vehicle	1,100.00
01 00.359 Mileage, Private Vehicle	1,100.00
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
Approximately \$2,000 - Teacher Center Project previously received	2,000.00
Approximately \$5,500 - Vo-Ed Grant Funding received FY '84	5,500.00

RESOLUTION NO. 84-010

The Board of County Commissioners signed Resolution No. 84-010, a resolution creating Missoula County Planning and Zoning District No. 41, in a portion of Lolo, within the boundaries described in the petition and shown on the map attached to the resolution as per the terms set forth in the resolution.

Other matters considered included:

The Commissioners voted to approve a \$20,000.00 transfer from the General Revenue Sharing fund to Larchmont Golf Course.

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

* * * * *

January 25, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans left for Charleston, South Carolina, where she will be attending a NACo Justice and Public Safety Steering Committee meeting January 26 - 28, 1984.

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 with Peter Wall a/k/a Peter Christian, an independent contractor, for the purpose of developing public service announcements (PSA's) to be run on local radio and television for the purpose of encouraging people to buy flood insurance as per the terms set forth in the Contract for the period from January 25, 1984, for a total sum not to exceed \$300.00.

BOARD APPOINTMENT

The Board of County Commissioners appointed Fred Reed and Elizabeth Stahl to the Lolo Mosquito Control Board for three-year terms, which will expire December 31, 1986. Brian Parson was appointed as an "alternate" member of the Board.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Barbara Evans was absent as she was attending a conference in Charleston, South Carolina.

BID AWARD: AWARD OF BID FOR DEMOLITION AND LAND CLEARANCE AT 410 MONTANA, E. MISSOULA

Information provided by John Kellogg, Planner, stated that the County had purchased dilapidated structures at 410 Montana the previous October. He said that the following bids had been received in response to the request for bids:

Sun Homes	\$3,425
Ernie Otoupalik	2,885
Russell & Sons	1,900

He said that the staff recommendation was to award the bid for demolition and land clearance to Russell & Sons, the low bidder, in the amount of \$1,900.00.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the above-referenced bid be awarded to Russell & Sons, the low bidder, in the amount of \$1,900.00, in accordance with the staff recommendation. The motion passed by a vote of 2-0.

CONTRACT AGREEMENT FOR DEMOLITION AND LAND CLEARANCE

The Commissioners then signed the Contract Agreement for Demolition and Land Clearance between the County of Missoula and Russell and Sons in reference to demolition work to be performed at Lots 19, 20, 21, 22 and 23, in Block 30, East Missoula Addition, with a street address of 410 Montana Street. The agreement was then held in the Commissioners' Office, pending signature by Mr. Russell, of Russell and Sons, after which the contract was to be forwarded to the Clerk and Recorder's Office for recording, with a copy to the Planning Office.

DECISION ON: REZONING REQUEST FROM DAVE LAURSEN AND RAY McLAUGHLIN (CURTIS MAJOR ADDITION)

The decision on this rezoning request was deferred from the evening public meeting of January 18, 1984, as Commissioner Ann Mary Dussault had been absent from that meeting, and Commissioner Barbara Evans had made a motion which was not seconded by Commissioner Bob Palmer, which led to the question being deferred.

Ann Mary Dussault stated that the Missoula Regulatory Commission had indicated that the request had been made so that the developers could request contract sewer after rezoning, and asked Jim Edgcomb, from the Missoula Planning Staff, to explain that to her.

Jim Edgcomb said that the developers could not get contract sewer services under Zoning District 17 so the developers were requesting zoning to a standard County zoning designation. He said that the main reason was to then zone District 17 to a standard zoning district.

Ann Mary Dussault then asked if it were correct that under Zoning District 17, a citizen-initiated zone, that duplexes were an allowable use under that zoning.

Jim Edgcomb stated that that was correct.

Ann Mary Dussault then summarized the points that there were two levels of zoning in that area and they were somewhat contradictory in nature. She then asked if Land Use Planner John Lamb were present at the meeting, and was informed that he would be coming later. She then requested that this agenda item be moved to the end of the agenda.

Chairman Palmer moved the matter to the end of the agenda.

CONSIDERATION OF: HULBERT ADDITION - AMENDED PLAT OF LOT 33 - SORREL SPRINGS (SUMMARY PLAT)

Under consideration was the approval of the Summary Plat for the Amended Plat of Sorrel Springs, Subdivision Lot 33 (Hulbert Addition). Information provided by Barbara Martens of the Missoula Planning Office stated that the summary plat of Lot 33A and 33B is located in Sorrel Springs Subdivision, approximately two miles northwest of Frenchtown. The original plat of Sorrel Springs platted 62 residential lots and was approved by the Board of County Commissioners in 1973.

PUBLIC MEETING, JANUARY 25, 1984, CONTINUED

She said that the applicant is currently proposing to split lot 33, thereby creating lots 33A (14.48 acres) and Lot 33B (5.36 acres).

She said that the covenants restrict lot sizes to a minimum of four acres and that both lots would be served by Sorrel Springs Community Water System and individual septic tanks and drainfields. The area is unzoned. The recommendation of the Missoula Planning Board was to approve the summary plat, subject to the two conditions and one variance as listed in the January 6, 1984 memo from the Planning Board.

She said that the original indications to the staff from the developer's representative were that the roadway easement cutting through the middle of lot 33 was owned by the applicant, and originally the staff had recommended that this road be paved up to the point from Sorrel Springs Lane up to where the proposed lot split would occur. She said that at the Planning Board meeting, the developer's representative had presented a deed to the Board which showed that the easement is owned by the Forest Service, and that the paving requirement would no longer apply since the applicant did not own the easement.

She said that in discussions with the Forest Service, it had been brought out that there is no maintenance by the Forest Service for residential purposes. They had stated that they maintain the road once every three years, if that often. They had also said that if someone would have a timber sale further up the roadway, then, as part of their contract, they would have some maintenance requirements. They had also stated that the residents do not have a legal right of access on this roadway, although they do allow residents to use it, which brings up the situation now, she said, where they did have a sub-standard roadway which would access lot 33D, and the staff concerns over this would be, for one thing, the safety, the drainage concerns, road maintenance, and also the concern that if future residents continued developing along this roadway, these problems would just continue to increase.

She said that at the Planning Board Meeting on January 3, the Board had voted to recommend approval of this development, subject to two conditions:

1. That drainage and erosion control plans must be approved by the Surveyor's Office; and
2. That sanitary restrictions be lifted by State and local health authorities.

She said that the Planning Board had also recommended the following variances:

1. A waiver from Section III 6.A.C., which requires that roads within this subdivision be paved.

She said that the reason for recommending the variance was that they felt that a hardship was created by requiring one landowner to pave a roadway which is also used by residents outside this subdivision.

Chairman Palmer then opened the hearing to public comment, asking that proponents speak first. The following people spoke:

1. Zenon Zazula, from Underwood Associates, representing the developers, stated that the firm concurred with the official recommendations of the Planning Board, but they did not concur with the Planning Staff explanation of the situation there as far as the roads were concerned. He said that what was on record from the Planning Board was what his firm and the developers concurred with.

Ann Mary Dussault asked him for an alternative explanation about the roads.

Mr. Zazula replied that they accepted the official Planning Board recommendation, but not the way Barbara Martens had explained the situation. He said that rather than confuse the issue, they would say that they concurred with the Planning Board recommendations.

2. Carol Stewart stated that they owned the land and they wanted to give the land to their pastor so that he could build a house. She said that they weren't trying to create a big subdivision or anything like that.

There were no opponents.

Ann Mary Dussault told Mrs. Stewart that she believed that there was a real problem with the road situation, partly because, as she understood it, the road was on a Forest Service easement, and, as she understood their position, they had no long-term commitments to maintain that road; but rather that they would maintain it only about once every three years. She said that she believed that that constituted a real problem in terms of guaranteeing that as an access, considering the way the lot is divided. She asked if there were any possibility of either purchasing the easement from them or of dividing the property in a different way so that another road could be used as an access.

Mrs. Stewart stated that the other possible access was on too steep a hillside.

Ann Mary Dussault said that at some point, the Forest Service could quit maintaining the road, and there was no way that the County could take over at that point.

Deputy County Attorney, Michael Sehestedt said that he had not looked at the easement documents on the road, but that, just as a matter of law, if the Forest Service had an easement, and only an easement, whoever owns the fee under lot 33 owns the fee underlying that easement, and, while they can't do anything that would keep the Forest Service from using that as a road, it's not exclusive to the Forest Service, and the Forest Service would have no right to prevent the owners of Lot 33 from making any use they wanted to make of that entire easement area, subject only to the fact that they couldn't prevent the Forest Service from using it as a road. The Forest Service could not, in general terms, assuming that it is a typical easement, keep the owners of Lot 33 from using that road. The people who own the lot own everything, except that they've deeded away to the Forest Service the right to cross their land between these two lines. The Forest Service, because it has the right to use it for easement, does not have a corresponding right to cut them off at the pockets as far as using it to drive on, grow wheat, or anything else, as long as they can use it as a road.

Ann Mary Dussault asked Barbara Martens if they were getting conflicting information.

Barbara Martens replied that in her discussions with the Forest Service, they had informed her that they owned the land, and also that they did technically have the right to close the road, so they could put up a gate if they wanted to. They had told her that they could put up a gate if they wanted to, although they probably would not do that.

Mike Sehestedt stated that if, in fact, the Forest Service owned fee title to that property, there were two existing parcels of record, and the Forest Service can't say that they own the road in fee and have the

PUBLIC MEETING, JANUARY 25, 1984, CONTINUED

County arguing that Lot 33 owns fee title to the land, because whenever that roadway went in, if the ownership passed to the Forest Service, as of that point in time, there were two separate and distinct parcels of ground up there.

Mrs. Stewart said that the Forest Service had come to them and asked if they could remove a cattle grade, and that the Stewarts had replied that they could not because that kept the traffic speed down, and the Forest Service had left it alone. She said that they had always come and asked them whenever they were going to do something.

Mike Sehestedt said that it seemed to him that the easiest solution would be to get the document by which the Forest Service claims whatever right it has up there. He said that to call it an easement and then to say that they owned it all is a contradiction in terms. He said that an easement is a right to cross someone else's property by definition, but if they owned it all, there were two pieces up there and this would all be pointless.

Bob Palmer asked Barbara Martens if she had a copy of the easement. Since she did have one, she showed it to Mike Sehestedt, who said that it was just a typical grant of an easement and did not give the Forest Service any right to restrict the owners of Lot 33 to sue that land except that they can't interfere with the Forest Service running a road across there.

Ann Mary Dussault asked whether, if the County Commissioners approved the summary plat with the conditions and variances, given that this road is not to County standards, the County was accepting any obligations for maintenance of that road.

Mike Sehestedt said that if the Board followed the recommendation of the County Regulatory Commission that the owners bring the road up to County standards, absent further requiring a dedication on the face of the plat of the road to the public, for simply saying that they shall construct a private road along the line of the Forest Service easement to County standards, it would still remain a private access road, which is also subject to the Forest Service easement along that same line.

Ann Mary Dussault said that she had a whole series of questions and that she wanted to consult with the Surveyor's Office and the Planning Staff, and moved that action on this matter be delayed until the next Wednesday public meeting on February 1, 1984 in Room 201, at 1:30 p.m. Bob Palmer seconded the motion, and it passed by a vote of 2-0.

DECISION ON: REZONING REQUEST FROM DAVE LAURSEN AND RAY McLAUGHLIN (CURTIS MAJOR ADDITION) - CONTINUED

Since John Lamb, representing the developers, had arrived at the meeting, Ann Mary Dussault asked him if there had been some discussion on the part of the developers that consideration would be given to building single-family units versus duplexes on these properties.

Mr. Lamb said that as a result of the neighborhood testimony at the last meeting that he had attended, the owners had withdrawn their request to go for a duplex special exception hearing. He said that the question left, then, was a question of density. He said that the difference between the existing density and the proposed density was five single-family houses versus eight.

Ann Mary Dussault said that what he was asking the Board to do, then, was to grant the rezoning, but not the special exemption.

John Lamb said that he believed that the Board of County Commissioners did not have the authority to grant the special exception. He said that he believed that the County Board of Adjustment granted special exemptions.

Ann Mary Dussault moved that the request to rezone the subject property from C-RR3 in Zoning District 17 to C-R1 be approved, and that the findings of fact set forth in the staff report be approved. Bob Palmer seconded the motion. The motion passed by a vote of 2-0.

✓ CONTINUATION OF HEARING FROM JANUARY 11, 1984 ON REQUEST FOR AMERICAN DENTAL IDR BONDS

Bob Palmer stated that the hearing on the IDR bonds for the purpose of American Dental relocating to Lolo was being continued at this meeting. He said that this was an application for approval of bonds for approximately \$3 million to finance the acquisition and remodeling of the Lolo shopping center. He said that, further, the application was for the construction of a new building, located adjacent to the Lolo Shopping Center, for the purpose of plating their manufactured products. He said that the application was also for equipment to be used in conjunction with the operation of these facilities. He said that the Board had held one hearing, and this was a continuation. He said that the format would be that the hearing would first be open to proponents for the IDR bond request, and then opponents would be heard. He said that the hearing would then be closed, and there would be a dialogue among Commissioners, staff and American Dental personnel. He said that, with those ground rules in mind, the Board would turn to American Dental as proponents unless staff members had any comments first.

Executive Officer Howard Schwartz stated that the only thing that he felt it was important to do was to summarize the issues that were left from the last hearing. He said that there were three basic areas that still needed to be resolved, namely, the question of compliance with energy conservation measures, which was underway. He said that the second question was on the taxes, and the County would need to hear from American Dental as to their plans in that regard, and the third issue was a series of questions regarding health and environmental concerns, principally the disposal of wastes now stored and the capacity of the Lolo Sewer system to handle wastes from the plant. He said that there would be a staff report on those questions from Elaine Bild, John DeVore and Bob Slonski.

Bob Palmer then recognized American Dental.

Barbara Conrad, attorney for American Dental and Allan G. Holms, said that she would begin with the first area that there were some concerns to be addressed. She said that the first area was the energy conservation requirements that might be imposed on American Dental at its new Lolo facility. She said that Mr. McKay, the Production Manager at American Dental, had consulted with Missoula City/County Energy Coordinator, who had provided him with some of the information that they needed to consider. She said that she would ask him to address that issue.

Mr. McKay stated that he had met with Lois Jost on Friday, and had received the information that he would have to have in order to complete any requirements that her office would have. He said that he had contacted an engineer and that he would be doing a power audit on the building the next day. He said that along with that, he would be putting together the proposal which would be, in fact, employed at the new

PUBLIC MEETING, JANUARY 25, 1984, CONTINUED

facility if they were allowed to move. He said that when all of this information was put together he would submit it to Lois Jost for her approval.

Barbara Conrad then addressed the tax issue, stating that there were currently some outstanding real property taxes which were owed to Missoula County by American Dental. She said that these taxes had not been paid because of a refund amount that American Dental felt that it was entitled to due to an overpayment of personal property taxes based on business inventory for approximately the past ten years. She said that the approximate amount of the refund they felt they were entitled to was \$50,000, but to show their good faith and their continuing cooperation with the County on this matter, they had agreed to pay these taxes under protest. She said that the particular reserve accounts that American Dental had set up were being reconciled at that time, and the County could expect a check for this amount next week. She said that the taxes were being paid under protest, and American Dental would meet with the County, as it had in the past, on this particular issue. She said that she did not feel that it was appropriate to get into the details right now. She said that the fact that American Dental is paying the taxes should satisfy the County as far as this particular bond issue was concerned.

Ms. Conrad then addressed the toxic waste problem that American Dental currently has at its facility on Reserve Street. She said that at the January 11 public hearing before the County Commissioners, it was requested that they obtain some information from the State entity that oversees and has jurisdiction over the problem that they had out there right now. She said that it had been requested that American Dental obtain a letter from John Arrigo from the Solid Waste Management Bureau of the Department of Health and Environmental Sciences of the State of Montana, and he had supplied a letter. She then gave the Commissioners copies of this letter, which said essentially that he approved of the proposed plan for clean-up and removal of the waste problem that presently exists. She said that the Commissioners had also requested at their January 11 public meeting that they provide the County with a contract with the hazardous waste disposal company in Idaho which would be hauling the contaminated waste water at the present site. She said that the letter, with a copy of the contract, was also included with the letter from John Arrigo. She said that the letter from Envirosafe Services of Idaho stated that they had contracted with American Dental, and that they were licensed and registered to dispose of the type of waste that American Dental presently had, and that they would conduct their services as soon as the wastewater thaws, and they had also stated that they had the capability for receiving and properly disposing of any similar waste that American Dental would produce in the future at its new site.

She stated that, with respect to their future plans at Lolo and how they would handle the toxic wastes that would be generated at the plant, they had submitted plans to the proper County and State officials, as well as to the engineers responsible for the 901 Sewer System in Lolo. The proposed system for American Dental consisted of a trough and holding tank system for toxic spills, and the holding tank system would not be connected to the sewer system that empties into the Lolo Sewer Plant. She said that anything that went into that system would be disposed of in a proper and licensed hazardous waste disposal facility. She said that American Dental would also be incorporating, at the suggestion of the engineers of the Lolo Plant, a meter vault and sampling station. She said that the engineers had provided them with some drawings and specifications, and that they would be incorporating them and this would allow them to monitor the waste water which comes out of their final rinse tanks, and which would eventually end up in the Lolo Sewer System, and that they were negotiating with the County Attorney's Office to assure that if - and it was an if - toxic wastes got into the Lolo Sewer plant and caused some problems, the costs of clean-up and the damages which resulted would be borne by American Dental.

Bob Palmer then stated that if American Dental had completed its presentation, he would take comments from anyone in the audience who wished to speak in support of the American Dental request. No one came forward. Bob Palmer then asked if there were anyone in the audience who wished to speak as an opponent to the proposal. The following people spoke:

1. Laurence Simonson, with the United Brotherhood of Carpenters, said that he wanted to know who the contractor would be for the proposed work and that he would certainly like to see the prevailing rates adhered to in their remodeling and construction.
2. Dennis Workman, Manager for Fish, Wildlife and Parks in the Missoula area, said that he was not opposed to American Dental moving to Lolo, nor necessarily the IDR bond issue on this, but that he was present to voice his concern regarding the heavy metals that had been brought up at that hearing and which had been talked about in the recent past, and that he was very concerned that the river system - the Clark Fork - is already heavily loaded with heavy metals. He said that they were almost oppressed with the problems which had come up recently, and more and more every day, so he was quite concerned that, since the Commissioners were at a point in this process where they had the opportunity to closely scrutinize everything that was being done relative to this move, and to the handling of the toxic wastes, that everything be done that could be done to see that the nickel and chromium did not get into Lolo system, even in levels that would not hurt the operation of the sewage treatment plant at Lolo, because they did have adverse, chronic effects at lower levels, and that was what really concerned him. He said that at high levels, everything dies and you can deal with it, but at low levels, the effects are not readily apparent, but do inhibit the production of fish in the river, and might impair its quality for whatever use. He said that was where they should be addressing this issue, and not just assume that having American Dental be responsible and pay for the damages that might occur, would adequately address the problem. He said that he did not feel that it would be adequate in this case, where there are already heavy metals in the river. He said that we do not need any more. He said that he wanted to voice his concern that now is the time to deal with this.

Since there were no other opponents, Bob Palmer closed the public comment portion of the hearing.

Bob Palmer then asked for further staff comments. Clerk and Recorder Fern Hart said that, representing both the Treasurer's Office and the Department of Revenue, the statutes allow taxes to be protested when they were due, and after that time, the right to protest is lost. She said that even if you attempted to pay your taxes under protest at this date, the Treasurer's Office could not take them that way. She said that in regard to the other matter, the contention with the Department of Revenue about the Freeport Merchandise reduction in the assessment, there is a letter in the Assessor's file saying that the American Dental application for Freeport Merchandise for previous years had been denied due to untimely filing. She said that any supplements now would very likely be denied. She said that this was not a hoped for thing as Department of Revenue policies do not change, nor do the Treasurer's Office policies.

Deputy County Attorney Michael Sehestedt stated that in the absence of some action on the part of the Department of Revenue saying that in fact American Dental was erroneously taxed, he was not sure that the Commissioners would have any authority to make any kind of adjustment on those back taxes. He said that the problem was that the letter hinted that the Freeport status was to be applied for on forms prescribed by the Department of Revenue, and there was no question prior to 1981 or 1982 that American Dental had never applied for Freeport status. He said that apparently this had come to their attention late,

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and they had applied for whatever status there was. The question was whether or not they could go back, but the determination of that question was basically between American Dental and the Department of Revenue, since they were the ones which were determining the value of property for taxation. He stated that Fern Hart was correct that taxes need to be paid under protest at the time they are due. He said that he did not know what American Dental's chances were of prevailing against the Department of Revenue for correction of the value assigned to their business inventory for years prior to their application for Freeport Status. He said that he was fairly strongly of the opinion that the Constitution and Statutes of the State of Montana assigned to the Department of Revenue the power and authority to establish the value of property for tax purposes, and until some change in that valuation is made by the Department of Revenue, the County Commissioners are without power to compromise or refund these disputed property taxes.

Bob Palmer asked for the total amounts that were being talked about.

Fern Hart replied that taxes owed amounted to \$84,436.85, not including penalty and interest, which is calculated daily.

Mike Sehestedt stated that the bulk of the taxes involved were on real property.

Fern Hart stated that she would check on that.

Howard Schwartz stated that these two letters showed that in 1981 and 1982 they did get their Freeport status.

Bob Palmer asked if American Dental were still intending to pay under protest because, if he heard Fern correctly, the Treasurer's Office would not accept taxes paid under protest.

Fern Hart said that the Treasurer's Office had no way to take taxes under protest once the deadline had passed.

Barbara Conrad replied that whether or not the taxes could be paid under protest, they would be paid.

Bob Palmer said that Commissioner Evans was currently on her way to South Carolina, but that she had asked that the following statement be read into the record of this hearing:

The following is the editorial by Sam Reynolds in Tuesday's Missoulian.

One thing is certain: Before American Dental Manufacturing Co. moves to Lolo, its heavy metal waste problems must be solved.

The company's present operations in Missoula have caused grave concern that too much chromium and nickel - hazardous heavy metals - have been disposed of in Missoula's landfill and, possibly, its sewer system.

And even granting company spokesmen full respect for misunderstandings, there are so many apparent gaps of knowledge about past pollution disposal practices that health officials either are dealing with naive innocents or with deliberate misstaters of fact.

Whatever the case, health authorities had better be very careful. They must verify every claim, test every assumption, ensure steel-hard protection of the groundwater and the sewer treatment plants, both in Missoula and Lolo.

American Dental is a welcome business in this community. It must meet the standards of environmental quality asked of every private and corporate citizen here.

The company is asking the county to approve revenue bonds to help finance its move to Lolo. The county should delay action on the bonds until, as has been suggested, a contract is signed to guard against causing toxic waste problems.

Given the record and the circumstances, exacting a contract that pledges the company to stay clean appears to be the only prudent course to follow.

That is the end of his statement.

I totally agree with Sam in regards to this issue and would like to say to American Dental that I have never yet voted against revenue bonds, however, I will do so in this case unless some method is found to absolutely and unequivocally protect the Lolo area from any hazardous pollution.

Until the Health Department feels they have adequate means of monitoring the situation, I could not, in good conscience, vote for these bonds.

In regards to the \$84,000.00 in back taxes, I have mixed feelings. The law allows three years delinquency and I don't feel people should be penalized for actions allowed by law, however, I certainly question the morality of this and would suggest there are ways to show good faith. Perhaps an escrow account or paying taxes under protest are two possible solutions.

I would ask the Commissioners to delay action on this until such time as these concerns are laid to rest.

Ann Mary Dussault then said that it sounded as though some real progress had been made since the previous meeting, and she appreciated that. She said that there were some outstanding issues, but it seemed that we were moving ahead.

PUBLIC MEETING, JANUARY 25, 1984, CONTINUED

She then asked Energy Coordinator Lois Jost if she had any comments from her point of view on the power audit and her meetings with Mr. McKay.

Lois Jost said that she had met with Mr. McKay and she had given him all the information he needed to do the engineering analysis on the buildings, and he had said that he would submit a study to her office on these requirements.

In response to Bob Palmer's question as to whether she had a timeline for getting that information back, she replied that a definite time had not been established, but Bill McKay had told her that he would be in contact with her when the analysis was completed, and when he could get the information to her.

Ann Mary Dussault asked if she felt that a couple of weeks would be adequate, and Bill McKay replied that he had a meeting the next day with the engineer, and, depending on his schedule, as soon as he was able to get on the job and make the audit and the recommendations, a week or maybe ten days. It would depend a lot on what he was doing, he said. He said that he would know better the next day, but it is going ahead right now.

Commissioner Dussault then said that on the taxes, as she understood it, they would be paid, and she assumed that that held true for the bill for the sewer and water.

Barbara Conrad replied that she had spoken with Mr. Holms this morning and the sewer bill is being paid immediately.

Ann Mary Dussault said that she would have some real questions and reservations about the taxes owed to Missoula County being paid under protest, but if that were a moot issue at this point, then they did not need to talk about it. She said that the next issue was the issue of toxic waste, and asked Deputy County Attorney Bob Slomski to review the progress toward a contract.

Bob Slomski said that he and Barbara Conrad had been negotiating a contract to cover most of the points that had been brought up by various departments in the County. He said that the basic thrust of this contract was to be assured that if American Dental hooked its plant up to the Lolo sewer facility, the County and the 901 Sewer Board would be assured that there would not be any damage to the sewer facility or contamination of the groundwater by toxic wastes. He said that they were in substantial agreement on most of the issues which had been raised thus far; for example, the agreement by American Dental to meet all State and applicable regulations for toxic wastes, maintaining a completely separate physical containment system to prevent any potential spills of any toxic wastes from either entering the groundwater, because the wells for the Lolo Sewer and Water System were only about a mile from the proposed plant, or the sewer system; allowing the sewer personnel to conduct inspections and to sample any wastes that they put into that system, and requiring any wastes that they do put into that system to go through a separate meter vault and sampling station to which the County would have round-the-clock access, as recommended by the engineers. He said that the final point was requiring them to maintain either a bond or liability insurance to cover any contingency if there were any contamination of County wells or sewer plant due to any toxic wastes of American Dental. He said that that was the broad outline of the contract to cover the concerns that had been raised, and he felt that they were well on their way to having most of those issues resolved.

Ann Mary Dussault said that she had some requests for some information. She said that the staff had a site visit to the facility the day before, and questions had come up after that, and she asked American Dental to supply the County with a list of chemicals used in its process so that they would be aware of what they were completely dealing with in terms of hazardous wastes. She said that, besides chromium and nickel, she would like a list of other toxic materials or acids which are used in the process so the County Commissioners would be sure that they had the complete picture on what might be in the discharge.

Bill McKay replied that he would supply the list.

Ann Mary Dussault then stated that there were just two remaining issues in regard to the Lolo Sewer and Water District that she wanted to talk about briefly. She said that it had been confusing to try and establish how much water American Dental uses. Besides Mountain Water, they also had some wells that they were drawing from, she said, so it was confusing to know how much water they were using, and therefore how much discharge there actually would be. She said that our concern with that would be that there was a restriction under the 901 grant on the amount of discharge, and the County could not tell if American Dental were getting close to the 25,000 gallons per day or not. She said that that would seem to require some monitoring equipment, in order to measure the input and the outgo so that the County would know how much effluent was going out, and she asked Bob Slomski if he had discussed that with Ms. Conrad.

Bob Slomski stated that that had not been specifically put into the contract, but he did not think it would be a problem to do so.

Barbara Conrad stated that it was her understanding that, for output, one of the capabilities of the meter vault would be to determine that. She said that this would be a sampling station and a meter vault.

Elaine Bild stated that the County's concern was that they wanted to have some fair idea of how close American Dental was to that 25,000 gallons per day before they got to the situation of the meter vault.

Barbara Conrad asked why, and Elaine Bild responded so that they would know whether or not American Dental was likely to be over that before they even got into that situation. She said that they did not have a good handle on the amount of discharge per day, and they needed to know what it was.

Wendell Guthrie, Executive Vice President of American Dental, said that he felt responsible for part of the confusion because when the earliest requests for data on water usage had come to them, he had been the only person around to take the meter reading, so he had run out into the plating facility, had taken a meter reading, and again two weeks later. Dividing the total, he had come up with forty gallons per day, he said. He said that this had seemed unrealistic to him at the time, so he and Bill McKay had gone out again and taken meter readings, and the result was still forty gallons a day, so they had written it down and supplied it in a communication. He said that it had later turned out, when Mr. Haverfield had come out to take a subsequent reading, that they had failed to use a multiplier of 100 for the meter, so the reading should have been 4,000 gallons. He said that when Mr. Haverfield had come out, he had found 6,900 on another day, and they had subsequently read the meter correctly and had even used measured vessels and had collected the water during specific time periods and had found that they used between 4 and 5,000 gallons per day.

Bill McKay confirmed that the average was somewhere around 4,000 gallons per day, which could be varied somewhat. He said that they were using a water system presently which was not in the original plant because of a leaky pipe - they had dismantled the earlier system - so they had controlled it to about 4,000 gallons a day, roughly.

PUBLIC MEETING, JANUARY 25, 1984, CONTINUED

Wendell Guthrie said that he felt partly responsible for the confusion, but it appeared water usage was somewhere in the neighborhood of 5,000 gallons per day, certainly less than half that the trip-over of 25,000 gallons.

Ann Mary Dussault asked if that 5,000 gallon figure were a daily - 24-hour - usage.

Bill McKay replied that it was for an 8-hour shift.

Ann Mary Dussault said that the actual 24-hour usage, then, would be 15,000 gallons per day.

Bill McKay replied that they just ran one shift. He said that if they ran three shifts, that would be correct, but they only run one 8-hour shift per day.

Ann Mary Dussault asked Elaine Bild if she wished to comment.

Elaine Bild asked if all the water would be shut off after that 8-hour period.

Bill McKay said that generally speaking it was, although during the very cold period they had let it run a little to keep the lines open.

Elaine Bild asked if in the new facility they would have plans to go to a two- or three-shift day.

Mr. McKay replied that at this point he would say no, they had no such plans because one 8-hour shift had more than enough capacity to handle their projected sales for the time being. He said that he supposed that there might be some overtime on a second shift, but it was very unlikely that they would run three shifts.

Ann Mary Dussault then asked Elaine Bild what she would think would be needed for monitoring purposes so that we were sure of not approaching, and certainly not exceeding, the 25,000 gallons per day limit.

Elaine Bild asked Bill McKay if most of the water used in the plating facility were from their wells.

Mr. McKay replied that all of it was.

Elaine Bild asked him if there were any way of metering the wells.

Mr. McKay replied that they only draw water from one well, and it was metered.

Elaine Bild said that if the Health Department were to go out and take readings every day for a week or so, they would probably have a fair idea of the water usage.

Bill McKay replied that that was true.

Wendell Guthrie said to multiply that figure by 100.

John DeVore stated that he wished to make a point of clarification. He said that when American Dental had responded to the outflow questions, they had said 4,000 gallons per day for an 8-hour shift, and when they were queried about whether we would have to multiply that by three to cover all shifts, they had replied that they only ran one shift. On the third questioning, however, they had said that they might potentially run into an overtime situation on the second shift, so were they running two shifts, one shift, or what.

Mr. McKay replied that what he meant was that the situation could occur where he might have to run overtime into a second shift. This might be half a shift or a portion of a shift, he said, and repeated that 4,000 gallons per day of water would probably be more than sufficient for an 8-hour shift. He said that there might be a little bit on an overtime shift, but not much. He said that it should be mentioned that they had been talking about the water usage only in the plating facility. He said that the manufacturing facility itself had drinking fountains, toilet use, etc., and that, as close as they could tell was 4-500 gallons per day. He said that they had another meter on that that comes off the city water system.

Elaine Bild asked how many wells American Dental had and how many wells they used.

Bill McKay replied that they actually had three wells; two used for the air conditioning system, and one for the plating facility.

Barbara Conrad asked what was going to be required to satisfy the Health Department as far as their gallonage use was concerned.

Elaine Bild said that they were going to come out and take readings.

Ann Mary Dussault said that the County had to be assured that we don't approach or exceed the 25,000 gallons. She said that the information had been confusing, so the suggestion that they had talked about was that there be a water in-flow monitor as well as a monitor that measures the effluent. In that case, she said, everyone would have a clear idea about how much was being used on the front end and how much would be effluent. She said that that was for the American Dental's protection as well as the County's, and that it might be, with checking the meters, that they would find that this was not necessary.

Bill McKay replied that in the new construction, he would imagine that the Lolo community would require a water meter on the input side. He said that the water meters that the engineers had recommended would measure the output, and with that equipment in place, it would be easy to see what amount was flowing in and out.

Ann Mary Dussault stated that a related question was that there was a lot of concern about discharge from the plating facility into that system, and it was important to explore with American Dental the question of whether or not that discharge has to go into the system. She asked if it were not possible that the containment vessel could hold all the material from the plating facility, and, rather than being discharged into the system, that it be removed as contaminate wastes and taken to Idaho, so that way we would settle a lot of issues quickly. She said that she was curious about, from their point of view, what the problem of exploring those options would be.

Bill McKay replied that even at a consumption of 4,000 gallons per day, it would be in very short order that there would be a considerable amount of water to remove to a storage site, and the cost for that type of an operation would be very prohibitive to that type of volume. He said that they did not feel, at this point, that it was really warranted, because of the system that they proposed. He said that with the

PUBLIC MEETING, JANUARY 25, 1984, CONTINUED

proposed system, the requirements can be met, whatever they might be - whether from the engineers or the Health Department. He said that the containment of that volume would be a considerable task.

Ann Mary Dussault said that she had read an article in the newspaper that morning that seemed to indicate that there were alternate technologies to what they were using that might produce far less waste water than is currently being produced by the way they were operating.

Bill McKay stated that the system that they proposed was certainly not the only one, nor had they ever advocated that it was the only one. He said that it was one that they felt was acceptable; that it could be improved to any degree. He said that the one that was proposed in the paper certainly had some merit, although it was not a completely proven system. He said that portions of that could be implemented, but to say that it was a foolproof system at this point would be premature.

Wendell Guthrie added that it was a legitimate question, and the fact that it had been dealt with in the paper brings it to the fore. He said that perhaps a couple of historical comments might be appropriate. He said that they had every reason to believe, and still did not doubt that what they were putting into the sewer in Missoula, until shown otherwise, which they were happy to be, was within the safe limits. He said that having improved on that, they had felt that with the Lolo system they would be on safe ground. He said that the proposed system was one which they had tried and could be assured of an acceptable product, so they were reluctant to move from that. He said that the main concern was whether or not an acceptable product could still be produced. He said that the plating process itself was a delicate balance among chemical processes, and the rinsing itself was important to that process, so to alter the rinsing technique without having tried it on full-scale production was an extremely risky proposition, so whereas there were some technologies available which could be tried and put into place, to commit to them without having tried them would be foolhardy. He said that, certainly, whatever the monitoring result of the effluent was, there are definitely things that could be tried, with an expectation of good results. He said that he thought that that was about the most that could confidentially be said about it at this point. He said that there were chemical processes as well as physical: rinsing with lower volumes of water, as well as PH adjustment of the effluent. He said that they were plating a peculiar item with special rinsing needs, to those questions were open, but certainly there was a possibility for improvement.

Barbara Conrad said that the engineering firm had supplied them with the pretreatment standards that they were going to have to meet. She said that she knew what those were, and there were ways to monitor the wastewater discharge to see if American Dental were within those standards, and they were additionally providing, via the contract, a way to cover the cost, there should not be any problem. She said that they were taking a lot of risk on themselves in doing that, and that particular production techniques that they chose to use to ensure that they met these standards were decisions that had to remain with American Dental, for some of the reasons that Mr. Guthrie had mentioned.

Ann Mary Dussault said that she probably did not disagree with that statement, but that her concerns were that the County needed to know all of the chemicals being used in the process. She said that we knew about the chromium and about the nickel, but if the County were aware of what else were involved in that, it would be in a little bit better position to make some judgments on some of the issues that were raised about putting some low level discharges into the river, and what the effects of those might be. She said that it was a little hard to judge if they didn't know all of the components. She said that there was a need to be absolutely sure, which could probably be done through the contract or some other mechanism, that the containment vessel that they were going to be using for storage down there was adequate so that they did not run any risk whatsoever of any leakage or spillage into the soil or groundwater. She said that she believed the third issue was absolute assurance that the 25,000 gallon limit were not exceeded. She said that those were the issues that she saw relative to the plant.

Ann Mary Dussault then said that she had one comment that she felt would be appropriate to ask staff to respond to. She said that, as she understood it, neither American Dental nor the County had any way of knowing whether, in the current sumps, there had been leakage into the soil. She said that the concern was whether that was a possibility because of the way that had been constructed. She said that if they got to the point where they found out that the contaminants had migrated into the soil, remedial action would be enormously expensive - hundreds of thousands of dollars - to clean up soil contamination. She asked if the company were prepared to deal with that or if they had thought about that.

Wendell Guthrie said that he objected to the assumption that because of the way it was designed, they had a problem with leakage. He said that he did not feel that that was the case at all. He said that it was designed by a supplier of plating equipment - chemicals and hardware. He said that at the time, that design had been considered very safe for that use, and that they did not have an indication that it had failed in any way.

Ann Mary Dussault stated that it could be that her information was incorrect, but her understanding was that there was a real possibility that, with the freezing and thawing and freezing and thawing that was going on down there, they did not know whether, in fact, there had been any cracking in the tank.

Bill McKay replied that there was so much room in the bottom that even if they had freezing in that degree, there was plenty of room for the material to move, and the tanks were sitting on timbers, and it would be very unlikely that any freezing or thawing would, in fact, rupture that system at all. He said that the depth of the liquid, related to the volume of the vault, was very low level at all, and in most places it reached a depth of three or four feet in the deeper collection areas, but the surface area of the entire thing was 3,000 square feet, so it could accommodate expansion easily without exerting sideways pressure - which was the intent when it was designed.

Ann Mary Dussault asked if it were a concrete wall and floor and if it were lined.

Bill McKay replied that it was concrete. He replied that he did not know whether the concrete tank was lined, although he said that it was divided into several sections, with walls between each section, so that each section held its own load of liquid material separately.

Elaine Bild asked if the concrete tank were poured in one piece.

Bill McKay replied that the floor was poured, with the retaining walls, in different sections, with each section being independent of the next one, so if you had any ground heaving due to frost, each section could heave independently rather than rupture.

Ann Mary Dussault said that what the Commissioners would like to do was to take the information back and take a look at it to see if we still have those concerns, and that would be a factor.

Bill McKay added that, with the new facility, the holding system was outside as they had discussed, and

PUBLIC MEETING, JANUARY 25, 1984, CONTINUED

was a 3,500 gallon concrete holding tank that was double-lined, with one one inlet, but was considerably larger than they could officially hold. He said that they could only hold up to 900 liters - roughly 200 gallons - before they had to get rid of it. He said that it was considerably bigger than they could ever need, but they had very deliberately put it into that site so that they would never have to worry about capacity of it, and it could be easily cleaned and taken care of.

Ann Mary Dussault asked if that were in the ground now.

Bill McKay stated that it was.

Bob Palmer asked someone from American Dental to answer the question asked by the contractor in regard to prevailing wage criteria, and whether American Dental would adhere to those.

Bill McKay stated that the work had been let through bids to local contractors, and had been awarded on the bid basis.

Barbara Conrad stated that she certainly understood the concern of Missoula County officials over the present site and what they were doing to clean up their problem, but she was confused as to why it played such a large part in the approval of the bonds. She said that she knew that it was worthy of interest, but as far as their application for industrial revenue bonds was concerned - an improved site that would allow them to clean up their present site - she did not understand why the present site was such an important factor.

Ann Mary Dussault said that she thought that this was one of the more complicated requests for IDR's that they'd seen. She said that usually it was a very different kind of a procedure, and the County wanted to be sure it had looked at the total picture of issues that were in the public interest. She said that one of the issues clearly in the public interest was the storage and disposal of hazardous waste, and it seemed absolutely legitimate to look at that, not only in terms of the new facility, but in terms of what would be left in the old facility, since part of the financing concerned going from site A to site B. She said that one of the things that they had thought about was if, in fact, there was any possibility that there had been groundwater or soil contamination at the present site, the County was not interested in hammering them to death on that, but the County was interested in being sure that it could be cleaned up. She said that that would be in the public interest. Additionally, she said, if it should be necessary to look at the amount of money being requested in the bond issue, and if we were looking at the possibility that American Dental or the public might be faced with a multi-hundred thousand dollar clean-up, then perhaps that should be looked at in the context of the bond issue; i.e., rather than a 3 million dollar bond issue, maybe we should be thinking about a 3.4 million dollar bond issue.

Barbara Conrad asked if the idea was to use bond proceeds to clean up the present site.

Ann Mary Dussault replied that it was not at all unusual that bonds are used to do some things that were clearly in the public interest in that regard. She said that Hoerner Waldorf might be an example, as some of their expansion was financed, and also a lot of their environmental protection systems, in the context of those bonds. She said that appeared to be in the public interest, so that was what she was trying to sort out in terms of problems which might be residual at the current facility. She said that after looking at the current site, the staff had come back and said that clearly, American Dental needed to expand its facility; that they were really being hampered and that they were in way too small a space to do what they were trying to do. She said that there was no question about that.

Bob Palmer said that, to be candid about this as well, as long as the County Commissioners were the governing body for the bonds, they had a captive audience to make sure that the waste or any potential damage or lingering problems at the present site would be cleared up, which was why the County was making sure before any bonds would be issued that there were no lingering, long-term problems at the current site, and, secondly, that Missoula County would be guaranteed that in the future there would be no problems in Lolo. He said that if Missoula County got all the assurances it needed, they would have the bonds, at least from his perspective. He then said that he felt that the Commissioners needed another week or so to bring the information together. He said that he felt that we had come a long way and asked if Ann Mary Dussault wished to make a motion to continue the hearing to a date specific so that a decision could be made.

Ann Mary Dussault asked Bill McKay whether he felt he could have something back to Lois Jost on the energy concerns within the week, and he thought that was reasonable. She then said that the tax issue seemed to be settled and she thought that within a day or so the Commissioners could get from American Dental a list of the materials and processes used, and he agreed that that would be possible. Ann Mary Dussault asked Mr. McKay to send that material directly to Elaine Bild at the Health Department. She said that the contract seemed to be coming along, and within seven days to two weeks, the Commissioners should be able to come to a conclusion.

Elaine Bild then asked about the Envirosafe Letter, noting that it said that they were negotiating a contract, not that they had negotiated one.

Barbara Conrad stated that the contract was printed on the back of the original letter, and that it had been signed by American Dental, and her understanding was that it was final. She showed Elaine Bild the contract, stating also that it was fine print and did not copy.

Barbara Conrad asked if the Health Department could take the meter readings that they needed in one week's time, and Elaine Bild replied that that would be enough time.

Ann Mary Dussault moved that the discussion be extended for one week.

Bob Palmer said that the Board should make clear what they were extending. He said that they would extend, if there was no objection, the discussion that the Board was having among the Commissioners, staff and American Dental with no further public testimony being taken, noting that the Board had already continued the hearing, allowing public comment, through two public meetings.

Ann Mary Dussault then noted that Bob Palmer would be out of town for the public meeting of February 1, and asked American Dental if they would prefer to have all three Commissioners present. They decided that they preferred to have all three Commissioners.

Ann Mary Dussault then amended her motion to place the item on the Commissioners' Public Meeting Agenda for Wednesday, February 8. Bob Palmer then seconded the motion, and it passed by a vote of 2-0.

SIGNATURE OF THE CHAIRMAN ON CERTIFICATE OF COMPLETION: COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PUBLIC MEETING, JANUARY 25, 1984, CONTINUED

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the Chairman of the Board of County Commissioners be authorized to sign the Certificate of Completion for the Community Development Block Grant Program from the U.S. Department of Housing and Urban Development. The motion passed by a vote of 2-0.

Bob Palmer then signed the Certificate of Completion.

✓ RESOLUTION NO. 84-011

The Board of County Commissioners then signed Resolution 84-011, a Resolution of Intent to Rezone a Parcel of Land Described as Parts of Lot 4 (the Southern 100 Feet of the Railroad Right-of-Way) and Lot 5 (the Northern 213 Feet and the Western 460 Feet), Curtis Major Addition, from C-RR3 and Zoning District 17 to C-R1, following up on their decision earlier in the meeting to approve this resolution of intention. The resolution was then sent to the Clerk and Recorder's Office for recording, with copies sent to The Missoulian for publication and to the Missoula Planning Office.

Since there was no further business, the meeting was recessed at 3:00 p.m.

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January 26, 1984

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioners Palmer and Dussault attended an Economic Outlook Seminar, sponsored by the University of Montana, held at the Village Red Lion Inn all forenoon.

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated January 25, 1984, pages 1-28, with a grand total of \$126,166.79. The Audit List was returned to the Accounting Department.

PROFESSIONAL SERVICES CONTRACTS

The Board of County Commissioners signed Professional Service Contracts with the following independent contractors:

- 1) Wallace J. Long, for the purpose of conducting historical research on the history of Fort Missoula and all of the buildings contained within the boundaries of the proposed historic district as determined by the Montana State Historic Preservation Office and the Director of the Fort Missoula Historical Museum and to make all necessary revisions required by SHPO until the project is completed, commencing July 15, 1983 and concluding by the 1st of March, 1984, for a total sum of \$1,500.00; and
- 2) James R. McDonald Architects, for the purpose of conducting an architectural survey of all of the buildings within the boundaries of the proposed historic district as determined by the Montana State Historic Preservation Office and the Director of the Fort Missoula Historical Museum, preparing forms to nominate the district to the National Register for Historic Places, and making all necessary revisions required by SHPO until the project is completed, commencing on July 15, 1983, and concluding by March 1, 1984, for a total sum of \$2,000.00, plus the contractor may submit claims for up to \$600.00 in grant funds to cover photographic and other materials necessary to complete his part of the project.

✓ RESOLUTION NO. 84-012

The Board of County Commissioners signed Resolution 84-012, a resolution creating Planning and Zoning District #41 (a section of Lolo) embracing the boundaries of the area described in the Resolution as per their petition received by the Commissioners on January 18, 1984, and that a Planning and Zoning Commission be created and that the persons appointed thereon are the Board of County Commissioners, the County Clerk and Recorder and the County Surveyor.


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January 27, 1984

The Board of County Commissioners met briefly in the forenoon; a quorum of the Board was present. Commissioner Palmer attended a Joint Energy Committee meeting held at City Council Chambers most of the day, and Commissioner Dussault was out of the office all afternoon.



Fern Hart, Clerk and Recorder



Bob Palmer, Chairman, County Commissioners

* * * * *

January 30, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Portland, Oregon, attending meetings of the BPA Local Government Task Force and a meeting with the Power Planning Council January 30th through February 1, 1984.

INDEMNITY BOND

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming M.S.B.A. Insurance Trust fund as principal for Warrant #1798, dated December 20, 1983, on the Missoula County Claims fund #87 in the amount of \$371.11 now unable to be found.

✓ WELFARE ADVISORY BOARD

The Board of County Commissioners serving as the Welfare Advisory Board met with Jean Johnston, Welfare Director, in the afternoon.

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JANUARY 30, 1984

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 LETTER

The Board of County Commissioners signed a letter to the County Auditor's Office, dated January 24, 1984, indicating receipt and review of the Audit of the records of the Missoula County Weed and Rodent Department for the period ended June 30, 1983. The Audit was forwarded to the Clerk and Recorder's Office for filing.

EXTENSION LETTER

The Board of County Commissioners signed a letter dated January 30, 1984, to Zenon O. Zazula of Underwood & Associates, Inc., granting one additional 30-day extension for the final plat filing deadline for Placer Subdivision from January 27, 1984, which was the expiration date.

RESOLUTION NO. 84-013

The Board of County Commissioners signed Resolution No. 84-013, a budget amendment for FY '84, for General Services for the purpose of increasing the personnel expenditure line item with the offsetting revenue coming from the State Department of Labor and Industries as a result of the closeout of the CETA Program and the following as part of the FY '84 Budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
01-190-04-00-111	FROM 783,677.
	TO 788,311.

<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
01-950-10-00-650	4,634.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as a part of the FY '84 Budget:

- 1) No. 840039, a request from the Personnel Department to transfer \$41.36 from the Film Purchase & Developing account to the Printing and Litho Costs account as all newsletter expenses were budgeted to the Printing & Litho line item;
- 2) No. 840049, a request from the Library to transfer \$1,030.00 from the Meals, Lodging & Incidentals account (#480) and the Library Maintenance account (#550) to the Interest on Registered Warrants account (#480) and the Vehicle Repairs account (#550) to correct the Budget Status Report (BSR);
- 3) No. 840050A, a request from the Library to transfer \$510.00 from the Meals, Lodging & Incidentals account to the Vehicle Repairs account to correct the Budget Status Report; and
- 4) No. 840051, a request from the Library to transfer \$75.00 from the Library Maintenance-Supplies account to the Library Maintenance-Services account to correct the Budget Status Report.

RESOLUTION NO. 84-015

The Board of County Commissioners signed Resolution No. 84-015, a resolution on the disposition of receipts from the sale of the following property taken for tax deed by Missoula County:

Lot 7, in Parcel E, Block 5, of Hillside Homes No. 1, Supplemental Plat A,

and that all current assessments plus penalty and interest be paid for 1983 based on the principal amount of \$548.54, and also that the balance of said sale be distributed on a pro-rata basis among the several taxing authorities.

CONTRACT FOR SALE

Chairman Palmer signed a Contract for Sale of tax deed land between Missoula County and John Spierling for the sale of that certain lot and parcel of land in Missoula County described as follows:

Hillside Homes Addition No. 1, Supplemental Plat "A", Lot 7, Parcel E, Block 5,

for a total sum of \$3,600.00 to be paid within five years of the date of the Contract as per the terms and conditions set forth in the Contract.

APPROVAL OF BOARD APPOINTMENTS

The Board of County Commissioners approved the appointments of George Hart and Don Doucett for three-year terms on the Seeley Lake Refuse Disposal Board.

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

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February 1, 1984

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

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List dated January 31, 1984, pages 1-23, with a grand total of \$71,268.34. The Audit List was returned to the Accounting Department.

FEBRUARY 1, 1984, CONTINUED

PUBLIC MEETING

Acting Chairman Barbara Evans called the meeting to order at 1:30 p.m. Commissioner Ann Mary Dussault was also present. Chairman Bob Palmer was in Portland on Commission business.

SIGNING OF RESOLUTION GIVING NOTICE OF A PUBLIC HEARING FOR LOLO'S LEWIS & CLARK INN IDR BONDS

Barbara Evans read the proposed resolution providing for the giving of notice of a public hearing on the proposed issuance by the County of Missoula, Montana, of Industrial Development Revenue Bonds in the maximum aggregate principal amount of \$500,000 for Lolo's Lewis and Clark Inn, a partnership, for the acquisition of an existing building, the renovation of a portion thereof for use as a motel and commercial facility and the equipping and furnishing of the newly remodeled, renovated and constructed facilities.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the above-mentioned resolution be signed. The motion passed by a vote of 2-0.

✓ RESOLUTION 84-014

The Board of County Commissioners signed Resolution 84-014, giving notice of a public hearing for Lolo's Lewis & Clark Inn IDR bonds. The original was sent to the Clerk and Recorder's Office for recording. Copies were sent to The Missoulian for publication on the dates specified in the resolution, and to Robert Brugh, contact person for the applicants.

✓ BID AWARD: THREE HEAVY DUTY 4x2 PICKUPS - SURVEYOR

Information provided by County Surveyor Richard H. Colvill stated that bids were opened January 30, 1984, for 3 each 2 wheel drive mid-size pick-up trucks. These were bid with a life-cycle cost required. The bids were:

<u>BIDDER</u>	<u>BID COST</u>	<u>LIFE-CYCLE COST</u>
Bitterroot Motors (Ford)	23,251.00	34,094.31
T & W Chevrolet (Chev)	23,407.37	34,250.68
DeMarios Olds (GMC)	25,253.00	36,096.31
Grizzly Motors (Dodge)	27,525.30	39,573.30

T & W Chevrolet did not meet the 60 day delivery spec. Grizzly Auto did not meet the 60 day delivery or brochure spec. DeMarios did not meet the 60 day delivery spec. Bitterroot Motors did not provide an EPA rating. For the 4-speed manual transmission bid (ratings were provided for a 5-speed manual and 3-speed automatic). The specifications state "bidders must submit EPA mileage for the engine and transmissions bid or the bid will be invalid".

Mr. Colvill's recommendation was that the bid be awarded to the low bidder, Bitterroot Motors, in the total amount of \$23,251.00 with a 60-day delivery time. The life-cycle cost for the Ford was conservatively calculated based on a 3-speed automatic transmission (in lieu of the 4-speed manual transmission specified) and it still resulted in the lowest life-cycle cost. There are significant inventory and maintenance advantages to having all six pick-ups from the same manufacturer.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bid be awarded to the low bidder, Bitterroot Motors, in the amount of \$23,251.00, and with a 60-day delivery time, in accordance with the Surveyor's recommendation. The motion passed by a vote of 2-0.

✓ BID AWARD - THREE HEAVY-DUTY 4x4 PICKUPS - SURVEYOR

Information provided by County Surveyor Colvill stated that bids were opened January 30, 1984, for 3 each 4-wheel drive mid-sized pick-up trucks. These were bid with a life-cycle cost required. The bids were:

<u>BIDDER</u>	<u>BID COST</u>	<u>LIFE-CYCLE COST</u>
Bitterroot Motors (Ford)	25,447.00	35,773.90
T & W Chevrolet Co. (Chev)	28,238.06	39,652.02
DeMarois Olds (GMC)	28,811.00	40,224.96
Grizzly Auto (Dodge)	29,886.45	43,440.63

T & W Chevrolet did not meet the 60 day delivery spec. T & W Chevrolet did not meet the spare tire spec. Grizzly Auto did not meet the brochure spec. Grizzly Auto did not meet the 60 day delivery spec. DeMarois Olds did not meet the 60 day delivery spec.

His recommendation was that the Commissioners award a contract to the low bidder, Bitterroot Motors, in the amount of \$25,447.00, with a 60-day delivery time.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bid for three heavy-duty 4x4 pick-ups be awarded to the low bidder, Bitterroot Motors, in the amount of \$25,447.00, with a 60-day delivery time. The motion passed by a vote of 2-0.

Further information provided by Surveyor Colvill stated that \$55,500 had been budgeted for six pick-up trucks. The awards totaled \$48,698.00.

✓ DECISION ON: HULBERT ADDITION - AMENDED PLAT OF LOT 33 - SORREL SPRINGS (SUMMARY PLAT)

This matter was considered at the January 25th public meeting, and was postponed because the Commissioners had several questions about access to the property as well as the status of the Forest Service easement for the road which serves the property.

Barbara Martens, from the Missoula Planning Office, briefly reviewed the request, stating that the developers were seeking approval of the Summary Plat of the Amended Plat of Sorrel Springs Subdivision, Lot 33. She said that the summary plat of Lot 33A and 33B is located in Sorrel Springs subdivision, approximately two miles northwest of Frenchtown. She said that the original plat of Sorrel Springs had platted 62 residential lots, and this had been approved by the Board of County Commissioners in 1973. She said that the applicant proposed to split Lot 33, thereby creating Lots 33A (14.48 acres) and Lot 33B (5.46 acres). She said that the covenants restrict lot sizes to a minimum of four acres, and that both lots would be served by Sorrel Springs Community Water System and individual septic tanks and drainfields, and that the area is unzoned. The Planning Board's recommendation was approval of the summary plat, subject to four conditions and one variance.

PUBLIC MEETING, FEBRUARY 1, 1984, CONTINUED

Barbara Martens then said that the main area of concern was the roadway. She said that originally, the Planning Staff had recommended that the developers be required to improve the road to County standards, but then it had been determined that it was not fair to require one person to develop the road where several other families live along the road and logging trucks use it as well.

At this point, Bob Palmer recognized Jerry Botsford, appearing on behalf of Mrs. Stewart and the Reverend and Mrs. Hulbert, said that his clients felt that the original Planning Board recommendation was better than the Planning Staff assessment of the situation since the Planning Staff had recommended upgrading the road. He said that he had spoken with Mr. Burl Johnson, of the Forest Service, who had said that the Forest Service would not permit paving of the road at any time for any purpose. He said that although the regulations for subdivision plat approval required paving, the Forest Service, which maintains the road, is against paving because a paved surface is dangerous for logging trucks coming out of the mountains. He said that as far as making the road safer was concerned, it would be necessary to reconstruct the SE corner of the road, and that would present a hardship for Mrs. Stewart and the Hulberts if they were the only residents along the road who were required to improve the road.

Bob Holm then addressed the chair as a private citizen, and was recognized. He said that he had looked at and could appreciate Barbara Martens' recommendation, but it was necessary to look at what has taken place out there via Certificate of Survey. He said that the currently existing roadway that bisects Lot 33 should be improved to increase safety. He said that it would be better if the whole thing were reconstructed to increase the safety of the switchback; although if the roadway were improved, traffic and logging truck speeds would increase, with an increased chance of someone going off the road. He said that it would be best to install guardrails on the curves. He said that in this specific case, the Planning and Zoning Commission should look at the fact that one person, one developer is being asked to improve a road that serves several other people.

Barbara Evans asked County Surveyor Dick Colvill if he had a comment, and he said that since it was a private road, he had no comment as the County Surveyor.

Barbara Evans then opened the hearing to public comment, asking that proponents speak first. The following people spoke.

1. Al Hulbert said that he was hoping to acquire the land from the Stewarts in order to build a house on the land. He said that it was mainly a matter of economics that would prevent them from doing so if they were required to improve the road.

Ann Mary Dussault asked Dick Colvill and Deputy County Attorney Mike Sehestedt if in their experience people had been allowed in the past to build along non-County roads and then come in later on to ask the County to take over the road maintenance.

Mike Sehestedt said that, traditionally, the County is heir to a great many of these situations, i.e. Nine-Mile and Larch Camp Road. He said that, on the other hand, if it is clearly stated on the plat that this is a Forest Service Road and the County does not now, nor will it in the future, accept it for maintenance, the County should be able to avoid the problem.

Barbara Evans asked if that could be required to be on the face of the plat.

Mike Sehestedt replied that that information could be required to be on the plat.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Summary Plat of Amended Lot 33 (Hulbert Addition) be approved, subject to the three conditions recommended by the Planning Staff as well as granting the variance suggested by the Planning Staff. In addition, her motion included the requirement that language to the effect that the easement is for a private road and that Missoula County undertakes no obligation for construction, maintenance or repair be drafted by Deputy County Attorney, Mike Sehestedt and included on the face of the plat. The motion passed by a vote of 2-0.

The Summary Plat approval for Sorrell Springs, amended Lot 33, Hulbert Addition, therefore, was approved, subject to the following conditions:

1. That drainage and erosion control plans be approved by the County Surveyors' Office;
2. That sanitary restrictions be lifted by state and local health authorities;
3. That the applicant grant an easement providing access to Lot 33B, coinciding with the Forest Service easement; and
4. That the following be noted on the plat: "The easement granted is for a private road. Missoula County undertakes no obligation for construction, maintenance or repair."

In addition, the Commissioners granted the following variance:

Further, the Board of County Commissioners granted the following variance:

1. A waiver from Section III.6.A.C. which requires that roads within this subdivision be paved.

The following is the reason for granting the variance:

A hardship is created by requiring one landowner to pave a roadway which is also used by a number of residents outside of this subdivision and where substantial traffic is created by logging activities.

Since there was no further business to come before the Board, the meeting was recessed at 2:30 p.m.

MEETING

Commissioner Dussault attended a Board of Health meeting in the evening.

* * * * *

February 2, 1984

The Board of County Commissioners met in regular session; all three members were present most of the day. Commissioner Palmer returned from Portland in the forenoon.

FEBRUARY 2, 1984, CONTINUED

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 Browning-Ferris, Inc. for the purpose of providing for the operation and maintenance of a permanent disposal site for the collection and storage of abandoned and junk vehicles collected by Missoula County as per the provisions set forth in the Contract and will be in effect until June 30, 1984. The Contract was returned to the Health Department for further handling.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840053, a request from the General Services Department to transfer \$15,000.00 from the Capital - Land Improvements account to the Capital - Building and Construction (\$10,000) and Capital - Remodeling (\$5,000) accounts, for the purpose of transferring a portion of unexpended funds in the RSID Aid to Construction account to be used for completion of remodeling in the Treasurer's and Extension Offices and other improvements and adopted the transfer as a part of the FY '84 Budget.

CONTRACT

The Board of County Commissioners signed a professional services Contract jointly between Missoula County and District XI Human Resources Development Council with Cynthia Klette, an independent contractor for the purpose of performing services as a student intern in cooperation with the University of Montana Political Science Department as per the terms set forth in the Contract for the period from January 9, 1984, to June 30, 1984, for a total sum of \$4,500.00 (\$1,500 from Missoula County and \$3,000 from HRDC).

UCC-3 FORMS

Chairman Palmer signed four sets of UCC-3 forms for Champion International Corporation for the purpose of correcting Champion's address on the security agreement executed in connection with the 1978 pollution controls IDR Bonds. The forms were returned to Mike Sehestedt, Deputy County Attorney, for further handling.

BOARD APPOINTMENT

The Board of County Commissioners appointed Charles Tiernon as the alternate member on the Missoula County Weed Control Board of Supervisors; his appointment is for a three-year term and will run through December 31, 1986.

Other matters considered included:

- 1) The Commissioners met with John DeVore, Operations Officer, regarding the Blue Star Tipi Building - a decision will be made next week; and
- 2) Jean Wilcox, Deputy County Attorney, met with the Board regarding the Bill Ambrose alley situation and also updated them on the Bradford Case and stated that she would negotiate a settlement.

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

MEETING

The Board of County Commissioners, Dick Colvill and Bob Holm of the County Surveyor's Office met with residents of the Nine-Mile area in the evening.

* * * * *

February 3, 1984

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

CLAIMS

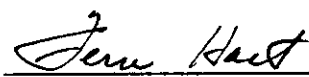
Claims were presented by Warrants for pay period #15 (February 3, 1984) to be drawn on the following funds in the following amounts:

Working Fund	\$ 26,474.51
Bridge Fund	2,003.89
Road Fund	33,528.89
Planning Fund	22,470.13
Weed Fund	1,772.64
General Fund	195,337.83
Miscellaneous Fund	87,487.32

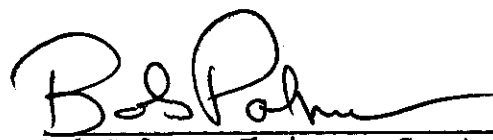
The original Claims are on file in the Auditor's Office.

LUNCHEON MEETING

The Board of County Commissioners attended a Luncheon meeting with the Executive Committee of the Senior Citizens Center at noon.



Fern Hart, Clerk and Recorder



Bob Palmer, Chairman, County Commissioners

* * * * *

February 6, 1984

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

FEBRUARY 6, 1984, CONTINUED

INDEMNITY BONDS

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

- 1) Naming Pacific Fruit & Produce Company as principal for Warrant #Gr.4514 Lunch, dated November 8, 1983, on the School District No. 40 Lunch Fund in the amount of \$534.72, now unable to be found; and
- 2) Naming Larry Marx as principal for Warrant #3584, dated December 8, 1983, on School District #34, Miscellaneous - Park Grant Fund in the amount of \$84.00, 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 dated February 3, 1984, to Linda Reep, County Auditor, indicating receipt and review of the books and records of the Missoula County Fair Commission for the period from November 1, 1982, through October 31, 1983. The Audit was forwarded to the Clerk and Recorder's Office for filing.

RESOLUTION NO. 84-016

The Board of County Commissioners signed Resolution No. 84-016, a budget amendment for FY '84, for Centralized Services for the purpose of correcting the problem of a shortfall in the amount budgeted for postage, which will be offset by revenue owed to the County by the State for building use allowance funds for FY '83 for the Welfare Office, and adopted the following as part of the FY '84 Budget:

DESCRIPTION OF EXPENDITURE		BUDGET
01-240-02-00-310 (Postage)	reads-	45,000.00
	change to read-	67,181.30
DESCRIPTION OF REVENUE		REVENUE
01-990-14-00-901	reads-	37,000.00
	change to read-	59,181.30

Other matters considered included the following:

- 1) The Commissioners met with John DeVore, Operations Officer, and discussed Courthouse structural problems - the Board voted to approve proceeding with the Engineering Study and received recommendations.
- 2) The Blue Star Tipi Building in regard to the transient housing issue was discussed - it was the consensus of the Board that the incompatibility of the building for use other than County purposes be identified.

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

* * * * *

February 7, 1984

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

* * * * *

February 8, 1984

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

MONTHLY REPORT

Chairman Palmer 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 January 31, 1984.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 84-018

The Board of County Commissioners signed Resolution No. 84-018, a budget amendment for FY '84 for the Fort Missoula Historical Museum, including the following expenditures and revenues and adopting them as part of the FY '84 Budget:

DESCRIPTION OF EXPENDITURE		BUDGET
Honorarium for Bill Holm for talk given at Museum on Northcoast Indian Cultures		
84-12-462-05-00-327	Consultants	300.00
"People of the Cedar" exhibit costs		
84-12-462-01-00-223	Exhibit Materials	150.00
		450.00
DESCRIPTION OF REVENUE		
84-14-950-01-00-630		
Check from University of Montana Department of History		200.00
Check from University of Montana Department of Art		250.00
		450.00

FEBRUARY 8, 1984, CONTINUED

AUDIT LETTER

The Board of County Commissioners signed a letter to Linda Reep, County Auditor, indicating receipt and review of the Audit of the books and records of the Clerk of the District Court for the period from February 1, 1983, through November 30, 1983. The Audit was forwarded to the Clerk and Recorder's Office for filing.

Other matters considered included:

A lengthy discussion was held on the Colstrip Rate Case and the procedures that will be following.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

PROCLAMATION - NATIONAL CRIME PREVENTION WEEK

A proclamation of the Board of County Commissioners declaring the week of February 12-18, 1984, "National Crime Prevention Week" was read and signed at the meeting.

✓ CONSIDERATION OF: BIDS FOR COUNTY LAND AUCTION (FEBRUARY 6, 1984)

Information provided by John Kellogg of the Planning Staff stated that six parcels have been acquired through the Community Development program over the past four years. Demolition and clearance of blighted property on the parcels has removed health and safety hazards.

The Community Development Administrator has advertised and held an auction for sale of these parcels and received bids for five parcels. The attached resolution lists the high bids, each of which is at least 90% of appraised value, as required by state law.

He stated that the parcels were appraised by a licensed real estate appraiser as follows:

PARCEL #1

Legal Description

Lots 26, 27 and 28 in Block 32 of East Missoula, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof.

Address: 240 Montana Street, East Missoula

Appraised Value: \$19,500

PARCEL #2

Legal Description

The West 7 feet of Lot 7, all of Lot 8 and the East half of Lot 9, all in Block 25 of East Missoula, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof.

Address: 333 Minnesota, East Missoula

Appraised Value: \$9,500

PARCEL #3

Legal Description

Lots 19, 20, 21, 22 and 23 in Block 30 of East Missoula, Missoula County, Montana, according to the official recorded plat thereof.

Address: 410 Montana, East Missoula

Appraised Value: \$32,500

PARCEL #4

Legal Description

Lots 35 and 36 in Block 13 of Carline Addition, a platted subdivision in Missoula County, Montana, according to the official plat thereof.

Address: 2050 Schilling Street, Missoula

Appraised Value: \$4,400

PARCEL #5

Legal Description

Lot 30 in Block A of Carline Addition #2, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof.

Address: 2222 Burlington Avenue, Missoula

Appraised Value: \$1,500

PUBLIC MEETING, FEBRUARY 8, 1984, CONTINUED

PARCEL #6

Legal Description

Lots 13 and 14 in Block E of Carline Addition #2, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof.

Address: 2141 Burlington Avenue

Appraised Value: \$2,400

He stated that the Community Development Administrator had duly advertised and conducted an auction of these parcels on February 6, 1984, in accordance with Title 7, Chapter 8, Part 22, MCA, and that the following bids had been received:

PARCEL #1: No bids

PARCEL #2: \$8,550 cash sale, bid by George Bailey

PARCEL #3: \$29,250 with 20% cash down and deferred payments at 6%, payable annually over 5 years, bid by Don Russell

PARCEL #4: \$5,100 cash sale, bid by Dave Yuhas

PARCEL #5: \$1,750 cash sale, bid by Phil Christenson

PARCEL #6: \$2,160 with 20% cash down and deferred payments at 6%, payable annually over 5 years, bid by Rex Palmer.

He said that the staff recommended accepting the five bids by approval of the resolution which had been presented to the Commissioners and which authorized Community Development Administrator Mike Barton to act on behalf of the Commissioners in preparation of quit-claim deeds. He said that the recommendation was that the Board of County Commissioners accept the aforementioned bids and authorize Mike Barton to arrange for the transfer of Parcels #2, #3, #4, #5 and #6 through quit claim deed for the dollar amounts and terms as stated in the above bids. He also said that a further recommendation was that income from these land sales be regarded as "program income" under Community Development Block Grant Number B-82-DC-30-0001, as required by OMB Circular A-102. He said that Federal regulations require proceeds of the sale to be treated as program income for the current Community Development Block Grant.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bids for the County Land Auction be awarded in accordance with the recommendation stated above by John Kellogg of the Planning Department. The motion passed by a vote of 3-0.

RESOLUTION 84-017

The Commissioners then signed Resolution 84-017, authorizing the sale of County land parcels as set forth above. The original was sent to the Clerk and Recorder for recording, and a copy was given to John Kellogg of the Planning Department.

✓ DECISION: AMERICAN DENTAL IDR BONDS

Bob Palmer said that the discussion this afternoon would be among the Commissioners, Staff and American Dental representatives. He said that because the Commissioners had already held two public hearings, they would not take testimony.

Executive Officer Howard Schwartz noted that the hearing was closed two weeks ago, the decision was deferred to this date pending receipt of information requested by the County Commissioners and further negotiations and discussions of contracts and other resolution of the environmental concerns that were outlined last time, and finally a resolution of three points which seem to be fairly simple: a question of back taxes, the sewer bill and energy conservation measures at the proposed site.

At this point, Barbara Conrad, Attorney for American Dental and Allan G. Holms, made the following statement on their behalf:

For the preceding several months, you have had before you an application for Industrial Development Revenue Bonds, submitted by Allan G. Holms. The proceeds of these bonds are intended to be used to acquire and renovate the Lolo Shopping Center so that it may be used to house the expanded and improved facilities for the long-standing Missoula business, the American Dental Manufacturing Company.

In a letter dated February 3, 1984 from Commissioner Dussault, additional issues have been raised regarding the details of Mr. Holms' bond request. An additional concern that has arisen for Mr. Holms is the uncertainty which exists due to pending Congressional legislation which may adversely affect the rates at which these bonds may be sold.

So that you may have ample time to consider the peripheral, yet pertinent issues that have arisen regarding this bond request, and until Mr. Holms' bond underwriters are able to determine a fixed rate for these bonds, he is more than willing to allow, and is hereby asking, that you delay your decision regarding the approval of this request until a further time.

At that time a request for a hearing, to further pursue this bond issuance request, will be made. American Dental will continue to pursue its move to the Lolo location, pending resolution of the above issues satisfactorily to the parties involved.

Bob Palmer asked if that statement meant that American Dental was withdrawing its request for Industrial Development Revenue Bonds at this time.

Barbara Conrad stated that they were requesting a temporary delay.

Bob Palmer asked if they had a time period in mind for that.

Barbara Conrad said that they had no specific time period in mind, but that it was contingent on some of

PUBLIC MEETING FEBRUARY 8, 1984, CONTINUED

the issues that had been raised by the Commissioners and some that might be raised in the future being resolved by American Dental to the Commissioners' satisfaction, and pending a determination by the bond underwriters on the status of the Congressional legislation now pending.

Ann Mary Dussault asked if Ms. Conrad meant that they wanted the County to proceed to resolve some of the outstanding issues or if they wanted to put everything on hold for a time.

Barbara Conrad stated that they would be more than willing to receive any more questions that the County might have and work on resolution of those questions, and that they would like to have all the matters resolved before scheduling a hearing for the Commissioners' approval.

Barbara Evans asked if American Dental had any idea on how soon they would like to get together and start answering those questions. She asked if perhaps the questions the County had asked could be discussed within the next couple of weeks.

Barbara Conrad stated that they could work towards that.

Howard Schwartz asked if they were saying that they were going to keep on working down at the Lolo Shopping Center - in other words, were they going to keep on moving along in terms of moving American Dental down there while the whole thing is on hold.

Barbara Conrad replied that no, any sort of construction activities would be halted.

Howard Schwartz said that the move was on hold, then, as far as American Dental was concerned, pending resolution of all these matters.

Barbara Conrad replied that that was true.

Howard Schwartz said that the resolution as American Dental would see it carried out, was that they would like to meet or do whatever was needed during whatever time they felt was necessary to answer all the questions.

Barbara Conrad replied that that was true.

Howard Schwartz said that two weeks previously, American Dental had said that the back taxes owed the County would be paid, and asked what the status of that issue was.

Barbara Conrad stated that the issue of the unpaid property taxes at present remained unresolved. She said that the issue, as well as any concerns the County would have about the environmental problem at the present site and other issues that had been raised, would be resolved prior to the renewed request for the Commissioners' approval.

Bob Palmer asked for clarification on whether American Dental was saying that there had been a movement away from what had been expressed two weeks previously, regarding the taxes, for example.

Barbara Conrad replied that no, there had not been.

Bob Palmer then asked if American Dental still fully intended to make the back payments on taxes.

Barbara Conrad replied, "Yes".

Barbara Evans then said that she had one statement she wanted to make. She said that she thought that it was important for all of us to recognize that American Dental has been and continues to be a nationally-respected company. She said that it was important for the community, the people who work there, and for all of us to work hard together to try to resolve any questions, because she, for one, would hate to see those people without a job, or to have Missoula lose this good company. She said that it was important that we all work together towards that goal.

Bob Palmer then said that he wasn't quite sure what the next step would be, and asked Barbara Conrad if she would be in touch with the Commissioners' Office to set up the next round of discussions.

Barbara Conrad replied that they would do so.

Bob Palmer then said that the Commissioners would cease their involvement until American Dental contacted them, at which time they would again begin to try to resolve the outstanding differences.

Barbara Conrad replied that that was correct and she would be in touch with the Commissioners for the next step.

Ann Mary Dussault then asked whether, as one final clarification, American Dental intended to proceed with what was really a separate issue, which was continuing negotiation of the contract which would allow American Dental, regardless of the bonds, to hook up to the Lolo Sewer system. She said that American Dental had been working with Deputy County Attorney Bob Slomski on that contract and asked if that were also on hold at this point.

Barbara Conrad replied that it was also on hold until the resolution of all of the issues on this bond issuance, because that was apparently the mechanism that American Dental would use to move to Lolo.

Ann Mary Dussault asked if she were saying that if the bonds were not issued they would not move to Lolo.

Barbara Conrad replied that using the bond issuance as a means of financing that move was the plan at present.

Ann Mary Dussault said that should American Dental choose to use an alternative method of financing, it would still be necessary to complete that contract for hook-up to the Lolo Sewer and Water System.

Barbara Conrad replied that they were aware of that.

Bob Palmer said that they would follow that course of action, and the next step would be that it would be up to American Dental to contact the Commissioners' Office on any outstanding issues that they might have.

Bob Palmer asked if there were any other business to come before the Commissioners today or any public comments. Since there were not, the meeting was recessed at 2:30 p.m.

February 9, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in briefly, but returned home because of illness.

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 a part of the FY '84 Budget:

- 1) No. 840054, a request from the Fort Missoula Historical Museum to transfer \$415.00 from the Building Maintenance and Repair account (\$275.00) and the Postage account (\$140.00) to the Tools & Materials account (\$275.00) and the Dues & Memberships account (\$140.00) as the accounts were originally under-budgeted.
- 2) No. 840055, a request from the Fort Missoula Historical Museum to transfer \$560.00 from the Office Equipment Maintenance account (\$60.00) and the Building Maintenance & Repair account (\$500.00) to the Office Supplies account as the account was originally underbudgeted.
- 3) No. 840056, a request from the Fort Missoula Historical Museum to transfer \$240.00 from the Mileage-Private Vehicle account (\$190.00) and the Mileage-County Vehicle account (\$50.00) to the Office Supplies (\$190.00) and Janitorial Supplies account as the accounts were originally underbudgeted.
- 4) No. 840057, a request from the Fort Missoula Historical Museum to transfer \$23.45 from the Common Carrier Travel account to the Printing & Litho Costs account as the account was originally under-budgeted.
- 5) No. 840058, a request from the Fort Missoula Historical Museum to transfer \$575.50 from the Meals, Lodging & Incidentals account (\$5.50) and the Building Maintenance & Repair account (\$570.00) to the Printing & Litho Costs account as the account was originally underbudgeted; and
- 6) No. 840059, a request from the Fort Missoula Historical Museum to transfer \$130.00 from the Books, Res. Material & Subscriptions account (\$100.00) and the Building Maintenance & Repair account (\$30.00) to the Film Purchase & Development (\$100.00) and the Ad/Legal Publications (\$30.00) accounts as these accounts were originally underbudgeted.

Other matters considered included:

- 1) Jean Wilcox, Deputy County Attorney, updated the Commissioners on the Lincoln Hills Sewer problem;
- 2) A discussion was held on the Amendments to the Health Plan as presented by Dennis Engelhard, Personnel Officer; and
- 3) Ann Engelhart of the Planning Office met with the Board and discussed the requests from the developers of the Canyon Pines & Clark Fork Estates Subdivisions regarding extensions for the improvements - the Agreements will be drawn up by the Planning Office and the County Attorney and submitted to the Commissioners.

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

February 10, 1984


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


AUDIT LIST

The Board of County Commissioners signed the Audit List dated February 9, 1984, pages 1-31, with a grand total of \$123,347.01. The Audit List was returned to the Accounting Department.

MONTHLY REPORTS

Chairman Palmer examined, approved and ordered filed the monthly reports for Justices of the Peace, W. P. Monger, and Janet L. Stevens, showing collections and distributions for month ending January 31, 1984.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

February 13, 1984

The Courthouse was closed for the Lincoln's Birthday Holiday.

February 14, 1984

The Board of County Commissioners met in regular session; all three members were present. Commissioner Evans left late in the afternoon for Billings to attend a meeting of the MACo Budget Committee in the evening.

EXIT AUDIT INTERVIEW

The Board of County Commissioners and several County Department Heads and staff met with representatives

FEBRUARY 14, 1984, CONTINUED

of Dobbins, DeGuire & Tucker, P.C., all forenoon for the Exit Audit Interview.

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February 15, 1984

The Board of County Commissioners did not meet in regular session; Commissioners Palmer and Dussault were in Billings attending the Governor's Conference on Civil Defense. Commissioner Evans returned from Billings at noon, but was out of the office all afternoon because of illness.

PUBLIC MEETING CANCELED

The Weekly Public evening meeting scheduled for February 15th was canceled as the Commissioners were attending the meetings in Billings.

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February 16, 1984

The Board of County Commissioners did not meet in regular session; Commissioners Palmer and Dussault attended the MACo Midwinter meeting in Billings and Commissioner Evans was out of the office until noon.

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February 17, 1984

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.

AUDIT LIST

Commissioners Palmer and Evans signed the Audit List dated February 17, 1984, pages 1-29, with a grand total of \$99,947.54. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following Budget Transfer and adopted them as a part of the FY '84 Budget:

- 1) No. 840060, a request from the DES Department to transfer \$150.00 from the Other Equipment Maintenance (\$100.00) and the Dues (\$50) accounts to the Audio/Visual (\$100) and Film (\$50) accounts to balance projected expenditures;
- 2) No. 840061, a request from DES to transfer \$122.00 from the Aerial Photo (\$42) and Long Distance Phone (\$80) accounts to the Office Supplies account to balance projected expenditures.
- 3) No. 840062, a request from DES to transfer \$538.00 from the Other Equipment Maintenance account to the Office Supplies (\$238) and Safety Equipment (\$300) accounts to balance projected expenditures;
- 4) No. 840063, a request from DES to transfer \$350.00 from the Radio Service (\$150) and Phone-Basic Charges (\$200) accounts to the Map Preparation account to balance projected expenditures;
- 5) No. 840064, a request from DES to transfer \$100.00 from the Radio Maintenance account to the Map Preparation account to balance projected expenditures;
- 6) No. 840065, a request from DES to transfer \$765.00 from the Other Equipment Maintenance account to the Printing & Litho Costs (\$665) and Contracted Services (\$100) accounts to balance projected expenditures; and
- 7) No. 840066, a request from the Ad Staff Department to transfer \$200.00 from the Printing & Litho Costs account to the Copy Costs account to correct an anticipated overexpenditure in a line item.

RESOLUTION NO. 84-019

The Board of County Commissioners signed Resolution No. 84-019, a budget Amendment for FY '84, including the following expenditure and revenue and adopting it as part of the FY '84 Budget:

<u>Description of Expenditure</u>	<u>Budget</u>
01-090-02-00-111 (Salary)	\$4,613.00
(From \$162,711.00 to \$167,324.00)	

<u>Description of Revenue</u>	<u>Revenue</u>
01-930-05-10-416 (County Attorney Chargeback DUI)	\$4,613.00

RESOLUTION NO. 84-020

The Board of County Commissioners signed Resolution No. 84-020, resolving that Missoula County intends to sell to Lincoln County one (1) 1969 Mobile Sweeper, Serial Number 410594 for \$4,000 thirty (30) days from the date of this resolution, and that publication of this resolution be made for the statutory time period. Chairman Palmer signed the notice for publication for the above sale of County Property.

RESOLUTION NO. 84-021

The Board of County Commissioners signed Resolution No. 84-021, a resolution accepting right-of-way dedicated to Missoula County by Paul A. and Natalie L. and Ruth L. Hanson, Richard W. and Phyllis M. Tag, Grant Creek Ranch Trust et. al. Doherty Ranch, David and Sylvia Edgel and Patrick John Wood, title owners of the adjacent property, for the purpose of clarifying the location of the right-of-way of Butler Creek Road. The

FEBRUARY 17, 1984, CONTINUED

Resolution deeds, realty transfer Certificates, and Certificate of Survey were forwarded to the Clerk and Recorder for filing.

RESOLUTION NO. 84-022

- ✓ The Board of County Commissioners signed Resolution No. 84-022, whereby the County quit claims its reserved mineral interest in the following:

6 $\frac{1}{8}$ % interest in Principal Meridian, T.12N. R.15W., Sec. 1; E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13; W $\frac{1}{2}$, NW $\frac{1}{4}$, Aggregating 560 Acres of Private Land,

to Earl M. Pruyn in exchange for the Consideration of \$127.00. The Board of County Commissioners also signed a Quitclaim Deed to Earl M. Pruyn for the above described mineral rights.

QUITCLAIM DEED

✓ The Board of County Commissioners signed a Quitclaim Deed to the City of Missoula for the following described premises;

Plat M-4, SE $\frac{1}{4}$, Sec. 6, T.12N., R.19W., MPM, containing 5 acres more or less, roadway,

property acquired by tax deed and transferred to the City as per Resolution No. 82-55, signed in February of 1982. However, a deed was not filed at that time.

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

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February 20, 1984

The Courthouse was closed for the Washington's Birthday observed holiday.

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February 21, 1984

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 matters were considered:

- 1) Reports were given on the recent MACo and Urban Coalition meetings;
- 2) The Missoula Economic Development Corp. was discussed; and
- 3) The Missoula Area Agency on Aging's proposed budget Amendment was discussed.

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

MEETING

Commissioner Evans attended a Crimestoppers Meeting at noon.

* * * * *

February 22, 1984

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Mary Ann Kendall as principal for Warrant #98237, dated December 28, 1983, on the Missoula County Trust Fund in the amount of \$280.00 now unable to be found.

CLAIMS

Claims were presented by Warrants for pay period #16 (February 17, 1984) to be drawn on the following funds in the following amounts:

General Fund	\$197,891.45
Weed Fund	1,648.25
Miscellaneous Fund	87,776.07
Planning Fund	22,083.35
Road Fund	30,088.65
Working Fund	28,214.33
Bridge Fund	2,534.72

The original claims are on file in the Auditor's Office.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 84-023

The Board of County Commissioners signed Resolution No. 84-023, a resolution to transfer ownership of medical and bedding supplies remaining from the PDH (packaged disaster hospital) to the American Red Cross and the Missoula County Fire Protection Association as per the terms set forth in the Resolution.

Other matters considered included:

FEBRUARY 22, 1984, CONTINUED

- 1) The Commissioners discussed the question of the City requirement for business licenses at the County Fair - it was decided to pursue the matter with the County Attorney; and
- 2) The Resolution setting the election on Voter Review of Local Government was discussed and referred to the public meeting.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

✓ HEARING: NEW RESOLUTION ON DUST TREATMENT ON COUNTY ROADS

Information provided by Surveyor Richard H. Colvill said that the draft of the new resolution on dust treatment would replace the current 1975 resolution, if passed. He said that the proposed resolution included the following changes:

1. The Health Department would have final approval on the material used, and they should answer questions such as were asked last year on the arsenic content of the magnesium chloride solution, before application.
2. Dust treatment would be limited to one-half the road at a time, and "wet oil" signs would be required. This would be an attempt to reduce the complaints from people forced to drive through the wet oil.
3. A separate permit would be required for each application. This would eliminate the blanket permit issued to commercial dust oilers previously, thus allowing the Surveyor's Office to grade before the dust treatment would be applied.

Mr. Colvill said that these changes would increase the cost of dust treatment and would not be popular with the commercial dust oilers.

Dick Colvill was then recognized, and he summarized the reasons behind drafting the new dust oil policy, including potential health problems with some substances being put on the road as dust oil. He mentioned specifically magnesium chloride treatment on the upper Rattlesnake and traces of arsenic which, if it were near the ditch system, could get into the ditch system. Another problem which occurred last year involved a dust oiler pumping oil from St. Pat's Hospital tanks and spreading it on a county road. This had proved to be a sticky, slippery mess and a dangerous situation. A county road crew had had to grade the road. He said that used road oil presented health problems because it has heavy metals in it.

In reference to several complaints by automobile owners about oiling jobs not being posted, resulting in damage to paint on their cars, Dick Colvill said that there was a problem with commercial oilers not posting "wet oil" jobs. He said that a possible solution would be to require posting and also oiling only half of the road at a time.

He said that we should somehow strike a balance between the dust oilers, the people who want their roads oiled, the automobile owners who complain about damage to their cars because the oiling wasn't posted and the County. He said that some system needs to be devised so that the County knows who's putting what on the roads when.

Bob Jacks, County Road Supervisor, said that when people start dust oiling, the Surveyor's Office gets calls from people who get dust oil on their cars. If the road gets potholed so that oil lies in the holes, the oil will pool, and the roads should be graded first so the oil will sink in, which means that the Surveyor's Office needs to know before oil jobs are begun so that they can coordinate this with their grading schedule.

At this point, Bob Palmer opened the hearing to public comment, asking that proponents speak first. The following person spoke:

1. Ryan Scharf said that he had nothing against oiling the road, but people should get 48-hour notice so they won't get oil on their car, garage floor, etc. He said that he believed that oiling half the road at a time would be more convenient. He said that the schedule of commercial dust oiling should coincide with the grading schedule of the Surveyor's Office.

There were no other proponents. The following people spoke as opponents:

1. Gordon Spring said that he had lived in Missoula for twenty years, the past seventeen up the Blackfoot. He said that the County used to oil the road and now it grades the road, but dust oil is needed. He said that he lives at the beginning of the road, and his neighbor and he spend \$150 - \$200/year to dust oil and he didn't think that was harrassment. He said that oiling the roads was using waste oil in a more logical manner than dumping it in the sewage system. He said that if the Surveyor's Office needs to regulate dust oiling, he would suggest giving a five-day notice and then requiring the oiler to supply signs twenty-four hours after the job is completed. He said that as far as health hazards were concerned, he doubted that there was more problem with road oil than with breathing dust.

2. Charlie Graham, from Miller Creek, said that the Commissioners should note that nearly 100% of the people in attendance at the hearing were opposed to the proposed dust oil policy. He said that the road dust that people have to breathe was more injurious to their health than road oil. He said that road oil takes a week to seal off, and therefore, having required 24-hour waiting period between applying oil to each half of the road would not serve any purpose. He said that he felt that the requirement to do this was harrassment to the oiler, and would result in an increased cost to the citizens who were paying to have the road oiled. He said that people who drive through wet oil prudently do not have a problem with getting oil on their cars. He said that he thought the proposed resolution was just increased bureaucracy, and the less bureaucracy, the better he likes it.

3. Dave Guelff said that he agreed with Mr. Graham. He said that he owned and operated a small post and pole plant, with posts and poles being stacked near the road. He said that he has supported dust oiling on that road for years because dust from cars ruin his product. He said that he felt such a policy as proposed by Dick Colvill would restrict small businesses.

4. Jerry Lyman, owner of Lyman Dust Control, said that he had owned the business for 15 years and that he had always notified the County before and after oiling jobs. He said that as far as the requirement to oil only half the road at a time was concerned, how would people coming through at night know which half of the road had been oiled.

PUBLIC MEETING, FEBRUARY 22, 1984, CONTINUED

5. Ron MacDonald, an attorney appearing on behalf of both Bob Charles and Jerry Lyman, the principal commercial dust oilers in the County, said that they had a number of objections to the proposed regulation. He said that the first objection stemmed primarily from the language that says, "The permittee shall be responsible for any damage to public or private property caused by the application of the dust oil". He said that essentially what that did was to create a strict liability for anyone that dusts, whether a private person or a commercial person, and he did not believe that that was the appropriate remedy which would be available to someone because there were a lot of questions which exist in terms of damage. He said that this issue had arisen last year because of a claim that was made as a result of some dusting that was done, and he believed that the Commissioners had received a copy of the letter. He said that Mr. Colvill had sent a letter to both applications, unequivocally, without a hearing, withdrawing their permits to do their business - no hearing, no input, nothing - and it was this kind of approach to the dilemma which these people are somewhat terrified of. He said that in the particular case at hand, there was a question of which of the two oilers had done that portion of the road where this individual had claimed there was damage, and there was a question about the speed that this man had been traveling at, and a question of whether the speed was reasonable, given the fact that the road had been recently oiled, and there was a question in terms of the extent of his damages. He said that in essence the County Surveyor was going to become the judge and jury, and without any kind of hearing whatsoever, was going to terminate these people's businesses. He said that it was that kind of approach to the problem which the commercial oilers were quite concerned about.

He said that in addition there would be approval of the type of treatment applied, and asked if that meant that there was going to have to be a chemical analysis of each and every permittee's oil or proposed oil that they were going to put down on the road. He said that it seemed to him that it would behoove the County, possibly, to spend a little more time writing the resolution and list those types of substances which would be acceptable, or list those types of substances which are commonly used or occasionally used, which would be unacceptable, rather than requiring a permit-by-permit approach.

With regard to requiring that the oil be applied to only half the road at a time, he said that he thought that Mr. Lyman, in his rather candid way, had addressed that fairly. He said that it might work for the first half, but when the second half was applied, no one would know which side to travel on.

He said that it seemed to him that Mr. Colvill's remarks about striking a balance were good here. He said that he thought that the idea of posting oiling jobs twenty-four hours in advance and leaving it signed twenty-four hours afterwards would give the residents reasonable notice that the roadway had been oiled. He pointed out that we have been driving on roads that had been oiled all of our lives. He said that it was one of the major ways that unpaved roads could become relatively safe and less hazardous because of the dust, and to terminate, for private citizens as well as the commercial people, this approach on a permit basis was, in his opinion, quite problematic. He said that the idea of having a separate permit seemed to him to be somewhat problematic and bureaucratic. For the two commercial operators, he said, they were already on a permit system. They come into the Surveyor's Office once a year and proved that they had liability insurance, which seemed to him reasonable. He said that the County could just simply refer the claim to the particular insurance companies, and if there was liability because of negligence of the commercial operator, the insurance operators are obligated to pay and defend the commercial operator. He said that to have the County Surveyor become the judge and jury in these cases seemed to him to have usurped more power than was necessary. He said that he also believed that having a separate permit was unreasonable, because it meant that they had to come in to the Surveyor's Office before every job. He said that they were already supposed to notify the County before any job to make sure that the road had been graded, and he found Mr. Colvill's suggestion that the Surveyor go and grade up those areas which have not been appropriately treated before the oiling to be a reasonable one, but that a permit-by-permit basis was unreasonable. He said that he also thought there should be an exception in terms of the liability insurance for those people who were oiling on their own private property. He said that he did not know whether any research had been done in terms of what kind of cost would be necessary to buy a special rider on a policy that would cover \$10,000 liability for a quasi-commercial operation, but he thought that the County would effectively take the capacity of private citizens to oil their roads away, unless they have extraordinary resources. He said that he wanted to make a remark in regard to the idea that the County Surveyor would be able to simply revoke the permit. He said that we had individuals here who do a public service in oiling the roads, which he felt was necessary in the County. They dispose of waste that would be otherwise very difficult to dispose of, and they also were hit-the-pocket type of businessmen. He said that this was not a very profitable kind of business, but rather a business that was difficult to run and very seasonal. He said that to require that they have to come back every twenty-four hours on each when one day they're at one end of the County, and the next day they're at the other end of the County, would greatly increase the costs associated with this. He said that their request was that the County Commissioners consider reasonable regulation and truly strike a balance. He asked that the kinds of substances which are not acceptable be listed so that everyone has notice of that rather than having everyone come in every time and show what they're using and get a permit. Secondly, he said, require the signs. This was a simple thing, he said, because the sign can be posted before the job begins and could remain for twenty-four hours afterwards so that people could slow down and have notice that it was going to be oiled, whether they're coming back at night or whatever. He said that if people proceed under a high rate of speed so that they do damage to their vehicles, even though the oiling job is posted, then to some extent they would have to accept responsibility for themselves. He said that last, for the commercial operator, the County could require the \$10,000.00 worth of insurance because that was reasonable, but not that there had to be proof supplied every time there was a permit. He said that the best system would be to issue one annual permit. His last point was that there had to be some provisions for the conditions under which a permit can be refused, including the right to a hearing, particularly in the case of a commercial operator losing a permit. In such a case, the operator should have the right to be heard before the County Commissioners or somebody, to make sure that this would not be an arbitrary, bureaucratic decision because one irate citizen in the County is complaining because his vehicle was damaged.

6. Ron Charles, who operates B & M Road Oiling then said that he had a couple of comments on this issue. He said that the previous summer when their permit had been revoked in August, he had spoken with the Health Department on the issue of waste oil, and they had stated, particularly Mr. Carlson, that waste oil was not considered a hazardous product. Mr. Carlson had said that there was no way to dispose of waste oil right now, except putting it on the roads and letting the ultraviolet rays break it down and that it wasn't so bad anymore with all the unleaded gas being used, so waste oil was not a hazardous product. He said that if a little common sense and reasonable driving were applied where people see the oil, there wouldn't be a problem, because normal waste oil would come off a car with soap and water, and there shouldn't be a problem.

7. Jane Muller, said that she lived up the Rattlesnake on Wildcat Road, and that for probably the last five or ten years they had been having their road oiled every summer. She said that it was really necessary up there because the dust rolled across the garden and across the house, and she did not have anything to add to what the other people had said except that she was in opposition to the proposal.

PUBLIC MEETING, FEBRUARY 22, 1984, CONTINUED

Since there were no other people wishing to speak on this proposal, Bob Palmer closed the public comment portion of the hearing.

Dick Colvill then said that in regard to the proposed Health Department permit, he visualized it as a one-time permit. He said that the oiler could go to the Health Department and they could approve the product for whatever they were going to use that summer. He said that he did not visualize them going to the Health Department each and every time they were going to apply a coating of oil. He said that the Health Department might want to put some restrictions on this, like don't apply oil next to a ditch or up the Rattlesnake, or some other restrictions, but he visualized the Health Department permit as a one-time process.

He went on to say that the bottom part of the proposed resolution, which begins, "The permittee shall be responsible for. . ." was an exact copy from the 1975 resolution. He said that that part had been in effect for eight years already. He said that if Mr. MacDonald felt that that part should be revised, fine, but that he had copied it out of the old resolution. It was not anything new that had been added at this time.

He said that the last thing he wanted to say was that there was no way of controlling the commercial dust oiler. He said that unless you're out there and witness him putting the oil down, you have no way of bringing him to court or doing anything else, and of course if you cancel his permit, then the wrath of the able counsel descends upon you. He said that that wasn't very good either, and said that he still strongly favored the individual permit, which would at least give some control over the dust oiler, but that otherwise they were practically free to do what they wanted, and the County would have no way of stopping them unless there was a witness who say them putting it down in violation of County regulations.

Barbara Evans then had some questions of Ron MacDonald, Dick Colvill and Mike Sehestedt. She asked Dick Colvill if he had had any problems in gaining cooperation from any of the commercial oilers in any facet of his relationship with them.

Dick Colvill said that on April 27, 1983, he had written Mr. Lyman a letter stating that he should put on a wider application and erect "Wet Oil" signs, and that on May 31, one month later, Mr. Lyman had proceeded to oil without the oil sign up, and so he had gotten absolutely no cooperation in that case.

Barbara Evans asked if that was only one time that he had had problems.

Dick Colvill replied that it was not the only time, although he could not document the others. He said that for two years in a row, he had written Mr. Lyman letters asking him to lighten his application, and the second year he had written him a letter stating put up the sign, and whether or not he used a lighter application was a matter of judgment. He said that that was one of the reasons that the insurance company had paid the claim when someone had put in for reimbursement for damage to a vehicle from wet oil because the insurance company had asked him if Mr. Lyman had been in a direct violation of County policy. He said that they had told him that if Mr. Lyman hadn't been in direct violation of Mr. Colvill's letter requesting a wet oil sign, they would not have paid that claim.

Barbara Evans then asked if there were a compromise that could be arrived at on a permit system whereby a blanket permit could be issued with certain specifications, and if any of those specifications were violated, the permit could be terminated until such time as a hearing body could be convened to determine whether or not it should be permanently revoked or not.

Deputy County Attorney Mike Sehestedt said that if that was what she wanted to do, he could devise language that would do it. He said that some things Dick Colvill perceives as blanket approval, with the classic example being the kind of oil used. He said that if a person is using straight recycled motor oil, he would assume that we would have a pretty good idea of what was in it, but, on the other hand, there is strange stuff coming out of here, there or the other place. He said that the classic example - not that anyone in Missoula County has done anything at all like this - was the dioxin problem in Times Beach, Missouri. He said that the bulk of the sites that were contaminated in and around that town were contaminated by private dust oilers putting down dioxin-contaminated oil. He said that some sort of review and approval of the materials used by the Health Department seemed to him reasonable. He said that it was possible to issue a permit to each dust oiler in terms of what kind of oil they used. He said that the Health Department could then list the licensed people who had shown they had insurance and had cleared the type of oil used with the Department.

He said that he was concerned in terms of due process, and that he thought that there should be a procedure for a hearing if the Surveyor's Office feels that someone has violated the terms of their permit and wants to take action, the person could get a prompt hearing.

He said that on the other hand, people who pay to put dust oil down have a real problem with dust and they feel like they have to have it, but that they seem to think very casually of people having to drive two miles an hour all the way home. He said that he did not know if they'd take to other people solving their problems at their inconvenience or their expense. He said that it seemed like something had to be done to adjust the problem to at least give some warning and some control. He said that a dust oil job that leaves puddles for two or three days is probably a dust oil job that shouldn't be happening.

Bob Palmer then asked Ron MacDonald if he could respond to Barbara's question in regard to whether he thought there were a compromise that could be reached.

Mr. MacDonald said that he thought that there could be some reasonable regulation, as long as it were not so cumbersome and prohibitive that it would make it impossible for these people to operate their businesses in order for customers to get desired results. He said that he also thought that whatever permanent process were instituted for issuing permits should get right to the point, and if things got to the point where the Surveyor wanted to revoke one, there should be a right to a hearing. He said that he agreed with Mike Sehestedt that you cannot give to one individual the power to terminate someone's business. He said that he would oppose any kind of language which would give to the County Surveyor or one individual the right to, without a hearing, revoke a permit. He suggested that he sit down with Mike Sehestedt and Dick Colvill and come up with a proposal which would be acceptable at least to the commercial operators, and then maybe reset the hearing and give notice to the private parties, whose interest is essentially different from the commercial operators, especially in regard to the liability insurance aspects of the question. He said that he felt that that would be a reasonable approach.

Dick Colvill said that he had no objection to the review of the removal of the permit process. He said that that did not bother him in the least. He said that somehow, he had to get control of who is putting what down on the road. He said that they had had a case last year of two dust oilers putting the wrong oil down, and one of them didn't even have a permit. He said that unless he could get control of who is putting what down on the road when, he said that he couldn't really do much.

PUBLIC MEETING, FEBRUARY 22, 1984, CONTINUED

Referring to people outside the urban area who had testified - one from Potomac, one from Nine-Mile, one from Upper Miller Creek - he said that he perceived the problem as more of an urban problem because people who had complained of oil on their cars had been traveling in urban areas. He said that the problem was somewhat a function of traffic. He said that he would not have a problem with making separate rules for people who lived outside the urban area. He said that he could see that someone having to go to Nine Mile twice to put down dust oil or having to go to Potomac twice to put down dust oil was really a problem. He said that he could see relaxed rules of some kind out in the rural areas where there isn't the traffic and there aren't as many complaints. He said that the complaints were urban area complaints. They were not rural area.

Bob Palmer said that, speaking for himself, he recognized the need to do something with relationship to regulations, and he was going to support some type of regulations. He said that he did not know exactly what form that would take at this time. He said that if there were no objection from the other Commissioners, he would ask that Dick Colvill and Mike Sehestedt and Ron MacDonald get together and work out the language as best they could in relation to the dust oil project. He said that perhaps a rural and urban designation could be worked out. He asked that this be brought back to the Commissioners for action. He said that he thought that something would have to be done, and if the differences could be worked out as well as possible through the negotiation process, he was inclined to want to see that happen. If not, he said, the Commissioners were going to have to bite the bullet and do something about it, because there was a problem. He said that the first step was to bring the parties together in order to try to solve it.

Ann Mary Dussault said that she wanted to state her own biases also so that the group had some idea of where some of the Commissioners might be coming from. She said that it seemed to her ultimately reasonable, and she believed important, that the Health Department have some role in determining the acceptability of what was being put down on the roads. She said that she frankly did not care how that was done, but she felt that the Health Department should play a role in the negotiations, because there were a number of alternatives. She asked Dick Colvill if he had talked to the Health Department about this.

Dick Colvill said that when he had sent out the proposed resolution, he had mailed them a copy and handed them a copy of the resolution, but had had no comment back from them, pro or con, but that they had been aware of the process.

Ann Mary Dussault said that she felt it might be as simple a matter as Ron MacDonald had suggested, that the Health Department could develop a list of what was acceptable or not acceptable. She said that she felt that she was not sure that application to one half of the road at a particular time is absolutely important, but it does seem perfectly reasonable that when the oiling is done that it be posted, before and after. She said that otherwise she didn't know how the oilers expected people to know that they were traveling on oiled surfaces. She said that in terms of the separate permit, she was not sure that that in and of itself was the correct procedure. She said that it did seem reasonable that Dick Colvill had to have notice of who was doing what where. She said that it did seem reasonable that, at least within a certain period of time of that notice, that the Surveyor's Office be allowed the opportunity to go out there and grade. She said that that seemed to her good maintenance, and that it made for better dust oil treatment.

Barbara Evans said that she had a few specific things that she wanted the group to look at when they did this. She said that she agreed that there should be a coordinated grading and oiling process so that people who pay to have something oiled don't have it lost next week because the County had to go out and grade, so she would want to see that there be a coordinated process. She said that she would definitely like to see something at least noticed in the agreement that the commercial owners recognize that, while they are asking the County to provide a speedy response if they have a problem with something they've done, we also expect a speedy response from them if they have a problem. He said that she would not want to see another instance where the County sends a letter to a commercial oiler, and one month later the County still has no response or no acquiescence to whatever the County had required. She said that she wanted to make it clear that things should work both ways.

A brief discussion was held as to a date to continue the hearing. Ron MacDonald stated that he would suggest that he could check his calendar with Mike Sehestedt's calendar. He said that the hearing could be continued for one week, and then if they weren't finished, it could be continued for another week.

Bob Palmer said that the hearing would be continued to the next Wednesday public meeting on February 29, and if there were no resolutions, it would be continued beyond that.

Dick Colvill suggested that the Commissioners ask, since there were a number of people who had testified, that if any of them felt uncomfortable with Mr. MacDonald as their spokesman and would like some other manner or means of view, that they be allowed to do so.

Bob Palmer said that the issue would be on the agenda at the next Wednesday public meeting, and it would be continued beyond that if there were no proposal. He said that public testimony would be taken at the hearing.

Charlie Graham commented that he felt that there was a bit of scare tactic inserted into the conversation. He said that Mr. Colvill had addressed the problem of heavy metals in the crank case drainings, and he hoped that everyone understood that non-leaded gas isn't burned due to the lead that exists in crankcase drains, but it is due to the overall pollution in a given valley such as ours. He said that he hoped no one would take to heart the mention of ending up with heavy lead all over our roadways. He said that Mr. Colvill would have great difficulty proving that he has a point there. He said that he did not know who the young gentleman was who mentioned dioxins in Missouri, or what he knew about the problem. He said that he had a fair amount of literature at home which he would make available to him if he wanted to know more about it. He said that there was little likelihood that the County was going to run into dioxins, but we could, and he doubted that the Health Department would have any way to determine that they were there before we ended up with them in our environment. He said that at this time he thought that no one in the country even knows where dioxin continues to exist in chemicals which we still use. He said that as part of his occupation, agriculture, he wonders on a daily basis if he's involved in dioxins, so he considered the remarks of the two gentlemen to be scare tactics, and he hoped that they would be ignored.

Ann Mary Dussault said that she appreciated what Mr. Graham was saying, but, on the other hand, there were many times when a problem can be short-circuited before it occurs, using our best available knowledge, and that she wanted to reiterate that she expected Mr. Carlson from the Health Department to be involved in the discussions about this problem.

Bob Palmer said that the hearing would be continued to the next public meeting.

PUBLIC MEETING, FEBRUARY 22, 1984, CONTINUED

✓ HEARING: REQUEST FROM SUSAN SHINN FOR SPECIAL EXCEPTION IN ZONING DISTRICT 7 - HOME OCCUPATION

Mark Hubbell from the Planning Staff gave the Planning Staff Report. He said that Susan and Rodney Shinn were requesting a special exception to operate a dollhouse miniature shop as a home occupation at 1225 Vicky Drive, also known as Lot 7 of Aspen Addition, Number 1. The property is in Zoning District 7, which was adopted in April of 1958. The zone allows agricultural, horticultural and residential uses. County Resolution No. 81-132, adopted in 1981, allowed special exceptions in Chapter 41, or citizen-initiated zones. He said that a special exception requires that certain performance standards be met in order for it to be approved. He said that the Shinn's had asked for a special exception to allow a miniatures business to make dollhouse furniture as a home occupation on Vicky Drive. He said that the staff recommendation was that the applicants' request for a special exception be approved, with one condition, which is that the sign advertising this particular home occupation be moved from the front lightpost, flush with the house itself, which is one of the performance standards for the home occupation special exception allowance. He said that other than that, all the other performance standards had been met, so that the staff's recommendation was approval.

Bob Palmer then opened the hearing to public comment, asking that proponents speak first. The following spoke:

1. Bob Disney, 1285 Vicky Drive, next door to Rod and Susan, stated that the business in no way interfered with their current lifestyle, and he would support approval.

There were no other proponents, and no opponents. Bob Palmer closed the public comment portion of the hearing.

Mark Hubbell then asked to read the following brief statement into the record:

He got a call from Marsha Byer, who wanted to say that she was in support of the Shinn's request because they are considerate neighbors.

Barbara Evans moved that the request for the variance be approved, and complimented the Shinn's because they are very well liked and respected in their neighborhood, which spoke very well for them. Ann Mary Dussault seconded the motion, assuming that it included the recommended condition that the sign currently mounted on the light in front of the house be mounted flush on a wall of their home. Barbara Evans amended her motion to include this condition. Ann Mary Dussault seconded the amended motion, and it passed by a vote of 3-0.

✓ HEARING: REQUEST FOR A USE VARIANCE TO ALLOW AUTOMOTIVE BODY SHOP ON LOTS 1, 2 and 3, MORRIES DRIVE ADDITION - ZONING DISTRICT 7 - JACK PALMER

Jim Edgcomb, from the Planning Staff, gave the Staff report. He said that Jack Palmer was requesting that a use variance be allowed to allow him to have an automotive shop located on the property described as Lots 1, 2 and 3, Morries Drive Addition. He said that this property was in Zoning District 7, and that the recommendation of the Planning Staff was that the request from Jack Palmer for the use variance be granted, subject to the following conditions:

1. The business is to be conducted in the 26 feet by 40 feet shop building, and is not to be expanded or relocated on the property;
2. The number of vehicles being worked on and parked outside the shop will be limited to four;
3. An area will be designated where vehicles will be parked and the perimeter of this area will be effectively screened to a height of not less than five feet. This screen shall provide at least seventy-five percent opacity;
4. If the use of the structure is discontinued for a period of one year, the structure and premises shall not thereafter be used except in conformance with the regulations of Zoning District No. 7;
5. The number of person employed to operate the automotive repair business will be limited to one person;
6. The person operating the automotive repair shop will reside on the property;
7. A revised site plan will be submitted reflecting the conditions of this variance that will be subject to approval by the Zoning Officer, the Missoula Rural Fire District and the City-County Health Department.

Bob Palmer then opened the hearing to public comment, asking that proponents speak first. The following people spoke:

1. Eugene Ball stated that his wife and he owned the property immediately to the west. He said that Mr. Palmer had operated his automotive repair business on the property for two or three years, and that they had never had any problems with noise, dust, hammering of the cars or anything. He said that they would occasionally see parked vehicles out there, but they weren't junky vehicles that stay there. He said that they were in for a day or so, and then they're gone. He said that with the conditions that were spoken of, and as long as the business remained basically as it was, he was all for it. He said that he'd rather see him there than on unemployment, and that he saw no problems, but if he builds another larger shop, or even expanded that one, he'd have to take second thoughts. He said that a neighbor woman had asked to be heard also, although she wasn't able to make it to the hearing.

Jim Edgcomb then read the following letter from George A. and J. L. Lake into the record:

"I had planned on attending this meeting, but have two sick children and am unable to attend. We have no objections to Mr. Palmer's continuing his automotive business at his home as he has been doing. We do, although, have some reservations about issuing a permanent variance at this location because the area is residential in nature and we do not want to see this change. We would like to see some restrictions on the variance:

1. That the variance be issued on a temporary basis whereby Mr. Palmer has whatever time he needs to establish his business, then move to a commercial location;
2. That as long as this automotive business remains a one-man operation and doesn't develop into a larger business, it is okay; and

PUBLIC MEETING, FEBRUARY 22, 1984, CONTINUED

3. That if for any reason the land has to be sold, the variance would then stop.

We enjoy living in this area, and do not want to see businesses grow and develop in the area.

Thank you for your time."

2. Dave Palmer, Jack Palmer's father, said that they live on the property where Jack's making his living, and when they had first gotten the information on the violation of the zoning, Jack had thought about finding a suitable place, and talked about a partnership with another fellow, and had come back to his dad and asked for advice. He had told Jack that it was a good way to go under. Then he had tried to get on at the mill, but they did not have a spot. His dad had then recommended that he apply for a variance. He said that in order to put in a paint booth, they had talked about having to add another eight feet onto the existing garage.

He said that Mr. Ball had gone way out of his way to be a good neighbor. He concluded his remarks by saying that it would be to Jack's advantage to build a better base and to be able to generate an income.

Deputy County Attorney Mike Sehestedt then informed the Commissioners that this request for a variance was the result of a complaint that was received in the County Attorney's Office. He said that the situation was that a disgruntled operator of a similar business filed blanket complaint. A list of twenty some businesses were in violation of the zoning, and the Attorney's Office had had to follow through on it, and had referred it to Planning for follow-up. He said that he mentioned this because the complaint was not specifically directed to this operation. He said that they didn't have specific opposition.

3. Jack Palmer then spoke on his own behalf. He said that he had been operating the business for six or seven years, and that he didn't plan to expand, and that the conditions took into consideration that there would be eight feet added on to the back side of the shop. He said that he did not plan to stay there forever, but that he planned to move on. He said that he didn't want any problems, and if there were any problems with his neighbors, he wouldn't do it. He would move on somewhere else. He said that if there were no problems with the Commissioners, there were no problems with him.

Since there were no other proponents or opponents, Bob Palmer closed the public comment portion of the hearing.

Barbara Evans then moved that the variance for Jack Palmer's automotive business on lots 1, 2 and 3, Morris Drive Addition, Zoning District 7, be granted, subject to the conditions recommended by the Planning Staff. Ann Mary Dussault seconded the motion, and it passed by a vote of 3-0.

Ann Mary Dussault then commented in response to the Lake's letter, stating that she had wished too that the variance could simply be granted and have it run with the individual, but that the variance, unfortunately, ran with the land, by County regulations, so it was conceivable, but not very likely with all the conditions, that the use could continue even if Mr. Palmer discontinued his business and moved on. She said that that had been her one reservation, but under the circumstances, it was probably okay to go for that.

✓ HEARING: PLANNING AND ZONING COMMISSION: AMENDMENTS TO ZONING DISTRICT 17

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the Board of County Commissioners recess, and that the meeting of the Planning and Zoning Commission be convened. The motion passed by a vote of 3-0.

Bob Palmer, Ann Mary Dussault, Barbara Evans, Clerk and Recorder, Fern Hart, and County Surveyor, Dick Colvill, were present to sit on the Planning and Zoning Commission.

Bob Palmer, Chairman of the Planning and Zoning Commission, asked Mark Hubbell, from the Missoula Planning Staff, to give the Staff report.

Mark Hubbell, from the Missoula Planning Staff, said that the Planning Department had received a request to amend the terms of Zoning District 17 to disallow duplexes from the permitted uses. As background information, he stated that Zoning District 17 had been created on July 13, 1959, and the list of permitted uses included one- and two-family dwellings. He said that in the years that had passed since the adoption of that zone, there had been a number of duplex developments in that zone and around it. He referred to the evening meeting of January 18, when the hearing was held in regard to a request for a variance for Dave Laursen and Ray McLaughlin to rezone property in the Curtis Major Addition from C-RR3 and Zoning District 17 to C-R1 Residential, and stated that a number of people from Zoning District 17 had appeared in opposition. During the course of that hearing, people had asked what could be done to stop the development of duplexes, and the response had been that it was a permitted use in the zone.

Property owners from Zoning District 17 had then presented a request and petition to the Planning Department in regard to scheduling a hearing to amend the regulations of Zoning District 17 to prohibit duplexes. By way of discussion and recommendation, Mark Hubbell said that generally, amendments to zoning regulations are made to make those regulations more responsive to public needs and desires. He said that in this case, people within Zoning District 17 were seeking to disallow duplexes because of problems with traffic and reduced property values. Also cited, he said, were such concerns as neighborhood tranquility, identity of the neighborhood, and general upkeep of some of these properties. He said that the Planning Department had received relatively little public comment on this request. He said that since they had advertised it, they had gotten four letters in support of deleting duplexes from District 17 regulations, and a few phone calls as well, some for and some against, so it had not been an overwhelming outcry one way or the other, from the public. He said that consequently, it was difficult for staff to come out with a solid recommendation saying what the people want, but the staff did recommend that the request to amend District 17 regulations to disallow duplexes be approved if the problems experienced by residents in that area are in fact caused by duplexes. He said that if, however, the difficulties were due to other causes, such as developments of poor quality, the issue would be better addressed through the adoption of performance standards, and this would be the recommendation of the Planning Staff. He said that staff wanted to point out that if duplexes were struck from the permitted uses in the zone, it was still conceivable that a development of single-family homes, built just like the duplexes, with renters, could come in and they would have a number of the same problems that are currently being expressed out there right now. He said that consequently, the concerns of the area residents might be better addressed through the adoption of performance standards, such as set-backs or minimum lot sizes, landscaping, buffering, etc. He said that this could be accomplished either through adopting one of the County zones, such as C-RR3, or through drafting performance standards specific to Zoning District 17 that would address such things as upkeep and setbacks and things of that sort. He said that the Staff was throwing the Commissioners a "mixed bag" in that maybe through the public hearing process it could be determined whether or not duplexes were the root problem, or

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whether the root problem was something else, specifically rental properties, or properties which are not developed well. He said that the Staff recommendation was that the Commissioners respond accordingly.

Bob Palmer then opened the hearing to public comment, asking that proponents speak first. The following person spoke:

1. Joan Leffler said that the area did have a very bad traffic problem, and she supported Mark Hubbell's suggestion that it should probably be looked at from an overall standpoint, and that probably duplexes were not the cause of the problem, but a person who was going to build duplexes could probably build ten single-family dwellings, and they would have the same problem, so she thought that Mark Hubbell's suggestion was well advised.

There were no other people wishing to speak as proponents. Bob Palmer then opened the floor to opponents. The following person spoke:

1. Doug Purl said that he supported the proposal as it had been recommended by Mark Hubbell that the problem that they were dealing with in Zoning District 17 was performance standards. He said that the difficult problem that had to be coped with was that there were several different interests in the community, and the homeowners were always quick to address their interests and try to propose a satisfactory solution to their own needs. He said that he thought that the forgotten people were the renters, and he did not want to suggest that what was needed in this zone was a lot of rental property. He said that the prospect of simply eliminating the possibility of building duplexes or multi-family dwellings in an area was something he would not like to see. He said that the renters in a community were taxpayers fully as much as homeowners were. He said that it was a fiction that renters don't pay taxes. He said that he was a landlord, and his tenants paid the taxes on the property that he owned. He said that what was needed in that zone, which had been accurately described as a "mixed bag of developments", was performance standards. He said that the real problem in that community was not simply duplexes per se, unless the duplexes in the zone would simply overload the facility - the traffic capacities of the streets, etc. - but that it was simply performance. He said that it had been performance in Missoula. He said that there had been shoddy standards, and ghettos created. He said that that could be done with single-family dwellings as well. He said that he had lived in an area before where the property could not be developed as single-family dwellings, so the developer had put it in as a number of tacky, single-family dwellings, and all of the problems which the residents had specified about duplexes were there, and they were still rental property. He said that the fundamental problem was that there had to be performance standards that were high enough that renters could be attracted who could pay rent commensurate with the nature of the district. He said that he welcomed the proposal which had been suggested by the Planning Staff, because it seemed to be a sane one, so he did not know if he was speaking for or against changes in District 17 as it was presented on the agenda, but he wanted to see, rather than a blunderbuss to blow multiple-family dwellings out of large chunks of the community, that there be a more delicate, refined tool than that. He said that he would love to see a trend in the direction of requiring developers not to be hit-and-run operators who put in junk, make their profit and pull out, and create shoddy dwellings that the tenants would take no pride in. He said that as a landlord, his rule of thumb is that he would not rent a dwelling to a tenant that he would not want to live in himself. He said that there was money to be made from the construction of instant ghettos, if such developers are allowed to make it. He said that he wanted to add his voice of support for the reasonable and responsible approach suggested by Mark Hubbell.

Since no one else wished to testify, Bob Palmer closed the public comment portion of the hearing.

Fern Hart asked if it would be possible to ask the Staff to draw up performance standards for Zoning District 17.

Mark Hubbell responded that there were a few different options. He said that nothing would be conclusive at this hearing, but within the Chapter 47, or County-initiated zoning, there were development standards dealing with everything from landscaping, setbacks, driveways, etc. He said that he could propose or put together an inventory of those things, and they could lift that out of the County Zoning Resolution and propose them as amendments to Zoning District 17, or there was always the option of doing a County zone, or something in between.

Ann Mary Dussault asked if there were a homeowners' association in that area.

Victor Emory, in the audience, said he did not know whether or not there were a homeowners' association, but he represented one of the largest pieces of ground in that zoning district, and he in no way approved of setting aside the building of duplexes. He said that he and his wife owned 10 acres at 210 Short Street, which they had purchased in 1960. He said that it had always been their dream to make a beautiful community out of that and if they were not allowed to develop duplexes on the property, its value was cut in half, and so it would be a great financial loss to them.

Bob Palmer said that he thought it was the Commission's intent not to ban duplexes, but to develop zoning criteria that would meet the needs of the people of the area.

Barbara Evans moved that the Staff be asked to initiate Chapter 47 zoning in order to give the area performance standards and to give the County enforcement powers when people do not live up to these criteria.
Fern Hart seconded the motion.

Dick Colvill raised a point of order here, asking whether the Commission had to handle the issue that had been presented by the residents before going on to propose something else.

Deputy County Attorney Mike Sehestedt stated that the responsibility of the Planning and Zoning Commission was to commission studies, etc., etc., and to adopt development plans and approve development plans for the district, etc. He said that probably the Commission needed to get the current proposal off the table before acting on Barbara Evans' motion, and tabling it would be appropriate.

Ann Mary Dussault said that what was before the Commission was two options. She said that if poor quality development was the issue, then staff recommended adoption of performance standards to encourage development of higher quality in District 17, which was basically what Barbara Evans' motion stated.

Deputy County Attorney said that he was going to withdraw his earlier opinion.

Dick Colvill asked if the residents had not submitted a petition that needed to be acted on.

Mike Sehestedt said that there were petitions and letters from two blocks on Curtis Street, representing about eight people, one edge or corner of the district. He said that this was not compulsion on the Commission. He said that it was a petition in the sense that anyone can petition their government for

PUBLIC MEETING, FEBRUARY 22, 1984, CONTINUED

redress, and he would imagine that the Comprehensive Plan called for a C-RR3 classification for that area, and he would imagine that that was what the staff would come back with for almost all of it, which would make duplexes a special exception, which means that whenever duplexes were proposed, they would have to come before the Board of Adjustment for a variance.

Ann Mary Dussault said that in terms of procedure, she wanted to make a substitute motion at this point. She moved that the proposed amendments be tabled, stating that the intent of that motion was to remove that question and then to allow Barbara Evans' motion to stand, in order to address what the real problem was - performance standards and not duplexes per se. Dick Colvill seconded the motion, and it was passed unanimously.

Barbara Evans then moved that the staff be instructed to initiate Chapter 47 Zoning with the type of performance standards that the residents had indicated that they wanted. Fern Hart seconded the motion.

In response to Bob Palmer's request that he summarize the effect of Chapter 47 Zoning, Mark Hubbell said that Chapter 41 Zoning was a citizens' initiated zoning, and District 17 was initiated as Chapter 41 in 1959. He said that Chapter 41 zones are all different. Some specify nothing but a certain use, and others go the other way and say, "Anything's fine but a slaughterhouse". for example. He said that they were generally long in pointing out what they did not want, but very short on saying how they should do what they did want. Using Zoning District 17 as an example, where one- and two-family dwellings allowed, but there were no performance standards to address landscaping or setbacks or any other requirements. He said that Chapter 47, or County-initiated zoning, was what they had in most of the urban area around town, and standards were specified for signing, road width, landscaping, buffering, etc. He said that if someone wanted to build a duplex, they have to apply for a variance before the Board of Adjustments. He said that to make sure it's done right, there are standards about making sure there was enough storage there so that people wouldn't have yards with junk lying around. He said that this was a more comprehensive approach to zoning, and it seemed to be working very successfully around the community where it had been instituted. He said that the way it would be initiated was that Staff would come up with proposals, and it would be advertised, and there would be a public hearing before the County Regulatory Commission, who then would make a recommendation to the County Commissioners. The County Commissioners, if they decided to adopt the zoning, would pass a Resolution of Intent to Rezone. There would then be a thirty-day period where people could protest the zone and kill it. If there was not enough protest to kill the zone, the Commissioners could then adopt that zoning.

Barbara Evans then explained more benefits that the citizens would get from Chapter 47 zoning versus Chapter 41. She said that if citizens initiated Chapter 41 zoning and brought it to the Commissioners, the Commissioners could do anything they wanted, without being limited to what the citizens brought to them. She said that on Chapter 47 zoning, they were limited to what the citizens were proposing, and if the citizens did not like it, they were completely limited to what they were proposing, and if the citizens did not like it, they had a chance to say no.

Dick Colvill said that he was not a fan of Chapter 47 zoning, and asked if the PUD concept would be allowed under it, like Brookside.

Mark Hubbell said that Chapter 47 would allow PUD, which would be a zone within a zone, an overlay, with which the developer could have additional densities, but there were additional requirements of the development, and it was a chance to get all the plans out on the table.

Dick Colvill said that he personally felt that the PUD was the fatal flaw in this proposal, so he was going to vote against it.

Barbara Evans asked why the zoning had to include that.

Ann Mary Dussault said that it was part of the zoning regulations.

Mark Hubbell said that it would involve two or three public hearings, so if it were a lousy PUD, people could kill it.

Victor Emery then asked what the restraints on duplexes would mean in terms of junky single-family dwellings.

Mark Hubbell said that there would still be performance standards for single-family dwellings as well. He said that there were some things that zoning just doesn't address, for example, going around the general area, there were some distasteful colors that he would not recommend. He said that zoning would not deal with that, but would address the siting of the house on the lot, and other performance - related matters.

Barbara Evans' motion that the staff be instructed to initiate Chapter 47 Zoning with the type of performance standards that the residents had indicated that they wanted then passed by a vote of 4 yes, 1 no, with Dick Colvill voting no.

The motion was made and seconded that the meeting of the Planning and Zoning Commission be dissolved. The motion passed unanimously.

The meeting of the Board of County Commissioners was then reconvened.

Barbara Evans then moved, and Ann Mary Dussault seconded the motion, that the recommendation from the Planning and Zoning Commission be approved. The motion was passed by a vote of 3-0.

LOCAL GOVERNMENT REVIEW ELECTION

Under other business, a resolution calling for a local government review election was submitted by Recording/Elections Manager Wendy Ross Cromell. Bob Palmer read the request for Commission action, which stated that the action requested was to pass a resolution calling for the statutorily required local government review election to be held June 5, 1984.

Information from the Secretary of State explaining the need for the resolution was provided. This information stated that the resolution must set the date (which has to be June 5) and the number of local government study commission members to be elected if a commission is to be formed.

Wendy Ross Cromell stated that a copy of the resolution had to be submitted to the Election Administrator (Clerk and Recorder Fern Hart) before April 26, 1984.

The recommendation was to comply with the statute.

PUBLIC MEETING, FEBRUARY 22, 1984, CONTINUED

Bob Palmer then read the proposed resolution, calling for an election to be held on June 5, 1984, at which time the voters of Missoula County shall vote on the question of conducting a local government review for Missoula County and establishing a study commission for that purpose which shall be comprised of seven persons, which, if approved, shall be elected on November 6, 1984, to serve as provided by law.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, to approve the proposed resolution on the local government review election, as set forth above. The motion passed by a vote of 3-0.

RESOLUTION 84-024

The Commissioners then signed Resolution 84-024, resolving that an election is hereby called to be held on June 5, 1984, at which time the voters of Missoula County shall vote on the question of conducting a local government review for Missoula County and establishing a study commission for that purpose which shall be comprised of seven persons, which if approved, shall be elected on November 6, 1984, to serve as provided by law. The Resolution was then forwarded to Clerk and Recorder Fern Hart.

Since there was no further business to come before the Commissioners, the meeting was recessed at 3:30 p.m.

* * * * *

February 23, 1984

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

LEADERSHIP PROGRAM


Commissioner Palmer participated in the Leadership Missoula Program, which was held at the Holiday Inn, in the forenoon and Commissioner Evans took part in the Program in the afternoon.

* * * * *

February 24, 1984

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Evans was in Great Falls where she attended a meeting of the Jail Standards Committee, and Commissioner Palmer was out of the office until noon.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, Board of County Commissioners

* * * * *

February 27, 1984

The Board of County Commissioners met in regular session; all three members were present. Commissioner Palmer attended a Joint Energy Committee meeting which was held during the day.

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List, dated February 24, 1984, pages 1-26, with a grand total of \$68,661.97. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Sue Stenslie as principal for Warrant #1456, dated November 22, 1983, on the Missoula County High School General Fund in the amount of \$2.16 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 dated February 23, 1984, to Linda Reep, Auditor, acknowledging receipt and review of the audit of the records of the County Clerk and Recorder's Fee and Reception Book for the period January 1, 1982 through December 31, 1983. The audit was forwarded to the Clerk and Recorder's Office for filing.

PLAT

The Board of County Commissioners signed the Plat for Placer Subdivision, a subdivision located in the NE $\frac{1}{4}$ of Section 24 and SE $\frac{1}{4}$ of Section 13, T13N, R10W, PMM; the owner-developer being Eagle Watch Investment, Inc., Peter H. Bouna, President.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following Budget Transfers and adopted them as a part of the FY '84 Budget:

- 1) No. 840067, a request from the County Attorney to transfer \$600.00 from the Phone Basic Charges account to the Common Carrier Travel account because of an overexpenditure in the line item;
- 2) No. 840075, a request from the County Attorney to transfer \$1,000.00 from the Phone Basic Charges account to the Law Books account because of an anticipated overexpenditure in the line item;
- 3) No. 840076, a request from the Health Department to transfer \$2,650.00 from the Contracted Services (\$2,100.) and Consultants (\$550.) accounts to the Hospital Care (\$2,100.) and Common Carrier (\$550.) accounts as Hospital Care is a better description for alcohol treatment to meet the grant requirements as modified and accepted by grantor in January, 1984; and

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- 4) No. 84077, a request from the Health Department to transfer \$4,701.00 from the Consultants (\$4,450.) and Mileage - Private Vehicles (\$251.) accounts to the Contracted Services account to meet the grant requirements as modified and accepted by the grantor in January, 1984.

RESOLUTION NO. 84-025

The Board of County Commissioners signed Resolution No. 84-025, resolving that the Covenant stated on the face of Certificate of Survey No. 2865 that the land be used exclusively for agricultural purposes be re-voked and that the owners, Randolph V. and Terrie J. Peterson be allowed to create a 2.46 acre occasional sale.

CONTRACTS

The Board of County Commissioners signed professional services contracts with the following independent contractors:

- ✓ 1) Bob Marsenich of Metamorphosis, for the purpose of preparing and instructing four stress management classes, commencing on February 22, 1984, for a total amount not to exceed \$1,020.00;
- ✓ 2) Daniel Sinawski, Criminal Justice training consultant, for the purpose of instructing one course in "Basic Enforcement of Driving Under the Influence", instructing two courses in "Advanced Enforcement of Driving Under the Influence". for the period from February 8, 1984, through February 11, 1984, for a total amount not to exceed \$1,800.00;
- ✓ 3) Seeley-Ovando-Swan Health Center for the purpose of public health nursing consisting of: nurse well child exams, blood pressure screenings, perinatal at-risk visits, and prenatal education, for the period from July 2, 1983, through June 29, 1984, for a total amount not to exceed \$4,000.00; and
- ✓ 4) An amendment to the Contract with Britt Finley for the period from October 19, 1983 through December 13, 1983, including the following changes in the Contract:

CHANGES: Item 3; Delete "and mileage"

Item 4; Change to "\$1,500.00"

1.) "Compensation at a rate of \$10.00 per hour service not to exceed 150 hours or \$1,500.00."

2.) Retained as is

Item 5; Change to "\$0.00"

Delete "Travel reimbursement at \$0.20 per mile not to exceed 1,000 miles or \$200.00. Reimbursement once per month after receipt of mileage report."

All of the above contracts and the amendment were returned to the Health Department for further handling.

Other items considered included:

- 1) A discussion was held on personnel considerations; and
- 2) The meeting with the Missoula Economic Development Board to consider the Task Force Report was discussed by the Commissioners.

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

ECONOMIC DEVELOPMENT MEETING

The Board of County Commissioners attended a meeting in the evening with representatives of the Missoula Economic Development Board, Mayor Toole and City Council representatives regarding the Citizens Task Force Report.

* * * * *

February 28, 1984

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Palmer left at noon for Boise, Idaho, where he will attend a meeting February 29th.

OPEN HOUSE LUNCHEON

Commissioner Evans attended the Nutrition Program Open House Luncheon at the District XI Human Resources site at noon.

MEETING

Commissioner Evans attended a meeting of the Airport Authority held at the Airport in the afternoon.

✓ RESOLUTION NO. 84-026

The Board of County Commissioners signed Resolution No. 84-026, a resolution to accept real property for public road and all other public purposes, described as a parcel of land located in the easterly portion of Tract 3, "Massey McCullough Acres" and is as shown on the Amended Plat of "Massey McCullough Acres Tract 3, Saint Michael Drive", from Fred Lipscomb and Patricia J. Lipscomb, who will convey the property by Warranty Deed for the above purposes.

✓ PLAT

The Board of County Commissioners signed the plat for "Massey McCullough Acres", Tract 3, Saint Michael Drive (to acquire land for public road and other public purposes by a relocation of common boundaries).

* * * * *

February 29, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Boise, Idaho, attending a meeting of the BPA Task Force.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840080, a request from the Health Department to transfer \$2,800.00 from the Capital - Technical Equipment account to the Capital - Architectural Phase account to pay architectural fees to design the best use of the systems furniture for the Health Department.

AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and Jack L. Green II, the developer for an extension of the deadline for the installation of improvements for the Canyon Pines Addition Subdivision, whereby the improvements will be installed and completed no later than July 1, 1984, as per the terms of the plat approval set forth by the County Commissioners on September 22, 1982. The Agreement was forwarded to the Clerk and Recorder's Office for filing.

LEASE AGREEMENT

The Board of County Commissioners signed a Lease Agreement between Missoula County and the Missoula Advocacy Program for the County property known as the Horizon House to be used as a non-residential office building to conduct the business of the Missoula Advocacy Program for the period from March 1, 1984, to March 1, 1985, for a rental fee of \$1.00 per year as per the covenants set forth in the Lease. The Agreement was returned to John DeVore, Operations Officer, for further handling.

AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and Helen M. Green, Owner of certain property in Parkside Addition, which was erroneously appraised for the years 1979 - 1983, leaving a balance due on the taxes for those years of \$3,624.81, for which the County agrees to accept payment as per the schedule, set forth on the Agreement as the error was not the fault of the owner.

Other matters considered included:

- 1) Staff structure was discussed and it was agreed to advertise for the Administrative Officer position; and
- 2) Linda Hedstrom and Jon Shannon of the Health Department met with the Commissioners and discussed the proposed Animal Control Interlocal Agreement and ordinance.

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

PUBLIC MEETING

Acting Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Chairman Bob Palmer was away on Commission business in Boise.

BID AWARD: HOUSING REHABILITATION - 510 SPEEDWAY - EAST MISSOULA

Under construction was a bid award for rehabilitation of 510 Speedway, East Missoula. Information provided by Planner John Kellogg stated that the County, through its Community Development program, purchased the site at 510 Speedway last October and moved a structure from Missoula General Hospital to the site this winter. Mr. Kellogg said that the following bids had been accepted for renovating the structure into two apartments, one of which would be accessible for a handicapped person:

Fitzgerald Construction	\$57,933.50
Joseph Skornogoski	55,350.00
Art Drake Construction	54,214.00
Construction Concepts	46,391.00

He said that staff recommended awarding the bid to Construction Concepts, the low bidder, and returning the bid bonds to the other bidders.

Ann Mary Dussault moved that the bid for this project be awarded to Construction Concepts, in the amount of \$46,391.00, and the bid bonds be returned to the other bidders. Barbara Evans seconded the motion, and it passed by a vote of 2-0.

CONSIDERATION OF: FINAL ADOPTION OF REVISIONS TO SECTION 6.03, ZONING RESOLUTION, RESERVE STREET

Planner Mark Hubbell gave the Staff Report on this matter, stating that Section 6.03 of the Reserve Street Special District No. 2 standards requires an annual review. He stated that on June 21, 1983, the Missoula Planning Board conducted a public hearing to receive testimony on Section 6.03, and that public hearings were held by the County Commissioners on July 13 and 27, 1983. He said that on November 16, 1983, the Commissioners directed the Planning Staff to draft revisions to Section 6.03 to allow seasonal commercial uses in certain areas of the Reserve Street Special District No. 2. The Planning Board then conducted a public hearing on the revisions drafted by the Planning Staff, and recommended approval of these changes. He said that on January 18, 1984, the County Commissioners adopted Resolution 84-008, a Resolution of Intent to amend and add new sections to County Zoning Resolution 76-113, followed by a thirty-day protest period, during which no protest petitions were filed. He said that the Planning Staff recommendation was that the County Commissioners adopt the proposed revisions to Section 6.03 of the County Zoning Resolution.

Chairman Barbara Evans asked if there were any comments from the public. There were none.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the changes to Section 6.03, Zoning Resolution, Reserve Street, be adopted, in accordance with the recommendation of the Planning Board and Staff. The motion passed by a vote of 2-0.

PUBLIC MEETING, FEBRUARY 29, 1984, CONTINUEDCONSIDERATION OF: BITTERROOT MEADOWS, PHASE I (FORMERLY LOLO CREEK VISTA) - FINAL PLAT

Planner Barbara Martens gave the Planning Staff Report, stating that Sixty-seven (67) single family lots are planned for this 40.07 acre site west of Highway 93 and south of Mormon Creek Road in Lolo. This proposed subdivision follows the Lolo Comprehensive Plan of two (2) dwelling units per acre. The development will have a community water system. Sewage disposal will be provided by individual septic tank and drain-field systems. A central sewage system is proposed for the hillside lots. However, the developer has stated individual systems may be used where appropriate. There will be 1.42 acres of common area which will belong to the Homeowners' Association. The subdivision will be developed in three (3) phases. Phase I includes 25 lots and a 1.17 acre common area.

Barbara Evans asked for public comment.

Woody Germany of Sorenson and Company, representing the developer, said that he concurred with statements and the recommendation of the Planning Staff.

There were no opposing comments.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the final plat of Phase I of Bitterroot Meadows be approved, subject to the light conditions and with the one variance recommended by the Planning Staff. The motion passed by a vote of 2-0.

The final plat of Phase I, Bitterroot Meadows was therefore approved subject to the following conditions and variance:

1. That grading, drainage, erosion-control and street plans be approved by the County Surveyor's Office;
2. That Meadow Vista Drive be renamed, and that the name be approved by the County Surveyor's Office;
3. That the irrigation ditch easement be outside the road right-of-way at the cul-de-sac;
4. That public utility easements be shown on the back of the lots;
5. That the developer provide a 24-foot pavement width on streets without curbs; that the base width be left as shown on typical sections; and that the remaining roadways have a 28-foot pavement width and curbs and gutters;
6. That fire hydrant locations and fire-flows be approved by the Rural Fire Chief;
7. That curbs and gutters be installed in the upper roads; and
8. That sidewalks, curbs and gutters be approved by the County Surveyor and the Planning Staff.

In addition, the Commissioners granted the following variance:

A waiver from Section III A6d(1) that the maximum cul-de-sac length shall be 1,000 feet. This development proposed a cul-de-sac length of approximately 1,600 feet.

CONSIDERATION OF: ADOPTION OF AMENDMENTS TO OPEN BURNING REGULATIONS

Under consideration was a request from the Health Department that the Commissioners adopt amendments to the Missoula City-County Air Pollution Control Program, Sections XI310 and XII110.

Information supplied by Air Pollution Control Specialist Jim Carlson stated that the purpose of these amendments was: 1) to clarify that private lateral ditches may be burned in the restricted zone, 2) to allow burning of vegetation in the restricted area on a one-time basis when the area is brought into cultivation, and 3) to clarify that written notification of denial of an open-burning permit is not required.

Jim Carlson said that the Air Pollution Control Board had conducted a public hearing, after three weeks of public notice, on February 1, 1984. This hearing had produced no public comments. He said that the State Department of Health had approved the amendments.

The Health Department recommendation was that the amendments be adopted as approved by the State Department of Health and Environmental Sciences.

Barbara Evans asked if there were any public comment. There were none.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the resolution adopting the amendments to the Open Burning Regulations be approved, as proposed by the Health Department and the State Department of Health and Environmental Sciences. The motion passed by a vote of 2-0.

CONTINUATION OF HEARING (FROM FEBRUARY 22): RESOLUTION ON DUST TREATMENT ON COUNTY ROADS

The hearing on the proposed resolution on dust treatment on County roads was continued from the February 22 public meeting, at which time it was decided that the people concerned with dust oiling, including Ron MacDonald, attorney representing commercial dust oilers Bob Charles and Jerry Lyman, County Surveyor Dick Colvill, Deputy County Attorney Mike Sehestedt and other interested parties, would meet and work out an agreement which would be acceptable to all of them. When this agreement was worked out, it was decided that the hearing before the Board of County Commissioners would be continued until Mr. MacDonald called Mike Sehestedt to arrange a meeting among the interested parties.

County Surveyor Dick Colvill said that spring was coming and he needed a dust oil policy soon.

Deputy County Attorney, Mike Sehestedt said that Ron MacDonald had said he would contact him, and he had not yet done so.

The hearing was continued to the March 7, 1984 public meeting, to be held at 1:30 p.m. in Room 201 of the Courthouse Annex.

HEARING: PLANNING AND ZONING COMMISSION - REQUEST TO CONSTRUCT HOUSE IN ZONING DISTRICT #4 (JIM CARON) - PATTEE CANYON

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the meeting of the Board of County

PUBLIC MEETING, FEBRUARY 29, 1984, CONTINUED

Commissioners be recessed. The motion passed by a vote of 2-0.

The meeting of the Planning and Zoning Commission, including the Commissioners, Clerk and Recorder Fern Hart, and Surveyor Dick Colvill, was then convened.

Under consideration was a request from James and Nancy Caron for approval to construct a single-family dwelling in Pattee Canyon, Zoning District #4.

Planner Mark Hubbell gave the staff report, stating that the Caron's property is located in the northeast quarter of the southwest quarter of Section 3, Township 12 North, Range 19 West. The general location is one and one quarter miles from the intersection of Higgins and Pattee Creek Road and four-tenths of a mile south of Pattee Canyon Road.

Regulations for Zoning District #4 require that the County Regulatory Commission and the Missoula County Planning and Zoning Commission review and approve all improvements and development of lots. The primary concern is that development be in harmony with the natural physiography of the area.

He stated that the recommendation of the Missoula County Regulatory Commission was that the applicant's request be approved, subject to the condition that all service lines for television, telephone and power be placed underground.

Chairman Barbara Evans opened the hearing to public comment, asking that proponents speak first. No one came forward to testify either as proponents or opponents.

Barbara Evans then closed the public comment portion of the meeting.

Fern Hart then asked if there were an access road.

Mark Hubbell said that there was an existing private access road, and stated that the applicant would put in a 45' driveway to the road.

Dick Colvill said that he had no problems with the request, but the house was situated on three acres, and the Comprehensive Plan and Zoning regulations specified a density of one in five acres.

Mark Hubbell replied that this was true, but the lot was created prior to the Comprehensive Plan.

Fern Hart moved, and Ann Mary Dussault seconded the motion, that the request from James and Nancy Caron for approval of their request to construct a house in zoning district #4 be approved, subject to the condition recommended by the Planning Staff that all service lines for television, telephone and power be placed underground. The motion passed by a vote of 4-0.

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

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the recommendation of the Planning and Zoning Commission be approved. The motion passed by a vote of 2-0.

✓ HEARING: LAKESHORE PERMIT REQUEST - RAMP ON SEELEY LAKE - L. W. LINDEMER

Barbara Martens gave the Planning Staff report, stating that Mr. L. W. Lindemer had constructed a ramp or pallet for storing watercraft, such as boats and seaplanes at Lindy's Landing West in the southeast bay of Seeley Lake. The ramp is approximately twelve (12) feet in width by sixteen (16) feet in length. It will be located approximately six (6) feet out from the existing shoreline. It is located adjacent to Mr. Lindemer's existing dock.

She said that the recommendation of the Planning Staff was that after reviewing all testimony and documentation, the Missoula Planning Board recommended to pass on to the Board of County Commissioners no recommendation in view of expressed public concern and Mr. Lindemer's absence.

She said that she had checked with the Department of Fish, Wildlife and Parks, and they had no problem with the materials used to construct the dock, as they had been treated by an acceptable substance. In addition, she said that the dock only goes 6' out into the lake, and no dredge or fill has taken place.

At this point, Acting Chariman Evans opened the meeting to public comment, asking that proponents speak first. The following spoke:

1. Grant Lindemer spoke on his own behalf as a proponent. He stated that he agreed with the Planning Staff report and recommendations.

There were no other proponents, and no one wished to speak as an opponent.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Lakeshore Protection Act Permit for a ramp or pallet on Seeley Lake, requested by L. W. Lindemer, be approved, subject to the following conditions:

1. That materials used to construct the ramp shall not be treated with any toxic substance;
2. That dredge or fill activities shall not be allowed in the construction or placement of the ramp; and
3. That the ramp shall not protrude into the lake in a manner which will obstruct the movement of water or sediment along the lakeshore.

The motion passed by a vote of 2-0.

✓ HEARING: LEWIS AND CLARK MOTEL IDR BONDS

Mike Barton from the Planning Staff gave the Planning Staff report and recommendations. He said that staff had reviewed the application for the proposed Lewis and Clark Motel in Lolo, and found that the application met all the mandatory requirements of the County's IDR bond policy. He said that the staff had also reviewed the supplementary considerations and, in light of those, was recommending that the Board of County Commissioners approve the issuance of the IDR bonds, subject to the following conditions:

PUBLIC MEETING, FEBRUARY 29, 1984, CONTINUED

1. That a new approach to the property be created north of the building to align with the median break at Ann's Lane;
2. That the project comply with the 1983 Model Energy Code of the Council of American Building Officials; and
3. That the project's water and sewer systems meet state and local health requirements.

He said that with regard to the third condition, he should mention that that when the Health Department had first reviewed the plans that the applicant submitted, the sanitarian over there had suggested that the partners consider the possibility of connecting to the Municipal Sewer System in Lolo. He said that the applicants had explored the possibility and had learned that it would take at least a couple of years before they would be able to attach to the sewer system because of problems that the system is having in determining its capacity and its ability to handle new applicants as well as the people already within the district. He said that the applicant had redesigned, then, their plans for a septic system and drain-field, and that preliminary Health Department review indicated that those would be all right, and the applicant had also expressed willingness to maintain an application for connection to the sewer system, and would do so when that became possible. He said that staff also recommended that conditions be included in the bond agreement.

Ann Mary Dussault said that she was a little bit confused about the problem that the Lolo Sewer and Water System did not know what its capacity is, and asked for clarification on that.

Mike Barton said that he would let Operations Officer John DeVore speak to that, but stated that the applicants had made application.

Ann Mary Dussault said that that perhaps should be something that should be discussed at a morning meeting of the Board of County Commissioners, and stated that she was concerned.

John DeVore stated that the Lolo Sewer and Water System did know what the present capacity was, but that what was at issue was that this project was not currently within the district, so it would have to be annexed in. He said that there were currently residential properties within the district that were not yet hooked up to the system because it was not operating at design capacity, and the 9-0-1 Sewer Board had established as its first priority to serve those who were presently within the district before serving any further annexations.

At this point, Acting Chairman Evans opened the hearing to public comment, asking proponents of issuing the IDR bonds to speak first.

No one came forward to speak as proponents or as opponents. Barbara Evans then closed the public comment portion of the hearing.

Ann Mary Dussault asked if it were necessary for the Commissioners to take action at that meeting. She said that what she would suggest the Commissioners do, making it clear that her intent was to support the IDR bond request, was that she would like to leave the record open for one more week, to the following week's public meeting.

Executive Officer Howard Schwartz said that the only question was whether this would cause any problems for the applicants, and suggested that the Commissioners ask Bob Brugh if it would.

Bob Brugh said that it would not cause them a problem, but he said that they had discussed conditional approval, subject to the three items specified. He said that if the Commissioners had a specific concern, the applicants would like to know what it was, or if they would just like to sleep on it, they would need to know that also.

Ann Mary Dussault said that she wanted to give the public an opportunity for response and an opportunity to come in.

Bob Brugh said that it was his understanding that that was the purpose of the legal publications in the paper: to solicit those responses. He said that he didn't really see the need in laying off another week. He said that they wanted to get going, was what their stance was, but if there were some concrete reason for waiting another week - if there were something out there that they needed to determine - that would be fine, but if they were just waiting for more public input, when they had provided the public the time.

Ann Mary Dussault said that the public sometimes likes to read about it in the paper twice, and then they think about coming in.

Barbara Evans said that her extra comment would be that if Ann Mary was hoping that next week there would be three Commissioners to handle the matter, there would still only be two, because she would be on vacation.

Ann Mary Dussault said that that was not the purpose.

Clerk and Recorder Fern Hart asked when this request had been made.

Howard Schwartz said that this was the first time there had been a presentation made, or anything at a Wednesday public meeting. He stated that it was noticed once for hearing, and then it had turned out that there were problems with the resolution, and necessary changes in the financial arrangements, the partnership and what not, so it had had to be readvertised, so that was why it had taken longer than usual.

Fern Hart stated that there had not been a complete presentation before then.

Howard Schwartz stated that the IDR bond policy requires that there first be a meeting of applicant with the Board of County Commissioners, who at that time would decide whether or not to set a hearing. He said that that meeting did take place, and the hearing date was set.

Barbara Evans said that she would go on record as saying that she supported the project, and would vote yes for it, in absentia.

Ann Mary Dussault said that she did not mind doing it today, but she did have a couple of questions, just to be sure on a couple of things, but she had no objection to proceeding today.

PUBLIC MEETING, FEBRUARY 29, 1984, CONTINUED

Bob Brugh said that he would question that, if there were nothing absolute to deal with at this time, that the Commissioners go ahead and approve it, even conditionally, which he knew that they were going to do anyway on the three items, and if there were something else, to go ahead.

Fern Hart said that evidently this proposal had been in the paper; that it had been noticed, but asked if the public had been alerted to the specifications, etc.

Deputy County Attorney Mike Sehestedt said that the problem with getting a news story on this in The Missoulian was that there were no reporters present at this meeting.

Bob Brugh said that there had been two articles in The Missoulian, and he presumed that the public could have read one or the other of them.

Ann Mary Dussault said that she wanted to be sure that the applicants understood that one of the requirements of the project was that it would be built to the specification of the 1983 Model Energy Code.

Mr. Brugh agreed that it would be.

Howard Schwartz said he had talked to Bob Brugh about that.

Ann Mary Dussault said that Bob Brugh's letter, dated January 24, indicated that they might or might not build according to these standards.

Bob Brugh stated that if that were one of the conditions, they would abide by it.

Howard Schwartz said that if it were a condition of the agreement, when the Building Inspector goes out for his periodic inspections, he would inspect to see that it met those specifications.

Ann Mary Dussault said that as she understood it in regard to the sewer and water system, then, the applicants had redesigned the sewer system, and that the Health Department would approve that system.

Ed Zulegar, from the Health Department, said that the applicants had redesigned the system as far as minimum amount of drainfield and minimum size of tank were concerned. He said that the Health Department still needed to get the engineer's plans to review.

Ann Mary Dussault said that assuming that all of that goes according to plan, then, the Health Department saw no problem with it.

Ed Zulegar said that they saw no problem.

Ann Mary Dussault said that this would not require a variance from the Board of Health, then, that it was within the purview of the Health Regulations.

Ed Zulegar said yes.

Ann Mary Dussault then asked Mike Barton if, in addition to that, the Planning Staff recommendation was that the applicants be required to apply for hook-up to the Lolo Sewer System.

Mike Barton said that the applicants had applied, and they had said that they would keep the application current, if the Commissioners wished that the project be ultimately connected to the sewer. He said that that could be made a condition, and the applicants would accept that condition.

Ann Mary Dussault said that she wondered what their argument for that was. She said that as long as the septic and drainfield system were designed to meet the current regulations, why would they be required to keep an application current for connection to the Lolo Sewer and Water System.

Ed Zulegar said that it had to do with the amount of land required on a 600 gallon limitation. He said that Doug Kikkert had worked with Gordon Sorenson and Bob Brugh, and he had written to them on February 14, stating that they could use an average daily sewage flow to determine how many acres would be required, rather than peak load, and they had some data from some appraiser-consultants, White-Stevens, on what the average occupancy rate for motels under 75 units were, and so Doug had approved the plans, based on the average daily flow, although he made note that they would have to design the system on peak load. He said that he had a problem with the average flow being used for the 600 gallon limitation, and, because of that, he had wanted the stipulation put in that when they could hook-up to the Lolo Sewer and Water System, they would.

Ann Mary Dussault asked if the district would determine when that would be, and John DeVore replied that it would.

Ann Mary Dussault said that with an application pending, then, it was simply up to the district and the course of time, and they replied that that was true.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the application for Industrial Development Revenue Bonds for the Lewis and Clark Motel project be approved, subject to the following conditions:

1. That a new approach to the property be created north of the building to align with the median break at Ann's Lane;
2. That any construction comply with the 1983 Model Energy Code of the Council of American Building Officials; and
3. That the project's water and sewer system meet state and local health requirements, and, in addition to that, that the applicant maintain its application for connection to the Lolo Sewer and Water District.

Executive Officer Howard Schwartz suggested that it be included in the motion that this be made part of the bond agreement.

Ann Mary Dussault amended her motion that these conditions be made part of the bond agreement. Barbara Evans seconded the amended motion. The motion passed by a vote of 2-0.

Martin G. Moss, Vice President of First Bank Western, then asked a question in regard to the financing of the project. He asked if there were an outstanding condition with no time limit on it, yet it was a condition of the approval of the bonds, how would that be manageable. He said that if at some time in the

PUBLIC MEETING, FEBRUARY 29, 1984, CONTINUED

future they failed to keep their application outstanding, withdrew their application, or it fell by the wayside or whatever, what would that do to the tax status of the bonds?

Deputy County Attorney Mike Sehestedt said that he suspected that in the ordinary tax-exempt issue, one of the conditions of default would be loss of tax-exempt status, and the bond holders would then be in a position to accelerate and collect. He said that one of the obligations of the borrower was to maintain a tax-exempt status. He said that if, in fact, they failed to maintain the status of that condition, the County would determine violation, and probably the bonds would cease to be tax-exempt, and the borrowers would be looking at a balloon.

Mr. Moss asked if there were any way of putting a time limit on this, since it was out of their control.

Ann Mary Dussault stated that that was why she had asked to control that condition, because it appeared to be not under control of the applicant.

Mike Sehestedt said that his problem with putting a time limit on this condition was that if the septic system began to fail from the first day it was put into operation, eventually there would come a time when it would have to be dug up and started over. He said that the condition would then become more important with time, rather than less. He said that he supposed that there could be a ten-year limit on it.

Ann Mary Dussault said that it seemed to be incumbent on the County to go back to the Lolo Sewer and Water System, which belongs to the County, and see that this was done. She said that the onus was on the County, not on the applicants.

Mike Sehestedt stated that all the applicants had to do was to keep the application pending.

Howard Schwartz stated that we were obliging them to do no more than to ask to be hooked up to the Sewer System.

Mr. Moss stated that inaction on their part would not be considered a withdrawal.

Mike Sehestedt said that he would not construe this as a withdrawal.

Howard Schwartz stated that he would think that if it did come to pass that the Lolo Sewer District did get its house to a point that it could accommodate the motel, and the motel was offered the opportunity to hook up, and it said no, then the onus would then be on the motel.

CONTRACT

The Commissioners then signed the Contract between Missoula County, Montana and Construction Concepts, providing for rehabilitation services on 510 Speedway, East Missoula, in accordance with the terms and conditions contained in the contract. The agreement provided that the contractor be paid the sum of \$46,391.00, upon performance of the contract. The original was forwarded to the Clerk and Recorder for recording purposes, and a copy was sent to John Kellogg of the Missoula Planning Office.

RESOLUTION 84-028

The Commissioners then signed Resolution 84-028, a resolution to amend section 6.03 of the County Zoning Resolution, and providing that:

WHEREAS, a protest period was held for thirty (30) days after the first publication of the Resolution of Intent on January 29, 1984; and,

WHEREAS, there were no protest petitions filed by district freeholders.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby adopts the following amendments to Section 6.03 of County Resolution 76-113:

1. Add to Section 6.03 B (Space and Bulk Requirements)

Minimum required yard - front: Twenty-five (25) feet from any street for seasonal commercial uses

2. Add to Section 6.03D (Permitted Uses)

5. Seasonal Commercial Uses

3. Amend Section 6.03 G.2.c.(1) (Parking)

Except for seasonal commercial uses, interior curbs for any commercial use shall be constructed within the property lines to separate driving surfaces from sidewalks and landscaped areas and along property lines adjacent to street.

The original was forwarded to the Clerk and Recorder for recording purposes, with a copy sent to Mark Hubbell, of the Missoula Planning Office.

RESOLUTION 84-027

The Commissioners then signed Resolution 84-027, a resolution adopting amendments to the Missoula City-County Air Pollution Control Program, Sections X 1310 and XI 1110. The original was then forwarded to the Clerk and Recorder's Office, with a copy sent to Air Pollution Control Specialist Jim Carlson.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 2:30 p.m.

TOWN MEETING

Commissioners Evans and Dussault attended a town meeting held at the Bonner School in the evening.

* * * * *

March 1, 1984

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Dussault was in Helena in the forenoon for meetings on water quality; Commissioner Palmer returned from Boise in the forenoon; and Commissioner Evans was on vacation March 1st and 2nd.

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Edward Woyciechowicz as principal for Warrant #10883, dated February 16, 1984, on the School District #7, Payroll Clearing Fund in the amount of \$810.16 now unable to be found.

WARRANTY DEED

The Board of County Commissioners signed a Warranty Deed for Missoula County as grantor, to George R. Bailey, Jr. for the following described premises in Missoula County, sold as parcel #2 under Resolution No. 84-017, dated February 8, 1984, which authorized the sale of County owned land parcels through the Community Development Program:

The West 7 feet of Lot 7, all of Lot 8 and the East half of Lot 9, all in Block 25 of East Missoula, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof, located at 333 Minnesota, with the appraised value being \$9,500.00.

The Deed was returned to John Kellogg in the Planning Department for further handling.

OPEN HOUSE LUNCHEON

Commissioner Palmer attended the Nutrition Program Open House Luncheon at the Vantage Villa site at noon.

* * * * *

March 2, 1984

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

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List, dated March 1, 1984, pages 1-23, with a grand total of \$79,925.69. The Audit List was returned to the Accounting Department.


RESOLUTION NO. 84-029

The Board of County Commissioners signed Resolution No. 84-029, application for tax deed, resolving that the County Clerk and Recorder be authorized to make application to the County Treasurer of Missoula County for the issuance to Missoula County Tax Deeds covering the following described lands which remain unredeemed in the Office of the County Treasurer on February 29, 1984, and for which notice and application have heretofore been made, and the County Treasurer is hereby instructed to cancel 1979, 1980, 1981, 1982 and the current year's taxes on same.

THE following are the lands referred to:

Bitterroot Homes #1, Lot 5, Block 3
Daly Addition, Lots 26-27, Block 42
El Mar Estates Phase II, Lot 15, Block 2
Hillview Heights #6, Lot 21, Block 7
Mountain Shadows #1, Lot 6, Block 3
Mountain Shadows #1, Lot 10, Block 4
Mountain Shadows #1, Lot 9, Block 5
Mountain Shadows #1, Lot 16, Block 5
Plat A-2', West Portion of Tract 20 in E½ of Sec. 8T14NR20W.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

* * * * *

March 5, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation all week, March 5 - 9, 1984.

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Mary K. Feuersinger as principal for Warrant #91737, dated March 2, 1984, on the Missoula County Payroll fund in the amount of \$594.73 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer requests from the Welfare Department and adopted the transfers as a part of the FY '84 Budget:

- 1) No. 840068, a request to transfer \$20,919.00 from the Postage (\$182) and Rest Home Care (\$20,737) accounts to the Long Distance Phone (\$182) and Rest Home Care (\$20,737) accounts as Rest Home Care should be a Vendor Payment item rather than Welfare Administration and to take care of a deficit in the Long Distance Phone account;
- 2) No. 840069, a request to transfer \$2,200.00 from the Capital Office Equipment (\$200) and Contracted

MARCH 5, 1984, CONTINUED

Services (\$2,000) accounts to the Long Distance Phone Charges (\$200) and Interest on Registered Warrants (\$2,000) accounts to cover overexpenditures in these accounts;

- 3) No. 840070, a request to transfer \$3,372.02 from the Rent account to the Interest on Registered Warrants (\$3,000) and the Long Distance Phone Charges account (\$372.02) to cover overexpenditures in these accounts;
- 4) No. 840071, a request to transfer \$1,980.88 from the Rent account to the Basic Phone Charges (\$1,480.88) and the Prescription Drugs (\$500.) account to cover overexpenditures in these accounts;
- 5) No. 840072, a request to transfer \$10,347.50 from the Rent account to the Common Carrier Travel (\$347.50) and the Hospital Care (\$10,000.) accounts to cover actual and anticipated overexpenditures in these accounts;
- 6) No. 840073, a request to transfer \$5,018.76 from the Rent (\$5,000.) and Ad/Legal Publications (\$18.76) accounts to the Physician Services (\$5,000.) and Printing (\$18.76) accounts to cover actual and anticipated overexpenditures in these accounts; and
- 7) No. 840074, a request to transfer \$.70 from the Ad/Legal account to the Burial Cost account to cover an overexpenditure in the line item.

AUDIT

The Board of County Commissioners signed a letter to the County Auditor's Office acknowledging receipt and review of the Audit of the records of the Missoula County Elections Office for the period ending January 10, 1984. The Audit was forwarded to the Clerk and Recorder's Office for filing.

✓ SATISFACTION AND RELEASE

The Board of County Commissioners signed a Satisfaction and Release form certifying and declaring that the promissory note executed by Evelyn L. Postlethwaite on May 2, 1977, and recorded in Volume 94 at Page 142 Micro Records of Missoula County was paid in full, and that Missoula County in consideration of payment hereby releases any rights it may have under said promissory note or under the Agreement between Evelyn L. Postlethwaite and Missoula County dated April 21, 1977, one original was filed with the Clerk and Recorder and one was forwarded to Mike Sehestedt, Deputy County Attorney.

✓ AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and Anthony F. and Mary Joyce Keast for the preferential purchase of the property described as Bitterroot Homes #1 - Lot 5, Block 3, taken for tax deed by Missoula County and is being repurchased as per the covenants set forth in the Agreement. The Agreement was sent to Mike Sehestedt, Deputy County Attorney, for further handling.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as a part of the FY '84 budget:

- 1) No. 840078, a request from the Sheriff's Department to transfer \$1,000.00 from the Capital - Vehicle account to the Capital - Building and Construction account to purchase supplies and equipment in conjunction with the donated installation to electrify the firearms range area; and
- 2) No. 840079, a request from Information Services Department to transfer \$67.49 from the Mileage - Private Vehicle (\$49.38) and Common Carrier Travel (\$18.11) accounts to the Mileage - County Vehicle account because of a line item overexpenditure.

✓ RESOLUTION NO. 84-030

The Board of County Commissioners signed Resolution No. 84-030, a resolution granting a variance to the regulations of Missoula County Planning and Zoning District No. 7, pursuant to Mr. Jack Palmer's request to have an automotive body repair shop on Lots 1, 2, and 3, Morris Drive Addition, subject to the conditions listed on the Resolution.

✓ CONTRACT MODIFICATION

The Board of County Commissioners signed a Contract Modification Service contract between the Missoula Area Agency on Aging and the Missoula City-County Health Department modifying Sections IV and V as shown on the Agreement dated October 1, 1983. The form was returned to the Health Department for further handling.

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts for the Health Department with the following independent contractors:

- ✓ 1) Betty Wing, Missoula County Deputy County Attorney, for the purpose of performing duties of Special Prosecutor for Driving Under the Influence (DUI) cases as specified on the attachment to the Contract for the period from January 1, 1984, through September 30, 1984 (20 hours per week) for a total sum not to exceed \$6,920.00;
- ✓ 2) Joanne Oreskovich and Anita Wilson for the purpose of hiring, training and administering payments to interviewers for the Northwest Area Foundation grant (\$4.00/completed interview), for the period from February 14, 1984 to April 1, 1984, for a total amount not to exceed \$2,250.00;
- ✓ 3) Missoula County Sheriff's Office for the purpose of participation in the Driving Under the Influence (DUI) Enforcement Team by Missoula County Sheriff's Deputies, for the period from January 1, 1984, to September 30, 1984, for a sum not to exceed \$2,240.00; and
- ✓ 4) Missoula City Police Department for the purpose of participation in the Driving Under the Influence (DUI) Enforcement Team by Missoula City Police Officers, for the period from January 1, 1984 through September 30, 1984, for a sum not to exceed \$4,480.00.

The above Contracts were returned to the Health Department for further handling.

MARCH 5, 1984, CONTINUED

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

March 6, 1984

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

CLAIMS

Claims were presented by Warrants for pay period #17 (dated March 6, 1984) to be drawn on the following funds in the following amounts:

Working Fund	\$ 35,776.21
Road Fund	20,400.56
Planning Fund	22,296.86
General Fund	192,743.62
Weed Fund	1,648.25
Bridge Fund	4,243.23
Miscellaneous Fund	91,811.37

The original Claims are on file in the Auditor's Office.

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 Budget Transfer No. 840083, a request from the Sheriff's Department to transfer \$6,000.00 from the Financial Administration Special Taxes/Assessments account to the Sheriff's Department Prescription Drugs account because of anticipated overexpenditure of line item and adopted the transfer as a part of the FY '84 Budget.

RENTAL AGREEMENT

The Board of County Commissioners signed a Rental Agreement between Missoula County and Joseph W. Peters, 2395 Speedway, East Missoula, in connection with the property described as 210 Montana, East Missoula, for a period of eight (8) years from date of this Agreement in consideration of the Housing Rehabilitation Loan by the County of Missoula in the amount of \$3,971.00 as per the terms set forth in the Agreement. The Agreement was returned to the Planning Department for further handling.

Other matters considered included:

- 1) The Commissioners authorized Deputy County Attorney, Mike Sehestedt, to proceed with negotiations on the Sunset West Subdivision;
- 2) The Board met with Undersheriff Dan Magone, and discussed the jail budget - various options will be investigated; and
- 3) Interim staffing, pending the hiring of a new Administrative Officer, was discussed and it was decided that, on an interim basis Commissioner Dussault will handle budget matters, Commissioner Palmer will handle the daily administrative functions, and Howard Schwartz, Executive Officer, the insurance inquiries.

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

March 7, 1984

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

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 84-031

The Board of County Commissioners signed Resolution No. 84-031, authorizing the County Treasurer to establish a "drug forfeiture" account as per MCA 44-12-206 for the Sheriff's Department for drug enforcement and education purposes.

RESOLUTION NO. 84-032

The Board of County Commissioners signed Resolution No. 84-032, a budget amendment for the Sheriff's Department for FY '84, including the following expenditures and revenue and adopting it as part of the FY '84 Budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
01-00-300-04-00-112 (Temp. Salaries) For guarding Lake County prisoner at St. Patrick Hospital	\$3,040.00

<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
01-990-17-00-925 Reimbursement from Lake County for guarding their prisoner at St. Patrick Hospital	\$3,040.00

Other matters considered included:

- 1) A discussion was held regarding budget amendment procedures and purposes; and
- 2) Revenue sharing prospects were discussed with John DeVore, Operations Officer.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Barbara Evans was away on vacation.

BID AWARD: ROAD SANDING MATERIAL (SURVEYOR)

Under consideration was a bid award for road sanding material. Information provided by County Surveyor Richard Colvill stated that bids were opened March 5, 1984 for 6,000 tons of road sanding material, with the following bids received:

Western Materials	\$17,340
L. S. Jensen & Sons, Inc.	17,340
Washington Construction Company	20,940
American Asphalt, Inc,	24,000

Dick Colvill's recommendation was that the Contract for 6,000 tons of road sanding material be awarded to one of the two low bidders, Western Materials, Inc. in the amount of \$17,340. He said that both low bids were acceptable to the Surveyor's Department, and that they had \$17,259 remaining in the sand budget, and could transfer the remaining \$41.00 from surplus equipment funds.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the bid be awarded to Western Materials, Inc., in the amount of \$17,340, in accordance with the Surveyor's recommendation. The motion passed by a vote of 2-0.

BID AWARD: PLANT MIX PAVING AGGREGATE

Under consideration was a bid award for plant mix paving aggregate. Information provided by Surveyor Dick Colvill stated that the following bids were opened March 5, 1984 for 6,000 tons of plant mix paving aggregate, with the following bids received:

Washington Construction	\$22,680
L. S. Jensen & Sons, Inc.	22,740
Nicholson Paving Company	24,600
American Asphalt, Inc.	27,000
Western Materials, Inc.	29,700

Dick Colvill's recommendation was that the contract for 6,000 tons of plant mix paving aggregate be awarded to the low bidder, Washington Construction, in the amount of \$22,680. He said that \$21,000 for aggregate remained in the current budget, and that \$1,680 could be transferred from surplus equipment funds.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the bid be awarded to the low bidder, Washington Construction, for 6,000 tons of plant mix paving aggregate in the amount of \$22,680, in accordance with the recommendation of the Surveyor, Dick Colvill. The motion carried 2-0.

BID AWARD: CRUSHED COVER AGGREGATE- STONE CHIPS

Under consideration was a bid award for crushed cover aggregate (stone chips). Information provided by Surveyor Colvill stated that bids were opened March 5, 1984, for 4,500 tons of stone chips, with the following bids received:

Washington Construction Company	\$29,025
Western Materials, Inc.	33,525
American Asphalt, Inc.	50,850

His recommendation was that the contract be awarded to the low bidder, Washington Construction, in the amount of \$29,025, for 4,500 tons of stone chips. He said that \$28,000 for chips remained in the current budget, and said that \$1,025 could be transferred from surplus equipment funds.

Ann Mary Dussault asked why there was such a spread in the bids, and Dick Colvill replied that he thought American Asphalt had thrown in a high one in the hopes that no one else would bid.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the bid for 4,500 tons of stone chips be awarded to Washington Construction, in the amount of \$29,025. The motion passed by a vote of 2-0.

BID AWARD: SIX VEHICLES (SHERIFF'S DEPARTMENT)

Information supplied by Undersheriff Dan Magone stated that at the bid opening at 10 a.m. on 3/5/85, there were only two bids submitted to supply the Sheriff's Department with six patrol cars.

He stated that Bitterroot Ford had submitted the low bid, although they had called and advised the Sheriff's Department that they had made an error and wished to submit a corrected bid. He stated that he had been advised that this could not be done, and they, therefore, withdrew their bid.

It was Dan Magone's recommendation that Bitterroot Ford be allowed to withdraw their bid, and that the bid be awarded to the other bidder, T & W Chevrolet, in the amount of \$57,694.00.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the bid for six patrol cars for the Sheriff's Department be awarded to T & W Chevrolet in the amount of \$57,694, contingent on not taking delivery until July 1, 1984. The motion passed by a vote of 2-0.

CONTINUATION OF HEARING FROM FEBRUARY 22 & 29 - RESOLUTION ON DUST TREATMENT ON COUNTY ROADS

Air Pollution Control Specialist Jim Carlson submitted proposed revisions to the Surveyor's proposed dust oil policy, which addressed Health Department concerns in regard to dust oiling County roads. In addition, he said that he did not feel it was appropriate for the Health Department to have to pay for chemical analysis of oiling material. He said that the Health Department's concern was that materials applied to County roads be within health and safety standards.

PUBLIC MEETING, MARCH 7, 1984, CONTINUED

Surveyor Dick Colvill said that he had looked over the Health Department's proposed revisions, and he had no problem with them.

Ann Mary Dussault suggested that the Board accept the revisions to the proposed resolution on dust oiling of County roads and publish in the Missoulian the fact that the hearing would be continued to the March 14 public meeting at 1:30 p.m. in Room 201 of the Courthouse Annex.

By acclamation, it was decided that the hearing would be continued as Ann Mary Dussault had suggested.

Since there was no further business, the meeting was recessed at 1:50 p.m.

* * * * *

March 8, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault left late in the afternoon for Helena where she attended a Department of Natural Resources dinner meeting in the evening.

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated March 7, 1984, pages 1-26, with a grand total of \$89,171.04. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report for Justice of the Peace W. P. Monger for collections and distributions for month ending February 29, 1984.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Robinson & O'Neill, Architects, an independent contractor for the purpose of interior design services for the Health Department located on the second floor of the County Welfare Building at 301 W. Alder, and the project to include design of the interior layout to maximize usage of the 9,384 gross square feet of the second floor for the use of office space, commencing on March 6, 1984 and concluding on May 1, 1984, for a sum not to exceed \$2,800.00. The Contract was returned to the Health Department for further handling.

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March 9, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending a Board of Natural Resources meeting.

MONTHLY REPORT

Chairman Palmer 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, 1984.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the Monthly Report of Justice of the Peace Janet Stevens for collections and distributions for month ending February 29, 1984.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, Board of County Commissioners

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March 12, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation March 12th through March 14th.

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 dated March 9, 1984, to the County Auditor's Office acknowledging receipt and review of the Audit of the records of the Missoula County Health Fund for the period ending November 30, 1983. The Audit was forwarded to the Clerk and Recorder's Office for filing.

RESOLUTION NO 84-033

The Board of County Commissioners signed Resolution No. 84-033, a budget amendment for FY '84, including the following expenditure and revenue and adopting it as a part of the FY '84 Budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
Sheriff's Department	
30-319-01-00-300	\$2,000.00
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
30-940-0000-511	\$2,000.00
Drug Forfeiture Fund account (Resolution #84-031)	

MARCH 12, 1984, CONTINUED

RESOLUTION NO. 84-034

The Board of County Commissioners signed Resolution No. 84-034, a budget amendment for FY '84 for the Superintendent of Schools, including the following expenditure and revenue, and adopting it as a part of the FY '84 Budget:

DESCRIPTION OF EXPENDITURE	BUDGET
Line Item .311 - Printing & Litho	\$238.81
DESCRIPTION OF REVENUE	REVENUE
Special Education Cooperative	\$238.81 (rec'd)

RESOLUTION NO. 84-035

The Board of County Commissioners signed Resolution No. 84-035, a resolution relating to a project and revenue bonds under Title 90, Chapter 5, Part 1, Montana Code annotated; approving the Lolo's Lewis and Clark Inn project and authorizing the issuance of Industrial Development Revenue Bonds in the maximum aggregate face amount of \$500,000.00.

MAINTENANCE AGREEMENT

Chairman Palmer signed an Equipment Maintenance Agreement between Missoula County and Burroughs Corporation for disk drive maintenance at the rate of \$172.80 per month as per the terms set forth. The Agreement was returned to Jim Dolezal in Information Services for further handling.

AGREEMENT

Chairman Palmer signed the Blackfoot River Recreation Corridor, Landowner's Agreement between various private landowners, the U.S. Bureau of Land Management of the Department of the Interior, the Montana Department of State Lands through its Division of Forestry, the Montana Forest and Conservation Experiment Station through its Lubrecht Experimental Forest (referred to collectively or individually as Landowner(s)), and the Montana Department of Fish, Wildlife and Parks (referred to as Department), and the Missoula County Commissioners (referred to as County) for the purpose of providing for adequate and responsible recreational management of the Blackfoot River as per the terms set forth in the Agreement. The Agreement was returned to Tom Greenwood of the Department of Fish, Wildlife & Parks for further handling.

BOARD APPOINTMENT

The Board of County Commissioners appointed Brian D. Parson as a "regular" member of the Lolo Mosquito Control Board to replace Fred Reed, who was appointed previously but did not live within the Mosquito District. Mr. Parson's term will run through December 31, 1986.

Other matters considered included:

- 1) The Commissioners discussed the SRS Court case with Mike Sehestedt, Deputy County Attorney - he will present further comments in the near future;
- 2) It was agreed that a letter be drafted to the Department of Revenue urging that they replace Doug Campbell who will be retiring as County Assessor the end of March as quickly as possible; and
- 3) A discussion was held concerning a general fund problem relating to the Sheriff's Office - Dan Cox, Operations Analyst from the Surveyor's Office, presented a proposal for solving the problem, and the decision was for him to prepare the necessary budget transfers.

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

March 13, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer attended a meeting of the Executive Board of the Joint Energy Committee and representatives of the Northwest Power Planning Council in the forenoon.

March 14, 1984

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 LETTER

The Board of County Commissioners signed a letter dated March 13, 1984, to the County Auditor's Office acknowledging receipt and review of the Audit of the records of the Missoula County Superintendent of Schools Office for the period ending December 31, 1983. The Audit was forwarded to the Clerk and Recorder's Office for filing.

RESOLUTION NO. 84-036

The Board of County Commissioners signed Resolution No. 84-036, authorizing the exchange of personal property, whereby the Missoula County Surveyor is authorized to establish the equivalent of certain bridge beams and to exchange the bridge beams for an equivalent in gravel aggregate from Washington Construction.

AGREEMENTS

The Board of County Commissioners signed Agreements between Missoula County and the following agencies (Subscribers), whereby the County will provide the Subscriber with a new MEANS unit as per the terms set forth in the Agreements for the Missoula Emergency Action Notification System:

MARCH 14, 1984, CONTINUED

- 1) Missoula General Hospital (September 28, 1983);
- 2) KECI-TV (September 22, 1983);
- 3) University of Montana (November 8, 1983);
- 4) KYLT-KZOQ Radio (September 20, 1983);
- 5) The Missoulian (February 22, 1984);
- 6) Missoula County Airport Authority (February 28, 1984);
- 7) Missoula Urban Transportation District (March 12, 1984);
- 8) KGVO Radio (December 31, 1983);
- 9) KYSS AM/FM Radio (March 12, 1984);
- 10) Windpoint 1979 Holding Company (November 18, 1983);
- 11) Missoula Community Hospital (September 28, 1983);
- 12) St. Patrick Hospital (October 21, 1983);
- 13) Arrow Ambulance (March 12, 1984); and
- 14) KPAX-TV (March 12, 1984).

The above Agreements were all returned to Orin Olsgaard, DES Coordinator, for further handling.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer requests from the Health Department and adopted them as a part of the FY '84 Budget:

- 1) No. 840085, to transfer \$600.00 from the Mileage - County Vehicle (\$400.00) and Heat, Lights & Water (\$200.00) accounts to the Lab Supplies (\$400) and Small Tools - Non-Capital (\$200.00) accounts as these line items are overexpended;
- 2) No. 840086, to transfer \$2,300.00 from the Contracted Services Account to the Common Carrier (\$1,800.00) and Meals, Lodging and Incidentals (\$500.00) accounts as these line items are overexpended;
- 3) No. 840087, to transfer \$175.00 from the Mileage - County Vehicle (\$100.00) and the Consultants (\$75.00) accounts to the Radio Maintenance account as the line item is overexpended;
- 4) No. 840088, to transfer \$550.00 from the Mileage - County Vehicle account to the Meals, Lodging and Incidentals (\$500.00) and Books, Res. Material, Subscriptions (\$50.00) accounts as these line items are overexpended;
- 5) No. 840089, to transfer \$2,500.00 from the Contracted Services (\$2,000.00) and Investigative Aids (\$500.00) accounts to the Public Relations Materials (\$2,000.00) and Lab Supplies (\$500.00) accounts as these line items are overexpended;
- 6) No. 840090, to transfer \$200.00 from the Mileage - County Vehicle account to the Books, Res. Materials, Subscriptions (\$125.00) and Office Supplies (\$75.00) accounts as these line items are overexpended;
- 7) No. 840091, to transfer \$275.00 from the Contracted Services (\$200.00) and Mileage - County Vehicle (\$75.00) accounts to the Meals, Lodging and Incidentals (\$200.00) and Towing (\$75.00) accounts as these line items are overexpended;
- 8) No. 840092, to transfer \$700.00 from the Long Distance Phone (\$100.00) and Mileage - County Vehicle (\$600.00) accounts to the Data Gathering account as this line item is overexpended;
- 9) No. 840093, to transfer \$300.00 from the Heat, Lights and Water (\$200.00) and Phone - Basic Charge (\$100.00) accounts to the Data Gathering account as this line item is overexpended.
- 10) No. 840094, to transfer \$2,000.00 from the Interest - Reg. Warrants account to the Copy Costs (\$1,750.00) and Other Equipment Maintenance (\$250.00) accounts as these line items are overexpended; and
- 11) No. 840095, to transfer \$175.00 from the Mileage - Private Vehicle (\$25.00) and Long Distance Phone (\$150.00) accounts to the Books, Res. Materials, Subscriptions (\$25.00) and Dues & Memberships (\$150.00) accounts as these line items are overexpended.

✓ CONTRACT FOR DEED

The Board of County Commissioners signed a Contract for Deed, a Notice of Purchaser's Interest and a Quit-claim Deed dated March 9, 1984, between Missoula County and Russell & Sons Excavating of East Missoula for their purchase of the following described property:

Lots 19,20,21,22 and 23 in Block 30 of East Missoula, Missoula County, Montana,
according to the official recorded plat thereof, and located at 410 Montana
Street, East Missoula,

as per the terms and conditions set forth in the documents for a total purchase price of \$29,250.00 to be paid as per the Contract terms. All of the documents were returned to John Kellogg in the Planning Department for further handling.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following Budget Transfers as per the proposed solution to the budget problem in the Sheriff's Department by Dan Cox (March 12, 1984), and adopted the transfers as a part of the FY '84 budget:

- 1) No. 840097, to transfer \$5,000.00 from the Financial Administration's Special Taxes and Assessments account to the Sheriff's Department - Jail Food Purchases account as more prisoners are being fed than anticipated in the budget;
- 2) No. 840098, to transfer \$3,500.00 from the Personnel Department General Administration - General Fund Training Pool account to the Sheriff's Department - Jail Food Purchases account as more prisoners are being fed than anticipated in the budget; and
- 3) No. 840099, to transfer \$2,000.00 from the Sheriff's Department - Administration Long Distance Phone account to the Sheriff's Department - Jail Food Purchases account as more prisoners are being fed than anticipated in the budget.

Other matters considered included:

MARCH 14, 1984, CONTINUED

- 1) The Commissioners met with Orin Olsgaard, DES Coordinator and authorized publicity for the MEANS system upon the inauguration of the system;
- 2) The SRS Lawsuit was discussed and it was agreed to sign the Agreement, but with an accompanying letter drafted by Mike Sehestedt, Deputy County Attorney;
- 3) The Colstrip Rate Case was discussed - it was decided that a cap be put on John Duffield's expenditures; and
- 4) Bruce Suenram, Missoula Rural Fire Chief, met with the Commissioners and invited them to attend that Fire District's Board of Trustees Convention to be held in Missoula on April 14, 1984.

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

PUBLIC MEETING

Acting Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Barbara Evans was absent as she was on vacation.

BIDS

Bids were opened at 10:00 a.m. on March 12, 1984, for the reconstruction of a portion of Mullan Road at the Pulpmill, Phase II. The following bids were received:

Western Materials, Inc.	\$56,772.00
American Asphalt, Inc.	65,824.25
Nicholson Paving Co.	66,762.30

Bob Palmer recommended to award the contract to the low bidder, Western Materials, Inc., in the amount of \$56,772.00.

Ann Mary Dussault asked County Surveyor Dick Colvill where this section went. Dick answered that it went from the railroad tracks to where they had worked on the pulpmill before - the stretch of road between them coming east.

Ann Mary Dussault then moved, and Bob Palmer seconded, that the bid award be given to the lowest bidder, Western Materials, Inc., for the amount of \$56,772.00. The motion passed by a vote of 2-0.

Bob Palmer asked Deputy County Attorney Mike Sehestedt if he had gotten together with attorney Ron MacDonald regarding the dust oil policy. Mike answered that he had talked to Mr. MacDonald before he had gone to Hawaii. He also said he had talked to Bob Charles, one of the dust oilers.

Dick Colvill stated there may be some heat on this issue because it prohibits all oiling from the upper loop of Rattlesnake Drive. He felt they might ask for permission to use magnesium chloride from the County, as they had last year.

In answer to a question from Mike Sehestedt, Commissioner Ann Mary Dussault said she felt the intent of the dust oil resolution was that the Health Department was to draw up testing guidelines which they would give to the applicators, and the applicators would have the testing done. The Health Department didn't want to get stuck with the financial end of the testing.

Dick Colvill stated that the Health Department would test if they felt something was wrong, but that they would not be testing everyone.

Bob Holm of the Surveyor's Office said they'd ask the contractors to provide chemical analysis in order to maintain records of what was being used, i.e., light weight oil, heavy weight oil, or something else. The Health Department would then decide what they would have to test it for.

Mike Sehestedt stated that his concern is that the applicators will go from shop to shop for oil to make some sort of aggregate. He said just one transformer load could be put into a 500 gallon tank, and on visual inspection there would be nothing to tip anyone off.

Bob Holm agreed that a 500-gallon tank could contaminate a large section of road.

RESOLUTION 84-037 - DUST OIL POLICY

Bob Palmer and Ann Mary Dussault, constituting a majority of the Board of County Commissioners, signed Resolution No. 84-037, a resolution which supersedes Resolution Nos. 75-52 and 75-93, and updates a policy for the placement of dust palliatives on county roads. Such placement is to be by permit only, to be obtained from the Missoula County Road Department, subject to conditions as stated in said resolution.

Bob Palmer asked if there was any other business, at which Bob Holm said the Surveyor's Office was in the process of putting together the package to go out for bids for the Nine Mile Area, and was going to advertise the fact in the paper. He said 692 tons of chloride dust powder material would be going on 17.85 miles of County roads in the Nine Mile area.

There being no further business, Chairman Bob Palmer recessed the meeting at 1:40 p.m.

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March 15, 1984

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Palmer left at noon for Boise, Idaho, to attend a BPA Task Force meeting.

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List dated March 14, 1984, pages 1-30, with a grand total of \$104,948.89. 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:

MARCH 15, 1984

✓ CONTRACT

The Board of County Commissioners signed a Contract between Missoula County and Washington Construction Co., the low bidder for 4,500 tons of crushed cover aggregate-stone chips, for a sum of \$29,025.00, as per the terms set forth. The Contract was returned to Billie Blundell in Centralized Services for further handling.

RESOLUTION NO. 84-038

The Board of County Commissioners signed Resolution No. 84-038, setting the date for the Sale of Tax Deed Property, certain tracts of land acquired on March 12, 1984 by Missoula County by tax deed and more particularly described in the tax deed file in the Clerk and Records Office, for April 25, 1984 at 1:30 p.m. in the Missoula County Courthouse.

✓ CONTRACT

The Board of County Commissioners signed a Contract between Missoula County and Washington Construction Co., the low bidder for 6,000 tons of plant mix paving aggregate for a total sum of \$22,680.00 as per the terms set forth. The Contract was returned to Centralized Services for further handling.

CONSENT FORM

The Board of County Commissioners signed a Consent form giving their approval of the assignment of an undivided one-half interest in Units 121-129 inclusive of the Missoula Community Physicians Center by James Gouaux to Dean Ross as acquired by the lease purchase contracts. The consent form was returned to Bob Minto, Attorney at Law, for further handling.

Other matters considered at the meeting included a discussion of the Interlocal Library Agreement.

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

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March 16, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Evans left for Washington D.C. where she will attend the NACo Legislative Conference and Commissioner Palmer was in Boise, Idaho attending the BPA Building Codes Task Force meeting.

 _____ Fern Hart, Clerk and Recorder	 _____ Bob Palmer, Chairman, Board of County Commissioners
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March 19, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was in Washington, D.C. attending the NACo Legislative Conference, March 19th through March 21, 1984.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as a part of the FY '84 budget:

- 1) No. 840100, a request from the Energy Conservation Department to transfer \$15,487.00 from the BPA Energy Grant Temporary Salaries account to the BPA Energy Grant Permanent Salaries (\$10,487) and the Energy Conservation Permanent Salaries (\$5,000.00) accounts because of miscoding of payrolls under the BPA Grant; and
- 2) No. 840101, a request from the Health Department to transfer from the Permanent Salaries account to the Temporary Salaries account as line items were overexpended due to a coding problem.

✓ SUBDIVISION IMPROVEMENTS AGREEMENT

The Board of County Commissioners signed a Subdivision Improvements Agreement between Missoula County and Clifford A. and Opalmae H. Frey, the subdividers of Clark Fork Estates, whereby the parties agree that all public improvements in Clark Fork Estates - Phase I, required to be installed according to the Missoula County Subdivision Regulations, Resolution No. 78-68, including the installation of Frey Lane, shall be installed and accepted within twenty (24) months of the date of this Agreement.

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

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March 20, 1984

The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present. Commissioner Palmer was in Spokane, Washington attending a BPA Task Force meeting.

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March 21, 1984

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

MARCH 21, 1984, CONTINUED

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 a part of the FY '84 budget:

- 1) No. 840103, a request from the Traffic (Road) Department to transfer \$200.00 from the Traffic Paint account to the Tools & Materials account as the line item is overexpended;
- 2) No. 840104, a request from the Road Department to transfer \$100.00 from the Winter Road Maintenance - Contracted Services account to the Winter Road Maintenance - Heat, Lights & Water account as the line item is overexpended; and
- 3) No. 840105, a request from the Road Department to transfer \$200.00 from the Capital - Vehicle account to the Capital - Remodeling account as the line item is overexpended.

SERVICE CONTRACT

The Board of County Commissioners signed a Service Contract between Missoula County and Charles Millam, an independent contractor for the purpose of dismantling and removing from the site the small woodframe structure known as 3107 Clark Street and shall be entitled to keep all parts and materials of the structure, except for the foundation, as full compensation for his services. This work will be done on or after March 19, 1984, as per the terms set forth. The Contract was returned to Jean Wilcox, Deputy County Attorney, for futher handling and one copy was sent to Mr. Millam.

RESOLUTION NO. 84-039

The Board of County Commissioners signed Resolution No. 84-039, a budget amendment for FY '84, including the following expenditure and revenue for the Financial Administration Department regarding the BPA Litigation, and adopting it as a part of the FY '84 Budget:

DESCRIPTION OF EXPENDITURE	BUDGET
01-891-01-00-541 (from \$50,000 to \$51,217.00)	\$1,217.00
DESCRIPTION OF REVENUE	REVENUE
01-920-20-00-352	\$1,217.00

Other matters considered included:

- 1) The Commissioners discussed litigation and gave permission for Mike Sehestedt, Deputy County Attorney, to check the County's exposure regarding the Scott McCann case; and
- 2) The Nedra Joseph-Duane Jones lawsuit was discussed - the insurance carrier is handling the case.

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

WEEKLY PUBLIC MEETING CANCELED

The weekly public evening meeting, scheduled for March 21st, was canceled due to a lack of Agenda items, and that two of the Commissioners had previously been scheduled to be out of town on this date.

March 22, 1984

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. 84-040

The Board of County Commissioners signed Resolution No. 84-040, a budget amendment for FY '84 for the Superintendent of Schools Office, including the following expenditures and revenue and adopting it as a part of the FY '84 budget for the purpose of covering the termination pay-out and the training period for the new School Financial Officer position due to the elimination of the Chief Deputy Superintendent of Schools position:

DESCRIPTION OF EXPENDITURE	BUDGET
Missoula County Superintendent of Schools Office:	
270-01-00-111 - Salaries	3,651.44
270-01-00-141 - Fringe Benefits	1,217.14
	4,868.58
DESCRIPTION OF REVENUE	REVENUE
Unanticipated state funds from grant monies through the Teacher's Center	
271-01 - Entire balance	4,868.58

AGREEMENT

Chairman Palmer signed an Agreement between Missoula County and the Montana Department of Social and Rehabilitation Services in the matter of grant-in-aid for the fiscal year July 1, 1982, through June 30, 1983, for Missoula County regarding certain provisions of ARM 46.9.310 as per the terms set forth in the Agreement whereby the Department will pay to the County the sum of \$178,711.00. The Agreement was forwarded to SRS for execution.

MARCH 22, 1984, CONTINUED

Other matters considered included:

A discussion was held regarding the Home Health proposal.

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

AWARD BANQUET

Commissioner Dussault attended the Youth Leadership Awards Banquet in the evening.

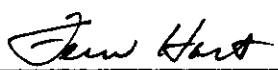
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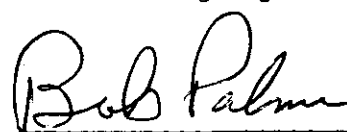
March 23, 1984

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

AUDIT LIST

Commissioners Evans and Palmer signed the Audit List dated March 23, 1984, pages 1-26, with a grand total of \$80,091.62. The Audit List was returned to the Accounting Department.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, Board of County Commissioners

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March 26, 1984

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

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a Contract between Missoula County and Western Materials, Inc. the low bidder for the construction, installation and completion of the reconstruction of Mullan Road at Pulpmill, Phase II project, for a total sum of \$56,772.00, as per the terms set forth. The Contract was returned to Centralized Services for further handling.

CERTIFICATE OF ACCEPTANCE

Chairman Palmer signed a Certificate of Acceptance for County Maintenance of XL Avenue, a street about a block long located just south of the California Street Bridge; it is paved and has been used for many years, but was never put on the current road inventory. The Certificate was returned to the Surveyor's Office.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as a part of the FY '84 budget:

- 1) No. 840109, a request from the County Attorney's Office to transfer \$1,150.00 from the Gasoline (\$250.), Vehicle Repair (\$400.), and Meals & Lodging (\$500.) accounts to the Copy Costs (\$650.) and Law Books (\$500.) accounts because of a 50% increase in copy costs and an increase in costs for law books;
- 2) No. 840110, a request from the Health Department to transfer \$287.00 from the Insurance/Fidelity Bonds (\$125.) and Phone-Basic Charges (\$162.) accounts to the Special Taxes and Assessments account as the expenditure yearly charge for Montana Medical-Legal Panel Assessment was not accounted for;
- 3) No. 840111, a request from the Road Department to transfer \$1,000.00 from the Capital-Vehicles account to the Capital-Tech. Equipment account to purchase a printer for the new computer.
- 4) No. 840112, a request from the Health Department to transfer \$200.00 from the Mileage-County Vehicles (\$100.) and Phone-Basic Charges (\$100.) accounts to the Dues/Memberships (\$100.) and Data Gathering (\$100.) accounts as these line items are overexpended; and
- 5) No. 840113, a request from the Health Department to transfer \$426.00 from the Meals & Lodging (\$100.) and Heat, Power & Lights (\$326.) accounts to the Meals & Lodging (\$100.) and Office Supplies (\$326.) accounts as the line item is overexpended and to create a new line item.

Other matters considered included the following:

- 1) The Commissioners met with Pearl Bruno of the Area Agency on Aging and Earl Lory, State Representative, and discussed the SRS proposal regarding the next legislative budget; and
- 2) Intern Cindy Klette, met with the Board and discussed the CBO evaluation tool.

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

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March 27, 1984

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Palmer was in Helena all day attending the Colstrip Rate Case Hearings and Commissioner Evans and Dussault were out of the office until noon.

MARCH 27, 1984, CONTINUEDCLAIMS

Claims were presented by Warrants for pay period #18 (March 22, 1984) to be drawn on the following funds in the following amounts:

Working Fund	\$ 42,464.42
Bridge Fund	1,633.95
Road Fund	18,206.68
Planning Fund	22,159.56
Weed Fund	1,836.36
General Fund	195,317.20
Miscellaneous Fund	90,490.83

The original Claims are on file in the Auditors Office.

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March 28, 1984

The Board of County Commissioners met in regular session; all three members were present. Commissioners Palmer attended a meeting of the Joint Energy Committee in the forenoon.

CLAIMS

Claims were present by Warrants for pay period #19 (March 27, 1984) to be drawn on the following funds in the following amounts:

Working Fund	\$ 31,601.25
Bridge Fund	2,524.63
Road Fund	24,580.11
Planning Fund	22,251.89
Weed Fund	1,777.98
General Fund	198,748.26
Miscellaneous Fund	91,740.78

The original Claims are on file in the Auditor's Office.

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List dated March 27, 1984, pages 1-26, with a grand total of \$83,410.72. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a Contract dated March 8, 1984, between Missoula County and Western Materials, Inc., the low bidder for delivery of 6,000 tons of road sanding materials for a total sum of \$17,340.00, as per the terms set forth. The Contract was returned to Centralized Services for further handling.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following Budget Transfers and adopted them as a part of the FY '84 budget:

- 1) No. 840084, a request from the Superintendent of Schools Office to transfer \$1,400.00 from the Common Carrier Travel (\$600.) and Mileage-County Vehicle (\$800.) accounts to the Office Supplies (\$600.) and Mileage - Private Vehicle (\$800.) accounts as these budgets were running low and these changes will balance out the line items;
- 2) No. 840114, a request from District Court (064) to transfer \$2,337.00 from the Capital-Tech. Equipment account to the Capital-Office Equipment account as this amount was taken out of the wrong account;
- 3) No. 840115, a request from the Superintendent of Schools Office to transfer \$61.60 from the Map Preparation account to the Books, Res. Materials, Subscriptions account to balance out these line items;
- 4) No. 840116, a request from the Road Department to transfer \$500.00 from the Capital-Vehicles account to the Road Maintenance-Sand account as the low bid for the road sand Contract was slightly over the budget amount;
- 5) No. 840117, a request from the Road Department to transfer \$1,000.00 from the Mullan Road Repair Capital account to the Traffic Safety Contracted Services account as the expenses to repair the Van Evans Railroad Crossing are higher than anticipated; and
- 6) No. 840118, a request from District Court, Department I, to transfer \$500.00 from the Postage account to the Office Supplies account as this line item is overexpended.

Other matters considered included the following:

- 1) The Commissioners met with John DeVore, Operations Office and discussed Building 312 at Fort Missoula - it was decided to request Pat Williams, U.S. Representative, to introduce a Bill in Congress to give the building to the County;
- 2) The refuse and illegal dumping problem in the County was discussed - a meeting will be set up with the Department and agencies involved; and
- 3) A discussion was held regarding phone equipment - the Commissioners voted to have John DeVore, Operations Officer, proceed with the purchase of the phone system.

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

MARCH 28, 1984, CONTINUED

PUBLIC MEETING

Bob Palmer called the meeting to order at 1:30. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

✓ BID AWARD: TRAFFIC LINE PAINT - SURVEYOR

Under consideration was a contract for traffic paint. Information provided by Surveyor Colvill stated that bids were opened on March 19, 1984, for 2,900 gallons of traffic paint, with the following bids received:

Columbia Paint Company	12,660
Norris Paint Company	13,613
Redland Prismo, Inc.	14,241

The recommendation was that the contract be awarded to the low bidder, Columbia Paint Company, in the amount of \$12,660. Dick Colvill said that \$22,334 remained in this year's budget for traffic paint.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid for traffic line paint be awarded to the low bidder, Columbia Paint Company, in the amount of \$12,660. The motion passed by a vote of 3-0.

✓ BID AWARD: INTEGRAL WHEEL LOADER BACKHOE - SURVEYOR

Under consideration was a contract for a wheel loader backhoe. Information provided by Surveyor Dick Colvill stated that bids were opened March 19, 1984, for a wheel loader backhoe, with the following bids having been received:

	<u>Initial Cost</u>	<u>Life-Cycle Cost</u>
Davies, Inc.	47,310	84,363
All West Tractor, Inc.	49,856	96,255

The recommendation was to award the contract to the low bidder, Davies, Inc., for a model 510B backhoe loader, with the engine turbocharger option, for a total cost of \$47,310. Surveyor Colvill stated that \$50,000 had been budgeted for this machine.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid for a model 510B backhoe loader, with the engine turbocharger option, be awarded to the low bidder, Davies, Inc., for a total cost of \$47,310. The motion passed by a vote of 3-0.

✓ HEARING: RESOLUTION TO CONTROL EXCAVATIONS ON COUNTY ROADS AND STREETS

Information provided by Surveyor Dick Colvill stated that the action requested was that the Commissioners approve a resolution to control excavations in County roads and streets. He said that we have roughly 30 million dollars invested in 300 miles of paved roads, and that each year the County spends about \$300,000 patching, overlaying and seal coating these roads. One of the major contributions to pavement damage are utility excavators. He said that this resolution, which is patterned after the City ordinance, would make the following changes:

1. The warranty for work and materials will be extended from one to two years;
2. Utility companies would have to get individual permits instead of blanket permits;
3. A traffic plan is required; and
4. A fee of \$30 for each permit will be charged. A fee of \$5.00 per square foot will be assessed for cutting pavement less than two years old.

Bob Holm, the Project Engineer for the Road Department, stated that the proposed resolution was a restatement of one done in 1976, with some changes and additions. He said that passing this resolution would standardize County practices with those of the City and the State of Montana. He said that the Surveyor's Office wanted to work with the utility companies so that the various needs can be accommodated.

Bob Palmer then opened the hearing to public comment, asking that proponents speak first. No one came forward to speak as a proponent. The following people spoke as opponents:

1. Jack Pinsoneault, an attorney representing the interests of Blackfoot Telephone Cooperative, stated that their business offices were located at 1112 Russell Street, and Missoula Electric Cooperative, situated on 1950 West Sherwood Street. He said that a group of concerned representatives from these and other firms had met that morning, and they had asked him to make some further introductions, in the interests of time. He introduced the following: Bob Korizek, Right-of-Way Agent, Mountain Bell Telephone; Tim Gregori, Chief Engineer, Missoula Electric Co-op; Harold Diesen, Manager, Missoula Electric Co-op; Raymond Smith, Manager, Blackfoot Telephone; and Glen Wheeler, Superintendent of Operations, Montana Power Company.

Mr. Pinsoneault stated that it had been suggested in concert that morning by the group he had just introduced, that perhaps everyone's time could be saved by conferring with Mr. Colvill and Mr. Holm relative to working out some of the wording in the resolution. He said that some of the people in the group had not received any written indication of what the resolution was going to be. He said that there were changes in wording between it and the resolution that it sought to replace, and there were concerns that these gentlemen have, and they were more than willing to express them; although it might be well that some groundwork could be done ahead of time, rather than take up time at this particular hearing.

He said that it would depend on what the Commissioners feeling was. He said that there were only a few sections and segments of the proposed resolution that they felt should be clarified and understood ahead of time.

Ann Mary Dussault said that that suggestion made perfect sense to her, and Bob Palmer agreed.

Deputy County Attorney Mike Sehestedt suggested that the hearing be tabled to a date certain, and he also suggested that before doing so, that there might be some people there who weren't part of the group, who would like to speak.

Dick Colvill stated that a copy of the proposed resolution had been sent to all people who had excavation bonds with the County. He said that he thought it would be a good idea to sit down and meet with the

PUBLIC MEETING, MARCH 28, 1984, CONTINUED

representatives of the utility companies.

Bob Palmer stated that the hearing would be continued to the public meeting of April 11, and asked if there were any other people who wished to speak in opposition to the proposed resolution, and who was not part of the group identified by Mr. Pinsoneault. The following people spoke:

2. Lee Magone, representing Mountain Water Company, said he would like to be included in the group.
3. Ken Caruso, representing Marshall TV Cable Company, stated that he could be included in the same group.

It was agreed that Mr. Magone and Mr. Caruso would be included in the meeting. Dick Colvill stated that he would call Mr. Pinsoneault, who would then notify the people he had met with, and the Surveyor's Office would call Mr. Magone and Mr. Caruso in regard to when the meeting would be.

There were no other people wishing to testify in opposition.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the hearing be continued to the Commissioners' public meeting of April 11, 1984. The motion passed by a vote of 3-0.

Ann Mary Dussault stated that she wanted to make sure that members of the public would be allowed to testify at the continued hearing. Barbara Evans and Bob Palmer both agreed that that was the intent of the motion.

✓ ✓ HEARING: AMENDMENT TO REGULATIONS OF ZONING DISTRICT #41 - PLANNING AND ZONING COMMISSION

The meeting of the Board of County Commissioners was recessed, and the meeting of the Planning and Zoning Commission, consisting of the Commissioners, Clerk & Recorder Fern Hart, and Surveyor Dick Colvill, was convened.

Chairman Bob Palmer stated that the item on the agenda was a public hearing on the adoption of an amendment to the development standards of Planning and Zoning District #41 regarding mobile homes.

Mark Hubbell, of the Missoula Planning Department, gave the staff report and recommendations, stating that the purpose of the hearing was to discuss an amendment to the development standards of Planning and Zoning District No. 41. He stated that this zone was created on January 18 of this year, and permits primarily single-family residential uses, grazing, horticulture, agriculture and timber-growing activities. He said that residential development was restricted to one single-family dwelling per lot. He stated that a portion of the Section 3 standards governing this zone stated that mobile homes "...shall not be interpreted to mean single-family dwellings." He stated that the effect of this was that each and every mobile home that had been existing in that zone had become a legal, non-conforming use. He said that mobile homes can be replaced under the terms of this zoning, but that there were some limitations as to what can be done when they are replaced; specifically, they cannot be enlarged, increased or occupy a greater area of land than they did at the date of adoption of the Zoning District 41 Regulations. In addition, he said that a non-conforming use cannot be moved in whole or in part to another portion of the lot than that which was occupied at the effective date of the adoption of the Zoning District 41 standards, so this had created some problems for those individuals within the zoning district who had mobile homes. He said that the result of this was that they had requested a hearing. He said that it was the recommendation of the planning staff that the regulations governing this particular zone be amended so that Section 3, part 1, would be revised to state that mobile homes, "...shall be interpreted to mean 'single-family' dwellings."

Bob Palmer then opened the hearing to public comment, asking that proponents to speak first. The following people spoke:

1. Mike Peterson, 1405 Lakeside Drive, said that he was in support of the proposed amendment. He said that he owned Lots 9 and 10 in Greenwood Subdivision, and that all of the existing use from Red Fox Lane to the sewer plant on Lakeside Drive is mobile home use, and he encouraged the Commissioners to allow mobile homes in the zoning regulations for that district.
2. Diana Kwappy stated that she had circulated the original petition, and whether to have mobile homes or stick homes was never an issue with the people down there. She said that the issues were density, and not wanting rental homes, but wanting owner-occupied homes. She said that she would be in favor of the proposed amendments, because they had not meant to do any disservice to the people who had mobile homes.

There were no other proponents. Bob Palmer then asked if anyone wished to speak in opposition. The following people spoke:

1. Max Enseleit, 1008 Lakeside Drive, Lolo, said that he had just gotten acquainted with the proposed amendment an hour earlier, so he did have some questions about it. He said that the way he saw the zoning district, there were mobile homes at the north end, and there were other residential dwellings in the other area. He said that the way that this proposal is worded now prompted him to ask if mobile homes would be allowed equally throughout the zoning district rather than just in Greenwood.

Deputy County Attorney Mike Sehestedt said that the answer to that was "yes, but..." and that the "but" was an important qualification. He said that he was pretty sure that the restrictive covenants on all of the other subdivisions - the two Lakeside subdivisions - prohibit mobile homes in those subdivisions. He said that zoning does not supersede restrictive covenants. He gave as an example the fact that he lives in Westview 3, and that area is unzoned, so as far as zoning is concerned, he could have a business or raise rabbits or whatever. He said that there were, however, restrictive covenants which would keep him from doing any of those things. He said that even though zoning would permit mobile homes in the entire zoning district, as long as there were restrictive covenants on the other property involved, mobile homes couldn't come in, notwithstanding the fact that they're permitted under the zoning. He said that as far as the zoning was concerned, mobile homes would be permitted anywhere within the zoning district. He said that as to whether you could, in fact, have mobile homes in certain subdivisions, you would have to look beyond the zoning and see what the restrictive covenants, if any, had to say about property uses.

Bob Palmer asked Mr. Enseleit if that answered his question.

Mr. Enseleit said that he had nothing against mobile homes, as he had lived in one for nearly half his adult life, and he had just come from living in one during the last two years, but said that the purpose of zoning was to segregate higher-cost housing from different categories of housing. He said that a \$250,000 house would not be put next to a \$50,000, for example. He said that it was not clear which areas were governed by covenants, and asked if anyone had any idea about that.

Mike Sehestedt stated that it was probably safe to assume that those areas which are not subdivided do not have covenants.

PUBLIC MEETING, MARCH 28, 1984, CONTINUED

Max Enseleit stated that he felt that the Commissioners were going through some things to solve problems to satisfy everybody, and maybe they were not doing what was most indicated. He mentioned one of the alternate suggestions of the planning staff, which would be splitting up Zoning District 41; in other words, find another twelve acres to add to Greenwood, and then the mobile home owners and the stick home owners would have their separate zones and resolve everyone's problems.

Mike Sehestedt said that he could toss out as a potential solution to continue the general statement on mobile homes, but provide that the replacement or substitution of one mobile home for another shall not be considered a change in use which would violate the zoning district. He said that he had considerable sympathy for the people with the mobile homes, and said that he also had sympathy with the other point of view that had been expressed. He said that one solution would be to continue the zoning as it is, with mobile homes not permitted except as a non-conforming use, but providing that a substitution or change of one mobile home for another should not be considered a change in use would address everyone's concerns.

Barbara Evans said that she did not think that it would.

Bob Palmer stated that the public comment portion of the hearing should be continued before staff discussion, asking if anyone else wished to speak in opposition to the proposal.

2. Herb Belcher, 904 Lakeside, stated that he was not necessarily opposed to the proposal, but asked if there were any problem with striking out paragraphs 3 and 4.

Mark Hubbell stated that the one problem in this regard that he would print out was that mobile homes weren't the only non-conforming uses in the area. He said that paragraphs 3 and 4 dealt with uses that weren't consistent with agricultural or single-family residential uses permitted. He mentioned a beauty shop in the area which would fall under the legal non-conforming use paragraphs. He said that the question becomes how to get a handle on what's there and keep that from getting bigger and bigger. He said that he works in the Zoning Office across the street and that they handle about 41 zones, and a lot of time he spends on violations dealing with questions of expansions of businesses that have existed in that area, so, from the standpoint of mobile homes, paragraphs 3 and 4 might be troublesome, but from the standpoint of businesses that might exist in the area, it might be wise to keep those restrictions.

Bob Palmer asked if there were anyone else who wanted to speak in opposition.

3. Diana Kwappy stated that she didn't want to speak in opposition, but she wanted to add to what Mark Hubbell had said, stating that there was only one non-conforming use, a beauty shop, which was against the covenants, so they would have recourse if it enlarged or became bothersome even at the level that it's at, even at this point in time. She said that they would have recourse under the covenants, so she didn't think that there was any point in keeping paragraphs 3 and 4 because of one beauty shop.

There were no other opponents. Bob Palmer then closed the hearing to public comment, and called for discussion among Commission members.

Fern Hart asked Mark Hubbell if there were other acreages there that could be added to either of the two areas to create two zones.

Mark Hubbell replied that he thought that this could be done. He said that it hadn't been tried yet, but Greenwood Addition alone was twenty-some odd acres - 28.99 - which meant that they needed only 11.99 acres, which wasn't much acreage out of that huge zone, and it might turn out that it wouldn't be that difficult to do. This would mean that the two zones could be separated, which would be a feasible alternative to the proposal.

Fern Hart asked if there were a maximum size that a zone should be.

Mark Hubbell replied that he didn't know about the maximum size, but the minimum size stated in the codes is 40 acres. He said that Zoning District 41 could be split fairly easily to make one that was just 40 acres, with the other one being a large acreage. He said that it could be done because there is enough land out there which is outside the boundaries of that zone.

Fern Hart said that she had thought that he had been talking about 20 and 20, which would be under the minimum size.

Mark Hubbell said that he had not meant that, and indicated that the Greenwood Addition comes to 28.01 acres right now, and if a nearby 11.99 acre parcel were annexed to it to make 40 acres, it could be a separate zoning district. He said that the other acreage would also be over 40 acres, and that as long as they were both 40 acres or bigger, they would be in good shape.

Fern Hart said that one 40 acres would be single-family mobile homes, and the other one would be the Lakeside area stick-built, six dwelling units per acre, with mobile homes as a non-conforming use.

Mark Hubbell said that that was true. He emphasized that that would not be the only solution. He said that when they had just become aware of this in the planning office, the question had been what options were available. He said that since no one had really mentioned splitting that zone, the staff had no reason to specifically advocate that. He said that splitting the zone might be the easiest solution, or Mike Sehestedt's suggestion might be, or the current proposal might be.

Barbara Evans said that it seemed to her that the people in the district created a couple months ago are not opposed to mobile homes, had no intention of excluding them, so they had no problem with them being included as single-family dwellings, and asked if she understood that correctly.

Diana Kwappy said that this issue was not a part of the original zoning proposition, and said that where there are stick homes, she felt that the homeowners would prefer to have it homogenous.

Barbara Evans said that her feeling would be that since what was before the Commissioners was a request by the people in Zoning District 41 that a mobile home is treated the same as a single-family dwelling, that request should be dealt with that day, and if people wanted to change the situation and attempt to split the zone to accomplish mobile homes here, stick homes there, that was up to the people to do if they wished, but she didn't care to impose what they thought was good, one way or the other, when the people in the district had asked for something specific. She said that she would be included to vote on that issue.

Dick Colvill stated that he took the opposite view. He said that if there were a way we could break out what now amounts to an existing mobile home area, that we should probably do this. He said he did not share the faith in covenants. He said that the covenants were good only as long as you can enforce them, stating

PUBLIC MEETING, MARCH 28, 1984, CONTINUED

that the homeowner has to go to court to get them enforced, whereas with zoning, the County takes the ball and is willing to do battle for you. He said that this makes a big difference, because as districts become older and older, covenants become less and less reliable, because the people just don't care. He said that there was a clause in the law that says that a development pattern can be set within a district.

Mike Sehestedt said that there were cases both ways. In regard to the question of uniformity within a zoning district, Mike Sehestedt said that he thought it was safe to say that if the area had been zoned under Chapter 47, there would probably be three separate zoning classifications in place: one would be the one we had essentially adopted, which would cover the Lakeside Addition; a special smaller zone covering the Greenwood Addition, which would permit trailers; and, finally, we would address what is eventually going to be the County's problem of a public or quasi-public zoning classification for the utility lot with the sewer plant on it. He said that clearly that would be permissible under Chapter 47. He said that he had some feeling that adopting regulations for a Chapter 41 Zoning District that treat different parts of the district differently is at least arguably permissible. He said that he thought he would feel comfortable with it, providing it weren't in the nature of spot zoning, i.e. a lot here, a lot there, but rather adopting one set of regulations for a sizable area and another sizable area where one of those regulations would be eliminated. He said that he thought that this approach would be permissible.

Bob Palmer then recognized the following people in the audience:

1. Mike Peterson said that he was opposed to Mike Sehestedt's recommendation, the original one, which would allow replacement of existing structures. He said that he had bought Lot 9, a vacant lot, with the understanding that mobile homes were permitted. He said that should the Planning and Zoning Commission not accept the proposal at issue today, his lot would be virtually worthless, because it would be a stick house lot in a mobile home neighborhood.

Dick Colvill said that he thought that one of the things that Mike Sehestedt was suggesting, and he said that he would suggest that an area, i.e. everything north of Red Fox Road, be allowed for mobile homes.

2. Maureen LePier stated that she was in favor of splitting the zoning. She said that people with mobile homes should be allowed to expand or replace them. Bigger, newer mobile homes were better for the neighborhood, she said, and she could understand the people in the other section, too, wanting their area reserved for stick-built homes.

Mark Hubbell said that, having been able to benefit from these conversations for a couple of months, what Mrs. LePier had just said was actually true, and that he knew that some of the people who were opposed to mobile homes were not concerned about what would go into the Lakewood Addition, but were concerned about what might go into the vacant lot across the street that is not a subdivision.

Dick Colvill asked if the matter could be sent back to the staff or to the attorney for further consideration on a proposal for a split zoning district.

Ann Mary Dussault said that she had a question about that, because it seemed to her that they were dealing with a citizens-initiated zoning district, and if the citizens want to split that district, then it would be up to the initiative of the citizens in that area to do that. She said that she would be perfectly willing to look at that kind of a proposal, but that was up to the property owners in the area, since it was their district.

Mark Hubbell said that as far as staff recommending a split zone, he could take a pencil and draw lines to designate the zones, but if some of the people were unhappy with being on the mobile home side, then we would be back to another public hearing. He said that he would want to make sure that people who were added to that zone wanted to be added to that zone.

Fern Hart moved that the Planning and Zoning Commission defer action on the proposed amendments to Zoning District 41 until a representative group of citizens can meet with Mark Hubbell to draw up a division and perhaps an enlargement. Dick Colvill seconded the motion.

Ann Mary Dussault said that that she agreed with that approach, except that it should be done to a date certain, say one month from today. She said that she wanted people to understand that she was inclined to support the amendment, and she wanted people to understand that. She said that she didn't want one side to go away thinking they had won, because it was incumbent upon all of them as a community delegation from Lolo to work together with the Planning Office to get this separated. She said that she felt it was up to the citizens to do it, with some assistance from the Planning Office. She said that if there weren't some resolution of the ability to split the zone in a month, she thought the Planning and Zoning Commission would have to come back and take action on this particular proposal.

Diana Kwappy said that there were four people present from stick houses, and five from mobile homes, and asked if they could sit down with Mark Hubbell that day.

Ann Mary Dussault said that she felt it would take some agreement from somebody outside of this room that they wished to be included in one of the separations, and if this group could work with Mark Hubbell to draw those lines, and then went out to the neighbors and got consensus of that division. She said it would be awful if the Commission just went ahead and did it, because somebody might get really mad because they had been zoned one way, and then ended up with another kind of zoning, without any input.

Diana Kwappy said that she thought the general consensus in the entire zone was that the people who live in stick homes would like their blocks to be homogenous. She said that the original proposal didn't concern itself with mobile homes versus stick homes. She said that the people who were very concerned with the matter were present at the hearings.

Diana Kwappy said that if they drew a line along Red Fox, excluding the property around the second lake, they would have the 40 acres from one area, and she thought that the consensus was there already.

Bob Palmer asked who owned that land and whether she were sure the other landowners would be happy about having the zoning designated for mobile homes. He said that maybe the people who owned that land would be upset.

Diana Kwappy said that that land is already designated as not for mobile homes, and if anyone objected to that, they would have been here today.

Mark Hubbell asked whether, if the zone were split into two, they would have to go through the petition process again.

PUBLIC MEETING, MARCH 28, 1984, CONTINUED

Barbara Evans said she wondered if it were really legal, moral or ethical for them to act on something completely different than what was set for hearing.

Mike Sehestedt said that he didn't think the Commission was acting on something totally different from what was set for hearing because it had a proposal regarding allowing the amendment of the zoning to allow mobile homes. He said that if the Commission members voted for the motion that came up, they were directing further study by the staff.

Barbara Evans said that if they did what Mrs. Kwappy wanted them to do - to vote that day to split the zoning district - wouldn't that be doing something totally other than what had been set for hearing.

Bob Palmer said that this was an option that had been listed which could be pursued. He then asked the Commission to consider the motion which Fern Hart had made earlier. Barbara Evans then said she wanted to make an alternate motion.

Barbara Evans made an alternative motion that the Commission recommend to the Board of County Commissioners that the amendments to regulations of Zoning District 41 as proposed for this hearing be approved so that mobile homes would be considered single-family dwellings, and that the Planning Staff be asked to work with the people in the district with further amendments. Bob Palmer seconded the motion, and it passed by a vote of 3-2, with Dick Colvill and Ann Mary Dussault voting no.

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

Barbara Evans moved, and Bob Palmer seconded the motion, that the Board of County Commissioners approve the recommendation of the Planning and Zoning Commission as stated above. The motion passed by a vote of 2-1, with Ann Mary Dussault voting no.

Ann Mary Dussault brought up on matter about Zoning District 41, which was the need to direct the Planning Staff to develop appropriate amendments to the zone to accommodate the Lolo Sewer and Water System.

Bob Palmer directed the staff to develop language to permit a public utility on the north end of the zone.

✓ RESOLUTION 84-041

Bob Palmer and Barbara Evans, being a majority of the Board of County Commissioners, then signed Resolution 84-041, to amend the development standards of Planning and Zoning District 41, as follows:

SECTION III - GENERAL REGULATIONS AND VARIANCES

1. Mobile homes shall be interpreted to be single-family dwellings. A mobile home is defined as any residential structure larger than two hundred fifty-six (256) square feet in area which is either wholly or in substantial part manufactured at an off-site location, over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two (2) or more units separately towable, but designed to be joined into one integral unit, as well as a portable residential structure composed of a single unit.

Commissioner Ann Mary Dussault did not sign the Resolution. The original was forwarded to the Clerk and Recorder's Office for recording, and a copy was sent to Mark Hubbell in Planning.

Since there was no other business to come before the Board of County Commissioners, the meeting was recessed at 3:30 p.m.

* * * * *

March 29, 1984

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

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840119, a request from District Court, Departments 1 and 2, to transfer \$260.00 from the Law Books and Supplements account, Department 2, to the Law Books and Supplements account, Department 1, as Department 1 has overspent the budgeted amount for books and all departments of District Court use the books in the Court Library.

✓ AGREEMENT

Chairman Palmer signed a Cooperative Agreement, Financial and Operating Plan between Missoula County Sheriff's Department and the Forest Service, U.S.D.A., Lolo National Forest, whereby the parties agree to cooperate in better utilizing the resources of both agencies to provide for more protection of persons and property in the Lolo National Forest as per the terms set forth. The Agreement was returned to the Sheriff's Office for further signatures and handling.

✓ AGREEMENT

The Board of County Commissioners signed an Agreement for the Surveyor's Office, whereby Missoula County will sell a sweeper to Lincoln County for the sum of \$4,000.00.

Other matters considered included:

- 1) Jean Wilcox, Deputy County Attorney, met with the Commissioners and discussed the waste problem in Lincoln Hills;
- 2) The letter from Jesse Munro in the State Department of Revenue was discussed - a letter will be sent to say that Missoula County will not change the dollar amount in the Agreement for data processing costs; and

MARCH 29, 1984, CONTINUED

3) The upcoming budget process was discussed.

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

LUNCHEON MEETING

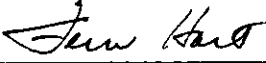
Commissioner Evans attended a Luncheon Meeting of the Missoula Economic Development Corporation Marketing Committee at noon.

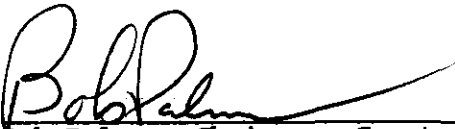
March 30, 1984

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.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840120, a request from the Commissioners/Ad Staff Departments, to transfer \$500.00 from the Ad Staff Long Distance Phone account to the Commissioners Long Distance Phone account as an overexpenditure is anticipated in the line item, and adopted the transfer as part of the FY '84 Budget.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

April 2, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was out of the office April 2nd through April 4th.

DAILY ADMINISTRATIVE MEETING

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

✓ RESOLUTION NO. 84-042

The Board of County Commissioners signed Resolution No. 84-042, a resolution authorizing the sale of a County-owned land parcel, under the Community Development Program, known as Lot 28 in Block 32 of East Missoula Addition for the total amount of \$5,800.00, which was the offer submitted from Jim and Suzanne Allison of East Missoula, to be paid over a period of five years.

✓ RESOLUTION NO. 84-043

The Board of County Commissioners signed Resolution No. 84-043, approving the opening of the Swan Valley Middle School of School District 33, Condon, Montana, and that the documents be sent to the State Superintendent of Public Instruction for approval or disapproval.

✓✓ AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and Roland M. and Terry C. Allen for the purchase of the property described as in SE¼ SE¼ SE¼, Plat I, less 330 x 100 ft, Section 19, Township 13, Range 19, which was taken for tax deed by Missoula County on December 31, 1981, and will be repurchased by the owners as per the terms set forth in the Agreement.

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

April 3, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Palmer was in briefly in the morning, but attended a Marketing Seminar, sponsored by the Missoula Aging Services and held at the University of Montana, most of the day.

AUDIT LIST

Commissioners Palmer and Evans signed the Audit List, dated April 2, 1984, pages 1-21, with a grand total of \$66,500.83. The Audit List was returned to the Accounting Department.

April 4, 1984

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Palmer attended the second session of the Marketing Seminar at the University until noon.

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Ann Mary Dussault was on vacation.

PETITION TO CHANGE STREET NAMES IN PINE GROVE AREA

This agenda item was moved to the end of the agenda pending the arrival of Surveyor Dick Colvill.

✓ SUMMARY PLAT: SORREL SPRINGS, LOT 54

Barbara Martens gave the Planning Staff Report and Planning Board recommendations, as follows: She said

PUBLIC MEETING, APRIL 4, 1984, CONTINUED

that the summary plat is located in Sorrel Springs Subdivision approximately two miles northwest of Frenchtown. The Sorrel Springs Subdivision was filed on June 21, 1973, and created 10-acre tracts.

She said that the current proposal was to split Lot 54, thereby creating Lot 54A (5.19 acres) and Lot 54B (4.90 acres), and that there is a house on 54A. The covenants restrict lot sizes to a minimum of four acres. Both lots will be served by Sorrel Springs Community Water System and individual septic tanks and drainfields. The area is unzoned.

She said that after reviewing all testimony and documentation, the Planning Board had recommended that the Summary Plat of Sorrel Springs, Lot 54, be approved, subject to the conditions and findings of fact listed in the memo of March 23, 1984.

Barbara Evans moved, and Bob Palmer seconded the motion, that the Summary Plat for Sorrel Springs, Lot 54, be approved, subject to the conditions and findings of fact listed below. The motion passed by a vote of 2-0.

The two conditions are:

1. That drainage and erosion control plans be approved by the County Surveyor's Office; and
2. That sanitary restrictions be lifted by State and local health authorities.

In addition, the Board granted the following variance:

that a variance be granted to the requirement for a paved driveway, Missoula County Subdivision Regulations, Section III A.6.d.6 because this is a private gravel road and other driveways in this area are not paved.

Further, the Board recommended that the plat be found in the public interest, based on the following findings of fact:

Section 76-3-608 of the Montana Codes Annotated (MCA) states that to determine whether the proposed subdivision would be in the public interest, the Board shall issue written findings of fact which weigh the following criteria for public interest:

- Criterion 1. Need - This redivision is in compliance with the Comprehensive Plan which designates this area as Rural Medium Residential (maximum density of one dwelling unit per five acres).
- Criterion 2. Expressed Public Opinion - No comments were expressed for or against the proposal at the public hearing.
- Criterion 3. Effects on Agriculture - Because of the size of the lot and its location in an existing residential development, minimal impact on agriculture is expected.
- Criterion 4. Effects on Local Services - This subdivision is within the Frenchtown Fire District. Ambulance and medical services are available in Missoula. The water source is an existing approved system. Ed Zulegar, of the County Health Department, stated in a letter that there is no problem with a land split regarding sewer and water.
- Criterion 5. Effects on Taxation - This project will increase the County tax base.
- Criterion 6. Effects on the Natural Environment - Since this proposed development is in a developed area, the impact on the natural environment is expected to be minimal. The cash-in-lieu of parkland requirement is not applicable because only one additional lot is being created.
- Criterion 7. Effects on Wildlife and Wildlife Habitat - No adverse effects on wildlife and wildlife habitat are expected.
- Criterion 8. Effects on Public Health and Safety - Traffic, sanitary restrictions, drainage and approach permits are being reviewed by the appropriate agencies to insure that there will be no safety hazards.

✓ HEARING: CHANGE OF STREET NAMES IN PINE GROVE;

Under consideration was a request from property owners in the Pine Grove area between East Missoula and Milltown to change the street names in their area because they were duplicated in Missoula, West Riverside and Clinton, and changing conflicting street names would aid in mail delivery and the delivery of emergency services, as well as eliminating confusion.

Bob Palmer asked Surveyor Dick Colvill to comment on the petition, and he said that he had received it on February 21, and had sent a letter about the requested changes to all of the sixteen property owners who would be affected, as well as the Postmasters of Bonner, Milltown and East Missoula; Missoula Rural Fire; the Sheriff and 9-1-1. He said that all of these agencies and departments supported the proposed street name changes.

Bob Palmer then opened the hearing to public comment, asking that proponents speak first. No one wished to testify either as a proponent or as an opponent.

Bob Palmer noted the comment from Kristina Ford, Planning Director, which suggested that the word "Place" be used only for cul-de-sacs for standardization purposes. In terms of emergency dispatches, "Place" denotes a cul-de-sac.

Bob Palmer opened the hearing to public comment, asking that proponents speak first. There were no proponents or opponents, so the public comment portion of the meeting was closed.

Barbara Evans moved that the requested street name changes be approved, except that First Street be changed to Roberts Lane, rather than Roberts Place. Bob Palmer seconded the motion, and it passed by a vote of 2-0.

The street names in the Thibodeau and Poitras Tract, Pine Grove, T13N, R18W, part of SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 17, shall therefore be changed as follows:

PUBLIC MEETING, APRIL 4, 1984, CONTINUED

<u>Present Name</u>	<u>New Name</u>
1st Street	Roberts Lane
2nd Street	Thibodeau Lane
3rd Street	Aabear Lane
4th Street	Fontaine Drive

Bob Palmer suggested that a letter be sent to Planning Director Kristina Ford in regard to the possibility of making street designations in Missoula consistent so that, for example, "Place" would be used only for cul-de-sacs, making it easier for emergency vehicles to respond quickly.

✓✓ SUMMARY PLAT: OVERLOOK ADDITION

Bob Palmer read the Request for Commission Action, which stated that the proposed residential subdivision is located adjacent to the west boundary of Westview Addition, west of Highway 93 and north of Highway 12, in Lolo. He said that this submittal is a portion of the previous 16-lot Overlook Addition, which was given final approval by the Commissioners on May 3, 1982, although the final plat for that was never recorded and has been withdrawn.

He said that the current proposal is for five lots on 1.58 acres, with an average lot size of 13,735 square feet, and that the smallest lot is 10,319 square feet and the largest, 17,636 square feet. He said that these five lots are located off Ridgeway Drive and closely follow the lot configuration of the original proposed subdivision. He said that the proposal included water and sewer to be provided by RSID 901, Lolo Sewer and Water District.

He said that the Planning Board recommendation was that the summary plat of Overlook Addition be denied, and asked Barbara Martens, from the Missoula Planning Office, for a staff report.

Barbara Martens read the motion from the March 20, 1984 Planning Board meeting, which was as follows:

"After reviewing all testimony and documentation, the Planning Board recommends that the proposed summary plat for Overlook Addition be denied, for the following reasons:

1. The five-lot proposal is a portion of Certificate of Survey 2969, which includes Tract A, which is 2.58 acres, and Tract B, which is 5.3 acres. This Certificate of Survey covers the land in the previous 16-lot Overlook Addition, and is under one ownership. (Barbara Martens said that as a matter of clarification, there had been two previous submittals of Overlook Addition). The five-lot proposal in question is within Tract A of Certificate of Survey 2969. These five lots have the same configuration as those in the previous Overlook Addition, with a sixth lot, which appears as a remainder of Tract A. This raises the following concerns:
 - a. The first concern expressed was that in the pre-application conference with the applicant, which occurs prior to the formal subdivision submittal, the staff recommended that the remainder parcel be included as part of this subdivision, since essentially a sixth lot has been created in Tract A, and a seventh by Tract B, and should be treated as a major subdivision. By creating only five lots, a minor subdivision review is required. By using the same lot configuration as the previously-submitted Overlook Addition, it appears that this is the same subdivision, minus 11 lots, without benefit of a comprehensively planned development, which would include the remaining 6.58 acres. It is the staff's opinion that this type of division is not in the best interest of good planning practices.
 - b. These parcels have the potential to be redivided and sold through Certificates of Survey at any time. Certificates of Survey are exempt from subdivision review, at at this time, the staff has no method of reviewing them and thus no way of ensuring orderly and timely development, with adequate services and improvements. The remaining parcel could also be sold to a different owner, and he would have the ability to further divide through Certificates of Survey or propose another summer subdivision (five or fewer lots), thereby creating a major subdivision on Certificate of Survey 2969, without going through the major review process."

Bob Palmer said that, since this was a summary plat proposal, it did not require a public hearing, and Deputy County Attorney Jean Wilcox said that it did not require an advertised public hearing.

Bob Palmer then asked Zenon Zazula, from Underwood & Associates, representing the developers, Northview Development Corporation, to comment. He said that they objected to the Planning Board's recommendation. He said that it was their contention that they were completely within the law as far as master plans for the area were concerned. He said that since the master plan for Overlook Subdivision was done two years ago, nothing much had changed, and that if the Planning Staff had something more specific that they could address, they would be amenable to suggestions, but as far as the plans were concerned, they were completely within the bounds of the law. He said that they could do a common boundary location completely within the law, and completely develop Parcel A, and they were basing their argument on the fact that they were within the law, and the fact that they had addressed concerns as to master planning in the area with the 16-lot subdivision two years earlier.

Barbara Evans asked Mr. Zazula what the plans were for the remaining portion of the land.

Mr. Zazula stated that their client right now could not answer that. He said that right not the developer did know that there was a market for five lots, and it was an economic decision on his part to develop five lots rather than developing sixteen lots, which would be taxed a lot higher, and the development of the remaining land would depend on the economic situation within the next two or three years.

Barbara Evans then asked who the client was, and he replied that the developer was PHS Corporation, Northview Development.

Barbara Evans then asked who owned Northview Development Corporation, and he replied that the owner was Paul Stickney.

Barbara Evans then asked Deputy County Attorney Jean Wilcox to explain the County's legal status on this

PUBLIC MEETING, APRIL 4, 1984, CONTINUED

matter, in that Mr. Zazula had stated that they were completely within the law, and she suspected that that was true. She asked Jean Wilcox where the County Commissioners would be in regard to legal liability if they went along with the Planning Board's recommendation and denied the summary plat, thus denying the developer something they felt was within the realm of the law.

Jean Wilcox said that approval of any subdivision is discretionary, and the requirement for denial is that the Commissioners have a statement of reasons. She said that as far as the other legalities involved were concerned, the regulations require that when someone develops a portion of their property, they state the plans for the remainder, and there was a problem here when the developer can't state what those are. She said that the pattern that exists because of the prior subdivision application suggested where they were going with the property, and what may occur, but they had not committed themselves to that at this point. She said that she thought that the Planning Board and Staff had a legally sound basis for recommending denial because of the two remainders, but that it could go either way. She said that the summary plat could be approved, subject to conditions, or denied on that basis.

Barbara Evans said that she was really torn on this matter because there had been a lot of land developed under certificates of survey, and that it had not been developed well. She said that people had ended up without water systems that they ought to have or proper paving, and then people were in screaming that it was the responsibility of the County and the other taxpayers to put all those things in, and she didn't want to do that. She said that at the same time, she recognized that Gordon Sorenson had been a very responsible builder, and she lived in a house in one of his subdivisions, so she certainly couldn't say that he had done a shoddy subdivision, adding that he had not, so she felt very secure that if he were to go through the process, he would come up with something that would be well done and satisfactory, and she did not want to punish anyone. She said that she felt mixed emotions on this. She said that she agreed that it was within what could be conceivably said to be within the law, but she also had seen too many of the irresponsible certificates of survey done, strictly to avoid the subdivision review, and it made it a real tough decision.

Zenon Zazula said that in regard to the remaining parcel, Parcel B, there was a portion of subdivision law that he did not have with him, that says that any subsequent development of a remainder portion has to go through subdivision review. In other words, any remainder from a summary plat has to go through some kind of review process. He said that that would eliminate problems with the remainder portion. He stated further that, as far as Parcel B was concerned, that was his property to do with as he wished, and he was not saying that the developer was going to carve it up into an occasional-sale remainder type of situation, but there were services available there, there was a paved street beyond the subdivision, there was water and sewer very nearby, and if he did develop any portion of that property B, he would want to develop it in a manner that was consistent with Overlook, but he did not want to be constrained in that manner. He said that what the developer was concerned about at the present time was economics. He said that he was more than willing to have the remainder of Parcel A subject to some kind of covenants.

Barbara Evans asked Mr. Zazula to explain to her what process he felt would likely trigger the catching of this by the Planning Staff or the Commissioners or the Surveyor because five years from now they might have already forgotten that those covenants were on there, so how would he recommend that they assure that the remaining parcel didn't at some point get done without catching this.

Zenon Zazula said that a note could be made on the plat for Parcel A.

Barbara Evans asked how Parcel B would be handled.

Zenon Zazula said that as far as they were concerned, Parcel B was an entity in and of itself, and he wasn't sure if anybody has any kind of right to say what the developer could or could not do with that land. He said that he was not really sure what was going to happen with that land, but more than likely, he would not want a restriction, because if he wanted to reconvey that land as a total parcel and have someone else do whatever they wanted to do with it - not necessarily an occasional sale-remainder type situation - he did not want to be encumbered with difficulties like that. He said that that would be encumbering the land and making it a lot more difficult to deal with his property.

Barbara Evans then asked Dick Ainsworth if he had a comment to make, and he replied that he was present to represent the developers on the summary plat for Sorrel Springs, Lot 54, and was not involved in the summary plat for Overlook, but he had been present at the Planning Board hearing which had considered both summary plats, and it scared him that Overlook could be denied, in the PCI saw situations similar to this, and certainly could in the future. He said that the Overlook developers were not proposing to do anything shoddy, and they were going through the review process with this. He said that the staff had decided in their minds that the developer knew what he was going to do, and that he was not going to try to evade the act or do something outside the subdivision process. He said that the developers had been very straight forward, and it made him nervous to think that something like that could happen to PCI and their clients. He said that he might add that the Planning Board had been split, two for and two against this pretty strongly, and the Chairman had finally had to break the tie by voting against it, but two of the Planning Board members were strongly opposed to the recommendation of the staff, and two of them were for it, and the Chairman ended up breaking the tie. He said that there was no evidence that indicated that the developer was going to do anything other than what he said.

Barbara Martens was asked to respond to some of the comments that Dick Ainsworth had made and she replied that it wasn't the staff's position that they were accusing anyone of evading the subdivision regulations, or that he was going to come back in and split it all through certificate of survey. She said that there were certain requirements in regard to remainders in that an overall development plan for the remainder of an ownership must be submitted when it's under single ownership, and this had not been received. She said that it appeared also to be a major subdivision, considering that there were seven lots, of which five had been brought in. She said that, following the past configuration, it did appear to be the intent that possibly it will be split once again. She said that her concern was meeting the regulations for the overall development plan and what appears to be a major subdivision.

Bob Palmer asked Ms. Martens what the developers would have to do if the Commissioners upheld the staff opinion.

Barb Martens said that the staff recommendation was the the summary plat be denied and that it be resubmitted as a major subdivision.

Barbara Evans asked what changes that would involve.

Barb Martens replied that in a major subdivision submittal, a public hearing is required so that residents would have a chance to respond. She said that also, fifteen to twenty agencies would have a chance to review it, whereas only two or three review a minor subdivision. In addition, part dedication differs from

PUBLIC MEETING, APRIL 4, 1984, CONTINUED

a minor to a major subdivision.

Barbara Evans asked Dick Colvill for his opinion on the subdivision.

Surveyor Colvill replied that in his opinion, it was a poor place for a subdivision up on that hill, and that some of those lots would have nothing but problems. He said that the steep hillside lots in Lolo had been nothing but a "pain in the neck". He asked what had happened to the original plat for Overlook, since it had been approved once before.

Barb Martens replied that there had been two submittals, the last in 1980, and that one had been recommended for approval, although that was four years ago, and since there was going to be major impact, it was important that the agencies have a chance to review against current standards and to give the public another opportunity to review something that might have a major impact. She said that she believed that the original submittal had been turned down because of steep roads and drainage concerns.

Barbara Evans asked Jean Wilcox to comment on the possibility of the Commissioners approving the Summary Plat with a declaration of restrictive covenant placed on the plat in regard to further land division, so that if the parcel were to be split any further, the developer would have to go through the entire review process.

Jean Wilcox said that she would limit these to reasonable requirements that are within the scope of the subdivision regulations.

Barbara Evans asked if restrictive covenants could be put on that if they want it split any further the entire thing has to go through the review.

Jean Wilcox said that that could be done.

Bob Palmer said that his inclination was to support the Planning Board and staff recommendation.

Barbara Evans moved that the summary plat for Overlook Addition be approved, subject to the condition that the developer enter into a restrictive covenant, covering both Tract A and B, whereby they agree that any further land divisions would be filed as subdivision plats and reviewed as subdivision plats, as well as drainage and grading plans having to be approved by the County Surveyor.

Bob Palmer did not second the motion. He said that he wanted to check with staff on this, and that he thought Ann Mary Dussault should have a chance to have a say on this, since it was getting somewhat controversial.

The motion died for lack of second, and the matter was continued to the next public meeting on Wednesday, April 11, 1984 at 1:30 p.m. in Room 201 of the Annex.

Since there was no further business to come before the Commissioners, the meeting was recessed at 2:05 p.m.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer requests from the Weed Department and adopted them as a part of the FY '84 budget:

- 1) No. 840102, a request to transfer \$100.00 from the Aerial Photographs account to the Contracted Services account as the money was needed to finish taking care of enforcement on weed compliants; and
- 2) No. 840106, a request to transfer \$20.00 from the Aerial Photographs account to the Dues and Memberships account because of increased dues to the Montana Weed Control Association and the Weed Science Society of America.

RESOLUTION NO. 84-044

The Board of County Commissioners signed Resolution No. 84-044, a budget amendment for FY '84 for the Sheriff's Department, including the following expenditures and revenue (the revenue coming from the U.S. Forest Service for assistance in drug related enforcement on Federal lands) and adopting it as a part of the FY '84 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Sheriff's Department	
01-300-03-00-846 Cap. Tech. Equip.	4,230.00
01-300-03-00-111 Perm. Salaries	770.00
<u>Description of Revenue</u>	<u>Revenue</u>
01-920-17-00-363	5,000.00

✓ RESOLUTION NO. 84-045

The Board of County Commissioners signed Resolution No. 84-045, a resolution accepting real property donated by easement from Champion International for road right-of-way which is needed to rebuild Mullan Road at the Old Milwaukee Crossing near the Pulp Mill.

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 records of Justice of the Peace, William Monger, for the period ending December 31, 1983. The Audit was forwarded to the Clerk and Recorder's Office.

✓ WARRANTY DEED

The Board of County Commissioners signed a Warranty Deed, whereby Missoula County conveys to David Yuhas the following described premises (purchased under the Community Development Program - Resolution No 84-017, parcel #4):

APRIL 4, 1984, CONTINUED

Lots 35 and 36 in Block 13 of Carline Addition, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof.

The Deed was returned to John Kellogg in the Planning Department for further handling.

WARRANTY DEED

The Board of County Commissioners signed a Warranty Deed, whereby Missoula County conveys to Phil Christensen the following described premises (purchased under the Community Development Program - Resolution No. 84-017, parcel #5):

Lot 30 in Block A of Carline Addition #2, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof.

The Deed was returned to John Kellogg in the Planning Department for further handling.

CONTRACT, WARRANTY DEED AND NOTICE OF PURCHASER'S INTEREST

The Board of County Commissioners signed a Contract for Deed, a Warranty Deed and a Notice of Purchaser's Intent between Missoula County and Rex and Donna Palmer regarding the purchase of the following described property under the Community Development Program:

Lots 13 and 14 in Block E of Carline Addition #2, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof.

All three documents were returned to John Kellogg in the Planning Office for further handling.

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

April 5, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Palmer attended a District X and XI Counties meeting in Polson; Commissioner Dussault and representatives of the Health Department met with officials in California regarding home health matters April 5th and 6th; and Commissioner Evans was out of the office all day.

April 6, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Evans was in Helena all day where she attended a meeting with officials from several Counties in the State regarding jail issues; and Commissioner Palmer left in the afternoon for Coeur d'Alene, Idaho, to attend an Inland Empire Elected Officials meeting on Saturday, April 7th.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

April 9, 1984

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

MONTHLY REPORT

Chairman Palmer 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 March 31, 1984.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 84-46

The Board of County Commissioners signed Resolution No. 84-46, a resolution to change street names located in the Thibodeau and Poitras tract, located in the Pine Grove area between East Missoula and Milltown, Montana, and further described as located in T13N, R18W, part of SE¼, SW¼, Section 17, as follows:

Present Name	New Name
First Street	Roberts Lane
Second Street	Thibodeau Lane
Third Street	Aabear Lane
Fourth Street	Fontaine Drive

and also resolving that the Missoula County Clerk and Recorder shall change the names of the affected streets on the plat for Pine Grove subdivision, and the Missoula County Surveyor shall replace the existing street signs showing the new names, and shall send a copy of this resolution to all property owners who own property adjacent to the affected streets and to various agencies affected by the name changes.

Other matters considered included:

- 1) Jean Wilcox, Deputy County Attorney, met with the Commissioners and discussed the Reserve Street lawsuit and the Lincoln Hills Sewer problem;
- 2) The Economic Development Implementation Task Force was discussed; and
- 3) The Commissioners voted to authorize Chairman Palmer to sign releases from all claims on El Dorado.

APRIL 9, 1984, CONTINUED

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

* * * * *

April 10, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Great Falls at a seminar all day.

✓ SITE INSPECTION

Commissioner Evans accompanied Dick Colvill, County Surveyor, on a site inspection in the afternoon for the request to abandon a portion of Grant Street.

* * * * *

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Palmer left at noon for Portland, Oregon where he will attend BPA Task Force meetings.

ELECTION CANVASS

The Board of County Commissioners canvassed the Missoula Rural Fire District Election results for the election, which was held April 3, 1984, in the morning.

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List dated April 11, 1984, pages 1-26, with a grand total of \$95,025.34. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

✓ RESOLUTION NO. 84-047

The Board of County Commissioners signed Resolution No. 84-047, a resolution of intent to create RSID No. 406 for the purpose of sanitary sewer improvements on Larkspur and a portion of 21st Avenue of approximately 1560 feet of 8 inch sewer line complete with manholes and 18 service lines (extended to property line).

Acting Chairman Evans also signed the Notice of Passage of the Resolution of Intent to create RSID No. 406, setting the hearing date for May 2, 1984, at 1:30 p.m.

✓ AGREEMENT

Chairman Palmer signed an Agreement between the Neighborhood Rehabilitation and Conservation Program, Missoula County, and May Garrison, whereby the County will subordinate the existing loan repayment agreement in favor of AVCO Financial Services expanding their loan to May Garrison and allow her to borrow an additional \$2,100.00. The Agreement was returned to Bud Hettich in the Planning Department for further handling.

Other matters considered included:

- 1) A discussion was held on the Specialized Transportation District; and
- 2) The Commissioners met in executive session and discussed litigation.

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

PUBLIC MEETING

Acting Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Bob Palmer was in Portland on Commission business.

✓ BID AWARD: CULVERTS (SURVEYOR)

Under consideration was a bid award for the purchase of steel culverts. Information provided by Surveyor Richard H. Colvill stated that one bid had been received, as follows:

Roscoe Steel & Culvert Company \$5,320.00

The recommendation of the Surveyor was to award the contract to Roscoe Steel & Culvert Company in the amount of \$5,320.00.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bid be awarded to Roscoe Steel and Culvert Company in the amount of \$5,320.00, in accordance with the recommendation of Surveyor Colvill. The motion passed by a vote of 2-0.

✓ HEARING: PETITION TO ABANDON A PORTION OF GRANT STREET

Under consideration was a petition to vacate the West 10 feet of the 80 foot right-of-way of Grant Street from Mount Street to the alley located between Blocks 2 and 3 of Southside Addition in Missoula County.

Information provided by Kathi Mitchell, Recording Section Manager of the Clerk & Recorder's Office, stated that the owners whose property abuts that portion of Grant Street to be vacated (Gene & Nancy Mostad) requested this for the following reasons:

1. The Missoula City/County Health Department requires an 80'x85' area for a sewer system for the one-bedroom, four-plex project proposed for their parcel of land. Presently the Mostads have only an 80'x75' area; and
2. In order to build the four-plex, the Missoula City/County Zoning Department requires that the lot have a 25' setback, both on Mount and Grant Streets, and a 5' setback on the west lot line, leaving only 45' to build on. In order for the Mostads to build an economically competitive and comfortable four-plex, the one-bedroom units need to be 54' long and 26' wide. The additional 10 feet in width, if the

PUBLIC MEETING, APRIL 11, 1984, CONTINUED

proposed vacation is approved, will help meet the above requirements. The Mostads also said that the land would be put to good use and well maintained.

The following persons would be affected:

Lot 1, Block 3, Southside Addition
Thomas G. and Janet L. Stevens

Lot 46, Block 3, Southside Addition
Leland M. & Leola Yates and Janice M. Gregory - Contract Sellers
James J. and Margie M. O'Toole - Contract Buyers

Lot 17, Block 2, Southside Addition
Claude J. and Susan M. Shinnick - Contract Sellers
Wade A. and Colette A. Vangilder - Contract Buyers

In accordance with Montana State Statute, Barbara Evans and Dick Colvill had viewed the site proposed to be vacated.

Acting Chairman Barbara Evans opened the hearing to public comment, asking that proponents speak first. There were no proponents or opponents.

Surveyor Colvill was asked for a comment, and he said that if 10' feet of the right-of-way on each side of the road were vacated, it would still leave 60 feet of right-of-way, which was plenty. He said that he had no objections to the proposed vacation.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the requested vacation be granted, with the Surveyor to supply the appropriate legal description. The motion passed by a vote of 2-0.

✓ CONTINUATION OF HEARING (FROM MARCH 28)

This hearing on a proposed resolution to control excavations in County roads and streets was continued from a previous public meeting on March 28. At that meeting, Surveyor Dick Colvill had presented a proposal resolution in regard to controlling excavations in County roads and streets. Jack Pinsoneault, an attorney representing the interests of the Blackfoot Telephone Cooperative and Missoula Electric Cooperative, introduced the following representatives from these and other firms: Bob Korizek, Right-of-Way Agent for Mountain Bell Telephone; Jim Gregori, Chief Engineer, Missoula Electric Co-op; Harold Diesen, Manager, Missoula Electric Co-op; Raymond Smith, Manager, Blackfoot Telephone; and Glen Wheeler, Superintendent of Operations, Montana Power Company. In addition, the following people had introduced themselves and asked to be included in any meetings on this matter: Lee Magone, representing Mountain Water Company and Ken Caruso, representing Marshall TV Cable Company. On behalf of this group, Mr. Pinsoneault had asked that they meet with Surveyor Colvill and Bob Holm to work out some of the language in the resolution prior to a hearing.

Bob Holm, Engineer with the Surveyor's Office, said that he had met with the utility representatives on Friday, March 30, and that the group had seemed reasonably happy with the revised resolution which had been presented to them. He said that the current proposal was merely a revision of resolutions, passed in 1967 and then amended in 1976, and was a way of reiterating the County's need to know who's digging in the public right-of-way as well as why and how. He said that the current revisions tightened constraints on how back-filling, finishing and dressing up is done, to try to minimize future settlements in the roadways. In addition, he said, the current proposal increased bonding requirements for excavators and also increased the guarantee from one to two years. He said that in the past, it had seemed that one week after the bonding ran out, the job deteriorated, so it was felt that the time limit for the guarantee of work should be lengthened. He said that problems should show up within two years, and concluded by saying that the utility companies were being asked to work with the Surveyor's Office in placing their lines in the County road rights-of-way.

Surveyor Dick Colvill added that utility companies would be charged a \$35 permit fee after the passage of the resolutions, and agreed, in response to a request from one of the representatives of the utility companies, that he would supply them with the County overlay list.

Mr. Pinsoneault then presented the following acknowledgement signed by Ray L. Smith, General Manager, Blackfoot Telephone Cooperative; Marshall Brandon, owner and General Manager, Marshall's TV Cable; John Gilman, Assistant Superintendent of Montana Power; Fred V. Bulen, Manager, D.S., Mountain Bell; and Edward L. Magone, Vice President and General Manager, Mountain Water Company:

The undersigned utilities within the meaning and definitions contained in Title 69 MCA, in particular Section 69-4-101, acknowledge notice of and opportunity to be heard and comment on the matter of the adoption by the Board of County Commissioners of Missoula County, Montana of a proposed resolution covering excavations in county roads;

assert and affirm that nothing in said resolution contained shall curtail or impair their power or authority, as granted by the laws of the State of Montana, to use public roads, streets and highways of this state for placement thereon of utility facilities necessary to supply services to the public.

There were no public comments, either for or against this proposed resolution.

Ann Mary Dussault moved, and Barbara Evans seconded the motion that final action on the proposed resolution to control excavations in County roads and streets be scheduled for the evening public meeting of April 18. The motion passed, 2-0.

✓ TRUST AGREEMENT - L.I.G.H.T. EMERGENCY POWER DEPOSIT TRUST

This Trust Agreement was to be executed by the Trustor (Low-Income Group for Human Treatment - L.I.G.H.T.); the Trustees, Hugh Standley, Harriet Mistowski and the Reverend Thomas Dicken; and the Trust Donor, Missoula County. The purpose of the Agreement is to provide funds for the payment of power deposits on behalf of persons eligible for assistance under the guidelines set forth by the Trustees, with the pre-payments to be repaid to the Trust when the deposits for which the Trust funds were advanced is paid by General Assistance.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the above-referenced document be signed. The motion passed by a vote of 2-0.

PUBLIC MEETING, APRIL 11, 1984, CONTINUED

L.I.G.H.T. EMERGENCY POWER DEPOSIT TRUST AGREEMENT

The Board of County Commissioners, on behalf of the Donor, Missoula County, signed the L.I.G.H.T. Emergency Power Deposit Trust Agreement, and the Agreement was then signed by the other parties named above. The total value of the Agreement is \$700. The original was sent to the Clerk and Recorder for recording, with an original also sent to the L.I.G.H.T. Office and copies to the other parties in the Agreement and the Missoula County Auditor.

CONSIDERATION OF: PRELIMINARY PLAT - JIM AND MARY'S RV PARK

Barbara Martens, of the Missoula Planning Staff, stated that the proposal for the Preliminary Plat of Jim and Mary's RV Park was for a 45-rental space RV park, to include a laundry/shower facility, manager's quarters/office, and an open space area which would provide recreation equipment and picnic tables. She stated that the proposed development would be constructed at the current site of the Frenchtown frontage road on the east side of U.S. Highway 93 North; and that the proposal would encompass a total area of 8.0 acres, of which 2.02 acres would be in common area. She said that the property was being used currently as a tree farm, and zoned for general commercial use. She said that the applicants had proposed a central water and sewer system, with solid waste removal being provided by a commercial carrier.

Charles Johnson, P.E., of Stensatter, Druyvestein & Associates, representing the developers, Jim and Mary McFarland, stated that he had no objections to the eleven conditions requested, and felt that the developers could comply with all of them.

Commissioner Ann Mary Dussault asked questions about a prior project that Mr. McFarland had been involved in that there had been some disagreements over. This project was Greenwood No. 2, a trailer court that Mr. McFarland had developed and then sold. She said that she understood that a condition had been attached to the plat approval of that trailer park, having to do with paving, when he had owned the property, and asked Mr. McFarland to clarify that for her.

Mr. McFarland replied that at the time Greenwood #2 was platted, Elmer Frame had been the County Engineer. He said that Greenwood was one of the few mobile home parks that had gone through subdivision hearings at that time (1979), and one of the conditions of approval was that the streets within the trailer courts be paved two years after Tremper and Flagler Roads (the County roads leading to the trailer park) were paved. Those roads were finally paved in 1981 or '82. He had sold the mobile home park with the understanding on the part of the new owners that this condition was on the plat. He said that at the time he sold the trailer park, Flagler and Tremper Roads had been dirt roads. He said that if he had paved the roads himself, the price he would have sold the trailer park for would have been much higher. He said the new owners had understood and accepted the condition on paving the interior roads.

Barbara Evans asked if that condition was in writing.

Mr. McFarland said that he would have to pull the contracts, but that it was a matter of record.

Ann Mary Dussault said that it was Mr. McFarland's position, then, that the responsibility for the paving of the interior roads rested with the new owners, and that they had purchased the property with the awareness that once Tremper and Flagler were paved, the interior roads of the trailer park would have to be paved within two years.

Mr. McFarland stated that that was correct.

Deputy County Attorney Mike Sehestedt was asked for his opinion, and he said that he was not familiar with the matter, but that he would say generally, and without prejudice to finding this an exception, that conditions such as this where conditions went with the land. He said that if the condition were indeed a matter of record, he had very little sympathy for someone who had not properly searched the title to property they intended to buy.

Ann Mary Dussault then moved, and Barbara Evans seconded the motion, that the preliminary plat for Jim and Mary's RV Park be approved, subject to the conditions and findings of fact recommended by the Missoula Planning Board, with the condition that it was confirmed that there was no outstanding obligation on the part of the McFarlands on the Greenwood Trailer Court. No vote was taken on this motion. A ten-minute recess was called, during which time Mike Sehestedt went to the Clerk and Recorder's Office to search the records.

When he came back, he reported that he had not been able to find the minutes of the hearing held on Greenwood #2, and there was nothing noted on the face of the plat which addressed paving.

Ann Mary Dussault suggested a delay of a day or two on finalizing the decision so that the paper trail could be verified.

Mike Sehestedt agreed that it should be possible to verify the facts within a day or two. He said that he had spoken with Surveyor Dick Colvill during the ten-minute break, and he had come up with a development schedule approved by Elmer Frame in 1974 which stated that the interior roads were to be paved by 1975, or when the roads leading to the subdivision were paved. He said that the question of whether or not this would be a personal obligation of the McFarlands or whether the obligation ran with the land could not be answered by that.

At this point, Mr. McFarland asked the Commissioners to reconsider their motion on the grounds that the earlier trailer court had been sold with the obligation for paving the roads clearly passing to the new owners. He said that they had understood and accepted this obligation, and he did not feel it was right to penalize him so much after the fact for an obligation that no longer his and had not been for years.

Ann Mary Dussault then withdrew her original motion, and Barbara Evans withdrew her second.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the preliminary plat for Jim and Mary's RV Park be approved, subject to the conditions and findings of fact recommended by the Planning Board. The motion passed by a vote of 2-0.

The preliminary plat for Jim and Mary's RV Park was therefore approved, subject to the following conditions and findings of fact:

1. That grading, drainage, street and erosion control plans shall be approved by the County Surveyor's Office prior to filing the plat;

PUBLIC MEETING, APRIL 11, 1984, CONTINUED

2. That fencing shall be installed between the play area and U.S. Highway I-93 to prevent small children from wandering onto this busy roadway;
3. That each dumpster site shall have a concrete pad, paved access and visual buffering;
4. That the portion of Northern Dancer Drive serving this subdivision shall be private and constructed with a 24-foot wide paved roadway; and
5. That, in accordance with Missoula County Subdivision Regulations, Section II, "Design and Improvement Standards", the following statement shall appear on the face of the plat:

The owner of this lot or parcel shall understand and agree that private road construction, maintenance and snow removal shall be the obligation of the owner, and the County of Missoula is in no way obligated until the roads are brought up to standards and accepted by the County of Missoula;

6. That a 20-foot public drainage easement shall be provided adjacent to U.S. Highway I-93 North;
7. That a 30-foot drainage easement shall be provided, commencing at the southeast corner of the proposed development, and shall run adjacent to the property line in a northwesterly direction until it abuts U.S. Highway I-93 North;
8. That the applicant shall supply a document from the developer and owner of Bay Meadows Subdivision, Hall of Fame, granting access from U.S. Highway I-93 North to the R.V. Park entrance using the proposed Northern Dancer Drive;
9. That a document showing public drainage easements shall be filed with the County Clerk and Recorder at the time of Commissioners approval;
10. That an access permit shall be obtained from the State Highway Department; and
11. That the interior roadway shall have a 24-foot wide paved right-of-way between Northern Dancer Drive and the manager's office. The interior loop road shall be a 15-foot paved right-of-way for access to the R.V. lots.

In addition, the Board of County Commissioners found approval of the preliminary plat for Jim and Mary's R.V. Park to be in the public interest, based on the following findings of fact:

1. Need - The area is zoned C-C2, General Commercial, which provides for retail trades and services that are inherently automotive and highway-oriented, and for commercial uses of low intensity which may require large areas of land. The site provides a good staging area for those RV travelers who will be continuing on to other recreational areas, such as state and national parks in northwest Montana.
2. Expressed Public Opinion - To date there has been no written expression of public opinion. One telephone call was received, whereby the caller wanted to know the applicant's last name and current address.
3. Effects on Agriculture - The vegetation (small pines up to 12-15 feet in height) is densely distributed throughout much of the planned development area. Most of the trees will be removed in order to construct the facility, but others will be saved where possible, to provide landscaping and buffering. Also construction activities will be conducted so that, where possible, trees will be protected and preserved. In addition, shade trees will be planted.
4. Effects on Local Services
 - a. Schools will not be affected by this development, as it will be used for overnight, seasonal R.V. patrons;
 - b. Fire protection will be provided by Frenchtown Rural Fire Department. Water for fire protection will be provided from individual wells and tanker trucks, and there are two frost-free hydrants located adjacent to both permanent buildings. Ambulance service will be provided by Arrow Ambulance Service of Missoula.
 - c. Sewer and water service will be provided through a central water and sewer system. Each R.V. space will have individual water and sewer hook-ups. The sewer system will consist of a collection system, septic tank, lift station and drainfield, which will be placed in the open space area.
 - d. All utilities will be underground, with electrical service supplied to each R.V. space. Street lighting is proposed for the development. Electrical service will be supplied by Montana Power. Telephone service will be supplied by Mountain Bell and will only be provided to the manager's office, with a pay telephone near the laundry/shower facility.
5. Effects on Taxation - The proposed R.V. park development can be expected to generate an increase in taxes per year.
6. Effects on the Natural Environment - The predominant on-site vegetation is a dense growth of planted small conifer trees (6 to 20 feet in height). The applicants propose removing most of the existing trees, and limited replanting. The replanting will be deciduous shade trees, placed to enhance the landscaping and buffering. These trees will be various species - maple, mountain ash, birch and willow - and at planting will range in height from 5 to 10 feet. The area around the graveled pads in the R.V. spaces will be seeded with grass, and the drainfield and recreation areas in the open space will be seeded.

A letter from County Surveyor Richard Colvill stated that the proposed subdivision could potentially block the drainage way or pond area of the entire Bay Meadows Subdivision. In addition, a letter from the Soil Conservation Service further stated that the potential existed for drainage problems, in that the proposed R.V. park shortens the existing

PUBLIC MEETING, APRIL 11, 1984, CONTINUED

drainage-way, increasing the potential for head-cutting in the new channel.

7. Effects on Wildlife and Wildlife Habitat - Jim Ford, of the Department of Fish, Wildlife and Parks, stated that he had no comment on the proposed subdivision.
8. Effects on Public Health and Safety - One safety concern is the proximity of the development to U.S. Highway 93 North. A letter from Jim Edgcomb, of the Missoula Planning Office, stated that the accident rate data for the area extending from the interchange on Interstate 90, 5.5 miles north on U.S. Highway 93 North, is 3.40 accidents per million vehicle miles. The statewide average is approximately 2.5 accidents. The average daily traffic count for this area is 4,400 vehicles.

Barb Martens added that no final plat is required for RV park approvals, so this would be the final action on Jim and Mary's RV Park.

✓ CONSIDERATION OF LAKESHORE PERMIT - DOCK AT SEELEY LAKE - CHARLES BAKER

Planner Barbara Martens than gave the Planning Staff report on this request, stating that Mr. Baker's proposal was to replace an existing dock adjacent to his property on Lot 14, Seeley Lake Shoresites. The replacement dock would be 24 feet long and 20 feet wide, with an 8 foot mooring slip in the center opening. The new dock would be constructed of pine treated with a Columbia Paint product known as Sepia 8208.

The Staff recommendation was that this request be approved.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Lakeshore Protection Permit for Charles C. Baker for a dock at Seeley Lake be approved, based on the following findings of fact. The motion passed, 2-0.

1. Whether the dock would materially diminish water quality:

Addressing this concern, Barb Martens said that the dock will be made of a pontoon type construction with 55 gallon drums being used for the flotation devised with pine being used for the construction materials. The wood preservative will be a Columbia Paint product Sepia 82-8 which has Environmental Protection Agency approval. The content material was Anti-Freeze Coolant a non-toxic substance. The proposed dock will achieve approximately the "size, material, and configuration as the old dock being replaced". The new dock will be seasonal in placement due the sectional construction which will allow the owner to install the dock in the spring and remove it in the fall. The shoreline will be protected due to the securing structure (two outriggers) which will prevent the dock from causing damage to the shoreline. Also, as stated in a written reply from Ed Zulegar, Missoula County Health Department, that upon inspection of both the barrels and material that he has "no problem with the dock";

2. Whether it would materially diminish habitat for fish or wildlife:

Ms. Martens stated that the Department of Fish and Game stated in a telephone conversation that they have no comments regarding this. The Staff expects no adverse effects on fish or wildlife;

3. Whether it would interfere with navigation or other lawful recreation:

Barb Martens said that the dock itself is not expected to interfere with navigation or lawful recreation, as the dock is for a private owner whose lot is located on the southern shore of the southern part of the lake;

4. Whether it would create a public nuisance:

She stated that no public nuisance is expected from the docking facility, as the dock is for private use; and

5. Whether it would create a visual impact discordant with natural scenic values, as determined by the local governing body, where such values form the predominate landscape elements:

She said that the proposed replacement dock which will be approximately the same size as the original dock (20 x 24 feet) is not expected to effect, diminish, or compromise the scenic beauty of the lake. Also, due to the sectional construction and securing structures the staff does not expect any adverse effects to the shoreline. Kit Southerland of the Soil Conservation Service stated in a telephone conversation that he has no comments regarding the proposed replacement dock.

✓ CONTINUATION OF DISCUSSION: SUMMARY PLAT - OVERLOOK ADDITION

Action on the Summary Plat for Overlook Addition, with the recommendation from the Missoula Planning Board to deny approval, was considered at the April 4 and April 11 public meetings.

At the April 4 meeting, Barbara Evans moved approval of the Summary Plat for Overlook Addition, subject to the condition that the developer enter into restrictive covenant covering Tracts A & B, whereby he agrees that if any further land division takes place, it be reviewed as a subdivision and filed as a plat. Bob Palmer did not second this motion, and it died for lack of a second. Ann Mary Dussault was not present at the meeting.

Barbara Evans said that she thought it was incumbent on the County to have a process by which certificates of survey can be kept track of. She said that the fact that we might not catch certificates of survey on the remaining parcels of land after granting the Summary Plat was not a good reason to deny it. She said that it did not seem equitable to her because the developers were not violating any laws.

Ann Mary Dussault said that she thought the Commissioners had every ground to deny the summary plat because there was no question that seven lots had been created, and it was clear that this was not a minor subdivision.

Xenon Zazula, of Underwood Associates, representing the developer, Northview Development Corp., PHS, Inc.,

PUBLIC MEETING, APRIL 11, 1984, CONTINUED

said that the summary plat would only create five lots, and remainders A & B were remainders. He said that he thought it was a good piece of ground to be developed and it was part of the Iolo Sewer and Water District. He said if the County's concern was that they might be taking advantage of the occasional sale option on a remainder situation, the County should go after the people who are doing that, not the people who "might" do it. He said that the issue which has been avoided is that this is an acceptable site for development.

Ann Mary Dussault said that Overlook Subdivision had been reviewed and approved as a major subdivision two years earlier, with 12 lots, and the plat had not been filed, and so the approval had lapsed. She said that there was no question that this was highly developable land, but the County needed to look at the plan for the eventual development of the entire parcel.

Ann Mary Dussault then moved that the Summary Plat for Overlook Addition be denied. Barbara Evans did not second the motion, so it died for lack of second. Bob Palmer was not present at the meeting.

The discussion on this summary plat was then referred to the April 25 public meeting, when all three Commissioners would be present.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 2:40 p.m.

* * * * *

April 12, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Portland, Oregon, attending a BPA Task Force Meeting and in the afternoon, he traveled to Seattle, Washington, to attend another BPA Task Force Meeting there on Friday, April 13th.

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April 13, 1984

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

 _____ Fern Hart, Clerk and Recorder	 _____ Bob Palmer, Chairman, County Commissioners
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April 16, 1984

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:

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following Budget Transfers for the Sheriff's Department and adopted them as a part of the FY '84 budget:

1. No. 840121, a request to transfer \$500.00 from the Office Equipment Maintenance account to the Other Equipment Maintenance account as the funding in the account is depleted;
2. No. 840122, a request to transfer \$2,000.00 from the Gas & Diesel Fuel account to the Copy Costs (\$1,500.00) and the Microfilm Service (\$500.00) accounts as the funds in these accounts are depleted; and
3. No. 840123, a request to transfer \$3,000.00 from the Gas & Diesel Fuel account to the Laundry account as the funding is depleted in this account.

PLAT

The Board of County Commissioners signed the plat for the Hulbert Addition, a resubdivision of Sorrel Springs - Lot 33, the owner of record being Carolyn D. Stewart.

NOTICE OF HEARING

Chairman Palmer signed a Notice of Hearing for the petition for annexation to the Clinton Rural Fire District setting the hearing for May 9, 1984, at 1:30 p.m.

LAKESHORE PERMIT

The Board of County Commissioners signed a Lakeshore Permit for L. W. Lindemer to construct a ramp at Seeley Lake, subject to the conditions listed in the permit. Mr. Lindemer's request was approved at the February 29, 1984, public meeting.

Other matters considered at the meeting included:

1. A discussion was held on the MacLay Bridge problem;
2. It was decided that Certificates of Appreciation be sent to the Library Board; and
3. Staff questions were discussed.

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

* * * * *

April 17, 1984

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

MONTHLY REPORTS

Chairman Palmer examined, approved and ordered filed the monthly reports for Justices of the Peace, Janet Stevens and W. P. Monger, for collections and distributions for month ended March 31, 1984.

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Patricia Wakefield as principal for Warrant #96262, dated October 13, 1983, on the Missoula County Trust Fund in the amount of \$200.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following Budget Transfers for the Health Department and adopted them as a part of the FY '84 Budget:

1. No. 840124, a request to transfer \$1,160.00 from the Clinic Supplies (\$1,050.00) and Printing (\$110.00) accounts to the Private Vehicle Mileage (\$1,050.00) and the Laundry (\$110.00) accounts as these accounts are overexpended;
2. No. 840125, a request to transfer \$200.00 from the Mileage - County Vehicle (\$50.00) and Dues and Memberships (\$150.00) accounts to the Dues & Memberships (\$50.00) and the Long Distance Phone (\$150.00) accounts as these accounts are overexpended;
3. No. 840126, a request to transfer \$998.00 from the Clinic Supplies (\$300.00) and Interest - Registered Warrants (\$698.00) accounts to the Audit Fees (\$300.00) and Common Carrier (\$698.00) accounts as these accounts are overexpended;
4. No. 840127, a request to transfer \$607.00 from the Phone-Basic Charges (\$552.00) and Clinic Supplies (\$55.00) accounts to the Meals, Lodging and Incidentals accounts as it is overexpended;
5. No. 840128, a request to transfer \$2,260.00 from the Phone-Basic Charge (\$250.00) and Permanent Salaries (\$2,010.00) accounts to the Tuition/Registration Fees (\$250.00) and Temporary Salaries (\$2,010.00) accounts as these accounts are overexpended;
6. No. 840129, a request to transfer \$2,000.00 from the Permanent Salaries (\$1,659.00) and Fringe Benefits (\$341.00) accounts to the Temporary Salaries (\$1,659.00) and Fringe Benefits (\$341.00) accounts in order to hire a temporary person to handle garbage complaints that the regular staff cannot do because of a staff shortage;
7. No. 840130, a request to transfer \$70.47 from the Phone-Basic Charges (\$20.47) and the Dues and Memberships (\$50.00) accounts to the Long Distance Phone Charges account as it is overexpended;
8. No. 840131, a request to transfer \$105.00 from the Clinic Supplies (\$25.00) and Vaccine (\$80.00) accounts to the Office Supplies (\$25.00) and Prescription Drugs (\$80.00) accounts as those accounts are overexpended;
9. No. 840132, a request to transfer \$270.00 from the Lab Supplies (\$70.00) and Clinic Supplies (\$200.00) accounts to the Prescription Drugs (\$70.00) and Long Distance Phone Charges accounts as these accounts are overexpended;
10. No. 840122, a request to transfer \$550.00 from the Mileage-Private Vehicle (\$150.00) and Vaccines (\$400.00) accounts to the Clinic Supplies (\$150.00) and Lab Supplies (\$400.00) accounts as these accounts are overexpended;
11. No. 840134, a request to transfer \$1,000.00 from the Physician Services account to the Lab Supplies (\$500.00) and X-Rays (\$500.00) accounts as these accounts are overexpended;
12. No. 840135, a request to transfer \$480.00 from the Physician Services (\$400.00) and Meals, Lodging and Incidentals (\$80.00) accounts to the Contracted Services (\$400.00) and Tuition/Registration Fees (\$80.00) accounts as these accounts are overexpended;
13. No. 840136, a request to transfer \$26.45 from the X-Rays (\$11.00) and Clinic Supplies (\$15.45) accounts to the Lab Supplies (\$11.00) and Office Supplies (\$15.45) accounts as these accounts are overexpended;
14. No. 840137, a request to transfer \$70.35 from the Clinic Supplies (\$55.70) and Copy Costs (\$23.65) accounts to the Lab Supplies (\$55.70) and Postage (\$23.65) accounts as these accounts are overexpended;
15. No. 840138, a request to transfer \$170.65 from the Copy Costs account to the Lab Services (\$69.04) and X-Rays (\$101.61) accounts as these accounts are overexpended; and
16. No. 840139, a request to transfer \$400.00 from the Physician Service account to the Long Distance Phone Charges (\$200.00) and Laundry (\$200.00) accounts as these accounts are overexpended.

Other matters considered included:

1. Jim Dolan met with the Commissioners regarding the Bellevue Walkway issue;
2. The Lakeshore Regulations were discussed; and
3. The Commissioners voted to offer Dan Cox currently Operations Analyst in the Surveyor's Office, the Budget Officer position.

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

APRIL 17, 1984, CONTINUED

MEETINGS

Commissioner Evans attended a meeting of the Gambling Commission in the forenoon and a Crimestoppers meeting at noon.

* * * * *

April 18, 1984

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 April 18, 1984, pages 1-26, with a grand total of \$127,166.70. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

✓ RESOLUTION NO. 84-048

The Board of County Commissioners signed Resolution No. 84-048, a Resolution to vacate a portion of Grant Street located in the NW¼, SE¼ of Section 29, T13N, R19W as the adjacent property owners, Gene R. and Nancy R. Mostad, need an additional 10 feet for a sewer system on their lot to comply with the regulations of the City-County Health Department.

Other matters considered included the following:

- 1) Mike Barton of the Planning Office met with the Commissioners and discussed the rules and regulations of the CDBG;
- 2) The Employee Council's request concerning retirement plaques was discussed;
- 3) The Community Center issue in Potomac was discussed - Mike Sehestedt, Deputy County Attorney, will draft a letter to the School Board in Potomac, and he and John DeVore, Operations Officer, will look into the whole issue of Community Centers;
- 4) The upcoming meeting of the Legislative Subcommittee concerning District Courts was discussed;
- 5) A Budget Amendment for the Commissioners Department regarding the reimbursements received for travel expenses was discussed - Brentt Ramharter, Fiscal Officer in the Accounting Department, will create a new line item for these reimbursements; and
- 6) Jim McFarland's trailer court in East Missoula was discussed - Mike Sehestedt, Deputy County Attorney, is looking into McFarland's past assurances that he would pave the road in the trailer court.

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

✓ WELFARE ADVISORY BOARD

The Board of County Commissioners serving as the Welfare Advisory Board met with Jean Johnston, Welfare Director, in the afternoon.

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 7:30 p.m. in the City Council Chambers. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

✓ BID AWARD - NINE-MILE DUST ABATEMENT (SURVEYOR)

Under consideration was a bid award for Nine-Mile dust abatement. Information provided by County Surveyor Dick Colvill stated that bids were opened at 10:00 a.m. on April 16, 1984 for furnishing and applying 692 tons of chloride dust palliative treatment to the County-maintained portion of Ninemile Road, a portion of Remount Road, and a portion of West Ninemile Road. The following bids were received:

Western Materials, Inc.	\$68,335.00
Quality Construction Company	88,922.00

Surveyor Colvill also informed the Commissioners that funds for this project are available in the current budget under the capital project for Ninemile Road. The basic bid, plus 10% for contingencies, should be reserved for this project. Projects funded from the Ninemile Road project are:

Dust Abatement	\$ 75,000
Reconstruction West Ninemile Road	95,000
Total	\$170,000

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid for Nine-mile area dust abatement be awarded to the low bidder, Western Materials, Inc., in the amount of \$68,335, in accordance with the recommendation of the Surveyor. The motion passed by a vote of 3-0.

✓ BID AWARD: WEST NINE-MILE, PHASE IV (SURVEYOR)

Under consideration was the award of a contract for reconstructing West Nine-Mile Road, Phase IV.

Information provided by County Surveyor Dick Colvill stated that bids were opened at 10:00 a.m. on April 16, 1984 for the reconstruction of 5200 feet of West Ninemile Road. The following bids were received:

Quality Construction Company	\$145,919.77
Nicholson Paving Company	150,999.00
Western Materials, Inc.	170,031.00
Burtch Trucking & Excavating	172,959.64
American Asphalt, Inc.	245,499.90

PUBLIC MEETING, APRIL 18, 1984, CONTINUED

Further, he said that this contract would have to be funded as follows:

FY '84	\$95,000
FY '85	\$51,000

and that the contract should be awarded with the condition that construction be scheduled in a manner that would permit only \$95,000 worth of construction to be completed this fiscal year.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the contract be awarded to the low bidder, Quality Construction Company, in the amount of \$145,919.77, on condition that construction be scheduled in a manner that would permit only \$95,000 worth of construction to be completed this fiscal year, in accordance with the recommendation of the Surveyor. The motion passed by a vote of 3-0.

✓ BID AWARD: PLANT MIX ASPHALTIC CONCRETE (SURVEYOR)

Under consideration was award of a contract for furnishing plant mix asphaltic concrete for road patching and overlays. Information provided by Surveyor Colvill stated that bids were opened at 10:00 a.m. on April 16, 1984 for furnishing 800 tons of Plant Mix Asphaltic Concrete. The following bids were received:

	Unit Price	Extended Cost
Nicholson Paving Company	\$20.39/Ton	\$16,312.00
American Asphalt, Inc.	20.50/Ton	16,400.00
Western Materials, Inc.	22.50/Ton	18,000.00

He said that the specifications permit an increase of the bid quantity, up to 25% without changing the unit price, and that the Surveyor's Office had \$16,900 remaining in the currently budgeted account for purchase of plant mix asphalt.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid for 828 tons of plant mix asphaltic concrete be awarded to the low bidder, Nicholson Paving Company, in the amount of \$16,312.00, in accordance with the recommendation of the Surveyor. The motion passed, 3-0.

✓ FINAL ACTION ON RESOLUTION TO CONTROL EXCAVATIONS IN COUNTY ROADS AND STREETS

Information provided by Administrative Aide Leslie Sennett stated that a public hearing on Dick Colvill's proposed resolution in regard to controlling excavations in County roads and streets was held on April 4 and continued to April 11. During this time, representatives of various utility companies met with Dick Colvill and Bob Holm. A revised resolution was then presented on April 11, along with the following statement from representatives of Blackfoot Telephone Cooperative, Marshall's T.V. Cable, Missoula Electric Cooperative, Montana Power, Mountain Bell and Mountain Water:

"The undersigned utilities. . . assert and affirm that nothing in said resolution contained shall curtail or impair their power or authority, as granted by the laws of the State of Montana, to use public roads, streets and highways of this state for placement thereon of utility facilities necessary to supply services to the public."

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the proposed resolution to control excavations in County roads and streets be approved and signed. The motion passed, 3-0.

✓ RESOLUTION 84-049

The Board of County Commissioners then signed Resolution 84-049, which rescinded Resolution 76-9, and set rules pertaining to excavation, backfill and utility placement within Missoula County street and road rights-of-way. The original was forwarded to the Clerk and Recorder for recording purposes, with a copy sent to Surveyor Colvill who would distribute copies to the representatives of utility companies interested in this matter.

✓ HEARING: PROPOSED LAKESHORE REGULATIONS

Barbara Martens of the Missoula Planning staff gave the Planning staff report and recommendations, stating that four public hearings concerning the proposed Lakeshore Regulations were held before the Missoula Planning Board in August and November, 1983; and February and March, 1984. She said that an informational meeting had been held by the Planning staff in Seeley Lake on January 24, 1984, and that the regulations had been drafted four times to more closely reflect the desires of County residents. She stated that 75-7-208,MCA, addresses factors favoring issuance of a permit and that the legislature had mandated that local governments should consider these factors, specifying that the proposed structure not:

1. Materially diminish water quality;
2. Materially diminish habitat for fish or wildlife;
3. Interfere with navigation or other lawful recreation;
4. Create a public nuisance; or
5. Create a visual impact discordant with natural scenic values, as determined by the local governing body where such values form the predominant landscape element.

Chairman Bob Palmer then opened the public comment portion of the meeting, asking that proponents speak first. There were no proponents present. The following people spoke as opponents:

1. Don Larson, from Seeley Lake, said that he was opposed to the proposed regulations. He said that the concept of regulating lakeshores was a good one, but the proposed regulations would not do the job because they were unenforceable. He said that under the permit virtually every non-conforming use would pollute the lake. He said that the purpose of the new regulations should be to clean up the existing mess, which included horrible sewage problems and horrible visual messes. He said that it was unfortunate that citizens can't be left to regulate themselves, and said that he wondered if a better approach to the problem might not be lobbying the '85 legislature to more clearly address what they wanted.

2. Dan Beaver said that the issue was an emotional one rather than a rational one. He said that he felt the proposed regulations was another way of removing freedoms presently enjoyed in the County. He said that he realized that someone was going to come in sometime with a major commercial development, but he had a dock that needed to be replaced now. He said that he felt that it was ridiculous to require a permit for a \$200 dock, and said that if the fee is \$10 now, ten years down the road, it would have to be a lot higher.

3. David Whitesitt said that he understood that the regulations had been drafted because of a seaplane

PUBLIC MEETING, APRIL 18, 1984, CONTINUED

incident, which was not even addressed in the proposed regulations. He said that every draft he had seen, was very restrictive and would interfere with people getting their work done.

4. Dan Cana, from Seeley Lake, said that he had been at the Planning Board hearings. He said that he wanted to know what the County's definition of an offender was. He said there were three campgrounds on the lake, and he saw examples of offenses going on all the time, and nothing was done about that, but if someone put three stringers out with bumpers on it, they say it's going to pollute the lake. He said that a \$10 permit was not going to bring in enough money to enforce the program, and suggested as an alternative that the County come up with specifications for commercial or family docks, with everyone having to live up to them.

5. Jeff Macon said that his feeling on the proposed regulations had been consistent all along, that the County is dealing with the wrong problem. He said that they should be dealing with problems such as sea-plances and the Sour Dough Island problem. He said that regulations should be rejected.

Bob Palmer then said that in 1975, the Legislature adopted a law requiring local governments to adopt lake-shore regulations to protect the lakeshore within the County. He said that this was mandated by the State of Montana, and if the County did not draft regulations, the state would do it for us. He emphasized the point by saying that not only is the County operating from the position of an express mandate from the State Legislature, but the Board of County Commissioners are also responding to a specific complaint.

The testimony in opposition to the proposed regulations then continued.

6. Jess Pearce, from Lake Inez, said that it looked more like the government was going to control the people, rather than the people controlling the government.

7. Janet Moore, from Condon, said that she had been to every meeting since November 15, and, although at first she had sympathized with the regulations, as she had listened at more and more of the meetings, she had reversed her opinion and now was completely against the proposed regulations. She said that they already have Soil Conservation Service rules, Forest Service rules, Army Corps of Engineers rules - regulations on top of regulations. She said that the compliant that seemingly had started the whole thing was over barrels of a toxic substance which had been placed in the lake. She said that Health Department regulations covered that problem. She said that she agreed with a general feeling, shared even by the Planning Board, that the \$10 fee won't even pay for xeroxing to process the permits. The Planning Staff would have to be increased for one thing, she said, and an engineer would have to be hired, as well as an inspector, and there would be travel costs involved.

No one else wished to speak as an opponent.

The following letter was then read into the record. This letter is from John Wicks, Chairman, Missoula Planning Board and Gary Decker, Chairman, Lakeshore Protection Regulations Committee:

As you are aware, the Missoula Planning Office and Planning Board have been developing Lakeshore Protection Regulations as mandated by the State of Montana. This project has now been finished and has been referred to you by the Board for final action.

As chairman of the committee which worked closely on the final stages of these regulations, I have been asked by the Planning Board to transmit to you a specific concern regarding these regulations; that is, the cost to the public of carrying out the activities of these regulations.

Almost any type of human activity involving modification of the natural environment on and/or near a lakeshore will require a permit from the Planning Office. In some cases, the permit processing will be straightforward and will require perhaps 2 to 3 hours of employee time. In other cases, several days could be spent processing a single permit application. Because State law mandates a maximum permit fee of \$10.00, it appears obvious there will be considerable additional cost to the County.

Also, within the body of the Lakeshore Protection Regulations, there is reference to a "qualified person or persons" who will make decisions regarding the effect of certain activities on the subject lake and/or lakeshore. Board members felt this should be someone on the staff of the Planning Office. Due to the specialization of this particular person, it is assumed their salary would be higher than that of someone with similar planning abilities but without the specialization.

These two factors, 1) insufficient permit fees to cover the cost of permit processing, and 2) additional cost of qualified personnel, will mean an increase in the Planning Office budget or curtailment of other activities within that department.

If you should decide to adopt these regulations, please be aware that adjustments will need to be made in the Planning Office budget.

Barbara Evans then made a comment, stating that she complimented the Planning Staff for their work, but she felt that the proposed regulations were too broad and too costly to enforce and administer, and she did not want taxpayers to end up in a liability situation. She said that she preferred to send the regulations back to the Planning Staff with the instruction that the specific regulations address specific parts of the statutes.

Ann Mary Dussault suggested that the Commissioners take some time among themselves, since they've not discussed the proposed regulations in theory or in concept, and then talk with the staff about specific items. She said that she preferred to table action on the regulations so that the Commissioners could discuss it among themselves.

Ann Mary Dussault then moved, and Barbara Evans seconded the motion, that the decision on this matter be tabled and that the Commissioners proceed with discussions among themselves and staff members.

Barbara Evans asked for an amendment to the motion to suggest that the staff be asked to mark passages that they felt would address the state statute in a copy of the proposed regulations. Ann Mary Dussault accepted the amendment. Barbara Evans seconded the amended motion, and it passed by a vote of 3-0.

PUBLIC MEETING, APRIL 18, 1984, CONTINUED

✓ HEARING: REQUEST TO VACATE WALKWAY - BELLEVUE ADDITION

Barbara Martens gave the Planning Staff report and recommendations on this issue, stating that Mr. Eric Marler had formally, by letter dated March 2, 1984, requested the abandonment of a dedicated walkway located adjacent to Lots 16 and 17 of the Bellevue Addition #4 (City) and Lots #8 and #9 in Block 8 of the Bellevue Addition #3 (County). His reasons for requesting the abandonment were that his fencing and landscaping are in place and "...other access is immediately available and the burden of the development and maintenance of the proposed walkway would far exceed any benefit to the public." She said that the closure issue involving that particular walkway had come about due to the development of the remaining vacant lot (Lot 16) of Bellevue Addition #4 which had, up to the present time, provided the alternative route for pedestrian travel. She said that the walkway in question was designed to be one of two walkways which were to serve the adjacent subdivisions, as stated on the final plats.

She stated that the Planning Staff had become aware of the situation when they had been called about neighborhood concerns in regard to the closure. Pursuant to these concerns, the staff had notified Mr. Marler about his fencing encroaching on the walkway and had requested his assistance in resolving the issue. Richard Reep, of Datsopoulos, MacDonald & Lind, representing Mr. Marler, had accompanied the staff on an on-site investigation of the walkway. As a result of this meeting, the staff was made aware that Mr. Marler had fenced approximately the eastern one-half of the walkway, and that the neighborhood directly to the west had obstructed the remaining western one-half of the walkway.

She said that at a neighborhood meeting attended by staff, it had been stated that some neighbors would be willing to help install, plan and maintain the walkway. It was also stated by those opposing the abandonment that the walkway is necessary to provide direct access for children and handicapped individuals.

She then stated that the recommendation of the Missoula County Park Board to the Board of County Commissioners, dated 4-12-84, was as follows:

Bob Holm moved, and John DeVore seconded the motion, that the Park Board go on record stating that it does not believe that the walkway should be vacated by the Board of County Commissioners and that the encroachments should be allowed to remain until such time as the walkway is used/open for public use. The motion passed by a vote of 4-1, with Ann Mary Dussault abstaining, for the reason that she is a Commissioner.

At this point, Bob Palmer opened the hearing to public comment, asking that proponents speak first. The following people spoke:

1. Richard Reep, of the firm Datsopoulos, MacDonald & Lind, representing Mr. Eric Marler, said that it was probably appropriate that he address the Commissioners first, and that it was Mr. Marler's request that he petition for the abandonment of the walkway. He said that what Barb Martens had told the Commissioners up to now had been correct, with one possible exception. He said that Mr. Marler did not construct the obstruction which now is allegedly impeding the traffic of pedestrians from Cyprus to Bellecrest. Those encroachments had been in place on Mr. Marler's property for about ten years, he said, and that Mr. Teichrow, who was also present, owns the adjacent parcel, and he did not construct the fence which runs down the length of the dedicated walkway, which had been in place for approximately twelve years. He said that as far as he could see, the walkway, which was dedicated in 1963, has never been used as a walkway. He said that what Mr. Marler was not asking to have done was to have a walkway that was open at the present time closed. He said that they were not asking the Commissioners to cut off access to schools or shopping or anything else, but that they were rather asking them to maintain the status quo in that area, and that was that there was a walkway five houses down from this one, that is open and maintained - using the word "maintained" with a grain of salt - and that there is access through that. He said that if the Commissioners looked back at Bellevue Addition #3 Certificate of Survey (posted on the wall behind the Commissioners), they would see that there was a good reason at the time that that was drawn up and presented for that walkway, as it was the only connection to the street directly below it. He then directed the Commissioners' attention to the Certificate of Survey for Bellevue Addition #4, stating that they would find that there was a slight change in that the dog-leg on the earlier #3 was gone, and the reason for that was that the development in #4 was changed. The result of that change was two walkways, doing essentially the same thing, and that they were only about 300 feet apart, as he recalled. He said that the Commissioners would hear a lot of testimony that evening from opponents that what the concern was here was safety, but that that was not what we were talking about. He said that what they were talking about was convenience. He said that the present flow of traffic from Bellecrest or even north from Russell School and down across the Wapikiya area, had used the existing walkway, and also a trail which cuts across some private property. He said that this was not an issue, and that there was, in fact, a house that was being built, and it would not allow traffic to flow through the old trail anymore. He said that, as he understood it, that was the reason that the opening of the walkway was requested. He said that he had taken the liberty of obtaining an aerial photograph of the area, and had done an overlay on it, measuring the difference in distance, given the existing walkway, and given the walkway if it were opened, and he found a difference of about 200 feet - 200 additional feet of walking that would have to be done.

He said that he had also found that there are no sidewalks where this walkway would exit, so when safety was being talked about, it should be remembered that there were going to be children who were going to walk down this new walkway and be poured out into the street on Cyprus Court. He said that if they walked down five houses to the other walkway, there were sidewalks on both sides of Bellecrest. He said that a person could walk down the walkway, get on Cyprus, walk down the sidewalks, and then cross the street, and wind up in the Wapikiya area. He said that if safety was a concern, he thought that the current situation should be understood. He said that a principal question that they had had in coming before the City-County Planning Board had been who was going to pay for putting in the walkway. He said that Mr. Marler had not paid for putting in the shrubbery, although he had maintained the area. He said that the existing walkway was not being maintained by any homeowners group, but by the people who couldn't stand to look at the weeds any longer, and that Mr. Marler has a very nice home, and there are very nice homes throughout the neighborhood. He said that their contention was that, aesthetically, the walkway was not needed. For safety purposes, the walkway is not needed. He said that it had not been developed in twenty years, and it serves no purpose and that it would never serve a purpose, except possibly for three or four houses on the cul-de-sac on Cyprus Court. If the County decides to enforce the opening of this walkway, he said, some issues have to be addressed. The first issue is who owns this property. He said that he did not know who owns it, and he had looked at it and concluded that either Bellevue, Inc. owns it, and there is a "use right" dedicated to the public, whomever the public is, or the public owns it. He said that it was important to find out who owns it, because it would have to be determined who pays for it, and who's going to take care of it. He said that he thought that there needed to be some study by the County Attorney's Office, and he assumed that would be the appropriate body, to determine the ownership at this point. He said that if the County was talking about opening the walkway, they were going to have to start talking about putting sidewalks in. Otherwise, he said, it appeared to him that if the County takes the position that they're going to be opening a walkway, they would also have to take the position that they were responsible for putting

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these children and small animals and handicapped persons out in Cyprus Court, because that was the only way to get from that walkway to the Wapikiya area, so they were going to have to look at an SID or something that would fund the placement of sidewalks.

He then brought up the issue of maintenance, stating that in the long run, this walkway would have to be maintained. He said that there were in the record the signatures of 85 homeowners - not two per home, but 85 of the units out there - that have indicated their willingness to abandon what has never been. He said that as far as he could see, there were four or five people who had indicated that they wanted to keep the walkway as an option. He said that to argue strictly numbers begs the question as to why are we arguing about it. He said that he was not sure whether it was necessary to talk about "public good" in terms of an individual right, or whether the majority would be allowed to rule in this case. He said that there had also been a reference, and that there was a letter in the Commissioner file from the homeowner association, or seemingly signed by the homeowners association. He said that he had tried to contact the homeowners association, and the only contact he had been able to make had been with Sharon Price, who had given him permission to use her name. He said that she was very concerned about not upsetting anybody, and he was going to try not to do that. He said that Sharon is the present secretary of the Bellevue Homeowners Association, and that she had explained what they did in terms of financing to maintain the existing parks and the existing walkway, namely passing around an envelope and hope that people donate some money to this. He said that there hadn't been enough money to maintain the walkway as it presently exists, and, furthermore, that Sharon had indicated that there had never been a vote by the Homeowners Association, either advocating or not advocating the abandonment of this walkway, so anyone who speaks for the Homeowners Association is speaking without any authority that he was aware of.

He then referred to an aerial photograph of the area which he thought would be of some assistance, and brought it forward for the Commissioners to look at.

2. Charles Ward, 1780 Cyprus Court, said that he happened to live on the existing walkway, and he could support Mr. Reep's position, and that the solution of the two people directly behind him on the Bellecrest side had been to fence to their property line and basically ignore maintenance of the walkway, and that the neighbor directly east of him, by virtue of how his house was planned, had no choice because that was also his property line. He said that he lives on the west of the existing walkway, and he has a property buffer, and that, in regard to the maintenance of the walkway, aesthetically speaking, he maintained the walkway. He said that he would like to say that he maintains it perfectly, but it's not true. He said that he maintains it like he does his yard - mowing it on Saturdays and Sundays if he gets a chance, and waters it like he normally does his yard. He said that he maintains the Cyprus Court side of it, and he has never asked anybody to help him or anything else. Making an observation in regard to the other walkway, he said that he thought that they were very nice things, but he did support the fact that the other walkway has been closed for years, no one had ever thought about needing it, the existing walkway is not over-used by any stretch of the imagination, and he did not think that it would be to the property owners' advantage to have the existing landscape and fencing torn up and re-done at their expense. He said that if the motion were not to vacate the walkway, he thought someone else should bear the responsibility for that because the encroachments had been put in many years ago by people who knew that the walkway wasn't going to be used, and since it was a thistle patch, they had landscaped it as part of their yard, and, unfortunately, had also fenced it at the same time.

Barbara Evans asked Mr. Ward about his statement that the present walkway is not heavily used, and asked if that had anything to do with the fact that there was reported to be a mean dog near the walkway.

Mr. Ward said that the dog was not mean and had not been there very long. He said that she was a loud dog, and that she could jump the fence, but she had only been there for the last year.

Barbara Evans then said that she did frighten the children, though.

Mr. Ward said that he agreed with that because she was very loud. He said that he thought that was something that should be directed to that particular property owner, who happened to be Mr. Hainline. He said that, other than that situation, he did not think that was what had restricted traffic on the walkway. He said that he had been there eight years, and he did not feel that the walkway is used any less or any more than it had been before in the past eight years.

3. Wes Appelt said that he had distributed copies of his presentation. He said that he wanted to address several issues in speaking in favor of vacating this walkway, namely whether or not it was needed. He said that he felt that it was not needed. He said that there was an open walkway at present, 450 feet or less, depending on where you live, to the west of the proposed walkway. Some choose to ignore this and he was not even aware of the existence of this open walkway. He said that a concern had been expressed over children and the handicapped. He said that he had the only child under eight at the end of Cyprus Court, the cul-de-sac, and his neighbor, Eric Marler, was the only real handicapped person, and both of them were against this walkway. He said that, further, there is not sidewalk on Cyprus Court that would hook up to the proposed walkway, forcing children to walk in the street. He said that it had been said that many families would have to walk the full two blocks, one each way, and two of them had signed a petition against the walkway, including himself. He said that people on Arlington would have to walk west because they were closer to the existing walkway. Almost half of the residents on Cyprus Court, and a majority of the association, had already signed a petition to vacate the walkway, he said. Those coming across 39th are not affected, as they have almost a direct path to the existing walkway, he said, and Pitman Drive and Russell Park West do not have even one access, and here there are some people who think they have to have two accesses, he said. Those wishing to close the walkway have been called "a selfish few", he said, yet a majority in the area have signed a petition in favor of vacating this walkway. With the existence of a walkway, he said that he did not feel it was necessary to permanently disrupt four more lots for a walkway that would save a few steps for a very few people. If the County Commissioners think that a walkway is in the best interests of the public, he said, he would request that an SID be established to ensure that the walkway is designed and constructed properly. His neighbors have graciously volunteered to design and construct the walkway, he said, but it was too easy for someone to volunteer and then not have the time or the energy due to other commitments. He said that if this was in the best interest of all, then all should pay. He said that he also had a concern over the maintenance and the liability of the walkway. It should also be designed so as to prevent bicycle, motorcycle and any motorized traffic if it is to be kept a walkway, he said.

4. Joe Chambers, who lives in the Bellecrest area and identified himself as the past president of the Bellecrest Homeowners Association, stated that he wanted to give the Commissioners some background on what was going on there. He said that the association tries to take care of the park, tries to take care of the watering, etc., but that they never have enough money to do that because there was never enough money to go around. He said that the volunteer donations never happen to make the grade. The water system failed not too long ago, he said, and they did not have enough money to fix that. He said that his main concern about putting in a new walkway was the expense of it. He said that, as an insurance agent, his other concern was

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liability. He said that he had toured the existing walkway the other night, and although the existing walkway looks pretty nice, there were some railroad ties running down the walkway with rock in between. He said that he admired the work that had been done, but from an insurance standpoint, that was a sad situation because if some little kid rides their bicycle down the gravel, falls over gets hurt real seriously on those railroad ties, somebody is going to get sued. He said that the Homeowners Association did not know who owns the walkway, but they thought that the City owns part of it and the County owns part of it. He said that the Association has a small insurance policy that they purchased, and it was impossible to even collect enough money to pay for that. He said that it was really amazing that someone would want to open up a park, cause a bunch of expenses that would be impossible to keep up, and cause more problems for the Association than it already has.

5. Eric Marler, who lives on Bellecrest, stated that he was seeking abandonment of the walkway for several reasons, the first being that it was not necessary, and the second being that he did not think that the consensus among the neighbors was that it was necessary. He said that the walkway which exists already adequately serves whatever traffic there is from Wapikiya to Russell School and environs, and it adequately serves it going back. Addressing the matter of the aesthetics involved, he said that it was a nice neighborhood and it was ridiculous to develop another walkway two doors away from Bellemont Lane and five lots the other way from an already-developed walkway. He said that he did not understand what the purpose was. He said that he had heard several reasons and statements made about safety for children and accessibility for the handicapped, but said that if you were going to construct a walkway that was accessible for the handicapped, it would be necessary to put a sidewalk down, because it would be necessary for someone to shovel snow off it in the winter. He asked who was going to be responsible for that. He said that sidewalks would have to go into Cyprus Court, and they would also have to be kept clear. He said that otherwise, any pretense at having access for handicapped people was just that - a pretense. He said that he could go down the present access in the summertime in his wheelchair, but someone on crutches would not be able to. He said that in good weather, in the summertime, that was accessible, but the one that was being proposed to go by his house was going to be the same situation.

He said that he had read some letters in regard to his petition to vacate the walkway adjacent to his property that, frankly, weren't flattering. He said that he was not trying to steal public land. He said that when he had purchased the property in 1980, he had bought it for the simple reason that it had a fairly low front stoop and he could put a ramp on the front fairly easily. He said that it also had a big enough bathroom that he could get into, and that it was surprising how many houses in the world do not have big enough bathrooms to get into, so he had bought the house and had found out about the walkway later on. He said that the previous owner had put the fence up ten years earlier, and the former owner of Mr. Teichrow's house next door had put in his fence before that. He said that at this time, and considering the fact that there was a perfectly servicable walkway in the middle of the street, which takes care of all the concerns about children from Wapikiya getting to Russell School, it was ridiculous now to come and tear people's yards apart for a twenty-foot walkway. He said that it had also been said that he misrepresented certain things and he had not told everybody the whole truth when he had circulated the petition, but he thought the petition was fairly straightforward, and he thought that he had explained it in a straightforward manner. He said that all the people he had gone to were Bellevue homeowners, and somewhere along the line it had gotten out that the Homeowners Association was behind this vacation. He said that the Homeowners Association is the homeowners, or the public, as far as he could see. He said that he was not looking for mineral rights on land, and he was not trying to misrepresent anything, and he was not trying to pass little children and handicapped people from getting around the neighborhood, because you can only get around the neighborhood in good weather anyway. He said that if it were to be accessible, there would have to be a lot of work and a lot of money spent on the walkway. He said that half the sidewalk would have to be put into Cyprus Court. He said that unless something was done in regard to putting sidewalks into Cyprus Court, putting a walkway behind his house was not going to do a thing. It was not going to serve any purpose whatever. He concluded by saying that this walkway was really not needed at all.

6. Barbara Andrews stated that she lives on Bellecrest Drive. She said that her house was directly across from where the walkway would be. She said that in their area, they did have a problem raising money to take care of the park. She said that the park borders her backyard, and that it is a mess. She said that the walkway that is up five doors is, as Mr. Ward said, maintained by Mr. Ward. She said that she would much rather look at the two fences that she had across the street than a bunch of weeds, and she was afraid that was what it was going to be. She said that she could not see where the walkway was needed. She said that most people who had lived in the area had lived there for years and years and years, that they had raised children there, and that no one has had any problem until just recently, getting anywhere. She said that is they all lived in the city, and had city blocks, they would have to go around the block to get someplace, and she could not see what difference five houses would make to make another walkway through.

7. Terry Teichrow, the other property owner along with Eric Marler who had encroachments on the walkway, said that he wanted to address a sequence of events, starting with Mr. Marler receiving a letter in January, and he had received on in February, from the County Planning Board that asked for their input in regard to things that were wrong that needed to be corrected. He said that he and Mr. Marler had been asked to come down or respond by phone or by letter as to what they had planned to change the situation. He said that Mr. Marler and he had decided that it was an unnecessary thing. They had not decided to grab an extra ten feet apiece of land, as some people had suggested, and they were very willing, if the necessity ever arose, to pay the taxes if it had to become theirs. He said that the sequence of events after that was that they had gone out, based on a Mr. Burke's statement to Mr. Teichrow (Joe Burke of the Planning Office) that the only thing he could tell him about the letter that he had sent him and the opposition was that a group of homeowners was against their abandoning the walkway. He said that it had been said that some seventy or so people on the petition were not directly involved and shouldn't even be a party to the matter. He said that something very simple could have happened, namely that the people who were opposed to vacating the walkway could have very easily come to them and they could have together figured out some solutions to this problem.

In addition to that, he asked if anyone present had looked at the situation as it actually was. He said that the person who had initiated the whole situation, Mr. Marler, had never had anyone come and talk to him or ask for his opinion. He said that no one had ever come and asked him either if he had any ideas for a solution. He said that the whole thing had wound up in a situation where something would have to be worked out. He said that he would encourage everyone in the decision-making process to know about 100% of the information available before making a decision. He said that he would ask that that happen in any situation. He said that some things are being changed. He said that some people thought that because this walkway was established twenty years before, that that was written in ink and blood and everything else. He said that he had dealt with bureaucracies in the Kalispell area, and, without saying that anyone's worse or better than anyone else, he knew that things can be changed, and that he knew also that if things are right, that we can change a walkway. He said that he very firmly believed, and Mr. Marler believed, that the walkway was not necessary. The reason for proposed vacation was not to gain land for themselves, he said. There is a present walkway there, he said, and it is serviced, and another one is not necessary.

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He said that he had very seldom seen any people walking down the street in front of his house, having used the other walkway, to get to the "traffic-generating" areas. He said that, as Mr. Appelt had mentioned, the main problem about putting in another walkway was that there was no plan. He said that at the City Council Hearing on this subject a few nights before, he had heard references made to three letters, which he, as an involved party, had never seen, about the fact that time and effort could and would be expanded. He said that that was not enough of a guarantee. He said that if the Commissioners were making a decision on somebody's volunteering to put in and maintain a walkway, he hoped that they would look for a very definite plan and a very definite source of funding for development and maintenance of this walkway, if it ever came to that.

8. Bruce Anderson said he had lived on Bellecrest for the last twelve years, and he did not think that the walkway was needed either. He said that it was obvious that he could not say anything more than what had been said. He said that one thing that had come up was that if the walkway were built, a sidewalk would have to be installed on Cyprus Court. He suggested that if any money were expended, the Commissioners should look at priorities. He said that one priority was another park west of the subdivision. This park had never been serviced, he said, and also that the previous year a child had drowned in the irrigation ditch in that area, and if any money were to be expended in that area, it should be spent on something to reduce the danger of children drowning in the irrigation ditches. He said that he was in favor of closing the walkway. He said that it was definitely not needed, and he has children who attend Meadow Hills School, who never use any of the walkways. He said that he was in favor of vacating the walkway.

9. Valerie Nooney, who said that she lives right across the street from Eric Marler, stated that she could not understand why a walkway was needed.

Barbara Evans stated that she wanted to enter into the record that she had had a call from Mr. Mark Drake that day, had told her that he did not think that this walkway was needed. She stated that he lives at 3807 Bellecrest.

10. LeRoy Gosselin, who lives on Bellecrest, said that he wanted to go on record stating that he did not feel that the walkway was needed.

There were no other proponents. The following people testified in opposition to the vacation of the walkway:

1. Jim Dolan, 1798 Arlington Drive, stated that he had lived there over eight years. He said that Arlington Drive was in Bellevue #4 Addition. He said that the group in the audience in opposition to the vacation of the walkway was not a legal entity, and did not represent the Bellevue Homeowners Association, per se. He said that Bellevue #4, through the covenants, was organized as an association, it would not be possible for one person or group to speak for 100% of the membership, just as the people from Bellecrest #3 did not speak for all the members in their organization.

He said that there were several points that needed to be made, stating that they would be talking mostly about the walkways between Lots 8 and 9 in Bellevue #3, and 16 and 17 in Bellevue #4. Giving the background on the situation, he said that Lot #16 is being developed now, and the large area shown on the map toward Russell Street will be developed this coming year, or shortly thereafter. He said that he understood that one of the churches has that lot, and said that the open space through lot 16 and the open field will no longer be in existence soon. He said that that was one of the reasons why the walkway has never been pursued by the Homeowners Association of Bellevue #4. He said that at one point in the past, a former owner of the property, Mr. Jurasic, had come to the Homeowners Association and said that if the neighborhood needed to use the walkway, he had no problems or qualms about taking his fence down and moving whatever needed to be moved, or landscaping it to make a walkway through there. He said that since it wasn't really needed at that time because the kids and the other people were going through the open field, they had not needed it at that time, and now the access was being cut off in that area. He said that one of the people there tonight would point out the need for that access, so they were at the point where they needed that access, and they hoped to get some remedy through the Commissioners. He said that the covenants of Bellevue #3 and 4 did say that no structure of any kind shall be erected, permitted or maintained on the easement for utilities as shown on the Plat of Bellevue #3 or 4. He said that if those stipulations had been enforced at the time, those fences would not be there, so they were in violation of the covenants of both Bellevue #3 and #4. He said that he thought there was ample opportunity to design a walkway through there that is both aesthetically pleasing to the people of Bellevue #3 and also Bellevue #4. He said that the present walkway through Bellevue is not maintained in the wintertime, and people get through there just fine, and talk about having to put sidewalks in Bellevue #3 and 4 was somewhat of a "scare tactic". He said that the streets, both Cyprus and Arlington, were really not high-volume vehicular streets, and people walk along the streets without any particular problem. He said that they did not need a sidewalk through the walkway at that time. He said that the homeowners in the area had expressed an interest in doing what they could to help Mr. Teichrow and Mr. Marler design the walkway through there so that their trees would not have to be cut down and their landscaping would not have to be ruined. He said that he did not think maintenance was a problem. He said that the neighbors in the area do raise a lot of money to maintain the park in Bellevue #3. He said that they had talked about enlarging the contract for mowing and maintenance of the park to take care of the driveways and walkways in the area. He said that if that weren't possible, he thought there were people in his own neighborhood who would maintain the walkways and parks. He said that they had done a lot of work in maintaining and upgrading the appearance of the area, as evidenced by their work along 39th Street and some other places. He said that he thought they had enough community pride to maintain the area, and he didn't think there would be any particular problem in the future. He said that it was important to many people in the area to keep the walkway open, not just in the City portion, but especially in the County. He said that the neighbors hoped that the issue could be settled amicably and on its merits. He said that if they had heard about the petition being circulated on the other side, they probably could have gone out and gotten an equal number of signatures on a petition supporting keeping the walkway open. He said that he hoped that the Commissioners would be able to make their decision based on the merits of the case. He said that they hoped that the County Commissioners would continue to provide this public access and keep this walkway in public use. He said that it was very important to keep their options open and provide access and maintain the public walkway.

2. Joseph Gorsh, a resident of Bellevue #4, indicated the aerial photograph which had been provided to the Commissioners prior to the hearing. He said that the photo had two highlighted areas on it, one, a circled area that indicates the walkway in discussion, and the other, a cross-hatched area that points out the past and current use through the field, and said that because of that use, or access, through the field by trespassing on other people's property, there was not a need to pursue or open up the walkway in question until now.

He then indicated Bellecrest #3 on the plat map displayed behind the Commissioners. He said that in 1966, the County Commissioners had accepted a public thoroughfare for public use forever, and said that that was stated in two places on the plat. A decade later, in December of 1972, he said, both the City and County had jointly accepted a public thoroughfare as platted in Bellevue #4. He indicated that in 1963, there had been plans for the future development of Bellecrest #4, and said that at the time, there were two

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thoroughfares which do not exist anymore, and said that they do not exist because the plans were changed, and stated that with all of the changes that were made in those plans, the two things that carried through were both walkways. He said that the traffic generators in the area were Russell School and Sentinel High School, and that there were high school students who used the path through the open lot which was not being developed. He said that he had heard tonight that there is not much traffic on the existing walkway. He said that the petition for vacation had signatures from 77 residents who lived from Bellecrest Street North, who do not use either of the walkways. He said that the petition was not circulated in the west half of Wapikiya, the area south of 39th Street, and the students in both Russell School and Sentinel High School use the route because it's the shortest route. He said that they had heard that night that there was not too much traffic on the existing walkway, and that must be because the other route must be the preferred route. He said that the area in the east half of Wapikiya, and the Bellevue #4 Addition came to 13.7 blocks, and that in that area there are 190 households that have had or have or will have children at Russell or Sentinel High School. He said that there were also three stores and other facilities, like the YMCA, Spartan Park, Playfair Park, and Little League Baseball in the summer when school is out. He said that the point he wanted to make was the the walkway in question was on a diagonal, more direct route. He said that there had also been a statement made that he had checked with the City Attorney, who had informed him that walkways and sidewalks were determined to be synonymous, and children of 14 years of age and less can ride the bicycles even on City sidewalks with parking meters. He said that he too was a bicycle rider, and he used a bicycle all summer long to commute to and from work, and he used the shorter route through the empty lot. He said that they were not asking the Commissioners to acquire anything for them, but only to provide public access to the land dedicated to the public and signed by the Commissioners. He said that it was later fenced off against the covenants, and that fencing denied public use and more or less forced the trespassing that had been taking place that is now more or less being stopped by the building of a residence.

3. Ruth Kraft, 1701 Cyprus Court, said that she and her husband, Dennis Kraft, had written to the Commissioners, with a copy of the plat map for Bellevue Addition #4 attached. She said that the matter appears to be complicated and that it was the second time she had given testimony. She said that what she saw was two people who had borrowed something from the neighborhood, that they had used and enjoyed it, and that now the neighbors have a need for it and would like it returned so that they could use and enjoy it. She said that a lot of time and energy had been put into this, with some having hired an attorney. She said that when it was resolved, some were going to be more pleased with the results than others. She said that she wished that all the time, energy and effort could be used more constructively so they could brainstorm a way to have a very nice walkway in the neighborhood. She said that as far as having the neighborhood use the one developed walkway was concerned, she was on Lot 15 at the end of the cul-de-sac, and she did not feel that she should have to walk two blocks out of her way for herself, for young children and for the infirm, and she thought it was inconsiderate during inclement weather to expect people to slush through the extra two blocks. She said that she felt that it was unfair to ask one walkway to carry all the flow of traffic that would result when the last empty lot had the fence built on it. She said that at the Monday night appearance before the City Council there had been some subtle messages about children being such nuisances. She said that she was glad to hear that those messages had not come through that evening, because they lived down where the trail has been, and they had not had any serious adverse problems with children going through. She said that children had a right to the safest and most direct route that can be provided to them, and that as adults, we had the responsibility to see that they had those safe passages, and that the County Commissioners had the chance tonight to provide this safe path. She said that she would reiterate what she had said to the City Council, and that was that she hoped that the Commissioners would use the opportunity to show that they did not condone the taking of public land for private use, and, rather, that they support and endorse the concept of public walkways, because they do add to the quality of life in the neighborhood, and for all who would be passing through, not just for now, but for decades to come. She said that she wanted to point out that the principal at Meadow Hill had received a copy of her letter, and she had talked to him on the phone and had told him that he should be aware that the second walkway was about a block down, and he had told her that he still thought that children should be able to have that second access through a dedicated public walkway. She said that she also felt that if you buy a lot adjoining a walkway, it was unfair to suddenly decide that you didn't want that walkway after all. She said that the developed walkway was bark and not gravel, and she hadn't gone to the people involved in the petition because it was already in the process, and she thought she would go along with the process. She said that the questions had been brought up about who was being inconvenienced, and that children should not have to go the extra distance. She said that the other walkway was also near a very strange, forked intersection. She said that as far as aesthetics were concerned, everyone had a stake in the neighborhood, and wanted a very fine walkway. She said that the Bellevue Homeowners Association was loosely organized, and in the future perhaps this would make the group a little more organized and do more for the neighborhood.

4. Darla Sadler, 1800 Cyprus Court, said that she was one of the first people to live on Cyprus Court, and she had been aware when they moved in that there were two walkways that were to be constructed, one already in. She said that Earl Johnson, the President of Southside National Bank had been aware that it was there, and the Bradys had also known that the walkway was there, and they had set their fence back also. She said that when Cyprus Court was put in, Mr. Ward and Johnson had built their fences and left the walkway. She said that in 1975, the Bellevue #4 Homeowners Association had initiated a lawsuit to have the sidewalks and curbing put in. She said that it had been required by the City Council at that time that the area have the sidewalks and curbing. She said that the developer had gone bankrupt, but that the bonding company had still been liable, so in 1975, they had had the City file a lawsuit. Seven years had passed, and the Statute of Limitations had been allowed to run out, and the whole area had not gotten sidewalks, so it was really not their fault, she said, and that the two walkways were to have had cement along with the sidewalks and curbing. She said that Leon Stalcup and Rose Buzzas had convinced them that maybe sidewalks were not safe because of the snow and the ice and suggested that they use chips of bark on the one walkway. She said that they had had no problems with that. She said that she had five sons, and they had never fallen off their bikes, whether it was icy or not. She said that she was happy to see the last house down at the Court being built, because it would make the neighborhood complete. She said that there were no block homes in the area, however, and if a car got in there, and they do, they chase the little kids around, and they have no access to get out. She said that this had happened to her five-year old, who had been out playing in the field, and a teenager had tried to run him down in the field. She said that luckily, there was a hole that the little boy could dive into. She said that she was very glad to see that that lot was being developed, but she wanted to also see the second walkway put in there. She said that she thought it was necessary for safety reasons.

5. John Grove, 1780 Arlington, said that they had lived there for five years. He said that most people could agree that providing for easy and safe foot traffic access within a subdivision would be important. He said that it would make the area more desirable and enjoyable for the majority of the people within and adjacent to the subdivision. She said that that had been one of the reasons that he and his wife had purchased a home in Bellevue #4 Addition. He said that he had heard a number of things that evening - comments by the proponents of vacating the walkway - that, first, the walkway was not needed because there is already a walkway and that only four families use the access to get to Bellecrest and over toward the other street on the west or the east. He said that that was simply not true. He said that there were many

PUBLIC MEETING, APRIL 18, 1984, CONTINUED

people who use that access to get to Russell and Bellecrest. In regard to comments about the maintenance, he said that evidence indicated that the citizens that live in the area do a reasonable job of maintenance on the County park, and that the County property owners who are adjacent to the present walkway do much of the maintenance, but other citizens do a lot of maintenance on the area around 39th, and that they also helped with maintenance in the park. He said that most people who go by the area, or who go by 39th, would agree that it is reasonably maintained. He said that they had heard from residents along Bellecrest that the walkway is not needed, but most of them were not affected by the closure. He said that the residents who live to the south were affected. People who bought along the walkway right-of-way knew the walkway was there when they bought the land or bought the homes, and it was the responsibility of those who didn't know to find out about those kinds of things. He said that there were many people who were very concerned about the proposal that was before the County Commissioners to permanently close the walkway between Cyprus Court and Bellecrest Avenue. He said that they felt that the present, unauthorized, occupancy of this dedicated public walkway should be discontinued, and asked that the walkway be opened for use of the citizens.

6. Barbara Gorsh, Bellevue #4, said that she wanted to go on record as being opposed to the walkway.

There were no other opponents.

Bob Palmer then closed the public comment portion of the hearing.

Barbara Evans asked Deputy County Attorney Mike Sehestedt about the legalities in regard to the property, i.e. who owns the walkway. She asked if, when the walkway became dedicated to public use, that made it County property or property of the Bellevue Homeowners Association, or what.

Mike Sehestedt said that without looking at the plat, he could not give a definite answer, but that it was the same form of dedication that gave the County title to the streets. He said that he would say that probably title to at least an easement or right-of-way interest in the walkway was in the County's name.

Barbara Evans then asked who would be responsible for putting in the walkway if it were not vacated, and who would be responsible for maintenance.

Mike Sehestedt said that she was combining two questions. He said that if the County declined to vacate it, that would be step one, and it would continue as a walkway. He said that if the Commissioners did not take any other action, the County would continue to retain its right, title and interest in it. He said that actual occupation of it could be continued under an encroachment permit or some other device for Mr. Marler and Mr. Teichrow. He said that if the County simply required that the encroachments be removed, people could then pass up and down it. He said that testimony had been given that there was a substantial walkway that could even be picked out on an aerial photo wandering through a vacant lot and some other undeveloped area. He said that, in fact, development on the vacant lot had now raised, after 12 years, the question of using the walkway. He said that it was apparent that a walkway could exist with very little construction and, in fact, very little maintenance - in technical terms, trail.

Barbara Evans asked whether, if the walkway were opened and it weren't cared for, what mechanism would there be either for the County to assess for the maintenance or to make the homeowners pay for it, or would the County be responsible for it.

Mike Sehestedt replied that there was an infinite series of possibilities, and one option would be to do all that with County funds; second, the County could condition action causing the encroachments to be removed on an undertaking by the Homeowners' Association to do it themselves; and third, there was a possibility of pushing the Park Board to provide some funds for this. SID's might be another mechanism to install the walkway. He said that there was an infinite series, almost, of possibilities. He said that it was completely within the Commissioners' discretion.

Ann Mary Dussault asked to be shown where on the map the City ended and the County began. These boundaries were indicated by various people. She then stated that she wanted the Planning Staff to answer, and she was not concerned that they answer that evening because she was not intending to make a decision that evening, a question in regard to what would be required in regard to walkways in regard to today's standards, being fully aware that these subdivisions were ten, fifteen or twenty years old. She also asked what would be required today in regard to sidewalk and other safety considerations relative to walkways.

Barbara Martens, of the Missoula Planning Staff, read the portion of the Subdivision Regulations for the County which address pedestrian walkways, stating:

"Sidewalks or pedestrian walkways shall be provided on at least one side of the street in all urban subdivisions. In areas where sidewalks are required, the contractor or subdivider shall make appropriate arrangements for the placement of mail boxes. The sidewalk or walkways may be located off the streets, to be consistent with the design of a development plan. Bikeways shall be required when appropriate. Sidewalks, walkways and bikeways shall conform to the Missoula County Parks, Recreation and Open Space and Transportation Plan."

She summarized this by stating that that Regulations did not specifically state that it did not specifically have to be a sidewalk or an asphalt path. She said that there were a lot of options in regard to woodchips or a trail as far as what type of walkway actually would be required to go in.

Ann Mary Dussault then stated that she had a number of questions for people who had testified. She said that she had trouble with one portion of Mr. Marler's testimony. She said that she found it difficult to believe that when he purchased the property he had not known that there was a dedicated public walkway at the time that he had purchased the walkway.

Mr. Marler volunteered to drop a copy of his title insurance by the Commissioners' Office, stating that this would not show it. He said that they had bought the house through Michael Jurasic. He said that he didn't know why it was so difficult to believe, because, frankly, it was that difficult to find housing which was adequate for wheelchairs. He said that, in fact, he had not looked at that and had not been informed of it until after he had bought the house.

Ann Mary Dussault said that she felt it was the obligation of the purchaser of the house to do a title search.

Mr. Marler said that the title insurance he has says that there is a ten-foot easement in back of the property for utilities.

Barbara Evans asked him if that would be going east and west, rather than north and south.

PUBLIC MEETING, APRIL 18, 1984, CONTINUED

Mr. Marler said that was correct; that the easement was the back ten feet on the south side, and theoretically, that was supposed to run down the block, but everybody on the Cyprus Court side has built right back to the fences. He said that he did not know about the walkway, and perhaps it was his obligation to find out about it, but he had been so happy to find a place to move into, that that had not been a priority. He said that he had not done the obstructing.

Ann Mary Dussault stated that that point had been clarified, that he had not done the obstructing; that he had purchased the property with the obstruction in place.

Ann Mary Dussault said that there had been testimony about the care or lack of care of both the park area and the current walkway, and that she was unconvinced by those who claimed that they would keep this walkway in good condition, that that is, in fact, the case. She said that she had not been out to view the area, and she intended to go out and take a look, but it sounded to her as if the homeowners in the area are not taking good care of the public areas that they have theoretically assumed that responsibility of taking care of. She said that if someone would care to respond to that, that would be fine.

Mr. Dolan responded that there were about 11 acres in the park, and that it was deeded to the County, and that in the past, they had hired a contract mower to maintain it.

Ann Mary Dussault asked if anyone had ever approached the County Park Board for matching funds.

Mr. Dolan replied that he did not know how that worked. He said that, as he understood it, there had not been any matching money involved; that it had contributed through the residents of Bellevue 1, 2, 3 & 4.

Ann Mary Dussault suggested that the neighbors call John DeVore or someone on the County Park Board in regard to matching funds which are available for improving neighborhood parks.

Mr. Dolan said that that had been discussed at a meeting awhile back, and he couldn't remember why they had decided not to apply, but they had not seen any problem with maintenance. He said that they had done a reasonably good job of keeping the park up. He said that people in Bellevue #4 weren't even near the park, and yet they had contributed a substantial amount of money towards taking care of the park. He said that if they could contribute money towards taking care of a park in Bellevue #3, they could certainly take care of a walkway that connects Bellevue numbers 3 and 4. He said that he thought they had a good track record in the area for doing that.

Ann Mary Dussault said that that had not answered her question about the water system being broken and all the other things that had been testified to as being wrong. She said that Mr. Chambers had testified that the water system apparently in the park area, or another area, is in need of repair, and there are not enough dollars to meet the current needs, let alone enough dollars to take on an additional project.

Joe Chambers said that the park itself is quite large, and a little over two-thirds of it has been put into grass. A little over two years ago, a water system had been put in, and evidently it wasn't deep enough, so the water pipes froze, and it fell apart. He said that Sharon Price had gone to the County many times trying to get money. She had been told that she could get some assistance if they could raise enough money to match it, but they had not been able to raise \$2,000 or \$3,000. He said that one contractor had told them that it would take \$5,000 or \$6,000 to fix the water system, but they could not seem to raise the amount needed to get the other half of the money, in addition to doing the maintenance and everything else. He said that they were really tired of looking at the weeds. He said that, in his opinion, even though they could collect about \$900/year for the lawnmower contract, there wouldn't be anything left over for anything else. He said that they could not water the park because the water system was broken. He said that the Water Company has said that they will arrest or fine or assess any of the people around the area who try to water it on their own. He said that they wanted \$800 or \$900 last year to water the system or to have water turned on so that we could water it, but between the mowing and everything else, the neighbors had not been able to afford it. He said that in his opinion, he thought that the County did own the park and the park, and he wanted to see the County maintain the whole thing. He said that as far as the park was concerned, he had maintained the park near Paxson for about five years, not watering, but picking up rocks and cutting the grass. He said that he didn't mind helping, but he wanted to see the County take over and do it the way it should be done.

Ann Mary Dussault said that she was going to conclude from that that the residents want the County to open, construct and maintain the walkway also. She said that the policy of the County was not to do that, and that was why they had a County Park Board, which funded matching funds to neighborhoods that wanted to develop their parks.

Joe Chambers said that he really wanted to find out who owned the property. He said that if the Bellevue Homeowners' Association owned it, they should have some sort of tax assessed so that it could be maintained. He said that if they could find out who owned it, he would be very much in favor of trying to get a petition together to get the County to put the whole thing together, not just part of it.

Joe Gorsh told Ann Mary Dussault that when she went out to the area, she should look at the State Highway right-of-way, on 39th, and note the job of maintenance done by neighbors just getting together as volunteers.

Ann Mary Dussault said that there were a lot of examples of neighborhood associations were doing just incredible jobs, and she did not mean that that was not possible.

Ann Mary Dussault moved that action be postponed on the proposed vacation until the next regularly-scheduled public meeting of the Board of County Commissioners, which would be the following Wednesday at 1:30 p.m. Barbara Evans seconded the motion, and it passed by a vote of 3-0.

Barbara Evans stated that she had mixed emotions about this. She said that she had been out and she had looked at it, and it was obvious to her that the person who developed Mr. Marler's property knew full well that there was supposed to be a walkway, and she based that on the fact that the hedge that is inside the fence is not up close to the fence, but sits roughly where the walkway would end. She said that she had also looked at the tree on Mr. Teichrow's property, and it is a beautiful crabapple tree, and it would be a shame to lose the tree, but she didn't think there was any law that said that a walkway had to be directly perpendicular to the front street, and has to be totally straight. She said that she didn't see why it couldn't possibly be a curved walkway, if there is one, that would not impact Mr. Marler's driveway or impact the tree. She said that she would certainly like to see the landscaping stay as nice as possible out there. She said that she shared Ann Mary's concern about the maintenance and upkeep of it, although when she was out there and had not gotten out and walked the current walkway that is there, just driving by, it appeared to be relatively maintained. She said that she hadn't seen anything wrong with it when she drove by in the car. She repeated that she had real mixed emotions about this, and she did not like to say that they would have to tear the fences out and that they would have to put the walkway in, because

PUBLIC MEETING, APRIL 18, 1984, CONTINUED

it seemed to legitimize a taking of public property. She said that at the same time, she questioned whether two walkways were needed. She said that she had no idea at this time how she would end up voting on this issue.

Since there was no other business to come before the Board of County Commissioners, the meeting was recessed at 10:05 p.m.

* * * * *

April 19, 1984

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

PRESS CONFERENCE

Commissioner Evans attended a press conference at Missoula Rural Fire in the forenoon regarding a Hazardous Materials Unit.

DAILY ADMINISTRATIVE MEETING

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

✓ RESOLUTION NO. 84-050

The Board of County Commissioners signed Resolution No. 84-050, a resolution of intention to create RSID No. 903 for the purpose of maintenance (mowing) of Willow Park, Lake View Addition, in Lolo. Chairman Palmer also signed the Notice of Passage of the Resolution of Intention to create RSID No. 903, setting the hearing date for May 9, 1984, at 1:30 p.m.

RESOLUTION NO. 84-051

The Board of County Commissioners signed Resolution No. 84-051, a budget amendment for FY '84 for the Commissioners Department, including the following expenditure and revenue, and adopting it as a part of the FY '84 Budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
Commissioners:	
Reimbursable Travel Expenses - 01-010-01-00-354	\$10,000.00
<u>DEPARTMENT OF REVENUE</u>	<u>REVENUE</u>
Travel Reimbursements - 01-950-01-00-649	\$10,000.00

✓ RESOLUTION NO. 84-052

The Board of County Commissioners signed Resolution No. 84-052, resolving that the remaining balances in the following RSID accounts be transferred and become part of the RSID Revolving Fund:

<u>RSID NO#</u>	<u>REMAINING BALANCE AFTER PAYMENT OF ALL BONDS AND WARRANTS</u>
206	\$ 535.37
213	388.70
222	573.00
227	102.43
	<u>\$1,599.57</u>

✓ RESOLUTION NO. 84-053

The Board of County Commissioners signed Resolution No. 84-053, resolving that the funds authorized for transfer to the RSID Revolving Fund by Resolution No. 84-052 shall first be used to retire the following loans, with the balance of the loan to be paid from the Aid to Construction funds located within the General Fund pursuant to Missoula County Attorney opinion No. 81-10:

<u>RSID NO#</u>	<u>AMOUNT OF LOAN TO BE REPAYED</u>
210	\$ 158.31
211	859.15
212	355.89
218	223.39
221	707.73
224	137.55
228	589.07
229	659.03
TOTAL TO BE PAID	<u>\$3,690.12</u>

✓ LETTER OF INTENT

The Board of County Commissioners signed a letter to Dan MacQuarrie, Marketing Manager of Burroughs Corporation, stating their intention to purchase from Burroughs Corporation a B1990 Data Processing System for July delivery in the amount of \$158,417 as per the attachment to the letter in ordered for Burroughs to make tentative plans for training, delivery scheduling and other customer support.

✓ CONTRACT, NOTICE OF PURCHASER'S INTEREST AND WARRANTY DEED

The Board of County Commissioners signed a Contract, a Notice of Purchaser's Interest, and a Warranty Deed between Missoula County and James D. and Suzanné Allison of East Missoula for the purchase of the following

APRIL 19, 1984, CONTINUED

described property:

Lot 28 in Block 32 of East Missoula, a platted subdivision in Missoula County, Montana.

All three documents were returned to John Kellogg in the Planning Department for further handling.

Other matters considered included the following:

- 1) County Attorney, Dusty Deschamps, met with the Commissioners to discuss a Personnel issue in his office;
- 2) The Commissioners signed a memo - designating Dan Cox as the New County Budget Officer; and
- 3) Dick Colvill, County Surveyor, met with the Board regarding bikeways - the Commissioners authorized him to contract with the bike coordinator for the next fiscal year.

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

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April 20, 1984

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.

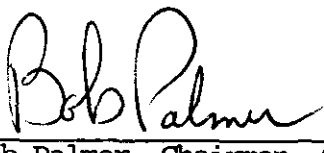
CLAIMS

Claims were presented by Warrants for pay period #20 (April 20, 1984) to be drawn on the following funds in the following amounts:

Miscellaneous Fund	\$ 87,488.33
General Fund	190,422.44
Planning Fund	22,368.58
Working Fund	27,789.85
Road Fund	26,334.23
Bridge Fund	4,861.86
Weed Fund	1,999.53

The original Claims are on file in the Auditor's Office.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

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April 23, 1984

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:

✓ LAKESHORE PERMIT

The Board of County Commissioners signed a Lakeshore Permit for Charles Baker of Great Falls to install a dock adjacent to the property on Lot 14, Seeley Lake Shoresites on Seeley Lake, subject to the conditions listed on the permit. Mr. Baker's request was approved by the Commissioners at their April 11, 1984, meeting.

✓ AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and Steven McLaverty, whereby Mr. McLaverty is the owner of property described as Skyview #1, Lot 33 (SUID 5801417) which was erroneously assessed in the years 1980, 1981, 1982, and 1983; and the owner agrees to pay the County \$2,545.99, the amount of taxes due and owing on the property as the result of the corrected appraisal and assessment as per the schedule set forth on the Agreement.

✓ LETTER OF RESOLUTION

Chairman Palmer, as a member of the Policy Coordinating Committee, signed a Letter of Resolution giving approval to the revision to the Transportation Improvement Program/Annual Element (TIP/AE) which reflects the additional project and funding sources for the purchase of two additional buses and fareboxes and microcomputer hardware and software for the Missoula Urban Transportation District (MUTD). The Letter of Resolution was returned to Mike Kress in the Planning Department for further handling.

BOARD APPOINTMENTS

The Board of County Commissioners appointed David L. Tanning to fill an unexpired term on the Lolo Mosquito Control Board through December 31, 1985. Jim Dopp was appointed as the "Alternate" member of the Board.

Other matters considered included the following:

- ✓ The Commissioners approved the Park Board's recommendation to allow the two new soccer fields at the Fort Missoula Recreation Complex to be designated as "the Rick Bean Memorial Soccer Fields".

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

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April 24, 1984

The Board of County Commissioners met in regular session; all three members were present. Commissioner Palmer attended a meeting of the Local Government Energy Committee during the day.

GRAND OPENING CEREMONIES

Commissioner Evans participated in the grand opening ceremonies for the Missoula Equestrian Park which were held in the afternoon.

* * * * *

April 25, 1984

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Gene L. Wanstrath as principal for Warrant #018037, dated March 28, 1984, on the Missoula County Payroll Fund in the amount of \$288.82 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer and adopted them as a part of the FY '84 Budget:

1. No. 840140, a request from the District Court Dept. 051 (Court Reporter No. 1) to transfer \$64.63 from the Postage (\$4.63) and Dues and Memberships (\$60.00) accounts to the Education Training account; and
2. No. 840141, a request from District Court, Dept. #4, to transfer \$2,337.00 from the Capital - Office Equipment account to the Capital - Technical Equipment account to reverse a previous transfer No. 840114, which was done in error!

Other matters considered included:

1. The Commissioners voted to approve a request to have a representative from the Justice of the Peace Departments 1 & 2 to serve on the D.P. Steering Committee.
2. John DeVore, Operations Officer, met with the Board and discussed revenue sharing;
3. The Missoulian building was discussed - it was decided to do nothing on this matter until after the November election;
4. Legal issues concerning community centers were discussed; and
5. the Commissioners met in executive session concerning personnel issues.

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

OPEN HOUSE LUNCHEON

The Board of County Commissioners attended the Housing Authority Open House Luncheon held at 819 Stoddard at noon.

PUBLIC MEETING

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

SUMMARY PLAT - OVERLOOK ADDITION

Under consideration was action on the Summary Plat for Overlook Addition. This request, with the recommendation from the Missoula Planning Board to deny approval, was considered at the April 4 and April 11 public meetings.

At the April 4 meeting, Barbara Evans moved approval of the Summary Plat for Overlook Addition, subject to the condition that the developer enter into a restrictive covenant covering Tracts A & B, whereby he agrees that if any further land division takes place, it be reviewed as a subdivision and filed as a plat. Bob Palmer did not second this motion, and, it died for lack of a second. Ann Mary Dussault was not present at the meeting.

At the April 11 public meeting, Ann Mary Dussault moved that the Summary Plat for Overlook Addition be denied. Barbara Evans did not second the motion, so it died for lack of second. Bob Palmer was not present at the meeting.

The decision on this Summary Plat was then referred to the April 25 public meeting when all three Commissioners would be present.

There was a brief discussion on this matter. It was noted that since the April 11 meeting, Zenon Zazula, P.E., Underwood & Associates, representing the developer, had submitted a letter in regard to a change in status of this summary plat submittal. The letter stated that the current owners of Tracts A and B of Missoula County Certificate of Survey No. 2969 (Northview Development, PHS, Inc.) had informed Underwood & Associates that Tract B of this survey had been recently sold, and that only Tract A, including the proposed summary plat, remained in the ownership of Northview, PHS, Inc. Barbara Evans asked Deputy County Attorney Mike Sehestedt what the legal ramification of the sale of Tract B would be in regard to a possible Summary Plat denial.

Mike Sehestedt said he felt somewhat confused as to why the original plat for Overlook Addition had been withdrawn after going through major subdivision review and approval. He said that even with the sale of Tract B, there would still be six lots, which would take the development out of the summary plat process

PUBLIC MEETING, APRIL 25, 1984, CONTINUED

and make it a major subdivision. He said that if the plat had been filed after the major subdivision review and approval, the developer would not have had to submit for summary plat approval.

Bob Palmer stated that it was his opinion that, given the number of lots involved, the development should go through major subdivision review and allow for citizen input.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the Summary Plat for Overlook Addition be denied. The motion passed by a vote of 2-1, with Barbara Evans voting no.

DECISION: REQUEST TO VACATE WALKWAY - BELLEVUE ADDITION

Background information on this request to vacate the walkway located adjacent to Lots 16 & 17 of Bellevue Addition #4 (City) and Lots 8 & 9 in Block 8 Bellevue Addition #3 (County) was that a public hearing was held before the Board of County Commissioners on April 18. After hearing public testimony, the Commissioners took the decision under advisement so they could further discuss it among themselves and with County staff members.

Barbara Evans asked if it would not be possible to come to some compromise in regard to the easement, suggesting that the walkway could be a small trail that wound its way around the trees so as to disturb the landscaping that is there as little as possible.

Barbara Martens said that the regulations require that easements be a minimum of 20 feet, so a walkway could be less than 20 feet. She said that she did not see a problem with working around the landscaping and that the neighbors interested in opening the walkway had already told her that they were interested in working with the Parks Department to come up with a walkway design that incorporates the landscape.

Rick Reep of Datsopoulos, MacDonald & Lind, representing Eric Marler, who had requested the vacation of the walkway, asked who would be responsible for putting in the walkway, and who would be responsible for maintaining it.

Barbara Evans stated that she was interested in having these questions answered satisfactorily but that the County did not install and maintain walkways.

Ann Mary Dussault asked either Mike Sehestedt or Barbara Martens to answer her question about whether the Board of County Commissioners were compelled at this point to demand removal of the encroachments if the requested vacation were denied. She said that she would like to leave things as they are and not require removal of the encroachments until the neighborhood expresses its desire to open and use the walkway, and presents a proposal for development and maintenance which is approved by the Board.

Rick Reep stated that he was interested in knowing if not vacating the easement and leaving the status quo would jeopardize Mr. Marler's and Mr. Teichrow's petitions to vacate.

Deputy County Attorney Mike Sehestedt said that, clearly, the Marlars and the Teichrows could always re-petition to vacate. He said that he thought the County was under pressure in some sense in that other residents in the same area had submitted a competing request not to vacate. He suggested that the matter could be tabled for six months to give landowners an opportunity to present plans for developing and opening a walkway, and if they don't do that, then the Commissioners could vacate.

Ann Mary Dussault said that what was actually before the Commissioners was a petition to vacate the walkway easement, and asked whether a petition had been received from the residents against the vacation.

Barbara Martens replied that nothing formal had been submitted from the other side.

Bob Palmer said that he had talked to a variety of homeowners who had indicated that they wanted everyone in the area to cooperate to solve the problem. He said that the Commissioners were obligated to act on the request to vacate. He suggested tabling action for six to eight months in order for residents to present a proposal for development and maintenance of the walkway for the Commissioners to consider.

Barbara Evans said that she thought that three months was a better length of time than six months.

Ann Mary Dussault said that she would prefer to treat the issues separately. She said that her inclination was to deny the vacation because walkways serve a valid purpose. She said that she was not concerned about this walkway having to be developed this or next year, or even ten years from now, but she felt the option should remain open.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the request for abandonment of the undeveloped walkway easement from Cypress Court to Bellecrest Drive between lots 8 and 9, Block 8, Bellevue #3 (County portion) be denied. The motion passed by a vote of 3-0.

Barbara Martens was instructed by the Commissioners to inform Mr. Marler and Mr. Teichrow that they would not be asked at this time to remove the encroachment located on the pedestrian right-of-way, and that they did not intend to do so until or at such time as the neighborhood expresses its desire to open and use the walkway, and presents a proposal for development and maintenance which is approved by the Board of County Commissioners.

AUCTION OF TAX DEED PROPERTY

Information provided by Kathi J. Doerr Mitchell, Recording Division Manager of the Clerk & Recorder's Office, stated that the Tax Deed auction was set for the Commissioners' Public Meeting of April 25, 1984, by Resolution No. 84-038. The following properties were listed as having been taken by tax deed in the Notice of Tax Deed Land Sale. The fair market value was also listed as follows:

<u>DESCRIBED PROPERTY</u>	<u>FAIR MARKET VALUE</u>
El Mar Estates, Phase II, Lot 15, Block 2	\$11,000
Hillview Heights #6, Lot 21, Block 7	\$10,000
Mountain Shadows #1, Lot 6, Block 3	\$14,000
Mountain Shadows #1, Lot 9, Block 5	\$14,000
Mountain Shadows #1, Lot 16, Block 5	\$14,000
Plat A-2', West portion of Tract 20 in E½ Sec. 8T14NR20W	\$12,000

The following two properties were redeemed prior to the auction:

PUBLIC MEETING, APRIL 25, 1984, CONTINUED

Hillview Heights #6, Lot 21, Block 7

Plat A-2', West portion of Tract 20, in E½ Sec. 8, T14N, R20W

Ms. Mitchell stated that, in accordance with 7-8-2301, MCA, the fair market value for each parcel to be auctioned had been determined by Jim Fairbanks, Appraisal Office Supervisor, and that no sale would be made for a price less than the fair market value at the auction. She said that the Notice of Tax Deed Land Sale was published in the Missoulian for 3 consecutive Sundays and posted in three public places as required by 7-8-2302 M.C.A. and that it should also be noted that a copy of the tax deed and a memo, written by the Clerk and Recorder to persons from whom we took tax deed, stating that they had the right to redeem the property prior to the auction, was mailed to all interested parties on 6 April 1984, on the advice of Michael Sehestedt, Deputy County Attorney.

Bob Palmer opened the tax deed auction by reading the description of each parcel to be auctioned, as listed above, and noting the two parcels which had been redeemed, as listed above.

There were no bids on any of the parcels available for auction at this sale.

✓ ✓ HEARING: REZONING FOR PUD - CATRINA ADDITION

Barbara Martens from the Missoula Planning Staff gave the staff report, stating that Catrina Subdivision is a resubdivision of a portion of Lot 13, all of Lot 14, Curtis Major Addition, and Block 19, Riverside Addition. The developer also proposes to rezone the property from unzoned (that portion in Riverside Addition) to C-RR3 with a PUD overlay, and from C-R1 (that portion in Curtis Majors Addition) to C-R1 with a PUD overlay.

Proposed for the 8.5 acre site is a mix of residential uses: six (6) four-plexes (five of which currently exist); nineteen (19) duplexes (eighteen of which exist); and four (4) single family dwellings, for a total of 66 dwelling units. The PUD concept provides for flexibility in the application of certain zoning and subdivision regulations, recognizing that this may enhance the use of an individual tract of land.

She stated that the recommendation of the Missoula Planning Board was that the property known as a portion of Lot 13 and all of Lot 14, Curtis Major Addition, be rezoned from C-R1 to C-R1 with a PUD overlay, and that the property known as Block 19, Riverside Addition, be zoned C-RR3 with a PUD overlay, subject to the following conditions:

1. That the open parking are in Lot 14, Block 3, shall be effectively screened from view of the residential dwellings developed on that same lot;
2. That a plan shall be submitted satisfying the requirement of Section 3.02 of the Missoula County Zoning Resolution that uses having more than 3500 square feet of required parking shall have six percent of the gross required parking area landscaped;
3. That three additional street trees shall be planted along Wyoming Street as described in the staff report; and
4. That all utility cables shall be placed underground.

Bob Palmer then asked Deputy County Attorney Mike Sehestedt if the Commissioners could hold the related public hearing on the preliminary plat of Catrina Addition, and he said that they could.

Barbara Martens then gave the planning staff report on the preliminary plat of Catrina Addition, stating that the Missoula Planning Board had recommended that the preliminary plat of Catrina Addition be approved subject to the following conditions:

1. That the water line which currently passes under the single family dwelling situated on Lot 9, Block 3, shall be relocated;
2. That the location of sewer easements shall be approved by the City Engineer prior to final plat approval, and that it shall be clearly shown on the plat that no trees will be planted in these easements;
3. That location of all fire hydrants shall be approved by the Missoula Rural Fire District;
4. That the developer shall submit engineering data on the construction of Catrina Lane for review by the County Surveyor, and correct any deficiencies revealed, and that all concrete sump rings and grates shall be replaced with cast iron rings and grates;
5. That the right-of-way on Wyoming Street shall align with the 80-foot right-of-way directly east of this subdivision;
6. That road and drainage plans shall be approved by the County Surveyor;
7. That the property line dividing Lots 1 and 2, Block 1, shall be relocated so as to follow the drainage easement;
8. That the sidewalk proposed for Johnson Street shall instead be constructed in the interior of Lot 14, Block 3;
9. That all references to six-plexes shall be deleted from the Catrina Addition Homeowners' Association papers;
10. That a cash payment in the amount of one-ninth the value of the undeveloped land shall be contributed to the park fund in lieu of the dedication of parkland or common area;
11. That plans shall be submitted for the review and approval of the Building Inspector detailing the improvements needed to bring the duplexes in the subdivision up to Uniform Building Code standards; and
12. That all existing irrigation ditches shall be preserved and protected and, further, that any ditches destroyed during the construction of the existing structures shall be replaced.

Bob Palmer then opened both hearings to public comment, asking that proponents speak first.

The following people spoke:

PUBLIC MEETING, APRIL 25, 1984, CONTINUED

1. Jack Green, attorney with Green, MacDonald, & Kirscher, representing the developers, the Twite family, stated that he fully concurred with the recommendations and suggested conditions of the Missoula Planning Board and staff.

There were no other proponents or opponents. Bob Palmer closed the public comment portion of the hearing.

Barbara Evans asked Lloyd Twite, who was in the audience, if he intended to pursue complaints he has made in the past in regard to Iron Horse Welding, and he replied that he did not intend to pursue the matter. Barbara Evans asked him if he recognizes that Iron Horse Welding is in the area and if he no longer intends to call her with complaints about the business. He agreed that he would no longer call her about this.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the property known as a portion of Lot 13 and all of Lot 14, Curtis Major Addition, be rezoned from C-RI to C-RI with a PUD overlay, and that the property known as Block 19, Riverside Addition, be zoned C-RR3 with a PUD overlay, subject to the four conditions listed above; and that the preliminary plat of Catrina Addition be approved, subject to the twelve conditions listed above. The motion passed by a vote of 3-0.

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

* * * * *

April 26, 1984

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

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as a part of the FY '84 budget:

1. No. 840142, a transfer to reverse transfer Nos. 840097, 840098, and 840099 as the digits were transposed on them, and transferring \$10,500.00 from the Foster Home Care account to the Jail Food Purchases account; and
2. No. 840143, a request from the County Attorney to transfer \$400.00 from the Vehicle Repair account to the Consultants account to correct a coding error in a previous budget transfer.

QUIT CLAIM DEEDS

The Board of County Commissioners signed Quit Claim Deeds to the following owners of the following described property who have paid their delinquent taxes before the tax deed auction and redeemed their property, and Missoula County is conveying the property back to the original owners:

- ✓ 1. To All Phase Corporation for Hillview Heights #6, Lot 21, Block 7; and
- ✓ 2. To Dorille and Lena Lucier and Jimmy Walker for Plat A-2', West portion of Tract 20 in E½ of Sec. 8, T14N, R20W.

RESOLUTION 84-054

The Board of County Commissioners signed Resolution No. 84-054, a resolution accepting grant of a Waterline easement through Lots 28, 29, & 30, Block 32, East Missoula Addition, from James D. and Suzanne Allison, who recently purchased Lot 28, in order to assure access to the waterline on Lots 26 and 27, which are still owned by Missoula County.

Other matters considered included:

- ✓ 1. John DeVore, Operations Officer, met with the Commissioners and discussed the CIP (Capital Improvement Program); and
- ✓ 2. the recommended change in the RSID administrative fees from 3 to 5% was discussed - the Commissioners voted to approve the staff recommendation and also that the developer be current in his taxes.

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

* * * * *

April 27, 1984

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated April 27, 1984, pages 1-25, with a grand total of \$102,646.53. The Audit List was returned to the Accounting Department.

LEASE AGREEMENT

Chairman Palmer signed a Lease Agreement between Missoula County and the Westside Little League for the following described property:

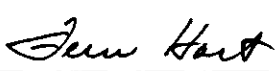
A parcel of land located in the east one half (E½) of Section 25, Township 13 North, Range 20 West

to be used for the purpose of operating and maintaining a little league baseball complex, for a term of five (5) years commencing June 7, 1983, for a total sum of \$1.00 as per the terms set forth in the Lease.


APRIL 27, 1984, CONTINUED

URBAN COUNTIES MEETING

The Board of County Commissioners met with a representative of Yellowstone and Gallatin Counties in the forenoon - an Urban Counties Meeting had been scheduled, but due to inclement weather, several were unable to come to Missoula for the meeting.



 Fern Hart, Clerk and Recorder



 Bob Palmer, Chairman, County Commissioners

April 30, 1984

The Board of County Commissioners did not meet in regular session; Commissioner Palmer left for Kona Coast, Hawaii, where he will be attending the NACo WIR (Western Interstate Region) Conference; and Commissioner Evans was out of the office all day.

May 1, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Kona Coast, Hawaii, attending the NACo WIR (Western Interstate Region) Conference from May 1st through May 4th, 1984.

CLAIMS

Claims were presented by Warrants for pay period #21 (May 1, 1984) to be drawn on the following funds in the following amounts:

Working Fund	\$ 23,468.22
Bridge Fund	5,649.41
Road Fund	28,805.07
Planning Fund	22,735.64
Weed Fund	2,159.61
General Fund	197,049.84
Miscellaneous Fund	88,707.91

The original Claims are on file in the Auditor's Office.

INDEMNITY BOND

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Kristi Lynn Bergland as principal for Warrant #10186, dated May, 1983, on the Lolo School District No. 7 Payroll Cleaning account fund in the amount of \$32.65 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 840144, a request from the Personnel Department to transfer \$210.00 from the Office Equipment Maintenance account to the Dues and Memberships (\$30.00) and Books, Resource Materials, and Subscriptions (\$180.00) accounts to cover expenditures in excess of line item appropriation, and adopted as a part of the FY '84 Budget.

RESOLUTION NO. 84-055

The Board of County Commissioners signed Resolution No. 84-055, a budget amendment for FY '84 for the County Attorney's Department; including the following expenditures and revenue and adopting it as part of the FY '84 Budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
Attorney:	
Copy Cost 01 090 01 00 307	\$200.00
Law Books 01 090 01 00 316	200.00
Common Carrier Travel 01 090 01 00 356	501.80
 <u>DESCRIPTION OF REVENUE</u>	 <u>REVENUE</u>
D.O.R. Welfare Fraud 01 920 05 00 396	\$901.80

RESOLUTION NO. 84-056

The Board of County Commissioners signed Resolution No. 84-056, a budget amendment for FY '84 for the Health Department including the following expenditures and revenues and adopting it as part of the FY '84 budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
<u>Health Risk Prevalence Study</u>	<u>\$2,800.00</u>
447600-327 Consultant	\$1,100.00
447600-328 Contracted Services	1,500.00
447600-311 Printing Litho	100.00
447500-356 Comm. Carrier Travel	80.00
447500-357 Meals, Lodge, Incidentals	20.00

MAY 1, 1984, CONTINUED

DESCRIPTION OF REVENUE	REVENUE
Grant: Montana Department of Health and Environmental Sciences	\$1,500.00
Grant: Montana Highway Traffic Safety Division	1,300.00
TOTAL	\$2,800.00

Resolution No. 84-057

The Board of County Commissioners signed Resolution No. 84-057, a budget amendment for FY '84 for the Superintendent of Schools Office to clear up the minus \$714.08 that shows as an overexpenditure on the FY '84 Teacher Center budget, including the following and adopting it as a part of the FY '84 budget:

DESCRIPTION OF EXPENDITURE	BUDGET
Teacher Center cash in excess of FY '84 budgeted amount	\$714.08

DESCRIPTION OF REVENUE	REVENUE
Unanticipated State Grant Funds	\$714.08

Other matters considered included:

- 1. A discussion was held regarding possible joint City-County review of the Health, Planning and Library budgets;
- 2. The Commissioners discussed the MaClay Bridge Island proposal - it will be referred to the Park Board;
- 3. Howard Schwartz, Executive Officer, reported to the Commissioners on the Industrial Development Revenue Bond meeting he recently attended in Helena; and
- 4. The Clerk and Recorder's proposal to raise the limits for incomplete payment of taxes was discussed - it was deferred until a future meeting with the County Attorney and Fern Hart, Clerk and Recorder.

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

* * * * *

May 2, 1984

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

PUBLIC MEETING

Acting Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Bob Palmer was away on Commission business.

PROCLAMATION

Commissioner Dussault read the Proclamation declaring the week of May 6 through 12, 1984, as National Dispatchers Week in Missoula County.

Ann Mary Dussault moved and Barbara Evans seconded the motion that National Dispatchers Week in Missoula County be May 6 through 12, 1984. The motion passed by a vote of 2-0.

PROCLAMATION

Commissioner Evans read the Proclamation in regard to Missoula Spring Clean-up Week.

Ann Mary Dussault moved and Barbara Evans seconded the motion that May 12 through 20, 1984, be declared Missoula Spring Clean-up Week. The motion passed by a vote of 2-0.

BID AWARD: WEED CONTROL CHEMICALS

Under consideration was the award of a bid for weed control chemicals. Information submitted by the Weed Department stated that this is a yearly purchase for operational materials for the Weed Control Department. The following two bids were read:

Wilber-Ellis	\$11,176.70
Mountain Valley Farms	\$ 9,951.30

Ann Mary Dussault moved and Barbara Evans seconded the motion that the bid for weed control chemicals be awarded to Mountain Valley Farms for 100 gallons of Tordon, 22k at \$21.77 a gallon and 500 lbs. of Tordon, 2k at \$1.045 per pound and for 120 lbs. of Krobar I at \$6.24 per pound and 150 lbs. of MCP-Amine at \$10.02 a gallon. In addition, she moved that a bid be awarded to Wilber-Ellis Company for 150 gallons of Weedar 64 at \$6.43 per gallon. This part of the motion was also seconded and it passed by a vote of 2-0.

BID AWARD: LIBRARY ROOFING

Information provided by John DeVore, Operations Officer, stated that this project is funded in part by a grant from the State Library Board and that the grant requires the approval of the State Library Board prior to awarding the bid. Because of this, John DeVore recommended the postponement of the bid award for one week. This bid award was, therefore, postponed to the next public meeting.

HEARING: CREATION OF RSID NO. 406 - SEWER IMPROVEMENT (LARKSPUR & 21st AVENUE)

Under consideration was the creation of RSID 406 for sewer improvements on Larkspur and 21st Avenue. Acting Chairman Barbara Evans opened the hearing to public comment asking that proponents speak first.

Charles Johnson, Engineer with Stensetter, Druyvestein, was present to answer questions from the Commissioners. Commissioner Dussault asked how many homes would be serviced by the new sewer line. Mr. Johnson answered that 18 homes would be serviced. He said that the reason for the necessity to create the RSID was that it was a condition of approval when the area was subdivided. He said that it did not meet the Health Department's requirements for a septic system.

PUBLIC MEETING, MAY 2, 1984, CONTINUED

There were no other proponents and there were no opponents. Barbara Evans then closed the public comment portion of the hearing.

Ann Mary Dussault moved and Barbara Evans seconded the motion that RSID 406 be created. The motion passed by a vote of 2-0.

✓ HEARING: REQUEST FROM HOWARD CLINE TO REZONE PROPERTY AT 2246 SCHILLING FROM C-R2 to C-R2 WITH A MOBILE HOME OVERLAY

Mark Hubbell from the Planning Staff gave the Planning Staff report. He stated that the subject property was platted on July 19, 1909 and that this property was unzoned until July 21, 1982, when C-R2 Residential designation was adopted. He said that the C-R2 designation permits mobile homes on lots five acres or larger and that the area had developed into a mixture of uses, including traditional single family homes, mobile homes, a mobile home park and some commercial uses. He said that on April 3, 1984, the County Regulatory Commission had voted to recommend approval of Mr. Cline's request.

Barbara Evans then opened the hearing to public comment asking that proponents speak first. The following people spoke:

1. Howard Cline, spoke on his own behalf. He said that the entire area consisted of well kept mobile homes.
2. Mrs. Cline stated that she was in favor of the request.

There were no other proponents or opponents. Barbara Evans then closed the public comment portion of the hearing.

Ann Mary Dussault moved and Barbara Evans seconded the motion that the parcel of land described as Lots 21 and 22 of Block 25, Carline Addition, be rezoned from C-R2 to C-R2 with a mobile home overlay in accordance with the County Regulatory Commission. The motion passed by a vote of 2-0.

✓ HEARING: AMEND SECTION 5.02 - ZONING RESOLUTION AND SECTION 3, SUBDIVISION REGULATIONS, TO ELIMINATE MINIMUM LOT SIZE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT

Mark Hubbell again gave the Planning Staff report. He stated that both Section 5.02C of the Missoula County Zoning Resolution and Section III B.4. of the Missoula County Subdivision Regulations require a minimum lot size of five acres of planned unit development. He informed the Commissioners that there had been several occasions when landowners had desired to create a PUD on their properties and have been told that the five acre minimum lot size would prohibit them from developing their proposals. He said that on January 31, 1984, the County Commissioners had sent letters to Kristina Ford, Planning Director, directing the Planning Staff to draft amendments to the subdivision regulations and to the zoning resolution which eliminates the five acre minimum lot size. He said that subsequently on March 20, 1984, the Missoula Planning Board had recommended approval of the proposed amendment.

Barbara Evans opened the public hearing to public comment asking that proponents speak first. No one wished to testify either for or against this proposal. Barbara Evans then closed the public comment portion of the hearing.

Ann Mary Dussault moved and Barbara Evans seconded the motion, that the Missoula County Commissioners adopt the proposed amendments to the Missoula County Zoning Resolutions and the Missoula County Subdivision Regulations as stated above and as recommended by the Missoula Planning Board and the Missoula Planning Staff. The motion passed by a vote of 2-0.

The Missoula County Commissioners signed the following documents:

PROCLAMATION: MISSOULA SPRING CLEAN-UP WEEK

The Commissioners then signed the Proclamation declaring May 12 through 20, 1984, as Missoula Spring Clean-up Week. The original was returned to the Clerk and Recorder's Office for recording with copies sent to the Health Department for distribution to the media.

PROCLAMATION: NATIONAL DISPATCHER'S WEEK IN MISSOULA COUNTY

The Board of County Commissioners then signed the Proclamation declaring the week of May 6 through 12, 1984, as National Dispatcher's Week in Missoula County. The original was returned to the Clerk and Recorder for recording with a copy to Iona Baertsch, 9-1-1 Manager.

✓ RESOLUTION NO. 84-058

The Commissioners then signed a Resolution of Intent to rezone a parcel of land described as Lots 21 and 22 of Block 25, Carline Addition, from C-R2 Residential to C-R2 with a mobile home overlay. The original was forwarded to the Clerk and Recorder's Office for recording with a copy to Planning for submission to the Missoularian for publication.

✓ RESOLUTION NO. 84-059

The Commissioners then signed Resolution 84-059, a Resolution of Intent to amend the Missoula County Zoning Resolutions and the Missoula County Subdivision Regulations to allow planned unit development on properties less than five acres. The original resolution was forwarded to the Clerk and Recorder for recording with a copy to Planning for submission to the Missoularian.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 2:30 p.m.

* * * * *

May 3, 1984

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 May 3, 1974, pages 1-27, with a grand total

MAY 3, 1984, CONTINUED

of \$78,397.73. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a Contract between Missoula County and Western Materials, Inc., the lowest and best bidder for the construction, installation and completion of the Nine-Mile area dust abatement project for a total sum of \$68,335.00. The Contract was returned to Centralized Services for further handling.

RESOLUTION NO. 84-060

The Board of County Commissioners signed Resolution No. 84-060, a resolution to rezone a portion of Lot 13 and all of Lot 14, Curtis Majors Addition from C-R1 to C-R1 with a PUD overlay, and to zone Block 19, Riverside Addition C-RR3 with a PUD overlay as per the conditions listed on the Resolution.

RESOLUTION NO. 84-061

The Board of County Commissioners signed Resolution No. 84-061, a budget amendment for FY '84, including the following expenditure and revenue and adopting it as part of the FY '84 Budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
Financial Admin. - Contracted Services 01-891-01-00-328	\$750.00
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
Lewis & Clark County contribution Re: Montana Power Rate Case 01-920-20-00-352	\$750.00

RESOLUTION NO. 84-062

The Board of County Commissioners signed Resolution No. 84-062, a budget amendment for FY '84, for the Sheriff's Department, including the following expenditure and revenues and adopting it as part of the FY '84 Budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
Sheriff's Department 01-00-300-01-00-350 - Vehicle Repair	\$2,750.00
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
Payment from St. Paul Insurance Company as restitution for our vehicle damage 01-950-17-00-653	\$2,250.00
Court ordered restitution (Taurman) 01-950-17-00-653	\$ 500.00

RESOLUTION NO. 84-063

The Board of County Commissioners signed Resolution No. 85-063, a budget amendment for FY '84 for General Services (Central Stores) including the following expenditure and revenue, and adopting it as part of the FY '84 Budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
010-240-01-00-301 Reads \$67,181.30 S/B \$74,181.30	\$7,000.00
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
010-990-14-00-901 Reads \$59,181.30 S/B \$66,181.30 Postage Reimbursement	\$7,000.00

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer and adopted them as a part of the FY '84 Budget:

- 1) No. 840145, a request from the General Services Department to transfer \$8,000.00 from the Capital - Land Improvement account to the Capital - Building and Construction account for the purpose of containing the asbestos under the Courthouse from infiltrating the work space of the building;
- 2) No. 840146, a request from the General Services Department to transfer \$20,000.00 from the Copy Paper/Toner (\$10,000.00) and Technical Equipment - Rent/Lease (\$10,000.00) accounts to the Postage account to cover the shortfall in this account;
- 3) No. 840147, a request from District Court - Court Reporter No. 2(052) to transfer \$350.00 from the Mileage - Private Vehicle account to the Mileage - County Vehicle account to correct an overexpenditure in this account;
- 4) No. 840148, a request from the Health Department to transfer \$2,800.00 from the Capital - Architectural Phase account to the Capital - Technical Equipment account to cancel a previous budget transfer (No. 840080) on February 29, 1984, as creating a new capital item is not permitted as per the County Auditor;
- 5) No. 840149, a request from the Health Department to transfer \$2,800.00 from the Phone - Basic Charge

MAY 3, 1984, CONTINUED

(\$1,400.00) and Interest on Registered Warrants (\$1,400.00) accounts to the Consultants account for the purpose of redesigning the floor plan to better utilize limited floor space by Robinson & O'Neill Architects;

- 6) No. 840150, a request from the Health Department to transfer \$250.00 from the Office Supplies (\$200.00) and Chemicals (\$50.00) accounts to the Advertising - Legal Ads (\$200.00) and Other Equipment Maintenance (\$50.00) accounts as these accounts are overexpended; and
- 7) No. 840151, a request from the Health Department to transfer \$700.00 from the Toll Calls (\$200.00) and Mileage - County Vehicles (\$500.00) accounts to the Radio Maintenance (\$200.00) and Meals, Lodging & Incidentals (\$500.00) accounts as these accounts are overexpended.

CERTIFICATE OF SURVEY

Acting Chairman Evans signed a Certificate of Survey (No. 3045) showing the survey of Tract A-1 for agricultural purpose located in the SE $\frac{1}{4}$ Section 27, T12N., R17W, Missoula County, Montana, owned by Henry and Lydia W. Weideman who certify that the purpose for this division of land is to create a parcel of land for agricultural use and that no building or structure requiring water or sewage facilities will be erected or utilized on the parcel created, and that a covenant has been entered into with the governing body that the land will remain in agricultural use and is, therefore, exempt from review as a subdivision. The Certificate was returned to Attorney John Patterson for filing.

CONTRACT FOR DEED

The Board of County Commissioners signed a Contract for Deed between Missoula County and Rex and Donna Palmer for their purchase of the following described County land:

Lots 13 and 14 in Block E of Carline Addition #2, a platted subdivision of Missoula County, Montana.

This Contract for Deed replaces the Contract for Deed which was signed on April 4, 1984, as there was a change made in paragraph 2. The Contract was returned to John Kellogg in the Planning Department for further handling.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Britt Finley, an independent contractor as per the Attachment to the Contract, commencing April 24, 1984, and concluding on July 31, 1984, for a total sum not to exceed \$1,100.00. The Contract was returned to the Health Department for further handling.

COOPERATIVE AGREEMENT

The Board of County Commissioners signed the Forest Service Cooperative Agreement for the Swan River Bridge No. 79-00.5 (Lindbergh Lake Road Bridge) with the Flathead National Forest which will allow the County to build the bridge, the funding for which has been included in the FY '85 budget. One copy was forwarded to the Forest Service and one sent to the County Surveyor's Office.

BOARD APPOINTMENT

The Board of County Commissioners made the following Board appointment:

- ✓ Charles Tiernan was appointed as a regular member of the Weed Control Board of Supervisors to fill the unexpired term of Wendal Hann through December 31, 1985.

Other matters considered included:

- ✓ 1) John DeVore, Operations Officer, met with the Board and discussed the CIP (Capital Improvement Program). Public hearings will be held at the weekly public meetings on May 16 and May 30, 1984; and
- 2) Jean Weber, Justice Court Clerk in the Justice of the Peace Department, met with the Commissioners regarding the workload problems in that Department.


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

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May 4, 1984

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


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

* * * * *

May 7, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Palmer was enroute home from attending the WIR Conference in Hawaii; Commissioner Evans was out of the office all day for a doctor's appointment; and Commissioner Dussault was in Helena all day.

* * * * *

May 8, 1984

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

MAY 8, 1984, CONTINUED

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the Monthly Report of the Clerk of District Court, Bonnie Henri, showing items of fees and other collections made for month ending April 30, 1984.

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 Quality Construction Company, the lowest and best bidder for construction installation and completion of Phase IV of West Nine-Mile Road for the total sum of \$145,919.12. The Contract was returned to Centralized Services for further handling.

RESOLUTION NO. 84-064

The Board of County Commissioners signed Resolution No. 84-064, a resolution amending the Policies and Procedures relative to Developer RSID's as follows, with all other parts of the policy remaining in full force and effect:

1. Paragraph C. General Information is amended to "The Administrative Fee for an accepted R.S.I.D. is 5% of the Total Price".
2. Paragraph 4. Financial Feasibility is amended to reflect the following requirements:

"d. Verification that all principles involved are current on taxes and SID assessments relative to property in question or other properties held within the County."

RESOLUTION NO. 84-065

The Board of County Commissioners signed Resolution No. 84-065, a resolution to accept real property for public water well purposes located in a portion of the southwest quarter (SW $\frac{1}{4}$) of Section 26, Township 12 North, Range 20 West, Principal Meridian, Montana, from Richard and Norma Rossignol, as shown on Certificate of Survey Number 861 filed in Missoula County Clerk and Recorder Office.

EXTENSION OF GRAVEL PERMIT

Chairman Palmer signed a letter from the Department of State Lands, agreeing to the stipulations for the renewal of Gravel Permit No. 999 from May 1, 1984, through May 1, 1986, for the gravel pit at the County Shop at Seeley Lake. The document was returned to the County Surveyor for further handling.

BOARD APPOINTMENTS

The Board of County Commissioners made the following Board Appointments:

- ✓ 1. Scott Green was appointed as the Alternate member of the Missoula County Weed Control Board of Supervisors through December 31, 1986;
- ✓ 2. Edward Heilman was appointed as a member of the Missoula County Park Board to fill an unexpired term through the first Monday in May, 1986;
- ✓ 3. Tom Greenwood was appointed as a member of the Missoula County Park Board to a three-year term, which will run through the first Monday in May, 1987;
- ✓ 4. John DeVore was reappointed to a three-year term on the Missoula County Park Board, which will run through the first Monday in May, 1987; and
- ✓ 5. David Baker was appointed as the alternate member of the Missoula County Park Board for a one-year term through the first Monday in May, 1985.

Other matters considered included the following:

1. Jean Wilcox, Deputy County Attorney, met with the Commissioners regarding the Bradford case - the Board voted to approve a \$2,764.34 settlement to the Bradfords on their road problem;
2. The Department of Revenue payment was discussed - Dan Cox, Budget Officer and Jim Dolezal, Data Processing Supervisor, will determine the actual costs.

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

SPECIAL MEETING - RE: REQUEST FOR VACATION - BELLEVUE ADDITION

Present were Commissioners Bob Palmer, Barbara Evans and Ann Mary Dussault, as well as Deputy County Attorney Jean Wilcox, County Executive Officer Howard Schwartz and Barbara Martens, from the Planning Staff. The meeting was held in Room 201 of the Courthouse Annex, and began at 11:00 a.m.

Eric Marler and Terry Teichrow, property owners in the Bellevue Addition in favor of the walkway vacation, had requested the meeting in order to have the Commissioners clarify the decision made at the April 25 public meeting. Their understanding had been that the people who were protesting the walkway vacation were supposed to work with the people who had petitioned for the vacation in order to come up with some sort of workable compromise, i.e. a walkway designed around Mr. Marler's and Mr. Teichrow's landscaping, which now encroaches on the walkway.

Ann Mary Dussault said it had not been the Commissioners' intent to require anyone to work with anyone else, but said that it would be foolish on anyone's part to come in with a plan they had not discussed with all parties out there. The Commissioners did not intend to dictate a solution, though, she said.

Eric Marler said that at one time he had been willing to compromise, but no one in the other group had ever approached him about working out a compromise.

SPECIAL MEETING, MAY 8, 1984, CONTINUED

Barbara Evans said that if she were in his shoes, she would just sit back and not worry about the whole thing.

Answering a question from one of the Commissioners as to the status of the requested vacation of the portion of this walkway which is in the City, Barb Martens said that the City Council had denied the vacation request and had said that there was a possibility of \$280 being available from the money left over from the Bellevue court case, as well as potential of an additional \$1,000 to upgrade the walkway.

Ann Mary Dussault stated that, in terms of procedure, any group that wanted to develop the walkway would have to come in to Planning first, and then to the Board of County Commissioners. Barb Martens said that that was right.

She also said that the group could first meet with Jim Van Fossen and then with her. She would then bring a proposal to the Commissioners.

Richard Reep said that Mr. Marler's concern was that he wanted to be involved in that process.

Bob Palmer said that any meetings the Commissioners had to decide this question would be publicized.

Barb Martens said that if a proposed development plan came in, she would see to it that a meeting announcement was published in the "Around Missoula" column in The Missoulian.

Richard Reep asked if Mr. Marler and Mr. Teichrow could be notified by letter, and Barb Martens agreed that she could do that.

Bob Palmer said that the Commissioners were not going to make a decision to ask the Marlers and the Teichrows to remove the encroachments until and if a proposal, forwarded by the Planning Department, were acceptable to the Commissioners in terms of both development and maintenance.

Barbara Evans stated that it would also be necessary to confer with the City in regard to their intention for the portion of the sidewalk which is in the City.

Ann Mary Dussault stated that the Commissioners had informed the people on both side that both development and maintenance plans would have to be approved before the Commissioners would ask for removal of encroachments. She said that she didn't care who submitted a plan or when, and that the Commissioners had all been clear that their role was not to dictate to the neighborhood, but only to set up a procedure that would give all parties an opportunity to comment before a final decision were made. She said she was not willing to say that "neighborhood" meant 51% of the people in the area had to agree, or anything of the sort.

Bob Palmer said it might be in Mr. Marler's and Mr. Teichrow's best interest to go back and actually contact the other people in regard to working out a compromise, but emphasized that the Commissioners were not going to tell them how to solve the problem. He also said that the concerned parties would be notified of any hearing to be held by the Commissioners.

Barbara Evans said she did not want to condone the taking of public property, and that if folks in the area wanted to open and develop and maintain a dedicated walkway, she did not see how the Board of County Commissioners could go against that. She, too, suggested that Mr. Marler and Mr. Teichrow develop a proposal which would preserve as much of their landscaping as possible.

Eric Marler asked what would happen if sometime in the future someone wanted to rip everything up and put in a sewer.

Executive Officer Howard Schwartz said that it seemed to him that a development and maintenance plan should settle once and for all the future use of the property.

The meeting was recessed at noon.

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May 9, 1984

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. 84-066

The Board of County Commissioners signed Resolution No. 84-066, a Resolution of Intention to create RSID No. 407 for the purpose of design and construction of Frey Lane - a 24-foot wide paved surface with drainage sumps and ditches, Clark Fork Estates, Missoula, Montana. Chairman Palmer also signed the Notice of Passage of the Resolution of Intention to create RSID No. 407, setting the hearing date for May 30, 1984, at 1:30 p.m.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as a part of the FY '84 budget:

1. No. 840152, a request from the Library to transfer the following amounts in the accounts shown - \$1,627.20 from Permanent Salaries to Temporary Salaries; \$13.00 from Technical Equipment to Office Technical Equipment; \$437.00 from Technical Equipment to Office Equipment; \$63.00 from Library Books to Office Equipment; \$200.00 from Printing & Litho to Vehicle Repair; and \$300.00 from Permanent Salaries to Work Study;
2. No. 840153, a request from the Clerk to transfer \$1,300.00 from the Postage (\$1,200.00) and Mileage - Private Vehicle (\$100.00) accounts to the Contracted Services (\$1,200.00) and Meals, Lodging (\$100.00) accounts in order to have the new jury list ready for FY '85 and because the accounts are overexpended.

✓ TRUST AGREEMENT

The Board of County Commissioners signed a Trust Agreement between the Trustor, Low Income Group for Human Treatment (L.I.G.H.T.) and the Trustees, Lee Guay, Harriet Mistowski and Edward Stupca, and the Trust Donor,

MAY 9, 1984, CONTINUED

Missoula County setting up an Emergency Rent Payment Trust to provide funds for the prepayment of first month's rents on behalf of persons eligible for assistance under the guidelines set forth by the Trustees as per the terms set forth in the Agreement.

✓ AGREEMENT AND CHANGE ORDER

Chairman Palmer signed an Agreement between Missoula County and Missoula Sheet Metal for insulating and and reroofing the Missoula Public Library project. Chairman Palmer also signed Change Order No. 1 directing the contractor to make the following changes in the Contract with no change in the total Contract sum:

1. Comply with Executive Order 11246 "Equal Employment Opportunity" as amended by Executive Order 11375.
2. Comply with the Copeland 'Anti-Kick Back Act'.
3. Comply with the 'Contract Work Hours and Safety Standards Act'.

Other matters considered included:

1. The minimum amount for tax payments and refunds was discussed - the Commissioners voted 2-1, with Commissioner Evans opposing to standardize collections and refunds at more than \$1.00 which reflects the County's costs and brings County policy in line with State Policy;
2. The Citizen Advocate person was discussed;
3. A discussion was held on the Travel Policy;
4. The Board approved Superintendent of Schools Mike Bowman's proposal for consolidating with Mineral and Ravalli Counties; and
5. The Commissioners authorized up to \$100.00 travel expenses for John Badgley.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

PROCLAMATION: FIRE SERVICE RECOGNITION DAY

Bob Palmer read the proclamation declaring Saturday, May 12, 1984, as Fire Service Recognition Day. The purpose of this was to focus attention on the varied and technical services being offered by the Fire Department in Missoula.

Barbara Evans moved and Ann Mary Dussault seconded the motion that May 12, be declared Fire Service Recognition Day in Missoula County, Montana. The motion passed by a vote of 3-0.

PROCLAMATION: FIRE SERVICE RECOGNITION DAY

The Commissioners then signed the Proclamation declaring May 12, 1984, Fire Service Recognition Day. The original was forwarded to the Clerk and Recorder for recording with a copy to Bruce Suenram of the Missoula Rural Fire Department.

✓ BID AWARD: LIBRARY ROOFING

Under consideration was the award of the bids for the new library roof. Information provided by Operations Officer John DeVore stated that bids had been received for this project from Bradford Roofing; Missoula Sheet Metal; Western States Roofing & Insulation; Reinhard Roofing; McLees, Inc.; and Allstate Roofing.

The following chart is the bid tabulation sheet:

CONTRACTOR	BID BOND	BASE BID #1	BASE BID #2	BASE BID #3	ALTERNATE #1 - INSULATION		
					ADD R = 5.4	ADD R = 10.8	DELETE R = 5.4
Bradford Roofing	X	---	\$103,866	\$85,330	\$7,704	\$14,923	\$8,206
Missoula Sheet Metal	X	\$69,990	\$ 69,282	\$64,952	\$5,764/7168	\$9844/\$13255	\$4,147/\$6,518
Western States Roofing & Insulation	X	\$87,480	---	\$70,730	\$3,763/4562	\$8,880/\$9461	\$4,250/\$4,400
Reinhard Roofing	X	---	---	\$73,727	\$2,800	\$ 4,639	\$1,630
McLees, Inc. *	X	\$76,600	\$74,480	\$73,112	\$8,130	\$15,718	\$6,233
All State Roofing **	X	\$74,106	\$82,647	\$82,170	\$7,707	\$15,090	\$7,707

*Bid sent by mail and unmarked as a bid - was delivered at 10:15 a.m.

**Bid sent to library, not to proper address.

A brief discussion was held on the library roofing project. John DeVore stated that the library would end up with an R-38 rating in the roof, which would make it energy efficient. He stated that the budget amount for the project was \$88,650 and that half was to come from the State Library through the Jobs Bill and half from Missoula County through General Revenue Sharing Funds. He said that the State Library had approved the contract for their half of the needed monies.

Barbara Evans asked if there were a bond in regard to guaranteeing the workmanship on the roof since the last roof had deteriorated within five years.

John DeVore stated that the bond on the workmanship would be ten years from the manufacturer. He said in addition there would be 100% performance bond. He said that this would result in a 20-year bond.

Barbara Evans moved and Ann Mary Dussault seconded the motion that the bid be awarded to Missoula Sheet Metal on their Base Bid #1 (\$69,990) and alternate #2 (\$9,844) for a total of \$70,834.00, pursuant to the architects recommendation and to the recommendation of John DeVore. The motion passed by a vote of 3-0.

It was also part of John DeVore's recommendation that the award be made contingent upon the State Library fund approval of the contract. However, he pointed out that since he had written his recommendation, the State Library had approved the contract.

PUBLIC MEETING, MAY 9, 1984, CONTINUED

✓ ✓ CONSIDERATION OF: LAKEWOOD ESTATES - PHASE 2a (FINAL PLAT)

Barbara Martens of the Missoula Planning Staff gave the Planning Staff report. She stated that Lakewood Estates Phase II, was given final approval by the Commissioners in 1980, subject to the condition that lots shown to be in the 100-year floodplain were removed from that delineation prior to filing the final plat with the Clerk and Recorder. As that had not been accomplished, the developer had chosen to further phase the project. She stated that Phase 2a consisted of those lots which lie outside the 100-year floodplain and that Phase 2b awaited resolution of the floodplain issue. She stated further that all conditions had been satisfied and, therefore, the Planning Staff was recommending approval for this phase of the project.

Barbara Evans moved and Ann Mary Dussault seconded the motion that Lakewood Estates, Phase 2a Final Plat be approved. The motion passed by a vote of 3-0.

It should be noted that Dick Ainsworth of Professional Consultants, Inc., was present to answer questions. The Commissioners did not have questions for him.

✓ ✓ HEARING: PETITION FOR ANNEXATION TO CLINTON RURAL FIRE DISTRICT (ROY A. HANDLEY)

Information provided by Kathi Mitchell of the Clerk and Recorder's Office stated that a petition has been received by the Recording Division to annex a parcel of land located in the SE¼ of Section 33, Township 12 North, Range 17 West in Missoula County, Montana, containing approximately 2.5 acres. She stated that the petition for annexation to Clinton Rural Fire District, as presented by Dan Tucker, had been checked and verified and that it contains signatures of more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the tax-paying free holders within the area described, so it met with requirements of 7-33-2125 M.C.A., for annexation of adjacent territory. She stated that it should be noted that only one parcel of land has been proposed to be annexed into the fire district at this time and that the individual who owned the property, Roy A. Handley, had signed the petition. She stated that the hearing notice had been published in The Missoulian for two consecutive Sundays prior to the hearing date as required by statute. She stated that the Board of Trustees of Clinton Rural Fire District had approved the petition for presentation before the Board of County Commissioners and had been notified of the hearing date.

At this point Chairman Bob Palmer opened the public comment portion of the hearing asking that proponents speak first. No one wished to testify either as a proponent or as an opponent. Bob Palmer then closed the public comment portion of the hearing.

Barbara Evans moved and Ann Mary Dussault seconded the motion that the proposed annexation to Clinton Rural Fire District in regard to a parcel of land located in the SE¼ of Section 33, Township 12 North, Range 17 West in Missoula County, Montana, and containing approximately 2.5 acres be approved. The motion passed by a vote of 3-0.

✓ ✓ HEARING: NO PARKING ZONE ON TAMARACK ROAD CURVE (RICHARD GREIL)

Under consideration was a request from Mr. Greil to install a NO PARKING zone on Tamarack Road. Information provided by County Surveyor Dick Colvill stated that Tamarack Road goes from Highway 200 near Pine Grove under the freeway and on to Milltown. He stated that Mr. Greil believes it is necessary to close off the river access that now exists from Tamarack Road to the river. To support this closure, he would like a NO PARKING zone along Tamarack Road where the cars normally park to access the river. He stated that Tamarack is a County maintained road, but the right-of-way at this location might be part of the freeway.

A memo from Ken Kailey, Traffic Department Supervisor, for the Surveyor's Office, stated that Don Ebbutt and Ken Kailey had met with Mr. Greil on April 2, 1984. At this meeting, they had discovered that the State of Montana had suggested to Mr. Greil that he fence his property line to the low water line on the Clark Fork River. Mr. Kailey stated that this would definitely deny people access to the river. He said that Mr. Greil had requested a NO PARKING area along his property on Tamarack to support this fencing of his property. Mr. Kailey said that he felt that this would be about all the County could do at this time. He said that he believed that this area could become a small MacLay Bridge problem in the future and that he would request the Commissioners hear the request and he said that he himself would support the request at this time.

Deputy County Attorney Michael Sehestedt stated that this particular point, if it were the same one that he thought it was, was a popular spot to launch canoes. He said that he was shocked to see that State staff people had requested the fencing to low water mark in light of Judge Gordon Bennett's recent ruling that the public has an easement between high water marks. He said that it was conceivable that the Supreme Court would uphold Judge Bennett's ruling.

A discussion was held as to who owned the right-of-way in this area. Ken Kailey stated that the freeway goes over Tamarack at this point and that Tamarack also has a right-of-way on it in addition to the freeway having a right-of-way. He said that like many of the agreements that the Surveyor's Office deals with probably the State owns the roadway and the County maintains it, so the shoulder is maintained by the County.

Mike Sehestedt stated that it was probably a routine situation where the County has easement for road purposes.

Barbara Evans said that she didn't see any overriding reason to support Mr. Greil's request. She said that no one had even come to testify at the hearing.

Barbara Evans then moved and Ann Mary Dussault seconded the motion to deny Mr. Greil's request as stated above. The motion passed by a vote of 3-0.

The reason to be given to Mr. Greil as to why this was denied was that the Commissioners could find no compelling reason to grant the request.

✓ ✓ HEARING: RSID NO. 903 - PARK MAINTENANCE - WILLOW PARK - LOLO

Information provided by Operations Officer John DeVore stated that the purpose of the petition was to create a park maintenance RSID for the Lake View Addition. He said that a record 96% of the freeholders in the area had signed the petition and that the staff recommended its creation. He said that historically, property owners around the park have greatly improved the park and now had requested a permanent mechanism to maintain the park.

At this point Chairman Bob Palmer opened the hearing to public comment asking that proponents speak first. The following people testified:

PUBLIC MEETING, MAY 9, 1984, CONTINUED

- 1. Connie Olson - Mrs. Olson stated that she was completely in favor of this maintenance RSID.
- 2. Rene Cristman - Also stated that she was in favor of creating this RSID.
- 3. Diane Spear stated that she wholeheartedly supported the creation of this RSID.

There was no opposition.

Bob Palmer closed the public comment portion of the hearing.

Barbara Evans moved and Ann Mary Dussault seconded the motion that RSID 903 for Lakewood Addition Park Maintenance be created. The motion passed by a vote of 3-0.

John DeVore will meet with the Lakewood Addition people to help them develop the budget.

Bob Palmer then read the following announcements which had been printed on the agenda:

Dispatchers Week in Missoula County, May 6th - 12th
Fire Service Recognition Day, May 12th, 1984
Mother's Day, Sunday, May 13th
Missoula Spring Clean-Up Week, May 12th - 20th

Since there was no further business to come before the Board of County Commissioners, the meeting was adjourned at 2:30 p.m.

MEETING

Chairman Palmer attended a Lincoln Hills Sewer System meeting in the evening.

* * * * *

May 10, 1984

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated May 9, 1984, pages 1-28, with a grand total of \$77,213.51. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATION MEETING

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

RESOLUTION NO. 84-067

The Board of County Commissioners signed Resolution No. 84-067, a budget amendment for FY '84, including the following expenditure and revenue and adopting it as part of the FY '84 budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
Financial Admin. - Contracted Services 01-891-01-00-328	500.00
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
Missoula Rural Fire Contribution Re: Montana Power Rate Case 01-920-20-00-352	500.00

RESOLUTION NO. 84-068

The Board of County Commissioners signed Resolution No. 84-068 resolving that when taxes are underpaid by \$1.00 or less, the County Treasurer need not pursue further payment; and when overpayments are \$1.00 or less, they will not be refunded except upon request of the taxpayer.

✓ RESOLUTION NO. 84-069

The Board of County Commissioners signed Resolution No. 84-069, a resolution annexing a parcel of land located in the Southeast ¼ of Section 33, Township 12 North, Range 17 West, Missoula County, Montana, containing approximately 2.5 acres within the boundaries of the Clinton Rural Fire District and will be assessed a fire district levy along with other property already a part of said Clinton Rural Fire District.

✓ ADDENDUMS TO CONTRACT

The Board of County Commissioners signed an addendum to Missoula County Professional Services Contract with independent contractor, John Duffield dated November 22, 1983, which supplements paragraph 3 of the above-referenced Contract as per the items on the Addendum and the total value of the addendum shall be \$4,400.00.

✓ BOARD APPOINTMENT

The Board of County Commissioners reappointed Lud Browman to a three-year term on the Museum Board of Trustees, which will run through June 30, 1987; however, should a vacancy with a shorter term occur in the meantime, Mr. Browman, as per his request, would have first chance for that position.

Other matters considered included the following:

- 1. Loren Lutzenhiser of HRDC met with the Commissioners and discussed JPTA (Job Training Partnership Act); and
- 2. Dennis Engelhard, Personnel Officer, met with the Board and discussed labor negotiations and various contract proposals.

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

May 11, 1984

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 Dussault was out of the office all afternoon.

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Mountain Bell as principal for Warrant No. 106206, dated September 13, 1983, on the Missoula County Museum Fund in the amount of \$150.57 now unable to be found.

Fern Hart
Fern Hart, Clerk and Recorder

Bob Palmer
Bob Palmer, Chairman, County Commissioners

May 14, 1984

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 Dussault was out all afternoon.

DAILY ADMINISTRATIVE MEETING

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

✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between the Montana Department of Justice, Highway Patrol Division and Missoula County, whereby the Highway Patrol will purchase Centralized Dispatching Services through the Missoula County 9-1-1 Center for the period from July 1984 through June 30, 1985 as per the terms set forth in the Agreement, for a total value of \$15,483.00. The Agreement was returned to General Services for further handling.

BUDGET TRANSFER

The Board of County Commissioners approved and signed the following Budget Transfer and adopted it as a part of the FY '84 Budget:

No. 840154, a request from the Accounting Department to clear up the Teacher's Center Budget for the following line items:

FROM:	79-271-01-00-206	Office Supplies	871.37
	-328	Cont. Services	1,120.97
	-357	Meals, Lodging	138.73
	-358	Mileage - Co. Vehicle	1,100.00
	-359	Mileage - Private	931.42
TO:	79-271-01-00-141	Fringe	8.81
	-799	Transfers	4,153.68

BOARD APPOINTMENT

- ✓ The Board of County Commissioners appointed Bill Carey to the Loan Review Committee to fill an unexpired term through December 31, 1984.

Other matters considered included:

The Commissioners discussed the JTPA (Job Training Partnership Act) problem.

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

MEETING

The Board of County Commissioners attended a public meeting held in the Community Hall in Seeley Lake in the evening.

May 15, 1984

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:

✓ INTERLOCAL AGREEMENT

The Board of County Commissioners signed an Interlocal Agreement between the City of Missoula and the County of Missoula to cooperate in the establishment and funding of the Energy Conservation Coordinator as per the terms set forth in the Agreement for FY '85. The Agreement was forwarded to the City of Missoula for signatures.

MAY 15, 1984, CONTINUED

PROJECT AUTHORIZATION

The Board of County Commissioners approved and signed a request from the County Surveyor authorizing him to advertise for bids for the construction of Lindbergh Lake Bridge and Morrison Lane Bridge in advance of FY '85 budget approval. The request was returned to Dick Colvill, County Surveyor.

AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and R. D. Kembel of R. D. Kembel & Associates, Inc., for an appraiser for the Harper Bridge Land Acquisition, with the work to be completed on or before June 15, 1984, for a total amount of \$11,500.00, with an option for court testimony if needed for condemnation.

Other matters considered included:

The Commissioners met with Jean Wilcox, Deputy County Attorney, and discussed the Lincoln Hills sewer project - including a long-range possible solution of hooking on to City sewer. Jean Wilcox and John DeVore, Operations Officer, will work with the City and Professional Consultants, Inc. on this. The Board gave approval to the Court's appointment of John DeVore as the Receiver of the Lincoln Hills Sewer System.

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

MEETING

Commissioner Evans attended a Crimestoppers meeting at noon.

* * * * *

May 16, 1984

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

AUDIT LIST

Commissioners Palmer and Evans signed the Audit List dated May 16, 1984, pages 1-22, with a grand total of \$113,362.77. 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:

GRANT APPLICATION

Chairman Palmer signed a Notice of Intent to apply for Federal funds from the Federal Emergency Management Agency, through the State DES Office for Emergency Operations Center Improvements in the amount of \$38,662.00. The application was returned to Orin Olsgaard, DES Coordinator, for further handling.

Other matters considered included the following:

Max Bauer of Browning-Ferris Industries, Inc. met with the Commissioners regarding questions raised on the rates charged for dumping at the landfill area.

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

LUNCHEON

Commissioner Evans attended the "Keep Montana Green" Luncheon in connection with the fire prevention held at the Edgewater at noon.

WELFARE ADVISORY BOARD

The Board of County Commissioners serving as the Welfare Advisory Board, met with Jean Johnston, Welfare Director in the afternoon. Representatives of Personal Care homes were also in attendance.

EVENING PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 7:30 p.m. in City Council Chambers. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

BID AWARD: FIRE EXTINGUISHER INSPECTION & SERVICE (GENERAL SERVICES)

John DeVore stated that the fire extinguisher bid would have to be postponed until the following week's public meeting.

In accordance with the recommendation of Operations Officer John DeVore, the award of this bid was postponed to the next public meeting of 5/23/84.

HEARING: CIP (CAPITAL IMPROVEMENT PROGRAM)

The purpose of this hearing was to receive public comment on the proposed Capital Improvement Program. Information provided by Operations Officer John DeVore stated that in 1975, legislation was passed in Montana which allowed a County or Municipality to set aside 10% of multiple levies budgeted for replacement and acquisition of property, plant or equipment costing in excess of \$5,000.00 and with a life expectancy of five years or more.

In order to establish a capital fund, the County has formally adopted a Capital Improvement Program. The primary purpose of a Capital Improvements Program is to provide a logical process which:

- Identifies the County's long-range needs;
- Explores alternative financing mechanism;
- Projects both County revenues and revenue sources;
- Prioritizes the projects to insure that implementation is completed in a logical fashion; and
- Measures the need for the project against long-range plans.

EVENING PUBLIC MEETING, MAY 16, 1984, CONTINUED

John DeVore stated that during the past year, the County had completed the second revision of the Capital Improvements Program and that the program covered the next five fiscal years from 1985 through 1989 and represented the prioritization of these major capital projects during those years. He said that, therefore, the first year the program represented the County's tentative fiscal year '85 capital budget with the balance of the projects representing the capital program. He said that the Board of County Commissioners felt that this process of determining major capital needs and establishing a financial program extending beyond the annual budget would encourage department managers to examine long-range needs and allow the County to develop more coherent County-wide fiscal priorities. He said that the Capital Improvements process provided a basis to compare and prioritize projects and provided opportunities to explore alternative funding sources.

He said that the Board of County Commissioners felt that this would insure that:

Projects with the greatest need would be implemented first, and;
When capital request exceeded revenue projections - cuts would be made in a logical fashion.

He said that the Board of County Commissioners also felt that this process would maximize public input through separation of the review of capital expenditures from the normal budgetary process. In effect then, the public would have the opportunity to review the Capital Improvements separately from the rest of the budget, as well as having an opportunity during the regular budget process. He said that the public could obtain summaries of the Draft Capital Improvements Program by calling 721-5700, Ext. 200 or Ext. 391, and he stated the summaries of this program were available at the following locations.

Missoula County Commissioners Office
Missoula County Clerk and Recorder's Office
Missoula County Operations Office
Missoula City-County Planning Office

Bob Palmer then opened the hearing to public comment.

There were no proponents or opponents.

Bob Palmer then closed the public comment portion of the meeting.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 7:40 p.m.

* * * * *

May 17, 1984

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.

MEETING

Commissioners Palmer and Evans attended a meeting of the BitterRoot RC&D Financial Resources Committee in the forenoon and a luncheon held at noon at the Edgewater.

* * * * *

May 18, 1984

The Board of County Commissioners did not meet in regular session. Commissioners Evans and Dussault were out of the office all day, and Commissioner Palmer was in Helena attending a MACo Executive Committee Meeting.



Fern Hart, Clerk and Recorder



Bob Palmer, Chairman, County Commissioners

* * * * *

May 21, 1984

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

MONTHLY REPORTS

Chairman Palmer examined, approved and ordered filed the monthly reports of Justices of the Peace, Janet Stevens and W. P. Monger, for collections and distributions for month ending April 30, 1984.

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 a part of the FY '84 budget:

1. No. 840155, a request from the Health Department to transfer \$1,600.00 from the Capital - Technical Equipment (611) (\$800.00) and Audio Visual Materials (\$800.00) accounts to the Capital - Technical Equipment (612) (\$800.00) and Contracted Services (\$800.00) accounts as a capital item was underestimated and a line item overexpenditure; and
2. No. 840156, a request from District Court - Court Reporter #4 to transfer \$175.00 from the Mileage - County Vehicle account to the Office Supplies account as the account is overexpended.

Other matters considered included:

1. A discussion was held regarding fireworks; and

MAY 21, 1984, CONTINUED

2. The Commissioners met with Jean Wilcox, Deputy County Attorney, and discussed the excavation on Wyoming and Curtis Streets by Lloyd Twite - a letter will be sent regarding clean-up of the area prior to the deadline set as per the request of his neighbors.

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

* * * * *

May 22, 1984

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated May 21, 1984, pages 1-28, with a grand total of \$89,956.87. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Commissioner Evans examined, approved and ordered filed an Indemnity Bond naming Raenelle Lees as principal for Warrant #29754 dated May 18, 1984, on the Missoula County Payroll Fund, in the amount of \$950.38 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

EMPLOYMENT CONTRACT

The Board of County Commissioner signed an Employment Contract between Missoula County and Susan R. Thomas, a registered nurse, for nursing services in the Missoula County Jail as per the terms set forth, effective July 1, 1984, at the rate of \$10.00 per hour.

Other matters considered included:

1. The Board met with Jean Johnston, Welfare Director and discussed the contract with the County Attorney - the County Attorney will be notified regarding a revenue shortfall in his budget and Jean was instructed not to sign the Contract until more information is available;
2. A discussion was held regarding fixed assets - John DeVore, Operations Officer, will present a revised policy for action by the Board; and
3. John DeVore, Operations Officer, met with the Board regarding the possible purchase of the Missoulia Building.

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

RECOGNITION BANQUET

Commissioner Evans attended the RSVP Recognition Banquet held at the University Center in the evening.

* * * * *

May 23, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Portland, Oregon, where he attended a BPA Task Force meeting May 23rd and 24th.

PUBLIC MEETING

Acting Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Chairman Bob Palmer was out of town on Commission business.

BID AWARD: FIRE EXTINGUISHER INSPECTION AND SERVICE (GENERAL SERVICES)

Under consideration was the award of a bid for fire extinguisher inspection and services for the General Services Department. Information provided by Operations Officer John DeVore stated that bids had been received from Missoula Fire Equipment, Sears Fire Extinguisher Service and Safe, Inc. John DeVore explained that this was a service contract, and there are no specified amounts. He said that the company bid is a specified amount to service each extinguisher, so that amount the County pays would be the amount it would cost to service the number of extinguishers that the County has, which would be a cost per extinguisher, plus the cost of chemicals.

Action on this bid award was postponed in order to give General Services time to answer questions that Ann Mary Dussault had.

HEARING: AMENDMENT OF REGULATIONS OF PLANNING AND ZONING DISTRICT NO. 41 (LOLO)

Information provided by Planner Mark Hubbell stated that Planning and Zoning District No. 41 was established on January 18, 1984. The zone permits single-family residential uses, grazing, horticulture, agriculture, and timber-growing activities. Residential development is restricted to one single-family dwelling per lot.

The original standards governing Planning and Zoning District No. 41 disallowed the placement of mobile homes within the district. Since most of the residential development in the northern portion of the district is comprised of mobile homes, many nonconforming uses were created with the adoption of this district. Under the terms of District No. 41, legal nonconforming uses could not be enlarged to occupy a greater area of land than was occupied by the use at the time of adoption of the zoning. Thus, an older mobile home could be replaced with a new mobile home only if the new home was no larger than the old home. Similarly, additions to mobile homes, such as porches, were disallowed.

In order to resolve these difficulties, residents requested that the Planning and Zoning Commission and Missoula County Commissioners conduct a second public hearing on the development standards governing Planning and Zoning District 41. On March 28, 1984, the development standards of District 41 were amended

PUBLIC MEETING, MAY 23, 1984, CONTINUED

to interpret mobile homes as single-family dwellings. This action addressed the concerns of those residents desiring mobile home development, but also allowed mobile homes in portions of District 41 where they were not desired.

During the March 28th public hearing, the Missoula Planning and Zoning Commission recommended that the residents of District 41 meet and discuss a means of dividing the district into two portions to better address the concerns raised regarding mobile home development. At the same time, the Planning Staff was directed to draft an amendment which would allow public utility installations as a permitted use in the zoning district. This would make the Lolo Sewage Treatment Plant (R.S.I.D.901) a permitted use rather than a legal nonconforming use.

He said that the Planning Staff recommendation was that the development standards of Planning and Zoning District 41 be amended as follows:

1. By Dividing Planning and Zoning District 41 into two sections; ie:

District 41A: All of Planning and Zoning District No. 41 except that area specified to be District 41B.

District 41B: Beginning point 30 feet south of the southeast corner of Lot 21, Block 12, Greenwood Addition, being approximately the centerline of Red Fox Road. Thence in a northerly direction following the east property lines of Lots 21-34 of Block 12 Greenwood Addition, thence along the Southwest end of Riverside Park to the center of the Bitterroot River, thence in a northwesterly direction along the Bitterroot River to the point of intersection of the North-South line of Planning and Zoning District No. 41, thence south along the west boundary of Planning and Zoning District No. 41 to a point intersecting the projected property line shared by Lots 1 and 7 of Block 16, Greenwood Addition on the cul-de-sac of Red Fox Road, thence in an easterly direction along this line to the centerline of Red Fox Road and continuing along the centerline of Red Fox Road in an easterly direction to the Point of Beginning.

2. Adopting the current District 41 standards for District 41A, with the following amendments:

A. Amending Section III (I) to read:

Mobile homes shall not be interpreted to be single-family dwellings. A mobile home is defined as any residential structure larger than two hundred fifty-six (256) square feet in area which is either wholly or in substantial part manufactured at an off-site location, over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two (2) or more units separately towable, but designed to be joined into one integral unit, as well as a portable residential structure composed of a single unit.

B. Amending all references to Planning and Zoning District 41 to read District 41A.

3. Adopting the following regulations for District 41B:

SECTION I - PERMITTED USES

1. No use shall be permitted except single-family residential uses, grazing, horticulture, agriculture, timber-growing activities, and public utility installations.
2. Single-family residential uses shall be restricted to a density of two dwellings per acre.

SECTION II - PROHIBITED USES

1. Any use other than the permitted uses.

SECTION III - GENERAL REGULATIONS AND VARIANCES

1. Mobile homes shall be interpreted to be single-family dwellings. A mobile home is defined as any residential structure larger than two hundred fifty-six (256) square feet in area which is either wholly or in substantial part manufactured at an off-site location, over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two (2) or more units separately towable, but designed to be joined into one integral unit, as well as a portable residential structure composed of a single unit.
2. A legal nonconforming use shall be defined as a use of land which was an actual and lawful use at the time of adoption of the District 41B development regulations, but which use because of such adoption or subsequent changes in district boundaries or regulations, does not conform to the existing regulations.
3. A legal nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption of the Zoning District 41B Regulations.
4. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the Zoning District No. 41B Regulations.
5. If any such nonconforming use of land or structure ceases for any reason for a period of five (5) years, any subsequent use of land shall conform to the standards specified by the Zoning District 41B Regulations.
6. The minimum lot size of lots shall be fifteen-thousand (15,000) square feet.
7. The Board of County Commissioners may authorize variances which will not be contrary to the public interest where, owing to special conditions, literal enforcement would result in unnecessary hardship.

He concluded his remarks by saying that the proposed changes to Planning and Zoning District No. 41 would

PUBLIC MEETING, MAY 23, 1984, CONTINUED

more accurately reflect the attitudes and concerns of the residents of the area than the current zoning. He said that with the adoption of these changes, those residents who live in mobile homes would enjoy the protection offered in the original District 41 regulations without losing the opportunity to replace or expand their mobile homes. Similarly, those residents of District 41 who wish to disallow mobile homes from being established in neighborhoods which are primarily "stick-built" single-family dwellings would be able to see their desires realized. He said that it was the staff's position that the Planning and Zoning Commission and the Missoula County Commissioners approve the proposed changes.

At this point, the meeting of the Board of County Commissioners was recessed, and the meeting of the Planning and Zoning Commission (consisting of the three Commissioners, Clerk & Recorder Fern Hart and Surveyor Dick Colvill) was convened.

Present for the meeting of the Planning and Zoning Commission were Commissioners Barbara Evans, and Ann Mary Dussault, Clerk and Recorder Fern Hart and Surveyor Dick Colvill, making a quorum. Absent was Commissioner Bob Palmer.

Acting Chairman Barbara Evans opened the hearing to public comment, asking that proponents of the proposed amendments speak first. The following people spoke:

1. Alf Michelson, 1412 Lakeside Drive, said that he was a mobile home dweller and he was in favor of the proposed amendments.
2. Diana Kwapy, another resident of the area, stated that she agreed with the proposed amendments.

There were no opponents.

Acting Chairman Barbara Evans then closed the public comment portion of the hearing.

Ann Mary Dussault asked, as a point of clarification, whether there would be language included in the proposed amendments that would allow a public utility installation.

Mark Hubbell said that there would be a section of the 41B regulations which would allow a public utility installation, since the Lolo sewage treatment plant is located in 41B, but that nothing was proposed for 41A, since there did not seem to be a need to do so.

Dick Colvill moved, and Fern Hart seconded the motion, that the Planning and Zoning Commission recommend to the Board of County Commissioners that the recommendations of the Planning Staff in regard to amendments to Zoning District 41 be approved. The motion passed by a vote of 4-0.

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

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the recommendation cited above be approved. The motion passed by a vote of 2-0.

HEARING: REQUEST TO VACATE PORTION OF ROAD - SEELEY LAKE ESTATES #2 - TRACT 22 - 60-FOOT RIGHT-OF-WAY (RICHARDS)

Under consideration was a request to abandon a 60-foot right-of-way located between Montana Drive in Double Arrow Ranch, Phase IV, and South Canyon Drive in Seeley Lake Estates, which is located in Tract No. 22, Seeley Lake Estates No. 2, Section 1, T16N, R15W, Missoula County.

Information provided by Kathi Mitchell, Recording Division Manager, stated that James A. and Peggy R. Richards are the owners of Tract 22 in Seeley Lake Estates No. 2 where the 60-foot right of way, described above, is located. The following reason were given for asking for the right-of-way vacation:

1. The right-of-way was originally established to connect Double Arrow Ranch Phase II to South Canyon Drive. However, the property owners of lots in Seeley Lake Estates opposed the access because it would increase traffic and eventually another means of access was established by the developers. As a result the original right-of-way, proposed to be vacated, was blocked off with a cable.
2. In order for the Richards to complete their present building site the road needs to be vacated and deeded by the County to them.

The following persons may be affected by the abandonment and had been notified about the public hearing:

James A. and Peggy R. Richards
P.O. Box 388
Seeley Lake, Montana 59868

Roger J. III and Linda F. Fee
P.O. Box 224
Nephi, Utah 84648

Charles L. and Violet Lucille Johnson
Seeley Lake, Montana 59868

Life of Montana Corporation
P.O. Box 9000
Bozeman, Montana 59715

Double Arrow Ranch
Landowners Association
P.O. Box 514
Seeley Lake, Montana 59868

Board of Trustees
Seeley Lake Fire District
c/o Jeff Macon
Chamber of Commerce
P.O. Box 516
Seeley Lake, Montana 59868

Double Arrow Ranch
Drawer E
Seeley Lake, Montana 59868

Acting Chairman Evans then opened the hearing to public comment, asking that proponents speak first. The following people testified:

1. Jim Richards, the property owner interested in having the parcel vacated, stated that the road is not connected on either side to anything.

There were no other proponents. The following person spoke as an opponent:

1. Leonard Sorenson, representing the Seeley Lake Fire District, said that all the members of the fire district were against the requested abandonment because in case of a fire, they would have no other access to it. He said that they also had a mutual aid agreement with the Missoula Rural Fire District, and if

PUBLIC MEETING, MAY 23, 1984, CONTINUED

the road were closed, the only access they would have would be by air.

Ann Mary Dussault asked Mr. Richards if he would have any objections to a fire easement in order to insure access by the Seeley Lake Rural Fire District to the affected property, and he replied that he would not object to granting a fire easement if the vacation were approved.

Deputy County Attorney Mike Sehestedt said that if the County vacated the road, it could make as a condition of vacation that the property owner grant a fire easement to the Seeley Lake Rural Fire District in order to move fire fighters and equipment across the property.

Ann Mary Dussault then asked whether making the vacation of the parcel conditional upon the owners granting a fire easement would be satisfactory to the Seeley Lake Rural Fire District. Mr. Sorenson stated that this would be satisfactory.

Barbara Evans stated that it would be necessary to postpone action on this matter until one of the Commissioners and the Surveyor could view the site, in accordance with State Statutes.

Ann Mary Dussault said that she intended to meet with people at Seeley Lake on June 1, and would inspect the site of the proposed vacation then.

The Commissioners then continued the hearing to the public meeting of June 6, to be held at 1:30 p.m. in Room 201 of the Courthouse Annex.

HEARING: REQUEST TO VACATE PORTIONS OF ROAD - NE¼ OF SEC. 8, T12N, R19W (HAYDEN)

Acting Chairman Barbara Evans read the background information on this request for vacation which had been prepared by Kathi Mitchell, Recording Division Manager of the Clerk and Recorder's Office. The Request for Commission Action stated that the action requested was to vacate an undesignated roadway located in the NE¼ of Sec. 8, T12N, R19W, which commences at the northeasterly corner of said Section 8, and extends in a generally south-southwesterly direction for approximately ½ mile.

The Request for Commission Action also stated that Richard J. and Joyce M. Hayden are the owners of all the property abutting the roadway described above, and they wanted the road vacated for the following reasons:

1. The roadway has not been maintained, improved or controlled by Missoula County or any other municipality for over fifty years;
2. The roadway is not used by any other person, nor is it used by the general public;
3. The abandonment and vacation of the roadway will not result in any detriment to the public interest; and
4. Since the roadway does not serve any public purpose, it would be to the advantage of the County to abandon the road so it would not be subject to any maintenance or expense.

Kathi Mitchell stated that Richard J. and Joyce M. Hayden; Karl R. Karlberg, their attorney; Bob and Dave Line and John C. Felton had been notified of the hearing. She stated that it should be noted that Bob and Dave Line and John C. Felton own property adjacent to the Hayden property and feel that they would be affected by the vacation. She also stated that it should be noted that they might have additional information concerning the vacation that they would like to bring up at the public hearing. She said that notice of the hearing was published in The Missoulian on May 13, 1984.

Barbara Evans then asked County Surveyor Dick Colvill if he had any comments about the proposed vacation, and he replied that his office was not opposed to granting it.

Barbara Evans then opened the public comment portion of the hearing, asking that proponents speak first. The following spoke:

1. Karl Karlberg, attorney with Boone, Karlberg and Haddon, representing Richard J. and Joyce M. Hayden, stated that he was present to speak in favor of the abandonment and vacation of this undesignated road which runs from the top of Whitaker Hill Road in a generally south-southwesterly direction for approximately half a mile. He said that this roadway was established - although the fact has been long forgotten - in 1890, and that at the time it was established, a petition presented to the Board of County Commissioners requesting that a road be opened from the mouth of Pattee Creek Canyon a mile and a half in a southerly direction. He said that viewers were appointed as required by law, and the viewers examined the property and determined that there was a public use at that time, and the viewers described the road as "... starting at the northeasterly corner of Section 8 and going in a south-southwesterly direction approximately half a mile." He said that the map behind the Commissioners showed that the location of the road as designated by the plat book in Missoula County records. He said that he had a copy of the petition to open the road, the report of the reviewers and the copy of the plat book showing this particular roadway.

He continued by saying that the roadway, according to the plat, and according to the description in the plat book, shows the road going as in the map behind the Commissioners. He said that the quarter section over which that road was drawn was entirely owned by Mr. and Mrs. Dick Hayden, who also owned the north half of the southeast quarter, so the roadway extends from the northeast corner of their property, into their property, approximately half a mile, and then stops. He said that it did not go through their property or meet anybody else's property. He said that he should point out to the Board that the roadway in the original description says that it goes to Spring Gulch, which is a fairly deep gulch in that particular mountain. He said that because of the depth of that gulch, the roadway doesn't actually go as drawn on the map, but it actually curves to the east and then stops, but it never reaches Section 9, nor does it reach any other person's property. He said that the property had not been used by the public for many years, and, in fact, Mr. and Mrs. Hayden didn't know it was public, and they have gated the property, and occasionally have locked the gate at the top of Whitaker Hill. He said that the roadway is used by Haydens to reach their home, and where it used to turn to the east to go up the canyon, the Haydens have changed that particular location, and it is lower down into the canyon and across the canyon to their new residence. He said that the old road that went partially up the canyon has not been used for many, many years; that it has not been used by the public for more than seven years, since Mr. Hayden has actually put a gate and a padlock on the back side of the property. He said that the roadway is completely grown up with weeds, and is a very narrow, hazardous roadway, as it was originally constructed, and it is just not used. He said that it was their request that the road be vacated as it is, in reality, only an access to the Haydens' property and no other property.

Mr. Karlberg stated that the County has not maintained the roadway as far as the Haydens knew, and when they

PUBLIC MEETING, MAY 23, 1984, CONTINUED

first bought the property, as was the custom of the County at that time, they did plow out every farmer and rancher in the area, and he believed they did plow Mr. Hayden's road for a few years, but then ceased that, and had not done it since. He said that the road has never been repaired by the County, and there are no easements from that roadway to any other adjacent property. He said that they would respectfully request that Board of County Commissioners to vacate the property, as it has no public beneficial use.

Ann Mary Dussault asked Mr. Karlberg to come up and show her on the map where the Hayden property was located. He did that, stating that the map showed the new road which served as an access to the Hayden property, and showed where the old Spring Gulch Road had been.

2. Dick Hayden then spoke on his own behalf. He showed the Commissioners an aerial photograph which showed the situation. He indicated on the aerial photograph, taken sometime in the late 50's, the location of the road. He said that the road came in to the old homestead, and that road was still the way it was shown on the map. He indicated the old road, the one which they were talking about closing, stating that, at one time in the past, Whitaker had owned a house on that road. He said that the public road had gone through the first quarter section, indicating its route on the aerial map. He said that the old road was now inaccessible, and it had not been passable for at least 25 years, and he did not know how long before that. He said that the old road was deep into Spring Gulch, a long way from Section 9, stating that the old road had continued into Section 9. He said that the Haydens had built their house in 1962 and had put a road across the gully, and that this was a good road now. He said that this road was used for a few years by the Lines to get up into the section which Whitaker used to own and which Lines now owned. He said that after that, Lines had built a road to get to their property, and he did not think they had used the road since 1976, and maybe a few years before that. He said that he did not know of anyone who owned land up there who still used the road, and their contention was that there was no one who still owned land up there who still used the road. He said that this part of the public road had not been used since 1976, and there was no need for it. He then showed the Commissioners pictures of the old road, noting its condition, which is now a cow path. He also said that, because it is so narrow, there are places where a truck cannot be driven through. He summarized his remarks by saying that the old road is entirely contained on the Hayden property, and there are no deeded rights-of-way beyond that point. He said that if there ever were usage rights-of-way, they were gone because nobody had driven that road, including the Haydens, since 1976.

There were no other proponents. Barbara Evans then opened the hearing to comments from opponents. The following people testified in opposition:

1. Lawrence Daly, attorney with Garlington, Lohn & Robinson, representing Robert Line and David Line, stated that they were present to speak in opposition to the proposed petition to abandon the road in question. He referred to a color schematic diagram which he had prepared, showing the properties and road in question, and stated that it agreed in substance with the photograph that Mr. Hayden had just shown the Commissioners. He then pointed out the relevant points on the diagram, stating that, without trying to be exhaustive, he had tried to indicate the property owners involved.

He indicated the original tract of land which was owned by Mr. Stocking, the man who had asked to have the road dedicated in the first place, in 1890. He said that that piece of ground is presently owned by Mr. Hayden, as are other portions of property, such as the parcel in the southern half of Section 8. He said that in the southeast quarter of Section 8 is the property currently owned by the Rimels, and the family also owns property in the southwest corner of Section 9. He said that the other large portion of Section 9 is owned by the Line family, and the forty acres in the southeast quarter of the southwest quarter is owned by Mr. Hayden, who had recently deeded it to his son.

Mr. Daly then gave a brief historical sketch of the property ownership in the area vis-a-vis the road, stating that William J. Stocking and several of the founders of this area had gotten together and asked for the road, which extended all the way up to what is now Whitaker Drive, and eventually came to the corner of Sections 4 and 5 and 8 and 9, and then curved and went down where Stocking owned property in 1890. He said that Stocking had sold the property to a man named Schwartz, and during that period it was clear that the road was being used by the public for all sorts of uses. He said that Mr. Schwartz had gotten into trouble in late 1897 for putting a fence across the road, as Mr. Hayden has done now. He said that Mr. Schwartz had put a fence across the road and locked it. The County Attorney had brought a criminal action against him for maintaining a public nuisance, and he had been found guilty of obstructing a public roadway.

He said that historically, the predecessors in interest of the Lines had agreed to grant an access easement to the predecessor in interest to Mr. Hayden. He said that an easement had been put into record in 1905 granting access across Section 9 to the corner property now owned by the Hayden family. He said that that particular access easement was used for many years by the persons gaining access to that particular ground, and it tied in with the public roadway. He said that there was also access to the ground owned by the Rimels, which was also landlocked, and so Mr. Rimel, ironically a former partner of Mr. Karlberg, had obtained access by going down the County road and then passing through and on into Section 9. He said that, arguably, if there were a question as to the terminus of that County road, any gap that might have existed between the end of the County road - where ever that might be found to be - and Section 9 had probably been cured by a prescriptive easement a long time ago in favor of the persons using that route to gain access to the Rimel property and to the Hayden property.

He said that the County road was dedicated in 1890, was interrupted by Mr. Schwartz, and he was found guilty of obstructing a public roadway, and then it showed in various places on various maps throughout the district. He said that he had also provided to the County Commissioners a number of written statements from neighbors and predecessors in interest and various people who used this property over the years, going back before 1900 - including some of the famous names in this community - who recall the use of this road. He said that all of this only became important because of recent events, and the Board of County Commissioners should be aware of recent events before they made a decision. He said that what was really involved was a dispute about access of property, and a dispute that had been going on for some time. He said that in 1976, the piece of property now owned by Mr. Hayden had been owned by Mrs. Lang, and at that point in time, she had asked the Lines for access to her piece of property. The Lines had replied that access had been already granted, going back to 1905. He said that during the summer of 1976, the Line family and Mrs. Lang had been discussing how this particular route might be improved through some means of taking care of the undergrowth. He said that at the point in time, she had wanted immediate access to her property, and so she had asked, through her attorney, the Line family if they would grant her temporary permissive use to approach her property on a different route. During the course of these negotiations, the Line family agreed to give her temporary, permissive access along this northern route to this forty-acre property. He said that sometime in late 1976 or early 1977, Mrs. Lang had sold her interest in this forty acres to Mr. Hayden, and when the Lines learned of that sale, they wrote to Mr. Hayden and told him about the history of the access to this forty acres, and explained the situation that had existed between Mrs. Land and the Lines when Mrs. Lang sold out, and told Mr. Hayden that he had temporary permissive use to enter the property, but they wanted to talk about a final solution to the question. He said that things had hung in

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limbo since 1977, and during the entire period of time, the Lines had continued to keep a lock on the gate the Mr. Hayden had a key to, and he could use it to gain access to the forty acres, but all on a permissive basis.

He then said that last fall, 1983, it became clear that there wasn't any progress being made; that Mr. Hayden insisted that he had an absolute right to come into this property from the northern route, rather than using an access which was provided in 1905 for that use. The Line family said that until the problem could be resolved, they were going to withdraw permission for the Haydens to use their road to obtain access. They had told the Haydens that they could use their own road and the County road and the extension of that along the traditional access route any time they wished to obtain access, but they they would no longer be allowed permission to come across their part of Section 9. That took place in December of 1983, he said. Since that time, three or four months had elapsed where the dialog had continued between Mr. Karlbert and Mr. Daly as to what access would be appropriate for that forty acres. He said that during the course of that, they had provided Mr. Karlberg with information as to the County road tying in with the end of the access easement, and that was done in February, and the petition to abandon the County road then followed.

He said that this was another step in what was really a civil dispute between two landowners as to access. He said that with that background, they had taken the position that the particular petition on file to abandon this road was erroneous in several respects. First of all, he said, the road would have to abut on Section 9, because it started out at the corner of Section 9, and so the Line family owned the land which abutted the road, not just the Haydens. His second point was that there had been a history of public usage of this roadway up until at least 1976 when Mr. Hayden came in and, as he admitted, closed it off. He said that that was a relatively short period in terms of the entire operation, and his firm had provided the Commissioners with statements of people who had used the road in the past. He stated that the critical thing was that the closing of the road would then reinstitute a problem for the owners of any property in that section who would no longer have any access. The Rimel property would be landlocked, and, if the Lines wanted to exercise their right to sell any portion of the southern half of Section 9, they would have lost that access route, which had existed for over a year. He said that it was a valuable property, and it would not be feasible to have a road come down the section line. He said that anyone who had property in the southern half of Section 8 or Section 9 would suffer from the loss of the legal access route to them at this time, even though perhaps they do not need it at this moment. He said that these property owners, nevertheless, had the right to sell the property, and when they acquired it, it was the County road in existence.

Barbara Evans asked whether the topography of the Line property were similar to the Hayden property; i.e. hilly.

Mr. Daly replied that it was hilly.

Barbara Evans then asked whether the only road on the property was the one about midway to which they had given temporary access to the Schwartzes and the Langs and the Haydens. She wanted to know if that was the only access road on the Lines' property.

Mr. Daly said that there were several. He said that he didn't know if it were important to know exactly where they were, but there were quite a few up through the timber.

Continuing his presentation, he said that they felt that the roadway had served a public use through many years, and continued to be a valuable property interest for the persons who owned the property, and for whom it was a legal access route. He said that he believed that it would be inappropriate for the County to abandon the route. He said that, taking a cue from what the Planning Board had talked about in an earlier hearing, there would be no objection from the point of view of the Lines, to abandoning this route, if, in exchange for that, the Haydens would grant a private access easement to the owners of Sections 8 and 9. He said that would solve the problem, stating that if there were access provided to those people, that would cut off just general use by the public, remove the keggars, etc., from having access, and would solve the problem for the people involved.

Ann Mary Dussault asked if the Lines would agree to a private access agreement of the same nature to the Hayden property in the southeast section.

Mr. Daly stated that they certainly would do that, but they believed that there already was in existence an easement from his property line to the corner property by virtue of the 1905 deed. He said that they could formalize that, or they could remove the uncertainties with a document.

Barbara Evans asked if there were anyone else who cared to speak in opposition. The following spoke:

2. Bob Line said that he wanted to point out that two of the witnesses to the court action in 1897 were also two of the people on the original viewing committee who had set up the road seven years earlier. He said that he realized that it seemed confusing now, but he wanted to point out that those two people were some of the principals at the time, and had know where the road went and the reasons for it and so on.

No one else wished to testify in opposition. Barbara Evans then closed the public comment portion of the hearing.

Mr. Hayden stated that he wished to respond to the opposing testimony. Barbara Evans stated that she would have Ann Mary Dussault ask her question, and if the answer did not address Mr. Hayden's concerns, he would certainly be allowed to respond.

Ann Mary Dussault asked John Line how he is gaining access to his property.

John Line stated that he was trying to stay out of the middle of the access question, but there was no deeded access to their property. He said that he gained access to that piece of property through the Hayden property or through the Line property, and had used both through the last few years, with their permission. He pointed out another quarter section that they owned, and stated that they also gained access to their property through that property. He said that there was a road coming up the road which switched back and connected with another road which switched back and connected with another road which dropped down into their property. He said that their property description for that side of their property said, "...along the southside of the old wagon route." He said that that was included in the legal description for that piece of property. He said that it started 550 feet from the half section, and then went up, over and back, following more-or-less the old wagon route.

Ann Mary Dussault then asked whether the common access through the southerly portion of that property were through the portion of property up above, and then cutting down through the Hayden property, not by the

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public road under consideration for vacation.

Mr. Line replied that he had gained access to his property through the road above and another road.

Barbara Evans asked him if he had ever used the County-dedicated road.

Mr. Line replied that he had not, stating that since he had been driving up there, it had not been in a shape to be driven on. He said that it had been "Kelly-humped" sometime in the '70's to prevent vehicles from travelling on it. He said that he had driven on it before that.

Barbara Evans asked him to define "Kelly-humped".

He said that that meant that a ditch was dug on one side, and a pile of dirt left on the other to prevent vehicles from travelling on it.

A question was asked as to how his father had gained access to the property, and he replied that he wasn't sure what access his father had used, nor was he sure what the standing of the property had been then and why he would not have pursued some sort of easement to it. He said that it seemed, in the deed, that no easement was granted to it, and it was a question of whether they had assumed they had access to it or whether that was ever brought up. He said that he did not know.

Ann Mary Dussault asked Mr. Hayden how he was gaining access to the small piece of property, since he could no longer get to it through the Line property.

Mr. Hayden stated that they had not driven a car up there since the Lines had changed the lock on their road, which had been in December or January, so they had not been up there in a car in that length of time. He said that he couldn't drive a car up through the other way, and if he couldn't get through the Line's gate, he couldn't get up there.

Barbara Evans asked him if he had no ability to go through his own property and down the gully and take the dotted blue road to his own piece of property.

Mr. Hayden replied that he could get a cat in there and smooth it out, but as of this time he could not drive that road, and had not driven the road since 1976, and neither had anyone else. He said that he had not wanted the road there, no one had been using it in 1976 when he had closed the road. He said that he had told Bob Line about what he was going to do, and he had had no objections to Mr. Hayden shutting it off. He had said that he wouldn't do the cat work himself, but he did not object to his doing it. He said that Mr. Line had never objected to the fact that he had shut off the road, and, as a matter of fact, the road had not been used by the Lines, except very rarely, ever since they had built their new road. He said that certainly since 1976, and probably for three or four years before that they had not used the County road. He said that there was an argument about the Hayden's access, but he did not see that that was the same problem as the problem of the public road. He said that if it turned out that they lost the access fight that they were having with the Lines, then they would have to cat out the road and come up by the old access route. He said that if they won it, they would go up by the route they had been using. He said that that had nothing to do with the closing of the County road, which stops at that point. He said that any usage across the disputed part of it was only permissive, and at the time the thing was set up in 1900, it had not been owned by Whitaker or the Lines or anybody else. It had been owned by Burlington Northern, he said, and he pointed out on the map the location of the old Whitaker homestead, as well as the access road. He said that the business of Schwartz being fined for having a public nuisance and closing the road was because either Mr. or Mrs. Schwartz took a dead pig and put it in the middle of the road and it frightened Whitaker's horses. Whitaker was coming over to his homestead. Everybody up on that hill was fighting like mad for years, he said, and that strange people gravitate to that hill. He said that if you really looked at it, there was nothing up there worth fighting for, either. He said that he would prefer the problem with the roads not linked in with the fight they were having with the access to the forty acres. He said that he thought there was a problem there, but it was not the same problem.

Barbara Evans said that she had a real problem trying to make an intelligent decision on this issue if the people who were involved couldn't make an intelligent decision. She said that if the Commissioners agreed to close the County road, then the Haydens would be using the Line property to get to their property instead of using their own property to gain access.

Dick Hayden said that this would have nothing to do with that. He said that the closing of the public road had nothing to do with the access question. He said that if they lost the access dispute, then they had two choices: either to open the County road up for themselves, or not to get up there. He said that closing the County road was not to stop the Haydens from using it. It was to stop the public from going in, turning around and coming back, which is what they were doing.

Barbara Evans asked him if he would have a problem with granting an easement to all the folks who lived up there if the Commissioners agreed to close the road.

Mr. Hayden replied that he would have a problem with it because he was afraid of development. He said that they had brought up the idea of development, which meant that there would be houses up there. He said that he did not want to give them access because there was no access through there right now at all.

Barbara Evans said that there was access shown on the County plat map.

Mr. Hayden pointed out on the County plat map where the County road stopped.

Barbara Evans asked how either the Haydens or the Lines expected the other property owners in the area to get to their property.

Mr. Hayden said that they could get there just the way they got there now.

Barbara Evans said that that didn't preclude someone from selling their property and the new owners from wanting access.

Mr. Hayden said that if someone purchased property from the Lines, he would expect the new owners to be given access through the Line's road.

Barbara Evans asked what people would do if they bought property from Haydens.

He replied that if he sold property to someone, he would have to give them access through his own land.

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Deputy County Attorney Michael Sehestedt said that right now the question was whether to vacate a section of public road. He said that he did not have any idea who was right. He said that there was an argument about whether or not there was a prescriptive public road or prescriptive road ownership by the Lines or their predecessors from the end of that public road on down. He said that apparently it had been conceded that, as regarding Hayden, where the road crossed the Line property, it did have an established prescriptive easement. He said that it seemed to him, and he was discounting Mr. Daly's argument that the Lines are abutting landowners because of the facts of geometry in regard to where the road begins. He said that, with due respect, he would let that slide until a judge told him different, but it seemed to him that the public road went down and connected into a prescriptive easement and then ran through the end of a prescriptive easement owned by the Lines, but then permitted public road to their property. He said that it would seem that vacating public road would, in essence, deprive them of the right to ever effectively litigate or establish their right in any meaningful sense. He then asked the two attorneys what exactly they were litigating up there, or whether or not they had gotten to that point.

Mr. Daly replied that they were not really in litigation.

Mr. Karlberg stated that they had been exchanging views.

Mike Sehestedt said that his reaction was that he wanted to see what the County's rights were to close the public road. He said that, clearly, if there were no prescriptive easement - and he was not passing judgment as to whether or not there was - from the end of the public road on through Haydens property to someplace else, the County clearly had the power, based on the petition, and, should the Commissioners determine it to be in the public interest, to go ahead and vacate that little section of road. He said that he had a question, in that, if there were, in fact, or if it were established at some point in time, a prescriptive easement in the ownership of someone other than the Haydens, from the end of that public road to someplace else, he had some reservation as to whether or not the County could vacate public road and effectively render that access easement useless. He said that he would admit that in the past forty minutes he had learned a great deal about the criminal and social history of Missoula, but he wanted to express his concerns to see if the other two attorneys could bounce anything back at him to tell him he was completely out of bounds, or that he misunderstands the issues.

Mr. Karlberg stated that the only comment that he could give was that there was nothing that he could find that there was any deeded easement or dedicated easement from the Hayden property across the north half of the southeast quarter of Section eight. He said that he believed that Mr. Daly had indicated that it was a prescriptive easement, but he thought that it was undisputed from the testimony at this hearing that this easement had been cut off, physically and intentionally, for more than five years, so if there was a prescriptive easement, that is gone right now. He said that there could be no easement from the end of the County road to Hayden's property.

Barbara Evans asked him exactly what constituted a prescriptive easement: the continuous use of a piece of land for X number of years by the public for a specific use?

Mike Sehestedt stated that for an individual it had to be non-permissive, regular, hostile to the fee (another way of saying non-permissive), and that it would be necessary to convince a judge and then a review in court that somehow they were more righteous than the other person.

Barbara Evans asked whether the County Commissioners could say that the prescriptive easement died for lack of use, or whether the prescriptive easement was cut off intentionally by someone else.

Mike Sehestedt said that he was not sure that the County should pass judgment one way or the other on that issue.

Mr. Karlberg said that was no evidence establishing an easement, but the Commissioners shouldn't take that into consideration. He said that he thought that the testimony indicated that the road did not go the way that it goes now at the time the road was dedicated.

Mr. Daly said that there was evidence before the Commission, in the form of six different statements which he had stapled to his "chronology of events" from six former owners of the various properties in the area, who had testified that they had used this access and that they understood the access to be the County road.

Barbara Evans said that before she did anything as to a decision on this matter, first she intended to obey the law and go view the property. She said that, secondly, she intended to read the statute to see whether vacating the road was based on the public interest, and then she would have to determine for herself whether Mr. Hayden, through his attorney, had given her any reason that the public would benefit by closing this road.

Ann Mary Dussault suggested that the Commissioners postpone action until after they had a chance to view the property and consult with counsel.

The Commissioners decided to close the public hearing and schedule the decision for the evening meeting of June 20, to be held at 7:30 p.m. in the City Council Chambers.

HEARING: REZONING REQUEST - CERTIFICATE OF SURVEY 295 & SURROUNDING PROPERTY FROM C-C2 to C-11 - LIGHT INDUSTRIAL (BAKKE)

Planner Mark Hubbell gave the Planning Staff report, stating that several landowners had requested that the property described as Certificate of Survey No. 295 and surrounding property be rezoned from C-C2 (General Commercial) to C-11 (Light Industrial). He said that the property consists of 18.66 acres located in the east half of Section 7, T13N, R19W, and is located directly south of Highway 10 West and west of the El Mar Trailer Village and K.O.A. Kampground, an area which was unzoned until June 5, 1984, when a portion of the subject property fronting on Highway 10 West was zoned C-C5 (General Commercial) under County Resolution No. 74-161. He said that this designation provided for a general commercial district for the conduct of retail and service enterprises which depend on a community size market area and proximity to arterials and major streets. The district also allowed light industrial uses as a special exception.

He continued by stating that the area was rezoned to C-C2, General Commercial, on May 1, 1977, with the adoption of the Hellgate, Grass Valley and Airport Area Zoning Initiative, a zoning designation which provides for the conduct of retail trades and services that are inherently automotive and highway-oriented and for commercial uses of low intensity which may require large areas of land. The zone does not permit light industrial activities, through aerial photographs indicate that light industrial activities were in fact being conducted in the area at the time of rezoning.

Then on April 3, 1984, application was made for rezoning this area from C-C1 to CI-1. He gave the

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recommended motion of the Planning and Zoning Commission as that the Commissioners approve the rezoning the parcel described as Certificate of Survey No. 295 and the surrounding property from C-C2 "General Commercial" to C-11, "Light Industrial", and that the findings of fact set forth in the staff report be adopted.

At this point, Acting Chairman Barbara Evans opened the hearing to public comment, asking that proponents speak first. The following people spoke:

1. Nick Kaufman, from Sorenson & Company, representing Gary Bakke on this rezoning request, stated that he and his client had no problem with the staff report and recommendation, and encouraged the Commissioners to approve the rezoning request as submitted by Mark Hubbell.

No one else wished to testify as a proponent. The following spoke as an opponent:

1. Jim Dougherty, from the Dougherty Ranch, stated that he was the only adjacent landowner. He said that he didn't like the sound of "light industrial". He said that his family had been in that area since 1864, and he thought that the other people who had moved in would not be there for even the next fifty years. He said that he did not want smokestacks, etc. in the area. He said that he was not opposed to the commercial zoning, but he did not like the light industrial designation.

Nick Kaufman responded to this by explaining that the light industrial designation differed from heavy industrial, and would not involve heavy industry with industrial smokestacks. He said that the light industrial designation had emission standards and the purpose was to protect adjacent property owners.

Since there were no other people wishing to testify on this matter, Barbara Evans closed the public comment portion of the hearing.

Ann Mary Dussault told Mr. Dougherty that she could appreciate what he was saying, but she thought Nick Kaufman was correct in that the kinds of things that Mr. Dougherty was concerned about would not occur under a light industrial zoning designation.

Barbara Evans suggested that Nick Kaufman and Mark Hubbell sit down with Mr. Dougherty and explain the zoning regulations for light industrial zoning before the Commissioners made their final decision, but Ann Mary Dussault asked Nick Kaufman if there were not a time concern connected with the decision, and Nick Kaufman stated that there was. He mentioned the thirty-day protest period required by law after the Commissioners approve a "Resolution of Intent to Rezone," during which period people were free to come in and express their concerns.

Deputy County Attorney Mike Sehestedt agreed that the thirty-day protest period would give adequate time for Mr. Kaufman, Mr. Hubbell and Mr. Dougherty to meet as Barbara Evans had suggested, as well as addressing Mr. Bakke's desire to avoid delays.

Mr. Dougherty asked whether there would be a buffer zone between his property and the new zoning district.

Mark Hubbell stated that there was a bit of semantics involved in the designation "buffer zone," because they weren't talking about the same thing as, for example, a County zoning district. He said that they did not have in the County Zoning Resolution a C-B1, or County Buffer Zone 1. He said that the way you get a buffer is through the use of setbacks. He said that in the light industrial designation, property owners are, in fact, required to have greater setbacks than in a commercial zone. He illustrated this point by stating that a C-C2 requires a front yard setback of 25 feet; whereas the setback for the light industrial zone would be from 25 to 50 feet. The rear yard setback in a commercial zone is 10 feet, and in the industrial zone it's 15 feet. The side yard setbacks is 0 for commercial, whereas it's 15 feet for light industrial. He said that there was also a stipulation which says that within the C-11 zone, no industrial structures can be put within 100 feet of a residential area. In regard to landscaping, he said that the industrial requires a 10-foot buffer, as opposed to a 5-foot buffer in a commercial zone. He said that these safeguards were written into the regulations in order to try to prevent something like an industry coming in and adversely affecting a residential neighborhood, or even potentially doing so.

Barbara Evans told Mr. Dougherty that Mark Hubbell would be happy to sit down with him and answer any questions he might have.

Ann Mary Dussault moved that the Board of County Commissioners approve the recommendation of the County Regulatory Commission for rezoning the parcel described as Certificate of Survey No. 295 and the surrounding property from C-C2, "General Commercial" to C-11, "Light Industrial," and that the findings of fact set forth in the staff report be adopted, and that notice be given of the intent to rezone this property as required by law. Barbara Evans seconded the motion, stating that this does not tie the Board of County Commissioners to any decision, but only that it sets up the intent to rezone and allows thirty days for a protest period. She encouraged Mr. Dougherty to sit down with Mark Hubbell and Nick Kaufman in regard to his concerns. The motion passed by a vote of 2-0.

The following is the discussion and findings of fact on this rezoning request; to be included in the hearing record:

The Staff recommendation was reached after consideration of the following:

1. Whether the zoning is compatible with the Comprehensive Plan

The Land Use Element (map) of the Comprehensive Plan assigns two designations to the subject property. The areas immediately west of the El Mar Trailer Village and K.O.A. Kampground and south of Highway 10 West are shown as "General Commercial" areas. The remainder of the property is designated "Urban Single Family". While the proposed C-11 designation appears to be a departure from this portion of the Comprehensive Plan, it is consistent with the policies set forth in the Plan, such as:

"Industrial activity should be located to take advantage of transportation facilities, having as direct an access to them as possible."

"Industrial activities, including transportation, should be situated so that they do not interfere with commercial activities, or with living standards in residential areas. Performance standards should be strictly enforced."

The proposed rezoning is also consistent with the existing development pattern in the area. It is therefore the position of the Missoula Planning Staff that the proposed rezoning is in harmony with the Comprehensive Plan.

PUBLIC MEETING, MAY 23, 1984, CONTINUED2. Whether the new zoning will lessen congestion in the streets

It is generally accepted that industrial activity generates less vehicle trips per day than the commercial land uses allowed under the current C-C2 zoning designation. Also, under the terms of the Missoula County Zoning Resolution, sufficient off-street parking will be required, thus further reducing congestion in the streets.

3. Whether the zoning will secure safety from fire and other dangers

No adverse comments have been received from the Health, Surveyor's, or Fire Departments regarding this request. It is, therefore, the position of the Planning Staff that the proposed rezoning will not compromise the public safety.

4. Whether the zoning promotes the health and general welfare

Since this rezoning is in compliance with the Comprehensive Plan, the health and general welfare of the Missoula Community should be assured.

5. Whether the zoning provides adequate light and air

Adequate light and air will be provided through the front, rear, and side yard setbacks set forth in the C-11 zoning designation. The C-11 zoning standards further require that any industrial building or related accessory building shall not be permitted within 100 feet of residential, public or agricultural zones.

6. Whether the zoning will prevent overcrowding

See Number 5 above.

7. Whether the zoning will avoid undue concentration of population

This item is generally applicable to residential rezoning proposals. Nevertheless, it is apparent that rezoning the subject property from a General Commercial designation, (C-C2), to Light Industrial (C-11), will not cause an increase in the concentration of populations.

8. Whether the zoning facilitates the adequate provision of public services

Public services have been installed and are available in the area. The proposed rezoning will have no effect.

9. Whether the zoning gives reasonable consideration to the character of the area

The area is currently being used for light industrial land uses. The proposed rezoning gives more reasonable consideration to the character of the area than the current C-C2 zoning designation.

10. Whether the zoning gives consideration to the peculiar suitability of the property for particular uses

The subject property is in the vicinity of other industrially zoned lands in both the City and County, and is in close proximity to railroad, air, and trucking services. It is the Staff's position that the proposed rezoning does give consideration to the suitability of the area for light industrial uses.

11. Whether the zoning is adopted with a view toward conserving the value of buildings

The existing structures in the area are industrial in nature. Rezoning this area to C-11 (Light Industrial) will conserve the value of these buildings.

12. Whether the zoning will encourage the most appropriate use of land throughout the jurisdiction area

The proposed rezoning will encourage the most appropriate use of land by encouraging and accommodating light industrial development in conformance with the Missoula Comprehensive Plan, and thus discouraging such development in areas where such uses would have adverse impacts.

✓ ✓ ✓ HEARING: REZONING REQUEST - LOTS 17-32, BLOCK 11, SOUTHSIDE ADDITION, FROM C-R2 RESIDENTIAL TO C-11 LIGHT INDUSTRIAL - GREG'S VENDING

Mark Hubbell gave the Planning Staff report on this requested rezoning, stating that Southside Addition was platted on January 21, 1925. He said that the area had developed into a mixture of land uses, i.e. Block 11 has commercial, light industrial and residential uses. He said that the area remained unzoned until October 8, 1976, when the C-R2 Residential zoning designation was adopted for the area. He said that on March 20, 1984, Greg's Vending applied for rezoning to C-11, light industrial. He also said that on May 1, 1984, the County Regulatory Commission and Planning Board voted to recommend approval of the applicant's request for rezoning of the property located on the 1900 block of North Avenue West.

He said that the County Regulatory Commission and Planning Board had recommended that the County Commissioners rezone lots 17-32, Block 11, Southside Addition, from C-R2 Residential to C-11, Light Industrial.

Barbara Evans then opened the hearing to public comment, asking that proponents speak first. The following spoke:

1. Nick Kaufman, from Sorenson & Company, appearing on behalf of Greg's Vending, said that he agreed with the Planning Staff report and recommendations.

There was no other testimony, either for or against the request.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Board of County Commissioners approve the recommendation of the County Regulatory Commission and the Planning Board to rezone lots 17-32, Block 11, Southside Addition, from C-R2, Residential, to C-11, light industrial, including the findings of fact, and that the Resolution of Intention to Rezone be approved and signed. The motion carried by a vote of 2-0.

The staff recommendation was reached after consideration of the following findings of fact:

PUBLIC MEETING, MAY 23, 1984, CONTINUED

1. Whether the zoning is compatible with the Comprehensive Plan

The Land Use Element (map) of the Missoula Comprehensive Plan designates the subject property as Medium Density Multi-Family Residential. This designation encourages apartments, townhouses, and condominiums at a density of up to sixteen dwelling units per acre. Other commercial and industrial properties in the area have also been assigned this designation. However, the Comprehensive Plan consists of more than the Land Use Element. The applicant has referenced a letter from Dan Obermeyer, (dated January 4, 1982), which discussed the issue of compliance with the Comprehensive Plan on a proposed rezoning to "I-1" (Light Industrial) on a nearby property within the City Limits. This letter has been reproduced and is included in your packet. It is the position of the Planning Staff that compliance with the Missoula Comprehensive Plan must be determined by looking not only at the Land Use Element, but also at the goals and policies set forth in the Plan.

There are many similarities between the proposed rezoning of Block 11 of Southside Addition and the rezoning discussed in Mr. Obermeyer's letter. Both rezonings involve lands being used for light industrial activities which are designated "Multiple Family Residential" by the Land Use Element of the Comprehensive Plan, yet which are in harmony with the goals and policies set forth in the Plan. Specifically, the Staff has found that the proposed rezoning is in conformance with several transportation and economic development policies from Missoula: A Policy Guide for Urban Growth, including:

"Encourage new "clean" industries which utilize raw materials and diversity demand dependence, thus creating a more stable economy" (Page 13)

"To the extent feasible, industrial and major employment areas must be easily accessible to the labor force" (Page 29)

"Industrial activity should be located to take advantage of transportation facilities, having as direct an access to them as possible" (Page 29)

It is the position of the Planning Staff that the proposed rezoning of Lots 17-32 of Block 11, Southside Addition would be in compliance with the adopted Missoula Comprehensive Plan.

2. Whether the zoning will lessen congestion in the streets

As previously mentioned, much of the commercial and industrial development on the subject property has been in existence for several years. Thus, the proposed rezoning will have little effect on congestion in the streets from these properties.

Under the current C-R2 zoning designation, Lots 30, 31, and 32 could be utilized for three residential units. These residences would be expected to generate approximately 20.40 Average Daily Trips (A.D.T.) according to traffic generation studies such as Trip Generation Intensity Factor, (Arizona Department of Highways). Light industrial uses would be expected to generate 24.22 A.D.T. Therefore, a negligible impact on traffic generation (approximately 4 A.D.T.) would result from this rezoning.

Under the terms of the Missoula County Zoning Resolution, off-street parking standards would be enforced on all new development in the C-11 zone.

Richard Colvill, Missoula County Surveyor, has written to the Planning Staff, pointing out the traffic problems which exist in the area. While these do warrant serious consideration, it is the Staff position that the proposed rezoning will have little effect on these issues.

3. Whether the zoning will secure safety from fire and other dangers

No adverse comments have been received from the Health or Fire Departments on this request. The Planning Staff concludes that the proposed rezoning will not compromise the public safety.

4. Whether the zoning promotes the health and general welfare

Since this rezoning is in compliance with the Comprehensive Plan, the health and general welfare of the residents of Missoula County should be assured.

5. Whether the zoning provides adequate light and air

For that portion of the subject property which is already developed, the proposed rezoning will have no effect on providing adequate light and air. However, future development will be subject to the space and bulk requirements of the C-11 zoning district. These standards have been adopted for the purpose of providing adequate light and air. Eventually, the existing commercial and industrial structures will be replaced. Any new structures would also be required to comply with the space and bulk requirements of the C-11 zone.

6. Whether the zoning will prevent overcrowding

See Number 5 above.

7. Whether the zoning will avoid undue concentration of population

This consideration is generally applicable to residential zoning requests. The proposed rezoning is from a residential zone to a light industrial zoning designation which disallows residential development. Consequently, an undue concentration of population will be avoided through this action.

8. Whether the zoning facilitates the adequate provision of public services

Public services have been installed and are available in the area. The proposed rezoning will have no effect.

9. Whether the zoning gives reasonable consideration to the character of the area

The proposed rezoning reflects the existing land uses in the area. As previously mentioned, most of the property south of the alley on Block 11 of Southside Addition is currently in commercial and light industrial use. The area immediately south of the subject property is industrial in nature, being occupied by Sirco Manufacturing and Independent Lumber and Supply Company. The area east of Block 11 is also used for commercial and light industrial uses. The northern half of Block 11 has a mixture of single-family residences, mobile homes, and a cabinet shop. Finally, the land west of the subject property (across Johnson Street) is in residential use.

PUBLIC MEETING, MAY 23, 1984, CONTINUED

It is the position of the Planning Staff that the proposed C-11 zoning designation more accurately reflects the character of the area than the present C-R2 designation. Further, the Staff believes that through the landscaping and buffering standards found in Section 3.06 of the County Zoning Resolution, the proposed rezoning will not adversely affect the neighboring residential areas to the north and west of the applicants' property.

10. Whether the zoning gives consideration to the peculiar suitability of the property for particular uses

As mentioned previously, most of the property within this zoning request is already in commercial and light industrial use. The adoption of the C-11 zoning designation for this property would be well-suited to these lots. The remaining lots (Lots 27-32) are of questionable value as residential property, due to their proximity to the commercial and industrial uses in the area.

The Staff concludes that the proposed rezoning does give consideration to the peculiar suitability of the property for the uses allowed under the C-11 zoning designation.

11. Whether the zoning is adopted with a view toward conserving the value of buildings

If the proposed zoning were approved, the single-family dwelling located on the corner of North Avenue West and Johnson Street would become a legal nonconforming structure. It is likely that this building would be removed from the site to allow for an industrial structure to be located on the property.

Most of the structures in the area are industrial structures. Obviously, C-11 zoning will be more effective at conserving the value of these structures than the C-R2 Residential zoning designation.

It is the position of the Planning Staff that this rezoning proposal would be adopted with a view toward conserving the value of buildings.

12. Whether the zoning will encourage the most appropriate use of land throughout the jurisdiction area

The proposed rezoning will encourage the most appropriate use of land throughout the community by more accurately reflecting the land use pattern in the area, conform to the adopted Comprehensive Plan, and provide for light industrial development in a location easily accessible to Missoula's labor force.

✓ BID AWARD: FIRE EXTINGUISHER INSPECTION & SERVICE (GENERAL SERVICES) - POSTPONED FROM PREVIOUS WEEK

Under consideration was the award of a fire extinguisher contract. Missoula County received the following bids:

Missoula Fire Equipment
Sears Fire Extinguisher Service
Safe, Inc.

Information provided by Operations Officer John DeVore stated that this is a service contract, and there are no specified amounts. The company bid is a specified amount to service each extinguisher, so the amount the County pays would be the amount it would cost to service the number of extinguishers that the County has, which would be their cost per extinguisher, plus the cost of chemicals. John DeVore's recommendation was that the bid be awarded to Safe, Inc. as the best and most responsible bidder.

In answer to a question from Ann Mary Dussault, he said that the County had provided each bidder with a complete inventory of the types of fire extinguishers that the County has, and then they in turn had bid a price per unit for inspections and servicing, and then a cost for chemicals. He said that the servicing occurs if the fire extinguisher is used, and explained that the codes require that the fire extinguishers be broken down and gone through every fifth year. He said that the County spends about \$2,800 annually on this.

Ann Mary Dussault asked if Safe, Inc. had bid the lowest per unit cost.

John DeVore said that the Sears bid appeared as a lower unit of cost than the rest of them, but he had tried to reach Sears in regard to clarification of their bid, and they had tried for approximately two weeks to reach them, and they had finally called back today. He said that what they had found out is that Sears has an answering service in town, and they operate out of Coeur d'Alene, which raises some serious questions about having that kind of difficulty about getting service.

Ann Mary Dussault asked if Safe, Inc. were a local firm.

John DeVore replied that they were a local firm, and that they had had the contract for four years.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the above-referenced bid be awarded to Safe, Inc., in accordance with staff recommendation. The motion passed by a vote of 2-0.

✓✓ RESOLUTION NO. 84-070: A RESOLUTION OF INTENT TO REZONE A PARCEL OF LAND DESCRIBED AS LOTS 17-32 OF BLOCK 11, SOUTHSIDE ADDITION FROM C-R2 (RESIDENTIAL) TO C-11 (LIGHT INDUSTRIAL)

Ann Mary Dussault and Barbara Evans then signed Resolution No. 84-070, a Resolution of Intent to Rezone a Parcel of Land Described as Lots 17-32 of Block 11, Southside Addition, from "C-R2" (Residential) to "C-11" (Light Industrial), in accordance with their decision recorded above.

✓✓ RESOLUTION NO. 84-071: A RESOLUTION OF INTENT TO REZONE A PARCEL OF LAND DESCRIBED AS CERTIFICATE OF SURVEY NO. 295 AND SURROUNDING PROPERTY FROM "C-C2" (COMMERCIAL) TO "C-11" (LIGHT INDUSTRIAL)

Ann Mary Dussault and Barbara Evans then signed Resolution No. 84-071, a Resolution of Intent to Rezone a Parcel of Land Described as Certificate of Survey No. 295 and Surrounding Property from "C-C2" (Commercial) to "C-11" (Light Industrial), in accordance with their decision recorded above.

Since there was no further business to come before the Commissioners, the meeting was recessed at 3:30 p.m.

* * * * *

May 24, 1984

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:

BUDGET TRANSFER

The Board of County Commissioners signed Budget Transfer No. 840157, a request from the DES Department to transfer \$950.00 from the Gas & Diesel Fuel (\$750.00) and Postage (\$200.00) accounts to the Safety Supplies and Equipment account to use the projected balance in these accounts to purchase hazardous material response supplies and equipment which would be available to all fire units in the City and County, and adopted it as a part of the FY '84 budget.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Jean Parodi, an independent contractor, for the purpose of conducting an indepth analysis of the street lighting rate structure of the Montana Power Company which will address problems with the Company's proposed street lighting program and attached costs, and review possible options for local governments to participate in their program, as per the terms set forth in the Contract for the period from May 16, 1984, through May 30, 1984, for a total amount of \$400.00.

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 to provide school health services as per the terms set forth, for the period from August 20, 1984, to June 30, 1985, for a total sum of \$13,248.00. The Agreement was returned to the Health Department for further handling.

Other matters considered included:


The Commissioners voted to authorize signature on the Petition & Order regarding Indigent Legal District Court costs pending receipt of a recoupment report from John Riddiough.


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

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May 25, 1984

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


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

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May 28, 1984

The Courthouse was closed for the Memorial Day Observed Holiday.

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May 29, 1984

The Board of County Commissioners met in regular session; all three members were present. Commissioner Palmer attended a Local Government Energy Committee meeting held during the day.

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 '84 budget:

1. No. 840158, a request from District Court - Court Reporter, Dept. #1 to transfer \$129.26 from the Educational Training account to the Postage (\$9.26) and Dues and Memberships (\$120.00) accounts to reverse budget transfer No. 840140, dated April 25, 1984, which was done backwards;
2. No. 840159, a request from the County Attorney, to transfer \$2,071.23 from the Common Carrier Travel (\$71.23), the Printing & Litho Costs (\$500.00), and the Phone - Basic Charge (\$1,500.00) accounts to the Meals, Lodging & Incidents (\$71.23), the Copy Costs (\$500.00) and the Law Books & Supplements (\$1,500.00) accounts because of the slight reallocation in the travel budget and over expenditures in Copy Costs and Law Book expenses; and
3. No. 840160, a request from the Fair, to transfer \$3,082.02 from the Gas & Diesel (\$1,978.07) and Office Supplies (\$1,103.95) accounts to the Heat, Lights, & Water (\$1,978.07) and Advertising/Legal Publications (\$1,103.95) accounts as these accounts are overexpended.

RESOLUTION NO. 84-072

The Board of County Commissioners signed Resolution No. 84-072, a budget amendment for the DES Dept., amending the FY '84 budget as follows to correct an error which occurred in loading the FY '84 DES budget into the computer and adopting it as a part of the FY '84 Budget:

MAY 29, 1984, CONTINUED

Description of correct loading (add line item)
1000-191-420610-847 (vehicle) \$5,000

Description of incorrect loading (decrease line item)
1000-191-420610-846 (technical equipment) \$5,000

✓ AMENDMENTS TO INTERLOCAL LIBRARY AGREEMENT

The Board of County Commissioners signed Amendments to the Interlocal Agreement, dated January 17, 1983, between the City of Missoula and the County of Missoula to cooperate in the Provision of Library Services to the residents of Missoula amending Article II - Board of Trustees as shown on the document. The Amendments were forwarded to the Attorney General's Office for review and approval.

✓ AGREEMENT

The Board of County Commissioners signed the annual Agreement dated May 21, 1984, between the Montana Department of Highways and Missoula County for the purpose of specifying what will be done to control noxious weeds on State and Federal Highway rights-of-way in Missoula County as per the terms set forth in the Agreement. The original and one copy was returned to the State Highway Department.

PETITION AND ORDER

The Board of County Commissioners signed the Petition requesting the Court to direct Missoula County to amend its fiscal 1984 budget to provide an appropriation of \$60,000.00 for attorney time in major public defender cases and to provide an appropriation of \$30,000.00 for investigative services in Public Defender cases to provide for unanticipated expenses. The document was returned to Mike Sehestedt, Deputy County Attorney, who will obtain the Judge's signature on the Order.

Other matters considered included:

1. Chairman Palmer was authorized to sign the documents with Burroughs Corporation for the purchase of the new computer for Information Services; and
2. Chairman Palmer, who will be attending the NACo Annual Conference in Seattle, Washington in July, was designated as Missoula County's Voting delegate at the Conference.

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

* * * * *

May 30, 1984

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

GRAND OPENING

Commissioner Evans participated in the Grand Opening of Rich's IGA Store in Lolo in the forenoon.

DAILY ADMINISTRATIVE MEETING

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

✓ CONTRACTS

The Board of County Commissioners signed Professional Services Contracts between Missoula County and John Story and David Gitlen, independent contractors, for the purpose of conducting telephone interviews for the Montana Health Risk Prevalence Study as per the terms set forth, commencing May 14, 1984, and concluding June 15, 1984, for a total sum of \$618.00 each. The Contracts were returned to the Health Department for further handling.

✓ CONTRACT

The Board of County Commissioners signed a Contract for Services for Care and Maintenance of Lincolnwood Parks, SID 900, with Christine Susen as per the terms set forth in the Contract for a total sum of \$1,675.00 for the period from May 14, 1984 to October 15, 1984.

✓ PURCHASE AGREEMENT

Chairman Palmer signed the Agreement documents between Missoula County and Burroughs Corporation for the purchase of a new computer for Information Services, as per the terms set forth, for a grand total of \$154,450.00. The documents were returned to Jim Dolezal, Data Processing Supervisor, for further handling.

Other matters considered included:

1. The Commissioners discussed a \$3,000.00 shortfall in the Surveyor's Office budget;
2. Aging issues and the Area Agency on Aging's relations with the City were discussed; and
3. Dennis Engelhard, Personnel Officer, met with the Board regarding labor issues and training policies.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

✓ BID AWARD: JAIL LAUNDRY SERVICES

Under consideration was a bid award for jail laundry services for the Sheriff's Department. Information provided by Sheriff Ray Froehlich stated that one bid had been received in regard to providing laundry services for the jail for FY '85. One bid was received from Missoula Textile Service of 0.41¢ per pound of dry, clean weight, a 2¢/pound increase over FY '84.

PUBLIC MEETING, MAY 30, 1984, CONTINUED

Barbara Evans said that she wondered if it wouldn't be cheaper to have the laundry done in-house. Ann Mary Dussault said she would also like to explore other options.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that action on this bid award be postponed pending a meeting with the Sheriff to discuss options and concerns about this bid. The motion passed by a vote of 3-0.

✓ BID AWARD: JUNKED VEHICLE REMOVAL - HEALTH DEPARTMENT

Under consideration was the award of a bid for junked vehicle removal (Health Department). Information provided by Jon Shannon of the Health Department stated that the following bids had been received:

	<u>In town per car</u>	<u>Out of Town per car</u>	<u>Mileage</u>
Neil Gardner	\$35.00	\$32.00	\$1.00
Fred's Towing	35.00	35.00	.75
Brown's Towing	27.00	27.00	.90

His recommendation was that the Contract be awarded to Brown's Towing of Missoula for FY '85, because they had done an outstanding job in FY '84, as well as being the low bidder.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the above-referenced bid be awarded to Brown's Towing, in accordance with the recommendation. The motion passed by a vote of 3-0.

BID AWARD: REMOVAL OF ABANDONED VEHICLES (SHERIFF'S DEPARTMENT)

The Commissioners then considered a bid award for the removal of vehicles other than those which had been abandoned or junked. Information provided by Sheriff Froehlich stated that the following bid had been received.

1. One bid was received for the removal for other than abandoned or junk vehicles.
Fred's Towing bid quoted \$12.50 flat rate in local area; \$12.50 flat rate for outside local area with .75¢ per load mile; \$4.00 per day inside storage and \$3.00 per day outside storage.

The Sheriff's recommendation was that this bid be accepted; however, the Commissioners had questions about the bid, and action was postponed to their morning administrative meeting of May 31, when they could ask the Sheriff about their concerns.

✓ BID AWARD: CONTINUOUS COMPUTER PAPER AND LABELS (DATA PROCESSING)

This bid award was postponed.

✓ BID AWARD: REMOVAL OF ABANDONED VEHICLES (SHERIFF'S DEPARTMENT)

Information from Sheriff Ray Froehlich stated that the following bid had been received for removal of abandoned vehicles:

One bid was received for the removal of abandoned vehicles for the Sheriff's Department.
Fred's Towing bid \$12.50 flat rate in the local area and \$12.50 flat rate for outside local area with .75¢ per load mile.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bid be awarded to Fred's Towing as recommended by the Sheriff. The motion passed by a vote of 3-0.

✓ ✓ HEARING: CIP (CAPITAL IMPROVEMENTS PROGRAM)

John DeVore gave a brief overview on the Capital Improvements Program, stating that this was the second revision of the CIP draft plan. He said that the draft plan was on file in the following offices: Commissioners, Clerk and Recorder, Planning and General Services. He had given a more detailed explanation of the CIP Program at the previous public hearing on May 16, but stated that it was the County's attempt to approach prioritizing large capital projects in an organized manner over a five-year period. He explained that each year General Services draws up a revised draft plan, with input from County department heads, public hearings are held, and finally the Commissioners adopt the plan for that year.

Chairman Bob Palmer opened the hearing to public comment, asking that proponents speak first.

No one came forward to testify either as a proponent or as an opponent.

Barbara Evans moved and Ann Mary Dussault seconded the motion, that the Board of County Commissioners approve and adopt the intent of the Capital Improvements Program for FY '85. The motion passed by a vote of 3-0.

Since there was no further business to come before the Commissioners, the meeting was recessed at 1:45 p.m.

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May 31, 1984

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Teresa Loftsgaarden as principal for Warrant #030202, dated May 23, 1984, on the Missoula County Payroll Fund in the amount of \$163.26 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

MAY 31, 1984, CONTINUED

RESOLUTION NO. 84-073

- ✓ The Board of County Commissioners signed Resolution No. 84-073, a resolution creating RSID No. 406 for the purpose of sanitary sewer improvements on Larkspur and a portion of 21st Avenue. Chairman Palmer also signed the Notice of Sale of Bonds in the amount of \$96,000.00 setting the sale date for June 27, 1984, at 1:30 p.m.

✓ AGREEMENT

Chairman Palmer signed an Agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein & Associates for professional services in connection with the construction of sewer improvements in order to serve lots within the subdivision entitled "First Supplement to Larkspur Addition" with central sewer service, as per the terms set forth, for a total sum of \$3,750.00. The Agreement was returned to General Services 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 '84 budget:

1. No 840161, a request from the Commissioners/Ad Staff Department to transfer \$400.00 from the Ad Staff Copy Cost (\$200.00) and Long Distance Phone (\$200.00) accounts to the Commissioners Copy Costs (\$200.00) and Long Distance Phone (\$200.00) accounts as these accounts are overexpended; and
2. No. 840162, a request from the Commissioners Department to transfer \$5,000.00 from the Reimbursable Travel Expenses account to the Common Carrier Travel (\$3,000.00) and the Meals, Lodging & Incidentals (\$2,000.00) accounts as these accounts are overexpended.

✓ BID AWARD

The Board of County Commissioners voted unanimously to award the bid for Jail Laundry Services to Missoula Textile Service, which was the only bid received, who will provide laundry services for the jail for FY '85 at the rate of .41¢ per pound of dry, clean weight, which is a .02¢ per pound increase over FY '84. The bid packet was returned to Centralized Services.

✓ SERVICE AGREEMENT

The Board of County Commissioners signed a Service Agreement between Missoula County and Missoula Textile Service for jail laundry services for FY '85 - for the period from July 1, 1984 to June 30, 1985 - as per the terms set forth in the Agreement. The Agreement was returned to the Sheriff's Department for further handling.

✓ BID AWARD

The Board of County Commissioners voted unanimously to award the bid for the removal for other than abandoned or junk vehicles to Fred's Towing, the only bid received, who quoted \$12.50 flat rate in local area; \$12.50 flat rate for outside local area with .75¢ per load mile; \$4.00 per day inside storage and \$3.00 per day outside storage. The bid packet was returned to Centralized Services.

Other matters considered included:

1. The Commissioners voted 3-0 to authorize an additional \$500.00, for a total of \$2500.00, to the McCann lawsuit to settle a false arrest case;
2. The request for approval of Capital Purchases by the Fair was discussed - it was decided that it would be all right to enter into agreements to purchase but cannot actually purchase anything until after July 1;
3. Gerry Marks, Extension Agent, met with the Commissioners regarding office space;
4. Jean Wilcox, Deputy County Attorney, met with the Commissioners and discussed subdivision splits; and
5. The hearing on the proposed animal care facility in Lolo was set for June 20, 1984.

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

* * * * *

June 1, 1984

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

✓✓ SITE INSPECTION

In the evening, Commissioner Dussault inspected the site on the request to vacate a portion of the road in Seeley Lake Estates #2 - Tract 22 - a 60-foot right-of-way - requested by Jim Richards.

✓ MEETING

Commissioner Dussault attended a Seeley Lake Refuse Board meeting in Seeley Lake in the evening.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

June 4, 1984

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 a portion of Bunk Addition, Lots 1, 6 and Gleason St., described as the NE¼, SE¼, Section 19, T13N, R19W; the owner of record of Lot 1-A and 6-A being Robert C. Dawson.

✓ BOARD APPOINTMENT

The Board of County Commissioners appointed Kristina Ford to the Missoula County Park Board to fill the unexpired term of Dan Obermeyer through the first Monday in May, 1985; however, the representative from the Planning Department serves at the discretion of the Commissioners.

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

✓ SITE INSPECTION

In the afternoon, Commissioners Dussault and Evans and County Surveyor, Dick Colvill, inspected the site on the request to vacate a portion of the NE¼ of Section 8, T12N, R19W (Whitaker Hill) made by Haydens.

June 5, 1984

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

AUDIT LIST

Commissioners Palmer & Dussault signed the Audit List, dated June 5, 1984, pages 1-14, with a grand total of \$97,840.62. 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. 84-074

The Board of County Commissioners signed Resolution No. 84-074, a budget amendment for the Library for FY '84, including the following expenditures and revenue and adopting it as part of the FY '84 budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
Salaries & Benefits	11,686.00
Contract Services - WLN (Washington Library Network)	2,452.00
TOTAL	14,138.00
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
LSCA (Library Services & Construction Act) grant received through the Montana State Library for retrospective conversion of the library's holdings into WLN; grant period to run 2-27-84 to 9-30-84. The first half-payment on this grant was deposited in fund 2222-414 Library - LSCA Grant.	14,138.00

✓✓ RESOLUTION NO. 84-075

The Board of County Commissioners signed Resolution No. 84-075, a Resolution to rezone a parcel of land described as Lots 21 and 22 of Block 25, Carline Addition, from "C-R2" (Residential) to "C-R2" with a mobile home overlay.

✓✓ RESOLUTION NO. 84-076

The Board of County Commissioners signed Resolution No. 84-076, a Resolution to rezone a parcel of land described as a portion of Lot 13 and all of Lot 14, Curtis Major's Addition from C-R1 to C-R1 with a PUD overlay, and to zone Block 19 of Riverside Addition to C-RR3 with a PUD overlay.

✓ RESOLUTION NO. 84-077

The Board of County Commissioners signed Resolution No. 84-077, a Resolution to amend the Missoula County Zoning Resolution and the Missoula County subdivision regulations to allow planned unit developments on parcels of less than five acres.

✓ ADDENDUM TO CONTRACT

The Board of County Commissioners signed an addendum to Missoula County Professional Services Contract with independent contractor, John Duffield, dated November 22, 1983, supplementing paragraph 3 of the Contract as follows:

1. Missoula County will compensate the independent contractor at the rate of \$600.00 for consultation and research in conjunction with Missoula County Attorney Robert L. Deschamps for conclusion of a brief in relation to Dr. Duffield's testimony on behalf of Missoula County at the Public Service Commission hearings in the Colstrip 3 rate case.
2. The total value of this addendum to the original contract shall be \$600.00.

JUNE 5, 1984, CONTINUED

Other matters considered included:

- ✓ Mike Kress of the Planning Department met with the Commissioners and gave them an update on TAC (the Transportation Advisory Committee). The upcoming meeting of the Policy Coordinating Committee was also discussed.
- The minutes of the daily administrative meeting are on file in the Commissioners' Office.

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June 6, 1984

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:

EXTENSION LETTER

- ✓ The Board of County Commissioners signed a letter to Woody G. Germany of Sorenson & Company, granting a 60-day extension for the plat filing deadline for Bitterroot Meadows, Phase I from May 28, 1984, which was the expiration date.

Other matters considered included:

- ✓ The request for a one-year extension on the plat filing deadline for Lakewood Estates Phase IIB was discussed - the Commissioners voted to grant a limited extension between 60-90 days, because of the length of time elapsed and several previous extensions which have been granted.

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

PUBLIC MEETING

Acting Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Chairman Bob Palmer was absent.

- ✓ BID AWARD: CONTINUOUS COMPUTER PAPER & LABELS (DATA PROCESSING)

This bid award was postponed.

- ✓ BID AWARD: LEGAL ADVERTISING (CENTRALIZED SERVICES)

Under consideration was the award of the advertising bid for FY '85. Information provided by Billie Blundell, Manager of Centralized Services, stated that The Missoulian had submitted the following bid:

1. Legal Advertising
 - a. Per unit first insertion: \$6.00
 - b. Per unit each subsequent insertion: \$4.00
2. Rule and Figure Work
 - a. Per unit first insertion: \$8.00
 - b. Per unit each subsequent insertion: \$4.00

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bid for legal advertising for FY '85 be awarded to The Missoulian, in accordance with Billie Blundell's recommendation. The motion passed by a vote of 2-0.

- ✓ BID AWARD: COUNTY PRINTING (CENTRALIZED SERVICES)

This bid award was postponed, pending receipt of a County Attorney's opinion in regard to options that the County might pursue in awarding the printing bid.

- ✓ BID AWARD: TYPEWRITER MAINTENANCE (CENTRALIZED SERVICES)

Under consideration was the award of the typewriter maintenance bid for FY '85. Information provided by Billie Blundell, Manager of Centralized Services, stated that the following bid was received:

One bid was received on this date as follows: Business Machines - \$3,920.00

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the award for typewriter maintenance, FY '85, be awarded to Business Machines in the amount of \$3,920.00, in accordance with Billie Blundell's recommendation. The motion passed by a vote of 2-0.

- ✓ BID AWARD: COUNTY SHOP ADDITION (WEED DEPARTMENT)

Under consideration was a bid award for an addition for the Weed Department. Information provided by Operations Officer John DeVore stated that the following bids had been received:

<u>BIDDER</u>	<u>BASE BID</u>	<u>ALTERNATE #1 REDUCT.</u>
Quality Construction	49,906.	17,244.
Price Building Service	43,613.	16,877.
Klebenow Const. Co.	46,493.	17,493.
Werson Const. Co.	62,900.	19,000.
Althena Corp.	44,431.	19,411.
Joe Skornaoski	45,370.	18,275.

John DeVore's recommendation was that, because of budgetary limitations, the bid be awarded to Althena Corporation, which was the lowest bid after the deduction for alternative #1.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bid award be postponed to the

PUBLIC MEETING, JUNE 6, 1984, CONTINUED

following week's public meeting in order to meet with John DeVore and the Weed Department in regard to questions that both Commissioners had about this bid award. The motion passed by a vote of 2-0.

✓✓✓ CONTINUATION OF HEARING (FROM MAY 23rd): REQUEST TO VACATE A PORTION OF ROAD - SEELEY LAKE ESTATES #2 - TRACT 22 - 60-FOOT RIGHT-OF-WAY (RICHARDS)

The following information on this continuation of hearing was provided by Administrative Aide Leslie Sennett:

The hearing on this petition to vacate was held on May 23. Jim Richards, the petitioner, appeared in favor of abandoning the portion of road, and Leonard Sorenson, representing the newly created Seeley Lake Fire District, appeared in opposition. He stated the Fire District's objection as concern over access in case of a fire. Mr. Richards assured Mr. Sorenson and the Commissioners that he would be willing to grant a fire access easement in the event that the abandonment were granted.

In the meantime, it came to light that a letter had been routed through the Commissioners' mail prior to the hearing from Erick Anderson, Manager of Double Arrow Ranch landowners, in which Mr. Anderson stated that several Double Arrow Ranch Homeowners were in opposition to the abandonment.

Ann Mary Dussault has met with both the people against the abandonment and the people supporting it.

Mr. Anderson was present at this public meeting. He said that the Double Arrow homeowners had questions about whether South Canyon Drive Road was a private road or a dedicated County Road. Don Ebbutt, from the Surveyor's Office, said that South Canyon Drive was a dedicated County road.

The hearing on this matter was continued once again to the Commissioners' evening public meeting of June 20, to be held at 7:30 p.m. in the City Council Chambers.

✓✓✓ HEARING: ROAD VACATION REQUEST - SE¼, SECTION 4, T14N, R14W, (VANNOY)

Information provided by Recording Division Supervisor Kathi Mitchell stated that the request from Walter M. and Clare E. Vannoy was to vacate roadways located in the SE¼ of Section 4, T14N, R14W, and more particularly described in Book 80, Deeds, Page 482, Missoula County records, and Book 27, Page 147, Deer Lodge County records. She also said that Mr. and Mrs. Vannoy own the property over which most of the roadways proposed to be vacated cross, and they wanted the roadways vacated for the following reasons:

1. Portions of the roadways were never built, nor are they used; and
2. The Vannoys' land is presently being farmed, and they wanted to convert the roadways to usable farm land.

She stated that the following people and agencies would be affected by the vacation and had been notified:

State Forestry Division
2705 Spurgin Road
Missoula, MT 59801
Attn: Chuck Wright

Fish, Wildlife and Parks Dept.
2705 Spurgin Road
Missoula, MT 59801
Attn: Tom Greenwood

Missoula County Surveyor's
Office
Attn: Don Ebbutt

O. W. Potter, Jr.
P. O. Box 24
Greenough, MT 59836

Walter M. and Clare E. Vannoy
P. O. Box 384
Greenough, MT 59836

She said that notice of the hearing had been published in The Missoulian on May 27, 1984.

At this point, Barbara Evans opened the hearing to public comment, asking that proponents speak first. The following people spoke:

1. Walter Vannoy testified on his own behalf, stating that the (former) Fish & Game Commission (now the Department of Fish, Wildlife & Parks) had erroneously given the Vannoys title to this property in 1975, and the Vannoys had paid taxes on it since that time. He said that it had since come to light that the property had never really belonged to the Fish & Game Commissioner but had belonged to Missoula County. He said that the Vannoys would be happy to continue paying taxes on the property, and were really only interested in having the records cleared up.

2. Kurt Alt, representing the Department of Fish, Wildlife & Parks said that the Department had purchased the property from the Boyd Ranch in 1948, and the road right-of-way had not been delineated on the deed, so the Department had been erroneously deeded the right-of-way, and had then passed the error onto the Vannoys in 1976.

There were no other proponents. The following people spoke in opposition:

1. Bob Storer, from the Montana Department of State Lands, protested the vacation on grounds that it would prohibit access to their property on the other side of the proposed vacation site, and they wanted to protest such time as they were assured an alternative access to their property.

2. Don Ebbutt, from the Missoula County Surveyor's Office, said that a further complication involved Missoula County records on this parcel being stored in Deer Lodge County, and also the fact that County Surveyor Dick Colvill had stated in a memo, dated June 4, that the vacation should not include the section of Book 27, p. 147 (Deer Lodge County records) which is currently part of the Sunset Hills Road, currently maintained by Missoula County.

No one else wished to speak in opposition. Barbara Evans closed the public comment portion of the meeting. She informed the people present at the hearing that Montana State Law required one Commissioner and the County Surveyor to view the site proposed to be vacated before a final decision could be made. The decision on this matter was therefore postponed to the Commissioners' evening public meeting to be held at 7:30 p.m. on June 20, in the City Council Chambers.

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

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June 7, 1984

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

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Planning
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here*

JUNE 7, 1984, CONTINUED

MONTHLY REPORT

Chairman Palmer 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 ended May 31, 1984.

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 Brown's Towing Company for the collection of junk vehicles in Missoula as per the terms set forth in the Contract through June 30, 1985. The Contract was returned to Centralized Services for further handling.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as a part of the FY '84 budget:

1. No. 840171, a request from the Superintendent of Schools to transfer \$150.00 from the Long Distance Phone account to the Contracted Services account because of unanticipated expense;
2. No. 840172, a request from the Clerk of Court to transfer \$1,825.00 from the Books (\$25.00), Long Distance Phone (\$100.00), Copy Cost (\$400.00), Postage (\$750.00), and Office Supplies (\$550.00) accounts to the Jury/Witness Fees account as this line item was overexpended;
3. No. 840173, a request from the Clerk of Court to transfer \$500.00 from the Record Books account to the Microfilm Service account as it is overexpended; and
4. No. 840174, a request from Youth Court to transfer \$1,225.00 from the Microfilm (\$1,000) and Office Equipment Maintenance (\$225.00) accounts to the Copy Costs (\$100.00), Office Supplies (\$300.00), Training (\$750.00), and Meals and Lodging (\$75.00) accounts as these accounts are overexpended.

✓✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between the Missoula County Park Board and Seeley Lake Elementary School District #34, whereby the Park Board will provide aid in the amount of \$25,000.00 towards the cost of improvements to the property owned by Seeley Lake Elementary District #34 for the purpose of developing a community park as per the terms set forth in the Agreement. The Agreement was returned to John DeVore, Operations Officer, for further handling.

✓✓ RESOLUTION NO. 84-078

The Board of County Commissioners signed Resolution No. 84-078, a resolution amending the development standards of Planning and Zoning District No. 41 regarding the division of District No. 41 into two sections, 41A and 41B, and the standards governing each of these sections and adopting the Amendments as listed on the Resolution.

✓ RESOLUTION NO. 84-079

The Board of County Commissioners signed Resolution No. 84-079, a resolution authorizing John DeVore, County Operations Officer, to apply for and acquire on behalf of Missoula County the DeSmet School property for historic monument purposes; and that Missoula County will pay the administrative expenses of such a property transfer and to assume the immediate care and maintenance of the DeSmet School property, which is Federal surplus property located West of the City of Missoula and South of Highway 10 West in Missoula County.

RESOLUTION NO. 84-080

The Board of County Commissioners signed Resolution No. 84-080, a resolution amending the Policies and Procedures for fixed assets as follows, with all other conditions and procedures remaining in full force and effect:

Under Policy No. 82-135A, Section 5 last paragraph is deleted in its entirety, pursuant to the attachment to the resolution.

✓ RESOLUTION NO. 84-081

The Board of County Commissioners signed Resolution No. 84-081, a resolution authorizing the Chairman of the Board to execute a quit claim deed releasing to the United States Forest Service the County's 6¼ mineral interest in the E½ NE¼ Section 22, Township 14 North, Range 19 West, which is located within the exterior boundaries of the Rattlesnake National Recreation and Wilderness Area; and the U.S. Forest Service wishes to obtain title to the County's mineral interest in the property for the purpose of completing the "Rattlesnake National Recreation and Wilderness Area". The Resolution was forwarded to the Clerk and Recorder for filing, and Mike Sehestedt, Deputy County Attorney, will prepare a deed.

✓ EXTENSION LETTER

The Board of County Commissioners signed a letter to T & T Construction, Inc. granting one additional 75-day extension for the plat filing deadline of Lakewood Estates Phase IIB to August 21, 1984.

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

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June 8, 1984

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

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the Monthly Report of the Justice of the Peace, Janet


JUNE 8, 1984, CONTINUED

Stevens, for collections and distributions for month ended May 31, 1984.

PRIMARY ELECTION CANVASS

In the afternoon, the Board of County Commissioners canvassed the Primary Election which was held on June 5, 1984.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

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June 11-13, 1984

The Board of County Commissioners did not meet in regular session. Commissioners Palmer and Dussault attended the MACo Annual Meeting in Kalispell from June 10th through June 13th, 1984. Commissioner Evans was out of the office the week of June 11 - 15, 1984, for personal business.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for June 13, 1984, was canceled as the Commissioners were out of town.

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June 14, 1984

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated June 14, 1984, pages 1-24, with a grand total of \$210,502.46. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of Justice of the Peace, W. P. Monger, for collections and distributions for month ended May 31, 1984.

INDEMNITY BOND

Chairman Palmer examined, approved, and ordered filed an Indemnity Bond naming Marie A. G. Clark, as principal for Warrant #2306, dated April 18, 1984, on the Missoula County Hellgate Elementary General Payroll Fund in the amount of \$30.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as a part of the FY '84 budget:

1. No. 840175, a request from the Ft. Missoula Historical Museum to transfer \$3,036.00 from the Museum Board Term Reserve Costs (\$2,500.00) and Historical Museum Annual Merit Reserve (\$536.00) accounts to the Historical Museum Fringe Benefits account as it is overexpended; and
2. No. 840176, a request from the Superintendent of Schools to transfer \$2,100.00 from their Permanent Salaries account to the Contracted Services account to cover the Contract for the intern.

✓ RESOLUTION NO. 84-82

The Board of County Commissioners signed Resolution No. 84-82, a resolution adopting regulations governing firework stands in Missoula County for the period from June 24, 1984 through July 5, 1984, as per the fourteen items listed on the Resolution.

✓✓ RESOLUTION NO. 84-83

The Board of County Commissioners signed Resolution No. 84-83, a resolution creating RSID No. 903 for the purpose of maintenance (Mowing of) Willow Park, Lake View Addition, Lolo, Montana, as per the terms set forth in the Resolution.

✓✓✓ PLAT, IMPROVEMENTS AGREEMENT AND DEED

The Board of County Commissioners signed the Plat for Bitterroot Meadows, a subdivision of Missoula County located in the S½, NW¼, Sec. 2, T11N, R20W, the owner of record being Larry R. Kalb, Inc. The Board of County Commissioners also signed the Improvements Agreement which guarantees the full and satisfactory completion of all public improvements within the Bitterroot Meadows Subdivision Phase I and to satisfy the public improvement and monumentation guarantee conditions for final plat filing, as per the terms set forth. The Agreement was returned to Sorenson & Company for further handling and filing. The Board of County Commissioners also signed a Quit Claim Deed, whereby Missoula County conveys the following described premises in Missoula County to Larry R. Kalb, Inc.:

Lots 1, 2, 24, 25, Bitterroot Meadows Phase I, a platted and filed Subdivision in Missoula County.

✓ CONTRACT AMENDMENT

The Board of County Commissioners approved and signed the following Amendment to the Contract between

JUNE 14, 1984, CONTINUED

Missoula County and John Michael Story as a health survey interviewer for the period from May 14 through June 15, 1984, making the following changes in the Contract:

CHANGES: Item 2.C. Change "192 interviews" to "292 interviews."

Item 3 Change "15th day of June" to "19th day of June."

Item 4 Change "\$618.00" to "\$918.00."

Change "192 maximum at \$3.00/ea. = \$576" to
"292 maximum at \$3.00/ea. = \$876."

Change TOTAL from "\$618" to "\$918."

VENDOR INVOICE

Chairman Palmer signed a Vendor Invoice for the Health Department which bills the State Department of Health & Environmental Sciences for the license fee refund money in the amount of \$14,866.50. The invoice was returned to the Health Department for further handling.

✓ BID AWARD

The Board of County Commissioners voted to award the bid for Computer paper and labels for FY '85 as follows:

Item No. 1 & 3, Continuous form paper and labels, were awarded to Data Documents for their bids of \$7,984.70 for item No. 1 and \$191.20 for item No. 3; and Item No. 2, 1 & 2 part white (9½ x 11) was awarded to Burroughs for their bid of \$549.59. The bid packet was returned to Centralized Services.

Other items considered included:

1. The bids received for the Weed Department Addition were reviewed and discussed - the Commissioners voted to reject all bids and to review for priority during the budget cycle; and
2. Jim Fairbanks of the Appraisers/Assessors Office, met with the Board concerning the clarification in the approach to calculating cash in lieu of parklands donation and it was decided that current market value would be used in the future, (starting with FY '85).

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

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June 15, 1984

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

WELCOME

Commissioner Palmer gave the opening Welcome in the morning at the Montana State Volunteer Firemen's Association Convention held at the University of Montana.


✓ SITE INSPECTION

In the evening, Commissioner Dussault inspected the site on the road vacation request of Vannoy's near Clearwater Junction located in the SE¼, Sec. 4, T14N, R14W.

✓ MEETING

Commissioner Dussault attended a meeting of the Seeley Lake Refuse Board in the evening.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

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June 18, 1984

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:

PROCLAMATION

The Board of County Commissioners signed a Proclamation requested by L.I.G.H.T., declaring the week of June 18 through June 22, 1984, as Poverty Awareness Week in Missoula County.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer and adopted them as a part of the FY '84 budget:

- ✓ 1. No. 840177, a request from Pineview Park (RSID No. 902) to transfer \$76.75 from the Ground Maintenance account to the Garbage account as it is overexpended;
2. No. 840178, a request from the Treasurer - Real Estate Department, to transfer \$300.00 from the Printing & Litho account to the Equipment Maintenance account because of unexpected repairs & service

JUNE 18, 1984, CONTINUED

calls on safes in the Department; and

3. No. 840179, a request from the SID Maintenance Department to transfer \$370.00 from the Ground Maintenance & Repairs (\$120.00) and Controlled Services (\$250.00) accounts to the Building Maintenance Repair (\$120.00) and Vehicle Repairs (\$250.00) accounts to correct budget shortfall within operation categories.

Other matters considered included:

- ✓ Bob Slonski, Deputy County Attorney, met with the Commissioners and discussed the Seeley Lake Refuse District.

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

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June 19, 1984

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

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June 20, 1984

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

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as a part of the FY '84 budget:

1. No. 840180, a request from the Auditor to transfer \$193.10 from the Copy Costs (\$53.10) and Printing & Litho (\$140.00) accounts to the Office Supplies account as a chair was purchased to replace a hazardous chair in the office;
- ✓ 2. No. 840181, a request from RSID No. 901 (Lolo Water & Sewer) to transfer \$150.00 from the Sewer Plant Maintenance (\$75.00) and Phone Basic Charges (\$75.00) accounts to the Copy Costs (\$75.00) and Long Distance Phone (\$75.00) accounts to correct a budget shortfall within operational line items;
- ✓ 3. No. 840182, a request from RSID No. 901 (Lolo Water & Sewer) to transfer \$60.00 from the Sewer Plant Maintenance (\$40.00) and Postage (\$20.00) accounts to the Janitorial Supplies (\$40.00) and Office Supplies (\$20.00) accounts to correct a budget shortfall within operational line items;
- ✓ 4. No. 840183, a request from RSID No. 901 (Lolo Water & Sewer) to transfer \$41.00 from the Sewer Plant Maintenance (\$11.00) and Phone Basic Charge (\$30.00) accounts to the Garbage Collection (\$11.00) and Radio/Pager (\$30.00) accounts to correct a budget shortfall within operational line items; and
- ✓ 5. No. 840184, a request from RSID No. 901 (Lolo Water & Sewer) to transfer \$7,932.86 from the Temporary Salaries account to the Permanent Salaries account to correct a coding error.

✓ CONTRACT

The Board of County Commissioners signed a Professional Service Contract with Keith Fife, an independent contractor, for the purpose of completing the work required on the Public Land Survey "PUPS" program as per the terms set forth, for the period from June 25, 1984 to September 14, 1984, for a total sum of \$2,100.00. The Contract was returned to John DeVore, Operations Officer, for further handling.

Other matters considered included:

- ✓ 1. Dusty Deschamps, County Attorney, met with the Commissioners and discussed the proposed changes in the gambling regulations - it was agreed to set a hearing for June 27, 1984, on the proposals; and
- 2. The Commissioners agreed to contract with Dobbins, DeGuire & Tucker to audit Missoula County for FY '84 for a total amount of \$54,000.00, pending agreement on scope and procedures - an "entrance interview" will be held prior to beginning the Audit.

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

✓ WELFARE ADVISORY BOARD

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Jean Johnston, Welfare Director in the afternoon, for their monthly meeting.

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 7:30 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

✓ BID AWARD: COUNTY PRINTING (ELECTIONS)

Recording/Elections Manager Wendy Cromwell requested via memo that the bid award be postponed. Commissioner Evans said that the ballot printing bill for the recent election was considerably higher than the estimates, and that a significant amount of money could be saved by renegotiating this bid. Action was postponed.

✓ HEARING: REQUEST BY RICHARD AND JOYCE HAYDEN TO ABANDON AND VACATE THE UNDESIGNATED ROAD IN NE¼, SECTION 8, T12N, R19W - WHITTAKER HILL

On the afternoon of June 20, the Board of County Commissioners received a request from Attorney Karl Karlberg, representing the Haydens, for a further continuation of this hearing in order to allow his firm to complete the necessary paperwork. The request was granted.

PUBLIC MEETING, JUNE 20, 1984, CONTINUED

✓ ✓ HEARING: REQUEST BY WALTER AND CLARA VANNOY TO VACATE ROADWAYS IN THE SE¼, SECTION 4, T14N, R14W

Chairman Palmer gave the background for this request which was prompted by a complicated and confusing transfer of property rights by the original owner, the Boyd Ranch, to the Fish & Game and then to the current owners, the Vannoys. This particular roadway was County property and did not belong to the Boyds, nor to the Fish & Game, although both parties erroneously assumed ownership and erroneously transferred ownership. The Vannoys have paid taxes on this parcel since 1975 and are interested in having the records cleared up.

Chairman Palmer asked Commissioner Dussault for a recommendation, and she pointed out that the Commissioners had received a letter from the Department of State Lands in which they withdrew their original protest to the abandonment because the Vannoys have granted them a permanent easement to the State Forest land involved.

Mr. Vannoy was present and Chairman Palmer asked him if he had any comments. He requested clarification about the Department of Lands communication and he was given a copy of their letter.

Mr. Colvill presented the Commissioners with a draft of a statement that covered the legal concerns of all parties involved, and which he suggested could be used as the basis for a motion for abandonment.

Ann Mary Dussault moved and Barbara Evans seconded the motion that those portions of the County road right-of-way recorded in Book 80 Deeds, Page 482, in Missoula County Clerk and Recorder's Office, lying east of the west 1/16 line of Section 4, Township 14 North, Range 14 West and that approximately 1320 foot x 60 foot portion of the County road right-of-way recorded in Book 27 Deeds, Page 147, in Deer Lodge County Clerk and Recorder's Office, lying east of the west 1/16 line of Section 4, Township 14 North, Range 14 West, and west of the mid-section, being shown with cross-hatched lines on the map presented as Exhibit "A", be vacated, subject to a temporary construction easement shown in red on the aforementioned map for State Highway purposes along the southerly boundary of Highway No. 200 from Highway Station 1209+00 to Station 1220+00. The motion passed by a vote of 3-0.

✓ ✓ HEARING: TO HEAR AN APPEAL BY DR. GARY MILLER OF THE DETERMINATION BY THE MISSOULA PLANNING OFFICE THAT AN ANIMAL CARE FACILITY IS NOT IN COMPLIANCE WITH THE COMPREHENSIVE PLAN IN THE LOLO AREA

Chairman Palmer gave the background for this request and stated that in accordance with Resolution No. 83-99, Dr. Miller requested the Missoula Planning Office to determine if his proposal to construct a new animal care facility would be in compliance with the land use designations for his property north of Lolo on Highway 93. The Planning Office determined that residential development was recommended for the site by the Lolo Land Use Plan. Dr. Miller has appealed this determination to the Board of County Commissioners.

Pat O'Herren from the Planning Staff commented on the Planning Staff report. He said that when Dr. Miller made his request, the Planning Staff consulted the land use map and reviewed the goals and policies of the Comprehensive Plan and determined that the property in question is designated residential. A letter was sent to Dr. Miller outlining this apparent conflict. In an attempt to resolve this problem, Dr. Miller has requested this public hearing. The purpose of the hearing is: 1. to allow the Board of County Commissioners to hear additional testimony that was not available to the Planning Staff at the time they made their determination, and 2. to allow the Board of County Commissioners to determine whether or not the guidelines of the Comprehensive Plan (the word "guidelines" emphasized) are sufficient enough to warrant the prohibition of Dr. Miller's request.

Dr. Gary Miller then presented his appeal, which included details from his original request and from the letter of denial from the Planning Office, dated May 24, 1984. (A copy of Dr. Miller's statement is included in the permanent file for this item of business located in the County Commissioners Officer in the Courthouse.)

At this point Bob Palmer opened the hearing to public comment asking that proponents speak first. The following people spoke:

1. Dr. Jim Hall spoke as a representative of the Lolo School District Board of Trustees, as Chairman of the Lolo Business and Industrial Relations Committee, and as Chairman of the Lolo Land Use Comprehensive Plan Committee. He said that the Board of Trustees is interested in underwriting the tax base by attracting small business to Lolo. It is his understanding and the understanding of members of the community that the 1978 Land Use Plan is to be used as a guideline, not a hard and fast policy document. The advisory group, which has been working for the last two years with the Comprehensive Plan, has been concerned and has not been satisfied with the 1978 Land Use document.
2. Mary Barta, the postmaster at Lolo, was on the board that developed the Lolo Land Use Plan and she mentioned that it was not unanimously supported nor was it intended to be inflexible. It was intended to improve the appearance of Lolo and not to eliminate business development. Ms. Barta also spoke as a pet owner who would find a local veterinary clinic highly desirable.
3. E. Gardner Brownlee spoke as a Lolo-area property owner. Mr. Brownlee owns horses, as do many of his neighbors, and it is his opinion that Lolo needs a clinic such as Dr. Miller proposes, and that it should not be viewed as a commercial venture but as a service compatible with the rural residential status of the Lolo area. If need be, a restriction could be attached to the approval to prevent transfer of the land to an incompatible business.
4. Mike Grunow, a Lolo businessman, was Dr. Miller's neighbor in the Lolo Shopping Center. He also doesn't view the business as a commercial venture, but as a compatible service in a quasi-agricultural area. He considers Dr. Miller an asset to the community.
5. Louise Brownlee spoke specifically about horses and their frequent need for a facility in Lolo that would eliminate the need for transporting an injured animal to Missoula.
6. Alfred L. Olsen, a property owner in the vicinity of the proposed clinic, agrees that a community must be concerned about the type of businesses that are allowed, but feels that there are certain economic and convenience needs that must be met that are compatible, and he also feels assured that Dr. Miller's clinic would be an attractive and necessary addition to Lolo.

There were no further proponents. Chairman Palmer noted for the record that many letters of support had been received and sent to the Planning Office.

Dr. Miller took the floor again to summarize and to point out that several letters of support are also included with his statement.

PUBLIC MEETING, JUNE 20, 1984, CONTINUED

Bob Palmer asked for opponents to speak. There were no opponents. Bob Palmer then closed the public comment portion of the hearing.

Barbara Evans asked to make a statement, and said that on the surface the Planning Staff is absolutely correct and this proposed use does not totally comply with the Comprehensive Plan. However, extenuating circumstances intervene, and it does satisfy the Comprehensive Plan in adhering to the goals and desires of the people of the area. A veterinary clinic fits into the same category as a medical or dental clinic, and a zoning district would allow for such a clinic in a residential area. This clinic complies with the intent of the Comprehensive Plan and would be an asset to the Lolo community. To prevent problems, there should be a clause that would prohibit transfer and transformation into an undesirable business, such as a wrecking yard.

Deputy County Attorney Mike Sehestedt pointed out that recent court decisions would call this a professional office rather than a commercial business, and if it were zoned it would be allowed in a residential area.

Barbara Evans moved and Ann Mary Dussault seconded the motion that since Dr. Miller's request can be found to be in substantial compliance with the intended policies and goals of the Lolo Comprehensive Land Use Plan, it should be approved, with the written stipulation that the property may not be transferred to any different use without procedural examination by the Board of County Commissioners, and with the proviso that Dr. Miller agree to meet with Lois Jost, the County Energy Coordinator, and to consider her energy conservation and efficiency recommendations. The motion passed by a vote of 3-0.

Before the vote was taken, Ann Mary Dussault requested a legal clarification from Mike Sehestedt regarding precedent. She felt that a defensible argument could be constructed that the proposed use is in compliance with the Plan, and that consequently it would be advisable to avoid creating a variance procedure for cases of this type.

Mike Sehestedt responded that an argument could be constructed that, emphasizing the policy elements of the Comprehensive Plan, the business is in compliance as a professional office of an agricultural nature, even though it looks on the map as if it isn't. It must be remembered that the Comprehensive Plan lacks the detail of a zoning regulation, and that it was intended for broad control.

Howard Schwartz commented that it would be acceptable to say that the request does comply because it is in conformity with the goals of the Plan, and that we would like to avoid the concept of "variance" when speaking of the Comprehensive Plan because variance applies to zoning and not to planning.

In discussion regarding prohibiting the transfer of the property to any use other than a veterinary clinic, Commissioner Dussault sought more assurance of County control.

Mike Sehestedt said that any new use would require a building permit.

Howard Schwartz responded that the problem with this type of process is that a request for a building permit is the only trigger for review of new (future) uses.

Barbara Evans wanted to know what the Commissioners could do if Dr. Miller sold his property to another type of business and there were a public outcry.

Mike Sehestedt agreed that County control of this type of area is minimal because, since it is unzoned, any business (such as a wrecking yard) could be set up without County knowledge or approval provided the facilities were such that no building permit was required.

Following the vote, Dr. James Hall thanked the Board of County Commissioners for their willingness to interpret the Comprehensive Plan.

Pat O'Herren of the Planning Staff spoke again requesting permanent clarification of issues of this nature. The Planning Staff would like to establish a policy of attaching a covenant to approvals such as this one which would alert a potential buyer at the time of the title search and before any money has been spent that there is a restriction on the property.

Ann Mary Dussault would like the Commissioners to meet the legal staff and the Planning Staff to discuss this type of problem, the possibility of establishing covenants, procedural issues, and related details.

Howard Schwartz agreed that such a meeting would be valuable, and that he, too, felt uncomfortable with the lack of County control in unzoned areas.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 8:35 p.m.

* * * * *

June 21, 1984

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:

✓ AMENDED NOTICE OF SALE

Chairman Palmer signed an Amended Notice of Sale of Bonds in the amount of \$96,000.00 for RSID No. 406 setting the sale date for July 11, 1984 at 1:30 p.m.

✓ EXTENSION LETTER

The Board of County Commissioners signed a letter to Nick Kaufman of Sorenson & Company, granting a one-year extension for the Bay Meadows Subdivision from June 22, 1984, which is the expiration date.

Other matters considered included:

1. Judy Wing & Orville Daniels of United Way met with the Board and discussed United Way issues - the Commissioners gave approval to help start a Citizens Task Force; and

JUNE 21, 1984, CONTINUED

2. The Commissioners discussed the Court Operations Officer position with Jerry Johnson, Chief Probation Officer.

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

June 22, 1984

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated June 22, 1984, pages 1-23 with a grand total of \$90,536.83. The Audit List was returned to the Accounting Department.

CERTIFICATION OF ELECTION RETURNS

The Board of County Commissioners signed Certification of Election Returns for the Election held June 5, 1984, on the question of conducting Local Government Review in Missoula County and the City of Missoula. The form was returned to the Elections Office.

Fern Hart

Fern Hart, Clerk and Recorder

Bob Palmer

Bob Palmer, Chairman, County Commissioners

June 25, 1984

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Albuquerque, New Mexico, on Home Health matters.

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 a part of the FY '84 budget:

1. No. 840185, a request from the Clerk & Recorder/Recording Division to transfer \$680.63 from the Ad/Legal Publications account to the Office Supplies account as this line item was underbudgeted;
2. No. 840186, a request from the Clerk and Recorder/Recording Division to transfer \$904.37 from the Other Equipment Maintenance account to the Office Equipment Maintenance (\$585.00) and Office Supplies (\$319.37) accounts because the wrong maintenance account was billed and the Office Supplies account was underbudgeted.
3. No. 840187, a request from the Extension Department to transfer \$700.00 from the Computer Supplies (\$350.00) and Telephone Basic Charges (\$350.00) accounts to the Copy Costs (\$350.00) and Telephone Long Distance (\$350.00) accounts as these accounts are overexpended;
4. No. 840188, a request from the Extension Department to transfer \$755.00 from the Mileage - County Vehicle account to the Meals, Lodging & Incidentals (\$300.00), Tuition Registration Fees (\$105.00), and Testing Materials (\$350.00) accounts to clear up negative balances; and
5. No. 840189, a request from the Superintendent of Schools to transfer \$994.00 from the Common Carrier Travel account to the Office Supplies (\$894.00) and Dues & Memberships (\$100.00) accounts because of unanticipated expenses.

✓ CERTIFICATE OF ACCEPTANCE

The Board of County Commissioners signed the Certification of Acceptance for County Maintenance for South 8th Street, which was apparently accepted in 1965, but there was no record of it in the Courthouse and it hadn't been maintained. The street has a 25-foot right-of-way and doesn't meet current standards, but a court action would probably force the County to honor the 1965 acceptance which was brought in by a landowner. The Certificate was returned to the Surveyor's Office.

NOTICE OF HEARING

Chairman Palmer signed the Notice of Public Hearing on the proposed use of approximately \$1,408,543.00 representing Federal Revenue Sharing funds anticipated under Entitlement Period 15 during Fiscal Year 1985, setting the hearing for 2:00 p.m. on July 11, 1984.

✓✓ AMENDMENT TO INTERLOCAL AGREEMENT

The Board of County Commissioners signed an Amendment to Interlocal Agreement between the Missoula Urban Transportation District and Missoula County to cooperate in the provision of elderly and handicapped services dated September 14, 1983, extending the Agreement to September 30, 1984 and amending Section 3: Financial Consideration as follows, with all other provisions in Section 3 and the September 14, 1983, Agreement remaining in force and that both parties pledge to negotiate an extension of this Agreement for the period October 1, 1984 to September 30, 1985:

For the period July 1, 1984 to September 30, 1984, Missoula County shall contribute One Thousand Eight Hundred and Eleven Dollars (\$1,811.00) to the operation of the system; Missoula Urban Transportation District shall contribute Three Thousand One Hundred Seventy-Two Dollars (\$3,172.00); and carryover funds for FY '84 shall be included in the operating budget of the specialized transportation system.

JUNE 25, 1984, CONTINUED

The Agreement will be forwarded to the Attorney General's Office for approval.

✓ RESOLUTION NO. 84-084

The Board of County Commissioners signed Resolution No. 84-084, resolving that Missoula County agrees to amend an interlocal agreement with the Missoula Housing Authority, dated September 2, 1983, adding a provision on Housing Management, and as soon as the addendum is approved by the Attorney General, to enter into an agreement with the authority for management of the duplex at 510 Speedway, East Missoula. The documents were returned to John Kellogg in the Planning Department for further handling.

✓ BID AWARD

After further discussion with John DeVore, Operations Officer, regarding the previously postponed and rejected bids for the Weed Department addition, the Commissioners reconsidered and voted 3-0 to award the bid, as per the recommendation of the Operations Officer to Althena Corporation for a total amount of \$25,020.00, which was the lowest bid after deducting for Alternate #1.

Other matters considered included:

1. Gerry Marks, County Extension Agent, met with the Board and discussed office space for the Extension Department - he will continue negotiating lease costs for the proposed move to the N.P. Credit Union Building;
2. The phone system buyout was discussed with John DeVore, Operations Officer, and the Commissioners concurred that the purchase should proceed; and
3. Jerry Marble met with the Board to discuss the upcoming hearing on the Appeal of Compliance with the Comprehensive Plan regarding the Wintertime Recreational facility in Pattee Canyon.

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

* * * * *

June 26, 1984

The Board of County Commissioners met in regular session, a quorum of the Board was present. Commissioner Dussault traveled from Albuquerque, New Mexico to San Francisco, California, on Home Health matters through June 27, 1984.

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Kathi Jeri Fix as principal for Warrant #102247, dated May 30, 1984, in the amount of \$150.00 on the Missoula County Trust Fund, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 84-085

The Board of County Commissioners signed Resolution No. 84-085, a resolution fixing annual salaries of certain County elected officials, effective July 1, 1984, as follows:

Clerk of the District Court	\$24,618.86	County Surveyor	\$24,618.86
County Sheriff	31,942.63	Clerk & Recorder	29,542.63
County Auditor	24,618.86	County Attorney	41,739.46
County Superintendent of School	25,018.86	County Commissioners	26,618.86

RESOLUTION NO. 84-086

The Board of County Commissioners signed Resolution No. 84-086, a resolution fixing the annual salary of the County Justices of the Peace, effective July 1, 1984, at \$25,064.00.

BUDGET AGREEMENT

- ✓ The Board of County Commissioners signed a Budget Agreement between Missoula County and the Cooperative Extension Service, Montana State University regarding the County's contribution for cooperative extension work in Missoula County. The Agreement was returned to Gerald Marks, County Extension Agent, for further handling.

Other matters considered included:

Dan Magone, Undersheriff, met with the Board and discussed the Private Polygraph Examinations Agreement submitted by Sheriff's Department personnel - the Commissioners decided to wait until Commissioner Dussault gets back before making a decision.

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

* * * * *

June 27, 1984

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

BUDGET TRANSFERS

The Board of County Commissioners signed and approved the following budget transfers for the General Services Department and adopted them as part of the FY '84 budget:

1. No. 840190, a request to transfer \$5,500.00 from the Vehicle Repairs (\$3,500.00) and Sewer Services (\$2,000.00) accounts to the Phone-Basic Charges (\$3,500.00) and Technical Equipment Rent/Lease (\$2,000.00) accounts to correct a shortfall within operational items;

JUNE 27, 1984, CONTINUED

2. No. 840191, a request to transfer \$1,216.00 from one Contracted Services account to another Contracted Services account to correct a shortfall within operational items; and
3. No. 840192, a request to transfer \$1,350.00 from the Building and Construction (\$1,200.00) and Mileage - County Vehicle (\$150.00) accounts to the Technical Equipment (\$1,200.00) and Books, Resource Materials (\$150.00) accounts to correct a shortfall within budgeted items.

Other matters considered included the following:

1. The location of the jail and other related problems were discussed; and
2. Linda Hedstrom and Jon Shannon of the Health Department met with the Board and discussed the dog issue; also, the Commissioners gave approval to proceed with the proposal for the junk vehicle district.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Ann Mary Dussault was out of town with representatives of the Health Department on Home Health business.

✓ BID AWARD: GAS AND DIESEL FUEL (SURVEYOR)

Under consideration was the award of bids for gas and diesel fuel. Information provided by Terry Wahl, Operations Analyst in the Surveyor's Department, stated that bids had been received for these supplies from JGL Distributing and Tremper Distributing which both bid on 12 items, and Western Montana Co-op which bid on 3 items. A fourth bidder, Finest Oil Company, failed to supply a bid bond with their bid.

BID ITEM #	TREMPER	JGL	FINEST	CENEX	
1	No Bid	No Bid	No Bid	41,600.00	County Shop - Leaded
2	3,360.00	3,487.75	No Bid	No Bid	Fair - Leaded
3	9,212.00	9,743.10	No Bid	No Bid	RD Dept. - Seeley
4	No Bid	No Bid	No Bid	4,837.50	County Shop - Unleaded
5	764.25	799.88	No Bid	No Bid	RD Dept. - Seeley
6	3,087.00	3,199.50	No Bid	No Bid	Sheriff - Seeley/Condon
7	4,805.00	5,097.50	No Bid	No Bid	RD Dept. - #1 Diesel
8	2,377.50	2,448.75	No Bid	No Bid	Fair - #1 Diesel
9	43,495.00	45,475.00	No Bid	No Bid	County Shop - #2 Diesel
10	484.00	500.23	No Bid	No Bid	Asphalt Plt. - #2 Diesel
11	4,505.00	4,747.50	No Bid	No Bid	RD Dept - #2 Diesel Seeley/Swan
12					
13	2,302.50	2,373.75	No Bid	No Bid	Union Peak - #2 Diesel
14	3,320.00	3,638.00	No Bid	No Bid	Civil Defense - #2 Diesel
15	No Bid	No Bid	No Bid	1,464.00	County Shop - Propane
	<u>\$77,712.25</u>	<u>\$81,510.96</u>		<u>\$47,901.50</u>	

Barbara Evans moved and Bob Palmer seconded the motion that bid items 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 be awarded to Tremper Distributing for \$77,712.25, the low bid for these items, and that items 1, 4, and 15 be awarded to Western Montana Coop for \$47,801.50, the low bid for these items, as recommended by the Surveyor's Road Staff. The motion passed by a vote of 2-0. The bid packet was returned to Centralized Services.

✓ ✓ BID AWARD: CONSTRUCTION RELATIVE TO RSID 406 LARKSPUR AVENUE

Information provided by Operations Officer John DeVore stated that bids for construction relative to RSID 406 (Larkspur Avenue) had been received from L.S. Jensen & Sons and from American Excavating as follows:

L.S. Jensen & Sons	\$74,225.40
American Excavating	\$90,185.00

Barbara Evans moved and Bob Palmer seconded the motion that the bid be awarded to L.S. Jensen & Sons for \$74,225.40 contingent upon sale of bonds, as recommended by the General Services Staff. Motion carried by 2-0. The bid packet was returned to Centralized Services. Bond bid opening is scheduled for July 11, 1984.

✓ ✓ HEARING: ADOPT AMENDMENTS TO THE MISSOULA CITY-COUNTY GAMBLING REGULATIONS AS PROPOSED BY THE CITY-COUNTY GAMBLING COMMISSION

Chairman Palmer gave the following background as provided by the County Attorney's Office: The proposed amendments are the result of the first major review of the City-County gambling regulations in a decade. In that time, electronic gambling devices rose from a non-existent status to being our major form of gambling today. Most of the revisions reflect this change in the industry and attempt to better regulate electronic devices. In addition some proposals merely codify existing practices by deleting or changing requirements to make the rules reflect reality. Finally some fees are increased to adjust for the inflated value of services since the fees were set 10 years ago. Chairman Palmer then called on County Attorney Dusty Deschamps for further clarification. Mr. Deschamps spoke both as County Attorney and as Chairman of the Gambling Commission, and said that the primary concern of these proposed regulations is electronic gaming devices, specifically the problems that have arisen in licensing. The previous practice was to allow either the owner of a gambling device or the owner of a gambling establishment to obtain a license, with the result that some distributors obtained licenses and placed machines in bars that the County Attorney's office is unfamiliar with. In order to establish better control, it is proposed that the bar itself be licensed, and that a distributor buy a separate license at a cost of \$500 per year. Also proposed is a \$250 inspection fee for new devices brought into the City, raising the poker license fee to \$550, and the fee for background investigation to \$75. The proposal would retain the Mayor as a member of the Gambling Commission and would add a Commissioner to represent the machine gaming industry, and would set aside 20% of license revenue for training members of the Attorney's and Sheriff's staffs for gaming-related investigations. Potentially the most controversial section of the proposal would prohibit social games in public places. Official policy now is to allow social games, such as poker and blackjack, in private homes. However, there has been some abuse of this policy and social games are being held in public places, such as restaurants.

PUBLIC MEETING, JUNE 27, 1984, CONTINUED

Bob Palmer opened the hearing to public comment. There were no proponents nor opponents, and Mr. Palmer closed the hearing.

Barbara Evans moved and Bob Palmer seconded the motion that the amendments be adopted on an emergency basis effective July 1, 1984. The motion carried by a vote of 2-0.

✓ VACATION REQUEST: WHITAKER HILL - HAYDEN VS. LINE

At this point the Commissioners addressed an item of business that was not included on the agenda.

The Lines have notified their attorney in writing that they are withdrawing their objections to the vacation requested by the Haydens. A public hearing on the request was held on May 23, 1984, and there has been a site inspection.

Barbara Evans moved and Bob Palmer seconded the motion that the vacation of the designated property be granted. The motion carried by a vote of 2-0.

Barbara Evans congratulated the parties involved on being able to resolve their differences amongst themselves.

✓✓ HEARING: PROPOSED WINTER RECREATION AREA IN PATTEE CANYON: APPEAL OF PLANNING STAFF DETERMINATION OF COMPLIANCE

Bob Palmer asked Pat O'Herren of the Planning Staff to give the background for the Planning Staff report. He stated that several weeks ago, in response to a request from Jerry Marble, the Planning Staff determined that the proposed winter recreation/tubing facility is in compliance with the Comprehensive Plan's designation for Pattee Canyon. Since that time, many citizens have contacted the Planning Office and the Commissioners Office to protest the determination and to request this public hearing. For the record, Mr. O'Herren pointed out that the Planning Staff had no access to public comment prior to making their determination. He also brought up the question of whether or not the Board of County Commissioners had jurisdiction over Forest Service land.

Bob Palmer asked Deputy County Attorney Mike Sehestedt if he would care to comment on the jurisdiction issue. Mr. Sehestedt had been in contact with the Office of General Counsel, and found that the question of jurisdiction is a grey area. Whether or not the Board of County Commissioners has the power to deny the requested use depends on the form in which the Forest Service chooses to grant the permit, if they do decide to grant it. If they grant a permit for private convenience, the County can probably impose the Comprehensive Plan and override the permit to prohibit that use of federal land. However, if a special use permit is granted in furtherance of the Forest Service's statutory mission to manage and develop the resources of the national forest system for multiple use, then the County would run up against the pre-emption doctrine, which states that the Federal Government has authorized a specific use of Federal lands and the County cannot prohibit that use, either temporarily or permanently, in an attempt to substitute its judgement for that of Congress. Mr. Sehestedt mentioned two applicable precedents in Ventura County, California, and Colorado. At this point, the County Attorney's Office can't offer an opinion regarding the basis on which the Forest Service might grant authorization for this project, and consequently can't give a definitive answer regarding jurisdiction. Mr. Sehestedt advised proceeding with the hearing in order to receive public comment, but to reserve judgement pending Forest Service action.

Barbara Evans asked Jerry Marble if he has any indication of what the Forest Service plans to do.

Jerry Marble answered that he had filed his permit request the previous day, and, therefore, hadn't any idea about the response.

Bob Palmer stated that the Commissioners would follow Counsel's advice and conduct the hearing, but reserve decision until the Forest Service makes its decision.

Bob Palmer opened the hearing to public comment asking that proponents speak first.

1. Jerry Marble spoke in support of his request. He opened his statement with a comment regarding the desirability of consistent interpretation of the Comprehensive Plan so that the public will have a better idea of how to approach these issues. He then outlined some of the specifics of his proposal: 1. A hazard exists with the "facilities" at Blue Mountain, especially with the road which crosses through the lower end of the sliding area. Injury and fatality figures from snow sliding are difficult to come by because ambulance and emergency services do not categorize them as such, but we do know that the risk of injury is great and that there have been many injuries and possibly one fatality at Blue Mountain. We as a people should try to eliminate such hazards. 2. Some opponents seem opposed to the commercial nature of the development, but no one could ever engage such a project without some method of recouping investment costs and maintenance costs. The slide would be open to social and religious groups and no alcohol would be allowed. Anyone using alcohol would be asked to leave. 3. There has been some concern about traffic. Many residents have equated this use with the keggars that have now been eliminated from the Canyon, and they fear more accidents resulting from this proposed use. The accident rate in Pattee Canyon has been cut in half since the keggars were eliminated, and the projected increase of 50 cars per day during 75 days of the year is no greater increase than the average traffic itself may fluctuate on any given day. Any additional problems would have to be addressed, as in the form of a shuttle or bus service. 4. The capacity of a development such as this is self-limiting. At the successful slide on Kings Hill near Neihart it has been demonstrated that only several hundred people per day can use the rope tow.

Mr. Marble continued by saying that he originally researched Blue Mountain as a potential site. That site proved unsuitable because there is not enough snow, and because the necessity of providing a gas or diesel generator to operate the rope tow would result in prohibitive cost. After further research, he determined that Pattee Canyon is the only place in the valley that meets the necessary criteria, and he reminded those present that Pattee Canyon has been a recreation area for a long time. He presented petitions which he said contained 160 signatures from supporters of his proposal, and he urged that the safety problem be faced before it's too late. (Copies of the petitions are in the permanent file for this item located in the Commissioners' Office in the Courthouse.)

2. Paul Abel, a cross-country skier, would be in favor of supervised winter recreation with bathroom facilities in this area. He has a nephew and niece who enjoy tubing, and he fears for them at Blue Mountain because of the hazards and alcohol use there.

There were no other proponents. Bob Palmer then asked opponents to speak.

1. Bill Farr, a Pattee Canyon landowner and resident and vice-president of the Pattee Canyon Homeowners

PUBLIC MEETING, JUNE 27, 1984, CONTINUED

Association, said that the Missoula County Comprehensive Plan regarding unzoned areas is a credible attempt at managing unzoned lands. However, it is his opinion that it is very broad and general and doesn't generate much information, and that Mr. Marble's original proposal was also very vague and lacked sufficient information upon which to render a judgement, and yet the Planning Staff deemed it in compliance. The Pattee Canyon landowners met with Mr. Marble and realized that the original proposal gave no indication of the scale of the proposed development: there would be 10 acres of clearing, electrification for night operation, and expansion to meet growing need. The landowners suggested he consider the Marshall Ski area, which is already a commercially developed winter recreation area. The Homeowners Association contacted the owner of Marshall Ski area and learned that he is already exploring the possibility of a tube slide in his area, but he isn't sure if it would be economically viable, even with his snow-making equipment.

Mr. Farr continued by saying that the Pattee Canyon landowners don't deny the need for a safe tubing area, but there is already an established, unstructured recreational use at the top of Pattee Canyon, for skiing, hiking, and snowshoeing, which imposes little disturbance on the area. This proposed development doesn't meet the requirements of the Comprehensive Plan in that it doesn't cluster development, it impacts a scenic area, and it increases traffic on one of the County's most dangerous roads. Mr. Marble ought to be encouraged and commended for his safety concerns, but the Pattee Canyon Landowners Association doesn't feel that a commercial tubing facility is a suitable use for this already-established recreational area.

2. Dick Fritz-Sheridan, a Pattee Canyon resident, said that one of the issues is safety; the clear issue is how to invest your money and make a profit. He would like to know what is the expense to the general public of that profiteering procedure. Safety may be a spin-off, it may not be. Also, he is of the opinion that there is not enough snow in Pattee Canyon to support such a facility. At its collapse and failure due to poor snow conditions, the public would be left with 10 acres of destruction and development that essentially would be useless. Furthermore, the present Pattee Canyon recreation area was created in 1974 when 10,000 people signed petitions urging Senator Lee Metcalf and the Forest Service to initiate recovery work in the former dumping area and to create a small developed picnic area and a trail-less hiking area. The decision by the Planning Staff goes against years of recovery work that erased the former destruction caused by dumping.

Mr. Fritz-Sheridan continued by saying that the second problem that arises is the inconsistency of the Planning Staff. There has been a major effort in recent years to preserve Mt. Sentinel as a greenbelt and an undisturbed area and as an extension of the Pattee Canyon recreation area, and this decision flies in the face of these efforts. Given the potential for development of all the surrounding hills within 20 or 30 years, what will be left: a developed Pattee Canyon, or a natural, accessible, undeveloped area?

3. Randy Dolven, a cross-country skier and heavy user of Pattee Canyon, said there were 29 days of skiing in Pattee Canyon last year and it was a bonus year, even though many of the days were so cold that most people didn't go out. He considers Pattee Canyon a good place to go to get away from Missoula, and commercialization would ruin it.

4. Don Aldrich, Director of the National Wildlife Federation for this 3-state region, and president of the Local Sportsmen's Club. Mr. Aldrich stated that in the 1960's these organizations took a policy position for public lands. They recognized that future opportunities for outdoor recreation and wildlife enjoyment would be restricted to public lands, and the organizations are very opposed to the loss of any public lands. Developed recreation should take place on private land. Pattee Canyon is already greatly developed compared to 30 years ago, and we can't afford to give up any more. Mr. Aldrich can see no option that would be open for developing a road that could handle the traffic that would surely result from a commercial development.

5. Virginia Johnson, a Pattee Canyon resident, challenged the two precedents mentioned by Mike Sehestedt, pointing out that they dealt with mining cases, and mining laws in the West have always been very flexible. Ms. Johnson considers Mr. Marble's project to be gross, and feels that we don't need a commercial development in Pattee Canyon. People come to Montana to get away from development, not to see places that remind them of Los Angeles.

6. Margo Voermans, a Pattee Canyon resident and member of the Marshall Canyon National Ski Patrol, commented on potential traffic problems. She has observed that the usual pattern in winter sports areas is for parents to drop off their children and then return to pick them up, so that the area essentially provides a babysitting service, and that this doubling of round-trips means that there will be much more traffic than Mr. Marble projects.

7. Dr. David Brook, emergency physician at St. Patrick Hospital and Pattee Canyon landowner, spoke against increasing traffic on the road. Dr. Brook owns property adjacent to the county road and has to repair damage to it several times a year caused by cars running into it, even when there is no snow or ice. Dr. Brook appreciates Mr. Marble's safety concerns, because he treats people who are injured in snow-sliding accidents, but he feels that a tubing area is not appropriate in Pattee Canyon.

Dr. Brook continued by saying that a group of owners at the top of the Canyon have deemed a portion of their land adjacent to the picnic area as non-developable, non-commercial land. These owners have cleaned up the area in an attempt to return the land to as natural a state as possible. The proposed development, especially night lighting, would change the environment that he and the other owners have tried to establish. Also, the parking area is already congested in the winter because of skiers, and more parking space would require more clearing or opening the picnic area to parking and that area is currently the most actively used ski area. Dr. Brook requested input from the Commissioners to the Forest Service to let them know the feelings of the Pattee Canyon landowners.

8. Casey Reilly, Pattee Canyon resident-owner of land adjacent to the proposed development, said that the whole canyon above the proposed tubing area has been convened by a majority of the landowners to be non-commercial. Mr. Reilly also asked that the Board of County Commissioners convey the expressed public sentiment to the Forest Service.

9. Charlie Eiseman, a Pattee Canyon resident, expressed concern about protecting the populace that travels the icy road as well as the tubers, and that the better protective measure would be limiting traffic on this shady, curvy road.

10. Mercedes Sperry, a Canyon resident who lives near the campground area, said that the people who live in the Canyon drive 4-wheel drive vehicles and it would be a mistake to encourage anyone to drive up there in the winter in any other type of vehicle. She also pointed out that merely establishing a supervised tubing area wouldn't necessarily eliminate injuries at Blue Mountain, because many people would still go there rather than pay to go tubing. Ms. Sperry also feels that if the development were allowed, there would have to be a change in the County policy of not plowing the road on weekends except in case of very heavy snowfall. She further expressed the opinion that a tubing area at the top of the Canyon would drive

PUBLIC MEETING, JUNE 27, 1984, CONTINUED

more skiers onto Larch Camp Road which already is inadequate in winter.

11. Gary Kahl, a Pattee Canyon resident who lives within sight of the proposed development and who belongs to the homeowners association that forbids commercial development, agreed with all the opposition presented and especially felt that lit-up night use as not an appropriate use of a natural recreation area.

12. Nancy Erickson, a Pattee Canyon resident, said that the history of the Canyon shows an increase in traffic with a corresponding increase in accidents. Statistics show Pattee Canyon Drive to be the most dangerous road in the County. The residents worked to close the Crazy Canyon keg site and thus cut down on traffic and, hopefully, accidents. Ms. Erickson said that Traffic Supervisor Ken Kailey said that males from age 15 to 20 are most often involved in accidents in the area, and the residents feel that a tubing area would attract that same age group. Ms. Erickson feels the County would be trading tragedy at Blue Mountain for tragedy at Pattee Canyon, and said that, unofficially, Mr. Kailey agrees that increased traffic will almost certainly mean more accidents.

13. Jack Remien, president of the Pattee Canyon Homeowners Association, acknowledged that Bill Farr had accurately summarized the Association's position regarding Mr. Marble's request, but that he wanted to reiterate the point that instead of hauling in a lot of moveable equipment, they felt strongly that the tube slide should be set up in an already-established commercially-developed winter sports area, such as the Marshall Ski Area. He emphasized that the Association is not against the concept, but they feel that it is not compatible with the present environment in Pattee Canyon.

Mr. Remien continued by commenting that the feelings of Missoula residents about non-developed areas were clearly expressed in the Rattlesnake survey in which 95% of respondents to the Forest Service questionnaire were in favor of the least development. Mr. Remien is of the opinion that a comparison may be drawn between the Rattlesnake and Pattee Canyon.

14. Dr. David Brook spoke again to point out that there is a problem with obtaining a water supply at the top of the Canyon. He was unsure what Mr. Marble's needs would be, but he wanted to inform him that previous attempts with wells in the saddle area, where the development would be located, have been unsuccessful.

No other opponents wished to speak. Chairman Palmer called for a straw vote of those present who wished to express their opposition. Approximately 40 people stood. Mr. Palmer then closed the public comment portion of the hearing.

Pat O'Herren of the Planning Staff spoke again to point out that the Planning Staff had no access to public comment, such as was just presented, when they made their determination. They worked from the Comprehensive Plan, which is just a guideline. The Staff recognizes that goals and policies are often conflicting and not well-defined in the Comprehensive Plan, such as they would be in a zoning regulation, and Mr. O'Herren urged those present to join one of the Task Forces that are being formed to review this document.

Bob Palmer then closed the hearing and stated that the Commissioners would take no action pending a Forest Service decision, and then upon advice of Counsel.

For the record, 19 letters of protest were presented to the Commissioners. They are in the permanent file for this item of business located in the Commissioners Office in the Courthouse, along with 14 other letters received previously.

There being no further business, the meeting was recessed at 2:44 p.m.

* * * * *

June 28, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon, and all three members were present in the afternoon, with Commissioner Dussault returning from San Francisco, California at noon.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners signed and approved the following budget transfer and adopted it as a part of the FY '84 budget:

No. 840193, a request from RSID No. 902 (Pineview Park), to transfer \$26.00 from the Ground Maintenance & Repair account to the Garbage Collection account to correct a shortfall within operational items.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and James Smith, an independent contractor, for the purpose of inspecting those sewer systems that cannot be inspected by the County sanitarian assigned to the Seeley Lake area, and to approve or disapprove the sewer installations based on the requirements of Missoula County Health Department Regulation No. 1 Governing Subsurface Sewage Treatment and Disposal Systems, as per the terms set forth in the Contract, for the period from July 1, 1984, through June 30, 1985, for a total amount not to exceed \$1,500.00. The Contract was returned to the Health Department for further handling.

CONTRACTS

The Board of County Commissioners signed two Contracts between Missoula County and Fred's Towing & Crane Service for the purposes of the removal of sheriff's vehicles, vehicles impounded as evidence, stolen vehicles when the owner cannot be contacted and vehicles creating a traffic hazard in Missoula County, and for the collection of abandoned vehicles in Missoula County, for the period from July 1, 1984, through June 30, 1985, as per the terms set forth in the Contracts. The Contracts were returned to Centralized Services for further handling.

RESOLUTION NO. 84-088

The Board of County Commissioners signed Resolution No. 84-088, a resolution dated June 30, 1984, transferring the excess cash balance of \$1,084.17 in the currently dormant CETA account to the County General Fund.

JUNE 28, 1984, CONTINUED

RESOLUTION NO. 84-096

Commissioners Palmer and Evans signed, with Commissioner Dussault opposing, Resolution No. 84-096, a resolution amending the Missoula County Gambling Regulation as per the Attachment to the Resolution, and that the amended regulations become effective July 1, 1984.

EXTENSION LETTER

The Board of County Commissioners signed a letter to R. A. Ainsworth of Professional Consultants, Inc., granting a two-week extension to the final plat filing deadline for Phase I of Brookside on the Rattlesnake, which is June 28, 1984.

BOARD APPOINTMENTS

The Board of County Commissioners made the following board appointments:

- 1. Jim Van Fossen was appointed to fill a vacancy on the Larchmont Golf Course Board of Directors;
- 2. Myron Boucher's term on the Lolo Water & Sewer Board (RSID 901) was extended for one year and will expire June 30, 1985; and
- 3. Ralph L. Michaelson was appointed as a "regular" member of the Lolo Water & Sewer Board (RSID 901) for a three-year term, which will expire June 30, 1987.

Other items considered included:

- 1. The Commissioners voted to authorize the payment of the lease debt for July, 1984; and
- 2. John DeVore, Operations Officer, met with the Board and discussed jail construction.

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

June 29, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer attended a BPA Task Force meeting held in Missoula during the day.

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List dated June 28, 1984, pages 1-30, with a grand total of \$1,523,761.90. The Audit List was returned to the Accounting Department.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

July 2, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Great Falls attending a Board of Natural Resources meeting.

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 a part of the FY '84 budget:

- 1. No. 840194, a request from Energy Conservation, to transfer \$2,366.00 from the Part-time Salaries/BPA Grant (\$2,000.00) and the Energy Conservation Basic Phone (\$366.00) accounts to the Permanent Salaries account to balance out these items; and
- 2. No. 840195, a request from the Weed Department to transfer \$18,854.00 from the Capital Land Improvement account to the Capital Improvements account to consolidate Capital line items.

RESOLUTION NO. 84-087

The Board of County Commissioners signed Resoution No. 84-087, a budget amendment or emergency budget authorization for Clerk & Recorder/Elections Division because of excess expenses not covered by the Elections FY '84 budget resulting from the four extra school district elections and a large increase in ballot printing costs from Artcraft, and adopted the following as a part of the FY '84 budget:

DESCRIPTION OF EXPENDITURE	BUDGET
CLERK & RECORDER/ELECTIONS	
Printing/Litho (Increase in cost of Primary Election ballots from Artcraft Printers) 1000-144-410610-311	\$17,555.00
DESCRIPTION OF REVENUE	REVENUE
Motor Vehicle Reimbursement 1000-891-334080	\$17,555.00

JULY 2, 1984, CONTINUED

✓✓ RESOLUTION NO. 84-091

The Board of County Commissioners signed Resolution No. 84-091, a resolution to rezone a parcel of land described as Lots 17-32 of Block 11, Southside Addition from "C-R2" (Residential) to "C-11" (Light Industrial).

✓ RESOLUTION NO. 84-092

The Board of County Commissioners signed Resolution No. 84-092, a resolution to rezone a parcel of land described as Certificate of Survey No. 295 and surrounding property from C-C2 "General Commercial" to C-11 "Light Industrial".

✓ CERTIFICATE OF ACCEPTANCE

Chairman Palmer signed the Certification of Acceptance for County Maintenance for New Meadows Drive, which is off Cote Lane and part of a Lloyd Twite development and has finally been repaired to County standards. The Certification was returned to the Surveyor's Office.

✓ TAX PAYMENT AGREEMENT

The Board of County Commissioners signed an Agreement regarding the payment of belated tax bills between Missoula County and Delores I. Harding, the owner of the property and improvements described as Hillview Heights No. 5, Lots 12, Block 9, as per the terms and payment schedule set forth in the Agreement.

✓ QUITCLAIM DEED

Chairman Palmer signed a Quitclaim Deed releasing to the United States Forest, the County's 6 1/2% Mineral Interest in the E 1/2, NE 1/4, Section 22, Township 14 North, Range 19 West, as per Resolution No. 84-081, which was signed June 7, 1984. The Deed was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Other matters considered included the following:

1. The Board discussed the Potomac Community Center issue - a public hearing date will be set;
2. The Jordan Ranch Tracts fence/road problem was discussed - Mike Sehestedt, Deputy County Attorney, will send a letter on this matter;
3. The overcharging by Thomas Plumbing was discussed - John DeVore, Operations Officer, and Deputy County Attorney, Mike Sehestedt, will look into the matter; and
4. The jail matter and Missoulia Building were discussed with John DeVore, Operations Officer - it was decided that the County would not pick up the option on the Missoulia Building by the July 2nd deadline and decision on the matter was postponed until a later date.

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

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July 3, 1984

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. 84-089

The Board of County Commissioners signed Resolution No. 84-089, a resolution to vacate that portion of the County road described as Book 80, Deeds, p. 482, Missoula County Records involving Section 4, Township 14 North and Range 14 West more particularly described on the Resolution and shown on the map attached to the Resolution, subject to a temporary construction easement for State Highway purposes along the southerly boundary of Highway No. 200 from highway station 1209+00 to Station 1220+00, such temporary construction easement to run from July 3, 1984, through December 30, 1985, to construct a fill slope.

✓ RESOLUTION NO. 84-090

The Board of County Commissioners signed Resolution No. 84-090, a resolution to vacate that portion of the County road described as an undesignated roadway located in the NE 1/4 of Section 8, T12N, R19W, which commences at the Northeasterly corner of said Section 8, and extends in a generally south-southwesterly direction for approximately 1/2 mile, as shown on the map attached to the Resolution, and because the Line family and the Hayden family, the parties directly concerned with this question, agreed upon a mutually satisfactory settlement of the access question which prompted the petition to vacate.

✓✓ RESOLUTION NO. 84-093

The Board of County Commissioners signed Resolution No. 84-093, a resolution accepting real property for public road and all other public purposes in the N 1/2 of Section 9, Township 20 North, Range 16 West, and the SE 1/4 of Section 5, Township 20 North, Range 16 West, Principal Meridian, Montana, Missoula County, Montana, from Burlington Northern Railroad Company. This is part of an Agreement signed on October 18, 1982, allowing the Railroad to use the County's 40 feet of right-of-way to rebuild the Rumble Creek Road (Swan Valley) for a timber sale, and that Burlington Northern donate 30 feet of right-of-way to go with the County's 40+ feet - the Deed completes that Agreement. The Resolution and Deed were forwarded to the Clerk & Recorder for filing.

Other matters considered included:

1. Captain Harold Haig of the Sheriff's Department reported on a dog bite incident - the Commissioners approved placing the dog in a local vet clinic for observation; the County will pay the bill and then bill the owner - also, the owner will be cited and appear in Justice Court; and
2. Willis Curdy et. al. met with the Board and representatives of the Surveyor's Department and discussed

JULY 3, 1984, CONTINUED

the Harper's Bridge Project.

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

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July 4, 1984

The Courthouse was closed for the Independence Day Holiday.

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July 5, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation July 5th and 6th, 1984.

DAILY ADMINISTRATIVE MEETING

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

✓✓ RESOLUTION NO. 84-094

The Board of County Commissioners signed Resolution No. 84-094, a resolution creating RSID No. 407 for the purpose of design and construction of Frey Lane, - 24-foot wide paved surface with drainage sumps and ditches. Chairman Palmer also signed the Notice of Sale of Bonds for RSID No. 407 in the amount of \$55,000.00 setting the sale date for August 8, 1984, at 1:30 p.m.

✓ AGREEMENT

The Board of County Commissioners signed an Agreement authorizing the use by Wendell H. Frojen and Michael R. McMeekin, polygraph examiners for the Missoula County Sheriff's Office, of the County-owned polygraph and polygraph examination facilities for the purpose of conducting private polygraph examinations subject to the conditions listed on the Agreement.

Other matters considered included:

1. The Commissioners discussed Ron Lino's property for sale and Chairman Palmer was authorized to sign for this;
2. John DeVore, Operations Officer, met with the Board and discussed The Missoulain building option once again - the Commissioners voted 2-0 (Commissioner Evans voting by written proxy attached to minutes) with Commissioner Palmer abstaining, to exercise the \$2,500.00 option to enter into the buy-sell agreement to purchase The Missoulain building, if the bond issue passes in November;
3. The County printing contract for FY '85 was discussed - no award was made and the Commissioners have 14 days to decide; Wendy Cromwell, Elections Supervisor, was instructed to write Artcraft Printers and request documentation of all costs for the large printing bill received from them, and Mike Sehestedt, Deputy County Attorney, will do an Attorney's Opinion on printing options for next year; and
4. The Board of County Commissioners approved Appendix B to the Audit Contract, dated May 16, 1983, with Dobbins, DeGuire & Tucker, P.C., for the June, 1984, audit, making the following changes to the previous proposal dated June 6, 1984:
 1. Engagement dates in item 1 have been changed to reflect actual dates for the entrance conference and commencement of audit work (A and B) and revised completion dates (C through F) due to delay in the starting date resulting from the period of negotiations.
 2. Fee discount and total contract fees in items 2 and 3 have been revised to \$29,535 and \$54,000, respectively.

The Appendix was forwarded to George Pendergast of the Local Government Services Division, State of Montana, Department of Administration for his signature.

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

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July 6, 1984

The Board of County Commissioners did not meet in regular session; however, Commissioner Evans came in briefly during the day, so a quorum of the Board was present for a short time. Commissioner Palmer left in the morning for Seattle, Washington, to attend the NACo Annual Conference, which will be held there.

INDEMNITY BONDS

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

1. Naming Michael R. Biggins as principal for Warrant #5233, dated September 20, 1983, on the Missoula Vo-Tech Center Payroll Fund, in the amount of \$40.36, now unable to be found; and
2. Naming Michael R. Biggins as principal for Warrant #5430, dated October 20, 1983, on the Missoula Vo-Tech Center Payroll Fund, in the amount of \$40.36, now unable to be found.

✓✓ PLAT

The Board of County Commissioners signed the Certificate of Final Plat Approval for Brookside on the Rattlesnake, Phase I, subject to the condition listed on the Plat.

✓ AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and Verna J. and Gene D. Biggers, the owners of property described as Hidden Hills - PT of Lot 3, Plat C, Missoula County, for

JULY 6, 1984, CONTINUED

for additional taxes due on the property because of erroneous assessment for the years 1978 through 1983, as per the terms and payment schedule set forth in the Agreement. The Agreement was returned to Betty Wing, Deputy County Attorney, for further handling.

Fern Hart

Fern Hart, Clerk & Recorder

Bob Palmer

Bob Palmer, Chairman, County Commissioners

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July 9, 1984

The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present. Commissioner Palmer was in Seattle, Washington, attending the NACo Annual Conference through July 10, 1984; and Commissioner Evans was on vacation July 9th and 10th.

INDEMNITY BOND

Acting Chairman Dussault examined, approved and ordered filed an Indemnity Bond naming the State Compensation Insurance Fund as principal for Warrant #114242, dated May 10, 1984, on the Missoula County General Fund in the amount of \$10,906.01 now unable to be found.

MONTHLY REPORT

Acting Chairman 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 ended June 30, 1984.

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July 10, 1984

The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present.

MONTHLY REPORT

Acting Chairman Dussault examined, approved and ordered filed the Monthly Report of Justice of the Peace, W.P. Monger, for collections and distributions for month ended June 30, 1984.

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July 11, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was on vacation July 11 - 13, 1984.

MONTHLY REPORT

Acting Chairman Dussault examined, approved and ordered filed the Monthly Report for Justice of the Peace, Janet Stevens, for collections and distributions for month ended June 30, 1984.

WARRANT APPROVAL REPORT

Commissioners Dussault and Evans signed the Warrant Approval Report dated 6/84 for the year 1984, (run date of 7/11/84) for Claims in the amount of \$23,892.45 - General Fund, and \$1,062.00 - Health Fund, for a total of \$24,954.45.

DAILY ADMINISTRATIVE MEETING

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

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts between Missoula County and the following independent contractors:

- ✓ 1. Advanced Urethane Systems, for the purpose of installing approximately one and one-fourth inches of high density (2.5 PLf) roof foam and necessary masking plus two coats of elastomeric top coatings on the roof of the monitoring stations located at Boyd Park and at Rose Park in Missoula, Montana, for the period from July 1, 1984 to July 30, 1984, for a total amount of \$660.00;
- ✓ 2. Joanne Oreskovich, for the purpose of assisting in developing and providing the final Northwest Area Foundation Child Health Assessment, for the period from June 25, 1984, to July 31, 1984, for a total amount not to exceed \$400.00;
- ✓ 3. Anita L. Wilson, for the purpose of producing the final Northwest Area Foundation Child Health Assessment Report, including Executive Summary and necessary data analysis to produce the report, for the period from June 25, 1984, to July 31, 1984, for a total amount of \$500.00;
- ✓ 4. Pat Hennessy M.D., of St. Ignatius, Montana, for the purpose of being available to provide technical assistance to the Health Department concerning family and sexual disease care, and to review and sign protocols and standing orders as needed, for four hours every other week at the Missoula City-County Health Department, commencing July 1, 1984, and concluding June 30, 1985, for a total amount not to exceed \$2,600.00; and
- ✓ 5. M. J. Winship M.D., for the purpose of being available to provide technical assistance and consultation to the Health Department concerning infectious disease control and treatment, and to review and sign communicable disease protocols and standing orders as needed, for the period from July 1, 1984, to June 30, 1985, for a total amount not to exceed \$250.00.

All of the above Contracts were returned to the Health Department for further handling.

JULY 11, 1984, CONTINUED

✓ PUBLIC DEFENDER RETAINER AGREEMENTS

The Board of County Commissioners signed the Public Defender Retainer Agreements for FY '85 dated July 1, 1984, with the following individuals/firms, showing the percentage of Public Defender work to be performed and the total amount for each Agreement, for the period from July 1, 1984, through June 30, 1985, as per the terms and conditions set forth in the Agreements:

1. McClain & Dowdall - 30% - \$63,790.50;
2. Margaret Borg - 10% - \$20,027.25;
3. James P. O'Brien - 10% - \$20,027.25;
4. James Park Taylor - 10% - \$20,027.25;
5. Ferguson & Mitchell - 25% - \$50,068.13; and
6. John Riddiough - 15% - \$30,040.88.

✓ OPTION TO PURCHASE

Acting Chairman Dussault signed an Option to Purchase Agreement between Missoula County and Lee Enterprises, Inc. for the property described as Lots 1-15 inclusive, in Block N of C.P. Higgins Addition (The Missoulia Building) as per the terms set forth in the Agreement; and the option to purchase this property depends upon whether or not the voters of Missoula County approve the bond issue in the 1984 November General Election. The document was returned to John DeVore, Operations Officer, for further handling.

✓ LETTER OF CONSENT

The Board of County Commissioners signed a letter to the Potomac-Greenough Community Center consenting to their Board's lease of the Potomac-Greenough Community Center to School District No. 11 for a middle school.

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

PUBLIC MEETING

Acting Chairman Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Bob Palmer was in Seattle attending a NACo Conference.

✓ BID AWARDS: PLANT MIX ASPHALTIC CONCRETE (SURVEYOR'S OFFICE)

Under consideration was the award of the bid for plant mix asphaltic concrete for the Surveyor's Office.

Information provided by Surveyor Dick Colvill stated that the following bids had been received:

Bids for 3,275 tons of asphaltic concrete were opened July 2, 1984 with the following bids received:

American Asphalt	\$65,172.50
Western Materials	\$72,868.75

This material is used for patching and overlays on paved roads.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid be awarded to the low bidder, American Asphalt, for 3,275 tons, at a total cost of \$65,172.50. The motion passed by a vote of 2-0.

✓ BID AWARD: 160 TONS - CRS-2 EMULSIFIED ASPHALT OIL (SURVEYOR'S OFFICE)

Under consideration was the award of a contract for 160 tons of CRS-2 emulsified asphalt oil for the Surveyor's Office.

Information provided by Surveyor Dick Colvill stated that the following bid had been received:

Bids for CRS-2 asphalt oil were opened July 2, 1984, with one bid received:

Cenex	\$27,200
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The oil will be used to chip seal paved roads.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bids for CRS-2 asphalt oil be awarded to Cenex, in the amount of \$27,200. The motion passed by a vote of 2-0.

Surveyor Colvill noted that his office had \$37,700 in the budget for this chip oil. He added that the bid was F.O.B. refinery, and that the Surveyor's Office would have to pay the freight from the budgeted amount.

✓ ✓ BOND BID: RSID 406 (SEWER IMPROVEMENTS - LARKSPUR & 21st AVENUE)

Under consideration was the award of a bond bid for RSID 406, created for the purpose of making improvements to the sewer system along Larkspur and 21st Avenue.

Operations Officer John DeVore stated that the following two bond bids had been received for this project:

Two bond bids were received as follows for the above referenced RSID:

Ben L. Smith	Bid Total \$96,000	Rate 11.45%
Glen Rangitsch	Bid Total \$96,000	Rate 12.2%

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that bond bids for RSID 406 be awarded to Ben L. Smith, for \$96,000, at a rate of 11.45%, in accordance with the recommendation of Operations Officer John DeVore. The motion passed by a vote of 2-0.

✓ BID AWARDS: LINDBERGH LAKE BRIDGE AND MORRISON LANE BRIDGE (SURVEYOR'S OFFICE)

Information provided by Surveyor Dick Colvill stated that the two projects involved in the bid were the

PUBLIC MEETING, JULY 11, 1984, CONTINUED

construction of the Lindbergh Lake Road Bridge and driving of the piles on Morrison Lane Bridge. He stated that the following bids had been received:

<u>BIDDER</u>	<u>LINDBERGH LAKE</u>	<u>MORRISON LANE</u>	<u>TOTAL</u>
Frontier-West, Inc.	\$129,706.50	\$4,260.00	\$133,966.50
E.F. Matelich Construction	150,833.50	4,742.50	155,626.00
MacIntyre Construction	161,165.00	2,860.00	164,025.00
General Concrete, Inc.	162,728.15	8,145.00	170,873.15

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid be awarded to the low bidder, Frontier-West, in the amount of \$133,966.50, in accordance with Surveyor Colvill's recommendation. The motion passed by a vote of 2-0.

Dick Colvill noted that his budget included \$150,000 for the Lindbergh Lake Bridge, to be done on contract; and that the current budget included \$18,000 for the Morrison Lane Bridge, to be built by the County. He also informed the Commissioners that his office had spent \$6,222 on Morrison Lane materials to that date.

AUDIT LIST

Acting Chairman Ann Mary Dussault and Barbara Evans then signed the Audit List, dated July 11, 1984, for the accounting period 6/84 for the fiscal year '84, pp. 1-31, for a grand total of \$126,269.17. The Audit List was returned to the Accounting Department.

Since there was no further business to be considered by the Commissioners, the meeting was recessed at 1:50 p.m.

GENERAL REVENUE SHARING HEARING

Acting Chairman Ann Mary Dussault called the hearing to order at 2:00 p.m. Also present was Commissioner Barbara Evans, as well as Budget Officer Dan Cox and Operations Officer John DeVore. Commissioners Bob Palmer was absent as he was attending a NACo Conference in Seattle, Washington.

Ann Mary Dussault explained that state statutes required the Board of County Commissioners to hold a public hearing in regard to the allocation of Federal Revenue Sharing Funds within Missoula County for FY '85.

Operations Officer John DeVore stated that the purpose of the hearing was for any and all interest groups who wished to do so to make suggestions to the Board of County Commissioners in regard to the allocation of these Federal funds. He stated that Joan Christopherson, Chairman of the Missoula Area Agency on Aging Governing Board, had submitted a request for GRS funds on behalf of the Area Agency on Aging. The following is the text of the request:

The Area Agency Finance Committee met with Jim Morton, Mary Palmer, and Cindy Sacks on Tuesday, June 26, 1984, to discuss amending the contract in light of excess meal delivery and income shortages. H.R.D.C. proposes a reduction in meal services from 5 days to 3 days at the Higgins Street congregate site, but no cuts in home delivery. Nonetheless, there will still be about a \$13,000 deficit for FY 1984. H.R.D.C. has indicated a willingness and ability to cover \$8,000 of this potential deficit.

There is no way of learning if the cash-in-lieu will be forthcoming in time to forestall the remaining shortfall.

When the Area Agency signed a contract with H.R.D.C. for the provision of 37,000 meals to senior citizens we had to consider the difficulties inherent in the cash-in-lieu to be supplied by the Department of Agriculture in the contract year.

At the time of the contract negotiations, we discussed the possibility that the lag in the delivery of these monies might result in a shortage of funds by fall of 1984. We said at that time that if this happened, one recourse would be an appeal to the County Commissioners for aid.

At the request of H.R.D.C. we are thus asking for County Revenue Sharing funds to make up the deficit. That is the bad news.

The good news is that if and when the cash-in-lieu payment arrives, it could become a certain part of the FY '85-86 contract expectation; free our annual budgeting from the uncertainty of the past two years. We would expect, therefore, that this could be a one time only necessity in compensating for a contract deficiency.

The second GRS request was made by Gary Boe, Health Director, for two projects, stated in his memorandum, as follows:

We request General Revenue Sharing funds in the amount of \$32,590 to be broken down as follows:

\$ 6,158	IBM PC 16K
26,432	Municipal Lease Payment
<u>\$32,590</u>	

The municipal lease payment would fund a \$100,950 remodeling of the Health Department and would require five level payments of \$26,432 each year through FY '89. We request this initial commitment of \$26,432 be understood to entail four additional payments utilizing revenue sharing funds.

Gary Boe was present at the hearing to elaborate on these requests. He explained that the IBM PC request (a mini-computer) would be very useful to the Health Department in processing data that they must work with. He said that he had conferred with Jim Dolezal, Data Programming Supervisor, to ensure that the system would be compatible with the County's Burroughs computer system. He said that the IBM PC with its 16K capacity had Jim Dolezal's blessing, and added that the cost/benefit to the Health Department of acquiring this system would be very high in benefits, in that it would save them many thousands of dollars in administrative time.

He then explained his second request, the \$26,432 initial commitment towards remodelling the office arrangement at the Health Department. He said that the Health Department was very poorly and inefficiently laid out. He had asked the architectural firm of Robinson & O'Neill to assess the Health Department's needs in terms of a better office environment.

GENERAL REVENUE SHARING HEARING, JULY 11, 1984, CONTINUED

Reed Robinson, an architect with the firm, then presented a detailed master plan and statement of probable construction costs. The grand total of their estimate was \$100,950.00.

Gary Boe expalined that this amount would be broken down into a \$26,432 GRS request each year for five years. He said it could be managed in terms of a municipal lease. He told the Commissioners that the health mill would not accommodate this project, and asked them not to merely fund one year of the project because he did not anticipate being able to pick up the remaining amounts in the future. He said that, rather than receiving funding for only one year, he would prefer not to have the project begun at all.

Barbara Evans asked how much he was planning to ask from the City. He said none, and he thought that this was justified. He went on to say that his department had come in with a cash balance of \$100,000, a vast improvement over previous years. Because of this, the Department had been able to hard-fund air monitoring equipment which was absolutely essential. He said that the \$100,000 cash balance and the non-tax revenues exceeding expectations were plug figures needed to balance the Health Budget, and had waylaid the need to lay off people. He said that his goal was to do everything possible to bring in another positive cash balance at the end of FY '85.

Barbara Evans asked him what would happen to the Departments' morale and productivity if the GRS request for office remodeling were not approved.

Gary Boe replied that he did not see it as having such a dire effect as destroying morale and productivity if it were not done, but when he had first walked into the building to take over as Acting Health Director, he had not been able to believe the way the office was arranged.

Operations Officer John DeVore agreed with this assessment, stating that the Health Department was the most dysfunctional facility that the County owned.

There was no further testimony and there were no other GRS requests or comments on the above request. The hearing was, therefore, recessed at 2:20 p.m.

TRIP TO TOUR JAILS

In the evening, Commissioner Dussault and Sheriff Ray Froehlich left for Medford, Oregon, where they will tour the jail facilities there on July 12th.

* * * * *

July 12, 1984

The Board of County Commissioners did not meet in regular session; as a quorum of the Board was not present. Commissioner Evans was on vacation July 12th and 13th; however, she came in briefly to sign the two Budget Amendment Resolutions, which Commissioner Palmer signed on July 6th before leaving for the NACo Annual Conference in Seattle, Washington. In the afternoon on July 12th, Commissioner Dussault and Sheriff Froehlich traveled from Medford, Oregon, to San Francisco, California, to tour the jail facilities in that area on July 13th and 14th, 1984.

RESOLUTION NO. 84-104

The Board of County Commissioners signed Resolution No. 84-104, a budget amendment for the Clerk & Recorder/ Elections Department for FY '84, including the following expenditure and revenue and adopting it as a part of the FY '84 budget (this reverses a Budget Amendment-Resolution No. 84-087, which was signed on July 2, 1984):

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
CLERK & RECORDER/ELECTIONS	
Motor Vehicle Reimbursement 1000-891-334080	\$17,555.00
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
Printing/Litho (increase in cost of Primary Election ballots from Artcraft Printers) 1000-144-410610-311	\$17,555.00

ORIGINAL AMENDMENT 84-087 WAS PREMATURE.

RESOLUTION NO. 84-105

The Board of County Commissioners signed Resolution No. 84-105, a budget amendment for the Clerk and Recorder/Elections Department for FY '84, including the following expenditures and revenue, and adopting it as part of the FY '84 budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
CLERK & RECORDER/ELECTIONS	
Printing/Litho 1000-144-410610-311	\$12,566.00
Salaries 1000-190-411290-111	\$ 6,572.17
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
Motor Vehicle Reimbursement 1000-891-334080	\$19,138.17

* * * * *


July 13, 1984

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

JULY 13, 1984, CONTINUED

On Saturday, July 14th, Commissioner Evans participated in Smokey Bear's 40th Birthday Party, which was held at Southgate Mall and sponsored by the State Forester's Office.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman, County Commissioners

* * * * *

July 16, 1984

The Board of County Commissionrs did not meet in regular session; Commissioner Palmer was on vacation, Commissioner Evans was on vacation July 16th and 17th, and Commissioner Dussault was in San Francisco, California, attending the Democratic National Convention all week, July 16th through July 20th.

* * * * *

July 17, 1984

The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present.

AUDIT CONTRACT APPENDIX

Chairman Palmer signed Appendix B of the Audit Contract with Dobbins, DeGuire & Tucker, which was approved by the Board of County Commissioners on July 5, 1984, and received back from George Pendergast, Administrator of the Local Government Services Division of the State Department of Administration, with his signature.

* * * * *

July 18, 1984

The Board of County Commissioners did not meet in regular session as a quorum of the Board was not present. Commissioner Palmer took a day of vacation.

INDEMNITY BOND

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming MONY as principal for Warrant #19732 dated May 27, 1983, on the Missoula County Claims fund in the amount of \$309.50 now unable to be found.

PROCLAMATION

Commissioner Evans signed (Commissioner Palmer signed on July 17th) a Proclamation declaring July 24, 1984, as "Missoula Hunger Relief Day" in Missoula County.

WEEKLY PUBLIC EVENING MEETING CANCELLED

The Weekly Public Evening Meeting scheduled for this date was cancelled as two of the Commissioners were scheduled to be gone.

* * * * *

July 19, 1984

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

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 84-095

- ✓✓✓ The Board of County Commissioners signed Resolution No. 84-095, a Resolution of Intention to Create RSID No. 408, for the purpose of constructing natural gas mains and related appurtenances to serve Lots 1-22, Grantland Subdivision No. 12, Lots 1-60, Grantland Subdivision No. 13, Lots 1-7, Lime Springs Addition of Missoula County, Montana.
- ✓✓✓ Chairman Palmer also signed the Notice of Passage of the Resolution of Intention to Create RSID No. 408, and the Notice of Sale of Bonds in the amount of \$48,000.00 for RSID No. 408, setting the sale date for August 22, 1984, at 1:30 p.m.

CONTRACT

- ✓ The Board of County Commissioners signed a Contract dated July 17, 1984, between Missoula County and L.S. Jensen & Sons for the construction, installation and completion of sewer improvements on Larkspur Avenue, RSID No. 406, for a total sum of \$74,225.40. The Contract was returned to General Services for further handling.

CONTRACTS

The Board of County Commissioners signed the following Contracts for the City-County Health Department with:

- ✓ 1. The Missoula Indian Alcohol and Drug Program for the purpose of coordinating comprehensive alcohol services, including out-patient care, preventive public education services, emergency care and consultation to residents of Missoula County, as per the terms set forth in the Contract for the period from July 1, 1984 through June 30, 1985, for a total amount up to \$12,454.00; and
- ✓ 2. the Recovery Foundation, Inc. for the purpose of coordinating comprehensive alcohol services including outpatient care, preventive public education services, emergency care and consultation to residents of Missoula County, as per the terms set forth in the Contract for the period from July 1, 1984, through

JULY 19, 1984, CONTINUED

June 30, 1985, and the payment will be \$74,672.00 from outpatient and advocate services, \$10,000.00 for transportation from Missoula to approved treatment facilities, and \$35,285.00 for operation of transitional living facility. The Contracts were returned to the Health Department for further handling.

ANNUAL UPDATE OF AGREEMENT

The Board of County Commissioners signed the Annual Update (Schedule A and Maintenance Plan) of the Lolo Forest-Missoula County Road Agreement - The Plan was signed in 1967 and the list of roads is updated annually; there has been no change in the County obligation; but some of the roads under Forest Service jurisdiction were dropped because no private residences were served by the road. All the copies were returned to the Surveyor, who will forward a copy to the Lolo National Forest.

RESOLUTION NO. 84-106

The Board of County Commissioners signed Resolution No. 84-106, a budget amendment for FY '84 for the Welfare Department including the following expenditures and revenues and adopting them as a part of the FY '84 budget:

DESCRIPTION OF EXPENDITURE	BUDGET
WELFARE:	
2120-641-450140-193	\$21,984.99
2120-641-450140-359	116.70
2120-641-450140-731	6,529.35
2120-643-450131-374	70,000.00
2120-643-450131-382	22,683.48
2120-643-450131-356	79.00
DESCRIPTION OF REVENUE	REVENUE
2120-643-333053	\$91,410.00
2120-641-395015	31,081.33

RESOLUTION NO. 84-107

The Board of County Commissioners signed Resolution No. 84-107, a budget amendment for FY '84, for the Planning Department including the following expenditure and revenue and adopting it as part of the FY '84 budget:

DESCRIPTION OF EXPENDITURE	BUDGET
PLANNING:	
2250-260-470400-111	\$17,500
DESCRIPTION OF REVENUE	REVENUE
2250-260-331258	\$17,500
County Community Development Block Grant	

BUDGET TRANSFERS

The Board of County Commissioners approved and signed Budget Transfers Nos. 840196 through 840238 (year-end clean-up budget transfers for various County Departments and funds) and adopted them as a part of the FY '84 budget. The individual budget transfers are on file in the Commissioners Officer budget files.

GRANT MODIFICATION

Chairman Palmer signed the Modification A001 of Grant DE-FG79-83BP13844, Implementation of an Energy Management Plan for the Local Government and School Districts in Missoula, Montana; for the purpose of extending the budget period and the project period until September 30, 1984. One copy was returned to the Department of Energy, Bonneville Power Administration, in Portland, Oregon, and one copy was retained in the Energy file.

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


LUNCHEON MEETING

Commissioner Evans attended a luncheon meeting at noon sponsored by Burlington-Northern, held at the Old BN Depot for various City-County and BN officials and representatives of the business sector of Missoula.

July 20, 1984

The Board of County Commissioners did not meet in regular session; Commissioner Palmer took a day of vacation and Commissioner Evans was out of the office until noon.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman, County Commissioners

July 23, 1984

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

DAILY ADMINISTRATIVE MEETING

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

JULY 23, 1984, CONTINUED

NOTICE OF PUBLIC HEARING

Chairman Palmer signed the Notice of Public Hearing for the purpose of hearing written and oral comment from the public concerning the proposed annual budget for Fiscal Year 1985 and the use of Revenue Sharing Funds as contained in that proposed budget, and will be held on Wednesday, August 8th at 3 p.m., continued on August 9th at 7 p.m., and again on August 10th at 1:30 p.m.

BID AWARD - COUNTY PRINTING

The Board of County Commissioners voted 3-0 to award the ballot section of the County Printing Contract to Artcraft at a 24% discount, as per their bid, for FY '85; and the other outside printing will be contracted per job per low bidder.

Other matters considered included:

- 1. Jean Wilcox, Deputy County Attorney, met with the Commissioners and discussed the Jette Road Litigation and the Bradford property issue;
- 2. The Urban Coalition lobbyist position was discussed; and
- 3. John Badgley met with the Board and discussed the Bitterroot RC&D EDA Grant.

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

July 24, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer left in the morning for Portland, Oregon, where he will attend a BPA Task Force Meeting on July 25.

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 Parkside Homeowners Association for the purpose of administering the scope of work identified in the Resolution of Creation of RSID No. 903 for park maintenance as per the terms set forth in the Agreement, and the residents of the district will be assessed for the costs at the level identified in the petition on an annual basis. The Agreement was returned to John DeVore, Operations Officer, for further handling.

RELEASE OF RENTAL AGREEMENT

The Board of County Commissioners signed a Release of Rental Agreement for the property described as 720 Montana, East Missoula in conjunction with a promissory note for a rehab loan which was not accepted. The Release was returned to the Planning Department for further handling.

CERTIFICATES OF ACCEPTANCE

Commissioner Evans signed the Certification of Acceptance for County Maintenance for the following roads:

Creekside Court	Starwood Drive
Streamside Court	Pineridge Court
Rosewood Court	Hiline Court

These roads are in the new Grantland 12 and 13 subdivisions, and they are paved roads constructed through an RSID. The Certifications were returned to the Surveyor's Office.

Other items considered included the following:

- 1. The Board discussed and approved training for Orin Olsgaard, DES Coordinator and Bob Schieder, Facilities Manager, up to \$500.00;
- 2. The Municipal lease of the new Burroughs was approved at 11.5%; and
- 3. City-County funding items were discussed - the Library funding formula proposal by Commissioner Palmer was approved by the Board with the following conditions: no County tax increase after absorbing the Library Tax increase; and after the City contribution ends, the County will acquire all assets and Board memberships.

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

July 25, 1984

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 July 24, 1984, pages 1-36, with a grand total of \$913,640.44. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

PLAT

The Board of County Commissioners signed the Amended Plat for Sorrel Springs, Lot 54, T15N, R21W, the owners/developers being Jerry W. and Carole A. Norton.

JULY 25, 1984, CONTINUED

✓✓ PLAT

The Board of County Commissioners signed the Plat for Lakewood Estates, Phase 2a, a subdivision of Missoula County located in the SW $\frac{1}{4}$ of Section 25 and E $\frac{1}{2}$ of Section 26, T12N, R20W, the owner/developer being T & T Construction, Inc.

Other matters considered included:

1. John DeVore, Operations Officer, met with the Board and a discussion was held regarding the District Court Grant-in-Aid Audit Exception - the Commissioners voted to pay the \$207,309.00 Audit exception to the Department of Commerce under protest; and
2. Mike Sehestedt, Deputy County Attorney, met with the Board and discussed the Lance vs. Lance lawsuit - the Commissioners voted to pay \$250.00 to clear up the matter.

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

PUBLIC MEETING

The meeting was called to order at 1:35 p.m. by Barbara Evans, Acting Chairman. Also present was Commissioner Ann Mary Dussault. Commissioner Bob Palmer was in Portland, Oregon on BPA Task Force business.

✓✓ BID AWARD: COMPUTER HARDWARE

Under consideration was the award of the bid for additional computer hardware for Information Services (Data Processing). The only bidder was Burroughs, with a bid of \$159,817.00.

Ann Mary Dussault moved and Barbara Evans seconded the motion that the bid be awarded to Burroughs pursuant to the recommendation of the Data Processing staff. The motion passed by a vote of 2-0.

✓✓ CONSIDERATION OF: GLENEAGLE AT GRANTLAND (FINAL PLAT)

Barbara Martens of the Missoula Planning Staff gave the Planning Staff report. She stated that the Planning Staff had previously attached nine (9) conditions to approval of this project; to date three (3) of the conditions have been met. Staff recommends approval of Gleneagle at Grantland upon completion of the remaining conditions.

Ken Knie, representing the developer, said that the developer and Surveyor Dick Colvill need to meet to iron out the details of monetary credit for survey work, and assured the Commissioners that the stated conditions would be met.

Barbara Evans said that she assumed that Dick Colvill would not sign an approval until and unless all the conditions had been met.

Ann Mary Dussault moved and Barbara Evans seconded the motion that approval be granted for Gleneagle at Grantland subject to the developer's meeting the conditions as stated by the Planning Staff. The motion passed by a vote of 2-0.

✓✓✓ CONTINUATION OF HEARING: REQUEST TO VACATE PORTION OF ROAD - SEELEY LAKE ESTATES #2 - TRACT 22 60-FOOT RIGHT-OF-WAY (JIM RICHARDS)

Under consideration was a request from Jim Richards to vacate a portion of road that traverses his property in Seeley Lake Estates #2.

Barbara Evans opened the hearing to public comment. Since this was a continuation, proponents and opponents were free to speak as recognized.

1. Erick Anderson, manager of the Double Arrow Ranch Landowners Association read a letter from Dick Ainsworth of Professional Consultants, Inc., which stated that the original intent of the developer when vacating other roads in the area was to retain the portion in question as a roadway that would serve as a connection and access to the internal road system within the Double Arrow Ranch.

2. Jim Richards provided the Commissioners with packets containing facts and figures from County records showing the history of the roadway in question. The thrust of his presentation was that while the records show that the road was deeded to the County, there is no evidence that it was accepted by the County: it is not County-maintained and taxes on it have always been paid by a private owner. His packet also contained a letter from Life of Montana Corporation recommending abandoning the roadway and deeding it to Mr. and Mrs. Richards, and pointing out that other routes of access are available to Double Arrow homeowners.

3. Robert Johnson of the Seeley Lake Rural Fire District said that the District was not opposed to the vacation originally, as long as emergency access was guaranteed, but they became concerned that opening a locked barrier would waste critical time in what might be a life-and-death situation. Because of this concern, the District decided to take a stand in opposition to the vacation and, further, to request that the roadway be brought up to County specifications and then maintained by the County for permanent access.

Jim Richards reminded Mr. Johnson that he promised to put in writing a guarantee to emergency access.

4. Ken Kopke, a Double Arrow landowner, pointed out that there are many more lots platted now than there were even a few years ago, and consequently there is an even greater need for emergency access.

5. Alan Bain, Seeley Lake property owner, commented that the road is definitely not up to County standards, and that, in fact, when pressed several years ago about why it was not being maintained, the County erected an End of County Road sign well ahead of the beginning of this road.

6. David Whitesitt, Seeley Lake Fire Chief, stressed the need for the road to be open for emergency access.

7. Lucille Johnson, a neighbor of Jim Richards, said that since this road is privately maintained, the people living along it don't want to suffer the consequences of increased traffic on it.

8. Dr. Ida Glynn said that there are serious safety problems for children and animals on this road. Since it is not policed, many drivers are negligent and reckless. She feels that there are other, better accesses available.

PUBLIC MEETING, JULY 25, 1984, CONTINUED

9. Marvin Hayes, a homeowner, expressed concern for speedy emergency services.
10. Erick Anderson read from a letter from John Tripp of Double Arrow management which stated that a cable was originally installed in 1976-77 to keep hunters off the Ranch.
- Robert Johnson spoke again to stress the Fire District's concern that there be no permanent closure of the road.
11. Rene Lundberg stated that she supports Jim Richards.
12. Mary Miller expressed her opposition to more traffic.
13. Henry Miller said that the road is privately maintained and that he had repaired it with his own resources after a washout, and therefore he is opposed to increased public traffic.

There being no further speakers, Barbara Evans closed the hearing.

Ann Mary Dussault asked Don Ebbutt of the Surveyor's office to describe the area and he did so utilizing a map.

Clerk and Recorder Fern Hart asked about the procedures for accepting dedicated County roads, and expressed the desire for a clear and consistent policy.

Ann Mary Dussault stated that while some roads are called County (public) roads, they are not accepted, which is to say that they are not up to County maintenance standards.

Bob Slomsky of the County Attorney's Office stated that Mr. Richards' point is that while the roadway was deeded to the County it was never accepted because of not being up to standards, and was therefore still a private road.

Miss Dussault asked Mr. Bain what had precipitated the closure in 1976 and he said that it was a dispute between the residents of Seeley Lake Estates and the residents of the Double Arrow Ranch, and that they had taken it to the Planning Board.

Ann Mary Dussault wondered why the Rural Fire District wanted to use the disputed road, given its poor condition.

Mr. Johnson said that the Fire Board was anticipating future development which would give rise to a need for an upgraded road and that at that time they would require permanent access.

Ann Mary Dussault said that her feeling at this time is not to vacate, but to give Mr. Richards an encroachment permit. This road is the only connection between two subdivisions and future development will demand that it be available. A breakaway fence could be installed that would limit access to emergency vehicles only.

Barbara Evans agreed with the idea of an encroachment permit and a breakaway barrier. This decision would give the people living along the road limited traffic, but would leave the County with the option to develop it in the future, and would give Mr. Richards notice that in 30 or 40 years the road past his property might become a thoroughfare.

Erick Anderson asked what an encroachment permit would entail.

Ann Mary Dussault said that the Commissioners would need to meet with Counsel to determine the nature of a permit.

Ann Mary Dussault moved and Barbara Evans seconded the motion that the decision on whether or not to vacate this 60-foot Right-of-Way on Seeley Lake Estates #2, Tract 22 be made at the Public Meeting one week from today on August 1, 1984. Motion carried by a vote of 2-0.

There being no further business, the meeting was adjourned at 2:55 p.m.

FIRST PRELIMINARY BUDGET HEARING-FY'85, JULY 25, 1984

The hearing was opened by Acting Chairman Barbara Evans at 3:00 p.m. In presenting the preliminary budget, Dan Cox, Missoula County Budget Officer, described it as a flat-line budget, i.e., there is neither up nor down movement in it.

Barbara Evans called for public comment on the budget.

John Wicks of the Planning Board spoke in favor of the budget for the Planning Department, pointing out the need for planning in order to promote efficiency, safety, and economy.

Allen Hickethier, a resident of the South Hills area, asked if any money had been included in the budget for dealing with the South Hills drainage problem. (The answer was no.) He stressed the need for a solution because at times the water is deep enough for a child to drown, and that when the school buses must divert to unload because of puddles the alternate streets they use are dangerous and also wet.

John DeVore, County Operations Officer, explained that CIP monies that had been considered for use in the South Hills went instead to the Harper's Bridge project in order to meet a deadline for receiving a two-million-dollar federal grant.

Barbara Evans promised to act tomorrow to try to find a short-term solution.

Carmelita Bullock, a South Hills resident, expressed dismay that \$106,000 has been spent on studies, and no work has been done yet.

Vicky Campbell, representing the Cold Springs-Meadow Hill PTA, said that her organization is very concerned about the inconvenience and danger created by the drainage problem, and that they urge the County to find a solution.

Phyllis Stout, president of Friends of the Library, spoke in support of the full budget for the Library. She described the money-raising activities the Library has held during the past year, and said that the Library Board is about to start a nationwide search for a new director.

FIRST PRELIMINARY BUDGET HEARING, JULY 25, 1984, CONTINUED

C.E. "Abe" Abramson suggested a county-wide 4-mill levy to support the Library.

David Maclay spoke in favor of supporting the Library.

About 30 people in the audience, all wearing Library Power badges, raised their hands indicating support of full funding of the Library.

Abe Abramson said that he had no complaints with the Planning Department budget except that there was not enough travel money included in it for sending staffers to conferences and training sessions.

Jeanette Hyatt expressed support for the Library.

Since no one else wished to speak, Acting Chairman Evans closed the hearing.

* * * * *

July 26, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Portland, Oregon, where he toured the Multnomah County jail facilities during the day.

WELCOME

In the morning, Commissioner Evans gave the Welcome at the Plumbing and Mechanical Inspection Officials' meeting which was held at the City Council Chambers.

DAILY ADMINISTRATIVE MEETING

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

✓ ✓ EXTENSION LETTER

The Board of County Commissioners signed a letter to T & T Construction, Inc., granting an extension for the final plat filing for Lakewood Estates Phase IIB until October 31, 1984.

✓ ✓ CONTRACT

The Board of County Commissioners signed a contract, dated July 23, 1984, between Missoula County and Frontier-West, Inc., the lowest and best bidder for construction, installation and completion of Lindbergh Lake Bridge SS-11 and Morrison Lane Bridge BF-2 for a total amount of \$133,967.50. The contract was returned to Centralized Services for further handling.

FIXED ASSET INVENTORY

The Board of County Commissioners examined, approved and ordered filed the Annual Fixed Asset Inventory for fiscal year 1984, as submitted by John DeVore, Operations Officer.

Other matters considered included the following:

1. Gerry Marks, County Extension Agent, met with the Board, and office space for the Extension Office was discussed - a decision will be made later;
2. It was noted by the Board that a municipal lease with an outside firm for the new Burroughs is not needed since Burroughs itself will finance the lease.

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

SECOND PRELIMINARY BUDGET HEARING, JULY 26, 1984

The hearing was opened by Acting Chairman Barbara Evans at 7:02 p.m. in the Library meeting room.

1. Kirk Finch spoke about the South Hills drainage problem. He said that the entrance to Cold Springs School is usually flooded and that there is the potential for a fatality. He felt that the flooding is part of a larger problem that needs to be addressed immediately.

Barbara Evans responded that Surveyor Dick Colvill estimates that the first phase of the solution would cost \$300,000, and that she is pursuing an alternative solution of installing holding tanks on the school grounds. If the collected water were used for irrigation, the possibility of federal grant money exists. Commissioner Evans noted that school authorities oppose this idea.

Ann Mary Dussault asked Mr. Finch if he knew that the County had approached the Army Corps of Engineers for help and that they had turned down the project because it would not be cost-effective.

Mr. Finch asked for assurance that the drainage problem would be considered in granting building permits on top of the hill, and that South Hills funding would not continue to be bumped in favor of other projects.

The Commissioners responded that much of the top of the hill is within the city limits and thus out of their jurisdiction.

John DeVore, County Operations Officer, explained that the South Hills project was bumped in favor of the Harper's Bridge project in order to take advantage of a two-million-dollar federal grant.

2. Phyllis Stout of the Friends of the Library asked about the Library "solution" worked out by Commissioner Palmer and Mayor Toole.

Barbara Evans responded that one Commissioner and one Mayor cannot make a decision.

Ann Mary Dussault said that she is committed to a no-tax-increase budget, and, further, that she would insist that if the County assumed full support of the Library it would also assume full control.

Howard Schwartz, County Executive Officer, said that the request in the Library budget for \$65,000 in support from the City was totally unrealistic, especially considering that the City contributed only \$32,000 last year. The Commissioners' Office is working on an analysis of the Library budget to use in working out a

SECOND PRELIMINARY BUDGET HEARING, JULY 26, 1984, CONTINUED

solution.

3. Gary Marbut applauded Ann Mary's commitment to a no-increase budget. He said that he realized that most of the people the Commissioners hear from are "askers" and that he felt that he spoke for all the people who'd like to see a budget cut/tax reduction in order to give the non-asking taxpayer a break.

4. David Fox asked if it would be possible to set up a separate taxing district to support the Library the way a school district is supported.

Howard Schwartz said that a bill failed in the last Legislature that would have allowed the creation of service districts which could raise their own funds.

5. Minott Pruyn, South Hills resident, said that the lagoon in front of his home can legitimately be called an attractive nuisance, and he feels sure that the County would be held liable if a child were injured in it.

Barbara Evans said that the County Attorney's Office has said that the County stands to face more liability if they do something and don't do enough, than if they were to leave it as is.

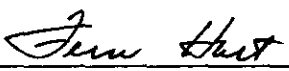
Ann Mary Dussault said that, regrettably, the County would be in a better position after the fact in such a situation because of its insurance coverage. Because every avenue that has been explored looking for funding has ended in frustration, the County has been unable to solve the problem and thus eliminate the possibility of liability.


Mr. Pruyn said that he has consulted a lawyer and prepared a packet in the event legal action becomes necessary.

Ann Mary Dussault asked Mr. Pruyn if he thought the people in the South Hills would be willing to be included in a Sewer/Storm Drain District. The consensus was that the cost would be prohibitive since only those families directly affected could be included in such a district.

Since no one else wished to speak, Acting Chairman Evans closed the hearing.

The Board of County Commissioners did not meet in regular session. Commissioner Dussault attended a DNRC (Board of Natural Resources) meeting held in Colstrip all day; Commissioner Palmer was enroute home from Portland, Oregon; and Commissioner Evans was out of the office until noon.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman, County Commissioners

July 30, 1984

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Waterworks Industries as principal for warrant #114431, dated May 16, 1984, on the Missoula County SID 901 fund in the amount of \$770.42, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

CERTIFICATION OF ELECTION RETURNS

The Board of County Commissioners signed Certification of Returns of the Primary Election held June 5, 1984 of the votes cast in Missoula County. The form was returned to Wendy Cromwell, Elections Supervisor.

Other matters considered included:

1. The amendments to the gambling regulations, which were signed on June 28, 1984 by Commissioners Evans and Palmer with Commissioner Dussault opposing, were discussed;
2. Dog problems were again discussed; and
3. The Board agreed to support the Public Service Commission in its process of the Colstrip court case.

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

July 31, 1984

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 Jean Johnston, Welfare Director, in the forenoon for their regular monthly meeting.

DAILY ADMINISTRATIVE MEETING

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

JULY 31, 1984, CONTINUED

✓ CONTRACT

Chairman Palmer signed a contract (No. 82-012-2032) for the issuance of food stamps between Missoula County and District XI Human Resources Council, as per the terms set forth in the contract, for the period from July 1, 1984 through June 30, 1985. The contract was returned to Jean Johnston, Welfare Director, for further handling.

✓ BOARD APPOINTMENT

The Board Of County Commissioners appointed William H. Clarke to the Missoula Planning Board to fill the unexpired term of Germaine Conrad through October 31, 1985.

Other matters considered included:

The Board met with Mike Sehestedt, Deputy County Attorney, and Mrs. Norma Herman regarding a tax problem - The Commissioners voted to collect only one year of the back taxes owing from Mrs. Herman as the mistakes were made in the Assessor's Office. Mike Sehestedt will draft a letter to the State Department of Revenue.

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

* * * * *

August 1, 1984

The Board of County Commissioners met in regular session. A quorum of the Board was present. Commissioner Palmer was in Helena all day where he attended a meeting held at the MACo Office with representatives of the State Department of Labor regarding JTPA (the Job Training Partnership Act).

PUBLIC MEETING

The meeting was called to order at 1:37 p.m. by Acting Chairman Barbara Evans. Also present was Commissioner Ann Mary Dussault. Commissioner Bob Palmer was in Helena at a Department of Labor meeting.

✓✓ DECISION: REQUEST TO VACATE PORTION OF ROAD - SEELEY LAKE ESTATES #2, TRACT 22 (JIM RICHARDS)

Barbara Evans gave a brief background on this request and said that Ann Mary Dussault had viewed the property and met with the involved parties. A public hearing was held on May 23, 1984, continued to June 6, 1984 and July 25, 1984.

Ann Mary Dussault moved and Barbara Evans seconded the motion to deny the request to vacate and abandon a 60-foot right-of-way located between Montana Drive in Double Arrow Ranch Phase IV and South Canyon Drive in Seeley Lake Estates which is located in Tract No. 22, Seeley Lake Estates No. 2, Sec. 1, T16N, R15W, Missoula County. The motion carried by a vote of 2-0.

Commissioner Dussault then asked Bob Slomski of the County Attorney's Office to prepare a resolution to deny public access to the road in question to all but authorized emergency vehicles. Commissioner Evans concurred in the request.

Regarding the administrative details of this item, Ann Mary Dussault said that the Board of County Commissioners had met with Surveyor Dick Colvill and Attorney Bob Slomski and it was decided that Mr. Colvill's office would take the lead in working with the emergency people (fire, ambulance and police) and Jim Richards to decide what would be the appropriate type of barrier to erect. This decision should be reached by consensus and, since the Board would like a barrier at both the north and south ends of the road, a maintenance agreement should be worked out at the same time. Commissioner Dussault stressed that there will not be an encroachment permit issued because Mr. Richards will not be allowed to encroach.

Erick Anderson, manager of the Double Arrow Landowners Association, asked about erecting a No Thru Traffic sign. He agreed to wait until the agreement was reached regarding the type of barrier to be erected.

Barbara Evans emphasized that the road is closed to traffic at this time and that the option remains for the County to reopen the road at any time in the future that it becomes necessary.

Erick Anderson said that he will communicate with the Double Arrow landowners to let them know of the closure and to encourage their cooperation.

✓✓✓ HEARING: REZONING OF DISTRICT 17 TO C-RR3 AND C-R1

Mark Hubbell of the Planning Staff gave the background report: District 17 was created on July 13, 1959. The district allows primarily residential and agricultural uses. In recent years, several duplex apartments have been constructed within District 17, prompting concern on the part of many area residents over development densities, noise, traffic, aesthetics, and the integrity of the neighborhood.

He continued by saying that on February 22, 1984, a public hearing was held before the Planning and Zoning Commission on a proposal to delete duplexes from the list of permitted uses within District 17. At the hearing, the lack of performance standards was identified as the issue needing addressing in District 17. The Planning and Zoning Commission, and the County Commissioners directed the Planning Staff to initiate the rezoning of this District to designations of the County Zoning Resolution which conform to the Missoula Comprehensive Plan. At its June 5, 1984 meeting, the Missoula Planning Board recommended approval of the proposed rezoning, with consideration to be given to testimony given at that hearing.

For information, Mr. Hubbell said that the C-RR3 designation allows four units per acre with duplexes allowed only as a special exception; C-R1 allows eight units per acre. Both designations conform to the Comprehensive Plan for development of this area.

Since no one was present to comment either for or against this proposed change, Barbara Evans asked Mr. Hubbell, for the record, how much public notice had been given for these hearings.

Mark Hubbell responded that prior to the first hearing 118 postcards were sent to affected residents, 16 placards were posted, and 4 notices appeared in The Missoulian. Ten to fifteen people were present at the meeting of the Regulatory Commission and about eight of them spoke. However, the comments expressed opposition to commercial development on Reserve Street rather than dealing with the problem of duplexes.

Ann Mary Dussault asked about the comment on the REQUEST FOR COMMISSION ACTION which asks that "...consider-

PUBLIC MEETING, AUGUST 1, 1984, CONTINUED

ation...be given to testimony given at that hearing." (June 5, Missoula Regulatory Commission)

Mr. Hubbell repeated that all testimony at that hearing dealt with commercial development on Reserve Street.

Ann Mary Dussault moved and Barbara Evans seconded the motion that Planning and Zoning District No. 17 be rezoned to C-RR3 and C-R1, with acknowledgement given to the testimony received regarding the Reserve Street corridor. The motion carried by a vote of 2-0.

Mark Hubbell said that the Planning Staff will draw up a Resolution of Intent to Rezone and publicize it.

✓✓✓ HEARING: REQUEST TO VACATE PORTION OF RIGHT-OF-WAY LOCATED BETWEEN TRACTS 7, 8 & 9 - MASSEY-MCCULLOUGH ACRES - ST. FRANCIS DRIVE (GUSTAFSON)

Surveyor Dick Colvill gave a description of the request: The owners whose property abuts that portion of St. Francis Drive to be vacated would like it vacated for two reasons: 1. the portion to be vacated is on a steep grade where it connects with Miller Creek Road which makes it unsafe to travel, and 2. access into this area is available by two other entrances.

Surveyor Colvill said that he supports the request if a condition is added that the property owners must provide an easement for a turn-around for road equipment at the end of the open portion of St. Francis Drive.

Clifford Gustafson, one of the petitioners and one of the adjacent landowners, replied that plans for the development of the property call for a cul-de-sac in that spot.

Commissioner Evans opened the public hearing, but since there was no one wishing to speak, she closed it.

There was a brief discussion regarding the time frame for acting on the request. By law, the vacation may not be granted until the Surveyor and one Commissioner have viewed the property. Action was postponed until the Public Meeting one week from today.

✓✓✓ TRANSFER OF TERRITORY: CLINTON SCHOOL DISTRICT TO BONNER SCHOOL DISTRICT

Mike Sehestedt, Deputy County Attorney, presented an item of business that was not on the agenda. He said that Mike Bowman, County Superintendent of Schools, has requested a transfer of territory from Clinton School District No. 32 to Bonner School District No. 14, in response to a petition from homeowners in Sunwood Acres, and that residents/taxpayers of the Clinton School District have filed an appeal.

There was a discussion about when a hearing could be scheduled well ahead of the beginning of the school year at which at least two Commissioners would be present.

Ann Mary Dussault moved and Barbara Evans seconded the motion that a hearing date be set for August 22, 1984 and appropriate notice given, on the condition that two Commissioners will be present. The motion carried by a vote of 2-0.

✓✓ BOND DOCUMENTS

Mike Sehestedt reported that the original bond documents for Missoula Community Hospital that were signed and filed with the County Clerk and Recorder were incorrect and incomplete: page 57 was inadvertently omitted and another unrelated page was included in its place. The firm of Garlington, Lohn and Robinson asked Mr. Sehestedt to present two Certificates Correcting Incomplete Recording, asking that they be signed by the Chairman of the Board of County Commissioners.

Ann Mary Dussault moved and Barbara Evans seconded the motion that the Acting Chair be permitted to sign the Correcting Certificates. The motion carried 2-0.

Acting Chairman Barbara Evans signed two Certificates Correcting Incomplete Recording for the Missoula Community Hospital bond documents.

There being no further business, the meeting was adjourned at 2:30 p.m.

* * * * *

August 2, 1984

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:

✓✓✓ NOTICE OF HEARING ON APPEAL

The Board of County Commissioners signed a Notice of Hearing on the Appeal of the Transfer of Territory from the Clinton School District No. 32 to the Bonner School District No. 14, setting the hearing date for August 22, 1984, at 1:30 p.m.

Other matters considered included:

- 1. The Commissioners met with representatives of the City, the Health Department, and the Sheriff's Department, and a lengthy discussion on the dog problem was held.

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

* * * * *

August 3, 1984


The Board of County Commissioners met in regular session in the forenoon; all three members were present. Commissioner Palmer attended a meeting of the Urban Coalition, which was held in Missoula, during the day; and Commissioners Evans and Dussault were out of the office all afternoon.

August 3, 1984, continued

AWARDS CEREMONY

Commissioner Dussault attended the Law Enforcement Youth Camp Awards Ceremony held at Camp Paxson (Seeley Lake) in the evening.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman, County Commissioners

August 6, 1984

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

AUDIT LIST

The Board of County Commissioners signed the Audit List dated August 5, 1984, pages 1-46, with a grand total of \$170,907.37. 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. 84-097

The Board of County Commissioners signed Resolution No. 84-097, a resolution closing the County road right-of-way through Tract 22, Seeley Lake Estates No. 2, to all but emergency vehicles such as ambulance, fire department, law enforcement, and road maintenance vehicles; and authorizing landowners immediately adjacent to said right-of-way to use the right of way for access to their property.

Other matters considered included:

1. The Cemetery Interlocal Agreement was discussed and approved in principle by the Board; and
2. The Commissioners discussed the need for a policy at the Library regarding the privacy issue.

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

August 7, 1984

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

INDEMNITY BOND

Chairman Palmer examined, approved, and ordered filed an Indemnity Bond naming Thomas C. Kallay as principal for warrant #31388 dated July 19, 1984, on the School District #1 Payroll Fund in the amount of \$292.39 now unable to be found.

RESOLUTION NO. 84-098

The Board of County Commissioners signed Resolution No. 84-098, a resolution creating the position of Court Operations Officer within the District Court Fund, for the purpose of being responsible for the day to day operations of the Fourth Judicial District Court as per the functions set forth in the Resolution.

// RESOLUTION NO. 84-099

The Board of County Commissioners signed Resolution No. 84-099, a resolution of intent to rezone Planning and Zoning District No. 17 to C-RR3 (residential) and C-R1 (residential).

✓✓ CONTRACT AMENDMENT

Chairman Palmer signed an Amendment to the Community Development Block Grant Contract between Missoula County and the State of Montana Department of Commerce, amending the contract executed by them on June 2, 1982, and June 15, 1982 respectively, relating to the second and final year of funding for the East Missoula Revitalization Project approved by the Department under the Montana Community Development Block Grant (CDBG) Program for FY 1982, as follows:

1. Paragraph 2 of the Contract is amended to read:
- "2. EFFECTIVE DATE AND TIME OF PERFORMANCE. This Contract takes effect on July 1, 1982. The services to be performed by the Contractor will be completed no later than September 30, 1984."

Other matters considered included:

1. The Seeley Lake road closure was discussed with Ken Kailey and Bob Holm of the Surveyor's Office;
2. The Commissioners discussed the Animal Interlocal Agreement and voted to pay the Humane Society \$2,000.00 for animals that have been referred to them; and
3. Jean Wilcox, Deputy County Attorney, met with the Board and discussed the Turah Subdivision. It was the consensus of the Board that letters be sent to the trustees and, if no response is received by September 1, 1984, they will look into court action.

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

August 8, 1984

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

✓✓ SITE INSPECTION

Commissioner Palmer accompanied Acting Surveyor, Bob Holm, for a site inspection on the request to vacate a portion of the right-of-way located between Tracts 7, 8, and 9 in the Massey-McCullough Acres Subdivision (St. Francis Drive).

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

✓✓✓ BID AWARD: STREET CONSTRUCTION RSID # 407 - FREY LANE (GENERAL SERVICES)

Under consideration was the award of construction and bond bids for RSID #407.

Three contractor bids were received as follows:

Western Materials	\$45,404.50
American Asphalt	49,388.50
Nicholson Paving Co.	45,870.00

One Bond Bid was received as follows:

Glen Rangitsch	\$55,000.00 at 11.33%
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Barbara Evans moved and Ann Mary Dussault seconded the motion that the construction bid be awarded to Western Materials and the bond bid be awarded to Glen Rangitsch, as per staff recommendation. The motion passed 3-0. The bid packet was returned to Centralized Services.

✓✓ DECISION: VACATION REQUEST - ST. FRANCIS DRIVE (GUSTAFSON)

Under consideration was a request to vacate a portion of right-of-way (St. Francis Drive) located between Tracts 7, 8, and 9, Massey-McCullough Acres in the Upper Miller Creek area.

Bob Palmer said that he and Bob Holm of the Surveyor's Office had viewed the property.

Prior to stating the motion, Barbara Evans asked about the equipment turn-around that Surveyor Dick Colvill had requested during the last public meeting as a condition for approval of the vacation. She was informed that the turn-around, or cul-de-sac, will be included in the subdivision review, thus relieving Mr. Gustafson of the expense of two surveys.

Barbara Evans moved and Ann Mary Dussault seconded the motion that a portion of the County road specifically described as St. Francis Drive, located in Section 12, T 12 N, R 20 W, from Upper Miller Creek Road to approximately 707 feet along St. Francis Drive in a NW direction, and further described in the Road Plat Book of the Missoula County Surveyor as a portion of the right-of-way located between Tracts 7, 8, and 9, Massey-McCullough Acres, be vacated. The motion passed by a vote of 3-0. A resolution to vacate will be prepared for the Commissioners' signatures.

✓ CONSIDERATION OF: FEES AND CONTRACT FOR SERVICES - SEELEY LAKE REFUSE DISPOSAL DISTRICT

Under consideration was a proposed increase in the service fee for the Seeley Lake Refuse Disposal District and the proposed contract for services.

Bob Slomski, Deputy County Attorney, gave the background for this item: about 9 years ago the County created a refuse disposal district in Seeley Lake. In 1981, a grant-supported study identified several possible locations for a refuse site. Kerry Drew, owner of one of the sites, obtained a state license as a Class II Landfill Site, and a contract for \$25,000 per year for 5 years has been signed by Mr. Drew and the Seeley Lake Refuse Disposal District. The contract requires approval by the Board of County Commissioners.

The other part of this item requiring Commission approval is a resolution increasing the fee of \$2.00 per month to \$3.50 per month per residential unit; commercial fees will be based on the amount of refuse produced as compared to the average household.

Bob Palmer wanted to make it clear that this was not a public hearing and that the Commissioners were not obligated to receive public testimony. All three Commissioners agreed, however, that they wanted to hear comments from the several Seeley Lake residents in attendance.

Commissioner Dussault asked Bob Slomski to describe the procedure which had been followed to allow for public protest.

Bob Slomski said that after the Refuse District Board set the proposed fees, a notice was published for 10 consecutive days in The Missoulian and was posted in 3 public places, informing the public of the proposed increase and giving 30 days for written protest. During the allowed 30-day protest period, only 2 letters were received. At this time, the Board of County Commissioners is not under any legal obligation to hold a hearing nor to consider any protests.

As background to the discussion, Ann Mary Dussault said that the contract which has been signed called for the landfill to open on August 1, 1984, and it has opened.

Barbara Evans noted for the record that a letter of opposition has been received from Donald E. Larson requesting a complete discussion of the costs of the landfill operation.

At this point, Bob Palmer called for public comment. The following people spoke:

1. Dan Larson, the current garbage hauler in Seeley Lake, said he has a problem with the days that the dump is open. He hauls on Monday, Tuesday, and Wednesday, and on Saturday in the summer; but since the dump is open only on Wednesday, Saturday, and Sunday, he must take his Monday and Tuesday loads to the B.F.I. dump in Missoula. He would like the dump to be open on more days or at least on the days he hauls so that he can avoid driving to Missoula and could then possibly lower his rates. Mr. Larson also questioned the rates and the unit method of setting them, feeling that they will result in greatly increased

PUBLIC MEETING, AUGUST 8, 1984, CONTINUED

costs for many residents, and especially small commercial establishments. He would like the Commissioners to review the whole program.

Barbara Evans wanted to know the Board's legal status before accepting any more testimony. Since there is a Refuse District Board in Seeley Lake, and since there has been no appeal to the Board of County Commissioners to review any of their actions, Commissioner Evans asked where the Board of County Commissioners stands legally in trying to take any action that may supersede action by the Refuse District Board.

Bob Slonski responded that all actions of the Refuse District Board must be approved by the Board of County Commissioners.

2. Lewis Lindemer, a Seeley Lake businessman who operates a year-round business, read an item from the June 20, 1984 Valley Times, the Seeley Lake newspaper, announcing the proposed increase in Disposal District fees and the method of setting them, and asking for written comments. The item included mention of an as-yet-unscheduled Refuse District Board meeting, and Mr. Lindemer said he was never able to find subsequent notice of the meeting. According to Mr. Lindemer's calculations, under the proposed fee schedule he would be charged nearly \$1200 per year not including hauling charges, as compared to \$198 for 1983. Much of the charge would be due to a mobile home park he owns which has 14 hook-ups in it; however, none of the spaces is occupied and, consequently, the park generates no garbage. Apparently, the proposed fee schedule is ambiguous in its description of units. Mr. Lindemer feels that the new rate schedule would be a hardship for many Seeley Lake businesses.

3. Robert Skelton, a Seeley Lake cabin owner and attorney, questioned the District's contract with Kerry Drew because there is no guarantee that Mr. Drew will continue to own the property for 5 years nor any protection for the landfill operation should Mr. Drew lose the property in a judgement. Mr. Skelton felt legislative mandate called for the Board of County Commissioners to purchase property and then establish collection service (rather than contracting for the property), and also that the amount of money involved indicated that bids should have been called for.

4. Sonny Heninger, Kerry Drew's partner in the landfill operation, said that a survey run on all available options, including purchase vs. rental, showed that the present type of operation would be the cheapest, and that, in fact, he and Mr. Drew are operating for \$10,000 less than the survey indicated they could. They are willing to work with Mr. Larson to accommodate his needs, and have already spoken to Ed Zulager of the Health Department asking him to investigate the possibility of allowing Mr. Larson to dump on off days and their backfilling the next morning.

Barbara Evans asked for clarification of Mr. Lindemer's complaint that he would be charged \$1200 before any garbage was hauled.

Bob Slonski said that the Refuse District Board felt that all they wanted to provide was a dump and not a hauling service, and the \$3.50 per month per residential unit charge would cover the cost of operating the dump.

Ann Mary Dussault, who also sits on the Refuse Board, gave some background to the Board's choice of a landfill-by-contract and the choice of service units as the method of assessment. The landfill was deemed to be the most economical option, and service unit assessment is the standard procedure in many communities that operate landfills.

Barbara Evans asked if people like Mr. Lindemer are protected so that they are charged only according to how much garbage they actually generate or if it is true that he would be charged for hook-ups to which no one is hooked up.

Bob Slonski said that the Board of County Commissioners can request the Refuse Board to justify and clarify their assessment schedule to remove ambiguities and inequities.

5. Tom Porter, a Seeley Lake resort owner, said his cost under the new schedule would be higher than what he now pays Dan Larson to haul his garbage to Missoula.

No one else wished to speak, so Bob Palmer closed the hearing to public comment.

Barbara Evans asked if the County was hampered by State or Federal law in trying to work out a hauling/dumping schedule.

Bob Slonski affirmed that there are environmental regulations regarding how quickly garbage must be buried in a landfill.

Barbara Evans asked for a five-minute recess so that she could read the resolution and contract.

The recess was granted.

After the recess, Barbara Evans expressed her concern with tying down dates and times in a 20-year contract, and with the lack of flexibility in the rate schedule.

Ann Mary Dussault moved and Barbara Evans seconded the motion to adopt the resolution by approving paragraphs 1, 2, and 3, and by amending paragraph 4 as follows: fees for summer homes and commercial and industrial establishments will be "fixed in accordance with a schedule of fees to be submitted by the Seeley Lake Refuse District Board of Directors to the Board of County Commissioners by September 15, 1984, and approved by the Board of County Commissioners." The motion passed by a vote of 3-0. Bob Slonski will rewrite the resolution and present it for signature.

Barbara Evans moved and Ann Mary Dussault seconded the motion to accept the contract with the following amendment: The following sentence is to be added at the end of 7. Services: The days and hours of operation set forth above may be changed by mutual written agreement of Kerry G. Drew and the Seeley Lake Refuse Disposal District Board of Directors with approval of the Board of County Commissioners. The motion passed by a vote of 3-0. Bob Slonski will rewrite the contract and present it for signature.

There was some further comment from the Seeley Lake businessmen against the landfill operation. Ann Mary Dussault and Barbara Evans pointed out that the residents of Seeley Lake have the option and the means to dissolve the Refuse District if they choose, and they were referred to Deputy County Attorney Bob Slonski for the appropriate statute number and procedure.

PUBLIC MEETING, AUGUST 8, 1984, CONTINUED

HEARING: CREATION OF RSID NO. 408 - GRANTLAND 12 & 13 AND LIME SPRINGS (NATURAL GAS MAINS)

Bob Palmer gave the background provided by John DeVore for this RSID which is for the construction of natural gas mains and related appurtenances to serve this area. The project has been reviewed by the City/County Health Department, County Attorney's Office and the Surveyor's Office and approval is recommended with the following conditions:

1. The contractor must obtain a County excavation permit before commencing work, and
2. The contractor must have all plans and specifications for all work within road right-of-ways reviewed by the County Surveyor.

Bob Palmer opened the hearing to public comment. No one wished to speak either for or against, so the hearing was closed.

Barbara Evans asked if this project included the Mary Peterson property on which water lines were disrupted by the Grantland approval.

Bob Holm of the Surveyor's Office said that the project to replace the water pipes has been completed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the creation of RSID #408 as per the recommendation of Operations Officer John DeVore and with the aforementioned conditions. The motion passed by a vote of 3-0. The RSID file was returned to General Services for further action.

HEARING: PROPOSED ENERGY EFFICIENT SUBDIVISION REGULATIONS

Barbara Martens of the Planning Office gave the background for these proposed regulations: The Department of Natural Resources (DNRC) gave the Planning Office a grant to research and write energy efficient subdivision regulations. The DNRC hopes to use the Planning Staff's proposals as model regulations for other communities in Montana.

Two types of amendments are proposed: Policy Considerations and Standards. Policy Considerations are intended as guidelines that will inform people of ways to save energy when developing their land. Standards are regulations that are mandatory and are also intended to help save energy when subdividing land.

Both the Missoula Valley Energy Conservation Board and the Missoula Planning Board reviewed the proposals and recommend their adoption. Since the original hearings, comments received from Surveyor Dick Colvill and the Health Department have led the Planning Office to formulate five amendments to the regulations which they recommend be incorporated into the original document. A copy of the proposal is on file in the Commissioners' Office.

Bob Palmer opened the hearing to public comment. The following people spoke:

1. C.E. (Abe) Abramson, real estate broker, spoke in support of the regulations but suggested that a law school summer intern be employed to clarify the language. He questioned whether there is any consultant in Missoula who would feel qualified to do a shadow pattern or prevailing wind study, and he suggested that those items be deleted. Also, ambiguous language, such as "if possible" could lead to potentially troublesome judgement decisions.
2. Bob Johnson of Missoula Rural Fire had questions from Chief Bruce Suenram regarding road width and side-of-road parking but dropped them since the road item has been deleted.

No one else wished to speak so Chairman Palmer closed the hearing.

Barbara Evans said that she supports the idea of putting out a pamphlet giving suggestions for saving energy and money, but she opposes turning the suggestions into standards, and she opposes including items for which regulations already exist, such as inclusion in an urban transportation district. Ms. Evans also would like departments to conduct their business with other departments personally rather than via memo in order to receive input early enough to avoid extensive amendments.

Ann Mary Dussault asked for time to review the proposed regulations in detail. The Commissioners agreed to postpone action until the public meeting of August 29, 1984.

There being no further business to come before the Commissioners the meeting was adjourned at 3:15 p.m.

FINAL BUDGET HEARING FY'85, AUGUST 8, 1984

The hearing was opened by Chairman Bob Palmer at 3:00 p.m. County Executive Officer Howard Schwartz offered copies of the budget to those in the audience, noting that as it stands it represents a 2-mill decrease. However, the budget is not yet complete, and taxes may be raised back up in order to create a cash reserve.

Bob Palmer called for public comment on the budget.

Phyllis Tingley, of Missoula Area Partners for the Disabled, gave the Commissioners copies of two letters of support for MAP which urged reconsideration of the denial of their request for funds. The letters were from Mardi Barnes-Wing (on Xt-93 letterhead) and Dr. Sally A. Freeman, Assistant Professor of Special Education at the University of Montana.

Mardi Barnes-Wing said that MAP is a small organization that is in financial trouble. At present they can barely meet the needs of their 43 clients, and there are 110 on a waiting list. She asked for specific reasons why their request was denied.

Bob Palmer replied that the County would like to fund every CBO request, but that this year in particular they tried not to take on any new projects in order to hold the line on the budget.

Ann Mary Dussault replied that the Board had received CBO requests this year for over \$100,000 and that nearly all requests were pared down. She continued by saying that the Board understands that MAP is trying to reorganize and stabilize itself, and by pointing out that the County does aid the developmentally disabled by funding Specialized Transportation and CDC.

Barbara Evans said that many groups that consider applying for County funds are discouraged from doing so. She also said that, philosophically, she doesn't think it is government's place to provide many of the

FINAL BUDGET HEARING FY'85, AUGUST 8, 1984, CONTINUED

services they are currently expected to provide, and that many of these services ought to be provided by church, family, friends, and neighbors.

Bob Palmer stressed the Board's desire to maintain a balanced budget, and pointed out that MAP is welcome to apply next year.

Ann Mary Dussault reminded MAP that the County makes an indirect contribution to them by providing their facility at token cost.

Larry Johnson, representing County Superintendent of Schools Mike Bowman, wanted to clarify the item for \$3000 for computer equipment which was cut from their budget: \$1000 is to replace a typewriter which the IBM repairman says is beyond repair, and the remaining \$2000 represents a non-tax-revenue contribution from the Missoula Area Special Education Cooperative.

Kristina Ford, Planning Director, was pleased to announce that she had taken \$7000 away from the Planning mill.

No one else wished to speak, so the meeting was recessed at 3:47 p.m.

* * * * *

August 9, 1984

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

MONTHLY REPORT

Chairman Palmer examined, approved, and ordered filed the monthly report of Justice of the Peace, W.P. Monger, for collections and distributions for month ending July 31, 1984.

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 with Gail Clarke, an independent contractor, for the purpose of completing the community task force work of the Northwest Foundation Survey Project, for the period commencing August 6, 1984, and concluding November 30, 1984, for a total of 120 hours or less for a sum not to exceed \$1000. The contract was returned to the Health Department for further handling.

✓ SERVICE AGREEMENT

The Board of County Commissioners signed a Home Health Service Agreement, dated June 30, 1984, between the Missoula City-County Health Department and the Missoula Community Hospital for the purpose of providing health services as set forth in the U.S. Public Law 89-97, Section 1861, and as per the terms set forth in the Agreement for the period from July 1, 1984, through June 30, 1985. The Agreement was returned to the Health Department for further handling.

✓ CONCURRENCE LETTER

The Board of County Commissioners signed a letter to the State Historic Preservation Officer of the Montana Historical Society concurring and requesting that the Historical Museum at Fort Missoula be listed in the National Register of Historic Places, and waiving any right to object to the listing.

Other matters considered included:

The Commissioners met with Dave Wilcox and Mike Young of the City of Missoula and discussed open space and library issues. The question of parking at Parcel "C" in the open space issue will be referred to the Park Board.

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

CONTINUATION OF FINAL BUDGET HEARING FY'85, AUGUST 9, 1984

Chairman Bob Palmer called the hearing to order at 7:02 p.m. and opened it for public comment.

C.E. "Abe" Abramson, member of the Library Board, asked what stage the City-County Library agreement would have on their budget.

Howard Schwartz said that the City had approached the County with the idea of a city-only and a county-only mill to support the Library. The Board of County Commissioners agrees with that approach to funding, but would like to amend some of the language of the proposed agreement and wants to expand the Library Board to 7 members with the addition of one County Commissioner and one City Councilman. The funding would be achieved by a city-only mill levy of approximately 3.67 mills and a county-only levy of the same amount, which would keep the Library at its present level of services.

Barbara Rudio, Acting Director of the Library, asked why the Board wanted to enlarge the Library Board.

Ann Mary Dussault responded that a board which includes one elected official from each jurisdiction plus two appointees from each jurisdiction and a member-at-large follows the model of the Health Board, and that the proposed type of funding follows the model for funding the City-County Health Department.

Robert Tingley, MAP board member, asked why MAP's request for funds had been denied.

Ann Mary Dussault replied that even though most CBO requests were trimmed, this year's revenue-sharing budget is still nearly double last year's and the Board simply had to deny some requests. Ms. Dussault reminded MAP that the County does make a contribution to them in the form of a nearly-rent-free facility, and that the County supports the developmentally disabled by supporting Specialized Transportation and CDC. She said that the Board felt that there was not adequate justification for contributing to the operational base of MAP at this time, and that there was concern that some of MAP's services seem to be duplications of existing services.

FINAL BUDGET HEARING FY'85, AUGUST 9, 1984, CONTINUED

Robert Tingley said that MAP only wants help to get on its feet and get its program operating smoothly, and is not intending to keep relying on the County. He handed the Board a copy of a letter of support and a brief description of MAP's services.

Barbara Evans explained that the County has limited resources and that the Board must be careful what they take away from legally mandated services (such as law enforcement) in order to aid social services. She pointed out that Missoula is well below the national average for law officers per capita, but that there is not enough money to hire more. Many CBO groups have been funded this year with notification that their support will be phased out over a period of the next few years.

Ms. Evans also remarked that when the Specialized Transportation request was denied several years ago, the supporters filled the room at the next hearing and presented their case so convincingly that the Board reversed its decision immediately. She wondered why MAP hadn't done the same.

Jack Kress said that it is difficult for the developmentally disabled to express themselves and ask for support. He urged the Board to reconsider their denial because otherwise MAP must depend on contributions from private parties and the United Way.

Bob Palmer explained the budgeting and hearing processes and assured the MAP representatives that their appeal would be considered.

The hearing was recessed at 7:40 p.m.

* * * * *

AUGUST 10, 1984

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated August 10, 1984, pages 1-42 with a grand total of \$539,689.59. The Audit List was returned to the Accounting Department.

CONTINUATION OF FINAL BUDGET HEARING FY'85, AUGUST 10, 1984

Chairman Bob Palmer called the hearing to order at 1:44 p.m. and called for public comment.

Phyllis Tingley of MAP presented the Board with copies of a letter of support.

Mike Dwyer, a social worker for Human Services, said that while they are able to provide jobs, housing, and economic assistance for their 130 developmentally disabled adult clients, social outlets are difficult to find, and they rely on MAP to provide these outlets.

David MacLay said that while he often comes to Commissioners' meetings to complain about what he considers misspent funds, he feels that partial support of MAP is a worthy expenditure.

Sister Margaret, speaking for the staffs of group homes, said that advocates/partners provide personal relationships which are valuable for their clients and are otherwise difficult, if not impossible, to provide.

There being no further speakers, the hearing was adjourned at 1:51 p.m.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman, County Commissioners

* * * * *

AUGUST 13, 1984

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

MONTHLY REPORT

Chairman Palmer examined, approved, and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending July 31, 1984.

MONTHLY REPORT

Chairman Palmer examined, approved, and ordered filed the monthly report of Justice of the Peace, Janet Stevens, for collections and distributions for month ending July 31, 1984.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 84-100

The Board of County Commissioners signed Resolution No. 84-100, a resolution creating RSID No. 408 for the purpose of natural gas mains and related appurtenances to serve Lots 1-22, Grantland Subdivision No. 12; Lots 1-60, Grantland Subdivision No. 13; Lots 1-7, Line Springs Addition of Missoula County, MT.

CONTRACT

The Board of County Commissioners signed a contract dated August 10, 1984, between Missoula County and Western Materials, Inc., the lowest and best bidder for the construction of RSID No. 407, Street Improvements to Frey Lane for a total amount of \$45,404.50. The contract was returned to General Services for further handling.

AUGUST 13, 1984, CONTINUED

AGREEMENT

Chairman Palmer signed an Agreement between Missoula County and Athena Corporation of Arlee, MT, the contractor for the County Shop Addition Project as per the terms set forth in the Agreement. The Agreement was returned to General Services for further handling.

Other matters considered included:

1. The salary for the Court Operations Officer was discussed. It will be left as was put in the budget;
2. The additional detective for the Sheriff's Department was approved by the Board; and
3. the Commissioners met with Jean Wilcox, Deputy County Attorney, regarding a subdivision violation.

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

ADOPTION OF FINAL BUDGET

In the afternoon, the Board of County Commissioners met for the adoption of the FY'85 Budget and signed the Resolution as follows:

RESOLUTION NO. 84-101

RESOLUTION ADOPTING A BUDGET FOR MISSOULA COUNTY
FOR FISCAL YEAR 1984-85

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 1984-85 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 sections;

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 1984-85 as displayed in Attachments A, B, and C; and

WHEREAS, the above resolution adopting the budget was passed by the Board of County Commissioners; and

WHEREAS, Sections 7-6-2317 through 7-6-2326, MCA 1981, provides 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 M.C.A.; 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 as set out in Attachments A and B be 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 1984-85, based on the value of a mill of \$121,268.00 County-wide, and a value of \$75,045.00 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 1984-85 as detailed below:

MISSOULA COUNTY-WIDE FUNDS	MILLS	ATTACHMENT
GENERAL FUND	34.97	A, B, and C
BRIDGE FUND	2.56	
POOR FUND	.60	
FAIR FUND	.98	
WEED FUND	.63	
MUSEUM FUND	1.58	
EXTENSION FUND	1.08	
PLANNING FUND	1.94	
DISTRICT COURT FUND	6.00	
MENTAL HEALTH FUND	.38	
AGING FUND	.80	
RODENT CONTROL	.15	
LIBRARY	3.63	
TAMARACK FEDERATION	.00	
SCHOOL DISTRICT 1	.00	
SANDERS COUNTY	.00	
LSCA GRANT	.00	
PARK/RECREATION FUND	1.26	
REVOLVING	.00	
HIGGINS BRIDGE	.00	
AIRPORT BOND	.21	
COURTHOUSE BOND	.26	
LIBRARY BOND	.37	
JUDGEMENT LEVY	.00	
HEALTH INS.	.95	
CASUALTY INS.	.82	
AMBULANCE	.08	
SOIL CONSERVE.	.42	
CBO TRUST FUND	.00	
ANIMAL CONTROL	.00	

ADOPTION FINAL BUDGET FY'85, AUGUST 13, 1984, CONTINUED

MISSOULA COUNTY-WIDE FUNDS	MILLS	ATTACHMENT
CHILD DAYCARE	.17	
SPECIAL TRANS.	.16	
OPEN SPACE	.67	
CAPITAL IMPROVEMENTS	.00	
TOTAL COUNTY-WIDE LEVY	60.66	
MISSOULA COUNTY ONLY LEVY		
ROAD FUND	13.58	
HEALTH FUND	5.00	
TOTAL COUNTY ONLY LEVY	18.58	

Dated this 13th day of August, 1984.


BOARD OF COUNTY COMMISSIONERS


Bob Palmer, Chairman



Barbara Evans, Commissioner


Ann Mary Dussault, Commissioner

APPROVED AS TO FORM AND CONTENT:


County Attorney's Office

ATTEST:


Fern Hart, Clerk and Recorder

See Attachments A, B, and C on following pages.

MILL
8/13/84

COUNTY OF MISSOURI

ATTACHMENT A

FY 1985 BUDGET SUMMARY

FUND	PERSONNEL	OPERATIONS	CAPITAL	ENCUMBRANCES	CASH RESERVE	TOTAL	1984 REQUEST	% CHANGE	NON-TAX REVENUE	CASH BALANCE	AMOUNT TO BE LEVIED	MILLS @ 121.268	1984 LEVIES
GENERAL FUND	5433946.00	2228403.00	763464.00	129605.74	114301.54	8669720.28	7613798.00	13.87	4263885.85	164656.29	4241176.14	34.97	35.31
BRIDGE	113437.00	148703.00	187200.00	0.00	0.00	449340.00	517427.00	-13.16	36329.34	102335.36	310675.30	2.56	2.27
POOR	0.00	332730.35	0.00	0.00	45000.00	377730.35	342131.00	10.41	91088.00	213881.55	72760.80	0.60	1.60
FAIR	200774.00	311280.00	45500.00	0.00	5000.00	562554.00	460722.00	22.10	352308.38	91698.52	118547.10	0.98	0.94
WEED	122878.00	90838.00	17895.00	0.00	0.00	231611.00	226937.00	2.06	295146.96	66070.82	76393.22	0.63	0.64
MUSEUM	134640.00	42806.00	17840.00	29354.01	0.00	224640.00	170385.00	31.84	8958.09	3969.32	191612.59	1.58	1.30
EXTENSION	130243.00	39885.00	10290.00	3146.01	0.00	193564.01	153490.00	19.59	36022.03	17015.48	130526.50	1.08	0.91
PLANNING	636309.00	133510.00	34650.00	0.00	0.00	806469.00	701429.00	14.98	729760.00	-159146.60	235855.60	1.94	1.88
DISTRICT COURT	661298.00	598248.00	10910.00	0.00	0.00	1270456.00	1070170.00	18.72	755348.98	-212506.98	727608.00	6.00	6.00
MENTAL HEALTH	0.00	51890.00	0.00	0.00	0.00	51890.00	45976.00	12.86	5363.73	942.15	45584.12	0.38	0.35
AGING	0.00	112180.40	0.00	0.00	0.00	112180.40	93949.00	19.41	20723.48	-5319.06	96775.98	0.80	0.82
ROBERT CONTROL	7108.00	18392.00	0.00	0.00	0.00	25500.00	26869.00	-5.10	5244.61	2352.92	17902.47	0.15	0.03
LIBRARY	359120.00	116122.70	60000.00	121207.37	0.00	656450.07	617647.00	6.28	62841.00	153416.46	440192.61	3.63	3.23
LIBR TMAPACK	47326.00	22174.00	2750.92	0.00	0.00	93407.92	0.00	0.00	70280.00	23127.92	0.00	0.00	0.00
LIBR SCH DIST 1	7530.00	496.00	23907.92	0.00	0.00	10776.00	0.00	0.00	10776.00	0.00	0.00	0.00	0.00
LIB SANDERS CO	710.00	1880.00	3910.00	0.00	0.00	6500.00	0.00	0.00	6500.00	0.00	0.00	0.00	0.00
LIB LSCA GRANT	11451.00	1317.52	8000.00	0.00	0.00	213458.52	181850.00	17.38	7069.00	-124950.98	153134.95	1.26	1.25
PARK	0.00	205458.00	0.00	0.00	0.00	354094.09	350887.50	0.91	6277.00	347817.09	0.00	0.00	0.41
REVOLVING	0.00	354094.09	0.00	0.00	0.00	1026.69	0.00	0.00	0.00	1026.69	0.00	0.00	0.00
HIGGINS BRIDGE	0.00	1026.69	0.00	0.00	0.00	58359.00	60255.00	-3.15	5800.34	27078.96	25479.70	0.21	0.38
AIRPORT BOND	0.00	58359.00	0.00	0.00	0.00	82555.00	85035.00	-2.92	273.61	50605.09	31676.30	0.26	0.03
COURTHOUSE BOND	0.00	82555.00	0.00	0.00	0.00	112796.00	108172.00	4.27	10809.46	57590.04	44316.50	0.37	0.58
LIBRARY BOND	0.00	112796.00	0.00	0.00	0.00	2134.29	2800.00	0.00	4941.84	-2807.55	0.00	0.00	0.32
JUDGMENT LEVY	0.00	2134.29	0.00	0.00	0.00	1287556.00	233981.00	450.28	1171913.49	0.00	115642.51	0.95	1.61
HEALTH INS	28696.00	1257460.00	1400.00	0.00	0.00	167010.00	159249.00	4.87	13969.03	53220.60	99820.37	0.82	0.91
CASUALTY INS	7783.00	159227.00	0.00	0.00	0.00	10219.68	8200.00	24.63	5800.34	16743.87	9701.44	0.08	0.07
AMBULANCE	0.00	9000.00	0.00	0.00	0.00	73103.00	66900.00	9.14	5800.34	-489.76	50558.79	0.42	0.38
SOIL CONSERVE.	52728.00	15375.00	5000.00	0.00	0.00	86312.73	103600.00	0.00	90172.46	-3859.73	0.00	0.00	0.00
CBO TRUST FUND	0.00	86312.73	0.00	0.00	0.00	0.00	1557.00	0.00	0.00	0.00	0.00	0.00	0.00
ANIMAL CONTROL	0.00	0.00	0.00	0.00	0.00	1012.94	19238.00	0.00	1804.00	-412.62	20615.56	0.17	0.15
CHILD DAYCARE	0.00	20994.00	0.00	0.00	0.00	19925.00	13750.00	0.00	1849.56	-966.64	19042.08	0.16	0.10
SPECIAL TRANS	0.00	19925.00	0.00	0.00	0.00	122000.00	0.00	0.00	0.00	40957.12	81042.88	0.67	0.00
OPEN SPACE	0.00	122000.00	0.00	0.00	0.00	55000.00	0.00	0.00	55000.00	0.00	0.00	0.00	0.00
CAP IMPROVEMENTS	0.00	0.00	55000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COUNTY-WIDE	7957977.00	6757572.77	1247716.92	283313.12	166534.16	16411113.97	13436584.50	22.15	8126718.61	929753.85	7356641.51	60.66	61.47
ROAD	758583.00	1372425.00	652966.55	0.00	0.00	2783974.55	2357155.00	18.11	1423083.46	341408.31	1019482.78	13.58	14.82
HEALTH	1247270.00	451973.00	68932.00	0.00	0.00	1768175.00	1710906.00	3.34	1292682.00	100267.72	375225.28	5.00	4.98
COUNTY ONLY	2005853.00	1824398.00	721898.55	0.00	0.00	4552149.55	4068141.00	11.90	2715765.46	441676.03	1394708.06	18.58	19.80
* GRS TRUST	0.00	384445.00	1003942.00	0.00	0.00	1388387.00	906318.00	55.41	1277387.00	111000.00	0.00	0.00	0.00
TOTALS	9963830.00	6757572.77	1969615.47	283313.12	166534.16	20965263.52	17504725.50	19.77	10842404.07	1371429.88	8751349.57	79.25	81.27

* GRS not added into totals since it is included in funds above as per the revenue sharing spread.

SUMMARY
8/13/84

COUNTY OF MISSOULA

ATTACHMENT B

COMPARISON FY 1984 TO FY 1985 GENERAL FUND BUDGET SUMMARIZED

DEPARTMENT	FY 1985 PERSONNEL	FY 1985 OPERATIONS	FY 1985 CAPITAL	FY 1985 TOTAL REQUEST	FY 1984 TOTAL REQUEST	PERCENTAGE CHANGE	1985 NON-TAX REVENUE	1985 REVENUE SHARING	TO BE FUNDED
COMMISSIONERS	126506.00	30750.00	1000.00	158256.00	136466.00	15.97	10000.00	1000.00	147256.00
ADMIN. STAFF	102051.00	13500.00	9000.00	124551.00	104786.00	18.86	0.00	9000.00	115551.00
ENERGY CONSERV.	26998.00	17800.00	9000.00	53798.00	33240.00	61.85	18650.00	9000.00	26148.00
J. P. DEPT. 1	189434.00	28540.00	2800.00	220774.00	103144.00	114.04	141300.00	2800.00	76674.00
J. P. DEPT. 2	0.00	0.00	0.00	0.00	97137.00	-100.00	0.00	0.00	0.00
ATTORNEY	513843.00	43404.00	14000.00	571247.00	516122.00	10.68	63990.00	14000.00	493257.00
C&R: ACCOUNTING	186698.00	17358.00	0.00	204056.00	190847.00	6.92	0.00	0.00	204056.00
C&R: RECORDING	119246.00	37914.00	0.00	157160.00	140718.00	11.68	143000.00	0.00	14160.00
C&R: ELECTIONS	52512.00	61770.00	0.00	114282.00	136681.00	-16.39	12000.00	0.00	102282.00
TREASURER-TAX	259214.00	14055.00	2825.00	276094.00	245568.00	12.43	72450.00	2825.00	200819.00
TREASURER-M.V.	210931.00	8290.00	0.00	219221.00	219190.00	0.01	3175.00	0.00	216046.00
AUDITOR	74535.00	2234.00	0.00	76769.00	70657.00	8.65	0.00	0.00	76769.00
GENERAL SERVICES	786658.00	392139.00	414725.00	1593522.00	1556620.00	2.37	334369.00	467546.00	791607.00
DISASTER E. S.	43510.00	23298.00	64051.00	130859.00	126975.00	3.06	89115.00	17747.00	23997.00
PERSONNEL	135114.00	164191.00	1800.00	301105.00	200891.00	49.88	11126.00	1800.00	288179.00
INFORM. SERVICES	195864.00	110007.00	111335.00	417206.00	385966.00	8.09	35900.00	111335.00	269971.00
MATERIALS MGMT.	150523.00	185906.00	17153.00	353582.00	282613.00	25.11	139000.00	17153.00	197429.00
C. S. REPURCHASE	0.00	267244.00	0.00	267244.00	280400.00	-4.69	267244.00	0.00	0.00
SUPT. OF SCHOOLS	113282.00	18277.00	3000.00	134559.00	105611.00	27.41	20180.00	3000.00	111379.00
SHERIFF	2024731.00	458198.00	112275.00	2595204.00	2300673.00	12.80	82000.00	112275.00	2400929.00
SURVEYOR	51683.00	32119.00	500.00	84302.00	72618.00	16.09	3000.00	500.00	80802.00
PUBLIC WORKS	20613.00	26756.00	0.00	47369.00	24813.00	90.90	2500.00	0.00	44869.00
VETERAN BURIAL	0.00	20000.00	0.00	20000.00	20000.00	0.00	0.00	0.00	20000.00
FINANCIAL ADMIN.	50000.00	175093.00	0.00	225093.00	208202.00	8.11	1973104.31	59301.54	-1807312.85
GENERAL GOVERN.	0.00	79560.00	0.00	79560.00	53860.00	47.72	0.00	12500.00	67060.00
SOCIAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS	5433946.00	2228403.00	763464.00	8425813.00	7613798.00	10.67	3422103.31	841782.54	4161927.15

8/13/84

FY '85 REQUESTS - COMMUNITY BASED ORGANIZATIONS

ATTACHMENT C

Final Allocations for FY '85

Organization	Request	Aging Fund	Mental Health	Ambulance Fund	Spec. Transport.	Daycare	CBO Trust Fund (GRS)	In-kind
Arrow Medical Services	10000.00	0.00	0.00	8200.00	0.00	0.00	0.00	0.00
Bitter Root RC & D	300.00	0.00	0.00	0.00	0.00	0.00	300.00	0.00
Child Care Resources	20244.00	0.00	0.00	0.00	0.00	20244.00	0.00	0.00
Consumer Credit Counseling Service	2000.00	0.00	0.00	0.00	0.00	0.00	1000.00	0.00
Five Valleys Health Care, Inc.	10000.00	0.00	0.00	0.00	0.00	0.00	9000.00	0.00
* Hellgate Lions Club	10000.00	0.00	0.00	0.00	0.00	0.00	5012.73	0.00
L.I.G.H.T.	9361.00	0.00	0.00	0.00	0.00	0.00	7000.00	0.00
* MAP for the Disabled	6642.00	0.00	0.00	0.00	0.00	0.00	5000.00	0.00
Missoula Area Agency on Aging	105163.00	97180.40	0.00	0.00	0.00	0.00	0.00	0.00
R.S.V.P.								
Foster Grandparents								
Respite Care								
Sela Senci								
Missoula Council for Child Protection and Family Support	5000.00	0.00	0.00	0.00	0.00	0.00	5000.00	0.00
Missoula County Humane Society	15000.00	0.00	0.00	0.00	0.00	0.00	9000.00	0.00
Missoula Senior Citizens Center	24000.00	15000.00	0.00	0.00	0.00	0.00	0.00	0.00
Association, Inc.								
Missoula Urban Transportation District (Specialized Transportation System)	19175.00	0.00	0.00	0.00	19175.00	0.00	0.00	0.00
* Missoula Youth Homes, Inc.	20582.00	0.00	0.00	0.00	0.00	0.00	20000.00	0.00
Native American Services Agency	18000.00	0.00	0.00	0.00	0.00	0.00	10000.00	0.00
Quick Response Unit	1000.00	0.00	0.00	800.00	0.00	0.00	0.00	0.00
Western Montana Comprehensive Developmental Center	13382.00	0.00	13382.00	0.00	0.00	0.00	0.00	0.00
Western Montana Regional Community Mental Health Center	38008.00	0.00	35017.00	0.00	0.00	0.00	0.00	0.00
Women's Place	6550.00	0.00	0.00	0.00	0.00	0.00	6000.00	0.00
YWCA Battered Women's Shelter	9155.56	0.00	0.00	0.00	0.00	0.00	9000.00	0.00
Totals	343562.56	112180.40	48399.00	9000.00	19175.00	20244.00	86312.73	0.00

* Denotes a new request

August 14, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Keystone, Colorado August 14-17, 1984, attending the Rocky Mountain Training Program for Senior Executives. Commissioner Palmer was enroute to Portland, Oregon, to attend a meeting, and Commissioner Evans was out of the office all afternoon.

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August 15, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Palmer was in Portland, Oregon, where he attended a Northwest Power Planning Council/Local Government Officials meeting; and Commissioner Evans was out of the office all afternoon.

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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August 16, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Palmer was enroute to Missoula from Portland, Oregon; and Commissioner Evans was out of the office all day.

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August 17, 1984

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

AUDIT LIST

Commissioners Palmer and Evans signed the Audit List dated August 15, 1984, pages 1-37, with a grand total of \$523,551.70. The Audit List was returned to the Accounting Department.

INDEMNITY BONDS

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

1. Naming Ruthann Hall as principal for warrant #1525, dated May 18, 1984, on the Special Education Cooperative Fund, in the amount of \$58.43 now unable to be found.
2. Naming Ruthann Hall as principal for warrant #3127, dated May 18, 1984, on the Special Education Cooperative Fund, in the amount of \$201.21 now unable to be found; and
3. Naming Susan K. Larson as principal for warrant #30487, dated June 5, 1984, on the School District #1 Payroll Fund, in the amount of \$54.33 now unable to be found.

Fern Hart

Fern Hart, Clerk & Recorder

Bob Palmer

Bob Palmer, Chairman, County Commissioners

* * * * *

August 20, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Keystone, Colorado, all week August 20-24, 1984, attending the Rocky Mountain Training Program for Senior Executives.

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 Alan English, an independent contractor, for the purpose of providing week day back-up coverage and weekend coverage for the air quality monitoring program as detailed on the contract, for the period from August 1, 1984 through September 30, 1984, for a total sum not to exceed \$900.00. The contract was returned to the Health Department for further handling.

RESOLUTION NO. 84-102

The Board of County Commissioners signed Resolution No. 84-102, a resolution to vacate that portion of the County road described as, "St. Francis Drive, located in Sec. 12, T. 12 N., R. 20 W, from upper Miller Creek Road to approximately 707 feet along St. Francis Drive in a northwest direction, and further described in the Road Plat Book of the Missoula County Surveyor as: a portion of the right-of-way located between tracts 7, 8, and 9, Massey-McCullough Acres." It was deemed in the public interest to vacate that portion of St. Francis Drive because it was determined that the portion to be vacated is on a steep grade where it connects with Miller Creek Road which makes it unsafe to travel and because access into this area is available by two other entrances, and additionally, the property would be added to the property tax rolls.

RESOLUTION NO. 84-103

The Board of County Commissioners signed Resolution No. 84-103, a resolution approving an increase in service fees for the Seeley Lake Refuse Disposal District and that said fee shall be three and 50/100 dollars (\$3.50) per month per family residential unit, with fees for summer homes and commercial and industrial establishments fixed in accordance with a schedule of fees to be submitted by the Seeley Lake Refuse District Board of Directors to the Board of County Commissioners by September 15, 1984.

AUGUST 20, 1984, CONTINUED

✓ AGREEMENT FOR SERVICES

The Board of County Commissioners approved and signed an Agreement for Services, dated August 14, 1984, between the Seeley Lake Refuse Disposal District and Kerry G. Drew of Greenough, MT, who will operate and maintain the refuse disposal site and perform and provide all services required under this Agreement, free from the supervision, direction, or control of the District, as per the terms set forth in the Agreement and shall be in effect for a term of 20 years commencing on August 1, 1984, and terminating on August 1, 2004.

✓ CONTRACT

Chairman Palmer signed a contract between the Montana Department of Social and Rehabilitation Services and Missoula County, Contract No. 85-012-20037-0, for the purpose of insuring the orderly issuance of food stamps within Missoula County and to provide for the proper receipt, accounting, and liability of said food stamps. The contract was returned to Jean Johnston, Welfare Director, for further handling.

PAYROLL TRANSMITTAL SHEETS

The Board of County Commissioners signed the Payroll Transmittal Sheets for Period #16, dated August 3, 1984, with a grand total for all funds of \$327,894.91, and Period #17, dated August 17, 1984, with a grand total for all funds of \$337,331.08. The Sheets were returned to the Auditor's Office.

Other matters considered included:

1. The Library Interlocal Agreement Amendments were discussed, but were not signed at this time;
2. The Board discussed the transportation study being done by Dennis O'Donnell;
3. The Health Department will be asked to draft a litter ordinance and submit it to the Commissioners for review; and
4. The petition for a 4-way stop sign at Johnson and North was discussed. The Commissioners voted to approve the sign and have it installed by the Surveyor's Office.

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

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August 21, 1984

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

AUDIT LIST

Commissioners Evans and Palmer signed the Audit List dated August 20, 1984, pages 1-34, with a grand total of \$177,876.06. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

✓ AGREEMENT

The Board of County Commissioners signed an Agreement for Building Maintenance and Custodial Service, dated July 16, 1984, 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 at a total cost not to exceed \$38,793.00 until June 30, 1985. The Agreement was returned to John DeVore, Operations Officer, for further handling.

✓ AGREEMENT

The Board of County Commissioners signed an Agreement between the Ravalli County Health Department and the Missoula County Health Department whereby the Missoula County Health Department will perform administrative and supervisory responsibilities for program operations and fiscal management established in the WIC Program Regulations of the United States Department of Agriculture (USDA), 7 Code of Federal Regulations (CFR), Part 246, the Food and Nutrition Service's (FNS) Guidelines, and the Montana WIC State Plan and WIC Policies and Procedures manual, for the period from July 1, 1984, through June 30, 1985, as per the terms set forth in the Agreement. The Agreement was returned to the Health Department for further handling.

✓ CONTRACT

Chairman Palmer signed a contract between the Montana Department of Social and Rehabilitation Services, Missoula County, and District 11 Human Resource Council, Contract No. 85-012-60001-0 for the purpose of providing administrative services to assure the conduct of a Work Program for General Assistance recipients in Missoula County for the period from July 1, 1984, through June 30, 1985, as per the terms set forth in the contract.

Other matters considered included:

The Commissioners met with Jim Morton et. al. of District 11 Human Resource Council and discussed their work plans for the upcoming year.

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

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August 22, 1984

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

AUGUST 22, 1984, CONTINUED

FAIR PARADE

Commissioners Palmer and Evans participated in the Western Montana Fair Parade in the forenoon.

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Ann Mary Dussault was at a management training conference in Colorado.

✓ BID AWARD: RSID 408

No action was taken on this item because no bids were received. Barbara Evans said that she has been informed that Mrs. Mary Peterson is not satisfied with the County's repair job on her water pipes because she is still not receiving an adequate water supply. Commissioner Evans said that she will take no action on RSID No. 408 until she receives a written release from Mrs. Peterson stating that the pipes are repaired to her satisfaction.

✓✓✓ HEARING: ORCHARD COURT ADDITION (PRELIMINARY PLAT)

Barbara Martens, of the Planning Office, gave the Planning Staff report as follows: The Orchard Court Addition proposal is for a fourteen lot residential subdivision for the fourteen existing single family dwellings, originally constructed as rental units. Access is currently available from an existing cul-de-sac, proposed to remain private. The property is zoned C-RR3, which permits development at a density of four units per acre. The Planning Staff recommends approval of the preliminary plat subject to the conditions quoted below and the determination of public interest as found in the report of the Missoula County Regulatory Commission, dated August 7, 1984, and on file in the Office of the County Commissioners.

Conditions:

1. That the following statement shall be printed on the face of the plat, declaring Orchard Court to be a private road:

"The purchaser and/or owner of this lot or parcel understand and agrees that private road construction, maintenance and snow removal shall be the obligation of the owner or homeowners' association and that the County of Missoula is in no way obligated until the roads are brought up to standards and accepted by the County of Missoula."
2. The developer shall initiate an RSID to pave Orchard Avenue, an off-site road used to access the subdivision, up to Orchard Court. Should the RSID fail, a statement shall be included on the plat which states that "acceptance of a deed for a lot within this subdivision shall constitute the assent of the owner to any future RSID for paving of the off-site access road and may be used in lieu of their signatures on an RSID petition."
3. A fire hydrant shall be placed at the intersection of Orchard Court and Orchard Avenue.
4. The Homeowners' Association documents shall provide for maintenance of the water distribution system.
5. Lot 32-B-6 shall be either redesigned so that it meets the minimum lot required by the C-RR3 zoning (10,000 square feet) or a variance shall be obtained from the County Board of Adjustment.

Bob Palmer opened the hearing to public comment, asking for those in support of the proposal to speak first.

1. John Crowley, speaking on behalf of the owners of the project, said that they agree to all the conditions. He expressed his willingness to answer any questions about the project.

There were no further speakers, either supporting or opposing, so Chairman Palmer closed the hearing to public comment.

Barbara Evans said that she had asked Barbara Martens to get a written opinion from the County Attorney on Condition #2 because in the past the stipulation described therein has given rise to differences of opinion among legal advisors. She said that she wants written notification from the County Attorney that he is comfortable with that condition and that it is an appropriate action for the County to take.

Barbara Martens said that the County Attorney will not be able to deliver a written opinion for a week, but that he assured her verbally that he is comfortable with the condition.

Mike Sehestedt, Deputy County Attorney, said that there are questions about the ultimate enforceability of the condition, but that it provides the best option for both the County and the developer in dealing with the roadway in question.

Barbara Evans moved and Bob Palmer seconded the motion to approve the preliminary plat for Orchard Court Addition, subject to the stated conditions and findings of fact, as per the recommendation of the Planning Staff and the Planning Board. The motion carried 2-0.

✓✓ SUMMARY PLAT: RICHARDSON ADDITION NO. 2

Barbara Martens, of the Planning Office, gave the Planning Staff report as follows: Two residential lots are proposed for the South half of Lot 70, Dinsmore Orchard Homes No. 5. Both have access onto Tower and will have individual wells and septic systems. The Planning Staff recommends approval of the summary plat subject to one condition and the determination of public interest as outlined in the report of the Missoula County Regulatory Commission, dated August 7, 1984, and on file in the Office of the County Commissioners.

Condition: 1. An encroachment permit shall be obtained for the barn on Lot 70-B.

Bob Palmer said that this was not a hearing because none was required for a summary plat.

Barbara Evans asked Surveyor Dick Colvill if he had granted the encroachment permit which the developer's representative had given to Barbara Martens.

Dick Colvill replied that he recommends that the Commissioners grant the encroachment since the barn has been in place for many years and presents no problem.

PUBLIC MEETING, AUGUST 22, 1984, CONTINUED

Barbara Evans asked if the proposal had been heard by the Planning Board and if there had been opposition to it.

Barbara Martens replied that it had been heard and that there had been no opposition.

Barbara Evans moved and Bob Palmer seconded the motion that Richardson Addition No. 2 be approved subject to the condition and findings of fact as per the recommendation of the Planning Staff and the Planning Board. The motion passed 2-0.

✓ ✓ SUMMARY PLAT: BAYLOR ADDITION

Barbara Martens, of the Planning Office, gave the Planning Staff report as follows: Baylor Addition is a two-lot residential subdivision of Lot 4, Block 2, White's Orchard Homes in the Carlton Creek vicinity. Each parcel will consist of 4.9 acres and be served by individual wells and septic systems. The Planning Staff recommends approval subject to the condition and variance listed below and the determination of public interest as outlined in the report of the Missoula County Regulatory Commission dated August 7, 1984, and on file in the Office of the County Commissioners.

Condition:

1. The following statement shall be printed on the face of the plat:

"The purchaser and/or owner of this lot or parcel understands and agrees that private road construction, maintenance, and snow removal shall be the obligation of the owner or homeowners' association and that the County shall be in no way obligated until the roads are brought up to standards and accepted by the County of Missoula."

Variance:

It is also recommended that a variance be granted from the requirement of the subdivision regulations that private roads be paved. The reason for granting this variance is that the road will serve at most two lots, and should the lot be further split, an easement has been granted which would allow the roadway to be brought up to the standards required of private roads. The subdivision does not lie in an affecting non-attainment of air quality standards.

This being a Summary Plat, no public hearing was required, but Barbara Evans asked if there had been any opposition to the proposal at Planning Board.

Barbara Martens replied that there had been no opposition.

Barbara Evans moved and Bob Palmer seconded the motion that the Baylor Addition Summary Plat be approved subject to the condition, variance, and findings of fact as per the recommendation of the Planning Staff and the Planning Board. The motion carried 2-0.

✓ ✓ SUMMARY PLAT: GUSTAFSON ADDITION

Barbara Martens of the Planning Office gave the Planning Staff report as follows: Gustafson Addition is a five-lot residential subdivision located in Massey-McCullough Acres. Public water will be extended to serve the lots and individual septic systems installed. The subdivision lies in the C-RR2 zoning district. The Planning Staff recommends approval subject to the six conditions and variance listed below and the determination of public interest as outlined in the report of the Missoula County Regulatory Commission dated August 7, 1984, and on file in the Office of the County Commissioners.

Conditions:

1. The location of all utility easements shall be approved by the pertinent utilities prior to filing the plat;
2. The proposed access points for Lots 1, 2, and 3 shall be shown on the face of the plat and the remainder of the frontage along Miller Creek Road shall be designated "no access";
3. Fire hydrants shall be located on the west side of Upper Miller Creek Road where it intersects with Meadowood Lane and on St. Francis Drive on the west edge of Lot 4;
4. Street, drainage and erosion control plans shall be approved by the County Surveyor;
5. The following statement shall be printed on the face of the plat:

"Acceptance of a deed for either Lot 4 or 5 within this subdivision shall constitute the assent of the owner to any future RSID for paving of St. Francis Drive and may be used in lieu of their signatures on an RSID petition."

Variance:

It is also recommended that a variance be granted from the requirement of the Subdivision Regulations that off-site roads less than 500 feet in length be paved. This variance will be effective until Lot 5 is developed. The reason for granting this variance is that the off-site road in question will function as a private driveway serving only one residence until Lot 5 is developed.

Barbara Evans pointed out that since this is a summary plat no public testimony is required, but she recalled that at the hearing for the request to vacate a portion of St. Francis Drive, Surveyor Colvill had expressed a concern about the roadway.

Surveyor Dick Colvill said that at the time of the St. Francis Drive vacation they had discussed providing an easement for a cul-de-sac for an equipment turn-around. Since it had not been included as a condition of the vacation, he requested that it be a condition of subdivision approval.

Barbara Martens said that the Staff had recommended a turn-around, but it was changed at the Planning Board meeting.

After brief discussion, the following condition was added to the original five:

PUBLIC MEETING, AUGUST 22, 1984, CONTINUED

6. The developer shall provide an easement for an equipment turn-around (cul-de-sac) at the end of St. Francis Drive, subject to the approval of the County Surveyor.

Barbara Evans moved and Bob Palmer seconded the motion that the Gustafson Addition Summary Plat be approved subject to the conditions, variance, and findings of fact as per the recommendation of the Planning Staff and the Planning Board. The motion passed 2-0.

✓ SUMMARY PLAT: ORRSDALE ADDITION NO. 1

Barbara Martens of the Planning Office gave the Planning Staff report as follows: This summary plat consists of five single family residential lots adjacent to Rattlesnake Creek. The developer proposes to extend Sycamore Street to serve four of the lots and install a fire hydrant for the subdivision. A portion of the subdivision lies in the 100-year floodplain as shown on the plat. The Planning Board recommended five conditions for approval, but since their meeting, concerns expressed by the Health Department and the State Floodplain Administrator have given rise to the three additional conditions. The Planning Staff recommends approval subject to the Conditions and variances listed below and the determination of public interest as outlined in the report of the Missoula County Regulatory Commission dated August 7, 1984, and on file in the Office of County Commissioners.

Conditions:

1. An additional 10 feet of right-of-way shall be dedicated on Lot 5 along Lolo Street for the creation of a walkway;
2. Street, grading and drainage plans shall be approved by the County Surveyor;
3. All utility easements shall be a minimum of 20 feet and shall be shown on the face of the plat;
4. Cash-in-lieu of parkland shall be accepted by the County and that the amount shall be stated on the face of the plat;
5. Prior to the construction on any fill areas, engineering plans shall be submitted to the building inspector to assure compliance with compaction requirements;
6. The applicant shall determine the amount of fill material within Lots 1 and 2, to determine if there is 20,000 square feet of usable area for drainfield as required by the Health Department. The type of material shall also be described.
7. The 100 year floodplain elevation line, as shown on the face of the plat, shall be verified by a registered land surveyor as taken from the same vertical datum mark as shown on the official Federal Emergency Management Agency floodplain maps.
8. Following the recommendation of the State Floodplain Administrator, the applicant shall contract a foundation and soils testing firm to determine the interface between natural ground and fill. The test holes shall be dug at 50 foot intervals to determine how much fill was placed below the 100 year profile. The fill which was placed below the flood profile shall be removed within 1984 or prior to the issuance of any building permits, whichever comes first.

Variances:

1. Lot 5 shall be permitted to be drawn so that its length is more than three times its width. The reason for granting this variance is that future splits are planned for Lot 5, as shown on the plat, which will bring that lot into compliance with this requirement of the Regulations.
2. The right-of-way for Sycamore Street shall be reduced from the required 60 feet to 54 feet. The reason for granting this variance is that the reduced width is adequate for the cul-de-sac serving four dwellings.

Bob Palmer pointed out that while this was not a hearing, it would be wise to ask if the developers had any comment on the conditions.

1. Elden Inabnit, speaking for the developer, said that they have no problem with conditions 2 through 7, but in regards to number 1: they would like to propose that five feet be taken from either side of the street rather than ten feet from the north edge because the lots on the south side are larger and the houses set back from the street, while the lots on the north side are smaller and the houses are close to the street and would be cramped by the loss of ten feet.

In regards to number 6, Mr. Inabnit had previously thought that there were about eleven feet of fill on the top of the bank, but he has since been corrected by Conrad Orr, the developer.

2. Conrad Orr, the developer of Orrsdale, used a blackboard and maps to describe the layout of the old Orrsdale Addition and the proposed new addition, and to show how fill has been added. He said there has been some illegal dumping on his land which he tried to stop with a makeshift fence. He said that some neighbors dumped stumps and brush, but he doesn't know who brought in truckloads that included concrete and asphalt chunks. His house is quite far from the dump site and out of visual range.

Barbara Evans asked Barbara Martens exactly where the floodplain lies in relation to Mr. Orr's drawing.

Barbara Martens replied that its elevation is approximately 3013'. She said that some residents are concerned that the floodplain had fill spilled over into it when fill was dumped on the bench, and therefore the bench has been extended. Fill is allowed in a flood fringe, but not in a floodway nor a floodplain because it will raise the flood elevation in the area surrounding it.

Barbara Evans asked how far the fill extends into the floodway.

Barbara Martens answered that it varies and that it is difficult to tell, which is why the State Floodplain Administrator requested that the condition be stated as such and that test holes be dug to find the point at which fill and natural ground meet. The State Administrator's recommendation is that when the 100 year floodplain elevation is found, all fill between that point and the creek be removed because it is encroaching in the floodway.

Barbara Evans said that in yesterday's Planning Status meeting, Barbara Martens indicated that the County has been aware for years that this filling (dumping) has been going on.

PUBLIC MEETING, AUGUST 22, 1984, CONTINUED

Barbara Martens affirmed that she has letters on file dating back to 1978.

Barbara Evans said that she is not angry at Mr. Orr for the dumping but at the County for not acting to stop an illegal act that they were fully aware of. She doesn't feel that the County can in good faith insist that Mr. Orr remove fill for which he may not be responsible.

Barbara Martens said that while the County was indeed lax in not stopping the dumping, that doesn't change the fact that the fill is there and its presence violates State floodplain regulations. She said that Mr. Orr was aware of the regulations and that the fill that exists could raise the floodwaters to the point where they would threaten surrounding residences. In 1982, she contacted Dr. Orr and explained the situation to him and he responded that he had put up a string and a sign, but according to the residents she has spoken to, the dumping has continued until very recently.

Dr. Orr said that much of the fill is on his brother-in-law's ground rather than his.

Barbara Evans asked Deputy County Attorney Michael Sehestedt to address the legal ramifications of the issue: can the County demand that Dr. Orr remove the fill when it did nothing to stop past illegal dumping of which it was aware.

Michael Sehestedt said that there is some question about just how much can be done to stop it, e.g., in 1978 the property was posted against dumping but the posting was ignored. The County doesn't have anyone who can monitor every complaint as it occurs. Another part of the problem is that dumping that occurred prior to the 1977 delineation of the area as a floodplain was "legal" dumping and any which occurred since 1977 is illegal, and it would be very difficult to ascertain the condition of the floodplain at the time of the delineation and to differentiate between old and new fill. He suggested that if adequate aerial mapping photos exist, they could be used to determine the condition of the bank in 1977 and that Mr. Orr could be required to restore the area to that condition.

Barbara Evans said that she would feel comfortable with that solution.

Bob Palmer asked Dr. Orr if he would be willing to accept approval of Orrsdale with condition number 8 to be worked out between the County Surveyor, the County, and State Floodplain Administrators and himself.

Dr. Orr agreed with that solution, but maintained that it would be difficult to determine the ages of different levels of fill. He also said that the actual building he plans to do would not be affected by excluding the floodplain because there still would be enough ground to create lots.

Barbara Martens said that the Health Department expressed concern about whether or not there is enough usable area for the required drainfields, and that concern is the substance of condition number 6.

Barbara Evans expressed an additional concern about the area: the Lolo Street walkway. She wonders if there is another way to approach the dangerous traffic/pedestrian situation that exists on Lolo Street because of the curve and the hill and the low visibility near the bridge, and wonders if it is a bad idea to encourage people to walk there.

Dick Colvill said that many options have been explored, including moving and straightening the road.

Conrad Orr repeated the suggestion of taking five feet from each side of the street rather than ten feet from the north side.

Dick Colvill said that the walkway would have to go on the north side regardless, in order to connect with the sidewalk on the bridge.

There was further discussion about the walkway and the pros and cons of taking ten feet or five feet and five feet.

Dick Colvill recommended that the condition which states that Dr. Orr shall grant a ten foot right-of-way should be changed to a ten foot easement so that if the walkway is never constructed the County retains control of the land. He also pointed out that he has in mind only a four-foot widening of the street, so that possibly the whole ten feet would not be needed.

Dr. Orr reiterated that obtaining land from the homeowners who are close to the street, including his sister who has a rock wall along the street, will be very expensive.

Barbara Evans repeated that she is not happy with developing a walkway along a dangerous street which will encourage people to walk along what will still be a dangerous street.

Dick Colvill said that he had spoken to the school district this morning and they said that about 20 children are picked up by the school bus at Lincoln School. Mr. Colvill estimated that about half of those children walk to the school from at least as far away as Woodland Street, across the bridge.

Lois Welch, an adjacent homeowner, requested permission to speak in opposition.

Bob Palmer said that although this was not a hearing the Commissioners were perfectly willing to hear her.

Lois Welch said that she was pleased not to have to express total opposition: she supports the idea of taking five feet from each side of Lolo Street because taking ten feet from the north side will put all traffic, especially buses, right up against garages. She continued by saying that she is pleased with the conditions that have been imposed on Dr. Orr's proposal, and she expressed disbelief that such large-scale dumping could have gone on for so long unnoticed. When questioned, she replied that the suggested amendment of condition #8 sounded good and that she hoped it would work. She requested that the adjacent homeowners be apprised of the solution to the fill problem.

Commissioners Palmer and Evans said that the homeowners could count on Barbara Martens to keep them informed.

Elden Inabnit drew a diagram of the bank, the creek channel, and a dike built by the Corps of Engineers in 1948. He said he wasn't sure what the problem was because the dike is large and in good condition and the landowners on the opposite side of the creek have retaining walls.

Lois Welch said that there is a gully between the dike and the fill which carries a good deal of water during spring run-off, and the residents are concerned that the bottling up that gully will result in flooding when all the run-off is forced into the east channel (the main creek bed).

PUBLIC MEETING, AUGUST 22, 1984, CONTINUED

Barbara Evans moved and Bob Palmer seconded the motion to approve the Summary Plat for Orrsdale No. 1 subject to conditions 1 through 7 as stated, except to change right-of-way to "easement" in No. 1, and to re-word No. 8 to say that the fill problem will be addressed and handled by the developer and his engineer working with the State and County Floodplain Administrators and the County Surveyor, and subject to the variances and findings of fact as per the recommendation of the Planning Staff and the Planning Board. The motion passed 2-0.

✓✓✓✓ HEARING: APPEAL OF ORDER TRANSFERRING TERRITORY FROM CLINTON SCHOOL DISTRICT NO. 32 TO BONNER SCHOOL DISTRICT NO. 14

Deputy County Attorney Michael Sehestedt gave the background for this item as provided by Larry Johnson from the Office of the Superintendent of Schools:

Background:

In May of this year several residents of the Sunwood Acres Subdivision, located in the Clinton School District #32, petitioned the Missoula County Superintendent of Schools to transfer their part of the above subdivision to the Bonner School District.

On June 27, 1984, the Missoula County Superintendent of Schools conducted a public hearing on the proposed transfer. Subsequently, the Superintendent of Schools ruled in favor of the petition.

On July 31, 1984, Ben Harrison, Superintendent of Clinton Elementary School District served Notice of Appeal and along with several Clinton residents/taxpayers, requested the Missoula County Board of Commissioners to conduct a hearing appealing the Order of the Superintendent of Schools to transfer territory from Clinton School District to the Bonner School District.

Bob Palmer opened the hearing to public comment, asking that opponents to the transfer speak first.

1. Ben Harrison, Clinton Superintendent of Schools and a Clinton resident, said that Superintendent Bowman's order was shortsighted because it didn't take into consideration the long-range educational program of the students in District 32. The loss of revenue that would result from this transfer would have a decidedly adverse effect on the Clinton district. Mr. Harrison was also concerned about setting a potentially disastrous precedent by granting a transfer based on the arbitrary desire of homeowners to send their children to a closer school. He also read a letter from Jack and Jill Hunt, residents of Sunwood Acres, opposing the transfer. (A copy of the letter is on the permanent file for this item of business located in the Office of the County Commissioners.)

2. Richard Reinholtz said that the real issue is quality of education, rather than which scout troop neighbors must join. He suggested that the best solution might be a joint school district.

No one else wished to speak in opposition, so Chairman Palmer called for proponents.

1. Dr. Leonard Johnson, a resident of Sunwood Acres, said that the present boundary is illogical because it is merely a county section line and it cuts through a subdivision, a neighborhood, and even a home. He feels that the proximity of Sunwood Acres to Bonner is an important issue.

2. David Baker, a Sunwood Acres resident, feels this decision would not be precedent-setting because each such request must be considered individually. Mr. Baker had previously sent a letter of support to the Commissioners which is on permanent file in their office.

3. Regina Gates, Sunwood Acres resident, read the letter which headed her petition, which is on file in the Office of the County Commissioners.

4. Penny Johnson, Sunwood Acres resident, submitted a letter of support signed by all Sunwood residents who are already in the Bonner School District (the letter is on file in the Commissioners' Office). She also made the following points: 1) the district boundary line runs through a house, between bedrooms in a house, in effect separating the children of that family between the two districts; 2) 4 lots in the Clinton District are close enough to Bonner that the owners could simply ask to be in the Bonner District; 3) the total number of students affected is 5, and by next year would probably be 3 because of transfers to private school in Missoula; 4) the original boundary line should have been changed by the developer and it should follow Chumrau Loop which is an obvious natural boundary; 5) several families in East Missoula were let out of the Bonner District last year because it was more convenient for them and the school buses to be in the district with East Missoula, and the same common sense should apply in this case.

5. David Johnson, Sunwood Acres resident, said that 5 or 6 students and approximately \$48,000 out of the total student body in Clinton and the total Clinton School District budget don't seem as significant as Mr. Harrison implied.

There being no further proponents, Bob Palmer closed the public hearing.

Barbara Evans moved and Bob Palmer seconded the motion that the Board of County Commissioners uphold the decision of County Superintendent of Schools Mike Bowman to transfer the territory known as the Clinton School District No. 32 portion of the Sunwood Acres subdivision into the Bonner School District No. 14 as per the petitioned request of the Sunwood Acres residents, and consequently deny the appeal of the transfer order. The motion carried 2-0.

In response to a question about the transfer taking place for this school year, Mike Sehestedt said that the statutes allow 30 days for the Clinton School District to petition for the issue to be placed on a ballot.

Barbara Evans said that she has always felt that schools exist to serve parents and children and not vice versa, and that the arguments against the transfer went against that belief.

There being no further business, the meeting was recessed at 3:30.

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August 23 and 24, 1984

The Board of County Commissioners did not meet in regular sessions; however, Commissioners Evans and Palmer were available at the Fairgrounds during this time.

AUGUST 23 and 24, 1984, CONTINUED

Fern Hart
Fern Hart, Clerk and Recorder

Bob Palmer
Bob Palmer, Chairman, County Commissioners

* * * * *

August 27, 1984

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Palmer was enroute to Portland, Oregon, to attend a meeting; and Commissioner Evans was out of the office until noon.

✓ CERTIFICATE OF COMPLETION AND ACCEPTANCE

Commissioner Dussault signed a Certificate of Completion and Acceptance to IFG Leasing Company from Missoula County pursuant to the terms of a Lease and Purchase Option Agreement, Lease No. 78272, dated September 20, 1983. The Certificate was returned to John DeVore, Operations Officer, for further handling.

* * * * *

August 28, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Portland, Oregon, attending a BPA tax force meeting.

✓ WELFARE ADVISORY BOARD

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Jean Johnston, 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 Board of County Commissioners signed a Contract between Missoula County and Joan Schweinsberger, an independent contractor, for the purpose of entering data on the division's computer, editing or modifying the data as requested, proofreading all entries for accuracy for the period commencing August 27, 1984, and concluding September 28, 1984, for a total sum not to exceed \$1,152.00. The Contract was returned to the Health Department for further handling.

✓ RESOLUTION NO. 84-108

The Board of County Commissioners signed Resolution No. 84-108, a resolution to declare Mill Creek Road a non-shooting area, resolving that the discharge of firearms be prohibited on Mill Creek Road from its intersection with the I-90 Frontage Road to a point three miles north of said intersection; directing the County Surveyor to post at least two signs, one on each end of the closed section of Mill Creek Road giving appropriate notice of this closure.

✓ ✓ CERTIFICATES OF ACCEPTANCE

Commissioner Evans signed Certifications of Acceptance for Old Mill Trail and Parkwood Drive, accepting these roads for County maintenance. Parkwood Drive is part of the Grantland 13 Subdivision, and was recently paved through a RSID; Old Mill Trail is in the original Grantland complex and has been upgraded to a County standard gravel road. The Certificates were returned to the Surveyor's Office.

✓ INTERLOCAL AGREEMENT

The Board of County Commissioners signed an Interlocal Agreement between the City of Missoula and the County of Missoula to cooperate in the provision of cemetery services to the residents of Missoula as per the terms set forth in the Agreement, and will remain in effect until June 30, 1985, with the County's contribution for fiscal year 1985 being \$52,600.00.

✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement dated July 1, 1984, between Missoula County and L.I.G.H.T., Inc. whereby the County will purchase the services of L.I.G.H.T., Inc. to provide for the continuation of an emergency rent deposit program and an emergency power deposit program through June 30, 1985 with the total value of the Agreement being \$7,000.00, contingent upon receipt of General Revenue Sharing funds by Missoula County.

✓ RENTAL AGREEMENT

The Board of County Commissioners signed a Rental Agreement, dated August 9, 1984, between Missoula County and Edwin F. and/or Mary J. Garrison of East Missoula, whereby in consideration of the Housing Rehabilitation Loan by the County in the amount of \$11,058.00, the Garrisons agree to meet the requirements as specified in the Rental Agreement. The Agreement was returned to the Planning Department for further processing.

✓ ENCROACHMENT PERMIT

The Board of County Commissioners signed an Encroachment Permit whereby the County agrees to permit Dolly G. Richardson, 1003 Tower Street, Missoula, Montana, to encroach upon a portion of the right-of-way of Tower Street located near the southeasterly portion of Lot 70-B of Richardson Addition No. 2; the encroachment shall be limited to the presently existing barn and be not more than three (3) feet into the public right-of-way near the southeasterly portion of Lot 70-B of Richardson Addition No. 2; and this permit is effective for a period not to exceed ten (10) years, renewable at the option of the County of Missoula. The permit will be filed with the Plat for Richardson Addition No. 2.

AUGUST 28, 1984, CONTINUED

✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement, dated August 13, 1984, between the City of Missoula and the County of Missoula to cooperate in the provision of Animal Control Service to the Citizens of Missoula, as per the terms set forth in the Agreement.

APPROVAL OF PLEDGED SECURITIES

The Board of County Commissioners approved and signed a listing of the securities pledged to Missoula County by the various banks and savings and loan associations in the County, acknowledging its receipt and review as per M.C.A. 7-6-207. The listing was forwarded to the Clerk and Recorder for filing.

Other matters considered included:

1. the Commissioners met with Jean Wilcox, Deputy County Attorney, and authorized her to appeal Judge Harkin's decision in the American Asphalt zoning case to the Supreme Court;
2. Jean Wilcox updated the Board on the O.K. Corral Case and the meadows of Barron O'Keefe Case; and
3. the options available regarding filling the Auditor position were discussed. The Board tentatively decided to leave the position open until the November election, and to amend the budget and add a temporary personnel line.

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

* * * * *

August 29, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was enroute from Portland, Oregon, and returned to Missoula late in the afternoon.

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List dated August 29, 1984, pages 1-26, with a grand total of \$117,208.21. 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:

✓✓✓ CERTIFICATES OF ACCEPTANCE

Commissioner Evans signed Certification of Acceptance for County Maintenance for the following roads: Delarka Drive, Greentree Court and Wildrose Court, which are all located in the Bitterroot Meadows Subdivision south of Lolo and were recently completed as part of the subdivision process; and Wood Hill Court, which is located in the Canyon Pines Addition subdivision and has recently been upgraded to a paved County road as part of the subdivision process. The Certifications were returned to the Surveyor's Office.

AUDIT LETTER

The Board of County Commissioners signed a letter to John R. Koch, Chief Deputy Auditor, acknowledging receipt and review of the Audit of the records of Justice of the Peace, Janet L. Stevens, for the period ending June 30, 1984. The Audit was forwarded to the Clerk and Recorder for filing.

✓ CONTRACT

The Board of County Commissioners signed a Contract for Ambulance Services between Missoula County and Arrow Medical Services, who will provide ambulance services to respond to Missoula County law enforcement and fire protection calls as set forth in the terms of the Agreement for the period from July 1, 1984, through June 30, 1985, for a maximum total of \$8,200.00.

✓ MEMORANDUMS OF AGREEMENT

The Board of County Commissioners signed Memorandums of Agreement with the following Community Based Organizations, who provide needed services for citizens of Missoula County, and receive financial assistance from the County in accordance with the amount and terms set forth in the Agreements for Fiscal Year 1985:

- * the Missoula County Fire Protection Association
- * Women's Place
- * the Y.W.C.A. Battered Women's Shelter
- * the Western Montana Regional Community Mental Health Center
- * Five Valleys Health Care, Inc.
- * Child Care Resources
- * the Missoula Area Agency on Aging
- * the Missoula Council for Child Protection and Family Support
- * Bitterroot Resource Conservation and Development, Inc.
- * the Western Montana Comprehensive Developmental Center
- * the Native American Services Agency
- * Consumer Credit Counseling Service

Other matters considered included:

1. Betty Wing, Deputy County Attorney, met with the Board to discuss a tax sale matter -- the Commissioners approved payment of attached fees; and
2. the Commissioners met with Orin Olsgaard, DES Coordinator, Bruce Suenram, Missoula Rural Fire Chief et. al. and discussed the fire danger situation -- a decision was made to request the Governor to place restrictions on campfires and use of chain saws in the forest areas and Missoula County will provide enforcement.

AUGUST 29, 1984, CONTINUED

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

PUBLIC MEETING

Acting Chairman Barbara Evans called the meeting to order at 1:42 P.M. Also present was Commissioner Ann Mary Dussault. Commissioner Bob Palmer was in Portland, Oregon, for a BPA Task Force meeting.

DECISION ON: PROPOSED ENERGY EFFICIENT SUBDIVISION REGULATIONS

Planning Director Kristina Ford gave a brief background for these regulations for those in the audience unfamiliar with them. There are four proposed standards and several recommendations which the Planning Staff would like to have included in the subdivision regulations. Including them therein would give builders and developers the opportunity to incorporate solar access and energy- and/or money-saving elements into their original designs.

A public hearing on the proposals was held at the public meeting on August 8, 1984.

Ann Mary Dussault requested a postponement of the decision until the Board could study the proposal more carefully, and suggested combining it with the decision on the Lakeshore Protection regulations.

Kristina Ford said that the Planning Board is considering reviewing all of the subdivision regulations this fall, and it would seem appropriate to include this proposal in that review. At the time these proposals were drafted, the Planning Board had not made its decision for overall review, but now that it has, she would prefer a single rather than piecemeal effort.

Action was postponed until an unspecified future date.

HEARING: RECOMMENDATIONS OF MISSOULA PLANNING BOARD RE: REVIEW OF CERTIFICATES OF SURVEY (COS)

Acting Chairman Evans asked Attorney Jean Wilcox and Attorney Dusty Deschamps if they wished to make any comments prior to public comment. They declined, preferring instead to answer questions that arose. Commissioner Evans then opened the hearing to public comment, asking that supporters speak first.

1. Gary Decker, member of the Missoula Planning Board, spoke as an interested private citizen. Mr. Decker said that the first proposed resolution was intended to deal with land splits that allow subdivisions to be built, some of which are legal and some of which are illegal. The Planning Board wanted the Commissioners to form a fact-finding commission to gather information and determine if there is sufficient evidence to file suit against an individual or individuals for evasion of subdivision review, and thereby show that circumventing the regulations was not profitable or easy.

The second proposed resolution deals with negative impacts on the community by legal subdivisions created through occasional sale and family exemptions.

The third proposed resolution requests a look at the subdivision regulations to see if they can and should be amended to make subdivision review easier and less costly and thus eliminate two of the reasons why subdividers avoid it. Testimony at the Planning Board Subcommittee hearing indicated that the cost of review often drove the price of a house beyond the reach of interested buyers.

Ann Mary Dussault asked to clarify the purpose of this hearing: the Board of County Commissioners has been asked to consider proposed resolution No. 1 only; the other two resolutions are internal to the Planning Board. She continued by saying that the resolution was the result of a request by the Board of County Commissioners to the Planning Office to make a recommendation because there is evidence that the Certificate of Survey process is being used inappropriately and perhaps illegally in Missoula County. She wanted to make it clear that these resolutions were not generated by the Planning Office but by the Commissioners acting in concert with the County Attorney's Office.

Barbara Evans agreed on the need for clarification and read the three recommendations contained in the first resolution:

"...the Missoula County Commissioners and/or the Missoula City Council shall

1. Convene a fact-finding commission for the purpose of gathering evidence in order to determine if evasion of the Montana Subdivision and Platting Act has occurred; and

2. Make a finding of fact based upon that evidence whether evasion has occurred and, if so, direct the Missoula County Attorney to file suit against the individual or individuals so identified.

BE IT FURTHER RESOLVED by the Missoula Planning Board, that at the end of 6 months from adoption of this resolution by the Missoula Planning Board, the Missoula Planning Board Committee for Certificate of Survey Review will review this situation and, if no or insufficient action has been taken, may recommend further regulatory and/or legal action."

2. John Kohl, president of Sorrel Springs Homeowners Association, Frenchtown, said that his association is in favor of all three of the proposals and they don't think they go far enough. The Roman Flats subdivision below Sorrel Springs worries his group. He wondered if possessing money or knowledge or prestige made a difference in the way a developer and his proposals were treated, and Kristina Ford answered no.

3. Ann McTavish, from Sorrel Springs, said that her main concern is over water. Their well is in Roman Creek Flats and she fears that a subdivision of the projected size of Roman Flats will interfere with the supply of water to Sorrel Springs, which was developed in compliance with subdivision regulations.

4. Bruce McTavish, from Sorrel Springs, was also concerned about the water supply and about the effect of a large number of septic systems and wells on that supply. He urged action that would prevent a problem so that it would not have to be dealt with after the fact, as in Bonner. He also felt that Certificate of Survey platting is fine in some situations but not for an entire subdivision.

No one wished to speak in opposition.

Acting Chairman Evans asked if anyone wished to make general comments.

1. Steve Jackson questioned the Planning Board's intention to act as attorneys (to find facts and file suit), and complained about the lack of public notice for meetings, specifically the Planning Board's COS and energy regulations meetings.

PUBLIC MEETING, AUGUST 29, 1984, CONTINUED

Kristina Ford responded that there has been no meeting that has not been advertised, and that the Planning Office consults with the Attorney's Office to make sure legally adequate notice is being given. All forms of local media carry meeting announcements as well as the legal notices column in the The Missoulian.

At this point, Commissioner Evans closed the public hearing.

Planning Director, Kristina Ford, presented a report that the Commissioners had requested her to prepare on the recommendations and relevant background. She read from the Montana Subdivision and Platting Act, explaining its purpose, and then showed slides which clearly demonstrated the difference between reviewed subdivisions and unreviewed developments which resulted from Certificates of Survey: These latter are subdivision-like developments with all the impact of platted subdivisions, but with none of the guidance and regulation and attention to the public welfare and safety.

Director Ford said that last July, the Montana Attorney General rendered an opinion which said that a developer who uses a pattern of exemption transactions to create the equivalent of a subdivision without local government review should be denied exemptions, and that local government may require any person who requests exemption to produce evidence of entitlement to the claimed exemption. She continued by saying that she wanted it to be clear that when she referred to unreviewed subdivisions she meant unreviewed for compliance with County subdivision regulations. She further continued by recapping meetings and hearings on the Certificate of Survey issue that have taken place since last year. Records of these meetings and hearings are on file in the Planning Office and the County Commissioners' Office.

County Attorney, Dusty Deschamps, said that it is the duty of his office to enforce Montana law, not to take sides on the issue, but that enforcement is difficult because it is difficult to prove evasion of the Subdivision Act. A subdivision is under 20 acres and anything 20 acres or larger is not a subdivision and can be sold without any sort of review. Anyone who owns such a parcel is legally entitled to one occasional sale per year, and family gifts and other large transfers are also allowed, so that after a period of years the original large parcel may have turned into several smaller ones. If these parcels are developed, they emerge as subdivisions done without review or control and the issue then becomes were they done to evade the Subdivision Act or merely to avoid it, avoidance being a legal method of dealing with any regulatory agency. He said that he favors the first two recommendations of the proposed resolution #1 and that he applauds the upcoming review of the subdivision regulations. He was puzzled by the third recommendation and wondered what legal action the Planning Board could take if the County Attorney hadn't taken any.

Jean Wilcox, Deputy County Attorney, said it is extremely difficult to monitor the use of exemptions because the County doesn't have a system to ensure fairness and consistency in dealing with requests. She suggested delegating a committee to gather facts, to meet with individuals requesting exemptions, and to make decisions based on collected information.

Ann Mary Dussault requested that the record show that the County Commissioners have received the recommendations of the Planning Office and have held a public hearing, but that no action was taken at this time.

Barbara Evans agreed that deliberate evasion is difficult to prove because most people don't do it in ignorance, and that the Board relies on the County Attorney's Office to gather evidence and decide if they have a case. If the Attorney doesn't feel that a case can be successfully prosecuted and declines to take action, the Board is in no position to insist that he do so. The County is in an especially bad position when two legally-constituted subdivisions appear to have conflicting interests, and she wishes that the Legislature would be more explicit in what they say so that a County would have some criteria to operate under. It doesn't seem reasonable to her that a fact-finding commission (recommendation #1) would review every Certificate of Survey request, but she would be in favor of such a commission -- composed of people familiar with land division -- if they would generate some criteria to help the Commissioners determine what is avoidance and what is evasion.

Since both Commissioners Dussault and Evans wish to discuss this item further and to include Commissioner Palmer in the discussion, no action was taken at this time.

At this point there was a 5-minute recess to allow people not participating in the second hearing to leave.

HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT (CLINTON)

John Kellogg of the Planning Office gave the background for this item, as follows: the Planning Staff is recommending that Missoula County make application for a Community Development Block Grant to revitalize the town of Clinton. The major part of the grant will provide loans and grants to rehabilitate sub-standard housing (30-35 households). Program income under the grant, mainly from loan payments, will go toward renovation of the Community Center and improving the park. The original proposal included some houses up Donovan Creek, but upon investigation it was determined that those houses could not be brought up to standard within the program limit of \$15,000 per house, and they were deleted. The Planning Office is in possession of petitions with 170 signatures on them supporting the Grant application.

Acting Chairman Evans offered to turn the meeting over to Chairman Palmer, who arrived at 2:47 P.M. having just returned from Portland. He declined.

Commissioner Evans opened the hearing to public comment. The following people spoke:

1. Martin Moss asked what checking is done to assure that no scams occur, such as selling the rehabilitated houses with a buy-back clause.

John Kellogg said that the loans call for an eight-year period of occupancy after the rehab, and that if the house is sold before then, the note and mortgage come due upon sale. If the owner wants to rent the house, the Planning Staff monitors the arrangement.

2. DeeDee Armstrong asked what happens if an eligible person dies.

John Kellogg responded that if the property will pass to the children, their income will be checked and if they qualify they can assume the loan.

3. Steve Jackson asked why this project was chosen and not something else, such as the Milltown water system or the Missoula Youth Homes.

John Kellogg responded that several possible projects were ranked according to cost/benefit (counting the number of people who would be helped), public input, and need, and this one would up highest on the

PUBLIC MEETING, AUGUST 29, 1984, CONTINUED

list. Missoula must compete with other Montana towns for available money, and in order to be competitive it is necessary to choose the project with the highest number of "points."

Mike Barton of the Planning Office, responding to the same question, said that in checking out the Milltown water problem as a possible grant target, the Staff discovered that about half the people in Milltown would not meet the HUD qualifications so public interest in this avenue of assistance fell off. Missoula Youth Homes has already received a grant, and seldom does one project receive money twice.

4. Jeannette Ailport of the Clinton area supports the grant application.

5. Fred Schmiedeskamp asked if the group homes belonged to some portion of government, or if they were privately owned.

Barbara Evans responded that the homes in question were not group homes but individual homes.

John Kellogg said that perhaps Mr. Schmiedeskamp was confusing group homes with Missoula Youth Homes, which is a private non-profit organization which will not be included under this grant application, which is for rehabilitation of private homes.

Mr. Schmiedeskamp asked how Youth Homes got into the conversation and Barbara Evans cleared up his confusion.

6. Robert Mellor, president of the Clinton Community Center, spoke in support of the application and described some of the needs for funds.

There being no further speakers, Barbara Evans closed the public hearing. No action was taken at this time.

There being no further business, the meeting recessed at 3:06 P.M.

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August 30, 1984

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

DAILY ADMINISTRATIVE MEETING

At a brief administrative meeting held in the forenoon, the following matter was considered:

The Commissioners met with Swain Wolfe and discussed the Mansfield film project that is being proposed -- the Board signed a letter of support for the film.

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

CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Paul Tiegs of OMNI Environmental Services, an independent contractor, for the purpose of briefing the Board of Health on wood stove testing procedures and stove availability, providing expert testimony to the Board of Health concerning the Oregon Method 7 and EPA Method 5 wood stove testing procedures, and discussing emissions standards such as LAER, BACT and RACT, for the period commencing August 30, 1984, and concluding August 31, 1984, for a total amount not to exceed \$750.00. The Contract was returned to the Health Department for further handling.

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August 31, 1984

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

INDEMNITY BOND

Chairman Palmer examined, approved, and ordered filed an Indemnity Bond naming Joseph Barnell as principal for warrant #3873, dated February 20, 1983, on the Vo-Tech Center Payroll Fund in the amount of \$27.99 now unable to be found.

Fern Hart
Fern Hart, Clerk and Recorder

Bob Palmer
Bob Palmer, Chairman, County Commissioners

* * * * *

September 3, 1984

The Courthouse was closed for the Labor Day holiday.

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September 4, 1984

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

DAILY ADMINISTRATIVE MEETING

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

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the Transmittal Sheet for Payroll Period No. 18, dated August 30, 1984, with a grand total for all funds of \$330,614.16. The Sheet was returned to the Auditors' Office.

SEPTEMBER 4, 1984, CONTINUED

✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract with C. Peter Nielson, an independent contractor, for the purpose of research on special energy projects as necessary for the period beginning August 30, 1984, through September 10, 1984, (for a total of 70 hours work) for a total amount not to exceed \$490.00.

✓ RESOLUTION NO. 84-109

The Board of County Commissioners signed Resolution No. 84-109, a resolution of the Missoula County Commissioners authorizing submittal of a community development block grant to revitalize the town of Clinton, and that the Commissioners state their willingness to create a Missoula County Housing Authority pursuant to the provisions of Sections 7-15-2102 through 7-15-2109, M.C.A.

✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula County Library Board, whereby the County will provide building maintenance services for the Library as per the terms set forth in the Agreement until June 30, 1985, for a total cost of \$5,229.00. The Agreement was returned to John DeVore, Operations Officer, for further handling.

Other matters considered included:

- ✓ 1. the Board selected Chairman Bob Palmer to be the Commissioners' representative on the newly created Animal Control Board; and
- 2. the Commissioners met with Dusty Deschamps, County Attorney, and Jim Fairbanks, Appraisal Supervisor, regarding the Kathleen Schindler tax issue -- the County Attorney will send a letter explaining the situation and give her five days to respond.

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

* * * * *

September 5, 1984

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:

VOTER REGISTRATION POLICY LETTER

The Board of County Commissioners signed a letter to all County Departments stating the Policy regarding Voter registration in County offices during regular working hours.

Other matters considered included:

- 1. the Board met with Erv Gysler of Seeley Lake and Bob Slonski, Deputy County Attorney, and discussed the Seeley Lake Refuse District;
- 2. the lawsuit regarding the power line taxes and the upcoming meeting on it was discussed;
- 3. the Board approved Commissioner Evans' appointment as Vice Chair for the Law Enforcement Subcommittee of the NACo Justice and Public Safety Steering Committee; and
- 4. Mike Sehestedt, Deputy County Attorney, met with the Board and discussed litigation matters -- the Commissioners authorized him to settle the litigation issue.

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

PUBLIC MEETING

The meeting was called to order by Chairman Bob Palmer. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

✓ CONSIDERATION OF: CATRINA ADDITION (FINAL PLAT)

Mark Hubbell of the Planning Office gave the staff report:

On April 25, 1984, the Board of County Commissioners gave preliminary approval to the Catrina Addition subject to twelve conditions. The request for a Planned Unit Development overlay was also approved at that time with four conditions attached. The subdivision consists of a mix of residential uses on 8.5 acres: single family, two-family, and multi-family dwellings for a total of 66 units. The final plat was reviewed for compliance with both subdivision and zoning conditions, and the Staff is satisfied that all conditions have been met with one exception, which is in process. The Planning Staff recommends approval of the final plat of Catrina Addition subject to the following condition:

- 1. That plans be submitted for the review and approval of the Building Inspector detailing the improvements needed to bring the duplexes in the subdivision up to Uniform Building Code standards.

In particular, the Staff is concerned about the firewall between the units, and the Building Inspector is currently working with the developer to iron out problems.

Bob Palmer pointed out that since this is a final plat, no hearing is necessary.

Barbara Evans moved and Ann Mary Dussault seconded the motion that the final plat of Catrina Addition be approved, subject to the stated condition and with the inclusion of the Staff report showing that previously imposed conditions have been satisfied. The motion passed 3-0.

PUBLIC MEETING, SEPTEMBER 5, 1984, CONTINUED

✓✓ HEARING: CREATION OF COUNTY WATER DISTRICT -- LORRAINE SOUTH

Bob Palmer read the background for this item as provided by Wendy Ross Cromwell, Recording/Election Manager:

A petition requesting creation of LorraineSouth County Water District was received in the Clerk and Recorder's Office on August 10, 1984. The signatures were verified, and the Clerk and Recorder/Election Administrator certifies that the petition contains the signatures of 65% of the eligible landowners within the boundaries of the proposed district (eleven out of seventeen). Section 7-13-2204 M.C.A. requires only 10% of the eligible landowners to request a hearing on the creation of the district.

After the hearing, the commissioners must decide on the final boundaries of the district and call for an election on the creation of the district. The resolution must also contain information about a bond issue, if one is to be placed on the ballot. The election date must be no more than 60 days from the date of the hearing (September 6 is the first day the issue could be placed on the General Election ballot for the November 6 election; September 17 is the last day because of candidate filing deadline).

An advertisement for the hearing has already been placed in the Missoulian.

Bob Palmer opened the hearing to public comment. The following people spoke:

1. Mike Dannenberg, landowner in the proposed water district, said that the reason the owners decided to request a water district was that several years ago they received a letter saying that the County would no longer fund RSID's for water and that homeowners should form water districts. Certificate of Survey requirements regarding sewage facilities and availability of water have been met. A 375' well has been drilled and the owners would rather utilize that one well than have 10 more drilled. Nine of eleven lots in the area have been sold, one is owned by a bank, and ownership of the other one is disclaimed by both the bank and Professional Consultants. The existing well has been certified adequate and the State has waived the 10-families-per-1-well requirement, saying that 11 would be acceptable. The owners have preliminary drawings of the water district, and all that remains is to finance it -- which they would do by selling bonds. Professional Consultants estimates that they would need \$60,000-70,000, but they would like permission to sell \$75,000-100,000 to avoid having to call for another vote in case the estimate was low.

Mike Sehestedt, Deputy County Attorney, said that action on this request should be delayed until next week so that the November General Election will fall within the 60-day limit for voting on it. At that time the landowners can vote authorization and bonded indebtedness and elect a Board of Directors. The Commissioners are only being asked to give permission to these landowners to proceed.

Barbara Evans asked who would vote.

Mike Sehestedt answered that the owners of the property would vote via a special ballot in their precinct.

Ann Mary Dussault asked if the bank would have a vote.

Mike Sehestedt answered that he was quite sure that it would -- a corporate ownership can vote through its corporate president or authorized representative.

Mike Dannenberg said that they would need to establish true ownership of the 11th lot. The bank says it doesn't own it and that Professional Consultants does; Professional Consultants says they have a lien on it, but they don't own it.

Mike Sehestedt said that determination of ownership shouldn't be a problem.

Mr. Dannenberg asked if someone who owns two lots gets two votes.

Fern Hart, Clerk and Recorder, said that he'd get two votes.

Mike Sehestedt said he'd look it up, but he was quite sure that was correct. He also said that any out-of-state owner may vote as long as he's a registered voter wherever he lives.

Mr. Dannenberg said that some people who live on Lorraine Street (not among the original 11) are showing an interest being in the District and he wasn't sure how that could be handled.

Mike Sehestedt said that they should proceed with the original plan and that District expansion would be in the hands of the Board of Directors of the District.

2. Mark Jurasek said that 5 or 6 families on Lorraine Street, who will have to be drilling wells within the next year, are interested in joining the District.

Bob Palmer suggested that he work with Mr. Dannenberg.

There being no further speakers, Chairman Palmer closed the public hearing.

In response to a question about what action to take, Mike Sehestedt said that the Board should simply take the request under advisement today and give their official approval next week. In that way, the special election can take place at the same time as the general election.

Ann Mary Dussault asked Mr. Dannenberg to send the County a copy of the State variance for the permanent record. (The copy is now on file in the County Commissioners' Office.)

There being no further business, the meeting was recessed at 1:55 P.M.

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September 6, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Idaho Falls, Idaho, attending a BPA/Local Government Officials meeting September 6th and 7th, 1984.

SEPTEMBER 6, 1984, CONTINUED

DAILY ADMINISTRATIVE MEETING

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

✓ LABOR AGREEMENT

The Board of County Commissioners signed the Master Agreement between Missoula County and I.U.O.E. Local #400, Butte Teamsters Union Local #2, I.A.M. & A.W. Local #1434 for the period from July 1, 1984, through June 30, 1986. The Agreement was returned to Dennis Engelhard, Personnel Officer, for further handling.

✓ TAX PAYMENT AGREEMENT

The Board of County Commissioners signed an Agreement regarding the payment of belated tax bills between Missoula County and Ronald and Kallen Ashley, the owners of the property described as Mountain Shadows No.1, Lot 28, Block 5, and the value of the improvements was inadvertently excluded from the taxable value against which taxes were levied in 1981, 1982, and 1983 on this property; the taxpayer was not responsible for the error and will pay the belated taxes as per the schedule set forth in the Agreement. The Agreement was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Other matters considered included:

- ✓✓ The Commissioners agreed to the City's latest proposed Amendment to the Library Interlocal Agreement.

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

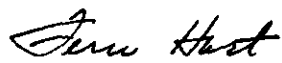
DINNER MEETING

Commissioner Dussault attended a Board of Natural Resources dinner meeting in Helena in the evening.

* * * * *

September 7, 1984

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



Fern Hart, Clerk and Recorder



Bob Palmer, Chairman, County Commissioners

* * * * *

September 10, 1984

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.

MONTHLY REPORT

Chairman Palmer examined, approved, and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending August 31, 1984.

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List, dated September 7, 1984, pages 1-30, with a grand total of \$143,698.86. The Audit List was returned to the Accounting Department.

MONTHLY REPORTS

Chairman Palmer examined, approved, and ordered filed the monthly reports of Justices of the Peace, W.P. Monger and Janet Stevens, for collections and distributions for month ending August 31, 1984.

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 with Sam Miller, an independent contractor, for the purpose of the installation of the Energy Management System, specifically pulling wire and hooking up the units, commencing September 11, 1984, and concluding by December 15, 1984, for a total amount of \$3,000.00.

✓ LEASE AND OPTION AGREEMENT

Chairman Palmer signed a municipal Lease and Option Agreement between Missoula County and J.C. Thompson, Inc., Lease No. 113, for the IBM PC Computer and the NEC 3550 Printer as per the terms set forth in the Agreement. The Agreement was returned to Dan Cox, Budget Officer, for further handling.

✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Terry Perrigo, an independent contractor, for the purpose of doing research on felony investigations in both the City and County of Missoula, with a final report to be submitted to the Board of County Commissioners. The work commenced August 22, 1984, and will be concluded September 10, 1984, at the rate of \$6.00 per hour not to exceed \$480.00

✓✓ LABOR AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County (Health Department) and

SEPTEMBER 10, 1984, CONTINUED

Local Unit Number One of the Montana Public Employees Association from July 1, 1984, through June 30, 1986, as per the terms set forth. The Agreement was returned to the Personnel Office for further handling.

Other matters considered included:

1. the Board met with John DeVore, Operations Officer, and discussed the jail bond issue; and
2. Jerry Johnson, Chief Probation Officer for Missoula County, gave the Commissioners an update on the meeting of the Interim Legislative Committee regarding the State Assumption of Courts.

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

* * * * *

September 11, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Helena attending a meeting of the Job Training Coordinating Council.

DAILY ADMINISTRATIVE MEETING

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

✓ EMPLOYMENT CONTRACT

The Board of County Commissioners signed an Employment Contract dated September 10, 1984, between Missoula County and Randi Burnham, a registered nurse, for the purpose of providing nursing services as required in the Missoula County Jail for the care and keeping of prisoners incarcerated therein as per the terms set forth in the Agreement which is effective as of September 10, 1984, at the rate of \$10.00 per hour.

Other matters considered included:

1. the Commissioners voted 2-0 (with Chairman Palmer approving previously on September 10th) to approve the jail bond issue resolution; however, the formal approval and signing was postponed until the Weekly Public Meeting on September 12, 1984; and
2. the Board agreed to set the public hearing date for September 19, 1984, on the request to close the the 39th Street Walkway to bicycles.

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

* * * * *

September 12, 1984

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

DAILY ADMINISTRATIVE MEETING

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

✓ AGREEMENT

The Board of County Commissioners signed an Agreement for the Provision of Professional Security Services by an independent contractor between the University of Montana and the Reserve Deputy Unit of the Missoula County Sheriff's Department for the purpose of providing law enforcement, crowd control, and general security at University events or events conducted in University facilities as per the terms set forth in the Agreement for a period of one year.

Other matters considered included:

The Commissioners discussed a temporary personnel hiring policy -- no action was taken.

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 Chairman Bob Palmer. Also present were Commissioners Barbara Evans, and Ann Mary Dussault, who arrived late.

✓ ✓ ✓ ✓ BID AWARD: RSID #408 - NATURAL GAS LINE FOR GRANTLAND (GENERAL SERVICES)

Under consideration was the award of bond bids for RSID #408 for construction of a natural gas line for Grantland. Only one bid was received:

Glen Rangitsch	\$48,000.00	12.5%
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Barbara Evans moved and Bob Palmer seconded the motion that the bond bid for construction of a natural gas line for Grantland be awarded to Glen Rangitsch as per recommendation of the General Services staff. The motion carried 2-0 (Commissioner Dussault arrived after the vote on this motion). The bid folder was returned to General Services for further processing.

✓ RESOLUTION NO. 84-110

The Board of County Commissioners signed Resolution No. 84-110, a resolution calling for an election on the question of whether or not Missoula County should issue its general obligation bonds in an amount not to exceed \$12,000,000 for the purpose of constructing, acquiring by purchase and remodeling the public buildings necessary to provide a county jail with a 120 prisoner capacity, common facilities for the City Police Department and County Sheriff's Office and for the Justice and Municipal Courts and to relocate County administrative offices.

✓ DECISION ON: REQUEST TO CREATE LORRAINE SOUTH WATER DISTRICT

A public hearing was held on September 5, 1984, on the petitioning landowners' request for permission to

PUBLIC MEETING, SEPTEMBER 12, 1984, CONTINUED

create a county water district in the Lorraine South area off Upper Miller Creek Road. At that time, Deputy County Attorney, Michael Sehestedt, suggested that action should be deferred until this date in order to have the procedure fall within the allowed time span for inclusion of the bond issue on the upcoming General Election ballot for that precinct.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the request to create Lorraine South County Water District and to have placed on the ballot for the November 6, 1984, General Election the question of bonded indebtedness for the landowners involved.

Before the vote was taken, Commissioner Dussault had asked for clarification on two points: the waiver by the State of the 10-households-per-well requirement, and the disputed ownership of the eleventh lot. The secretary reported that a copy of the letter from the State Department of Health and Environmental Sciences had been received. The text of the letter follows:

TO: Tom Hanson, P.E. of Professional Consultants, Inc.

FROM: Rick Rosa, Environmental Engineer, Water Quality Bureau

"As discussed over the telephone this morning, the requirement for the second well has been waived. Keep in mind that the existing well must meet all applicable standards and be of sufficient capacity to supply the anticipated demand of the development.

"Please submit plans and specifications for the proposed water system to my attention."

Mike Sehestedt said that the question of ownership will be answered as the process moves along, and that any time before election day is satisfactory.

The motion carried by a vote of 3-0.

✓ PRESENTATION: REPORT ON THE UPDATING OF THE COMPREHENSIVE LAND-USE PLAN (C.E. ABRAMSON)

Mr. Abramson said that 10 Citizen Task Forces have been working for over a year and a half, and that approximately 400 people have been involved at one time or another. Many different issues have been confronted, some of which have been dropped and some of which have been refined. The intention of the Task Forces is to present to the Commissioners, early in 1985, a series of general goals which can be translated into more specific objectives, and suggestions from which the Board can formulate policies.

It is Mr. Abramson's personal opinion that nine years is too long for any land use plan to be in place without review and updating, and he is sure that there will be a specific recommendation to have periodic updates of Missoula's plan. He said that on September 18, 1984, the Task Forces will meet with the Planning Board to give more specific examples of what they are doing. By December 1984, they hope to have the final draft of a document to submit to the local governing bodies.

✓✓ HEARING: MACLAY RANCH REZONING REQUEST (MACLAY)

The background for this request was presented by Mark Hubbell of the Planning Staff:

The subject property was first zoned on August 10, 1977. At that time, it was zoned C-A1 (Open and Resource Lands, and low density residential uses). The applicant's property has been used primarily for grazing; increased development pressure, as well as low agricultural productivity have made this land unsuitable for continued agricultural production. On August 7, 1984, the County Regulatory Commission recommended that the Missoula County Commissioner rezone the subject property from C-A1 to C-A2.

Chairman Bob Palmer opened the hearing to public comment. No one wished to speak either for or against the request, so Mr. Palmer closed the hearing.

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt a resolution to rezone the northwest 1/4 of Section 28, T13N, R20W, from C-A1 to C-A2, and to adopt the findings of fact set forth in the Staff report, subject to public notice and a 30-day protest period. The motion carried 3-0.

✓✓ RESOLUTION NO. 84-111

The Board of County Commissioners signed a resolution of intent to rezone the northwest 1/4 of Section 28, T13N, R20W, from C-A1 (Open and Resource lands) to C-A2 (Low density residential).

✓✓✓ HEARING: REQUEST TO REZONE IN CARLINE ADDITION (REDFERN)

Mark Hubbell of the Planning Staff gave the background for this request:

Carline Addition was platted on July 19, 1909. The area remained unzoned until October, 1976, when the subject property was zoned C-C2 (Commercial). On July 21, 1982, the applicants' property was rezoned to C-R2 (Residential) as a part of the Reserve Street Rezoning Initiative. The area has developed into a mixture of residential and commercial land uses, and the Missoula Comprehensive Plan designates the area General Commercial. After reviewing all testimony and documentation, the Missoula County Regulatory Commission recommends that the subject property be rezoned as requested.

Chairman Palmer opened the hearing to public comment. The following person spoke:

Linda Grunewald said that she and her husband bought their property under the impression that it was zoned commercial, and they set up a business unaware of the 1982 change. They would like to keep operating their business, and support the request for rezoning.

There were no further speakers, so the public hearing was closed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt a resolution of intent to rezone Lots 1-9 and 32-40 of Block 66, Carline Addition from C-R2 (Residential) to C-C2 (General Commercial), and to adopt the findings of fact set forth in the Staff report, subject to public notice and a 30-day protest period. Ann Mary Dussault asked Mr. Hubbell to point out the property location on a map and she asked Surveyor Dick Colvill if his letter (which is in the file) were merely informational. The motion carried 3-0.

✓✓✓ RESOLUTION NO. 84-112

The Board signed a resolution of intent to rezone Lots 1-9 and 32-40 of Block 66, Carline Addition from

PUBLIC MEETING, SEPTEMBER 12, 1984, CONTINUED

C-R2 (Residential) to C-C2 (General Commercial), and to adopt the findings of fact set forth in the Staff report, subject to public notice and a 30-day protest period.

✓✓✓ HEARING: ANNUAL REVIEW OF SECTION 6.03 ZONING RESOLUTION

Mark Hubbell gave the background for this hearing:

Section 6.03 of the Missoula County Zoning Resolution is commonly known as the Reserve Street Special District No. 2 development standards. This section of the Zoning Resolution requires that an annual review of the development standards be conducted by the Missoula Planning Board and the Missoula County Commissioners. The annual review will examine development standards in relation to community goals and policies, changed conditions, if any, which have resulted from new growth, changes in political attitudes, and changes in policies which would require revisions to the development standards to better meet policies and goals.

The purpose of this hearing is to gather public comment on the Reserve Street Special District No. 2 as it is currently structured, and if changes are recommended, the Commissioners can instruct the Planning Staff to begin implementation of those changes by means of regular procedures. The only change which came through last year was to allow seasonal commercial use, such as fireworks stands, and some modifications regarding paving and landscaping.

Chairman Palmer opened the hearing to public comment. The following people spoke:

1. Lon Dale, of the law firm of Milodragovich, Dale, & Dye, spoke on behalf of 15 homeowners on Reserve Street who are his firm's clients. He said that the special district is not doing anything for these people, who feel as if they are in limbo: they are not able to sell their property as attractive residential property, nor are they able to sell it as commercial property because of restrictions. At present they are involved in litigation with the State of Montana and Missoula County, though Missoula County is included only to prevent the State from blaming the County for the problem because of its zoning designation. The State is the only governmental agency that has the statutory authority and the financial wherewithal to purchase his clients' property, so they are not looking to Missoula County for that purpose.

Mr. Dale said that the State Department of Highways has decided that they will turn Reserve into a 4-lane road, but they are planning to condemn and buy only the property on the west side of the roadway, thus creating an unendurable situation for the people living on the east side. The environmental impact statement for this project found the noise levels in the residential area to be at the federal non-residential level. The County's 5-year plan means that his clients must endure for another 5 years because the Board of County Commissioners didn't want to create another South Avenue. His clients simply want fair market value for their property, while the State wants to delay condemnation proceedings as long as possible. He understands that the County does not share the State's position, and he and his clients appreciate that. He does think, however, that 6.03 should be reevaluated, and that perhaps the County could pass a resolution saying that there should be a buffer zone along this street.

Barbara Evans said that she was grateful that Mr. Dale understands the difficulty the County faced in trying to solve this problem. Their compromise solution may or may not be working, but they wanted the flexibility that 6.03 allows because they knew they hadn't thought of everything. They wanted to protect those people behind the Reserve Street homes.

Mr. Dale said that a buffer zone is a logical resolution to such a problem, but that the State Highway Department is not recognizing the need for one, and that they are not willing to buy any property on the east side of Reserve. It would be helpful if the County could communicate with the State Highway Department urging them to cooperate with the residents in their attempts to get fair value for their homes and to move.

Barbara Evans asked if he wanted the Board to send a letter to the State Department of Highways.

Ann Mary Dussault asked Counsel's advice regarding the Board taking action when they are party to a litigation.

Mike Sehestedt responded that he saw nothing improper about moving to alleviate the intolerable situation of these people in spite of the litigation.

There was general agreement that the solution to the problem lay not in a change in the zoning, but in the inverse condemnation litigation, in the State's admitting that the Reserve Street property on the east and west sides of the roadway has been damaged or taken under the law.

Mr. Dale assured the Board that he was not planning to use any of their comments in the litigation, but that he was asking the Board to appeal to the State to get the litigation moving along, to let the State know that the people are suffering. If the Board sent a resolution to the State requesting an end to legal delays, perhaps the State would proceed with the case, and the people on Reserve Street would know that someone cares about them.

Bob Palmer said that the County is presently involved in litigation with the Department of Social and Rehabilitative Services and with the DNR, and that he doesn't understand why it has happened that the only way to deal with the State is through litigation.

Michael Sehestedt used the example of the Malletta Funeral Home to illustrate that the Commissioners have been sympathetic to the plight of the area homeowners.

Surveyor Dick Colvill said that the problem could be solved by closing Reserve Street and returning it to its former condition. He continued by saying that obviously that was not a reasonable solution and that there would be an even larger group of people protesting that action. His point was that government cannot solve everyone's problems but can only try to do what is best for the most people. He also wanted to point out that any money for inverse condemnation would come from Missoula County's share of highway dollars and that amount would then not be available for other projects in the County.

Bob Palmer agreed with Mr. Colvill's comments and said that when they were in the process of rezoning Reserve Street, they had to choose who they were going to impact; in other words, it was not a choice between positive options. He said that he feels that their decision was in the best interests of the majority, but that none of the Commissioners was pleased to have to harm anyone. He continued by saying that he supports a solution that is fair to the impacted people, whatever that solution may be.

PUBLIC MEETING, SEPTEMBER 12, 1984, CONTINUED

Lon Dale, responding to Mr. Colvill, said that behind the concept of eminent domain is the question of whether these people's properties have been taken or damaged. If the answer is yes, then it doesn't matter where the money comes from--what matters is that these people have the right to just compensation.

There being no further speakers, Chairman Palmer closed the public hearing.

Barbara Evans commented that last year at this hearing one person presented a specific problem which was taken care of via a change in the provisions of 6.03. This year no one was present and asking for a specific change, so perhaps it has become unnecessary to have an annual hearing. She asked if the Board should change the wording of the resolution to say that the Board could look at any problem at any time, and dispense with an annual review.

Mark Hubbell said that any part of the zoning resolution is subject to amendment at any time. Section 6.03 says that there will be an annual zoning review, but perhaps there is not enough interest or need to continue it annually. If it were changed to an every-other-year review, there would be nothing to prevent someone from requesting a hearing at any time.

Michael Sehestedt agreed with Mark that any zoning regulation can be changed at any time via established procedures. This annual review was a major provision to quiet fears during the original zoning hearings, and he suggested keeping it in for another year to show good faith to the people who fought for it.

Barbara Evans said that she did not mean that the Board should not hear any complaints, only that it seemed a waste of staff time to schedule an annual hearing at which there were no speakers.

Ann Mary Dussault said that it is becoming apparent to everyone that zoning changes won't solve the problems of the Reserve Street residents, but that the litigation will. She hopes that the litigation will succeed, regardless of where the money comes from and that the people will be legitimately compensated.

OTHER BUSINESS

Mark Hubbell said that yesterday was the end of the 30-day protest period on the Resolution of Intent to Rezone Planning and Zoning District No. 17 and that the Planning Office had received no protests of any sort.

/// RESOLUTION NO. 84-113

The Board signed a resolution to rezone Planning and Zoning District No. 17 to C-RR3 (Residential) and C-R1 (Residential).

✓ PUBLIC COMMENT

C.E. Abramson wanted to make a comment about the Library funding. He said that he was surprised that the City and the County were still talking about signing an interlocal agreement when it has already been determined that the Library will be funded at the same level as last year. His specific comment dealt with the provision in the interlocal agreement for a 7-member board. He has heard a legal opinion which said that while State law allows for interlocal agreements and joint boards, that same law restricts those boards to 5 members. He brought up the point because he would prefer that the Library Board deal with problems other than whether or not they are legally constituted.

Ann Mary Dussault differed with Mr. Abramson: 1) the Library was not funded at the same level as last year, but received an increase in dollar amount in its budget; and 2) there was never a funding crisis in regard to the Library--the Board said at the outset that it would fund the Library at the level requested regardless of whether the City participated or not. There was never a crisis, but instead a disagreement over the methodology by which the funding would occur. She said that she felt the kind of misstatement Mr. Abramson made was the kind of thing that escalates the conflicts in these types of situations.

Mr. Abramson amended his statement somewhat, but said that while the Library may have been funded at more than last year's level, it was not funded at the level requested. He apologized for any inadvertently misleading statements, and reiterated his desire not to conduct the business of running the Library with an illegal Board, only to have to re-do that business with a legal Board. He also hoped he had not neglected to express the appreciation of the Board for the support of the Commissioners.

Bob Palmer described the process by which the County budget staff and Acting Library Director Barbara Rudio had worked out the Library budget. The only problem that remains is to work out the management issue.

Mr. Abramson said that he personally sees no benefit to Library users from an interlocal agreement. Since this year's budget funding is County-wide, and since it is a County-wide Library, it is only reasonable to continue the County-wide method of funding..

Bob Palmer said that when the 7-member Board resolution comes from the City, it will be sent to the County Attorney's Office for review.

Mr. Abramson said that it is his understanding that the City Attorney has said that a 7-member board is illegal but they are sending the agreement over with a 7-member board anyway, assuming that the County's intention is to send the agreement to Attorney General Mike Greely for review, hoping that he will approve it regardless. Mr. Abramson thinks such process is a waste of taxpayers' money.

Ann Mary Dussault said the real question is whether the interlocal government statutes override the statute about board membership, which is a legitimate legal question.

There being no further public comment, the meeting was recessed at 3:00 P.M.

September 13, 1984

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

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List dated September 12, 1984, pages 1-31, with a grand

SEPTEMBER 13, 1984, CONTINUED

total of \$233,079.63. 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 approved and signed the Payroll Transmittal Sheet for Period #19, with a grand total for all funds of \$328,564.62. The Sheet was returned to the Auditor's Office.

RESOLUTION NO. 84-114

The Board of County Commissioners signed Resolution No. 84-114, a resolution abating belated tax bill 82007513 for tax year 1982 for Norma Herman, as certain personal property, specifically a 14 X 66 Broadmore mobile home belonging to her was not assessed for purposes of personal property taxation in 1982 and 1983 and because the taxpayer made diligent inquiry regarding the bill and was entirely without fault in the matter, and for the reason that the bill imposes an undue hardship on Mrs. Herman.

✓ SUPPLEMENT TO OPERATING AND FINANCIAL PLAN

Chairman Palmer signed Supplement No. 1 to the existing Operating and Financial Plan of Reimbursable Services requested by the Forest Service with Missoula County and the Missoula County Sheriff's Office, increasing the reimbursement of \$14,200.00 to \$17,000.00, with the increase to be used toward the installation of electricity for the existing shooting range as per the provisions listed in Item 6 of the Agreement. The Supplement form was returned to the Sheriff's Department for further handling.

Other matters considered included:

1. the Board discussed Mr. Roy DeMott's paving issue--it was determined there is nothing the County can do to help him and a letter will be sent so informing him;
- ✓ 2. California St. Bridge was discussed--the Commissioners voted unanimously to close the Bridge, and Howard Schwartz, Executive Officer, and Dick Colvill, County Surveyor, will draft a resolution; and
3. the printing problem with Artcraft was discussed--Wendy Cromwell, Elections Supervisor, and Michael Sehestedt, Deputy County Attorney, will work with Artcraft to arrive at a suitable solution and a determination must be made by the Commissioners as to whether or not voting will be done with paper ballots.

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

✓ JAIL INSPECTION

The Board of County Commissioners, Howard Schwartz, Executive Officer, and representatives of the Health Department conducted an inspection of the Missoula County Jail in the afternoon.

September 14, 1984

The Board of County Commissioners met briefly in the afternoon; a quorum of the Board was present. Commissioner Palmer was in Helena most of the day attending a meeting of the MACo Executive Committee, and Commissioner Evans was out of the office in the forenoon. Commissioner Palmer returned late in the afternoon and left for Spokane, Washington, to attend a Water Quality Management Conference on Saturday, September 15th.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

September 17, 1984

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. 84-115

The Board of County Commissioners signed Resolution No. 84-115, a resolution calling for an election on the question of creating Lorraine South County Water District, electing directors for said District if created, and authorizing not to exceed \$80,000 in district bonds for the purpose of constructing a water system to provide service to each lot in said district if the district is created, to be voted on by the qualified voters of the Lorraine South Water District on November 6, 1984.

✓ RESOLUTION NO. 84-116

The Board of County Commissioners signed Resolution No. 84-116, a resolution adopting the following corrections to the final County budget document, due to various errors which occurred in the preparation of the budget document:

Library Bond Fund - Reduce revenue	\$ 932
Health Insurance Fund - Add revenue	\$23,994
Soil Conservation Fund - Personnel increase	\$3,000
Reduce operations	\$2,300
Revenue increase	\$ 700

SEPTEMBER 17, 1984, CONTINUED

General Fund:

Attorneys - Reduce salaries	\$ 6,153
Adminstrative Staff - Increase salaries	\$12,243
General Services - Increase salaries	\$40,283
Personnel - Increase salaries	\$10,632
Decrease Operation	\$77,396
Data Processing - Increase capital	\$ 2,000
Decrease salaries	\$18,091
Sheriff - Increase salaries	\$18,083
Increase operations	\$19,119
Treasurer - Decrease salaries	\$ 5,793
Elections - Increase salaries	\$ 3,311
Road Fund - add South Ave. walkway	
Increase capital	\$30,000
Increase revenue	\$30,000 (revenue sharing)
Museum - Increase capital	\$ 990.00
Reduce encumbrances from	\$29,354.00 to \$3,146.01
Extension - Reduce encumbrances from	\$3,146.01 to \$0.00
Weed - Increase encumbrances from	\$0.00 to \$29,354.00

AMENDMENTS TO LIBRARY INTERLOCAL AGREEMENT

The Board of County Commissioners signed Amendments to the Interlocal Agreement between the City of Missoula and the County of Missoula to cooperate in the provision of Library Services to the residents of Missoula as per the terms set forth in the Amendments. The Amendments were forwarded to the State Attorney General for approval.

Other matters considered included:

1. the contract with Ray Worring on the jail project was discussed;
2. the Board discussed the letter from the State Department of Social and Rehabilitation Services regarding the allocation of Motor Vehicle flat fees to the State Assumption fund--the matter was referred to Michael Sehestedt, Deputy County Attorney, who will get together with various County staff persons and make a recommendation to the Commissioners; and
3. the Board met with Gary Boe, Health Officer, and Helen Medina, EEO Specialist from the Personnel Office and discussed the Health Hazard Project--the temporary project was approved by the Commissioners.

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

September 18, 1984

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. Commissioner Palmer attended a Local Government Joint Committee meeting most of the day.

September 19, 1984

The Board of County Commissioners met in the forenoon; a quorum of the Board was present. Commissioner Palmer left for Lewistown where he will attend the 16th Governor's Conference on Aging September 19th through the 21st; Commissioners Dussault and Evans were 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. 84-117

The Board of County Commissioners signed Resolution No. 84-117, a resolution closing the California Street Bridge to all public use as it is a public risk, and that the County Surveyor shall accomplish such closure by posting signs and erecting appropriate barriers at each end of said bridge, with notice of the bridge closure being given to the local news media.

CONTRACT AMENDMENT

The Board of County Commissioners signed an amendment to a Missoula County contract with Jim Smith as a Seeley Lake sewer system inspector for the period from March 15, 1984, to June 30, 1984, increasing the total compensation to be paid from \$750.00 to \$975.00. The amendment was returned to the Health Department for further handling.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as a part of the FY'85 budget:

1. No. 850001, a request from the Welfare Department to transfer \$36,500.00 from one Rest Home Care

SEPTEMBER 19, 1984, CONTINUED

account to another as it was originally budgeted in the wrong department; and

2. No. 850002, a request to transfer \$2,000.00 from the Animal Control Services account to the County Participation - General Government account as part of the Animal Control was budgeted in the wrong place.

✓✓ AGREEMENT

The Board of County Commissioners signed an Agreement between the Missoula City-County Board of Health and Mineral County, whereby the Missoula County Health Department will provide sanitarian services to Mineral County as per the terms set forth in the Agreement for the period from July 1, 1984, through June 30, 1985, for a total amount not to exceed \$8,491.00. The Agreement was returned to the Health Department for further handling.

ADDENDUM TO TRAVEL POLICY

The Board of County Commissioners signed an Addendum to Policy Statement 82-A Travel Expense Reimbursement Policy, for the purpose of updating the mileage rate as follows:

Change Section E - 1. to read:

Personal Vehicle - Use of personal vehicles is authorized only when County vehicles are not available and will be reimbursed at the statutory rate allowed by the Internal Revenue Service, currently \$.20.5 cents per mile.

Other matters considered included:

1. the Commissioners approved John DeVore's proposal for a P.R. Campaign for the jail bond issue--the County will contract with Chuck Brooke (Brooke and Associates) for the brochures, and with Deanna Sheriff (the Mountain Heath Company) for the speaker's bureau;
2. a discussion was held regarding the follow-up to Dennis O'Donnell's Transprotation Study Report--a meeting will be arranged with representatives of the State, the Chamber of Commerce, Congressional delegation, etc; and
3. Howard Schwartz, Executive Officer, reported on the Economic Development meeting of last week--he will pursue a meeting with various factors to see if a consensus is possible.

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

PUBLIC MEETING

The meeting was called to order at 7:30 P.M. by acting Chairman Barbara Evans. Also present was Commissioner Ann Mary Dussault. Commissioner Bob Palmer was in Lewistown, Montana, at the 16th Governor's Conference on Aging.

✓✓ SUMMARY PLAT: VOYON ADDITION

Barbara Martens of the Planning Staff said that Voyon Addition is a resubdivision of Lot 4, Sol Acreage Tracts, located off Big Flat Road. Two single family lots are proposed, each just over one acre in size. A single family home is already constructed on each of the proposed lots. Both access onto Johanna Drive, a County road, and are served by individual wells and septic systems.

On September 4, 1984, the Missoula Planning Board voted to forward to the Board of County Commissioners the recommendation adopted by the County Regulatory Commission that the summary plat of Voyon Addition be approved subject to the following conditions:

1. Johanna Drive shall be paved from both driveways accessing the lots in this minor subdivision to one of its intersections with Big Flat Road;
2. Road, drainage, and erosion control plans shall be approved by the County Surveyor.

The Missoula County Regulatory Commission also recommends that the request for a variance from the requirement of the subdivision regulations that off-site roads less than 500 feet in length be paved be denied. The reason for recommending denial of this variance is that public health and welfare and the density of development warrant that standard county access be provided to the subdivision and that no hardship resulting from the land exists which justifies deviating from the requirements of the regulations.

The Missoula County Regulatory Commission further finds the subdivision to be in the public interest based upon the findings of fact contained in the Staff report, dated September 4, 1984, which is on file in the Office of the County Commissioners.

Barbara Evans said that although this was not a hearing she would be willing to accept public comments. Ann Mary Dussault concurred.

Tim Wolfe, engineer with Territorial Engineering and Surveying, spoke in support of the paving variance request. In a letter dated August 21, 1984 (on file in the Commissioners' Office), Mr. Wolfe said that the owners of this property, Mr. and Mrs. Gohl, want to sell part of their land and their rental unit in order to meet heavy medical expenses. He feels that the variance would be in everyone's interest and that, in granting it, the County would be closer to getting Johanna Drive paved. If the variance is denied, the Gohls will be forced to withdraw Voyon Addition and things will remain the same; but if the variance is granted under the provision set forth by the Surveyor's Office, things will also remain the same except that these two lots will be committed to supporting any future paving SID.

NOTE: The provision from the Surveyor's Office mentioned by Mr. Wolfe came from a letter dated August 29, 1984, from Surveyor Richard Colvill to Paula Jacques of the Planning Office. The provision was: If the requested paving variance is granted, a statement should be included on the plat indicating acceptance of a future paving RSID.

Barbara Evans asked Mr. Colvill if he had any comments at this time and he replied that he did not.

Ann Mary Dussault had two questions for Barbara Martens: 1. Are there two existing structures, each of which occupies half of the property proposed to be divided into two parcels? (The answer was yes.) 2. The report says that each "will be served" by a well and a septic system. Aren't these wells and

PUBLIC MEETING, SEPTEMBER 19, 1984, CONTINUED

septic systems already in existence? (The answer again was yes.)

Barbara Evans said that in that case the wording should be "are" rather than "will be."

Ann Mary Dussault asked if the Board had received an attorney's opinion on the RSID question.

Deputy County Attorney, Michael Sehestedt, replied that his office is working on a final draft of the opinion. He said that the RSID waiver is an untested mechanism that has not been litigated to date and conceivably could be defeated in a court proceeding. Consequently, there is a certain amount of risk to the County in using it. The opinion will recommend some changes in the form in which the waiver is given, and then the policy question of the risk in using it will be applied at the Board's discretion.

Barbara Evans said that Mr. Sehestedt's comment was essentially what she had heard from County Attorney Deschamps earlier in the day, but she felt secure with Mr. Deschamps' opinion that applying the RSID waiver is a legal action even though some tightening of the process may be necessary.

Ann Mary Dussault said that the current owners would be waiving their right to protest an RSID and that would be binding as a contract, but wouldn't that contract be lost if the property were transferred? Is that where the problem lies?

Michael Sehestedt agreed that would be the line of attack. The defense for the condition would be that it is attached as a covenant to the land and goes with the property just like any protective covenant does. A restrictive covenant remains in effect through any number of owners and years, though any condition imposed on land is subject to challenge and review. Nothing is certain over time.

There was some discussion about the form in which a motion of approval should be expressed. The Commissioners agreed to delete the two conditions recommended in the Staff report, to grant the variance from the paving requirement, and to include the statement regarding the paving RSID.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the summary plat of Vyon Addition subject to the condition that the owners consent to having a statement regarding an RSID for the purpose of paving Johanna Drive at some future date appear on the plat in a form approved by the County Attorney's Office and inserted in any document of conveyance to either parcel; and subject to a variance from the requirement of the subdivision regulations that off-site roads less than 500 feet in length be paved; and including the findings of fact as per the recommendation of the Planning Board and the Planning Staff.
The motion carried 2-0.

✓ HEARING: REQUEST TO CLOSE THE 39TH STREET WALKWAY TO BICYCLES

Surveyor Dick Colvill said that the 39th Street walkway runs along the south side of the 39th Street from 24th Street to Russell. It is not signed as a bike route. Mr. Colvill read a memo from Deputy County Attorney Betty Wing, a portion of which follows:

I have had a conversation today with Officer Larry Driscoll of the Montana Highway Patrol concerning the intersection of 39th and 23rd. He reports that in July there was another collision at that intersection between a car and a bicycle. Apparently the intersection creates a dangerous situation and signing may be needed.

The Surveyor's Department analyzed this accident and, in conjunction with Ken Kailey, the Traffic Supervisor, and John Williams, City Bicycle Coordinator, decided that the walkway is properly signed as a pedestrian walkway and there should be no bicycles in the walkway. They decided that signs should be erected to ban bicycles from the walkway and instruct them to move with traffic in the street.

Commissioner Evans opened the hearing to public comment. The following people spoke:

1. Gene Hertz, father of the girl involved in the above-mentioned accident, described the conditions of the accident and recommended a wider space for pedestrians and NO BICYCLES signs in the walkway. He said that his insurance claims were paid immediately because his company thought there were too many loopholes in the regulation of both foot and bike traffic in that walkway.

2. Jeff Stevens, Vice President of the Wapikiya Homeowners Association, spoke for the association against the proposal. His statement follows:

"I am opposed to the closure of the 39th Street bikeway-walkway to bicycle traffic for the following reasons:

1. The bikeway is used during the school year by dozens of children going to and from Russell and Meadow Hill Schools. To force these children to ride on heavily traveled 39th Street would be sheer folly and would inevitably result in serious injuries or fatalities.
2. I am a cyclist and sometimes have occasion to use the bikeway. I have never observed any conflict between pedestrians and cyclists. I also fail to see why the bikeway should increase the danger of accidents between cyclists and motorists. All side streets intersecting the bikeway and 39th Street have stop signs. It is the responsibility of the motorist or cyclist to obey these signs and make sure the path and 39th Street are clear of cyclists, pedestrians and motorists before proceeding. Any accident resulting from failure to do so is the responsibility of the violator and not the County.
3. I cycle fairly extensively in the city during the spring, summer, and fall; but you will almost never find me riding in a major street. It is simply not safe. From a practical point of view, most cyclists cannot travel successfully with the flow of traffic, because they cannot match the speed of motorized traffic. The resulting disparity endangers the cyclist and the motorist.

"The only satisfactory solution is the construction of bikeways on major arterials. Unfortunately, space limitations make this impractical in many cases.

"The 39th Street bikeway is one of a handful to be found anywhere in Missoula. Its loss would be extremely unfortunate. The bikeway has probably prevented far more accidents than it has ever caused. I strongly urge that it be retained."

Barbara Evans asked how many households were involved in the association, and if Mr. Stevens spoke for all of them.

Mr. Stevens responded that there are about 200 households and that he speaks for nearly all of them.

3. Al Dabbert, who lives on a street that enters 39th, has lived in the area for 28 years and noted that

PUBLIC MEETING, SEPTEMBER 19, 1984, CONTINUED

there have always been traffic problems associated with 39th. He said that he thinks that the walkway is not well maintained, but that there should be some way that bikes can use it because 39th is one of the few through streets in the area. He also thinks that the entire traffic pattern in the area should be examined.

4. Lois Harris, president of the Wapikiya Homeowners Association, spoke first as president, saying that there are many homes and many children in the area and that the bikeway is necessary to the safety of the children; second as a parent, saying that she would feel great concern for her own children's safety if they had to ride in traffic; and third as a teacher, saying that the teachers at Russell School instruct the children in bicycle safety and tell them that 39th is safe because of the bikeway.

5. Nancy Hinthner, a resident of the Wapikiya area, said that she feels the bikeway is needed and that part of the problem is that trees and shrubs on corner lots often interfere with visibility and that the owners should be asked to trim them back.

6. Highway Patrolman Larry Driscoll investigated the accident at 23rd and 39th and said that something should be done regarding traffic control. The Legislature recognized bicycles as vehicles, so by law they should not be in the walkway. However, Mr. Driscoll felt that it would be safer for bikes to stay in the walkway so long as they were instructed to yield to traffic as a pedestrian must (A pedestrian must yield to a car that has made a legal stop at an intersection and is attempting to enter traffic). He said that many problems arise because bikers automatically assume that cars must yield to them.

Michael Sehestedt said that it is safer for children to ride on the walkway, but that fast-moving adults pose a threat to pedestrians. There is the possibility for great liability in case of serious accident, which possibility the City has dealt with by designating a walkway as a sidewalk and forbidding adults from riding on sidewalks.

Barbara Evans asked the homeowners association if they could talk to the corner owners to get them to trim their trees and shrubs.

Lois Harris said they would do so at a meeting and via their newsletter. When the decision is made regarding the walkway, they will inform the parents and schools of the decision, and will assist the schools in instructing the children to obey signs.

Surveyor Dick Colvill asked that Traffic Supervisor Ken Kailey be included in any discussions about signing, since the Board may decide on non-standard signing.

There being no further speakers, the hearing was closed.

By consensus, action was postponed until the public meeting of September 26, 1984.

As there was no further business, the meeting was recessed at 8:15 P.M.

* * * * *

September 20, 1984

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

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List, dated September 20, 1984, pages 1-32, with a grand total of \$131,325.15. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

REQUEST FOR APPROVAL LETTER

The Board of County Commissioners signed a letter dated September 18, 1984, to Donald L. Dooley, Assistant Administrator, Division of Local Government Services in Helena requesting approval by the State of the destruction list of records attached to the letter as Missoula County has been audited for these internal records and they are no longer needed.

NOTICE OF ABSENCE FORMS LETTER

The Board of County Commissioners signed approval of a letter regarding the use of notice of absence forms making it mandatory for all employees covered by the Personnel Plan and Union Agreements to fill out a Notice of Absence form for any leave taken. The letter was returned to the Personnel Department for distribution to all department heads and supervisors.

LABOR AGREEMENTS

The Board of County Commissioners signed Labor Agreements between Missoula County and Local Unit Number Two (nurses) of the Montana Public Employees Association, and between Missoula County and Local Unit Number Three of the Montana Public Employees Association (certain Courthouse and Planning employees) as per the terms set forth in the Agreements for the period from July 1, 1984, through June 30, 1986. The Agreements were returned to the Personnel Department for further handling.

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

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September 21, 1984

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

Fern Hart

Fern Hart, Clerk and Recorder

Bob Palmer

Bob Palmer, Chairman, County Commissioners

September 24, 1984

The Board of County Commissioners met briefly in the morning; a quorum of the Board was present. Commissioner Palmer was in Tacoma, Washington, attending a BPA Task Force meeting September 24th and 25th, 1984. Commissioner Dussault left in the forenoon for Helena where she attended a meeting of the Colstrip Inter-venors and Governor Schwinden. Commissioner Evans was out of the office all afternoon.

✓✓ PLAT

The Board of County Commissioners signed the plat for Richardson Addition No. 2, a redivision of the South ½ of Lot 70 of Dinsmore's Orchard Homes Addition No. 5 (Tower Street), the owner of record being Dolly Richardson.

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September 25, 1984

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

* * * * *

September 26, 1984

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated September 26, 1984, pages 1-30, with a grand total of \$1,258,139.77. The Audit List was returned to the Accounting Department.

✓ WELFARE ADVISORY BOARD

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Jean Johnston, 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. 84-118

The Board of County Commissioners signed Resolution No. 84-118, a resolution authorizing the signing of the Lease/Purchase Agreement with Christopher Capital Corporation for the purchase of System Furniture and related equipment for the Health Department which was authorized during the FY'85 budget process.

✓✓ RESOLUTION NO. 84-119

The Board of County Commissioners signed Resolution No. 84-119, a resolution authorizing the signing of the Lease/Purchase Agreement with Christopher Capital Corporation for the purchase of the dispatch consoles for 9-1-1, which was authorized during the FY'85 budget process.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850004, a request from the Surveyor - Road Department to transfer \$900.00 from the Miscellaneous Revenue account to the Permits account to create a line item for excavation permits.

✓✓ AGREEMENT

The Board of County Commissioners signed an Agreement between the Missoula City-County Health Department and the Mineral County Health Department, whereby the Missoula City-County Health Department will perform the administrative and supervisory responsibilities for program operations and fiscal management established in the WIC Program Regulations of the United States Department of Agriculture (USDA), 7 Code of Federal Regulations (CFR), Part 246, the Food and Nutrition Service's (NFS) Guidelines, and the Montana WIC State Plan and WIC Policies and Procedures Manual as per the terms set forth in the Agreement for the period from July 1, 1984, through June 30, 1985. The Agreement was returned to the Health Department for further handling.

Other matters considered included:

1. the Commissioners authorized the Sheriff's Department to rent a helicopter in order to remove the bodies from the mountainside near Missoula, the site of a recent private plane crash in which the three people aboard were killed; and
2. Dusty Deschamps and Jean Wilcox of the County Attorney's Office met with the Board and discussed the ERA Staninger lawsuit regarding the meadows of Baron O'Keefe Subdivision violation.

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

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:37 P.M. Present were Chairman Palmer, Commissioner Barbara Evans and Commissioner Ann Mary Dussault.

✓ DECISION ON 39TH STREET WALKWAY

The first item of business was a decision on the request by the Surveyor's Office to close the 39th Street walkway to bicycles. A public hearing on the request was held at the public meeting on September 21, 1984.

Deputy County Attorney Michael Sehestedt said that there is a problem of definition here because many people refer to the walkway as a bikeway. In reviewing the statutes, he found that a biker on a walkway is under the same restrictions as a pedestrian: he does not have the right-of-way. He has a personal concern about children if bikes are banned from the walkway, and pointed out that problems usually

PUBLIC MEETING, SEPTEMBER 26, 1984, CONTINUED

involved adult bikers and cars turning from side streets onto 39th. He also feels that in the case of a serious injury, the County would be liable because it has created a "trap" by knowingly allowing this walkway to be used as a bikeway.

Commissioner Dussault asked if the problem was that the County is allowing vehicles on a walkway, since bicycles are now defined as vehicles.

Michael Sehestedt responded that bikes are vehicles in all respects but one: when they are in a pedestrian area, they are pedestrians and are bound by pedestrian laws.

Barbara Evans asked if the County could erect BIKES STOP and YIELD TO TRAFFIC signs.

Traffic Supervisor Ken Kailey said that there would be a sight problem with two signs at each intersection.

Ann Mary Dussault asked Mr. Kailey if the walkway could be striped and STOP painted on the pavement at intersections.

Ken Kailey responded saying that stop signs must be included with striping, and he doesn't know what kind of liability the County would incur if STOP were painted on the pavement with no signs erected.

Mike Sehestedt didn't feel that the County would be any more liable than it now is, and he said that the suggested painting might be sufficient to move adult cyclists into the traffic lanes.

Mr. Kailey asked if painting this separated walkway would have any effect on the other, non-separated walkways in the County, and Mr. Sehestedt answered no.

Barbara Evans wanted to know how many accidents had happened involving the walkway.

Ken Kailey said that he knew of one in five years.

Commissioner Evans said that she didn't think the County should jump to change something each time there is an accident, unless there is a question of obvious liability.

Bob Palmer wanted to know if the County is declaring the walkway to be a bikeway by putting STOP on the pavement.

Mike Sehestedt said no, that all on the walkway are pedestrians whether they are afoot or on a bike. We are simply advising caution.

Ann Mary Dussault moved and Barbara Evans seconded the motion to request the Surveyor's Office to paint stop lines and the word STOP on the pavement on each side of each intersection of 39th Street and its cross streets, as soon as the project can be scheduled in the spring. The motion carried unanimously.

Before the vote was taken, Commissioner Dussault asked Mr. Kailey if the Board had the authority to keep cyclists over the age of fourteen off the walkway, and he responded no.

Barbara Evans asked Jeff Stevens, Vice President of the Wapikiya Homeowners Association, if his group would contact corner residents to ask them to trim their shrubs. He said they would.

Ann Mary Dussault asked for the Association's help in the spring (after the painting is done) in working with the neighborhood schools to instruct children in safe and legal use of the walkway.

There being no further business, the meeting was recessed at 2:10 P.M.

✓ MEETING

Commissioner Evans attended a meeting of the Gambling Commission held in the County Attorney's Office in the afternoon.

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September 27, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Great Falls where he attended a MACo Board meeting during the day and an Urban Coalition meeting in the evening.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850003, a request from the Health Department to transfer \$7,200.00 from the Capital-Remodeling account to the Data Acquisition Systems because the savings from the Remodeling account allows the transfer in order to buy computer stations.

✓ LEASE

The Board of County Commissioners signed a Lease of Real Property dated September 26, 1984, between Missoula County and Leonard Iverson, for the lease of a gravel pit near Potomac, as described in the lease for a period of six months at a price of \$.50¢/yard--the material will be used for the construction of the Morrison Lane Bridge near Potomac. The Lease was returned to the Surveyor's Office for further handling.

✓✓✓✓ RIGHT-OF-WAY AGREEMENTS

The Board of County Commissioners signed two Right-Of-Way Agreements for Harper's Bridge--the first of a series of parcels needed for the bridge, with the property descriptions attached to the Agreement--with the following landowners:

1. David and Margaret Ursula Urfer - total of \$2,535.00; and
2. Robert N. Mast - total of \$1,160.00.

SEPTEMBER 27, 1984, CONTINUED

The Agreements were returned to the Surveyor's Office for further handling.

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

ECONOMIC DEVELOPMENT MEETING

Commissioners Dussault and Evans attended an Economic Development meeting sponsored by the Chamber of Commerce held at the University Center in the afternoon.

September 28, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present in the forenoon, and all three members present in the afternoon, with Commissioner Palmer returning from Great Falls at noon.


✓ RESOLUTION NO. 84-120

The Board of County Commissioners signed Resolution No. 84-120, a resolution accepting real property for public road easements and all other public purposes shown on "A-1" through "A-18", "B-8", "B-11", and "C-8" located in Sections 8 and 9, Township 13 North, Range 20 West, for the new Harpers Bridge Project No. BR9032(4). These exhibits are attached to Resolution No. 81-171, dated September 16, 1981, when the Board of County Commissioners selected alternative B-1 site located in Sections 8 and 9, Township 13 North, Range 20 West.

✓ OPERATING AND FINANCIAL PLAN SUPPLEMENT

Chairman Palmer signed Supplement No. 2 to the Operating and Financial Plan of Reimbursable Services requested by the Forest Service with the Missoula County Sheriff's Office increasing the reimbursement from \$17,000.00 to \$19,000.00--the \$2,000.00 increase is to be used in accordance with the guidelines provided in Item 6 of the Agreement. The Supplement form was returned to the Sheriff's Department for further handling.


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

October 1, 1984

The Board of County Commissioners met in regular session; all three members were present. The Board of County Commissioners attended a District XI (Mineral, Ravalli and Missoula Counties) meeting held in Missoula during the day.

October 2, 1984

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:

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts between Missoula County and the following independent contractors:

- ✓ 1. Robin Vallie for the purpose of:
designing and conducting a pretest of a computerized management tracking system for the Environmental Health Division, commencing October 1, 1984 and concluding December 31, 1984 for a total amount not to exceed \$4,000.00; and
- ✓ 2. Joan Schweinsberger, for the purpose of:
entering data on the Health Division's computers, editing and modifying the data as requested, and proofreading all entries for accuracy, for the period from October 1, 1984 through December 31, 1984 for a total amount not to exceed \$3,000.00.

Both contracts were returned to the Health Department for further handling.

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the Payroll Transmittal Sheet for Period #20 with a grand total for all funds of \$331,979.23. The Sheet was returned to the Auditor's Office.

✓ AGREEMENT

Chairman Palmer signed an agreement, dated September 19, 1984, between Missoula County and James R. McDonald, Architect, for miscellaneous renovation, restoration and alteration projects in and around the Missoula County Courthouse. The Agreement was returned to General Services for further handling.

Other matters considered included:

1. The Commissioners approved using Lawton Printers of Spokane to print the Votomatic ballots for the general election, which will result in a \$5,000 savings for the County;
2. Marjorie Harper of the Equestrian Park met with the Board--the Missoula County Park Board will meet in emergency session to consider her request; and
3. The Board met with Jean Wilcox, Deputy County Attorney, regarding the Missoula County vs. Malone (Lena Lane) lawsuit--the settlement proposal was approved by the Board.

OCTOBER 2, 1984 CONTINUED

The minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

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October 3, 1984

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated 10/3/84, pages 1-35, with a grand total of \$104,625.81. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

✓ RESOLUTION NO. 84-123

The Board of County Commissioners signed Resolution No. 84-123, a resolution providing for a public hearing to be held on the proposed issuance by Missoula County of industrial development bonds under Title 90, Chapter 5, Part 1 of Montana Code Annotated on behalf of Missoula IV, a Washington general partnership, and user of the facilities to be financed. The proceeds of the bonds would be used by the partnership to finance up to \$350,000 of the costs of acquisition of land in the 1100 block of Burlington Street in the City of Missoula, and the construction and equipping of a facility for the wholesale distribution of plumbing, heating and leisure products and other related items.

The hearing date was set for October 24, 1984, at 1:30 p.m.

✓ ✓ NOTICE OF HEARING

Chairman Palmer signed a Notice of Public Hearing regarding Annexation to the Missoula Rural Fire District of parcels of land located in the Upper Miller Creek area, parcels of land located in the Marshall Ski Area, and parcels of land south of Lolo, setting the hearing date for October 24, 1984, at 1:30 p.m.

✓ CERTIFICATE OF ACCEPTANCE

Chairman Palmer signed Certifications of Acceptance for County Maintenance of Buttercup Lane in East Missoula and Red Fox Road in Lolo, both of which are paved and curbed streets constructed as part of their subdivision approvals. The Certifications were returned to the Surveyor's Office.

✓ ✓ ✓ RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners signed a Right-of-Way Agreement between Missoula County and James R. and Adelia M. Cherry for one of a series of parcels of land needed for Harper's Bridge, for a total amount of \$950.00. The Agreement was returned to the Surveyor's Office for further handling.

Other matters considered included:

- ✓ Richard Cochran of the Missoula Batting Cages met with the Commissioners regarding his lease--Mike Sehestedt, Deputy County Attorney, and Howard Schwartz, Executive Officer will meet regarding Mr. Cochran's requests and concerns on such matters as lease payments, property taxes and transfer of the lease.

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

PUBLIC MEETING

The meeting was called to order by Chairman Bob Palmer at 1:35 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

✓ BID AWARD: TWO AIR POLLUTION MONITORS (HEALTH DEPARTMENT)

The following bids were received for two air pollution monitors for the Health Department:

Andersen Samplers, Inc.	No Bid
Dasibi Environmental Corp.	\$16,500.00

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid to Dasibi Environmental Corporation as per the Staff recommendation, assuming the item is covered in the Health Department budget. The motion carried 3-0. The bid file was returned to Centralized Services for further handling.

✓ ✓ HEARING: REQUEST TO REPLACE A CONDITION OF APPROVAL OF LAKEWOOD ESTATES PHASE IIb

Barbara Martens of the Planning Department gave the Department's report:

Lakewood Estates Phase IIb was given preliminary approval in 1978 subject to ten conditions, one of which required that the streets and lots in the subdivision be removed from the official delineation of the one-hundred-year floodplain prior to filing the final plat. In 1984 it was determined that this would not be possible, so the developer phased the project. Phase IIa, consisting of those lots which DNRC stated were not in the floodplain, was approved in May of this year. Phase IIb remains in the official floodplain, making it impossible for the developer to meet the original condition of approval for Phase II. This request is to eliminate that condition so that the developer is able to proceed with construction of the subdivision.

The Planning Staff recommends that the condition requiring removal of the lots and streets from the floodplain be replaced by the following conditions:

1. As required by Missoula County Subdivision Regulations Section III.A.2, the entire area known as Lakewood Estates Phase IIb shall be elevated using suitable fill to a height of two feet above the elevation of the one-hundred-year flood before the plat is submitted for final review.
2. Floodplain permits shall be obtained to insure that all requirements of the Missoula County Floodplain

PUBLIC MEETING, OCTOBER 3, 1984, CONTINUED

Regulations shall be met concerning installation of utility transmission lines, storing of equipment and materials, domestic water supply, sanitation, and floodproofing standards for electrical, plumbing, and heating systems.

3. A site plan shall be submitted depicting building sites as required by Missoula County Subdivision Regulations Section III.A.2.
4. Driveway grades shall not exceed 12% as required by Missoula County Subdivision Regulations.

Chairman Palmer opened the hearing to public comment, asking that supporters speak first.

1. Dick Ainsworth of Professional Consultants, representing T & T Construction, said that following the original approval, the DNRC stated that the elevation was adequate and all that was necessary was to provide vegetative cover and the area in question would be removed from the floodplain. Later, however, the State said that the elevations had changed, and suggested that the builders return to the County and ask about developing under the Missoula County floodplain regulations, which did not exist at the time the original conditions were imposed. He has problems with condition #1 which would not be economically feasible and which conflicts with the floodplain regulations which state that new construction must be on suitable fill so that the lowest floor shall be two feet or more above the elevation of the 100-year frequency, and the suitable fill shall be at an elevation no lower than the elevation of the 100-year flood frequency and shall extend for at least 15' away from the structure, where it may begin to taper off. The developers would like a waiver from the subdivision regulations in order to be allowed to comply with the floodplain regulations.

2. Ralph Kirscher, attorney for the developers, said that raising the whole area 2' would include Lake Lolo, demonstrating another aspect of the conflict between the two sets of regulations.

No one wished to speak in opposition to the request, so Chairman Palmer closed the hearing.

Barbara Evans commented that if complying with the subdivision regulations (as described in condition #1) would still not result in the area being removed from the floodplain, wouldn't it make sense legally to hold them to the floodplain regulations rather than the subdivision regulations. She also asked Mr. Ainsworth if, in following the floodplain regulations, the houses would end up setting on peaks with gullies between them.

Tim Tiffin, the developer, described the rises and swales which would result from selective filling and pointed out that they would be gentle and gradual and would not put the houses up on peaks.

Deputy County Attorney Mike Sehestedt acknowledged that mere filling won't get land removed from a floodplain, and he also observed that following the strict letter of the subdivision regulations would result in an 8' wall at the lake edge, but that if the fill tapered it would approach satisfying the floodplain regulations.

At this point, there was considerable discussion and disagreement about the amount of fill that would be required to satisfy either set of regulations, based on disagreement over the currency of the contour map being used by the Planning Staff.

Mr. Tiffin continued by using the chalkboard to describe how he would lay out the development, how the contours would look, what the drainage pattern would be, and so forth.

Planning Director Kristina Ford said that condition #1 could be modified to prevent "overfilling" in high areas and the creation of a mountain/valley appearance, but that if adherence to fill requirements resulted in a driveway too steep for County standards that lot would have to be redesigned.

Mr. Ainsworth said that the developers would like to fill on a lot-by-lot basis, rather than filling the whole area prior to filling the plat. In that way, expenses could be kept down by using fill that is excavated for foundation work as build-up fill on the same or nearby lots.

Ann Mary Dussault said that she was not sure that the concerns of the Surveyor regarding roadway flooding are being considered.

Barbara Evans suggested that the developers could dedicate the roads to the homeowners association rather than the County and then the County would not be liable.

Ann Mary Dussault protested that there is the public interest to be considered.

After some further discussion, it was agreed to postpone a decision until next week, before which time Mr. Ainsworth and his associates will meet with the Planning Department and the County Surveyor to attempt to arrive at solutions to the problems.

OTHER BUSINESS

Mike Sehestedt made a brief comment about the Industrial Development Bond Request by the Missoula IV (Keller Supply Company).

Barbara Evans moved and Ann Mary Dussault seconded the motion to give legal notice of the IDRB request by Missoula IV (Keller Supply Company) and set a public hearing on October 24 or 31, depending on the convenience of the Bond Counsel. The motion carried unanimously. Mike Sehestedt will prepare a resolution to that effect for Board signature.

J AGREEMENT TO ASSIGN PORTION OF MISSOULA COUNTY PUBLIC DEFENDER CONTRACT

Howard Schwartz said that public defenders McClain and Dowdall, who have 30% of the public defender contract, want to assign 10% of their share to William Boggs.

Barbara Evans said that Mr. Boggs was not even mentioned in the original negotiations on the public defender contract, but that Duke Wolfe applied and was turned down. She thought it would be better to give the work to someone who wanted it.

Bob Palmer said that Boggs has been doing public defender work for some time as part of a public defender firm.

After a brief discussion, Ann Mary Dussault moved and Bob Palmer seconded the motion to assign 10% of

ADDENDUM TO OCTOBER 3, 1984 DAILY MEETING MINUTES

PUBLIC HEARING - REQUEST TO EXCEED CERTIFIED MILLAGE, FY '85, MISSOULA RURAL FIRE, CLINTON RURAL FIRE & EAST MISSOULA RURAL FIRE

The hearing was called to order by Chairman Bob Palmer at 3:00 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

Representatives of the Missoula Rural Fire, Clinton Rural Fire and East Missoula Rural Fire presented their departments' requests for excess millage. The reasons for the requests were increased operating costs and, in the case of East Missoula, the need to buy a new truck.

Commissioner Evans asked if there had been public budget hearings in the affected districts. The response was no, because no one attended such hearings. Commissioner Evans suggested that hearings be scheduled and announced, nevertheless, so that any taxpayer who complained could not say that he'd been denied the chance to express his opinion.

No one wished to speak in opposition to the requests.

Commissioner Evans moved and Commissioner Dussault seconded the motion to approve the requests by Missoula Rural Fire, Clinton Rural Fire, and East Missoula Rural Fire, to exceed the Department of Revenue's Certified Millage. The motion carried, 3-0.

RESOLUTION NO. 84-121

The Board of County Commissioners signed Resolution No. 84-121, a resolution authorizing Missoula Rural Fire, Clinton Rural Fire and East Missoula Rural Fire to exceed the respective certified millage for each previously set by the Board of County Commissioners in accordance with the certification set by the State of Montana Department of Revenue. The levies authorized are as follows:

Missoula Rural Fire	32.39 mills for FY '85 (in excess of certification by 9.07 mills)
Clinton Rural Fire	27.15 mills for FY '85 (in excess of certification by 1.46 mills)
East Missoula Rural Fire	12.47 mills for FY '85 (in excess of certification by 4.05 mills)

The purpose of authorization to exceed certified millages for the three rural fire districts is to meet budget needs, as presented at the public hearing set forth above.

RESOLUTION NO. 84-122

The Board of County Commissioners signed Resolution No. 84-122, fixing tax levies for Missoula County for FY '84-'85, as set forth below:

RESOLUTION NO. 84- 122

FIXING TAX LEVIES FOR MISSOULA COUNTY
FOR FISCAL YEAR 1984-85

WHEREAS, the Board of County Commissioners of Missoula County, Montana, has approved and adopted the Budget for Fiscal Year 1984-1985 as required by law; and

WHEREAS, budgets have been received from the 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 \$121,268.00 County-wide, and a value of \$75,045.00 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 1984-1985 as moved, seconded and passed by the Board and as detailed below:

MISSOULA COUNTY-WIDE FUNDS	MILLS	ATTACHMENT(S)
GENERAL FUND	34.97	A and B
BRIDGE FUND	2.56	
POOR FUND	.60	
FAIR FUND	.98	
WEED FUND	.87	
MUSEUM FUND	1.36	
EXTENSION FUND	1.05	
PLANNING FUND	1.94	
DISTRICT COURT FUND	6.00	
MENTAL HEALTH FUND	.38	
AGING FUND	.86	
RODENT CONTROL	.15	
PARK/RECREATION FUND	1.26	
REVOLVING	.00	
HIGGINS BRIDGE	.00	
AIRPORT BOND	.21	
COURTHOUSE BOND	.26	
LIBRARY BOND	.37	
JUDGEMENT LEVY	.00	
HEALTH INS.	.76	
CASUALTY INSURANCE	.82	
AMBULANCE	.08	
SOIL CONSERVATION	.42	
CBO TRUST FUND	.00	
ANIMAL CONTROL	.00	
CHILD DAYCARE	.17	
SPECIAL TRANSPORTATION	.16	
OPEN SPACE	.67	
CAPITAL IMPROVEMENTS	.00	
TOTAL COUNTY-WIDE LEVY	56.90	
MISSOULA COUNTY ONLY LEVY	MILLS	ATTACHMENT(S)
LIBRARY	3.63	
TAMARACK FEDERATION	.00	
SCHOOL DISTRICT 1	.00	

ADDENDUM TO OCTOBER 3, 1984, CONTINUED

SANDERS COUNTY	.00	
LSCA GRANT	.00	
ROAD FUND	13.58	
HEALTH FUND	5.00	
TOTAL COUNTY ONLY LEVY	22.21	
CITY OF MISSOULA	121.36	C
MISSOULA COUNTY SCHOOLS	Various	D
STATE OF MONTANA		
UNIVERSITY MILLAGE FUND	6.00	E
STATE ASSUMPTION/COUNTY WELFARE	12.00	
MILL LEVIES ON LIVESTOCK:		F
SHEEP		
COMMISSION FUND 02425	30.00	
BOUNTY FUND 02425	15.00	
SANITARY BOARD FUND 02425	30.00	
OTHER LIVESTOCK:		
COMMISSION FUND 02425	40.00	
BOUNTY FUND 02425	6.00	
SANITARY BOARD FUND 02427	30.00	
SPECIAL FIRE DISTRICTS		
CLINTON RURAL	27.15	G
MISSOULA RURAL	32.39	H
ARLEE/JOCKO VALLEY RURAL	14.73	I
FLORENCE RURAL	17.72	J
EAST MISSOULA RURAL	12.47	K
FRENCHTOWN RURAL	4.87	L
SEELEY LAKE	12.38	M
OTHER SPECIAL DISTRICT LEVIES		
S.O.S. HEALTH CENTER	7.00	N
CARLTON CEMETERY	1.06	O
MISSOULA URBAN TRANSPORT	6.02	P
MISSOULA COUNTY AIRPORT	2.00	Q
SPECIAL ASSESSMENT DISTRICTS		
RURAL SPECIAL IMPROVEMENT	Various	R
LOLO MOSQUITO CONTROL		S
JOCKO IRRIGATION		
BIG FLAT IRRIGATION		
FRENCHTOWN IRRIGATION		
MISSOULA IRRIGATION		
FOREST FIRE PROTECTION ASSOCIATION		
ELK MEADOWS WATER DISTRICT (\$23,800.00)		
SEELEY LAKE REFUSE DISTRICT		

All of the above attached, approved and ordered entered into the official minutes of the Board of County Commissioners of Missoula County this 3rd day of October, 1984.

BOARD OF COUNTY COMMISSIONERS

Bob Palmer
Bob Palmer, Chairman

Barbara Evans
Barbara Evans, Commissioner

Ann Mary Dussault
Ann Mary Dussault, Commissioner

Resolution No. 84-122 - Page Three

APPROVED AS TO FORM AND CONTENT:

Michael W. Schertelt
County Attorney's Office

ATTEST:

Fern Hart
Fern Hart, Clerk & Recorder

Fern Hart
Fern Hart, Clerk & Recorder

Bob Palmer
Bob Palmer, Chairman

McClain and Dowdall's public defender contract to William Boggs. The motion carried 2-0 with Barbara Evans abstaining. Commissioners Palmer and Dussault signed the Agreement.

REQUEST FOR BUDGET TRANSFER

The Sheriff's Department requested a budget transfer because the polygraph instrument price went up after budget approval. A saving was made on the purchase of body armour, and the money will be transferred out of that account.

Executive Officer Howard Schwartz said that there is no problem with such a transfer as long as there are already line items for each account.

Barbara Evans moved and Ann Mary Dussault seconded the motion to transfer \$237.98 from Capital-Technical Equipment (Patrol) to Capital-Technical Equipment (Investigations) in the Sheriff's Department budget. The motion carried 3-0. All three Commissioners signed the budget transfer. (No. 850005)

Interlocal Agreement Between the Missoula Urban Transportation District and Missoula County to Cooperate in the Provision of Elderly and Handicapped Transportation Services

Howard Schwartz said that this agreement makes permanent the structure for providing specialized transportation, while calling for annual budget review. The program is administered by Mountain Line, which contracts with Arrow Ambulance Services as the provider, and it received funding from the County and from the Area Agency on Aging.

Barbara Evans said that she had a problem supporting this Agreement. She is not opposed to providing special transportation for elderly and handicapped, but since the Missoula Urban Transportation District is an independent taxing authority, she doesn't think Missoula County should support them with tax money inside their taxing authority when they could raise it themselves. During budget discussions, it was agreed to research and study this arrangement before the Agreement to make it permanent was presented for signature.

Bob Palmer said that a termination clause is built into the Agreement so that even though it will now be a "permanent" arrangement, the County can withdraw from it upon ninety days written notice. Mr. Palmer raised another issue re: Title III Older Americans Act money. It is not legal to charge the elderly for services that are fully or partially funded by money under Title III, and Specialized Transportation does charge for rides. Riders can request to sign a waiver to ride free if they feel they cannot afford to pay. Mr. Palmer has called Washington, D.C. for clarification on the legality of this practice, and to find out if requesting a waiver can be interpreted as coercion. He is concerned that the County be sure of its legal standing so as not to be supporting an organization that may be charged with a violation of the Older Americans Act.

Commissioner Dussault asked if Mr. Palmer wanted to postpone action on the Agreement, considering that there is an entity currently providing a service that the County requested and that is expecting County support.

Mr. Palmer agreed that the County is obliged to sign this Agreement for this year at least, but the option and perhaps the necessity remains for changing its terms at a future date.

After further discussion, Ann Mary Dussault moved and Bob Palmer seconded the motion to sign the Interlocal Agreement between the Missoula Urban Transportation District and Missoula County to cooperate in the provision of elderly and handicapped transportation services. The motion carried 2-0 with Barbara Evans abstaining and reiterating her position that the County should provide support only outside of the Urban Transportation District's taxing jurisdiction and within that jurisdiction only after the District has reached the limits of its taxing ability. Commissioners Palmer and Dussault signed the Agreement.

There being no further business to come before the Commissioners, the meeting was adjourned at 2:40 p.m.

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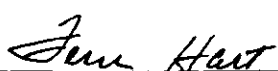
October 4, 1984


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

* * * * *

October 5, 1984

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


Fern Hart, Clerk and Recorder


Bob Palmer, Chairman, County Commissioners

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October 8, 1984

The Courthouse was closed for the Columbus Day Observed holiday.

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October 9, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was on vacation October 9th and 10th, 1984.

INDEMNITY BOARD

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Mary Pat LaForest as principal for warrant #4416 dated June 12, 1984, on the Missoula County High School General Fund, in the amount of \$29.73, now unable to be found.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of Justice of the Peace, Janet Stevens, for collections and distributions for month ending September 30, 1984.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of Clerk of the District Court, Bonnie J. Henri, showing items of fees and other collections made in Missoula County for month ending September 30, 1984

* * * * *

October 10, 1984

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 matters were signed:

CERTIFICATE OF ACCEPTANCE

Chairman Palmer signed Certifications of Acceptance for County Maintenance for the following two gravel roads in the Seeley Lake Area:

- ✓ 1. North Canyon Drive, which was upgraded to provide a new bus turn-around; and
- ✓ 2. Deer Park Drive, which was upgraded at resident request because it required little work to improve this section.

The Certifications were returned to the Surveyor's Office.

✓ RESOLUTION NO. 84-124

The Board of County Commissioners signed Resolution No. 84-124, a resolution accepting the dedication to Missoula County and warranty of water mains, sanitary sewer mains, sanitary sewer force main, and a sanitary sewer lift station in the Lakewood Estates Phase II(a) Subdivision in Lolo, Montana. The resolution was returned to Bob Slomski, Deputy County Attorney, for further handling.

✓ AGREEMENT

The Board of County Commissioners signed a Cooperative Agreement between Missoula County and the State of Montana, Department of Revenue, Child Support Enforcement Program, to update an existing Agreement, whereby the Missoula County Attorney's Office performs child support enforcement services under Title IV-D and is reimbursed by the Department of Revenue. The Agreement was returned to Bob Slomski, Deputy County Attorney, for further handling.

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 Chairman Bob Palmer. Also present was Commissioner Barbara Evans. Commissioner Ann Mary Dussault was on vacation.

✓✓ DECISION: REPLACEMENT OF CONDITION OF APPROVAL REQUEST - LAKEWOOD ESTATES, PHASE IIB

Barbara Martens of the Planning Office said that the applicants and Staff had met to discuss the question of fill and the discrepancies between the subdivision and floodplain regulations. She reminded those present that the subdivision regulations require that the entire area be filled at least two feet above the 100-year elevation and that fill must extend 15 feet out from the residence where it may meet the 100-year elevation. Because of the discrepancy between these two sets of regulations and the uniqueness of the situation, the Staff has agreed to go with the less restrictive of the two. Consequently, the conditions of approval would be as follows:

1. The right-of-way for Peninsula Place and 75 feet of each lot measured from the front lot line shall be filled with suitable material to the elevation of the 100-year flood, with this fill gradually sloping down to the lake beyond the 75-foot setback. Each house shall be constructed on suitable fill at least two feet above the elevation of the 100-year flood as required by the Missoula County Floodplain Regulations.
2. Floodplain permits shall be obtained to insure that all requirements of the Missoula County Floodplain Regulations shall be met concerning installation of utility transmission lines, storing of equipment and materials, domestic water supply, sanitation, floodproofing standards for electrical, plumbing and heating systems, and fill or excavation.
3. A site plan shall be submitted depicting building sites as required by Missoula County Subdivision Regulations, Section III.A.2.
4. Driveway grades shall not exceed 12% as required by Missoula County Subdivision Regulations.

Chairman Palmer noted that the public hearing was held last week, but that the Board was willing to hear further comment.

Dick Ainsworth, of Professional Consultants, Inc., disputed Ms. Martens' statement that the Staff was recommending the less restrictive solution. He contended that the request for filling 75 feet of each lot was in excess of the floodplain regulations. He added that the developers had met with County Surveyor Dick Colvill and that he remained firm in his concern for the road in case of flood. The developers feel that adherence to the floodplain regulations would result in a reasonable and workable arrangement.

Tim Tiffin of T & T Construction objected to the filling of 75 feet because it is beyond the requirements of the floodplain regulations and would put a burden on the developer. He also made the following points:

1. The revised recommendation would require that all fill be in place prior to construction, whereas filling as needed would allow flexibility and be less expensive;

2. The FHA will accept the Missoula Floodplain Regulations and the houses would be eligible for FEMA insurance and flood insurance;
3. He talked to a flood expert who predicted no erosional damage to the road in case of flood because there would be no water velocity (there would be siltation damage instead);
4. Complying with the revised condition would cause problems with road engineering because it must drain to the sumps, it cannot be higher than the lots and he wants it to blend in with existing roads;
5. Bringing the lots into compliance with the revised recommendation would result in a cost of about \$26,000 per lot which would put them out of reach of most buyers.

He requested that the conditions be amended to request compliance with Missoula County Floodplain Regulations.

There followed considerable discussion about how Lakewood Estates has been developed, about the conflicts between the two sets of regulations, and about the changes in floodplain elevation figures and the impossibility of being removed from the floodplain by filling.

Barbara Evans moved that the original condition of meeting the subdivision regulation be replaced with the condition of meeting the floodplain regulations. The motion failed for lack of a second.

Chairman Palmer said that he preferred to have the full Board make the decision on this issue, and he would like to know why the Planning Staff recommended such extensive fill. He also said that the Board is considering amendments to the Floodplain Regulations to deal with inconsistencies, and he produced a scrapbook of citizen complaints which questioned the policy of allowing homes to be built on floodplains.

Planning Director Kristina Ford said that her office can only work with regulations and that doesn't give them much flexibility. They can't compromise their way out of the regulations. In this instance, she felt that the subdivision regulations would take precedence because of the proposed density of the development.

It was decided that all three members of the Board would meet with the Planning Staff and with the developers and would consult with the County Surveyor before making a final decision. The meeting would take place before the October 31st expiration date of the extension of the preliminary plat filing deadline.

✓✓ CONSIDERATION OF: DINSMORE'S ORCHARD HOMES ADDITION NO. 4 - LOT 25 (SUMMARY PLAT)

Barbara Martens of the Planning Office gave the Staff report: The proposed minor subdivision consists of two parcels, 3.64 and 1.05 acres, respectively. The subdivision is located north of Seventh Street and south of Hawthorne School. Parcel B contains an existing single-family dwelling. The entire tract is zoned C-RR3 which permits a maximum density of four units per acre.

Ms. Martens stated that after reviewing all testimony and documentation, the Missoula Regulatory Commission recommended that Dinsmore's Orchard Homes Addition No. 4, Lot 25 (Summary Plat) be approved subject to the following conditions:

1. That driveway access be approved by the County Surveyor;
2. That the lots be renamed from Portion A and Portion B to Lot 25A and Lot 25B;
3. That the division line between the two lots shall extend from the west property line to the east property line; and
4. That a 60-foot road and utility easement shall be shown on the face of the plat on the east property boundary line from 7th Street to the lot split between Lot 25A and Lot 25B.

Since this is a summary plat, no public hearing is required. However, the Board expressed willingness to hear public comment.

Eldon Inabnit, speaking for the owners, said that the owners don't want to subdivide the land. They have sold Parcel B and want to sell the rest to a single buyer. He explained that they were not in favor of the easement described in condition #4 because the current owners would be in a better position to sell if some of Parcel A fronted on 7th and the County would be in a better position in the future to dictate what can be done along the frontage.

Barbara Evans asked Ms. Martens if it were not true that someone who bought the larger piece of property and wanted to subdivide it would be forced to take the request through the subdivision process and at that time could be forced to comply with the essential requirements of the currently required conditions.

Ms. Martens replied that it was true, but that if the land were split there would be a 55-foot strip of unusable land.

There was further discussion about the County's right to insist that land be divided into prescribed shapes based on future possibilities, when the split in question has no long-term impact.

Barbara Evans moved and Bob Palmer seconded the motion to approve the summary Plat of Dinsmore's Orchard Homes No. 4, Lot 25, subject to conditions 1 and 2 listed above, including the findings of fact. The motion carried, 2-0.

✓✓ HEARING: REQUEST BY PATRICK WOOD TO INSTALL MOBILE HOME IN BUTLER CREEK AREA

Pat O'Herren of the Planning Office gave the background for this item: Resolution 83-00 requires requests for building permits in unzoned areas within 4.5 miles of the City limits to be reviewed for compliance with Missoula's Comprehensive Plan. The Staff approved the request by Patrick Wood to install a mobile home on an 11-acre parcel in the Butler Creek area, but this approval was protested by David Theisen, a neighbor of Mr. Wood. Resolution 83-99 requires a public hearing when a determination of compliance is protested.

Chairman Palmer opened the hearing to public comment, asking that supporters of Mr. Wood speak first.

Patrick Wood said that he purchased the land in 1975 while in the armed services, planning to build a home and establish a home base there. He will be leaving the service on January 1, 1985 -- sooner than expected -- and wants to live on his property while going to nursing school. He will put whatever money he can into improvements (a well and septic system, a screen of trees for privacy and dust control) and will build a permanent house when he is employed and can get a loan. He said that 10 of 25 structures currently in the area are mobile homes, and that such homes are often used as temporary housing while permanent homes are being built.

PUBLIC MEETING, October 10, 1984, Contined:

Virginia DeLand, a resident of Butler Creek, said that she has known for years that Mr. Wood intended to construct a conventional house as his permanent home, and that the mobile home would be temporary. Living in temporary quarters while building is a common practice in the area.

There was no one to speak in opposition, so Chairman Palmer closed the public hearing.

Barbara Evans said that she had mixed emotions about the issue. She understands the neighbor's concern about the mobile home, but she is also willing to take Mr. Wood at his work that it would only be temporary.

Barbara Evans moved and Bob Palmer seconded the motion that Patrick Wood's request to place a mobile home on his property in the butler Creek area be found to be in compliance with the Missoula Comprehensive Plan. Motion carried, 2-0.

✓ PRESENTATION: REQUEST FOR ROAD IMPROVEMENTS -- NINE MILE PRAIRIE ROAD (TOM GREENWOOD)

Tom Greenwood of the Montana Department of Fish, Wildlife and Parks spoke on behalf of the Department and the Cooperators of the Blackfoot River Recreation Corridor. He said that the Nine Mile Prairie Road has an average of 50 to 75 vehicles a day during the summer, and it is very dusty. Speed limits have been posted by Champion and the Department, but a lot of dust floats in from unposted stretches. The Department oils the road every summer, which is a band-aid approach, and they don't like to use oil that close to the river anyway. The Cooperators and the FW&P Department are asking the Board to consider paving the road. One-quarter of a mile would take care of the road in front of permanent residences and dust which gets caught in a drift pattern.

Barbara Evans asked if the permanent mobile homes along the road were owned or rented, and if the traffic would be there if the FW&P road weren't there.

Tom Greenwood said that his traffic logs indicate that there would be considerable traffic even without the FW&P road.

Barbara Evans then asked if Mr. Greenwood were asking for money outside of the Blackfoot Corridor Agreement to pave the road. The answer was yes.

Mr. Good, owner of the rented mobile homes, said that he and the other residents and landowners would probably not participate in an SID to pave the road because their taxes are already high and they don't get many of the benefits they pay for.

Susie Lindbergh, who owns property where the boating access is, said her friends live and work in the area and suffer from the dust generated by visitors from Missoula. It would seem unfair to ask the residents to pay when so much of the dust is caused by non-residents, but she pointed out that it would be very difficult to assess which group caused which amount of dust.

Mr. Greenwood said that the cost to pave a mile is about \$110,000 to \$180,000 and that he would like the County to look at the road and generate a design and estimates, after which he would approach his Department and Champion to request that they contribute.

Mr. Good said no, because the residents drive short distances on the road (about the distance of a driveway) and the problem is caused by Missoula residents taking advantage of the recreation area.

Ms. Lindbergh said that their ranch is for sale and she didn't know if the next owner would be willing to let the public use the land for river access, and she wasn't sure of her family's personal plans.

No action was taken at this time.

Since there was no further business to come before the Board, the meeting was adjourned at 3:15 p.m.

October 11, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was on vacation October 11th & 12th.

DAILY ADMINISTRATIVE MEETING

At the daily Administrative Meeting held in the forenoon the following item was signed.

✓ PROJECT AGREEMENT

The Board of County Commissioners signed a Project Agreement between Missoula County and the Lolo National Forest covering jurisdiction of Boy Scout Road near Seeley Lake, whereby the Forest Service will reconstruct the Clearwater River Bridge and then Missoula County will accept jurisdiction and maintenance of Boy Scout Road No. 70, including all bridges. The Agreement was returned to the Surveyor's Office for further handling.

Other matters considered included:

1. John DeVore, Operations Officer, met with the Board regarding jail matters; and
2. Dusty Deschamps & Ed McLain of the County Attorney's Office met with the Board regarding personnel matters. The Commissioners tentatively approved the extra compensation plan for the Deputy County Attorneys if Russ Plath's position is not filled for several months.

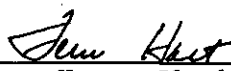
The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

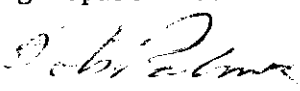
OCTOBER 12, 1984

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 12, 1984, pp. 1-26, for a grand total of \$70,860.00. The Audit List was returned to the Accounting Department.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman, Board of County Commissioners

OCTOBER 15, 1984

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

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report for Justice of the Peace, W. P. Monger, for collections and distributions for the month ending September 30, 1984.

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 Baylor Addition, a redivision of Lot 4, Block 2, of Whites' Orchard Homes, located in the SE¼, Section 27, T. 11 N., R. 20 W., P.M.M., the owners of record being Patricia L. Martin and L. James and Pamela A. Baylor.

✓ EMPLOYMENT AGREEMENT

The Board of County Commissioners signed an Employment Agreement dated July 1, 1984 between Missoula County and Gary Boe, who will be employed as the Administrative Director of the Health Department and Secretary to the Board of Health, as per the terms set forth, beginning July 1, 1984, and continuing until terminated under the terms of the Agreement. The Agreement was returned to the Personnel Department for further handling.

RESOLUTION NO. 84-125

The Board of County Commissioners signed Resolution No. 84-125, a budget amendment for FY '85, for the Sheriff's Department, including the following expenditure and revenue, and adopting it as a part of the FY '85 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Drug Enforcement 2345-350-420142-300	\$4,809.00
<u>Description of Revenue</u>	<u>Revenue</u>
Drug Forfeiture 2345-350-355020	\$4,809.00

✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1984, between Missoula County and the Missoula Area Partners for the Disabled, whereby the County will purchase services for the developmentally disabled in Missoula County from MAP in return for financial assistance from Missoula County in the amount of \$5,000.00, as per the terms set forth in the Agreement, for the duration of 12 months or through June 30, 1985.

✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Ray W. Worrington & Associates, an independent contractor from Helena, for the purpose of evaluating and continuing to develop interim jail risk management programs and inmate population management strategies in accordance with the terms set forth in the contract, commencing October 15, 1984 and concluding by June 30, 1985, for a total of 19 days of work during this period, for a total amount not to exceed \$6,425.00.

Other matters considered included:

1. Dennis Lang, Director of Health Services, met with the Board and discussed various health issues.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners Office.

OCTOBER 16, 1984

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

Commissioners Palmer and Dussault signed, with Commissioner Evans opposed, a Professional Services Contract between Missoula County and Bruce A. Bugbee and Associates, an independent contractor, for the purpose of a "Countywide Conservation Values Identification Project," as described in a grant application titled "Missoula Open Space and Agricultural Land Conservation Program, July 27, 1984," as supplemented by a memorandum dated 8/6/84 to Dave Wilcox, Administrative Officer of the City of Missoula, from Bruce A. Bugbee. The conditions of the contract are set forth in the contract, and a report titled "Conservation Values of Missoula County, Montana," will be due on June 15, 1985. The grant contract will be for the period beginning November 1, 1984 and ending July 1, 1985 for a total sum not to exceed \$17,500.00.

RESOLUTION NO. 84-126

The Board of County Commissioners signed Resolution NO. 84-126, a budget amendment for FY '85, including the following expenditure and revenue, and adopting it as a part of the FY '85 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Open Space - Contracted Services 2190-285-460465-328	\$10,500.00

OCTOBER 16, 1984, CONT.

RESOLUTION NO. 84-126, CONT.

<u>Description of Revenue</u>	<u>Revenue</u>
PILT 2190-285-337014	\$10,500.00

✓✓ RESOLUTION NO. 84-127

The Board of County Commissioners signed Resolution No. 84-127, a Resolution to Rezone the Northwest ¼ of Section 28, Township 13 North, Range 20 West, from C-A1 (open and resource lands) to C-A2 (low density residential).

✓✓✓ RESOLUTION NO. 84-128

The Board of County Commissioners signed Resolution No. 84-128, a Resolution to rezone a parcel described as Lots 1-9 and 32-40, Block 66, Carline Addition, from C-R2 (Residential) to C-C2 (General Commercial).

✓✓✓✓ RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners signed a Right-of-Way Agreement between Missoula County and William F. and Janet M. Lerch for one of a series of parcels needed for Harper's Bridge, a total of 0.1537 acres for a total payment of \$576.00. The Agreement was returned to the Surveyor's Office for further handling.

✓ QUIT CLAIM DEED

The Board of County Commissioners signed a Quit Claim Deed transferring property from Missoula County to Minuteman Aviation, Inc. for improvements on leased land at the Airport. The property was acquired by the County by tax deed in January of 1983; however, the back taxes have been paid and the County Attorney's Office recommended deeding the property back to them. The deed was returned to the Clerk and Recorder's Office for further handling.

✓ LEASE AGREEMENT

Chairman Palmer signed a Lease Agreement between Missoula County and the Fast Pitch Association of Missoula for the real estate described on the Agreement for a period of five years from October 20, 1984, as per the terms set forth, for the sum of \$1.00. The Lease was returned to John DeVore, Operations Officer, for further handling.

Other matters considered included:

1. The Commissioners discussed the Condition Replacement Request for Lakewood Estates, Phase II B. No decision was made;
2. The Board discussed Captain Weatherman's (Sheriffs' Department) request for overtime pay. Commissioners Palmer and Dussault voted to deny the request, with Commissioner Evans abstaining; however, it was decided that if the Sheriff feels strongly about this decision, a meeting to discuss it will be set up at a future date;
3. A discussion was held on LIGHT, Inc.; and
4. The Board discussed Public Officials Liability Insurance; the Commissioners voted to enter into a contract with International Surplus Lines Insurance Company for this insurance.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

OCTOBER 17, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Helena on October 17th and 18th, where he attended an Energy Codes Assessment Conference.

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 Gerald H. Tucker to purchase pit-run gravel in the Mormon Creek Road area south of Lolo, to be used in the Lolo-Carlton area, at a price of \$.75/cubic yard. The Agreement was returned to the Surveyor's Office for further handling.

✓ CONTRACT

The Board of County Commissioners signed a Contract, dated July 1, 1984, between Missoula County and Motorola Communications and Electronics, Inc., for the purpose of engineering services and maintenance of radio communications equipment in the County Departments listed on the Contract, as per the terms set forth, at a monthly rate of \$4,255.92, through June 30, 1985. The Contract was returned to John DeVore, Operations Officer, for further handling.

the Minutes of the Daily Administrative Meeting are on file in the Commissioners' office.

PUBLIC MEETING CANCELLED

The Weekly Public Evening Meeting scheduled for this date was cancelled due to a lack of agenda items.

OCTOBER 18, 1984

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

OCTOBER 19, 1984

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.

OCTOBER 19, 1984


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


INDEMNITY BOND

Commissioner Palmer examined, approved and ordered filed an Indemnity Bond naming Rourke Publishing Group as Principal for Warrant No. 01641, dated May 10, 1984, on the Bonner School District #14 Block Fund 22, in the amount of \$230.90, now unable to be found.

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated October 18, 1984, pages 1-33, with a grand total of \$889,450.27. The Audit List was returned to the Accounting Department.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman, Board of County Commissioners

OCTOBER 22, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Spokane, Washington, from October 22 through October 25th, attending BPA/Local Government Officials meetings.

INDEMNITY BOND

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Maureen Edwards as principal for warrant no. 105591, dated October 9, 1984, on the Missoula County District Court Trust Fund, in the amount of \$265.00, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the Transmittal Sheet for Payroll Period #21, with a grand total of all funds of \$324,704.19. The sheet was returned to the Auditor's Office.

✓ LEASE AGREEMENT

The Board of County Commissioners signed a Lease between Missoula County and the Missoula Federal Credit Union for lease of office space, located at 126 West Spruce, for the County Extension Office, as per the terms set forth in the Agreement, for the period commencing November 1, 1984, and ending June 30, 1989. The Lease was returned to John DeVore, Operations Officer, for further handling.

✓ VEHICLE USE AGREEMENT

The Board of County Commissioners signed a Vehicle Use Agreement between the Missoula County Sheriff's Office and the State Criminal Investigation Lab, whereby the Sheriff's Department will permit the Crime Lab to use for official purposes a 1974 Ford van obtained by forfeiture and which is not needed at the present time by the Sheriff, but can be made use of by the Crime Lab, as per the terms set forth in the Agreement. The Agreement was returned to the Sheriff's Department for further handling.

Other matters considered included:

- ✓ The Commissioners voted to approve the fee schedule for the Seeley Lake Refuse District. This fee schedule was attached to the contract when it was submitted.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

OCTOBER 24, 1984

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

INDEMNITY BOND

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Leona L. Hestekind as principal for warrant no. 100550, dated October 12, 1984, on the Missoula County Payroll Fund in the amount of \$362.50, now unable to be found.

✓ WELFARE ADVISORY BOARD

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Jean Johnston, Welfare Director, for their regular monthly meeting in the forenoon.

LUNCHEON MEETING

Commissioner Evans and Mayor John Toole attended a luncheon meeting of the Fair Commission at the Fairgrounds at noon.

PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Acting Chairman Barbara Evans. Also present was Commissioner Ann Mary Dussault. Bob Palmer was in Spokane for a Local Government Officials meeting.

✓ ✓ SUMMARY PLAT: MOUNT AVENUE APARTMENTS - RENTAL SUBDIVISION (MOSTAD)

Barbara Martens gave the background for this request, stating that the applicants, Gene and Nancy Mostad, have applied for a building permit to construct a single fourplex on Mount at Grant. The parcel is zoned C-R2, which permits multiple family dwellings as a conditional use. The Planning Staff recommends approval, subject to the following condition:

That the applicant donate cash-in-lieu of parkland in the amount of one-ninth the value of the undeveloped land.

PUBLIC MEETING - OCTOBER 24, 1984, CONTINUED

Although this was not a hearing, the Commissioners were willing to accept public comments.

Nick Kaufman spoke on behalf of Gene Mostad, saying that the Planning Office had received a memo from Deputy County Attorney Jean Wilcox which stated that both land dedication and cash-in-lieu may be waived if the developer agrees to set aside a common area equal to what otherwise would have been dedicated to the public.

In response to a question from Barbara Evans, Barbara Martens said that the Planning Office would have no problem with accepting the substitution of a common area for cash-in-lieu of parkland.

Gene Mostad said that the common area would be one-ninth of the total land area, or about 1200 square feet, and that he plans to develop it by planting grass, caring for the existing trees, and installing picnic tables.

Nick Kaufman proposed that a covenant could appear on the face of the plat to maintain the common area in perpetuity with the property.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the rental subdivision to be called Mount Avenue Apartments subject to the findings of fact and substituting the recommended condition (listed above) with the condition that one-ninth of the total land area be dedicated as common area with appropriate landscaping and furnishings, and that a covenant be attached to the property that the common area shall remain in perpetuity. The motion carried 2-0.

✓✓ HEARING: PETITIONS FOR ANNEXATION TO MISSOULA RURAL FIRE DISTRICT (MARSHALL SKI AREA, BEAR RUN CREEK AREA, BITTERROOT BAR AREA)

The background for this request was provided by Kathi Doerr Michell, Recording Division Manager of the Clerk and Recorder's Office: three petitions have been received by the Clerk and Recorder's Office to annex various parcels of land located in Missoula County. These parcels contain approximately 822 acres.

All petitions for annexation to the Missoula Rural Fire District presented the Clerk and Recorder have been checked and verified. They all contain signatures of more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the taxpaying freeholders within the area described, so they met the requirements of 7-33-2125 MCA for annexation of adjacent territory.

It should be noted that some of the parcels proposed to be annexed, located in the Bear Run Creek area, are not contiguous to any existing Missoula Rural Fire District boundary.

Notice of Hearing was published in the Missoulian on the 14th and 21st of October, 1984.

Deputy County Attorney Mike Sehestedt said that since there were no opposing signatures on petitions, the Board has no discretion but to approve annexation.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve annexation to the Missoula Rural Fire District of the following parcels of land: (The motion passed by a vote of 2-0.)

1. Parcels of land located in Upper Miller Creek (Bear Run Creek), more particularly described as follows:
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 23 T12N R19W
 NW $\frac{1}{4}$ of Sec. 24 T12N R19W
 N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 24 T12N R19W
 W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 24 T12N R19W
 W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 24 T12N R19W
2. Parcels of land located in the Marshall Ski Area more particularly described as follows:
 NW $\frac{1}{4}$ of Sec. 5 T13N R18W
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 6 T13N R18W
 NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6 T13N R18W
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 6 T13N R18W
 E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 7 T13N R18W
 E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 7 T13N R18W
3. Parcels of land south of Lolo more particularly described as follows:
 Plat A-2-1, Plat A-2-2, A-2' located in Sec. 14 T11N R20W (commonly known as the Bitterroot Bar)

✓✓ HEARING: INTENT TO EXCEED CERTIFIED MILLAGE (MISSOULA URBAN TRANSPORTATION DISTRICT)

Acting Chairman Evans opened the hearing for public comment. The following people spoke:

1. John Grew, Manager of Mountain Line, said that the need to exceed the certified millage arose because (1) operating expenses are up 5.7%; (2) the cash carry-over reserve is up 5.4%; (3) the capital reserve balance (which matches federal grants and was set aside to fund capital improvements) is up by \$79,500; (4) they are planning to replace the Mercedes bus fleet; (5) they are considering constructing a passenger terminal.

Carol Berger, member of the Transportation Board, said that added operating expenses came from adding a new route and extending the Rattlesnake route.

Mike Sehestedt, Deputy County Attorney, said that the dollar amount in question will be the same as approved during the budget process. However, the value of a mill has changed, so more mills are needed to fund the dollar amount. The amount of change in certified millage allowed by law is 12 mills, and this total request is for 8.37.

Barbara Evans asked why the Mercedes fleet is being replaced, and John Grew responded that those buses have 200,000 to 250,000 miles on them and will be eight years old by the time of replacement, which is the life expectancy of that type of bus. In response to another question from Barbara Evans about whether this increase would mean a tax increase, and the answer was that it would mean an increase of 2.25 mills, which represents one-half of one percent of the total tax bill for City residents. Mike Sehestedt said that the requested amount was included in the Transportation District's budget, and that fact that it was in excess was overlooked.

There was a brief discussion of the meaning of "certified millage."

Ann Mary Dussault moved, and Barbara Evans seconded the motion to allow the MUTD to levy 8.37 mills for FY '85 in excess of the certification by 1.90 mills. The motion carried by a vote of 2-0.

PUBLIC MEETING, OCTOBER 24, 1984, CONTINUED✓ HEARING: REQUEST TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS - MISSOULA IV (KELLER SUPPLY COMPANY)

Mike Barton of the Planning Office said that Missoula IV, as a Washington partnership, has requested IDR Bonds to finance up to \$350,000 of the costs of acquisition of land in the 1100 block of Mount Avenue in the City of Missoula and the construction and equipping of a facility for the wholesale distribution of plumbing, heating and leisure products and other related items. The applicant will lease the project to Keller Supply Company.

Mr. Barton also gave the following assessment of the proposed industrial development:

"Applicant has proposed the construction of a warehouse for the wholesale distribution of plumbing and heating supplies. The structure, to be located in the 1100 Block of Mount, will be leased by Keller Supply Company.

Missoula IV's application meets all the mandatory requirements contained in the County's IDR Bond policy.

While the proposed enterprise is not an export industry, it will have a positive impact on the local economy. The new facility will allow Keller to offer better service to local plumbing and heating contractors, and it creates possibilities for capturing wholesale trade that now goes through Billings or Spokane.

The project will have minimal effects on public services and the environment, and it will employ area residents during construction and operation.

The applicant has agreed to comply with applicable laws and regulations, including MCA 18-2-2402, and the building contractor has adopted energy conservation measures suggested by the City-County Energy Coordinator.

Staff recommends that the County approve the issue of Industrial Development Revenue Bonds to Missoula IV."

Acting Chairman Evans then opened the hearing to public comment:

The following people spoke in support:

1. James Band, representing J-K Associates, a general contractor, said that the project would create work for seven major contractors, and that the business would benefit the Missoula area by making plumbing and heating supplies readily available.
2. Jim Keller, one of the partners, said that Keller Supply was founded in 1945, and now has outlets in three states which provide service to six states. Missoula is the perfect location for a central distribution center. Keller has been doing business in Missoula for ten years and has been located here for two and a half years. Mr. Keller expressed willingness to answer questions.
3. Orin Simonson, business agent for the Western Montana Council of Carpenters, said the Council supports the project.
4. Don Johnson, District Manager of Keller Supply, said they have a great deal of business in Missoula and need to expand their facility, and that they want to get into commercially oriented supply and leisure products (such as hot tubs).
5. Ken Bohenek, Triple A Plumbing, said that Keller Supply is a good, quick supplier.
6. Chuck Fuchs, Sentinel Mechanical, expressed support.
7. Don Mahn, VEMCO Sales, supplier of materials to Keller Supply, expressed support, observing that Keller filled a need in the Missoula market.

No one wished to speak in opposition. Acting Chairman Evans closed the public comment portion of the hearing.

Commissioner Dussault asked if the conditions discussed in a preliminary meeting had been met, particularly the energy conservation concerns in regard to construction.

Mr. Band said that they had been in contact with Lois Jost, Missoula County Energy Coordinator, and that all conditions had been met and, in some cases, exceeded.

Ann Mary Dussault moved and Barbara Evans seconded the motion to find the Missoula IV request for Industrial Development Revenue Bonds to be in the public interest and to authorize appropriate County officials to take the necessary steps to issue the bonds. Motion carried 2-0. Deputy County Attorney Sehestedt will draw up the inducement resolution for Board signature.

There being no further business to come before the Board, the meeting was recessed at 2:40 p.m.

OCTOBER 25, 1984

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 24, 1984, pages 1-30, with a grand total of \$210,449.94. 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:

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850006, a request from the Health Department to transfer \$4,300.00 from contracted services accounts to the meals, lodging and incidentals (\$4,000.00) and curriculum materials (\$300.00) accounts, as these accounts are overexpended and the division heads want to keep better track of these funds, and adopted it as a part of the FY '85 budget.

OCTOBER 25, 1984, CONTINUED

✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Britt Finley, and independent contractor, for the purpose of preparing a written report regarding the impact of alcohol abuse in Missoula County; providing lists for data searching; supervising the preparation and conduct of ethnographic portions of the data collection and giving verbal reports of results to local interest groups (Health Board or provider's group) and a legislative subcommittee. The term of this agreement shall commence October 15, 1984, for a total sum of \$1,000.00. The contract was returned to the Health Department for further handling.

✓ RESOLUTION NO. 84-129

The Board of County Commissioners signed Resolution No. 84-129, a resolution to exceed certified millage for FY '85, resolving that a number of mills in excess of certification be levied sufficient to meet the budget needs as provided by Missoula Urban Transportation District.

✓ RESOLUTION NO. 84-130

The Board of County Commissioners signed Resolution No. 84-130, a resolution providing for annexation of various parcels of land located in the Upper Miller Creek area and the Bitterroot Bar area south of Lolo in Missoula County to the Missoula Rural Fire District and specifying that these parcels of land are to be assessed for said annexation a fire district levy along with other property already a part of said Missoula Rural Fire District.

✓ CONTRACT

The Board of County Commissioners signed a Contract for Nutrition Services between Missoula County and the Western Montana Comprehensive Developmental Center (CDC) for contracted nutritionist services for the period beginning September 1, 1984, and ending June 30, 1985, as per the provisions set forth in the contract. The contract was returned to the Health Department for further handling.

✓ CERTIFICATION FORM

The Board of County Commissioners approved and signed a form certifying the rural road mileage in Missoula County. This amounts to 1507.009 miles. The certification is for gas tax allocation purposes. Also attached to the form was a listing and map showing 2.857 miles of added roads built since the 1983 certification. The form was returned to the Planning & Statistics Bureau, Montana Department of Highways, Helena.

Other matters considered included:

Jim Costamagna and Mike Sehestedt, Deputy County Attorney, met with the Commissioners regarding the long-standing fence problem with his neighbor. A follow-up letter will be sent.

The minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

MEETING

Commissioner Evans attended a meeting of the Gambling Commission in the afternoon.

HEARING

Commissioner Dussault attended a hearing on the Air Pollution Regulations in the evening.

OCTOBER 26, 1984

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.

✓ RESOLUTION NO. 84-131

The Board of County Commissioners signed Resolution No. 84-131, as follows:

RESOLUTION NO. 84- 131

FIXING TAX LEVIES FOR MISSOULA COUNTY
FOR FISCAL YEAR 1984-85

(Supersedes No. 84-122 of Oct. 3, 1984 - See change in Msia Urban Transportation Dist. Levy)

WHEREAS, the Board of County Commissioners of Missoula County, Montana, has approved and adopted the Budget for Fiscal Year 1984-1985 as required by law; and

WHEREAS, budgets have been received from the 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 \$121,268.00 County-wide, and a value of \$75,045.00 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 1984-1985 as moved, seconded and passed by the Board and as detailed below:

RESOLUTION NO. 84-131, CONT.

MISSOULA COUNTY-WIDE FUNDS	MILLS	ATTACHMENT(S)
GENERAL FUND	34.97	A and B
BRIDGE FUND	2.56	
POOR FUND	.60	
FAIR FUND	.98	
WEED FUND	.87	
MUSEUM FUND	1.36	
EXTENSION FUND	1.05	
PLANNING FUND	1.94	
DISTRICT COURT FUND	6.00	
MENTAL HEALTH FUND	.38	
AGING FUND	.86	
RODENT CONTROL	.15	
PARK/RECREATION FUND	1.26	
REVOLVING	.00	
HIGGINS BRIDGE	.00	
AIRPORT BOND	.21	
COURTHOUSE BOND	.26	
LIBRARY BOND	.37	
JUDGEMENT LEVY	.00	
HEALTH INS.	.76	
CASUALTY INSURANCE	.82	
AMBULANCE	.08	
SOIL CONSERVATION	.42	
CBO TRUST FUND	.00	
ANIMAL CONTROL	.00	
CHILD DAYCARE	.17	
SPECIAL TRANSPORTATION	.16	
OPEN SPACE	.67	
CAPITAL IMPROVEMENTS	.00	
TOTAL COUNTY-WIDE LEVY	56.90	
MISSOULA COUNTY ONLY LEVY	MILLS	ATTACHMENT(S)
LIBRARY	3.63	
TAMMACK FEDERATION	.00	
SCHOOL DISTRICT 1	.00	
SANDERS COUNTY	.00	
LSCA GRANT	.00	
ROAD FUND	13.58	
HEALTH FUND	5.00	
TOTAL COUNTY ONLY LEVY	22.21	
CITY OF MISSOULA	121.36	C
MISSOULA COUNTY SCHOOLS	Various	D
STATE OF MONTANA		
UNIVERSITY MILLAGE FUND	6.00	E
STATE ASSUMPTION/COUNTY WELFARE	12.00	
MILL LEVIES ON LIVESTOCK:		F
SHEEP		
COMMISSION FUND 02425	30.00	
BOUNTY FUND 02425	15.00	
SANITARY BOARD FUND 02425	30.00	
OTHER LIVESTOCK:		
COMMISSION FUND 02425	40.00	
BOUNTY FUND 02425	6.00	
SANITARY BOARD FUND 02427	30.00	
SPECIAL FIRE DISTRICTS		
CLINTON RURAL	27.15	G
MISSOULA RURAL	32.39	H
ARLEE/JOCKO VALLEY RURAL	14.73	I
FLORENCE RURAL	17.72	J
EAST MISSOULA RURAL	12.47	K
FRENCHTOWN RURAL	4.87	L
SEELEY LAKE	12.38	M
OTHER SPECIAL DISTRICT LEVIES		
S.O.S. HEALTH CENTER	7.00	N
CARLTON CEMETERY	1.06	O
MISSOULA URBAN TRANSPORT	8.37	P
MISSOULA COUNTY AIRPORT	2.00	Q
SPECIAL ASSESSMENT DISTRICTS		
RURAL SPECIAL IMPROVEMENT	Various	R
LOLO MOSQUITO CONTROL		S
JOCKO IRRIGATION		
BIG FLAT IRRIGATION		
FRENCHTOWN IRRIGATION		
MISSOULA IRRIGATION		
FOREST FIRE PROTECTION ASSOCIATION		
ELK MEADOWS WATER DISTRICT (\$23,800.00)		
SEELEY LAKE REFUSE DISTRICT		

All of the above attached, approved and ordered entered into the official minutes of the Board of County Commissioners of Missoula County this 26th day of October, 1984.

BOARD OF COUNTY COMMISSIONERS

Bob Palmer
Bob Palmer, Chairman

Barbara Evans
Barbara Evans, Commissioner

Ann Mary Dussault
Ann Mary Dussault, Commissioner

APPROVED AS TO FORM AND CONTENT:

ATTEST:

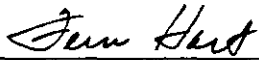
Michael W. Schuster
County Attorney's Office

Fern Hart
Fern Hart, Clerk & Recorder

OCTOBER 27, 1984

PARADE

Commissioners Palmer and Evans participated in the University of Montana Homecoming Parade Saturday afternoon.



Fern Hart, Clerk and Recorder



Bob Palmer, Chairman

* * * * *

OCTOBER 29, 1984

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following item was signed:

✓✓ CONTRACT

The Board of County Commissioners approved and signed a Contract between the Health Department and the Missoula Area Agency on Aging regarding personal care for the purpose of development of a link between the informal and the formal support system for the elderly of the community and to improve the efficiency and effectiveness of service delivery to those elderly not medically eligible for Medicaid Waiver services, as per the terms set forth. The Contract was returned to the Health Department for further handling.

Other matters considered included:

- ✓ 1. The Commissioners discussed the Library Interlocal Agreement. Mike Sehestedt, Deputy County Attorney, was directed to write a letter of response to the Attorney General's Office about their opinion.
2. A discussion was held regarding the allocation of motor vehicle flat fees (Pat Godbout's letter of 10/18/84). Mike Sehestedt, Deputy County Attorney, will do further research and report to the Board;
3. The Mountain Shadows SID matter was discussed. The County Attorney's Office advised that delinquent SID's not be paid, and the Board directed staff members to develop a proposed policy on non-payment of delinquent SID's;
4. Attorney Terry Wallace met with the Commissioners and requested that they direct the County Tax Appeal Board to reschedule a matter to be heard before that Board due to a conflict in his schedule (a criminal matter in Kalispell which legally takes precedent). The Commissioners will send a letter to the Tax Appeal Board so directing them; and
5. The Commissioners met with Deputy County Attorney Jean Wilcox, regarding the following:
 - a. The Missoula County v. Carl Malone lawsuit was discussed. It was decided to put forth a maintenance RSID option to the landowners;
 - b. An update was given regarding the Lakewood Estates, Phase IIB matter; and
 - c. An update was given to the Board regarding the Amvets/Zavarelli lawsuit.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

OCTOBER 30, 1984

The Board of County Commissioners met in regular session; all three members were present. Commissioner Palmer attended a meeting of the Local Government Energy Committee which was held in Missoula during the day.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

✓ RESOLUTION NO. 84-132

The Board of County Commissioners signed Resolution No. 84-132, a resolution of Missoula County taking official action with respect to the issuance of up to \$350,000 principal amount of Industrial Development Revenue Bonds to provide funds to finance the acquisition, construction and installation of a facility for wholesale distribution of plumbing, heating and leisure products by Missoula IV.

✓ RESOLUTION NO. 84-133

The Board of County Commissioners signed Resolution No. 84-133, a resolution providing for the giving of notice of a second public hearing on the proposed issuance by the County of Missoula, Montana, of Industrial Development Revenue Bonds in the maximum aggregate principal amount of \$3,000,000 for Washington Corporations, a Montana Corporation, for the purpose of acquiring and constructing a new corporate office for Washington Corporations and making substantial external and internal improvements to the Modern Machinery structure, located at 3601 North Reserve Street, Missoula, Montana, including real and personal property to be used in connection therewith and consisting of a corporate office facility of approximately 15,500 square feet, servicing bays, repair and storage areas of approximately 35,000 square feet, and equipment and related improvements. The resolution set the hearing date for November 21, 1984, at 1:30 p.m.

✓✓ SEELEY LAKE ELEMENTARY INTERLOCAL AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and School District No. 34 (Seeley Lake Elementary) for the purpose of providing cooperation between the parties in securing, constructing, maintaining and improving recreation facilities located upon real estate owned by the School District for the use and benefit of persons living in and travelling to and through the town of Seeley Lake, Montana, in accordance with the terms set forth in the Agreement, which shall be in effect for a period of 25 years. The Agreement was returned to John DeVore, Operations Officer, for further handling.

OCTOBER 30, 1984, CONTINUED

✓ BOARD APPOINTMENT

The Board of County Commissioners reappointed Jay Raser to the Missoula Planning Board for a three-year term which will expire October 31, 1987.

RESOLUTION AUTHORIZING APPLICATION

- ✓ Chairman Palmer signed a resolution authorizing the application by Missoula County/Larchmont Golf Course to the Montana Department of Fish, Wildlife & Parks for land and conservation fund assistance to be used for improvements at Larchmont Golf Course, including an irrigation system for trees with pump modifications and sod work, in accordance with the terms set forth in the Agreement.

Other matters considered included:

1. Mike Sehestedt, Deputy County Attorney, updated the Commissioners on current and new lawsuits;
- ✓ 2. The Commissioners voted to approve the transfer of General Revenue Sharing Funds in the amount of \$20,000 to Larchmont Golf Course;
3. The request for appeal on determination of grievance regarding Workfare was discussed. The Commissioners voted to appoint Dennis Engelhard, Personnel Officer, as hearing officer, in accordance with grievance procedure; and
4. Betty Wing, Deputy County Attorney, met with the Board regarding the Reedy Hall v. Missoula County lawsuit, and the Treasurer's Office bills incurred in moving the Hall mobile home to its original site pursuant to a court order. The Commissioners voted to pay the associated claims (copy attached to minutes) out of the insurance fund.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

OCTOBER 31, 1984

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

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated October 31, 1984, pages 1-29, with a grand total of \$163,207.20. 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 AGREEMENT

The Board of County Commissioners signed an Agreement for Energy Management Contracted Services, dated September 15, 1984, with the League of Cities and Towns' Local Government Energy Office for the purpose of providing on-site technical assistance services to local governments or school districts in Western Montana and to outline an energy management plan specific to each jurisdiction. This service is specifically designed to augment present on-site technical assistance which is being performed by the League's Conservation Technician, in accordance with the terms set forth in the Agreement for a total amount not to exceed \$4,000 for the period from September 15, 1984 until January 1, 1985. The Agreement was returned to the Local Government Energy Office.

Other matters considered included:

1. The Commissioners met with Ellen Leahy, Health Education Coordinator, and approved the one-year Highway Safety Grant in the amount of \$25,000;
2. Pearl Bruno, Director of the Area Agency on Aging, met with the Board and discussed the Fred Meyer Foundation grant; and
3. The Commissioners met with Jean Wilcox, Deputy County Attorney, and Planning Department Staff and discussed the Lakewood Estates matter.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

OCTOBER 31, 1984, CONTINUED

The Board of County Commissioners served as judges for the County Employees Halloween Costume Contest held at noon in the Courthouse rotunda area.

PUBLIC MEETING

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

✓ BID AWARD: MOTOR PATROL ROAD GRADERS (SURVEYOR)

Background for this item of business was provided by Surveyor Richard Colvill: Bids for two motor graders were opened October 29, 1984 with the following two bids received (bids were limited to either Caterpillar or John Deere equipment):

<u>BIDDER</u>	<u>MANUFACTURER</u>	<u>BID</u>	<u>LIFE CYCLE COST</u>
Long Machinery	Caterpillar	\$161,734.00	\$358,095.60
Davies, Inc.	John Deere	\$153,104.98	\$351,101.78

Commissioner Evans asked Deputy County Attorney Mike Sehestedt what latitude for overages of any given percent would be included in the contract for purchase of this machinery.

Mr. Sehestedt said that inclusion of such a provision would have no useful application, but that actual costs are expected not to exceed a bid by more than 25%.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bid be awarded to Davies, Inc., for a John Deere motor patrol, in the amount of \$153,104.98, in accordance with staff recommendation. The motion passed, 3-0.

PUBLIC MEETING, OCTOBER 31, 1984, CONT.

The Contract will be drawn up by Billie Blundell, Manager of Centralized Services, in consultation with Surveyor Richard H. Colvill.

✓✓ REQUEST FOR EXTENSION OF FINAL PLAT FILING DEADLINE - LAKEWOOD ESTATES, PHASE II B

Planning Director Kristina Ford said that the problems surrounding Lakewood Estates, Phase IIB, had not been resolved yet, and that the developers requested a 6-week extension of the plat filing deadline.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to grant a 6-week extension of the final plat filing deadline for Lakewood Estates, Phase IIB. The motion carried by a vote of 3-0.

✓✓ AGREEMENT TO CHANGE THE NAME OF THE MISSOULA PLANNING OFFICE TO MISSOULA OFFICE OF COMMUNITY DEVELOPMENT

Planning Director Kristina Ford reported that the Missoula Planning Board had voted unanimously to change the name of the Planning Office to the Missoula Office of Community Development, and approval had been received from the Judicial Review Committee. Ms. Ford agreed that the change was a good idea because the name "Planning Office" doesn't accurately reflect what the office does: there are only 2½ FTE's who do planning, while the rest of the staff serves regulatory functions (such as the building inspector).

Barbara Evans moved, and Ann Mary Dussault seconded the motion, to approve changing the name of the Missoula Planning Office to the Missoula Office of Community Development. The motion carried by a vote of 3-0. The Board signed an amendment to the Interlocal Agreement on Planning effecting the name change.

PUBLIC COMMENT

A Mr. Thompson requested information about Industrial Development Revenue Bonds, and he was referred to Michael Sehestedt for a copy of the IDRB Policy.

Since there was no further business, the meeting was adjourned at 1:50 p.m.

* * * * *

NOVEMBER 1, 1984

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Walter Sularz as principal for warrant #7706, dated October 9, 1984, on the Missoula County Clerk of Court Jurors Fund in the amount of \$74.00, now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting, held in the forenoon, the following items were signed:

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for Payroll Period #22, dated 10/7/84-10/20/84, with a grand total for all funds of \$324,951.89. The transmittal sheet was returned to the Auditor's Office.

RESOLUTION No. 84-134

The Board of County Commissioners signed Resolution No. 84-134, a resolution declaring Thursday, November 15, 1984 as the "Great American Smoke-Out" day in Missoula County, with Commissioner Dussault serving as the honorary chairperson of the Great American Smoke-Out Day.

Other matters considered included:

The Board of County Commissioners voted to approve the dual plat of Lakewood Estates, Phase IIB, subject to the following conditions:

1. The new construction, alterations and substantial improvements of residential structures must be constructed on suitable fill such that the lowest floor elevations (including basement) are two feet or more above the elevation of the flood of 100-year frequency. The suitable fill shall be at an elevation no lower than the elevation of the flood of 100-year frequency and shall extend for at least fifteen feet at that elevation beyond the structures in all directions.

The developer shall form, prior to filing of the final plat, a rural special improvement district to create monies to cover costs and expenses associated with repairs to the roadway known as Peninsula Place (located in Lakewood Estates, Phase IIB) resulting from flooding caused by the Bitterroot River. Such repairs should exclude normal resurfacing and reconstruction necessary as a result of normal deterioration of the road from the weather and elements. Such normal expenses and costs of repairs necessary for normal resurfacing and reconstruction shall be the responsibility of the County.

2. Floodplain permits shall be obtained to insure that all requirements of the Missoula County Floodplain Regulations shall be met concerning installation of utility transmission lines; storing of equipment and materials; domestic water supply; sanitation; floodproofing standards for electrical, plumbing and heating systems; and fill or excavation.
3. A site plan shall be submitted depicting building sites, as required by Missoula County Subdivision Regulations, Section III.A.2.
4. Driveway grades shall not exceed 12%, as required by Missoula County Subdivision Regulations.

Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

NOVEMBER 2, 1984

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

RESOLUTION 84-135

The Commissioners approved a resolution of the Seeley Lake Refuse Disposal Dist. Board of Directors, establishing a method for the payment of claims in regard to the Seeley Lake Refuse Disposal District.

day of vacation time.

Fern Hart

Fern Hart, Clerk & Recorder

Bob Palmer

Bob Palmer, Chairman, Board of County Commissioners

NOVEMBER 5, 1984

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 84-136

The Board of County Commissioners signed Resolution No. 84-136, a budget amendment for FY '85 for Energy Conservation, including the following expenditures and revenue, and adopting it as part of the FY '85 budget:

EXPENDITURE:

1000-030-480401-111	\$ 4,554.65
-141	856.14
-206	600.00
-307	200.00
-311	100.00
-315	200.00
-321	200.00
-322	200.00
-326	14,133.73
-361	616.63
Total:	\$21,688.44

REVENUE

BPA Energy Grant	
1000-030-331240	\$27,386.76

NOTE: Extra revenue to cover overexpenditure in FY '84.

RESOLUTION NO. 84-137

The Board of County Commissioners signed Resolution No. 84-137, a budget amendment in FY '85 for the Health Department (Drinking and Driving prevention Program), including the following expenditures and revenue and adopting it as part of the FY '85 budget:

DESCRIPTION OF EXPENDITURE	BUDGETED	AMENDED
447600 Drinking & Driving Prevention	\$33,109	\$38,105
-111 Perm. Salaries	15,345	16,413
-141 Fringe Benefits	3,227	3,227
-202 Audio Visual	100	350
-206 Office Supplies	-0-	25
-301 Postage	50	100
-307 Copy Costs	50	75
-311 Printing Litho	25	2,175
-321 Long Distance Phone	50	100
-326 Co. Atty. Chgbk.	11,440	10,530
-328 Contracted Services	2,697	4,985
-357 Meals, Lodging, Incidental	25	25
-358 Mileage - Co. Vehicle	100	100

DESCRIPTION OF REVENUE	BUDGETED	AMENDED
Montana Highway Traffic Safety Division Highway Safety Project No. 408-84-12-01 Missoula DUI Task Force	\$33,109	\$38,105

✓✓ RESOLUTION NO. 84-138

The Board of County Commissioners signed Resolution No. 84-138, a resolution accepting warranty deed of property for County road right-of-way from Grant Creek Associates, predecessors in interest to the developers of Gleneagle, who are dedicating certain land identified in Certificate of Survey No. 2941, Missoula County, for public road right-of-way to provide public access from Grant Creek Road, a County road, to the Gleneagle Addition, which is part of the approved plan and contemplated development for Gleneagle Subdivision.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY '85 budget:

1. No. 850007, a request from the Fair to transfer \$5,000.00 from the gas and diesel account to the vehicle repairs account to more accurately reflect expenditures;
2. No. 850008, a request from the Health Dept. to transfer \$3,581.00 from the Rent (\$2,580.00) and the WIC Grant '85 (\$1,001.00) to the Rent-Hamilton Program (\$2,580.00) and CDC Grant (WIC) (\$1,001.00) accounts as the rent is funded by Ravalli County and expenditures should not be listed as WIC Grant expenditures;
3. No. 850009, a request from the Health Dept., to transfer \$1,187.00 from the WIC Grant '85 (\$650.00) and Permanent Salaries - WIC (\$537.00) Accounts to the Head Start (\$650.00) and Permanent Salaries - Head Start (\$537.00) Accounts as the Head Start revenue was incorrectly included with WIC State Grant Revenue and there must be separate codes;
4. No. 850010, a request from the Health Dept. to transfer \$174.00 from the Fringe-WIC Account to the Fringe-CDC (WIC) Account as the salaries need to be separate as per grant requirements; and

NOVEMBER 5, CONTINUED

5. No. 850011, a request from the Health Department to transfer \$940.00 from the Fringe-WIC (\$113.00) and Permanent Salaries-WIC (\$827.00) accounts to the Fringe-Head Start (\$113.00) and Permanent Salaries CDC (WIC) (\$827.00) accounts as these salaries must be coded separately.

Other matters considered included:

The Commissioners met with Sam Yewusiak, Fair Manager, and discussed convention issues.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

NOVEMBER 6, 1984

The Courthouse was closed for the Election Day holiday.

NOVEMBER 7, 1984

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

PUBLIC MEETING

The Meeting was called to order by Chairman Bob Palmer at 1:35 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

✓✓✓ CONSIDERATION OF: ORCHARD COURT ADDITION - FINAL PLAT

Background information for this item was provided by Barbara Martens of the Planning Office: On August 22, 1984, the County Commissioners approved the preliminary plat of Orchard Court Addition, subject to five conditions. The proposed subdivision would create fourteen lots for the existing single-family dwellings, originally constructed as rental units. The parcel is zoned C-RR3. The existing cul-de-sac, Orchard Court, is proposed to remain private. At the time of the Staff report, three of the conditions had been met, and since then the Planning Office has received a letter from the applicant saying that an RSID to pave Orchard Avenue had failed and the requisite statement regarding any future RSID for paving now appears on the plat. (The statement is as follows: "Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owner to any future RSID for paving of the off-site access road and may be used in lieu of their signatures on an RSID petition.")

The only remaining condition is that a fire hydrant shall be placed at the intersection of Orchard Court and Orchard Avenue.

Ann Mary Dussault asked what it really means to say that an RSID failed and that the above statement appears on the plat.

Barbara Martens responded that in case of another subdivision in that area and another RSID, everyone in this subdivision would automatically be counted as an affirmative vote. While the road will not be paved at this time, it eventually will be as the area is developed.

Gilbert Larson, of Stensatter, Druyvestein & Associates, said that they obtained thirteen signatures out of forty freeholders on Orchard Avenue, eleven of them through the subdivision and two outside the subdivision. Orchard Court, the cul-de-sac that serves the subdivision, is paved and approved.

Ms. Martens pointed out that Caras Drive in South Hills was paved in this manner, with a waiver followed by an RSID.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, to approve the final plat of Orchard Court Addition, subject to the condition that a fire hydrant shall be placed at the intersection of Orchard Court and Orchard Avenue. The motion passed by a 3-0 vote.

✓✓✓ CONSIDERATION OF: BAY MEADOWS ADDITION - FINAL PLAT

The Staff report was presented by Barbara Martens: The preliminary plat of Bay Meadows Addition was approved on June 22, 1983, subject to five conditions and the granting of a variance from the maximum cul-de-sac length. Bay Meadows, the first phase of a development encompassing 132 acres and consisting of 36 single-family lots 54.21 acres. This subdivision is zoned C-RR3, which permits a density of four units per acre. The plat is designed with easements and additional lot lines to allow subdivision to the smaller lots permitted by the zoning at some future date. This foresight will avoid the difficulties experienced in other parts of the County when attempting to further subdivide what was originally platted as a subdivision of large lots.

The Planning Staff recommends approval of this final plat subject to the following conditions, most of which address concerns expressed by Surveyor Dick Colvill:

1. That grading, drainage, erosion control and street plans be approved by the County Surveyor's Office. These plans have conditional approval by the County Surveyor. As some problems remain to be resolved to the satisfaction of the County Surveyor, the Planning Staff recommended that the condition remain as a condition of final plat approval.
2. That collector streets, including Northern Dancer, have a 28 foot width. The County Surveyor has also indicated that this condition has not been satisfied. While the street section detail shows Northern Dancer to have a greater width from shoulder to shoulder, the pavement width is shown as the same as other streets. The Planning Staff recommends that this remain as a condition of approval.
3. That the developer choose street names which are eleven or fewer letters so as to fit a standard sign, or the developer shall furnish the street signs. The developer will be providing the street signs. The Planning Staff recommends that this remain as a condition of final plat approval because the developer will have to provide some form of guarantee of their installation when the plat is filed.
4. That utility easements, where possible, be provided outside the street rights-of-way to minimize cutting the street. The developer's representative indicated that they plan to install utilities in the street rights-of-way, under the shoulder area rather than under the pavement. The County Surveyor indicated that unless the utilities are located on both sides of the pavement, that street cuts would still be necessary to extend service to lots across the street unless conduit is installed. Easements outside the right-of-way, where possible (such as along the northern border of this phase and along the BN right-of-way), or the installation of of conduit would avoid frequent pavement cuts,

PUBLIC MEETING, NOVEMBER 7, 1984, CONTINUED

which is a concern of the County Surveyor. The Planning Staff recommendation was that the condition remain until the issue could be resolved to the Surveyor's satisfaction; and

5. That the developer submit a master drainage plan for review and approval, and that this plan include provisions for disposing of the storm drainage or transporting it to the nearest natural water course (O'Keefe Creek). The County Surveyor has also addressed this condition in his letter. Until he is satisfied that the proper easements have been dedicated to transport storm runoff to O'Keefe Creek or otherwise dispose of it as a required condition of preliminary approval, the Planning Staff recommended that this remain a condition to be satisfied before filing the final plat.

Ann Mary Dussault moved, and Bob Palmer seconded the motion, to approve the final plat of Bay Meadows Addition, subject to the five conditions listed above. The motion passed by a vote of 3-0.

There being no further business, the meeting was adjourned at 1:40 p.m.

* * * * *

NOVEMBER 8, 1984

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated November 8, 1984, pages 1-26, with a grand total of \$213,896.83. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of Justice of the Peace W. P. Monger for collections and distributions for the month ending October 31, 1984.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following matters were considered:

BOARD APPOINTMENT

The Board of County Commissioners appointed James R. (Jim) McDonald to the Museum Board of Trustees to fill the unexpired term of Lud Browman, who resigned, through June 30, 1987.

The Commissioners met with Dennis Engelhard, Personnel Director, and discussed the merit program.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

LUNCHEON MEETING

The Board of County Commissioners attended a luncheon meeting with the Law Enforcement Policy Group at noon.

NOVEMBER 9, 1984

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

INDEMNITY BONDS

Chairman Palmer examined, approved and ordered filed the following indemnity bonds:

1. Naming Alison Reynolds as principal for warrant #02114, dated October 11, 1984, on the Bonner School District No. 14 fund, in the amount of \$382.40, now unable to be found; and
2. Naming M. J. Winship, M.D., as principal for warrant no. 117919, dated October 12, 1984, on the Missoula County Health Fund, in the amount of \$125.00, now unable to be found.


ELECTION CANVASS

Commissioners Palmer and Dussault participated in canvassing the General Election, which was held November 6, 1984, during most of the day. Commissioner Evans could not canvass as she was a candidate in the election.

MATHLETE AWARDS CEREMONY

Commissioner Evans took part on the "Mathlete" Awards Ceremony, which was held at Southgate Mall in the afternoon.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman

NOVEMBER 12, 1984

The Courthouse was closed for the Veteran's Day Holiday.

NOVEMBER 13, 1984

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

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of the Clerk of District Court Bonnie Henri, showing items of fees and other collections made for the month ending October 31, 1984.

NOVEMBER 13, 1984, CONT.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of Justice of the Peace Janet Stevens, for collections and distributions for the month ending October 31, 1984.

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 Payroll Period #23 (10/21/84-11/03/84) with a grand total for all funds of \$322,240.62. The transmittal sheet was returned to the Auditor's Office.

✓ BID AWARD

The following quotations were received for the telephone system in the County Extension Office, which was recently moved to 126 West Spruce:

- | | |
|------------------|------------|
| 1. AT&T | \$3,875.00 |
| 2. All Tell | \$4,997.00 |
| 3. Compath Natl. | \$6,230.60 |
| 4. Executech | \$4,947.00 |

Based on the recommendation of the Extension Department Staff, as per their review of meeting the needs of the office, availability of maintenance, hidden cost factors, reliability and references, the Board of County Commissioners voted 3-0 to award the bid to All-Tell, as per their quote of \$4,997.00.

RESOLUTION NO. 84-139

The Board of County Commissioners signed Resolution No. 84-139, a resolution appointing Susan Reed as Missoula County Auditor, effective until she is sworn in as the duly elected County Auditor in January, 1985.

Other matters considered included:

John Badgley of the RC&D met with the Commissioners regarding weed control.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

NOVEMBER 14, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was out of the office November 14th and 15th.

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Mark Harris as principal for warrant no. 100717, dated October 26, 1984, in the Missoula County Payroll Fund, in the amount of \$15.76, 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 a Nutritional Services Agreement between the Missoula City-County Health Department and Child Start, Inc., sponsor of the Head Start Program, for the purpose of providing nutritional services by a qualified nutritionist to the Head Start Program, as per the terms set forth in the Agreement, for a total of 45 hours (5 hours per month) from September 1, 1984 until May 31, 1985, for a total amount of \$675.00. The Agreement was returned to the Health Department for further handling.

✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Robert A. Martin, an independent contractor, who will perform temperature weather balloon releases to determine temperature and wind vector profiles of the atmosphere below approximately 10,000 ft., as this information is vital for the Health Department's air quality forecasting capabilities, for the period from December 1, 1984 through February 28, 1985, for a total payment not to exceed \$1,000.00. The contract was returned to the Health Department for further handling.

✓✓ RESOLUTION NO. 84-140

The Board of County Commissioners signed Resolution No. 84-140, a satisfaction of improvements agreement between Missoula County and Larry R. Kolb, Inc., the subdivider who has completed the construction and installation of all required improvements for Bitterroot Meadows, Phase I, as per the Improvements Agreement dated June 14, 1984.

✓ QUIT CLAIM DEED

The Board of County Commissioners signed a Quit Claim Deed from Missoula County to Leister Dean for the following described real estate in Missoula County:

That portion of the vacated alley through Block 6, University Addition lying immediately adjacent to Lots 9 and 10, Block 6, being ten feet (10') in width; said alley was vacated upon petition and by the order of the Missoula County Commissioners on January 4, 1930, as recorded in Commissioners' Journal Book N, Page 318.

Lots 9 and 10 are now being sold, and the deed completes the documentation of the reversion of half the alley to Lots 9 and 10, which is necessary to evidence title.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

NOVEMBER 14, 1984, CONT.

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Ann Mary Dussault was absent, as she was in Helena.

There were no regularly scheduled items on the agenda. The following items were brought up under "Other Business":

✓ EXTENSION OF GLENEAGLE FILING DEADLINE

Background information provided by Planner Mark Hubbell stated that the Gleneagle subdivision was approved by the Commissioners on July 25, 1984, and the filing deadline occurs on November 22, 1984. He said that the developers had requested a 120-day extension for the following reasons:

1. Final access road acceptance by the County Surveyor's Office is pending;
2. The plat must be sent to the original surveyor in Helena for signature;
3. The plat must be sent to the owners in Phoenix when it comes back from Helena; and
4. The plat will then have to be reviewed and approved by all County agencies that must sign off on it.

Barbara Evans moved, and Bob Palmer seconded the motion, that a 120-day plat filing extension be granted for the filing of the plat for Gleneagle Subdivision. The motion carried by a vote of 2-0.

✓ TROUTWINE RENTAL SUBDIVISION

Under consideration was approval of the request by Marvin Troutwine to place a second mobile home on Lot 22, Plat K, located in West Riverside, subject to the condition in the staff report.

Planner Mark Hubbell gave the staff report, stating that Mr. Troutwine had applied for a zoning compliance permit to move a second mobile home onto a single parcel of land in West Riverside. Pursuant to the opinion of the Attorney General, his application is being reviewed for compliance with Subdivision Regulations. Individual septic systems are proposed and an existing public water system will be used. The general location of the property is off Zaugg Drive in West Riverside. A variance from the paving requirement had been requested.

The Planning Staff recommended that the applicant's request be approved subject to the following conditions:

1. That both units use the same access, with easements being filed for Lot 22, providing a thirty-foot easement with a temporary turnaround having a fifty-foot radius.

The Planning Staff also recommended that the Commissioners grant a variance from the requirements that private roads be paved. The reason for granting this variance is that the road serves only two units at this time and because Zaugg Drive, the County access road to the rental subdivision, is unpaved.

In addition, the Planning Staff recommended that the subdivision be declared to be in the public interest as outlined below:

1. Need - The Missoula Comprehensive Plan designated the area for general commercial use. The parcel lies adjacent to land designated for urban single-family use, and has been determined to be in substantial compliance with the Comprehensive Plan.
2. Expressed Public Opinion - While no public hearing is required by the Subdivision Regulations when five or fewer units are proposed, the property has been posted and the proposal advertised in the Missoulian as part of the Comprehensive Plan review process. No comment was received at that time.
3. Effects on Agriculture - The parcel is not in agricultural use at this time.
4. Effects on Local Services - This subdivision is located in the urban area; thus, the residents will have access to the services generally available throughout the community.
5. Effects on Taxation - Tax receipts should increase with the addition of a second unit.
6. Effects on the Natural Environment - No impact is expected.
7. Effects on Wildlife and Wildlife Habitat - No additional impact on wildlife and wildlife habitat is expected to result from this development.
8. Effects on Public Health and Safety - A septic tank and drainfield is planned and an existing public water system will be used. The property is in the Missoula Rural Fire District service area. Health and emergency services are available in Missoula.

Barbara Evans moved, and Bob Palmer seconded the motion, that the Troutwine Rental Subdivision be approved subject to the conditions, variance and findings of fact listed in the staff report. The motion passed, 2-0.

Since there was no further business to come before the Commissioners, the meeting was adjourned at 3:00 p.m.

* * * * *

NOVEMBER 15, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Palmer was in Helena where he attended an Urban Coalition Meeting.

DINNER MEETING

Commissioner Dussault attended a DNRC (Board of Natural Resources) Dinner Meeting in Helena in the evening.

NOVEMBER 16, 1984

The Board of County Commissioners did not meet in regular session; Commissioner Palmer attended a meeting of local elected government officials regarding legislative proposals in Helena during the day, and Commissioner

NOVEMBER 16, 1984, CONT.

Dussault was in Helena attending a DNRC (Board of Natural Resources) meeting.

Fern Hart
Fern Hart, Clerk & Recorder

Bob Palmer
Bob Palmer, Chairman

NOVEMBER 19, 1984

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

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List dated November 15, 1984, pages 1-27, with a grand total of \$98,226.65. 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:

✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Dan Jordt, an independent contractor, for the purpose of providing expertise in computer programming, software researching and hardware troubleshooting for Environmental Health Division personnel and contractors, for the period from October 15, 1984, through June 30, 1985 (an average of 20 hours per week), for a total amount not to exceed \$5,220.00. The contract was returned to the Health Department for further handling.

✓✓ CERTIFICATE OF ACCEPTANCE

Chairman Palmer signed a Certification of Acceptance for County Maintenance for Frey Lane, which is a paved road constructed under RSID No. 407, in Clark Fork Estates, Phase I, and located off Mullan Road near the cemetery. The Certificate was returned to the Surveyor's Office.

✓ BOARD APPOINTMENT

The Board of County Commissioners appointed Jeff Macon of Seeley Lake to a three-year term on the Missoula Planning Board. His term will expire October 31, 1987.

EXTENSION LETTER

The Board of County Commissioners signed a letter dated November 15, 1984, to Ken Knie of Watson & Associates, Inc., granting a 120-day extension for the plat filing deadline for the Gleneagle Subdivision from November 22, 1984, which is the expiration date.

Other matters considered included:

1. Dusty Deschamps, County Attorney, and Dennis Engelhard, Personnel Officer, met with the Commissioners regarding personnel matters; and
2. The Catrina Subdivision (Lloyd Twite's development) was discussed by the Board.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

NOVEMBER 20, 1984

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. 84-141

The Board of County Commissioners signed Resolution No. 84-141, a Budget Amendment for FY '85 for the Energy Department, including the following decreases in expenditure and revenue (as per memo attached to the resolution) and adopting it as part of the FY '85 budget:

<u>Description of Expenditure (Decrease)</u>	<u>Budget</u>
Energy Balances 1000-030-480400-111	(\$4,554.65)
<u>Description of Revenue (Decrease)</u>	<u>Revenue</u>
City Contribution 1000-030-337045	(\$3,844.00)

A memo of explanation from Budget Officer Dan Cox stated that original revenue from the City was loaded into the budget \$2,000 too high. With the arrival of the grant, the budget was amended (84-136), and this decreased the City contribution by \$1,849: hence the revenue decrease of \$3,849.

He said that amendment 84-136 increased salaries by \$4,554.65 in the activity of the Energy Grant, but failed to decrease regular salaries of the Energy Coordinator's Department by a like amount.

Other matters considered included:

1. Jean Wilcox, Deputy County Attorney, and John DeVore, Operations Officer, met with the Commissioners and discussed the Lincoln Hills sewer problem.

NOVEMBER 20, 1984, CONT.

2. The Bellevue Walkway was discussed with Jean Wilcox, Deputy County Attorney;
3. The Commissioners discussed "Holiday Leave" policy for employees;
4. Dan Kemmis met with the Board regarding the "Build Montana" program; and
5. Dick Colvill, County Surveyor, met with the Commissioners regarding the striping of crosswalks at the Mount Jumbo School in East Missoula.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

NOVEMBER 21, 1984

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 November 21, 1984, pages 1-35, with a grand total of \$123,441.43. The Audit List was returned to the Accounting Department.

CANVASS OF ABSENTEE BALLOTS

In the forenoon, Commissioners Dussault and Palmer participated in the Canvass of Absentee Ballots for the General Election of November 6, 1984.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following item was signed:

✓ PLAT

The Board of County Commissioners signed the Plat for Catrina Addition, a resubdivision of Lots 13 (portion) and 14 of Curtis Majors Addition, Block 19 of Riverside Addition, and portions of vacated Johnson Street, located in the N½ of Section 20, T13N, R19W, P.M.M., Missoula County, the owners/developers of record being Lloyd A. and Mary C. Twite.

Other matters considered included:

1. Insurance for the recently purchased dog for the Sheriff's Department was discussed. Dan Cox, Budget Officer, will check on the insurance, and the Commissioners voted unanimously to authorize payment of \$117.50 for insurance, contingent upon the investigation into the matter by the Insurance Officer.
2. An option for purchase or trade card at the "Y" was discussed. No action was taken; and
3. Jim Dopp, Records Manager, and Sam Yewusiak, Fair Manager, met with the Commissioners regarding Fair property.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Chairman Bob Palmer called the Public Meeting to order at 1:30 p.m. in Room 201 of the Missoula County Courthouse Annex. Also present were Commissioners Barbara Evans and Ann Mary Dussault; Clerk and Recorder Fern Hart; Deputy County Attorney Michael W. Sehestedt and Missoula County Executive Officer Howard Schwartz.

✓ HEARING: SECOND PUBLIC HEARING ON PROPOSED ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR WASHINGTON CORPORATIONS

Under consideration was Washington Corporations' request for up to \$3 million in Missoula County Industrial Development Revenue Bonds. The proceeds from these bonds are intended as part of a financing package to relocate Washington Corporations' headquarters from its present location at 500 Taylor Street to a Reserve Street location.

Deputy County Attorney Michael W. Sehestedt summarized the background of this request, stating that in March 23, 1983, a hearing was held on a request from Washington Corporations for not to exceed \$3 million in Missoula County Industrial Development Revenue Bonds. He stated that the purpose was to expand the Modern Machinery Sales and Service facility to provide a central service facility for all of Washington Corporations' heavy equipment and, in addition, to add some corporate office space.

Michael Sehestedt stated that due to unfavorable conditions in the bond market, the bond issuance, although approved by the Board of County Commissioners as in the public interest, didn't go forward. He stated that the bond market has improved, and Washington Corporations wished to proceed to close the financing.

He stated that the reason for having a second hearing was that, in the opinion of bond counsel, the Tax Equity & Reform Act, among its provisions, requires a hearing no more than one year prior to the issuance of the bonds. He stated that this was a follow-up hearing on whether or not the bonds are in the public interest, as required by the Tax Equity & Reform Act. He said that under state law we would still have a good and valid inducement resolution.

Bob Palmer then opened the public comment portion of the hearing, asking that proponents of the issuance of up to \$3 million in Missoula County Industrial Development Revenue Bonds to Washington Corporations speak first. The following person spoke:

1. John Thiebes, General Counsel for Washington Corporations, stated that the proposal had already been presented at the previous hearing. He stated that Washington Corporations had gone ahead with construction and that they were probably about two-thirds of the way through with the buildings, and that it looked like completion would be approximately April or May of 1985. He stated that they were present mainly for questions if there were questions and that the plan was essentially the same as had been submitted previously. He said that they were just a little behind schedule.

Commissioner Barbara Evans asked what the estimated date of completion was.

Mr. Thiebes replied that probably around April or May if the weather was good.

PUBLIC MEETING, NOVEMBER 21, 1984, CONT.

County Executive Officer Howard Schwartz then stated that when we went through this the first time there had been a whole series of questions that the Commissioners had asked, and those had been resolved, predicated on the designs that were submitted at the time. He said that his question was whether construction was based exactly on those designs.

Mr. Thiebes replied, "Essentially, yes." He said that all of the energy conservation, landscaping and those sorts of things were identical. He said that there had been a few little aesthetic changes, but that the substance hadn't changed at all.

He continued by saying that he and Michael Sehestedt had reviewed a document, an agreement, to those sorts of things. He said that as soon as it had been put into its final form they would execute it.

There were no other proponents.

Chairman Palmer asked if anyone wished to speak in opposition to the issuance of these IDRB's. No one came forward to testify in opposition. Bob Palmer then closed the public comment portion of the hearing.

Deputy county Attorney Michael Sehestedt stated for the record that in terms of the agreement mentioned by Howard Schwartz, they had had Ralph Kirscher and Terry Cromwell, attorneys representing Washington Corporations at that time, iron out an agreement, and when the whole question of bond financing went on hold, the draft just sat there. He said that he had produced an updated version, and would have it to the Commissioners for signature, probably the first part of the following week.

Commissioner Barbara Evans moved that the Board authorize the issuance of the Industrial Development Revenue Bonds for Washington Corporations, based on the previous hearing, and subject to the agreement that Michael Sehestedt had just mentioned.

Michael Sehestedt suggested as a point of procedure that the Board make an additional finding that the issuance of the bonds was in the public interest. He stated that the purpose of this hearing was to find the bond issuance in the public interest and to authorize appropriate County officials to take the steps necessary to effectuate the issuance of the bonds.

Commissioner Barbara Evans then amended her motion to read that the Missoula Board of County Commissioners found the issuance of Industrial Development Revenue Bonds in an amount not to exceed \$3 million to Washington Corporations for the purposes stated above to be in the public interest, and authorized appropriate County officials to take the steps necessary to effectuate the issuance of the bonds.

Howard Schwartz then asked whether, if the motion read that the approval were based on the previous hearing, there would be any problem from a legal point of view, or should the issuance be based on this hearing rather than the previous hearing.

Michael Sehestedt stated that he would have read Barbara Evans' motion as incorporating the materials of the previous hearing.

Bob Palmer stated that he had a procedural question as well. He stated that at previous IDR Bond hearings, only a certain percentage of the proceeds could be spent up front.

Deputy County Attorney Mike Sehestedt stated that the bonds had been originally induced and the expenditures had been incurred following the original inducement.

At this point, Commissioner Ann Mary Dussault seconded the amended motion which had been made by Barbara Evans, as stated above. The motion carried by a vote of 3-0.

✓ BID AWARD

Under consideration was the award of a contract for two ½-ton pickup trucks. Information provided by County Surveyor Richard Colvill stated that bids for two pickup trucks were opened November 19, 1984, with the following bids having been received:

<u>BIDDER</u>	<u>MANUFACTURER</u>	<u>TOTAL COST</u>	<u>TOTAL LIFE-CYCLE COST</u>
Bitterroot Motors	Ford	\$15,738.00	\$22,564.88
DeMarios Olds-GMC	GMC	16,166.00	22,834.25
Grizzly Auto	Dodge	18,141.50	25,891.00

In addition, Mr. Colvill stated that the Surveyor's Office budget included \$35,000 for pickup trucks, with a third, larger, pickup out for bids.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the bid for two ½-ton 4X2 pickup trucks be awarded to Bitterroot Motors, with a total cost of \$15,738.00. The motion passed by a vote of 3-0.

PROCLAMATION: HOME HEALTH WEEK

The Commissioners then signed a proclamation declaring the week of November 25 through December 1 Home Care Week, this approval having been moved by Barbara Evans, seconded by Ann Mary Dussault, and passed by a vote of 3-0.

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

NOVEMBER 22, 1984

* * * * *

The Courthouse was closed for Thanksgiving Day.

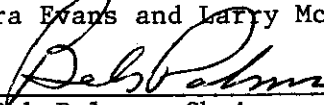
NOVEMBER 23, 1984

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.

ELECTION RECOUNT

Commissioners Palmer and Dussault participated in the recount of ballots from the November 6, 1984, General Election, for the County Commissioners' race between Barbara Evans and Larry McLatchy.


Fern Hart, Clerk & Recorder


Bob Palmer, Chairman

NOVEMBER 26, 1984

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 Payroll Period #24 (11/4/84-11/17/84), with a grand total for all funds of \$330,560.86. The Transmittal Sheet was returned to the Auditor's Office.

✓ AGREEMENT

The Board of County Commissioners signed a Collective Bargaining Agreement between the United Food and Commercial Workers International Local 1981 and the Missoula City-County Library covering the period from July 1, 1984, through June 30, 1986, as per the terms set forth. The Agreement was returned to Dennis Engelhard, Personnel Officer, for further handling.

✓ ✓ AGREEMENT

The Board of County Commissioners signed an Agreement to Provide Sewer Service between Missoula County (owner) and Gary R. and Judy Peterson (homeowners) whereby the owner agrees to provide sanitary sewer service for one single-family house on Lot 2, Block 2, Woodland Heights No. 1. Said service shall be provided by making available the sanitary sewer facilities constructed under R.S.I.D. No. 276 and shall be provided in the same manner as that given to every other property assessed under R.S.I.D. No. 276, as per the terms set forth in the Agreement.

✓ LEASE AMENDMENT

The Board of County Commissioners signed an Amendment to a Lease, dated September 22, 1981, between Missoula County and Richard Cochran, of the Missoula Batting Cages, modifying the Lease, effective October 1, 1984, whereby the rent shall be \$1,320.00 per annum, or monthly payments of \$220.00 shall be made the first day of the months of April through September, with all other provisions of the lease remaining the same.

Other matters considered included:

1. Dennis Engelhard, Personnel Officer, met with the Board regarding MACo insurance;
2. Karen Hansen of Plains met with the Commissioners regarding taxes paid in error by her deceased mother, Margaret Lange, who was a resident of Missoula County. Deputy County Attorney Mike Sehestedt will draft a resolution whereby the County will issue a refund to the personal representative, Karen Hansen; and
3. The Commissioners voted unanimously to authorize up to \$2,500, with a match by two other local units of government, for economic development, the "Build Montana" proposal.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

NOVEMBER 27, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Helena attending a Job Training Coordinating Council Meeting.

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List, dated November 27, 1984, pages 1-35, with a grand total of \$960,716.79. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were signed:

✓ PLAT

The Board of County Commissioners signed the plat for Gustafson Addition, a resubdivision of Massey McCullough Acres, and Tract 7, located in the NE $\frac{1}{4}$ of Section 12, T12N, R20W, P.M.M., the owners/developers of record being Clifford W. and Annette D. Gustafson.

✓ CONTRACTS

The Board of County Commissioners signed Contracts between the Missoula Home Health Agency and the Seeley-Ovando-Swan Health Center and the Mineral County Health Department for the provision of professional nursing services by a qualified registered nurse as per the terms set forth in the contracts for the period from October 1, 1984 through September 30, 1985 at a total cost not to exceed \$10,000.00 per contract over a twelve-month period. The contracts were returned to the Health Department for further handling.

RESOLUTION NO. 84-142

The Board of County Commissioners signed Resolution No. 84-142, a Budget Amendment for FY '85 for the Health Department for the purpose of transferring the Junk Vehicle account in order to provide a clear audit trail and enable the Treasurer to figure a separate cash balance, including \$65,538.00 in expenditures and the same amount as revenue, as per the attachment to the Resolution, and adopting it as part of the FY '85 Budget.

RESOLUTION NO. 84-143

The Board of County Commissioners signed Resolution No. 84-143, a Budget Amendment for FY '85 for the Health Department establishing a separate fund for the Junk Vehicle account in order to provide a clear audit trail and enable the Treasurer to figure a separate cash balance, including \$65,538.00 in expenditures and the same amount as revenue, as per the attachment to the Resolution, and adopting it as part of the FY '85 budget.

NOVEMBER 27, 1984, CONTINUED

Other matters included:

- ✓ 1. Gail Bromenshenk, Chairman of the Library Board met with the Commissioners regarding the Library Director search and requested \$3,000.00 maximum to pay for recruitment costs. Staff people will look into this and recommend a Budget Amendment; and
- ✓ 2. The Commissioners voted unanimously to authorize a transfer of \$15,000.00 General Revenue Sharing Funds to Larchmont Golf Course.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

NOVEMBER 28, 1984

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

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Alison Reynolds as principal for warrant no. 2114, dated October 11, 1984, on the Bonner School District No. 14 General Fund in the amount of \$382.40 now unable to be found.

✓ WELFARE ADVISORY BOARD

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

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following item was considered:

Barbara Rudio, Acting Library Director, met with the Commissioners and discussed the Library roof problem.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

PUBLIC MEETING

Chairman Bob Palmer called the meeting to order at 1:30 p.m. Also present were Commissioners Barbara Evans and Ann Mary Dussault.

✓ HEARING: PETITION TO ABANDON COUNTY ROAD (OLD GRANT CREEK ROAD)

Under consideration was a petition to abandon Old Grant Creek Road from the intersection of Old Grant Creek Road and Dark Horse Road to the intersection of the Old Grant Creek Road and the new Grant Creek Road.

Background information provided by Kathi J. Doerr Mitchell, Recording Division Manager, stated that the owners whose property abuts Old Grant Creek Road wanted to have the road vacated for the eleven reasons listed below:

1. The abandonment will eliminate a hazardous intersection created by Old Grant Creek Road and Dark Horse Road which presently is unsafe because of users of the road not obeying the stop signs presently located there;
2. The abandonment will reduce dust and air pollution to persons living at the Grant Creek Ranch headquarters;
3. It would remove traffic from non-paved roads, improving air quality in the Grant Creek drainage;
4. It would increase safety at the intersection of the Old and New Grant Creek Roads;
5. It would increase safety at the north intersection of Grantland Thirteen (Parkwood) and New Grant Creek Road;
6. It would reduce vandalism to the property owners living on the west side of Grant Creek.
7. It would increase the volume of traffic on the New Grant Creek Road, which is a wider and better constructed road and can handle vehicular traffic more easily than Old Grant Creek Road;
8. It would reduce County road maintenance;
9. It would improve and enhance the general integrity of the Grantland PUD area;
10. It would improve and enhance the agricultural operation of ranch operators by minimizing unauthorized persons on the general ranch area; and
11. It would improve the wildlife habitat by reducing animal/human interaction on the west side of Grant Creek.

Ms. Mitchell stated that title to the property adjacent to Old Grant Creek Road is vested in the following companies:

1. Grant Creek Ranch Assoc., Ltd.
2. Grant Creek Ranch Trust

She stated that Jack Green II had signed as a partner for the Grant creek Ranch Association, Ltd., but that no one had signed for the Grant Creek Ranch Trust. In addition, the following persons who might be affected by the vacation had been notified about the hearing:

Ralph Kirscher
Green, MacDonald and Kirscher
Attorneys-at-Law
619 S.W. Higgins, Suite R
Missoula, MT 59803

Grant Creek Ranch Assoc., Ltd. and
Grant Creek Ranch Trust
P.O. Box 9410
Missoula, MT 59807

Missoula Rural Fire District
2521 South Avenue West
Missoula, MT 59801

NOVEMBER 28, 1984, PUBLIC MEETING, CONT.:

Hellgate School District
2385 Flynn Lane
Missoula, MT 59801
Attn: Superintendent
(on the chance that it is a bus route)

Barbara Karmel
P.O. Box 1548
Lake Oswego, Oregon 97034

Missoula County High Schools
915 South Avenue West
Missoula, MT 59801

At this point, Chairman Bob Palmer asked Ralph Kirscher, representing the freeholders who had submitted a petition to abandon a portion of Old Grant Creek Road, if he had a statement.

Mr. Kirscher stated that, given the tremendous amount of interest that had been expressed to them through their office and from other people involved, they were at this time asking that the petition be continued without date. He said that the matter would then be set for public hearing again, should it be pursued. He said that it appeared at this time that the freeholders who were interested in having the road abandoned had reconsidered, and that at this point they were interested in holding off until further notice.

Bob Palmer asked him if he would get back in touch with the County, and Mr. Kirscher said that as things developed, if anything developed, they would be back in touch with the Commissioners' Office and ask that it be set again for public hearing.

Deputy County Attorney Michael Sehestedt said, considering that this is a public hearing with certain notice and posting requirements, a motion to continue the hearing without date should include a provision that, should the matter be pursued, notice by publication and mail should be given again.

Commissioner Ann Mary Dussault said that it also seemed to her that a time limit should be set. She said that if after a certain amount of time, i.e. six months, the Commissioners had not heard anything further on the request, then the matter would be permanently closed, and the process would have to be started over.

Ralph Kirscher said that the six month period would be fine with them, and if nothing occurred after six months, they would resubmit the petition by the freeholders again.

Mike Sehestedt stated that that would be with the understanding that if, for some reason, this is called up again for a hearing, it would be posted and noticed.

Commissioner Barbara Evans said that her only concern was that if there were anyone here who wanted to speak on the issue, she would hate to have them not have the opportunity to speak, since the hearing had been noticed.

Ann Mary Dussault said that she did not have any objections, but she thought that the feeling of the Board was that, in fact, they would not take any action, at the request of Mr. Kirscher, so if people wanted to speak, there was really nothing to speak about.

Bob Palmer asked if there were anyone in the audience who had come to speak to this issue. One man raised his hand, and Bob Palmer asked him if he were comfortable with what they had done to this point, and he replied that that was fine.

Bob Palmer said that there really did not seem to be much to be said since they did not have any issue yet, and the man in the audience agreed.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the hearing be postponed without date, with the condition that if the matter is brought up again within six months it will be posted and legally noticed and if the matter is considered after six months, the process will begin all over again with a new petition. The motion passed by a vote of 3-0.

CONSIDERATION OF AND DECISION ON: SO₂ (SULFUR DIOXIDE) REGULATIONS

Bob Palmer began by pointing out a headline in the Missoulian which stated that the Commissioners had okayed the woodburning regulations and stated that the headline was wrong because the Commissioners had not okayed them at that point. He said that an informational briefing with Health Department staff members had been held the previous day, but that the Commissioners had not made a decision at that point.

Ann Mary Dussault said that she had a call in to Tom Brown, publisher of the Missoulian asking for a retraction of the headline because it was totally, absolutely false.

Bob Palmer said that the purpose of the public hearing was to take testimony on the proposed regulations.

Jim Carlson, Environmental Health Specialist, then stated that the Commissioners had received a packet for their approval, with a draft resolution, indicating that the Air Pollution Control Board had held a public hearing on the proposed amendments to the Missoula City-County Air Pollution Control Program on August 26, 1982 and on September 20, 1983, and had approved and passed these amendments on September 29, 1983 at a public meeting, with the amendments being subsequently approved by the Air Quality Bureau of the State Department of Health and Environmental Sciences on October 25, 1983.

Mr. Carlson said that during the year following the approval by the DHES, at the request of local business people, the Health Department had developed an administrative policy that institutes these rules, particularly dealing with the retention of sulfur within fuels as a result of naturally-occurring calcium content. He said that the policy was attached to the rules in the Commissioners' packets. He said that the local businessman involved had found that satisfactory, and that the Health Department felt that the interpretation of the regulation of sulfur fuel content was adequate to protect the airshed to the level of the .3 pounds of sulfur per million BTU standard, and he requested that the Board approve the regulations as submitted.

Bob Palmer then opened the hearing to public comment, asking that proponents speak first.

The following person spoke:

1. R. B. Lewis, representing Westside Coal, the local distributor of coal, stated that, to start with, they supported the regulation, for two reasons. He said that it was a tough regulation to meet, but they believed that that was the way it should be. He said that it would ensure that when coal is burned in this airshed it would be burned cleanly, and according to the regulations. He said that there would be no coal burned in stoves in this airshed, and there would be no lump coal sold in this airshed, and the coal that is sold will meet this regulation. He said that this regulation was also good in that it would ensure that anyone who went into the coal business in this County, or in this airshed, would develop the necessary sophistication and the necessary scientific skills to engage in the business. He said that the whole process had been a great learning process for his business, and he was sure that it had been for the Health Department, too, and stated that they had all learned a lot. He said that he thought that they could all benefit from this regulation, and that they supported it.

PUBLIC MEETING, NOVEMBER 28, 1984, CONT.

2. Carol Meyer, a member of the Citizens Advisory Council to the Air Pollution Control Board said that she was present as a spokesperson for the Citizens Advisory Council. She said that they had worked long and hard with the Health Department on this problem, and she thought that this was one way to solve a problem before it began to exist in Missoula, so they were definitely in favor of this regulation.

There were no other proponents present to testify. The following people spoke in opposition.

1. A Mr. Perry said that people should go out to Cold Springs early in the morning and they could tell that most of the smoke was coming from the cars. He said that all the cars put Hoerner Waldorff to shame. He said that if coal was bothering everyone now, how about five years ago when there was coal, five teepee burners by the Fiargrounds, and one down on the flat.

2. Walt Taylor commented on Mr. Lewis's testimony, stating that a person selling coal would not just have to have expertise but laboratory testing equipment in order to test coal in order to ensure whoever was in charge that it conforms. He said that it seemed to him that this was putting a pretty heavy load on someone who burns coal. He asked if there were a facility in the County whereby if a person wanted to burn coal they could come to the County and test it to see whether his coal fulfilled the requirements or not.

Jim Carlson said that there were a couple of laboratories in Billings, but not in Missoula because not much coal was used in Missoula.

Mr. Taylor said that he felt that an unfair burden was being put on the coal burner to see that his product qualifies.

Ann Mary Dussault informed Mr. Taylor that, just for clarification if he's read the regulations, the burden does not fall on the person who purchases the coal, but on the person who sells the coal. She said that Mr. Lewis, who he was referring to, was one of the people in Missoula who sells coal, and he had spoken in favor of the regulations.

Walt Taylor said that he supposed that would be all right, but said suppose there were a bank outside the County and he went to get coal and wanted to burn it, he'd be facing the same problem.

Mr. Lewis responded to some of the fears expressed by the previous two speakers. He said that this regulation did not place the burden on the customer, but rather on the person who sells the fuel, as it should be. He said that the laboratories who test the coal do it day after day. They do it for the federal government, for the Bureau of Mines, for the large coal suppliers and this information is accurate, as accurate as is presently possible, and this regulation is the toughest regulation on coal which had been passed in the entire United States, at least as far as he knew. He said that the purpose, to start with, was to ban coal, but that they had all learned since that coal can be burned if it is done properly. He said that one gentleman was worried about burning coal in his stove, but said that, to start with, they did not really need to worry about that. He said that it was not possible to burn coal in a wood stove because it flat wouldn't burn, unless you had lump coal, which would burn in a wood stove. Lump coal burned poorly and was highly polluting, he said, and it would not be sold here, so no one would be burning coal in a stove. There is no lump coal presently being sold here, and it wouldn't be in the future, he said, at least as far as he was concerned. He said that the purpose of this regulation was to prevent a problem from occurring in regard to coal that has already occurred with wood. He said that if this regulation were passed, the worries about coal pollution in this airshed will be over.

There were no other people wishing to speak in opposition.

Barbara Evans then said that she had been quoted in the Missoulian that morning as having said that she never, ever, wanted to see coal burned in this valley again, and that was not exactly what she had said. The intent of what she said was adequately reported, but not exactly what she said. She said that she never again wanted to see the air in Missoula the way it was when she was a child. She said that she used to live over near the roundhouse, and she could remember the dark, greasy film on their windows, and she could still conjure up the smell in her mind that that had put into this valley, and she never wanted to see that again. She said that it was very important, however, for people to understand that when this was first discussed last year, Mr. Lewis had come to the Commissioners and had expressed concerns that they had felt were legitimate concerns, and that he had worked with the Health Department, and together they had come up with this proposal, and she felt it was excellent that they were able to do that, because that meant that he would not be put out of business and the people who were presently using that fuel still had access to it, but it was a clean enough burning fuel that it would not pollute the air, and it would never again get to the way it was when she was a child. For that reason, she said that she intended to support the regulations. She said that she felt that all concerned had made a very good effort to come to a conclusion that is good for everyone.

Mr. Lewis stated that the Missoulian had misquoted him many times. He said that it would be well for the Missoulian to be a bit more careful about what they wrote.

Bob Palmer said that he might second that.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the resolution amending the Missoula City-County Air Pollution Control Program, specifically the restriction of sulfur dioxide emissions be approved. The motion passed by a vote of 2-0.

HEARING: NEW AIR REGULATIONS FOR CERTIFICATION OF WOOD STOVES

Bob Palmer stated that the main purpose of the proposed amendments to the Missoula City-County Air Pollution Control Program, Sections XI480, X4100, XI, XIII and XIV was to provide a permit system by which citizens can burn low-emission devices during air pollution alerts. He said that the issue was not whether or not to pass Air Pollution Regulations because that issue had been resolved a year or so ago. He said that the issue before the Board today was to provide a permit system by which citizens could burn low-emission devices on those episode days when there is an alert.

Elaine Bild, Environmental Health Director, stated that the Health Board had held a hearing on the proposed amendments, and that, in addition, the Montana Department of Health and Environmental Sciences had reviewed the proposed amendments and had sent a letter of approval dated November 21, 1984, and that the staff was requesting that the Commissioners hold a public hearing on them and, ultimately, approve them.

Bob Palmer then opened the hearing to public comment, asking that proponents speak first. The following people spoke:

1. Richard Steffel said that he represented the Citizens Air Pollution Advisory Council. He said that

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they did not have a formal statement, except to say that they had been involved in the process throughout, and they supported the adoption of these measures. He said that he wanted to add a personal note, stating that he felt that this "... isn't enough, soon enough," but he thought it was a good first step in the right direction. He said that, with that qualification, he supported the amendments, as well as voicing the support of the Council.

2. Ben Myren stated that he resides at 323 E. Beckwith in Missoula and that he is Vice President in charge of Intermountain Ambient, a business that specializes in ambient air monitoring and emissions measurement which has its home offices located here in Missoula. He said that Intermountain Ambient, in conjunction with Energy and Environmental Measurement Corporation (EEMC) of Billings, MT, another consulting firm that specializes in emission measurement, along with Stove Testing Lab of Portland, Oregon, a safety testing firm, intend to qualify as an accredited woodstove testing laboratory under the OAR regulations specified in Section X, 4100, D, 1, a of these draft regulations. He said that they had submitted their written application on August 28, and, depending upon schedules, would be doing their wood stove testing for accreditation in early December.

Speaking about woodstove testing procedures, he said that one of the biggest concerns in this whole woodstove regulation issue seemed to be the difficulty of the actual testing procedure itself. He said that, as a person who makes his living doing this type of work on a day-to-day basis, he would agree that the test procedure is involved and somewhat difficult due to its complexity and the level of precision and accuracy required, but that it was not nearly as difficult as people might have been led to believe. When compared to something like automated, on-line, continuous-gas chromatography, the Oregon test method became an almost cookbook method, he said, and added that people shouldn't be put off by the testing procedure itself. He said that it could be done on a regular and routine basis, and that needed to be said. He said that if people objected because of the complexity of the test procedure, they should rest assured that it could be done by knowledgeable and qualified people.

Speaking about testing laboratory accreditation procedures, he said that one of the major concerns -- and the industry's as well -- was the difficulty in achieving laboratory accreditation. He said that, to date, only one lab had been accredited and that, as far as he knew, his was the only other application that had been submitted. He said that his concern was not so much with the actual generic stove testing requirement (OAR 340-21-163), but with the length of the DEQ review process, and the incredible amount of unnecessary paperwork prior to the actual testing phase. He said that some of this paperwork was not required by regulatory agencies, including the DEQ, anywhere else, and that it was simply an incredible step by a regulatory agency to require information, sometimes in an intrusive manner, from firms, especially when that information might be available later for public review. He said that in some places they were asking to review testing trade secrets that they had developed themselves, and they were very reluctant to do that. He said that they had voiced objections to the DEQ about these unnecessary and intrusive requirements, and they felt that the Commissioners should be aware of the fact that there are some major reservations within the industry about them. He said that by adopting the Oregon regulations et. seq., in Sec. X, 4100, D, 1a, Missoula County had also adopted the DEQ's incredibly costly review process, including the unnecessary and intrusive requirements.

He said that one of the reasons that he was raising this issue was because the overall investment was approximately \$150,000 by the time they completed the actual testing phase of the accreditation process, without any return on the investment. He said that for three small firms with a total of 11 employees, this is a sizable investment to make, with a chance of absolutely no return. He said that if they didn't pass, they were out. He said that these unnecessary requirements needed to be eliminated and the review process speeded up so that firms could get stoves tested. He said that this fact needed to be conveyed to the DEQ. He said that another major concern that he had was the precision and accuracy of the testing results being used to determine whether or not they would receive accreditation, because only one lab's test results was being used by the DEQ to judge their work. He said that the DEQ had arbitrarily assumed that this lab's results were correct, without once having another lab perform the same test on the same stoves to find out if the initial results were truly accurate. He said that all is well if his firm's test results, or those of other labs, approximately duplicated the initial test results, but asked what would happen if they did not. The question then would be which results were right and which wrong, and if his firm's test results turned out to be right, what would be the status of the entire woodstove regulation package, he asked. He said that what he was talking about was a situation where an entire governmental program, with verifiable economic and social impacts in this community and elsewhere was being adopted without ever having the data used to establish their program being verified as accurate, and said that if Missoula County adopted the amendments to the Air Pollution regulations, the County could jeopardize its entire emission control program, because the data used was of an unknown accuracy. He said that that was a very real possibility, and stated that they did not know.

He said that another major concern they had was with the DEQ's attitude about the laboratory accreditation process. He said that three weeks after their application was submitted, it had taken a phone call to the Oregon Governor's Office to get a written response out of the DEQ concerning their application. He said that it had taken the DEQ only ten days to process and approve the first lab's application. He said that they had also found that the DEQ had a very unusual relationship with the one laboratory that had been accredited, and constantly favors and allows that laboratory to do things that the DEQ grudgingly allows his firm to do. He said that this had been called to the DEQ's attention, and that some heated exchanges had taken place between the DEQ staff members and employees of the firms mentioned above. He said that DEQ staff members had also failed to inform them of changes made in the computer programming used to calculate the woodstove test results, stating that it was not their job to keep them informed of those changes, while the other lab was continuously receiving information and feedback on these programs from the DEQ. He said that, in addition, they had been told in so many words by DEQ personnel that there was no way that his firm would ever receive actual accreditation, before they had actually begun the testing phase of the accreditation process. He said that such an attitude might be acceptable in Oregon, although he doubted it, but as a local business person, he found such an attitude totally unacceptable. He said that if Missoula County adopted these amendments to their Air Pollution Control Regulations, they were giving the DEQ control over the entire testing process, and allowing the DEQ to arbitrarily discriminate against local Montana businesses, without having any reason to do so. He said that, in essence, the DEQ had granted the one lab a monopoly position in the market, and it was now protecting that firm by doing everything possible to prevent another lab from receiving accreditation. He said that the DEQ needed to be informed that favoring one Oregon lab was neither fair nor in the best interests of not only his firm but others as well. He said that otherwise the entire program might fail because of legal actions undertaken by various firms affected by the regulations and DEQ's arbitrary actions. He said that that was a very real possibility right now. He said that there were some major manufacturers and people involved in this in Oregon and elsewhere that are looking at a class action suit. He said that he did not know what the status of it was, but he had been approached by some people about it.

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He then talked about stove emission standards of 6 grams/hour, stating that the use of a single-non-phased standard goes against what is being done in Oregon.

Ann Mary Dussault stated that Jim Carlson could clarify the point, but that this phase of his request had been incorporated into the regulations.

Ben Myren stated that he had not been notified of any changes.

Ann Mary Dussault said that the Air Pollution Control Advisory Board had adopted a 4 gram/hr. rather than a 6 gram/hr. standard.

Ben Myren said that he still felt that something should be done for non-catalytic technology, because there were several firms that had invested a sizable amount of money in a non-cat area, and they feel it could be done, given enough time, and he felt that by closing the door on them with a 6 and 4 grams/hr. standard was unfair because he didn't feel that they could come up to that within a limited period of time, and he thought that some sort of non-cat standard should be considered as well as one standard.

Speaking about the woodstove permit process, he said that, to put it bluntly, he was not very happy with this portion of the proposed regulations because the regulations could easily create a situation which either maintains a status quo or actually worsens Missoula's air pollution problem. He said that the way the proposed regulations are written, there would be no restrictions on woodstove sales in the valley, so that the continued sale and use of the less efficient stoves was assured, and these stoves would contribute additional pollutants to our airshed. In addition, these stoves will not be allowed to be used during an alert, but they would contribute to the air pollution problem which brings us to the alert level. He said that as more of these units are sold, we will have to cope with a worsening air pollution problem of more and more alerts. He said that this problem is worsened by the permit system, which allows continued burning of LED's during alerts. He said that although these units do not contribute greatly to air pollution concentrations, they still do contribute some emissions. When coupled with the sole source and special need permits, he could easily envision a time when air quality would continue to worsen even after an alert had been called, simply because of the emissions from all of these permitted sources, particularly because low income households will continue to purchase the cheaper, more inefficient stoves and then apply for a special needs permit. He said that if either of these scenarios come to pass, and, based upon his knowledge of Missoula's air pollution problem, he believed that both were entirely possible, and if little, if any, real improvement results from these regulations, many of us would be back in this room debating another set of regulations designed to accomplish what we could accomplish this time. He said that we should quit muddling along and take a clear look at ourselves and our goals as a community, bite the bullet and act decisively. He urged the Commissioners to adopt regulations which 1. only allow the sale and installation of LED's after July 1, 1986, 2. allow only sole-source and low-income homes to burn during alerts, and 3. establish a working committee that explores ways to find financing for those sole sources and/or low-income households to replace their existing units with low-cost LED's. The savings generated by the increased efficiency of the LED should pay the stove off in a matter of years through reduced fuel costs. He said that, in closing, he wanted to point out that over the years he had consistently supported the development and implementation of regulations designed to improve air quality in Missoula, and that he did support the regulations. He said that one must look beyond the philosophical intent and wording of the regulations to how they will be implemented and what the probable results will be. He said that he felt that the problems he had brought out in his testimony needed to be addressed by the Commissioners in a meaningful way if these regulations were to accomplish what was intended.

3. Gary Brenner, a member of the steering committee of Missoulians for Clean Air said that first he wanted to applaud the recommendations on behalf of the group. He said that they constituted one more small step towards cleaning up the airshed. He made two requests, stating that not only do we need to control the source of the sale of existing high emission stoves, but eventually they would have to also see the time come when they take the step that was initially recommended two years ago, in other words to set a sunset on existing woodstoves. He said that he thought that the Citizens Advisory Committee and the County Commissioners were all dodging a problem by not stipulating that by some date no burning will be allowed in conventional woodstoves. He said that he would request that, as the stoves become tested and approved in Oregon or Montana that there be a publicized notice of those approved stoves. He said that members on his committee got calls, and he knew that calls have come in to the City-County Health Board asking for information on approved stoves. He said that it would certainly show consideration to conscientious citizens who want to continue burning, but who want to invest in a stove as soon as possible to allow them to burn efficiently. He said that he noticed that about a week ago they "maxed out" at 156 at Rose Park, and he was glad to see that we have now consumed our one allowable day of the year in excess of 150 TSP.

Elaine Bild said that that was only an eight hour average, and the twenty-four hour average had never exceeded 150.

Gary Brenner said that he stood corrected, but not unpolluted.

Since there was no one else wishing to speak in support of the proposals, Bob Palmer asked if anyone were interested in speaking against them. The following people spoke:

1. Harlene Fortune stated that she wanted to go on record as opposing the standard that was being proposed. She said that it was basically a standard that would only accept catalytic stoves and pellet burning units, and that these would be the only units allowed to burn during an alert. She said that she felt the Commissioners were making a mistake for the following reasons: at least fifty percent of her customers (she is a woodstove dealer) buy units in which they are able to view the fire. With a catalytic stove, viewing the fire is almost impossible. The reason is that the catalyst has to have a smoky fire box in which to work properly. She said that she felt that at least fifty percent of the people who buy catalytic units would take the unit out of the catalytic mode to view the fire. When they do this, they will be burning like a regular stove and polluting the air as they do. She said that she was sure that the County was going to have an enforcement problem in making sure that the catalyst is in good working condition. She said to keep in mind what has happened with the automobile catalysts. She said that she was convinced that the secondary burn stoves, which Ben Myren had called the non-cat stoves, will be proven to be the best units over the long run. She said that they always burn with the same emission rate, not a changing emission rate, like the catalyst. She said that she was afraid that the County was being pushed into setting a standard before all the facts are known and are thoroughly evaluated, and, as she had said before, there were some things going on in the testing lab in Portland that she hoped that Elaine Bild and Jim Carlson would be able to look into before making the final decision.

Bob Palmer commented that if, in fact, these amendments to the Air Quality Regulations are adopted, and customers take them off, then we will reach Mr. Brenner's point of banning woodstoves at some point. He said that either we work together as a community to deal with our problems, or drastic steps are inevitable. He said that he wasn't sure the public was aware of that, but either the problem would be solved in a less restrictive fashion, or it would be solved in a more restrictive fashion.

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2. Jean Applegate stated that she had originally gotten involved with the clean air issue because of her five-year old son. She said that she felt a great deal of damage is being done to our children's lungs from breathing this air pollution year after year. Unfortunately, she said, we can't look ahead to see the damage that we've done to these people. She said that an incentive for woodburners to replace their inefficient, dirty stoves with clean-burning ones is important, but she felt the proposed regulations to allow LED's to burn even during an alert will do so at the expense of our air quality. She said that it makes no sense to cast aside our standards to implement an incentive program for woodstoves in this valley. We ask our children to stay inside during alerts, she said, and we ask our people to refrain from driving unless necessary, and we endanger the lives of people with chronic lung ailments, and yet we propose to give incentives to woodburners, allowing LED's to burn even during an air pollution alert. She said that the motive behind the County's action today is correct. She said that that we need people to replace their inefficient, dirty stoves, but we should not weaken our standards and let dirty air into our valley again. If energy costs again skyrocket and large numbers of people purchase woodstoves, as in the late '70's, the incentive program could come back to haunt the County. She said that the standards proposed for LED's were good and prudent, but she hoped that the Commissioners would reconsider the incentive for LED's to burn during pollution alerts.

3. Walt Taylor said that he looked at these regulations from an angle of fairness and somehow or other they seemed to lack that, for him. He said that he hadn't heard about the amount of particulate that could be expected from some of these stoves, and he hadn't heard about the opacity. He said that he had questions about the conditions under which opacity is tested, the distance away, the background. He said that he has a neighbor who has a woodstove and they looked at it with a background of a mountain with trees and the opacity from that point seemed different from another angle, which had the cloudy sky as a background. With the cloudy sky as a background, they couldn't see the smoke, he said. He said that he felt that the accuracy was dependent upon a very technical description of how a test should be made, and that was difficult to do. He said that this would be hard to substantiate in court, unless they got the details down in such a fine manner that it could be substantiated. He said that the County had been waiting for two years for Portland to determine what a satisfactory stove is. He said that the rules that were being set up for Missoula were more strict than anyplace else thus far. He said that that would only be fair if people with woodstoves were able to get their stoves tested. He said that he did not think it was fair to ask people to spend hundreds of dollars to go to Portland to have a stove tested. He said that until such time as Missoula has a testing laboratory, and makes it available at a price that a stove-owner can afford to pay, that that is unfair. He said that Ben Myren had mentioned a class action of stove manufacturers, and that he could see that very clearly. If the County puts out a list of acceptable stoves, it would be "rank discrimination, and unfair to all others." He said that if the County had a lab whereby people could bring in their stoves to have them tested at no expense to themselves, it might have some basis to pass these regulations, but until that happens it is unfair and he thought that the Commissioners might have some troubles in court.

4. Marsha Hogan, with Missoulians for Clean Air, stated that it was ironic that the issue of air quality becomes highly visible, and they hoped that the Commissioners would continue to keep this issue highly visible, until the air becomes invisible, or free of particulate. However, she said, it would probably be a long time before that happened, and they wanted to see the Commissioners take some more significant action than these current amendments do. She said that we are maintaining the status quo at this point, but we are not doing anything to significantly clean up the air so that it's healthier to breathe. She said that we call alerts at 150 micrograms, but this is 50 micrograms per cubic meter above when the air has become poor and dirty. Therefore, she said, the Missoulians for Clean Air would encourage the Commissioners to lower the alert level to 100 micrograms per cubic meter, the point at which the air is becoming dirty. She said that by instituting the new regulations allowing LED's to burn when the level hits 150 micrograms per cubic meter, they were not cleaning up the air. If anything, they might possibly be allowing the air to become more dirty. She said that they were concerned that these regulations might be making the air worse, not better. She said that the Missoulians for Clean Air thought that the Commissioners should lower the level for calling an alert and requiring everyone to buy one of the new stoves in the future -- to phase in that requirement and not continue to make it an option for people.

5. Dolly Browder stated that she and her family were seriously considering moving from Missoula, and one of the major reasons was because of the air pollution here. She said that the reason that she disagreed with the proposal so far was the fact that the stoves that are burning and polluting our air will be allowed to be sold in the area. She said that Missoula is too delicate a valley for that. She said that although the regulations are stringent, we have a very difficult valley to control. She said that she knew of two other families who had moved and that there were a lot of people out there who were very concerned about the pollution in Missoula, and she urged the Commissioners to take action soon.

Since there were no other proponents or opponents, Bob Palmer closed the public comment portion of the hearing and asked if there were any comments from the Commissioners or staff.

Elaine Bild, Environmental Health Director, stated that she wanted to clarify one point: many people seemed to suggest that the County should regulate the sale of stoves, she said, and by state law, we cannot do that. She said that Oregon was able to do that because their state law is different.

Bob Palmer said that it might be a good idea for those who support regulating the sale of stoves to talk to their state legislators. In Oregon, a law was passed, he said, in this regard. He said that the County Commissioners do not have that authority here without legislative action.

Commissioner Barbara Evans said that she thought it was fair to say that we do not have any state of the art technology on this because the people in the business were finding out new things all the time, new tests were being developed all the time, etc. She said that if we find what we've done here isn't working we can change it. She said that what the Commissioners were doing today was not being chiseled into stone. It can be changed at any time, she said, either to make it more stringent, or to make changes in keeping with new technology, new information, etc. She said that there were two disparate groups here: one that didn't want the Commissioners to do anything, and one that wanted the Commissioners to do more, and she didn't know how they were ever going to walk that tightrope and make everybody happy. She said that she did think that we did need to make the air clean and that this does not go into private homes and say what kind of stoves people would have to have, which she would have opposed. She said that she felt she could support this regulation.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the Board of County Commissioners adopt the resolution amending the Missoula City-County Air Pollution Control Program, specifically the amendments to the woodstove regulations. The motion passed by a vote of 3-0.

Bob Palmer stated that the recommendations were not set in stone. He said that the Board of County Commissioners was committed to doing something about the air. He said that they all hoped that the steps that they were taking were reasonable, although he knew that there were people who didn't like what they did. He said that that went with the territory. He said that he felt that these steps were reasonable.

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He said that some people felt that they did not go far enough, which meant that they must be treading about in the middle. He said that unless we work together in this community, drastic action is ahead. He said that the Commissioners thought that these regulations were reasonable.

✓ RESOLUTION NO. 84-144

The Commissioners then signed Resolution No. 84-144, a resolution amending the City-County Air Pollution Control Program, passed and adopted on October 22, 1969. The primary purpose of the regulatory changes incorporated in Resolution 84-144 was to establish uniform procedures to allow low-emission wood stoves to burn during alerts. This is accomplished by the addition of several sections to the regulations which provide for the following:

- a. A two-year "Class I permit" which allows owners of wood stoves which meet emission limitations to burn during air pollution alerts.
- b. Adopts by reference the Oregon test method for emission and efficiency of wood stoves.
- c. Establishes a clear definition of "wood stove" for testing purposes.
- d. Establishes 6 grams per hour as the maximum allowable emission to obtain a Class I permit.
- e. Establishes a 10 percent maximum opacity for "Class I" permit-holders during alerts, except for a start-up period of 20 minutes.
- f. Establishes specific criteria for issuance and reissuance of Class I permits.

There are several other changes in the regulations which are significant and include the following:

- a. New "sole source" permits will not be issued after Class I permits are available. Old "sole source" permits will be renewable.
- b. The burning of garbage, plastics, and treated wood in fireplaces and woodstoves will be prohibited.
- c. The Department will be authorized to modify enforcement actions when appropriate, upon request for review from the recipient of an enforcement action.
- d. The Department will be authorized to issue temporary special need and sole source permits under specific conditions.
- e. The definition of public nuisance will be changed to conform with the State legislative definition.
- f. The Department will be given more flexibility in the type of enforcement procedure which may be used subsequent to issuance of an administrative order.

The complete text of the amendments is on file in the Commissioners' Office, in the Health Department and on file in the Clerk and Recorder's Office (attached to Resolution 84-144).

✓ RESOLUTION NO. 84-145

The Commissioners then signed Resolution No. 84-145, a resolution amending the Missoula City-County Air Pollution Control Program, passed and adopted on October 22, 1969. The primary purpose of the regulatory changes was to restrict sulfur dioxide emissions in the urban area. The complete text of the amendments is on file in the Commissioners' Office, in the Health Department and on file in the Clerk and Recorder's Office (attached to Resolution 84-145).

Since there was no further business to come before the Board, the meeting was recessed at 3:00 p.m.

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NOVEMBER 29, 1984

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.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting held in the forenoon, the following items were considered:

BOARD APPOINTMENT

The Board of County Commissioners appointed Keith Bomstad as a member of the Clinton Rural Fire District Board of Trustees to fill an unexpired term until the School Election in April of 1985, at which time a trustee will be elected.

Also:

1. The Performance Appraisal System proposal with Metamorphosis was discussed; the Commissioners agreed to enter into the contract with them; and
2. Legislative issues were discussed.

The Minutes of the Daily Administrative Meeting are on file in the Commissioners' Office.

NOVEMBER 30, 1984

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

Fern Hart
Fern Hart, Clerk & Recorder

Bob Palmer
Bob Palmer, Chairman, Board of County Commissioners