

JULY 3, 1989

The Board of County Commissioners did not meet in regular session as the Commissioners were out of the office all day.

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JULY 4, 1989

The Courthouse was closed for the Independence Day holiday.

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JULY 5, 1989

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated July 5, 1989, pages 10-37, with a grand total of \$842,235.98. 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:

Plat

The Board of County Commissioners signed the plat for Mortgage Heights Subdivision, a subdivision in the NW 1/4 of Section 18, T. 12 N., R. 19 W., PMM, Missoula County, with a total area of 44.27 acres, and the owner of record being Keith A. Smith.

Agreement

The Board of County Commissioners signed an Agreement between Mountain Water Company and Missoula County for the purpose of allowing Mountain Water Company to obtain the services from Missoula County in the implementation of the Missoula Aquifer Wellhead Protection Project, as per the provisions set forth, for the period from June 15, 1989, through October 31, 1989, at a total cost of \$39,737.00, with Mountain Water Company's share of the total cost not to exceed \$17,920.00.

Resolution No. 89-046

The Board of County Commissioners signed Resolution No. 89-046, a resolution accepting an easement along Keegan Trail from Scott and Joann Higginbotham for public road and all other public purposes, located in a portion of the NW 1/4 of Section 21, T. 14 N., R. 19 W., Missoula County, as the road at the cul-de-sac of Keegan Trail was originally built outside of the right-of-way, and this easement obtains a small sliver of ground from Lot 62 to solve this problem.

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

WEEKLY PUBLIC MEETING

The meeting was called to order by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

July 5, 1989 (continued)

Bid Award: Typewriter maintenance for fiscal year 1990

Information from Billie Blundell, Manager of Central Services indicated that the following bids were received July 3, 1989:

Tech Service Company, Inc. \$6,123.00 (IBM typewriters -87 pieces)

Business Machines/Delaney's \$4,229.00 (IBM, Brother - 88 pieces)

P.O.E.S. \$2,096.40 (Facit Canon -22 pieces)

Her recommendation was to award the bid to for IBM and Brother typewriter maintenance to Business Machines/Delaney's for \$4,229.00; award the Facit and Canon typewriter maintenance to P.O.E.S. for \$2,096.40 for fiscal year 1990.

Janet Stevens moved and Ann Mary Dussault moved to award the bid for typewriter maintenance for IBM and Brother typewriter maintenance to Business Machines/Delaney's for \$4,229.00; award the Facit and Canon typewriter maintenance to P.O.E.S. for \$2,096.40 for fiscal year 1990. The motion carried on a vote of 3-0.

The Board of County Commissioners recessed, and the meeting was reconvened as the Planning and Zoning Commission. Also present besides the Board of County Commissioners was County Surveyor Horace Brown.

Decision On: Variance Request (Clemow) Minimum Lot Width

Colleen Dowdall, Deputy County Attorney, indicated that she had received information relative to this request that would allow a mortgage exemption.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the request for a variance from the general regulations of Planning and Zoning District #4 regarding minimum lot width contingent upon final approval of the Clemow's development request. The motion carried on a vote of 4-0.

Decision On: Development Request: Clemow - Zoning District #4

Mike Kress from the office of Community Development indicated that his office had discussed the entire matter with the Clemows and had communicated some conditions to the Commissioners should this request be approved.

Ann Mary Dussault moved and Horace Brown seconded the motion to approve the request to readjust the property boundaries between the existing three parcels; create a parcel; and construct a new residence and accessory buildings on a newly created parcel. The property subject to this finding is located in Section 2, T.12 N., R. 19 W., P.M.M. Approval of this request is contingent upon the following conditions being met: (1) that reseeding of the improved roadway take place as recommended by Robert Holm, Project Engineer for the County Road Department in his letter dated June 30, 1989 (attached); and (2) that any other planned major work done on this road be brought before the Planning and Zoning Commission for review before being started.

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

Ann Mary Dussault moved and Janet Stevens seconded the motion to ratify the recommendations of the Planning and Zoning Commission relative to the Clemow's requests. The motion carried on a vote of 3-0.

July 5, 1989 (continued)

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

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JULY 6, 1989

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

Monthly Reports

Chairman Evans examined, approved and ordered filed the monthly reconciliation reports of Justices of the Peace, David K. Clark and Michael D. Morris, for month ending June 30, 1989.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Kate A. Luger as principal for warrant #189893, dated June 29, 1989, on the Missoula County Health Fund in the amount of \$320.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chairman Evans signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of inspecting and testing small public water supplies to ensure their safety, as per the stipulations set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment not to exceed \$4,815.00. The Agreement was returned to DHES in Helena.

Project Agreement

The Board of County Commissioners signed a Project Agreement for the reconstruction of the Sawmill Gulch Road and Bridge over Rattlesnake Creek between the Lolo National Forest and Missoula County as required in the Forest Development Road Cooperative Agreement signed on March 27, 1967, providing for cooperative planning, survey, design, construction, reconstruction, improvement, maintenance, and use of certain Forest Development Roads in Missoula County when the project is beyond that required for normal maintenance. The Agreement was returned to the County Surveyor's Office for further signatures and handling.

Policy Statement

The Board of County Commissioners signed Policy Statement 89-B providing for the formal adoption of the new, official County logo and a standardized format for all official County stationery and such other applications as are appropriate, as per the items set forth. This Policy Statement replaces Policy Statement 80-D.

Bond Closing Documents

Chairman Evans signed the following documents relating to the Bond Closing for RSID No. 429: Signature and No-Litigation and Arbitrage Certificate, Request and Authorization to Execute the Certificate of Authentication, and Affidavit of Chairwoman of the

July 6, 1989 (continued)

Board of County Commissioners as to Facsimile Signature. The documents were forwarded to General Services for further handling.

Other items included:

The Commissioners appointed Rustem Medora to the Missoula Area Agency on Aging Board to fill the unexpired term of Elaine Shea through December 31, 1989.

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

Tour

In the afternoon, the Commissioners and Horace Brown, County Surveyor, traveled to the 9-Mile Area for a tour of the 9-Mile Visitor Center conducted by Forest Service personnel.

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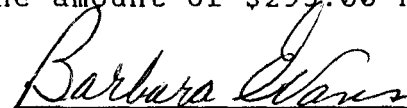
JULY 7, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. As there were no regular meetings scheduled, Commissioner Evans was on call, but out of the office all day.

Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Mutual Life Insurance Company of New York as principal for warrant #30258, dated February 22, 1989, on the School District #1 Claims Fund in the amount of \$295.00 now unable to be found.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

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JULY 10, 1989

The Board of County Commissioners met in regular session; all three members were present. In the forenoon, Commissioner Dussault participated in the Taft Seminar for Teachers at the University of Montana.

Welfare Advisory Board

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

Indemnity Bonds

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

- 1) naming Christopher Nowlen as principal for warrant #12610, dated June 16, 1989, on the Larchmont Golf Course Fund in the amount of \$77.77 now unable to be found; and
- 2) naming Christopher Nowlen as principal for warrant #12597, dated June 16, 1989, on the Larchmont Golf Course Fund in the amount of \$194.58 now unable to be found.

July 10, 1989 (continued)

Site Inspection

In the evening prior to the hearing in Seeley Lake, Commissioner Stevens conducted a site inspection on the request to vacate a portion of Juniper Lane.

HEARING ON THE SEELEY LAKE/MISSOULA COUNTY 1989 WASTEWATER FACILITIES PLAN

The hearing was called to order at 7:00 in the Seeley Lake Community Hall by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens. In addition, County Administrative Officer John DeVore, and Tom McCarthy, Engineer from Sorenson and Company were in attendance.

At issue was the proposed Sewer District for Seeley Lake.

Tom McCarthy reviewed the plan with the residents in attendance and noted that several previous meetings had been held to explain the plan and the process. He said this hearing was the first step in getting an EPA Grant to build a draft facilities plan for the Seeley Lake Sewer System. He said that input from the residents was necessary in order to facilitate the Commissioner's decision regarding applying for the EPA Grant and adopting the plan as drafted. He said the grant would be used to build a waste water collection and disposal facility for Seeley Lake. He said the total cost of the project would be \$6,000,000, and the operation and maintenance cost to each single family home on the service area would be approximately \$60,000 per year. He said 75% of the cost would be eligible for federal participation, it is anticipated the individual capital cost for a single family home would be \$3,000, financed through a Special Improvement District payable over a period of 15 years. The average payment would be approximately \$300 per year, plus an \$8 maintenance fee.

He demonstrated how the system worked, and showed maps outlining the area served by the facility, and where the disposal site was located. The plan recommends that the Commissioners make a application to EPA for a grant for the design and construction of the facility, that they use a Special Improvement District (SID) to finance the local share, and that they adopt an appropriate sewer use ordinance, users charge, and that they adopt the facilities plan to begin that process.

The background behind the planning document showed that in 1975, the Missoula County Urban Comprehensive Plan listed Community Sewer for Seeley Lake as one of the objectives. In 1980, a water quality studies was done in the area finding degradation of the water in the area, recommending that the community evaluate discontinuing the use of on-site sewage disposal systems. In 1984, a preliminary sewer and water study was done, recommending that the community begin a planning process for building a sewer system in Seeley Lake. In 1986, the Seeley Lake Water District surveyed 275 individuals which showed a 60% agreement with the statement that the community should start development of a community sewer system. In 1987, the 1984 plan was sent to the Water Quality Bureau for preliminary evaluation and Seeley Lake scored #10 in the state ranking in priorities. In 1988, the Commissioners made an application for advancement of the allowances from the Environmental Protection Agency to begin the Seeley Lake Facilities Plan, which has funded the advancement of the processes that have taken place up to now. In 1989, the Seeley Lake Comprehensive Plan stated that the Community Council investigate the feasibility of installing a central sewer system.

He said the main concern is the uses that the plan endeavors to protect: the surface water system and the groundwater. He noted that studies indicated that disposal of on site sewage is

July 10, 1989 (continued)

detrimental to the water quality in the area, and will continue to add to the problem. He said that if no action is taken, if the plan is not adopted by 1990, Montana will have no more EPA funds available for grants, and a sewer system will cost more than \$7,000,000 by then. He described the current system under consideration and explained why that system had been chosen. He corrected his earlier statement that the SID payoff period would be 15 years; that was erroneous, the period would be 20 years.

For the record, Tom McCarthy listed the public meetings totalling more than 7 hours that had been held since January in Seeley Lake, and asked the residents for their comments to be included in the facilities plan.

The hearing was opened for public comment. The Commissioners requested those who owned property within the service district to state their name and address. He noted that the plan had been available in the community and in the Commissioners Office.

Tom McCarthy with Sorenson and Company said he would like to make a comment on behalf of the U.S. Forest Service. He said the Forest Service had submitted a letter in support not only in principal, but financially. The letter is on file in the Commissioners Office.

Dave Whitset, Box 322 who lives within the service district said he had concerns with the proposed disposal site in section 36 because there are many wells in the area and the water table is very shallow. He said the future of logging in the area, and there may be fewer people in the area to pay for the sewer. He asked how much the cost overrun would be if less than 50% of the people opposed the plan, and at what point the County would back out.

John DeVore said that if the cost of the project exceeds more than \$3,000 per unit, at that point, the project would be stopped.

Monty Cassidy, Box 43, who lives inside the district, said he had a trailer park with nine units plus his home, and asked how much it would cost under those circumstance.

Tom McCarthy said that cost is based on use, in general, each individual home or trailer would pay the same cost as a single family home.

Monty Cassidy said based on that statement, the cost of the sewer would be too much, and that would cause him to close his business down, as he could not pass that increase on to his renters. He asked why the Double Arrow Ranch was left off the project, and said this system is not a very good one, it sounded more like a water treatment plant than a sewage treatment plant.

Tom McCarthy said the Double Arrow was left out of the district because of the sewage volume being generated right now in the Seeley Lake area, 80% is comes from the area outside the Double Arrow. If the Double Arrow did participate, they would not get any EPA assistance, because their subdivisions were developed and platted after 1977 and they would have to pay all of their own costs. Regarding the on site septic tanks, he said they would belong to the sewer district, and would be maintained and pumped by the sewer district. He said the tanks would not be pumped completely, about 90% of the sewage is pumped out and the solids are decomposed, and what comes out of the septic tanks looks something like tea or diluted coffee, and that is what is pumped on to the ground. He said studies indicate that the septic tanks would be able to go for an average of 10 years without

July 10, 1989 (continued)

maintenance. He said he hoped that the sludge would be put to productive use through an eco-compost process.

Alice Smith, Box 632, who lives inside the district, asked about the proposed retirement home that was going to be built inside the district, and if the construction costs would go up because they have to install septic tanks.

Tom McCarthy said a similar project in Missoula that involved nursing homes, and the engineers estimated the volume of sewage that would be generated, and the costs were based on those figures, just like any other commercial facility.

Ron Richards, Box 498, who lives inside the district, spoke in opposition. He said that the studies did not prove that there is or will be any significant pollution into Seeley Lake if the system is not built. He said he could not see spending \$6,000,000 to treat the gray water in Seeley Lake.

Maimie Doren, P.O. Box 249, in the district, said the proposed treatment system is completely out of date; that it is a water treatment system and now a sewage treatment system. She said it is bacteria ridden, has a smell, and is very expensive. She said septic tanks are just fine, and the people in Seeley Lake cannot afford this system.

Glen Bucky Walters who lives inside the district, said he has lived in Seeley Lake for 47 years. He said he objects to the method used to fund the project, and said the Commissioners are depriving people of a chance to go to the polls and vote on the project. He asked Tom McCarthy if people would be able to pay off the SID earlier than the 20 years.

Tom McCarthy said people can't evade the SID, but it could be paid off immediately when it is assessed.

Don Ditty who lives inside the district on Willow Drive, lot #7, asked Tom about a central sewer system for the district, and asked about specific wording in the proposal and asked what the word "sufficient" meant.

Tom McCarthy said he did not understand the question.

Don Ditty said he was referring to the study area, and wondered if the study was adequate.

Tom McCarthy said a federal ground water study was done and the document was included in the plan.

Don Ditty said he would like to look at the study. He was informed that the study had been in the bank and available for some time. He said that in his opinion, the "old town" portion in section 3 was never studied adequately, and asked what would happen if the system froze up in the winter.

Tom McCarthy said his studies indicate that the storage lagoons may freeze up in the winter.

Don Ditty said the main line depth was questionable to him and asked how deep the pipes would be buried and what type of insulation would be used.

Tom McCarthy indicated in the study where the information about the depth of the pipes was located, and discussed the insulation that would be used. He said the question would come to economics, and said he had not determined yet whether 4 foot or 6 foot was the most economical.

July 10, 1989 (continued)

Don Ditty asked if the sewer lines would be buried near the water lines.

Tom McCarthy said the standard requirement is to separate the sewer and water system by 10 feet. He said it was hard to determine where the water lines were in Seeley Lake, but an attempt would be made to stay away from the water system, and they would not be installed in the same trench.

Don Ditty questioned the amount of flow indicated in the proposal, and said his figures indicated a much higher flow.

Tom McCarthy said that the methods he used to estimate the flow were included in his report and he would not argue calculations or arithmetic with Mr. Ditty.

Don Ditty asked why the RSID was stretched to 20 years instead of the original 15.

Tom McCarthy said 20 years was decided upon to make it easier to make the payments, and many of the other RSIDs were done on a 20 year payment.

Don Ditty said he hoped he would live that long.

Warren Garcia, Box 18, who lives outside the district said the proposed area is right behind his house, and has concerns about the safety and value of his property.

Tom McCarthy said he could not answer the question about land values in Seeley Lake, but the drainage would be in the state lease lands to keep it away from existing residences, and leave a 100-200 foot vegetated buffer between the drainage and any property. He said this system is used extensively in the mid west and if utilized correctly, it will drain properly and be used for irrigation, and the affluents are not undesirable.

John DeVore said a similar system is already in use in Missoula County; at El Mar Estates, and it works very well.

Tom McCarthy said the lagoons are lined, and the sprinkling irrigation which has been retained for as long as 200 days is chlorinated and then sprinkled applied to the property at a rate less than normal home sprinkling. He said it the most efficient and most environmentally acceptable method of sewage disposal available, returning the water back to the environment.

Marjorie Flere, Box 89 a resident of Eagle Drive, asked what would happen to the wells, and what if groundwater contaminates their wells. She said the smell would be very evident from this system.

John DeVore said that if there is an odor, it is the fault of the operation, not the system, and there is no smell at El Mar.

Marjorie Flere said she would have to be shown, and added that she was not from Missouri.

Erv Gysler, Box 229, inside the district, said he was speaking on behalf of Holy Cross Lutheran Church. He said the church is opposed to the sewer system, simply from the viewpoint of cost. Speaking for himself, he said that he has concerns about the spraying and the potential bad smell of groundwater. He asked what the plan called for in relation to taking of private property for the sewer. He asked if installation of the sewer lines would cause trees to be cut down. In addition, he noted that studies conducted by the University stated that there were no health problem with the lake. He asked the Commissioners to

July 10, 1989 (continued)

look at animals as the cause of water contamination rather than failed sewer systems. In conclusion, he said that in his opinion, the system is way out of the price range of the residents, and he is opposed.

Yvonne Maki, Box 274, a resident of section 3, said she thinks the tanks are going to be installed in the wrong place; she objects to the system and said it would be obsolete before it is put in. She said that in regard to section 16, Tom was negligent in not checking out the standing water problems.

Tom McCarthy said he had subsequently checked into section 16 and had talked with Mr. Whitesitt.

Verna Welch, 2531 Krysty Drive, Missoula, who owns property inside the district, said she was supporting the district because the EPA is willing to pay 75% of the cost and if it is not done now, the costs later will be much greater.

Ernie Ivey, owner of lot 8 on the Clearwater River, said the lake is contaminated, and you can tell that because of all the weeds. He said the residents have a wonderful opportunity now to do something about the problem, and if they don't act now, they will never again have this chance. He said the residents need foresight and the district should be implemented.

Steve Wallace, from the Department of State Lands, said that whatever the community decides, the Department of State Lands would do everything they could to assist. He said their main concern was the environmental effects on the land.

John Johnston, 1408 Highland Drive in Helena, who owns property inside the district, said he opposed the district, and asked how notification of the other meetings was made.

John DeVore said articles were written by the Missoulian, and notices were published in the Pathfinder and for this meeting, a mass mailing was made to every resident and owner in the district.

John Johnston said he thought he should have been personally notified of the previous meetings as well. He said he questioned the need for the project, and said if there is no health threat, why is this project being discussed. He said he had previously owned and operated a sewage lagoon, and they are costly, and the proposed \$6,000,000 for this project will not cover the cost, and he estimated that the costs would be 10 or 12 million. He said that what had gotten us into this whole discussion was the smell of free government money, and he said that it's not free money, it's his and everyone else's money. He said the proposal is out of line and out of reason.

Nancy Marx, Box 260, who lives inside the district, expressed concerns with her well water and well contamination. She said the tests that were done are too old, and asked John why a proposed questionnaire was never sent out. She requested a 30-day delay by the Board of County Commissioners before the EPA Grant is applied for, in order to update a petition regarding the district.

A general discussion regarding deadlines and how long the period would be to receive testimony on the proposed district ensued. It was pointed out that the federal funds for the fiscal year after this one would be less, so if the application is delayed, a smaller pool of money would be available. Barbara Evans asked that the persons circulating the petitions check with John DeVore and Tom McCarthy for accurate, timely information.

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Nancy Marx said she had concerns with the water quality at the north end of the lake, and said there is a great deal of standing water in that area, and the flooded area near the Double Arrow ranch should be included. She asked if there was a bid process for the sewer system.

John DeVore said it would go to a competitive bid to selection the engineering firm; that is how Sorenson and Company was selected to do the study. If and when the construction phase comes into being, that will also be bid.

Barbara Evans asked John to address the question of the prices and the how the figures in the study were arrived at.

John DeVore said the County would not proceed with a project that was put in place with a Rural Special Improvement District that exceeds the estimated cost of construction. He said there was no cost overrun, if the bids come in over the estimated costs, the project stops.

Shirley Mackey, Box 554 who lives inside the district, said she was opposed to the district, said she is still using the original sewer system put in over 30 years ago, with no problems. She said the issue should be brought to a vote of the people, and said that the residents of Seeley Lake cannot afford this project.

Dave Marx, Box 260, questioned the need for a sewer system, and said there was not very much pollution in the lake, and the current wells are in very good shape. He questioned the process of selecting the engineering firm, and said that in 1984, the project was estimated to cost millions of dollars less than the current estimates. He expressed concerns with the groundwater, and said that many other pollutants could be dumped down the system. He said there is an earthquake fault line in Seeley Lake.

Barbara Evans said that State Law doesn't provide for a vote on a RSID, but if the Board of County Commissioners passes a resolution of intent, then there is a 15 day protest period, and if 51% of the people in the area oppose the RSID, the issue is dead unless the Commissioners, who were given authority by the legislature to override a petition in the interest of health, do so. She said that is how the people in the district are allowed to give their input into the SID process. She said that the Commissioners would also take written testimony for the next 30 days on this issue.

Ron Talcott, who lives outside the district in Tacoma, but owns 7 acres in Skypark, and does not now live in the district said he wanted a 200 foot buffer between his land and the disposal site. He said the soil is very porous there, and there is very little topsoil. He said he is opposed to the sewer district because as additional users are added, it would sprinkle more hours per day and the water would run outside the drainage field contaminating nearby wells.

Brad Kaiser Box 234 Seeley Lake, inside the district noted that many people live just outside the boundary and the density of the population is very high and these people have absolutely no say in creation of the district even though they may be asked to hook on later.

Barbara Evans said the law only allows those who are going to pay for the SID to have input.

Bob Scott, Box 223 inside the district, representing the Seeley Lake Water District gave the Commissioners a handout regarding

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how much it would cost the County to run water to all the homes that are included in the district. He said he estimated the cost to be \$614,375, or an additional \$4,050 per unit, which would have to be funded by a separate SID. He said the Seeley Lake Water District doesn't have the capability of servicing this area at this time, and couldn't fund the additional service without an SID. He asked if water meters would be used, and asked if a different system had been looked at.

Tom McCarthy said that water meters would be used, and the use of those usually means that water consumption is less.

Bob Scott said his point is that the additional water use would be an additional cost that would be added on. He said the project should be scaled down, that the Commissioners were looking at a Rolls Royce, and they should be looking at a used Chevrolet.

Vonley Toler, Box 682 inside the district, said the Clark Addition has 15 one-acre lots, and 13 of them are owned by summer residents. He said summer people don't want and don't need the system. He said many of them do not use the water or garbage services either, and he asked where the water for the system was going to come from.

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

Barbara Evans repeated the time frame for the issue, and said the record would be kept open until August 4, and the Commissioners would decide on August 7 whether or not to apply for the EPA grant.

The hearing was recessed at 9:35 p.m.

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JULY 11, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Payroll Transmittal Sheet for Pay Period #13 (6/11/89 through 6/24/89) with a total Missoula County Payroll of \$318,156.49. The Transmittal Sheet was returned to the Auditor's Office.

Addendums to Contracts

The Board of County Commissioners signed Addendums to the Contracts entered into on March 29, 1989, between Missoula County and Fred's Towing regarding the removal of abandoned vehicles and the towing and storage of vehicles other than abandoned, as per the items set forth in the Addendums, and effective from July 1, 1989, through June 30, 1990.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Sunlight Development Company of Butte, MT regarding the extraction, crushing, removing, and purchasing of a certain amount of gravel, as per the terms and conditions set

July 11, 1989 (continued)

forth in the Agreement, and is to be completed by November 1, 1990. The Agreement was returned to the County Surveyor for further signatures and handling.

Bond Closing Documents

Chairman Evans signed the documents for the closing of the \$1,800,000 General Obligation Bonds, Series 1989, originally dated as of July 1, 1989, which are being issued for the purpose of financing the cost of acquiring and installing computer equipment for Missoula County, consisting of a new main frame computer system, a new computerized telephone system, a computer aided dispatch system for 9-1-1, an automated library circulation system, a computerized public catalog system to serve the library, and other related improvements and to pay the costs related to the sale and security of the bonds, as per the terms set forth, as per the terms set forth. The documents were returned to John DeVore, Administrative Officer, for further handling.

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

Site Inspection

In the afternoon, Commissioner Evans and County Surveyor Horace Brown conducted a site inspection on the request to vacate a portion of County Route No. 31 - Blue Mountain Road.

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JULY 12, 1989

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

Audit List

The Board of County Commissioners signed the Audit List, dated July 11, 1989, pages 8-21, with a grand total of \$148,338.56. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Purity Cleaning Services for the purpose of cleaning of the Missoula Museum of the Arts, as per the specific tasks or services and terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total amount not to exceed \$2,424.00.

Contract

The Board of County Commissioners signed a contract between the Missoula City-County Health Department and the Missoula Indian Alcohol and Drug Services for the purpose of coordinating comprehensive alcohol services including outpatient care, preventive public education services, emergency care and consultation to residents of Missoula County, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total amount up to \$8,871.00 based on actual funds received.

July 12, 1989 (continued)

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and MIADS, an independent contractor, for the purpose of providing outpatient alcohol and drug treatment services for MIADS clients in accordance with ADAD guidelines, as per the terms set forth, for the period from July 1, 1989, through December 31, 1989, for a total payment not to exceed \$10,000.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Seeley-Ovando-Swan Health Center for the purpose of public health nursing services, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment not to exceed \$1,000.00.

Amended Service Contract

Chairman Evans signed an Amended Mineral/Missoula County Service Contract between Mineral County and the Superintendent of Schools of Missoula County to perform the duties required of County Superintendents for the period from July 1, 1989, to June 30, 1990, as per the terms set forth, reducing the original contract amount by \$200.00 because the Saltese School levy failed and will not be open next year, thereby reducing the trips made to Mineral County. The Contract was returned to Rachel Vielleux, Superintendent of Schools, for further signatures and handling.

Employment Agreement

The Board of County Commissioners signed an Employment Agreement, dated May 9, 1990, between the Missoula County Board of Health and Ellen Leahy, who will serve as the Director of the City-County Health Department, as per the employment duties and terms set forth, for an annual salary of \$36,000.00. The Agreement was forwarded to the Chairman of the Health Board for further signatures.

Resolution No. 89-047

The Board of County Commissioners signed Resolution No. 89-047, a resolution authorizing and instructing the County Clerk & Recorder to make application to the County Treasurer of Missoula County for the issuance to Missoula County tax deeds on the lands described on the list attached to the Resolution which remain unredeemed in the County Treasurer's Office on April 18, 1989, and for which notice has heretofore been properly made; and instructing the County Treasurer to cancel 1986, 1987, 1988 and the current year's taxes on the same.

Certificate of Original Purchaser

Chairman Evans signed the Certificate of Original Purchaser, Grende & Co., Inc., of Seattle, WA, dated July 6, 1989, in connection with the issuance by Missoula County of its \$100,000 RSID No. 429 bonds, originally dated and registered as of July 1, 1989, as per the items set forth. The Certificate was returned to John DeVore, Administrative Officer, for further handling.

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

July 12, 1989 (continued)

WEEKLY PUBLIC MEETING

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

Decision: Request to Vacate a Portion of Juniper Lane.

Horace Brown, County Surveyor, noted that this was between Alder Lane and Cottonwood Lane in Seeley Lake. He said that the road was not built, and he could see no problem with vacating it.

Janet Stevens noted that the sign says "Juniper Drive", not "Juniper Lane", and asked Horace to be sure that the vacation was done properly. She noted that she and Horace Brown had inspected the property on July 10.

Janet Stevens moved and Barbara Evans seconded the motion to vacate a portion of Juniper Lane, located between Alder Lane and Cottonwood Lane, situated between Lot 2, Block 10, and Lot 8, Block 8 in Seeley Lake Homesite #3. The motion carried on a vote of 2-0.

Decision: Request to Vacate a Portion of County Route No. 31, Blue Mountain Road.

Barbara Evans noted that she and Horace Brown had inspected the Road on July 11.

Horace Brown said he had nothing to add from his comments from the previous meeting, and agreed that the road should be vacated.

Janet Stevens moved and Barbara Evans seconded the motion to vacate a portion of County Route #31, Blue Mountain Road) located in Section 2, Township 12 North, Range 20 West. The motion carried on a vote of 2-0.

Consideration Of: Dinsmore Orchard Homes #4 Lot 51 Summary Plat

Information provided by Barbara Martens, Office of Community Development, indicated that Dinsmore's Orchard Homes #4, Lot 51 is a proposed two-lot residential subdivision on 4.57 acres. The subdivision is located just north of Spurgin Road and west of 26th Avenue. A home exists on Lot 51 and accesses onto Spurgin Road, an existing County maintained paved roadway. Cash-in-lieu of parkland is not required, as only one lot is being created. The staff recommendation is that Dinsmore's Orchard Homes #4, Lot 51 be approved subject to the conditions and findings of fact set forth in the staff report. The conditions are:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The subdivider shall extend the 30' dedication easement for 26th Avenue the length of Lot 51-A and Lot 51, to allow for the eventual upgrading of 26th Avenue.
3. The subdivider shall initiate an RSID for the paving of 26th Avenue. If the RSID fails, the developer shall include a statement on the plat which states that acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future RSID for paving of 26th Avenue and may be used in lieu of their signatures on an RSID petition.

The hearing was opened for public comment.

Andy Fisher of Eli and Associates, representing the owner, David Gasvoda, requested that conditions 2 and 3 be deleted because the traffic impact narrative states that the road is satisfactory as

July 12, 1989 (continued)

is, the County has no plans to upgrade the road, and the owner has no desire to upgrade the road and other owners will not waive their right to protest an RSID. In addition, he said access to this subdivision is available off Sky Drive, and a lot of trees would have to be cut down if the road is paved.

He said that the parcel has been in the Gasvoda family for 50 years, and technically, the request should have been taken care of as a family transfer or gift. He asked the Commissioners not to be in such a hurry to improve the road, when the rest of the lots are subdivided, then the Right of Way could be granted. He said the property in question is intended as a gift from the mother to the son, he is not purchasing it, and intends to build a family home on it. He said the property is not being split for sale or financial gain, and the mother, who is quite elderly, would be upset if the trees are removed.

(Commissioner Ann Mary Dussault arrived at the meeting at this point)

Janet Stevens asked why this was not done as a family transfer instead of a summary plat.

Horace Brown said it came in as a Certificate of Survey first, but regulations say that this area cannot be split unless it goes through subdivision review.

Barbara Evans asked if there is likely to be more development in this area.

Horace Brown said in his estimation, the area would be developed more fully in the next five years, and the road would need to be improved.

Janet Stevens said that she would agree to conditions 1 and 2, but would like to see a change in #3, which would require future owners of lots to waive the RSID for the paving.

Ann Mary Dussault said that sounded like a good compromise to her.

David Gasvoda said that if he is forced to give an easement, then he wouldn't build on the property, as it was not financially feasible to give up that property to the County at this time. A general discussion of the value of the easement and the tangibles involved ensued.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to approve the Summary Plat for Dinsmore's Orchard Homes #4, Lot 51 subject to the findings of fact contained in the staff report, and subject to the following conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The subdivider shall extend the 30' dedication easement for 26th Avenue the length of Lot 51-A and Lot 51, to allow for the eventual upgrading of 26th Avenue.
3. The developer shall include a statement on the plat which states that acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future RSID for paving of 26th Avenue and may be used in lieu of their signatures on an RSID petition.

The motion carried on a vote of 2-1, Barbara Evans voted no., saying she thought Mr. Gasvoda should be exempt from paying for the RSID.

July 12, 1989 (continued)

There being no further business to come before the Board, the Commissioners were in recess at 2:05 p.m.

* * * * *

JULY 13, 1989

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

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Kinko's as principal for warrant #180292, dated October 19, 1988, on the Missoula County General Fund in the amount of \$129.70 now unable to be found.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing items of fees and other collections made in Missoula County for month ending June 30, 1989.

Jail Inspection

In the morning, the Board of County Commissioners and Dan Corti of the Health Department conducted the Quarterly Inspection of the Missoula County Jail.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-048

The Board of County Commissioners signed Resolution No. 89-048, a resolution to accept real property from Plum Creek Timber Company, Inc., a corporation of the State of Delaware, for public road and all other public purposes, located in a portion of the SW 1/4, NW 1/4, N 1/2, SW 1/4 of Section 29, T. 21 N., R. 16 W., PMM, Missoula County.

Resolution No. 89-049

The Board of County Commissioners signed Resolution No. 89-049, a resolution to accept real property from the United States of America, acting by and through the Forest Service, Department of Agriculture, for public road and all other public purposes, located in a portion of the SW 1/4, NW 1/4, N 1/2, SW 1/4 of Section 29, T. 21 N., R. 16 W., PMM, Missoula County.

Agreement

Chairman Evans signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of providing the services of the USDA's Special Supplemental Food Program for Women, Infants, and Children (WIC) to the residents of Missoula, Mineral, and Ravalli Counties, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total amount not to exceed \$191,772. The Agreement was returned to DHES in Helena.

Agreement

Chairman Evans signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of providing services under the Maternal and Child

July 13, 1989 (continued)

Health Services Block Grant (MCH), as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment of \$60,392. The Agreement was returned to DHES in Helena.

Memorandum of Understanding

Acting Chairman Dussault signed a Memorandum of Understanding between Missoula County and the U.S.D.A. Animal Damage Control Program and the Montana Wool Growers Association, whereby the County agrees to allocate \$150 for the protection of sheep from destructive animals, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990. The Agreement was returned to the Animal Damage Control Office in Billings for signature and further handling.

Notice of Hearings

Chairman Evans signed the Notice of Hearings on the Proposed Missoula County Budget for FY'90, setting the hearings for July 26th at 2:30 p.m., July 27th at 3:00 p.m. and 7:00 p.m., and July 28th at 1:30 p.m., with the 1990 Budget being adopted on Monday, July 31, at 10:30 a.m.

Notice of Hearing

Chairman Evans signed the Notice of Hearing on two petitions for annexation to the Missoula Rural Fire District for portions of land in the Big Flat and Sleeman Gulch areas, setting the hearing for August 2, 1990, at 1:30 p.m.

Plat

The Board of County Commissioners signed the Plat for Linda Vista - Fifth Supplement, Phase 2, an urban residential subdivision located in the SW 1/4 of Section 12, T. 12 N., R. 20 W., PMM, Missoula County, a total of 4.14 acres, with the owners and developers being the Lloyd A. Twite Family Partnership. The Commissioners also approved the following language addition for Linda Vista - Fifth Supplement, Phase 2, which will appear on the plat:

"Acceptance of a deed to lots and assessable land depicted on this plat shall also constitute a waiver of the right to protest any annexation proceedings by the City of Missoula, said waiver is contingent upon the provision of sewer service by the City of Missoula.

The waiver shall run with the land and shall be binding on the transferees, successors, and assigns of the owners of the land depicted hereon."

Other items included:

The Commissioners approved a request from the Health Department to reconsider and approve the animal shelter CIP without the condition of repayment through the Health Fund; it will be put in the INTERCAP Loan and not have to be paid back by the Health Department.

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

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JULY 14, 1989

The Board of County Commissioners did not meet in regular session. Commissioners Dussault and Stevens left for Cincinnati, Ohio to attend the NACo Annual Conference; and Commissioner Evans accompanied Undersheriff Doug Chase and Surveyor Horace Brown to Helena to attend a meeting with the State Highway Commission.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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JULY 17 - 19, 1989

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Stevens were in Cincinnati, Ohio attending the NACo Annual Conference July 17th through July 19th.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for July 19th was canceled as two of the Commissioners were out of town.

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JULY 20, 1989

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

Audit List

Commissioners Evans and Stevens signed the Audit List, dated July 18, 1989, pages 8-31, with a grand total of \$102,411.35. The Audit List was returned to the Accounting Department.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for month ending June 30, 1989.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-050

The Board of County Commissioners signed Resolution No. 89-050, a Resolution to Vacate a portion of County Route #31, known as Blue Mountain Road, located in the SE 1/4, SW 1/4 of Section 2, Township 12 N., R. 20 W., PMM, Missoula County.

Resolution No. 89-051

The Board of County Commissioners signed Resolution No. 89-051, a Resolution to Vacate Juniper Lane, "A.K.A. Juniper Drive", located between Alder Lane and Cottonwood Lane; situated between Lot 2, Block 10, and Lot 8, Block 8 in Seeley Lake Homesites #3; located in the NE 1/4 of Section 3, Township 16 N., R. 15 W., PMM, Missoula County.

Agreement for Services

The Board of County Commissioners signed an Agreement for Services between Missoula County and Jim Meyer for the purpose of providing roadside mowing services as shown in the Exhibit

July 14, 1989 (continued)

attached to the Agreement, as per the terms set forth, for the period from July 17, 1989, to September 15, 1989, for a total amount not to exceed \$3,900.00. The Agreement was returned to the Surveyor for further signatures and handling.

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit whereby Missoula County agrees to permit Malcolm D. Smith of 2216 South Seventh West in Missoula to encroach upon and use that portion of a dedicated County roadway located near Lot 7 and Lot 8, Block 12, Bennett Addition for the purpose of a fence and landscaping, as per the terms set forth, for a period not to exceed ten years and renewable at the option of Missoula County.

Agreement for Professional Engineering Services

The Board of County Commissioners signed an Agreement between Missoula County and Stensatter, Druyvestein & Associates for the purpose of providing professional engineering services to design and inspect the construction of street improvements on Central Avenue between 29th Street and 31st Street, as per the terms set forth, for a total payment of \$4,800.00. The Agreement was returned to General Services for further handling.

Agreement and Supplemental Conditions to Contract

Chairman Evans signed an Agreement, dated July 19, 1989, between the Owner, Missoula County and Child Start, Inc. d.b.a. Head Start, and the Architect, Fox-Ballas-Barrow Associates for the rehabilitation of Whittier School for use by Head Start project, as per the terms set forth, for a total payment of \$4,900.00. Chairman Evans also signed Supplemental Conditions to the above contract, supplementing the contract and superseding any of its articles of which they are in conflict, as per the items set forth. The documents were returned to Cindy Wulfekuhle, the CDBG Coordinator, for further signatures and handling.

Loan Agreement

The Board of County Commissioners signed a Loan Agreement between Missoula County and Child Start, Inc., dba Head Start, whereby the County has been awarded a grant by the Montana Department of Commerce under the Community Development Block Grant Program for the purpose of renovating the old Whittier School Building for use by the Head Start Program to benefit children of low income households, and the County agrees under the terms and conditions of the Agreement to make a loan for building improvements and architectural services to Child Start, Inc. in an amount up to \$123,000.00, with repayment to be pursuant to installment payments commencing on October 1, 1989, and to be repaid in its entirety by September 1, 2009. The Agreement was returned to Cindy Wulfekuhle, Block Grants Coordinator, for further signatures and handling.

Notice of Hearing

Chairman Evans signed a Notice of Hearing on the application of Champion International Corporation for tax incentives for new and expanding industry, covering modernization of the plywood plant located in Bonner, setting the hearing date for August 2, 1989, at 1:30 p.m.

Agreement

Chairman Evans signed an Agreement relating to Paying Agency, Registrar and Transfer Agency in conjunction with the issuance by Missoula County of \$1,800,000.00 Missoula County General

July 14, 1989 (continued)

Obligation Bonds, Series 1989, and the designation of First Trust Company of Montana as the paying agent, registrar and transfer agent for the bonds, as per the terms set forth in the Agreement. The Agreement was returned to John DeVore, Administrative Officer, for further handling.

Application for Federal Assistance

Chairman Evans signed the Application for Federal Assistance for the construction of the Petty Creek Demonstration Timber Bridge, a replacement bridge 35 to 40 feet long, to be started on August 15, 1990, and completed by October 1, 1990, with estimated funding of \$63,700 (\$25,500 Federal and \$38,200 local). The Application was returned to John DeVore, Administrative Officer, for further handling.

Resolution of Agreement

The Board of County Commissioners signed City of Missoula Resolution No. 4899, a Resolution of Agreement to the terms of City Special Improvement District No. 491, for the purpose of the construction of street and storm drainage improvements to serve Hillcrest Loop and West Hillcrest Drive, as per the terms set forth, as the proposed City SID includes properties abutting and outside the City limits. The Resolution was returned to Bruce Bender in the City Engineer's Office for further handling.

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

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JULY 21, 1989

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

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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JULY 24, 1989

The Board of County Commissioners met in regular session; all three members were present. Commissioner Evans attended the National Forest Service Museum Board of Directors Meeting held at the Village Red Lion during part of the 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, dated July 10, 1989, between Missoula County and L. S. Jensen & Sons, Inc. for the purpose of construction, installation, and completion of sewer improvements at El Mar Estates (RSID No. 431), as per the terms set forth, for a total amount of \$101,517.31. The contract was returned to General Services for further handling.

July 24, 1989 (continued)

Extension Letter

The Board of County Commissioners signed a letter to Gilbert Larson of Stensatter, Druyvestein & Associates approving another one-year extension of the time period for public improvement installation for Sportco Addition, as per the conditions set forth in the letter.

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

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JULY 25, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Audit Letters

The Board of County Commissioners signed letters to Susan Reed, County Auditor, acknowledging receipt and review of the recent audit of the Missoula County Sheriff's Department and of the audit of the Clerk & Recorder/Elections Office for the period 12/1/87-5/31/89. The audits were forwarded to the Clerk & Recorder's Office for filing.

Resolution No. 89-052

The Board of County Commissioners signed Resolution No. 89-052, a Resolution of Intention to Create RSID No. 433 for the purpose of engineering and construction of street improvements to Homestead Drive consisting of asphalt pavement to County standards.

Resolution No. 89-053

The Board of County Commissioners signed Resolution No. 89-053, a Resolution of Intention to Create RSID No. 434 for the purpose of engineering and construction of street improvements to a 375-foot section of North Avenue.

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

Dinner

In the evening, Commissioner Evans attend the Annual Superintendent's & Fair Crew Dinner held at the Missoula County Fairgrounds.

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JULY 26, 1989

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

Audit List

Commissioners Evans and Stevens signed the Audit List, dated July 25, 1989, pages 8-36, with a grand total of \$118,569.14. The Audit List was returned to the Accounting Department.

July 26, 1989 (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 between Missoula County and Caroline J. Brinkley, MD, an independent contractor, for the purpose of providing medical care, quality assurance of clinical services and participate in the development of primary care policies and standards for the City-County Health Department, as per the terms set forth, commencing on July 1, 1989, for a total payment not to exceed \$20,000.

Other items included:

The Commissioners awarded the elevator service contract to Montgomery Elevator Company, as per the recommendation of Jim Dopp, County Operations Officer, extending the maintenance contract from a one-year to a five-year contract, as per their price quote of \$500.00/month - \$30,000.00/5 year.

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

WEEKLY PUBLIC MEETING

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

There was no business and no public comment, and the meeting was recessed at 1:31 p.m.

FINAL HEARING ON FY'90 BUDGET

The budget hearing was held in Room 201 of the Courthouse Annex. Present were Chairman Barbara Evans and Commissioners Ann Mary Dussault and Janet Stevens, as well as County Administrative Officer John DeVore, Finance Officer Jane Ellis and members of the Budget Team. Barbara Evans asked Finance Officer Jane Ellis to make some introductory comments about the budget.

FY '90 budget summaries (which included approved enhancements) were distributed. Jane Ellis pointed out that while the summary was still in draft mode and subject to change as the budget hearings progressed and as the budget was fine-tuned throughout the week, the figures were similar to those of FY '89. She said that the department heads had been given the same parameters as they had been for FY '89 and that the levies in the various funds were likely to remain the same as for FY '89, with some adjustments here and there. She pointed out that there were some increases in the debt service levy because of the GO bond issue passed by the voters in November, 1989, and that the levies for Fair, Weed, Planning, Library and Health would change slightly. She went on to say that for the first time in several years there is a positive cash situation due to a couple of factors, the primary reason being that the Commissioners had made the determination that it would be prudent to target 5% of each fund for cash reserves. A second important factor in creating the positive balances was County employees and department heads who held the line on spending.

July 26, 1989 (continued)

She pointed out the following changes in the debt service fund. She said that enough revenue had been generated by the Airport to pay off the Airport bond floated in '69 as well as to decrease the amount owed for the Library GO bond. She said that the new issue for the County GO bond for computers is intended to be paid entirely by tax revenues. That GO bond requires a levy of 2.28 mills, is a ten-year issue, and is scheduled to be paid off in the year 2000. She said that in spite of the fact that one of the Airport bond issues has been paid off, statutes require a levy of the full two mills authorized to cover the 1977 issue that is still outstanding, even though that amount will not be needed to cover it.

Barbara Evans then asked Administrative Officer John DeVore if he had anything to add to Jane's comments. He explained why some departments were showing budget increases over FY '89. Rural Planning's increase is due a Wellhead project grant to preserve Missoula's aquifer and funded by Mountain Water and the Water Quality Bureau. He said that the increase for the Department of Emergency Services was due to a grant from the Montana Department of Natural Resources and Conservation to purchase hazardous materials equipment in regard to groundwater protection. An increase for the Elections Department is for the fair bond election, which needs to be accomplished on a mail-out ballot. The increase for the Personnel Department reflects the fact that the Personnel Director's salary is no longer partially compensated out of the insurance fund since the Director no longer handles insurance matters. The Surveyor's Department increase is due to combining the Surveyor's and Public Works Departments into one department.

Barbara Evans opened the hearing to public comment, asking if anyone wished to testify on the proposed budget.

Undersheriff Doug Chase had a question about the jail medical line. He was concerned that the \$19,000 he had been expecting had been revised to \$11,166. Jane replied that the \$11,166 was over and above the \$19,000. In reply to his second question about whether the Sheriff's Department would have an additional deputy for one year, Jane replied affirmatively.

Janet Stevens commented that all of the enhancements that have been tentatively approved by the Commissioners to that point had been loaded already. She said that she and the other Commissioners appreciated Jane's and John's and the Budget Team's work on the budget. She said that the whole process had gone unusually smoothly, with information requested being provided in useful formats and on time. She said that was much appreciated by the Commissioners.

Barbara Evans asked again if anyone wished to speak on any other aspect of the budget. She asked Pete Penner, a citizen who was present, if he wished to speak, and he replied that he just wanted to sit back and listen this year.

Since there were no other comments or questions about the budget, the hearing was recessed at 3:00 p.m.

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JULY 27, 1989

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

July 27, 1989 (continued)

DAILY ADMINISTRATIVE MEETING

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

Memorandums of Agreement

The Board of County Commissioners signed Memorandums of Agreement between Missoula County and various agencies for the following purposes and amounts:

- 1) the Western Montana Regional Community Mental Health Center for the purpose of providing mental health services for Missoula County residents, as per the terms set forth, for the period from July 1, 1989, through June 30, 1989, for a total payment of \$35,030.00;
- 2) the Missoula Area Agency on Aging for the purpose of providing planning and coordination services of aging programs in Missoula County, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment of \$95,500.00;
- 3) Missoula Youth Homes, Inc. for the purpose of providing short-term crisis intervention for youth at risk in Missoula County, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment of \$19,000.00;
- 4) Missoula Food Bank for the purpose of providing food gleaning and redistribution services, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment of \$14,250.00;
- 5) Missoula Child and Family Resource Council for the purpose of providing program coordination, advocacy and education services to benefit victims of child abuse and neglect in Missoula County, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment of \$4,750.00, contingent on receipt of funds from the MT Board of Crime Control;
- 6) Women's Place for the purpose of providing crisis intervention, counseling and advocacy services for victims of battering, sexual assault, rape and other types of domestic violence in Missoula County, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment of \$9,880.00, contingent on receipt of funds from the MT Board of Crime Control;
- 7) Friends to Youth for the purpose of providing counseling services for victims of incest and their families, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment of \$4,750.00, contingent on receipt of funds from the MT Board of Crime Control;
- 8) Watson's Receiving Home for the purpose of providing services for victims of abuse and neglect in Missoula County, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment of \$19,000.00, contingent on receipt of funds from the MT Board of Crime Control; and
- 9) the YWCA Battered Women's Shelter for the purpose of providing crisis intervention, shelter and related services for victims of domestic violence in Missoula

July 27, 1989 (continued)

County, as per the terms set forth, for a total payment of \$12,350.00, contingent on receipt of funds from the MT Board of Crime Control.

Deferred Compensation Plan Document

The Board of County Commissioners signed the Missoula County Deferred Compensation Plan Document for the purpose of allowing employees to defer a portion of their compensation to provide retirement benefits, and such compensation will be withheld by Missoula County and will be forwarded by the County to the approved provider of the participant's choice. The Plan, as constituted by this document, is effective July 1, 1989, and supercedes all previous Missoula County Deferred Compensation Plan Documents.

Guidelines for CDBG Reserve Account

The Board of County Commissioners signed the Missoula County Guidelines for Use of CDBG Economic Development (Program Income) Reserve Account, as per the items set forth and the changes made per the State's review. The Document was returned to Cindy Wulfekuhle in the Block Grants Office for further handling.

Land Use Agreement

Chairman Evans signed a Land Use Agreement between Missoula County and the Department of Military Affairs, Office of the Adjutant General in Helena, for the purpose of granting temporary use of the County-owned training area located approximately four (4) miles west of Missoula for the purpose of military training during the period from July 1, 1989, through June 30, 1994, as per the terms set forth. The Agreement was returned to Mike McMeekin in the Sheriff's Department for further signatures and handling.

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

CONTINUATION OF FINAL HEARING ON FY'90 BUDGET

The budget hearing was held in Room 201 of the Courthouse Annex. Present were Chairman Barbara Evans and Commissioners Ann Mary Dussault and Janet Stevens, as well as Finance Officer Jane Ellis, Administrative Officer John DeVore, and members of the Budget Team.

Chairman Barbara Evans asked Finance Officer Jane Ellis if she wished to make an introductory comment about the proposed budget. Jane Ellis went over the same introductory material as set forth in the hearing on July 26. She added that the budget hearing would be continued from day to day until the final budget adoption at 10:30 a.m. on Monday, July 31. She explained that the Legislature during the recent session had made a statutory change which allowed boards of county commissioners to adopt the budget prior to the first Monday in August.

Barbara Evans opened the hearing to public comment, asking if anyone wished to make a comment on the budget. No one wished to testify.

The budget hearing was recessed at 3:05 p.m.

CONTINUATION OF FINAL HEARING ON FY'90 BUDGET

The budget hearing was held in the Missoula City/County Library Meeting Room. Present were Chairman Barbara Evans and

July 27, 1989 (continued)

Commissioners Ann Mary Dussault and Janet Stevens, as well as Finance Officer Jane Ellis, Administrative Officer John DeVore, and members of the Budget Team.

Barbara Evans asked Jane Ellis if she wished to make an introductory comment about the proposed budget. She made a similar introductory statement to the one she made on July 26.

Barbara Evans opened the hearing to public comment, asking if anyone wished to make a comment on the proposed FY '90 budget. No one wished to testify.

The hearing was recessed at 7:05 p.m.

HEARING: FAIR MASTER PLAN

Chairman Barbara Evans then convened the hearing on the Fair Master Plan. She said that Nick Kaufman (from Sorenson & Company) was present to give a very brief presentation on the master plan proposal, and asked if anyone were present to comment on the Fair proposal. She said that if people already knew what they wanted to comment on, she wouldn't put Nick through having to give a speech.

Elmer Frame was present to express some concerns. He said that he had a problem with a County putting RV spaces at the Fairgrounds. He said that he runs the KOA Campground and has already visited with Nick about the additional spaces proposed under the Fair Master Plan. He said that he felt this was a conflict with existing spaces. He said that what will happen is that people will use the cheaper spaces and places like KOA won't be able to compete. He said that he didn't think that Missoula County should subsidize Airstreamers or wealthy people who come in for a cheap place to park when KOA has the facilities. He said that he was not only protesting past practices, but also additional hook-ups. He said that he knew that they would be used. People will come in and want a cheap place to stay, he said. His biggest problem with it was that the Fair Office doesn't charge enough. He said that if they charged as much as KOA, it would be fine because it would be fair competition. If the Fair Office charged less, it wouldn't be fair because KOA won't be able to compete, he said.

Janet Stevens asked Elmer how many spaces he has at KOA, and he replied that he has 200. She asked Nick Kaufman how many are proposed for the Fairgrounds. Nick said that right now at the Fairgrounds there are 14 RV spaces, which were put in at the same time as the Missoula Area Round and Square Dance (MARSDA) building was constructed, and the reason it was put in was so that participants coming in from out of town to dance could have connections at the Round and Square Dance building. He said that it's also used during the Fair for carnival people who have RV's and also many rodeo people have them. He said that the problem that they've experienced with the MARSDA folks is that they don't do a good job of coordinating with the Fair Office about when they will use the spaces in the off-season. The second point he made is that the Fair Office didn't want to encourage use of these spaces for non-Fair activities because they want to keep up the grass. He said that the Master Plan calls for some RV connections in this area so that people involved in Fair activities have a place to set up. He said that he wouldn't debate with Elmer about the actual use, but he could talk about what the purpose of putting them there. He said that his purpose was to develop a Master Plan for the Fair, not to develop an operational plan.

July 27, 1989 (continued)

Janet asked whether the airstreamers park at the Fairgrounds. Fair Manager Sam Yewusiak said that they only get about two airstream units a year--and he has discussed this at length with Elmer--and he always asks them if they've gone anywhere else first. He said that they do not hook up to the RV hook-ups, but hook up to water only. He said that an awful lot of Fairgrounds do have RV hook-ups, but he doesn't allow them to hook up there. He said that lots of people come in and park there without getting permission, but the only authorized uses for the hook-ups have to do with Fair events.

Janet Stevens asked if there were a problem with charging the same rates as the local campgrounds charge. Nick Kaufman replied that he and Sam Yewusiak had talked about that this afternoon. When you get something like the Airstream caravan, it's so large that it can't be accommodated in the private sector anyway, so they came to the Fairgrounds. He said that for the casual RV users, he didn't see that it would be a problem to go ahead and charge them \$14 and tell them that there were private spaces available. He said that the Airstream caravan isn't stopping in Missoula because there isn't another town for 300 miles. He said that there are other opportunities for them to stop as they come through this area--all up and down the Bitterroot and the Flathead. He said that if the intention is to charge a competitive rate to get them to come to Missoula, the actual situation would be that the rates would be so high that they wouldn't stop here anyway. He said that no one benefits from that.

Sam Yewusiak said that he didn't have a problem with charging casual users private rates.

Elmer Frame said that he supported improving the Fairgrounds and would support the passage of the Master Plan.

Since there was no one else who cared to comment on the Fair Master Plan, the hearing was recessed at 7:45 p.m.

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JULY 28, 1989

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

Resolution No. 89-054

The Board of County Commissioners signed Resolution No. 89-054, a resolution of understanding and intent in reference to Proposed Fiscal Year 1990 County Park Budget, resolving that Missoula County agrees to budget the sum of \$45,000 for City Park Support in lieu of past years practices of separate line items for City Parks Department Administration, Park Maintenance and Recreation and Swimming Programs, and further does agree to return the portion of revenue from player fees and administrative fees (\$10,268) for the 1989/90 season to the City to be used to defray any expenses for recreation programs not currently covered in the City Park Budget and will use the above referenced audit for reaching funding level decisions for the Fiscal Year 1991 County Park Budget.

CONTINUATION OF FINAL HEARING ON FY'90 BUDGET

The hearing was held in Room 201 of the Courthouse Annex. Present were Chairman Barbara Evans, Commissioner Ann Mary Dussault and

July 28, 1989 (continued)

Commissioner Janet Stevens, as well as Finance Officer Jane Ellis and Administrative Officer John DeVore and members of the Budget Team.

Chairman Evans opened the hearing, asking if anyone wished to comment on any aspect of the proposed FY '90 budget.

No one came forward to comment. The hearing was recessed at 1:35 p.m.

Fern Hart, Clerk & Recorder

Barbara Evans, Chairman

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JULY 31, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Payroll Transmittal Sheet for Pay Period #14 (6/25/89 through 7/08/89) with a total Missoula County Payroll of \$332,572.24. The Transmittal Sheet was returned to the Auditor's Office.

RESOLUTION NO. 89-055
ADOPTING A BUDGET FOR MISSOULA COUNTY
FOR FISCAL YEAR 1989-1990

WHEREAS, PURSUANT TO SECTION 7-6-2315, MCA, the Board of County Commissioners of Missoula County, Montana, has held public hearings on the proposed budget of Missoula County for Fiscal Year 1989-1990, as required by law; and

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

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

IT IS HEREBY MOVED, SECONDED, AND CARRIED by this Board of County Commissioners that the resolution be adopted for Fiscal Year 1989-1990, as displayed in Attachments A, and B; and

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

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

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

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

July 31, 1989 (continued)

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 1989-1990, based on the value of a mill of \$115,011.00 County-wide, and a value of \$69,901.00 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 1989-1990, as detailed below:

<u>MISSOULA COUNTY-WIDE FUNDS</u>	<u>MILLS</u>	<u>ATTACHMENT</u>
GENERAL FUND	39.86	A, B
BRIDGE	4.00	
POOR	0.45	
FAIR	1.48	
MUSEUM	1.75	
EXTENSION	1.30	
WEED	0.68	
PLANNING	1.60	
DISTRICT COURT	7.21	
MENTAL HEALTH FUND	0.29	
DEVELOPMENTALLY DISABLED	0.12	
AGING FUND	0.79	
PARK/RECREATION FUND	0.98	
RISK MANAGEMENT	2.74	
CHILD DAYCARE	0.23	
SPECIALIZED TRANSPORTATION	0.16	
OPEN SPACE	0.41	
LIBRARY	4.37	
<u>SUB-TOTAL</u>	<u>68.42</u>	
<u>COUNTY-WIDE DEBT SERVICE</u>		
RSID REVOLVING	0.50	
G O ISSUE (COMPUTER)	2.28	
LIBRARY BOND	0.23	
JUDGMENT LEVY	1.00	
<u>SUB-TOTAL</u>	<u>4.01</u>	
<u>TOTAL COUNTY-WIDE & DEBT SERVICE LEVIES</u>	<u>72.43</u>	
<u>MISSOULA COUNTY-ONLY FUNDS</u>		
ROAD FUND	13.83	
HEALTH	7.30	
<u>TOTAL COUNTY-ONLY LEVY</u>	<u>21.13</u>	

DATED, this 31st day of July, 1989.

s/s BOARD OF COUNTY COMMISSIONERS

The original Resolution with the Attachments are on file in the Clerk & Recorder's Office.

Quarterly Report

Chairman Evans signed the 4th Quarterly Report for the MCH Block Grant as submitted by Yvonne Bradford of the Health Services Division of the City-County Health Department. The Report was forwarded to DHES in Helena.

Resolution No. 89-056

Chairman Evans signed Resolution No. 89-056, a resolution relating to tax and revenue anticipation note, Series 1989; authorizing the

July 31, 1989 (continued)

issuance and sale thereof to the Board of Investments of the State of Montana, fixing the form and terms thereof and authorizing the execution and delivery of documents related thereto.

Agreement

Chairman Evans signed an Agreement, dated July 1, 1989, between the Montana Arts Council and Missoula County, as sponsor of the Hellgate Writers, Inc. project, whereby the Council will provide funding through interest earned by the Coal Tax Trust Fund for the purposes outlined in the grant application submitted in an amount not to exceed \$13,700.00, as per the terms set forth in the Agreement.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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AUGUST 1, 1989

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

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Bison Engineering/Research as principal for warrant #6958, dated November 15, 1988, on the Potomac School District #11 Fund in the amount of \$575.00 now unable to be found.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated August 1, 1989, pages 8-25, with a grand total of \$206,043.73. 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:

Resolution No. 89-057

The Board of County Commissioners signed Resolution No. 89-057, resolving that, effective July 1, 1989, the annual salaries of certain elected County officials are fixed as follows:

Clerk of the District Court	\$27,108.13
County Sheriff/Coroner	36,676.96
County Auditor	27,108.13
County Superintendent of Schools	27,958.13
County Surveyor	27,108.13
Clerk & Recorder/Treasurer	32,529.76
County Attorney	44,939.48
County Commissioner	29,108.13

Resolution No. 89-058

The Board of County Commissioners signed Resolution No. 89-058, resolving that, effective July 1, 1989, the annual salaries of the Missoula County Justices of the Peace are fixed at \$27,558.13.

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

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AUGUST 2, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chairman Evans signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of assisting Missoula County to conduct its own air pollution control program, as per the terms set forth, for a total payment of \$37,934.00 and is to be completed by June 30, 1990. The Agreement was forwarded to DHES in Helena.

AUGUST 2, 1989 (continued)

Other items included:

- 1) the Commissioners appointed Gary Ropp as a member of the Lolo Water & Sewer Board (RSID 901) to fill the unexpired term of Al Anderson through June 30, 1991; and
- 2) the Request for Proposals, dated July 20, 1989, for a productivity and management study of the Road Department and Surveyor's Office was approved as submitted and a contract will be awarded on or around September 1, 1989.

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

WEEKLY PUBLIC MEETING

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

HEARING: ANNEXATION TO MISSOULA RURAL FIRE DISTRICT (BIG FLAT AREA AND SLEEMAN GULCH AREA)

Information provided by Vickie Zeier, Recording Supervisor, indicated that two petitions had been received by the Recording Division to annex parcels of land located in the Upper Sleeman Gulch in Lolo Creek area and Big Flat/O'Brien Creek/Maclay Ranch area and more particularly described in exhibit "A" of the petition. The petitions for annexation to Missoula Rural Fire District were presented by Bob Parks of the Missoula Rural Fire District and had been checked and verified. They 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 they meet 7-33-2125 M.C.A., for annexation of adjacent territory.

Bruce Suenram, representing the Missoula Rural Fire District, said that the Board of Trustees had approved the annexation at their meeting of June 13, 1989, and he was recommending that these areas be annexed into the District.

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

Janet Stevens moved and Ann Mary Dussault seconded the motion to annex the property described in the petition relative to Upper Sleeman Gulch into the Missoula Rural Fire District. The motion carried on a vote of 3-0.

Janet Stevens moved and Ann Mary Dussault seconded the motion to annex the property described in the petition relative to the Big Flat/O'Brien Creek/Maclay Ranch area into the Missoula Rural Fire District. The motion carried on a vote of 3-0.

HEARING ON APPLICATION FOR TAX INCENTIVES FOR NEW AND EXPANDING INDUSTRY: CHAMPION INTERNATIONAL CORPORATION

Under consideration was Champion International Corporation's tax incentive application for new and expanding industry. Chairman Barbara Evans asked County Administrative Officer John DeVore to give the staff comment and recommendation.

AUGUST 2, 1989 (continued)

John DeVore stated that this application is based on modernization of the plywood plant in Bonner in order to accommodate smaller diameter logs as well as increased numbers of logs. The legal description of the affected property is: Bonner Plywood, SUID #0312100.

He said that the staff review indicates that the application meets the requirements of Missoula County's enabling resolution except for the policy requirement that the applicant provide an estimate of the number of new jobs that will be created by the new or expanded facility.

Since MCA 15-24-1401 and 15-24-1402 are permissive statutes, the Missoula County Commissioners, through a public hearing process, included this policy requirement in the enabling resolution.

Howard Schwartz, former Executive Officer, who was involved in the legislative hearings leading to passage of the tax incentive legislation, said that the whole point behind passing these incentives was to help businesses expand or relocate to Montana in order to increase the number of jobs in Montana. The main argument of proponents was that lowering taxes to encourage businesses to expand or relocate was one of the best ways to encourage new jobs.

He said that opponents argued that businesses wouldn't make decisions based on taxes because that was only one consideration in a myriad of more important considerations. So one of the intentions upon passage of the legislation was to monitor the process to see if it worked through documentation of numbers of jobs created that could be attributed to tax incentives. New job creation is one of the key pieces of data from a public policy/government point of view, and one that has been a concern in Missoula County.

Of the tax incentives that Missoula County has approved so far, all have provided information on new job creation. Most recently, both Sun Mountain Sports and Roscoe Steel & Culvert have provided new jobs for residents of the County through the expansion/tax credit process.

John DeVore said that the staff recommendation was that the application by Champion International for tax incentives be denied, based on the application not meeting the policy criteria of new job creation.

Barbara Evans then opened the hearing to public comment, asking that proponents speak first.

Gregory L. Hanson, an attorney with Garlington, Lohn & Robinson, represented Champion International. He said that Champion's presentation would consist of some brief introductory comments and then Bob Brewer, the Bonner Complex Manager, would describe the types of improvements and modernization processes that have been done at the plywood plant at Bonner and would talk about the effect of those improvements and modernization processes on employment, specifically. Following Mr. Brewer's remarks, he said that he would talk about the dollar impact of the request. He said that there were also some other representatives of Champion International present and any of them could respond to any questions that anyone might have.

He said that as Mr. DeVore indicated, the hearing today is to consider the request for tax incentive treatment for approximately \$6.2 million to be spent on improvements and modernized processes of the Plywood Plant at Bonner. He said that we are not today dealing with the new small-log sawmill

AUGUST 2, 1989 (continued)

being constructed at Bonner. He said that these are improvements to the Plywood plant that have been applied for. He said that the company thought that it was appropriate and proper to separate the plywood plant from the sawmill since they are two separate, distinct operations involving different processes, producing a different end product for different markets. He said that they have separate work forces, even to the extent that employees in the plywood plant don't get any seniority that would transfer to the sawmill, according to union rules.

He said that those two plants historically have existed independently and that the plywood plant was installed by Champion after purchasing the facility from Anaconda in the early 1970's. Right now, with the sawmill being down, the plywood plant is operating by itself. He said that the authority for the application is contained in MCA 15-24-1401 and 1402, and County Resolution 87-080, which was passed in July, 1987. He said that he thought it was important to look at the history of the enabling statute, which was amended in 1987 to specifically allow for tax incentive treatment for expansion involving personal property, which wasn't the case under the prior statute. He said that the statute defines expansion in terms of dollars spent; applicants must spend at least \$250,000 to qualify for tax incentives for improvements or modernized processes.

He went on to say that the Missoula County resolution, which was passed in July of 1987, contains some very important policy statements that were true at that time and that are true today and said that they agreed with those policy statements and thought that it would be useful to go back and look at them. He said that in 1987, the Board of County Commissioners determined that tax incentives provided by statute are an appropriate way to encourage economic development in Missoula County; further, that it is in the public interest to encourage economic development in Missoula County through the use of tax incentives for new and expanding industry and that it would be resolved that business owners would be encouraged to apply to Missoula County for these tax incentives. He said that he thought it was important to keep in mind that as we consider this today, what we're talking about are new taxes, not reducing existing taxes. He said that the tax incentive program is designed to take what would be an increase in taxes and still make it an increase, but at a slower rate. He explained how the statute works: those improvements that qualify for the tax incentives are put on the tax rolls essentially at 50% of value and stay there for the first five years and then phase up to 60%, 70%, 80%, and then 90% over the remaining years of the ten year span. He said that it's not a decrease in existing taxes that's being talked about. In any case, there will be an increase in taxes as a result of money put into expansion or modernization, but it just will not be as much of an increase as it would be if the incentive were not granted.

He said that they were there today because they thought that Champion has complied with the technical requirements of the statute and, further, because the application meets both the spirit and intent of the resolution and of the state law. He said that they would address the question of jobs that Mr. DeVore cited in his staff report. He asked Mr. Bob Brewer, Manager of the complex facility at the Bonner Plywood Plant to provide information about what was done at the Plywood Plant, why it was done, and what effect that has had on employment.

Bob Brewer said that Champion spent about \$6.2 million in improvements in the plywood plant in the last two years. Most of the money that has been spent has been spent at the green end of the plant, where the logs are peeled into veneer to start the

AUGUST 2, 1989 (continued)

process. He said that of the \$6.2 million, about \$3.7 has been spent in the green end. He said that this has enabled them to develop more veneer from each block that has been put into the plant so as to get a better and greater resource utilization from each block. Also, in that same vein, the size of the resource available to the plant is changing, so in order to adapt to that and to stay competitive, they had to spend that money to adapt that resource availability. So while adapting to the available resources was necessary, they are also realizing more utilization from each block that they are putting into the plant. He said that this is a very important factor in allowing them to remain competitive in the business--with the West Coast competition as well as their competitors in the South.

He said that another large capital expenditure that he wanted to discuss was the foam blue extruder, which they are in the process of installing right now. He said that this allows them to reduce their resin costs, which is a fairly expensive portion of the costs of manufacture.

In summary, he said that those are two specific areas in which they have spent money and the reasons that they did it. He said that both of these projects were necessary for them to stay competitive in the industry and to stay in business in Montana. He said that this was a summary of what they had done and why they had done it. He said that the big dollars spent in the green end--the capital dollars--have allowed them to develop more usable product with each block put into the plant. He said that it was an effort to stretch the resource. These dollars have extended the useful life of the plant and thus will maintain the jobs that they currently have at Bonner--an important point. He said that, as Greg Hanson had pointed out, these dollars would result in additional tax base for the community over the long run.

He passed out information giving an employment history of the Bonner Plywood Plant, and the Bonner Plywood Plant only. He pointed out that going back to 1974 when the plant first started, the employee equivalency was 450 employees at that point; in 1986, 443; in 1987, 442; in 1988, 437; with a foot-note that there will be six additional jobs in the last quarter of this year, which will increase the number in the plywood plant to 443. He said that he hoped that those numbers would address some of the concern that was expressed in regard to the employment situation from 1974 through 1989 in the plywood plant.

In conclusion, he said that it was fair to say that, while they were not adding any new jobs--because they were basically maintaining the job situation where it had been--they are making the 443 existing jobs much more secure than they would have been had they not spent these capital dollars. He said that he wanted to emphasize the importance and the need for capital improvement dollars to any manufacturing facility if they are going to remain competitive and stay in business. He said that they are vital. He said that to keep it in a positive tone--as he does with the employees at Bonner--a way to look at this is that Champion has spent \$6.2 million in the plywood plant through June, 1989, and intends to spend more in the balance of this year and into the next. The key is that, as he hoped the Commissioners and the Bonner employees understand, this means confidence in the operation. In order to remain in business and be competitive, we have to have those dollars. Bonner has received more than its fair share of capital dollars from the Forest Products Division of Champion throughout the country. He said that it was important for the Commissioners--and for the employees--to understand that this is an expression of good faith and it means, in his opinion, that Champion is committed to being at Bonner.

AUGUST 2, 1989 (continued)

He said that he thought the concern should come for all of us--for the County Commissioners and the employees as well--if they begin to see Champion not spending capital dollars for improvement at the facilities here, because that is when the plant will begin to become non-competitive. That doesn't portend well for any or all of us that live here or work here, he said. He said that he hoped that the Commissioners would understand and view that favorably when making the ruling.

The last point he wanted to make was that, from his perspective, if their competitors in the State of Montana received favorable tax reductions per similar legislation granted in their counties and Bonner does not, it certainly would put them at a competitive disadvantage in their industry.

Greg Hanson spoke again, saying that Mr. Brewer has indicated what has been done and some of the reasons why and the effect that it has had on employment. He then talked about the actual dollar amount of the incentive, asking the Commissioners to remember that they are talking about an increase no matter what--it would just be a question of how much of an increase and how fast it would be phased in. He said that, by law, the incentive does not apply to certain state-wide levies: the 6-mill university levy, the 12-mill poor fund and the 45-mill state equalization for education. He said that he would be the first to stand there and tell everyone that he didn't know what the effect of the school equalization mill would be. He said that he assumed that the additional 50 mills would also be exempt from the incentive, but he didn't know. He passed out an exhibit that he had prepared, stating that he had listed his assumptions at the bottom of the sheet. He said that he wanted the Commissioners to realize that the dollar figures as shown there were subject to some interpretation.

He said that in the first row labeled "tax on improvements without incentives," he had indicated a cost of improvements of \$5.7 million, stating that this is the \$6.2 million after applying a 92% good factor which the Department of Revenue uses in its calculations. He said that the existing tax classification for machinery and equipment is 11%, which is then multiplied times the cost of improvements, resulting in a taxable value of \$627,440. He said that for purposes of this illustration, he had used the 1988 levy, which was all that they had available to them--381 mills--with a resulting tax of approximately \$239,000, if there would not be an incentive. He said that this would be the amount of additional tax as a result of the improvements added by Champion at its plywood plant if the incentive were not granted.

Dropping down to the next row, he said that he had attempted to calculate the reduction as a result of the tax incentive if it should be granted. He said that the costs of improvements and taxable values are the same as above, but in this case you would reduce the taxable value by half and multiply it by a different millage--318 instead of 381 (reduced to accommodate those exempt millages for the university system, poor fund and school equalization). According to his calculations, using these assumptions, this would result in a reduction as a result of the incentive in year 1 of approximately \$100,000, leaving an increase in taxes, if the increase were granted, of \$139,248. He said that the first year savings are by far the greatest because of the way the equipment is treated by the taxing system in the State of Montana. You start with an original acquisition cost, and as you get on down the road and it becomes older, you adjust that cost for some inflation, but then you allow for some physical depreciation and the value does reduce as the years go

AUGUST 2, 1989 (continued)

by. He said that the bottom line is that they were still talking about an increase in taxes paid by Champion of \$139,000, added to over a half million dollars they are already paying in the County.

He said that before concluding Champion's presentation, he wanted to mention that they had gone to the Bonner School District. Since they were aware of the fact that Champion contributes a large part of the Champion School District's funding, they wanted them to not only be aware of what it was that they were doing but to get their input and feed-back. They attended a board meeting of the Bonner School District last month and presented their case to the Bonner School Board and are pleased to tell the Commissioners that the Bonner School Board unanimously voted to support the application. They indicated that they recognized the long-term effects of keeping Champion there and stable and maintaining employment and needing to remain competitive. He said that the board had passed a resolution and authorized them to present it to the Commissioners as part of the case. He then gave it to the Commissioners as part of the record. He said that if the Commissioners would take a moment to read it, they would see that it is a very strong statement of support for Champion's presence in the community and for this application in general. He said that he wanted to tell the Commissioners that they were quite pleased about this resolution because it indicated that the Bonner School Board feels that it has quite a good relationship with Champion. He added, "And we did not write that for them." (A copy of this resolution is in the Champion Tax Incentive Application, 1989 file, in the Commissioner's Office.)

He concluded by pointing out that Champion has invested millions of dollars in Missoula County at Bonner to upgrade and modernize the plywood plant and, as a result, Champion will achieve increased efficiency and utilization of our natural resources. He said that, most importantly, we are talking about the retention of jobs--the existing jobs at Bonner, each of which supports other jobs in the community and makes a great contribution and promotes the stability of the entire work force, which is an important segment of the entire Missoula County economy. He said that he thought that this kind of investment should be encouraged by the State and the County and that it is exactly the kind of result that it is designed to accomplish. He said that he thought that the application clearly meets the intent of the law and the resolution and they respectfully asked that the Missoula County Commissioners grant the application.

Barbara Evans said that Commissioner Dussault had some questions for him before he sat down.

Ann Mary Dussault said that in looking at the impact sheet, Champion is currently paying taxes on equipment that is in the plywood mill. Greg Hanson said that was correct. She said that she would assume that some of that equipment is being replaced by the new equipment, and he replied that probably for some portions of it, and said that she was probably going to ask whether Champion has calculated how much has been taken off the tax rolls. He said that he thought that it was not a great deal in terms of things that they were replacing. He said that it was more in the nature of additions. He asked Mr. Butler, who is in the accounting and tax department at Champion. Mr. Butler indicated that the money that has been spent out there has been mostly in addition to the old equipment. He said that it's mainly the latest, most modern equipment. He said that the basic equipment is still there and very little has been removed. He said that the things that they would be removing would probably

AUGUST 2, 1989 (continued)

be items that more than likely had been almost fully depreciated under the taxing system after their 20% residual, so he would guess that the impact of that would not be great.

Ann Mary Dussault asked if he was referring to the tax bill that is going to go out in November, 1989.

Greg Hanson replied that his understanding was that the tax incentive could be granted for 1989, and it would result in these improvements being taxed under the incentive, and that they would be valued at half.

Ann Mary Dussault asked when the change in the personal property tax schedule enacted by the legislature would occur, meaning that, as they had calculated, the 11% would actually drop to 9% in the first year and then 8% in the second year.

Greg Hanson said that his understanding was that it was scheduled to go to 9% and stay there. He said that this change would go into effect in the taxable year 1990. He said that there's been a lot of publicity about business taxes being reduced from 16% to 9%, and while that's true on some of those classifications, what they are talking about is a reduction from 11% to 9%, particularly in the tax class of manufacturing machinery and equipment, which has been 11% and now becomes 9%.

Ann Mary Dussault said that the calculations that they are looking at on his hand-out have the calculations based on 11%, and he said that was correct.

Greg Hanson replied by saying that he had taken that same schedule and tried to speculate a little bit too, not knowing if the additional school funding bill would be exempt, but assuming that it would be. He said that he had done a similar schedule as the one before the Commissioners, but using 9% and assuming that the additional 50 mills for education would also be exempt. He said that he didn't have enough copies to hand out but wanted to give the Commissioners the numbers that would go in the right-hand column. Where the tax before incentives is shown as \$238,967, that figure would become \$195,590. The amount of reduction would be approximately \$69,000, and the increase in the tax after the incentive would be granted would be \$127,000. That, again, assumes a 9% tax class, and it assumes a total of 95 mills being exempt.

Barbara Evans then said that when Champion originally made application for tax incentives, they had the entire operation on one application and they have since separated the requests into two, the sawmill plant and the plywood plant. She said it was her understanding that he was here asking for tax incentives for the plywood portion of the remodelling. She said that the letter that he had showed them from the school refers to the decreased log size of the timber available and asked if that did not refer to the sawmill portion of the plant rather than the plywood portion.

Bob Brewer replied that it applies to both in that part of the modernization that they put in was to enable them to take a log of whatever size and peel it smaller, getting better utilization, and a smaller core. He said that what they have now is smaller logs, so they needed to do that. He said that was the layman's way of explaining it.

Barbara Evans said that was fine; she just wanted to make it clear in her mind.

AUGUST 2, 1989 (continued)

Janet Stevens asked what the "replacement of the debarker" refers to.

Bob Brewer said that the debarker is the piece of equipment that removes the bark from the log.

Janet Stevens referred to the other hand-out summarizing fluctuations of employees, stating that he had noted at the bottom that there would be an increase of six employees from the 1988 level as a result of these additions.

Greg Hanson replied that the figure was correct. As soon as the improvements are in place an additional six employees will be needed to run that "skoog veneer patcher." He said that the reason they put that in that way is that the additional equipment would bring the employment level back to 443 employees, which is where the level was in 1986.

Janet Stevens said that her question concerned the fact that in their application they had indicated zero additional employees, but as she reads this hand-out, when they are finished with the improvements, they will have an additional six employees.

Greg Hanson said that was one way of looking at this.

Janet Stevens said actually that seemed like two ways of looking at it, and that was what she was trying to sort out. She said that either they were going to have an addition of six employees or they were not.

Greg Hanson said that there would be an addition of six employees over 1988 by the time they finished the improvements. They had calculated the employee equivalency by using total hours worked and divided it by the days and hours and figured that as an equivalent.

Janet Stevens said that he was talking about full-time equivalents, and the County is used to talking about FTE's. She said that this is what she's trying to sort out because there is a significant difference if they're talking about zero employee additions and six added employees or FTE's.

Greg Hanson replied that the reason they had disclosed it that way with the whole history was that in 1987 when some of these improvements began, in 1987--and they were part of a whole process designed to upgrade the plywood plant--they were at 442. It had dropped some and now they're back up to 443, so it could be six additional employees or one, depending on where you start. He said that he thought they could make a case for adding an employee or six employees, depending on where they started.

Janet Stevens asked: "An employee that works 4,000 hours/year, or six employees who work full-time?"

Greg Hanson said that he had just been reminded that six jobs were being added to run those particular machines. These are employees that aren't there now.

Barbara Evans asked if anyone else cared to speak in favor of this request. The following people spoke:

Bonner School District Superintendent James Riedlinger said that he wanted to reiterate that he wanted to support the petition.

Beryl Stover, CPA, was present in her official capacity as President of the Missoula Chamber of Commerce. She said that the Chamber Board had prepared a statement, representing seven

AUGUST 2, 1989 (continued)

hundred business members in the community. She then read the statement:

The Chamber supports Champion in this application for tax incentives. In supporting this application, the Chamber Board wishes to focus the community's attention on the importance of reinvestment and job retention.

The original rhetoric and focus of these incentives was new jobs. The Chamber was clearly part of the dialogue which proclaimed the importance of new jobs when asking that these incentives be put in place.

The Champion application points out some stark deficiencies in their original appeal. Just as every dollar a primary industry brings into Missoula causes an increase in economic activity, the denial of these dollars causes a decrease in the economy of Missoula.

While it is more pleasant and exciting to seek new jobs and a steady predictable growth that new investments could create, it is an illusion to think that Missoula can attract investment or achieve economic stability without holding onto the industries that are currently in operation in the community. To chase the dream while turning our back on current reality would be a serious economic miscalculation.

There are harsh realities which often act as a strong catalyst to our emotions. The Chamber shares the frustration of the decline in the wood product industry employment. The Chamber board is comprised of business men and women who feel a deep sense of loss at watching neighbors face early retirement, career changes or, worst of all, unemployment. This Chamber clearly understands the potentially disastrous cycle that high unemployment causes with its demand for social services which, in turn, demands higher taxes which can fuel even further unemployment and grip a community in dark economic paralysis.

Communities are managed best with long-range considerations and broad perspectives in view. As leaders in the community, we must join together to broaden our view and challenge each other to create the highest community standards of the greatest good over the longest term. This application represents a beneficial investment in the Missoula economy. Without this kind of reinvestment, the Bonner mill could face a certain death through the atrophy of capacity and efficiency. The loss over time could be total. The damage in the future would be massive. Rather than Armageddon, Champion has retained high-paying employment and has added a level of stability that was previously thought unattainable.

It may seem like thanking someone for only amputating a foot rather than an entire leg. We may desire no change, but given the facts as they are rather than as desired, this investment does represent good news to the community and to the economy. The Chamber proudly asks this County Commission to give this application favorable consideration and to begin any process necessary to formalize the importance of job retention as a desirable economic goal, a goal that is worthy of full community support.

AUGUST 2, 1989 (continued)

As a final thought, the Chamber believes that it is appropriate for a community to recognize good corporate citizenship and strive to continue a mutually-beneficial relationship between a good corporate citizen and the people of a community. Champion has a history of being a solid corporate citizen in Missoula and the use of a government tool such as this tax incentive is an appropriate way to continue to encourage corporate responsibility in the future and recognize their responsibility in the past.

Ronald L. Klapchake, President of the Missoula Economic Development Corporation, said that he had been sitting in the back trying to think of what hasn't been said that might shed some light into why he was standing in front of the Commissioners. He said that he wanted to call to mind some key words or issues that might be troubling the Commissioners or be of concern. He said that one of the points of discussion was whether or not this is really an expansion under the definition of the statute and whether or not the Missoula County criteria that appears by reference in the appendix as saying "tell us how many jobs you're going to create" is, in fact, the valid criteria. He said that the statute that we're working with was in fact amended in 1987 (HB-709), and, at that time, the words ". . . or modernization processes" were added to the definition of expanding industry. Prior to that time, expanding industry meant qualified improvements. It was recognized that capital reinvestment was very important to the whole notion of economic development and what economic development should be. He said that he was calling the Commissioners' attention to that because the Missoula County criteria, or the application process, adopted the new definition, but the language about "tell us how many new jobs you're going to create" didn't change in 1987.

He said that probably it had to do with not clearly working through what this whole modernization process and retention of industry is all about. From MEDC's point of view, expansion and retention of industry are the number one priority in working with the local businesses. He said that they continued to believe in that. He said that what he would contend to the Commissioners today was that to maintain a healthy and competitive business is economic development. He said that it isn't just a matter of job creation. In the past few years, job retention is becoming an issue that is being discussed nationally. He asked what economic development is. He said that part of it was making your job and your industry compete on an international basis, and he asked what better example is there for this than the wood products industry. He said that the wood products industry is going through enormous changes. The competition within the United States and within Montana for alternative products is there. The competition from outside of the United States for making the same product at cheaper rates is there, as well as the competition for wood supplies. These factors are causing economic development to be thought of in a new light: how do you retain the maximum number of jobs and how do you keep that industry competitive. He said that you keep that industry competitive by trying very hard to perfect the bottom line, especially in those fixed-cost areas. He said that he thought that this is what modernization processes meant, and in 1987 when the Commissioners considered the current resolution, he didn't think that these factors were talked about enough, and he thought it was the fault of his own organization in not talking about the impacts that this language could have. He said that he would argue--and his organization would argue--that capital reinvestment is what Montana needs and what Missoula County needs. He said that we can't just keep creating start-ups and then have them die on the vine because they can't compete. He said that the tax we're dealing with here is an onerous tax--

AUGUST 2, 1989 (continued)

he doesn't like taxes on machinery and equipment one bit--because this same plant could be in Minnesota or Wisconsin where there are lots of trees as well and pay no taxes on equipment and machinery. He said that there are no personal property taxes in many, many states. He said that's the competition and Champion is trying very hard to work with this community to try to mitigate some of the changes that are occurring in the wood products industry. He said that, as the Chamber had pointed out, we welcome capital investment. It gives us the sense that Champion will indeed be here for a few more years. He said that if the bottom line on taxes can be held down, they then can compete for that very scarce wood supply, because we know that those prices are going to continue to go up. Without that, all local wood products industries are going to be caught in a squeeze, and those that can will make it and those that can't will go somewhere else. He urged the Commissioners not just to consider the definition of job generation but the whole over-all notion of economic development, and, if necessary, recognize that maybe that policy, although it appears as an appendix in section A in the resolution, was good in 1987, but, like everything else, it maybe needs to be readdressed.

Penny Johnson, Chair of the Bonner School Board said that when the trustees were preparing the budget for this year, they had taken a long look at Champion since the company supplies over 40% of Bonner's income, and they had been encouraged to find that they could plan on the company being there for a little longer term. She said that Bonner has been suffering like all school districts lately, but after taking a look at the health of Bonner, they had discovered that there was a possibility of additional jobs in the community.

No one else came forward to speak in support of this application, and no one wished to speak in opposition.

Barbara Evans therefore closed the public hearing at this point. She asked whether the other Commissioners had statements to make.

Fern Hart, Clerk and Recorder, asked County Assessor Jim Fairbanks whether an improvement in machinery went on the tax rolls next year rather than this year.

Jim Fairbanks said that the difference between the assessment for the Bonner facility last year and this year was not dramatically different. He said that the most dramatic portion of the investment is being made in this calendar year. He said that Ann Mary Dussault had brought up the question of time-frames and whether or not this would be applied to tax year 1989. He said that the statute is not specific about deadlines, which is why administrative rules, written by folks like us, are specific. He said that there is an administrative rule that specifies a deadline for remodelling and one is in the works for new industry. He said that he had begged for a deadline because it does cause some problems because any kind of incentive granted now means a retroactive tax base erosion, which means that anything that is granted now will be taken away from all taxing jurisdictions, namely the County.

Commissioner Ann Mary Dussault asked Bob Brewer where there are other plywood facilities in Western Montana, and he replied that Plum Creek has two operations, one in Kalispell and one in Columbia Falls. She then asked if Plum Creek has been granted tax incentives in Flathead County for similar types of changes, and he replied that his understanding was that they have. Both Flathead County and Lake County have granted tax incentives for such complexes.

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Janet Stevens said that she had asked Howard Gipe (Flathead County Commissioner) why the incentives had been granted, and he told her that they were for modernization and that Flathead County had not considered jobs as a criteria.

Barbara Evans asked if the other Commissioners had motions or comments.

Janet Stevens said that in light of some of the comments made, both by the Chamber and MEDC, as well as a hand-out that they had just received concerning the summary of employees, she wanted some time to consider those issues. She also thought that it was appropriate, as recommended, that the Commissioners look at Resolution 87-080 for future decisions.

Ann Mary Dussault said that she didn't have any trouble with waiting to make the decision. She said that she needed to make it fairly clear, though, that, while she appreciates the sentiments that were expressed today by the Chamber and by MEDC, she remained unconvinced that this application meets the test of our policy. She said that she thought that the Commissioners knew exactly what they were doing when they adopted the policy, and she didn't intend to sit here and feel guilty because they acted in ignorance, because she didn't think that they did. She said that she thought that Missoula County said very clearly that they would implement this policy as an incentive for businesses that would create jobs. She said that she understands perfectly well that retention is a legitimate economic development issue and it might be that incentives of some form are appropriate for that but she was not at all convinced that it should be the same incentives that would be applied for job creation. She said that she didn't believe that an incentive should be used as a replacement for legitimate tax reform. She said that there is no question in regard to personal property taxes that we need reform in this state, but it's highly inappropriate to use incentives as a replacement for that. For all of those reasons, it's doubtful that she would be willing to support this application, but she was willing to delay that decision so that the Commissioners could take a longer look at this.

Janet Stevens said that she wanted to respond to a couple of things. She said that she didn't think that this was the appropriate route to tax reform by any means, but she didn't recall if during the amendment of the resolution in 1987 that they really talked about the modernization process. She said that if she wasn't mistaken, that was what MEDC was referring to in those discussions and she thought that was the part that they needed to seriously look at as far as revising the resolution was concerned.

Barbara Evans said that just so everyone didn't go away questioning what her attitude on this was, she didn't have a decision in her mind that she wanted to share with everyone, but she wanted to share some of her concerns. She said that she found it impossible to divorce the various segments of the Champion operation from one another. She said that in her mind, it was a company with an operation, and while the company had improved part of the operation, the result is still likely to be the closure of the other part of the operation. She said that, depending on how you look at it, this could result in a loss of between 150 to 200 jobs. She said that, as Beryl Stover had stated, it may be that they're thanking you for cutting off the foot rather than the whole leg, but the loss of the foot is a really serious concern to her. She said that she also appreciates the expenditures that Champion has made in upgrading the equipment so that they can make the Bonner operation secure, but it seriously concerns her to contemplate what the result will be

AUGUST 2, 1989 (continued)

for this community when the other 150 to 200 jobs are gone. She said that she can't get that out of her mind and she can't overlook it. She said that she had heard that recently, Champion has made an offer of \$1,000 toward retraining those folks, but from her point of view, that's a nice thought, but \$1,000 is not going to do anything significant in retraining anyone for another job. She said that she thought Champion has been a good neighbor for this community, but it seems that there are other things that the company can do to ease the terrible effects that this will have if they do close this mill in town. From her point of view, that is the paramount issue, and she can't divorce it from the way she will vote on this particular application. She said that Janet has asked for, and Ann Mary has no problem with, a delay in making the decision. She asked if anyone had a date certain to make that decision.

Janet Stevens said that she had been looking at the calendar and it seemed like August 30 might be a possibility. Ann Mary Dussault said that she didn't think they were going to have enough time together before then to look at this further and she thought it should be put off to September. Janet Stevens suggested the public meeting on September 6. Barbara Evans said that she would prefer the public meeting on September 13.

Janet Stevens moved, and Ann Mary Dussault seconded the motion, that the decision on the application of Champion International Corporation for tax incentives for new and expanding industry be postponed to the public meeting of September 13. The motion passed by a vote of 3-0.

HEARING: WEST CENTRAL SQUARE C-R1/PUD - PRELIMINARY PLAT

Information provided by Zoe Mohesky, Planner I, indicated that T & T Construction is requesting approval to amend the PUD (Planned Unit Development) overlay zoning and also approval of the preliminary plat for property described as the Easterly 3/5ths of Lot 2, R.M. Cobban Orchard Homes. The proposed zoning and subdivision is to construct 17 clustered single family homes.

West Central Square is a proposed development of seventeen clustered single-family detached homes on 2.74 acres. Home sizes will range from 800 square foot two-bedroom cottages to 1500 square foot two-story units. The subdivision is located approximately two hundred and fifty feet east of the intersection of Seventh Street and Reserve Street. It is bordered on the north by Seventh Street and on the south by Eighth Street. To the east is a single-family home and to the west is a duplex.

On July 18, 1989, the Missoula Consolidated Planning Board recommended that the Planned Unit Development Overlay zoning on property described as the Easterly 3/5ths of Lot 2, R.M. Cobban Orchard Homes, be amended subject to the following conditions:

1. That Lot 1 shall be deleted from the plat and labeled as common area; and
2. That a privacy fence with 75% opacity be constructed along the south and west borders of the parcel; and
3. That trees be planted along the interior of the privacy fence on the south and west side of the development. The trees shall be a minimum of six (6) feet high at the time of planting and be planted on thirty (30) foot centers. In addition, boulevard trees shall be planted along South Seventh Street West; and

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4. That Article VIII, Section 3, of the covenants be amended to restrict building height to thirty (30) feet to correspond with the proposed zoning.

The recommendation includes approval of the preliminary plat of West Central Square subject to the findings of fact contained in the staff report and subject to the following conditions:

1. Sanitary restrictions be lifted by State and local health authorities.
2. Grading, drainage, erosion control, street and sidewalk plans shall be approved by the appropriate agency.
3. The fence along 8th Street shall have a setback of five feet because of the narrow right-of-way.
4. The "hammerhead" turnaround shall be denoted on the plat and approved by the County Surveyor.
5. Lot 1 shall be deleted from the plat and labelled as common area.
6. Four foot (4') wide sidewalks shall be placed on both sides of the private road extending to the south right-of-way of 7th Street.
7. A pedestrian access easement shall be shown on the plat between Lots 9 and 20 (original plat). The fence shall have a gate at this location.
8. The developer shall provide easements for utilities in the appropriate areas.
9. The triangular access easement located in the southeast corner of the subdivision shall be shown on the face of the plat with 30' on the eastern boundary of Lot 7 and 45' long on the 8th Street side. This easement shall not be obstructed by landscaping.
10. The road shall be labeled "private road and utility easement".
11. The developer shall include a statement on the plat which states that acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future RSID or SID for the installation of sidewalks and/or curb/gutter on 7th Street.
12. The common area located north of the irrigation ditch shall be landscaped, but not developed as a playground.
13. An approach permit shall be obtained from the County Surveyor for the intersection of the private access and 7th Street.
14. A "one-way" traffic sign shall be installed indicating that traffic on the private roadway is to travel in a counter-clockwise direction around the loop.
15. That the purchasers and/or owner of the lot or parcel understands and agrees that private road construction maintenance and snow removal shall be the obligation of the owner or property owner's association and that the County of Missoula is in no way obligated until the roads are brought up to standard and accepted by the County of Missoula.

AUGUST 2, 1989 (continued)

The hearing was opened for public comment.

Nick Kaufman of Sorenson and Company, representing the developers, T & T Construction, indicated that his comments to the Planning Board should be considered part of this hearing. Those comments are on file in the Office of Community Development. He described the road which would be built, and addressed concerns that neighbors had about a privacy fence on 8th Street. He said the covenants would say that no parking would be allowed on 8th street, and the pedestrian access easement would be provided for pedestrians and bicycles only, and would prohibit use by motorized vehicles.

Dick Combest, who lives across the street said he has concerns with the access in that residents would be boxed in as there is only one entrance. He said there was a need for an access on 8th Street. He said he also had concerns with the fence along the ditch, and he thought that it would be an eyesore and not maintained properly.

Otto Bensen, a neighbor, said he was in favor of the development, but he didn't want a fence built because it would preclude the ditch being open for people who need it, and would be a safety hazard.

Nick Kaufman said the residents would not be boxed in, as it fronts on both 7th and 8th Streets, and emergency vehicles would be able to have good access. He said a fence will be installed on one side of the ditch only, designed to protect children.

Dick Combest referred Mr. Kaufman to the West Central Village area, and said that the property near the ditch would be a mess, because the fence would preclude it from being maintained properly.

A general discussion of the property at West Central Village under question ensued. Nick Kaufman said the property was not officially part of the subdivision, although it appears to be so.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to approve the amendment of the "PUD" Planned Unit Development zoning with an Underlying C-R1 Zone for Property described as the Easterly 3/5 of Lot 2, R.M. Cobban Orchard Homes, Northwest Quarter of Section 29, Township 13 North, Range 19 West, P.M.M., subject to the findings of fact and the conditions listed in the staff report. The motion carried on a vote of 3-0.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to approve the Preliminary Plat of West Central Square subject to the findings of fact and the conditions contained in the staff report. The motion carried on a vote of 3-0.

HEARING: OCCASIONAL SALE (LERUM AND SLATER)

Information provided by Colleen Dowdall, Deputy County Attorney, indicated that the claimants, Mr. Lerum and Mr. Slater, were requesting the use of the Occasional Sale Exemption to divide parcel 6-B. This parcel was created when Claimant Lerum made use of the Occasional Sale Exemption, dividing Parcel 6 into 6-A and 6-B. The claimants have a buyer for the proposed Occasional Sale Parcel and they intend to use it as a residential parcel.

The hearing was opened for public comment.

Bob Lerum described the property in question, and said it was the southerly most acre on the land, which is located south of Mormon Creek Road. He said the buyer didn't have enough money to buy

AUGUST 2, 1989 (continued)

the entire piece of ground, so they were selling as much as the buyer could afford, and if someone else wanted to buy some at a later date, they would be willing to sell.

Ann Mary Dussault said she didn't have a problem with approving this sale, but if this piece of land comes before the Commissioners again, it would appear that it would be a subdivision split, and would have to go through subdivision review.

Mr. Lerum said that he would be older and uglier by then, and perhaps the Commissioners wouldn't recognize him!

Ann Mary Dussault moved, and Janet Stevens seconded the motion to approve the Division of COS 2724, Tact B by Occasional sale, finding it in the public interest to do so, and finding no attempt to evade the subdivision law. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 3:15 p.m.

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AUGUST 3, 1989

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

Monthly Reports

Chairman Evans examined, approved and ordered filed the Monthly Reconciliation Reports for Justices of the Peace, David K. Clark and Michael D. Morris, for the month ending July 31, 1989.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-059

The Board of County Commissioners signed Resolution No. 89-059, a Resolution of Intent to conditionally amend the "PUD" (Planned Unit Development) zoning on property described as the easterly 3/5ths of Lot 2, R. M. Cobban Orchard Homes, located in Section 29, T. 13 N., R. 19 W., P.M.M.

Resolution No. 89-060

The Board of County Commissioners signed Resolution No. 89-060, authorizing and instructing the County Clerk & Recorder to make application to the County Treasurer for the issuance to Missoula County tax deeds on the lands described on the attachment to the Resolution (various lots in Grantland #'s 12 and 13) which remain unredeemed in the Office of the County Treasurer on August 1, 1989, and for which notice has heretofore been properly made; and instructing the County Treasurer to cancel 1983, 1984, 1985, 1986, 1987, 1988 and the current year's taxes on the same.

Resolution No. 89-061

The Board of County Commissioners signed Resolution No. 89-061, a resolution annexing parcels of land located in Big Flat/O'Brien Creek/Maclay Ranch Area, located in the NE 1/4 and the SE 1/4 of the NW 1/4 of Sec. 20, T. 12 N., R. 20, W., into the Missoula

AUGUST 3, 1989 (continued)

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

Resolution No. 89-062

The Board of County Commissioners signed Resolution No. 89-062, a resolution annexing parcels of land located in the Upper Sleeman Gulch in the Lolo Creek Area, located in the NE 1/4 and the SE 1/4 and the SE 1/4 of the NW 1/4 of Section 20, T. 12 N., R. 20 W., into the Missoula Rural Fire District and are to be assessed for said annexation a fire district levy along with other property already a part of said Missoula Rural Fire District.

Notice of Sale of Bonds

Chairman Evans signed the Notice of Sale of RSID No. 432 bonds in the amount of \$41,500.00 for the purpose of street improvements on Central Avenue, as per the terms set forth, setting the sale date for September 6, 1989, at 1:30 p.m.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated July 25, 1989, between Missoula County and St. John the Baptist Parish for the purpose of participating in the Montana Statehood Centennial Celebration by restoring the exterior of St. John the Baptist Church, as per the terms set forth, funded under the Missoula County Centennial Grant Program in the amount of \$1,000.00, with the funds to be expended prior to December 31, 1989.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Diane L. Morin for the purpose of obtaining the services of a Victims' Advocate in the Missoula County Sheriff's Office, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment not to exceed \$4,800.00.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1989, between Missoula County and Child Care Resources (Training and Health) for the purpose of providing technical assistance and training to child care providers to better meet the developmental needs of young children; and to protect, promote, maintain and improve the health of children in day care settings in Missoula County, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total amount of \$24,890.00 (\$19,950 for the training portion of the program and \$4,940 for the health care portion).

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

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AUGUST 4, 1989

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. As there were no regular meetings scheduled, Commissioner Evans was on call, but out of the office all day; and Commissioners Dussault and Stevens were out of the office all afternoon.

AUGUST 4, 1989 (continued)

Resolution No. 89-063

The Board of County Commissioners signed Resolution No. 89-063, setting the sale date of the tracts of land acquired by the County by tax deed on August 3, 1989, for August 16, 1989, at 1:30 p.m.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

AUGUST 7, 1989

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

Indemnity Bond

Acting Chairman Dussault examined, approved and ordered filed an Indemnity Bond, naming Steven M. Murphy as principal for warrant #4026, dated April 10, 1989, on the School District #18 Fund in the amount of \$41.62 and was destroyed.

Monthly Report

Chairman Evans examined, approved and ordered filed the Monthly Report of the Clerk of the District Court, Kathleen D. Breuer, showing items of fees and collections made in Missoula County for month ending July 31, 1989.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #15 (7/09/89 - 7/22/89) with a total Missoula County Payroll of \$325,471.26.

Agreement

The Board of County Commissioners signed an Agreement between the University of Montana and the Reserve Deputy Unit of the County Sheriff's Department for the purpose of providing law enforcement, crowd control, and general security at University events or events conducted in University facilities, as per the terms set forth, for the period from September 1, 1989, through August 31, 1990, at a rate of \$11.00 per hour for concerts and \$9.00 per hour for all other events. The Agreement was returned to Mike McMeekin in the Sheriff's Department for further signatures and handling.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1989, between Missoula County and the Western Montana Comprehensive Developmental Center for the purpose of providing evaluation and treatment services for children and adults in Missoula County, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total amount of \$11,350.00.

AUGUST 7, 1989 (continued)

Section 3 Public Notice

Acting Chairman Dussault signed a Section 3 Public Notice stating that Missoula County has received notice of the award of a Community Development Block Grant from the Montana Department of Commerce to be used for the Whittier School renovation project, which involves items to bring the structure into compliance with building and safety codes and to make it accessible to persons with handicapping conditions.

Acceptance of Grant Award

Commissioner Dussault, as the authorized representative, signed acceptance of a Grant Award, dated 7-01-89, from the Board of Crime Control to Missoula County in the amount of \$42,180.00, as per the terms and conditions set forth, for the period from July 1, 1989, through June 30, 1990. The document was returned to Cindy Klette, Victim/Witness Coordinator, for further handling.

Other items included:

- 1) the Commissioners voted against proceeding with the proposed Seeley Lake Sewer Project and the project will cease; and
- 2) the Commissioners voted not to pay the MACo Reservation County dues for FY'90, which would be in addition to the regular MACo annual dues.

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

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AUGUST 8, 1989

The Board of County Commissioners did not meet in regular session. Commissioners Evans and Stevens were on vacation from August 8th through August 11th; however, Commissioner Evans was not out of town and was available for signatures as needed during this time.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated August 8, 1989, pages 8-35, with a grand total of \$236,058.83. The Audit List was returned to the Accounting Department.

Site Inspection

In the forenoon, Commissioner Dussault and County Surveyor, Horace Brown, conducted a site inspection on the request to vacate a portion of Old Grant Creek Road.

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AUGUST 9, 1989

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

Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Shirley Stevens as principal for warrant #4987, dated June 15, 1989, on the District Court Fund in the amount of \$50.00 now unable to be found.

AUGUST 9, 1989 (continued)

WEEKLY PUBLIC MEETING

The Weekly Public Meeting scheduled for this date was canceled.

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AUGUST 10, 11 & 12, 1989

The Board of County Commissioners did not meet in regular session. On August 10th, Commissioner Dussault participated in a tour of the Lolo Peak Area all day. On Saturday afternoon, August 12th, Commissioner Evans attended the United Peoples Pow Wow which was being held at Fort Missoula.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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AUGUST 14, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation the week of August 14 - 18, 1989.

Monthly Report

Chairman Evans examined, approved and ordered filed the Monthly Report of Sheriff Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for month ending July 31, 1989.

DAILY ADMINISTRATIVE MEETING

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

Quitclaim Deeds

The Board of County Commissioners signed two Quitclaim Deeds from Missoula County to Allan G. Holms for the following described premises in Missoula County:

- 1) Massey McCullough Acres - PT of Lot 1 1AC Plat F'; and
- 2) Massey McCullough Acres - Lot 2 Plat E'.

The Deeds were returned to the Clerk and Recorder's Office.

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

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AUGUST 15, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Memorandum of Understanding

The Board of County Commissioners signed a Memorandum of Understanding between the Lolo National Forest, Missoula County, and the Montana Department of State Lands for the purpose of

AUGUST 15, 1989 (continued)

establishing a cooperative procedure concerning Joint Review and Analysis of the "Plan of Development" for any proposed recreation resort concerning joint jurisdiction of the Parties to this document, and to recognize the goals and responsibilities of each agency as they pertain to possible construction of resorts or other developments on land under Forest Service jurisdiction and where there are County and State responsibilities for services and local control. The document was returned to Pat O'Herren in the Rural Planning Office for further signatures and handling.

Resolution No. 89-064

The Board of County Commissioners signed Resolution No. 89-064, authorizing the Chairman of the Board to execute the contract with Centel Communications for the new telecommunications system. The Resolution was returned to Jim Dopp, Operations Officer, for further signatures and handling.

Verification for Soil Conservation Service Grant Application

Chairman Evans signed a form required by the Department of Natural Resources and Conservation for grant applications, verifying that the Soil Conservation Service levied 1.45 County mills for the current fiscal year and that other or in-kind funds are available for the proposed "Conservation Planning Workshops for Small Landowners" project which will be located in Missoula, Lake and Ravalli Counties. The form was returned to the Soil Conservation Service for further handling.

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

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AUGUST 16, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Maintenance Agreement

Chairman Evans signed a Maintenance Agreement between Missoula County and Montgomery Elevator Company for the purpose of maintaining the elevator equipment in the Missoula County Courthouse, as per the terms set forth, payable at the rate of \$500.00 per month. The Agreement was returned to Jim Dopp, Operations Officer, for further signatures and handling.

Other items included:

It was agreed that the decision on the request by Champion for tax incentive will be made on September 6, 1989, at the weekly public meeting; the decision was originally scheduled for September 13, 1989, but the Commissioners will be out of town on that day.

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

AUGUST 16, 1989 (continued)

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Ann Mary Dussault.

HEARING: REQUEST TO VACATE A PORTION OF OLD GRANT CREEK ROAD

Information provided by Vickie Zeier, Recording Supervisor, indicated that this is a request to vacate a portion of Old Grant Creek Road located in Section 28 and 29, Township 14 North, Range 19 West - Grant Creek Ranch Area - from the North end of Grantland 12 to the intersection with Dark Horse Road. The vacation of this County road is requested for the following reasons: "Two gravel County roads bisect the Grant Creek Ranch and serve only four landowners (only three resident owners). One of the two roads should be closed to reduce dust and eliminate the opportunity for drag racing and beer parties by teenagers. Only one road is needed to serve the affected residents." The lands and owners thereof affected by this vacation are:

Dennis R. Washington
PO Box 8182
Missoula, MT

Randle V. White
8300 Dark Horse
Missoula Mt

Brian Sheridan
8000 Dark Horse
Missoula Mt

Barbara Karmel
Box 1548
Lake Oswego, OR 97035

John Crowley, Real Estate Manager for Washington Corporation, said that the reason the road should be closed is that there are only four property owners who have access on the road, therefore, two roads serving the same area are not necessary. He said at first, they had looked at closing the portion of Old Grant Creek Road that runs from the intersection of Dark Horse northerly to where it intersects with New Grant Creek Road. The concern there was that the bridge which would be closed is a relatively new one which meets all the County road standards, and the remaining bridge is a substandard one which does not meet the standards. So, upgrading the lower bridge was considered, and an engineer, Frank Muth, recommended that the bridge not be upgraded, that it be either replaced at a cost of approximately \$60,000, or that it be closed due to potential liabilities. He said the two gravel roads that run through the ranch provide recreation for teenagers who drive fast and hold beer parties and other activities which are not in conjunction with any services to the residences on the road. He showed the Commissioners a map of the area, and noted where the roads, residences, and adjoining landowners are located. He said if any future development was going to occur on this road, it would be of a planned nature. Mr. Washington's 2,000 acres have been designated as a planned unit development. He said the road that they wish to have vacated is substandard and could not serve any future development. He said the County has an opportunity to reduce future potential liability with that bridge, as it currently exists.

Horace Brown, County Surveyor, said that the fence on the existing road that would be used if this portion was vacated, is too close to the road and would have to be moved back to ten feet from the edge of the shoulder.

The hearing was opened for public comment.

Clay Karmel, representing his mother, Barbara Karmel, read a letter into the record from her, indicating her opposition to the closure. (The letter is on file in the Clerk and Recorder's Office.) Her opposition centered around the issues of diminishment of her property values relative to convenient

AUGUST 16, 1989 (continued)

access, safety, services, future land-use, the petition for vacation, and her views that nobody drag races on the road, Mr. Washington has hosted a party which nearly closed off access to her property, and a suggestion that the county post a "No Through Traffic" sign, crank down the speed limit, and ask landowners to report offenders. Mr. Karmel said the issue is not about drag racing or beer parties, it is a self serving whim of a wealthy gentleman rancher. The access which would remain to their property would be too dangerous, and inconvenient.

Reed Marbut submitted written remarks which are also on file in the Clerk and Recorder's Office. He said he is a property owner adjacent to Mr. Washington, and his 60 acres are accessed only by an easement granted by Mr Green, Mr. Washington's predecessor, which gives him access from his property southward through Washington property to Dark Horse Road, and then down through Old Grant Creek Road. He said he is obviously impacted by this decision, and showed his property and accesses to the Commissioners on a map. He noted that he was not notified of the hearing. He said he had other physical access, through a private bridge that he built, which is inadequate for public use, and also a small utility easement. He said that in 1970, his family had granted the property in question to the County in which the County was committed to maintain the Old Grant Creek Road as the primary route. He said he could provide a copy of those documents. The petition, he said, was flawed, and that in his opinion, the beer party issue is a stalking horse, he had contacted the Sheriff's Office, and they had informed him that there had never been a report of a call for assistance for drag racing or beer parties on that road. The only calls they had received were relative to the portion of the road east of the County road in the Gleneagle area. He said this petition was not an abandonment, it is a privatization of a road. He said he was concerned because John Crowley is an employee of a signatory to the petition, and there are no petitioners present to speak. He said a careful check of the names on the petition show that they all have a relationship to the Washington Corporation. He said that abandoning this road is not in the public interest, and would create a safety hazard for persons who would then be forced to use alternative routes. He said that individuals whose property is damaged because of a change in a road are supposed to be compensated. He said if the road was vacated, direct access, school busses, and mail delivery through that area would cease.

Randle White, 8300 Dark Horse Road spoke in opposition, stating that the petition lacks enough reasons for abandonment, and said that abandonment of the road would devalue his property. In regard to the petition, he said the issue of beer parties and drag racing is a smoke screen, and it would be prudent to enforce the law rather than vacate the road. He said the remaining access to his property, if this road is vacated, is very dangerous. He said he had knowledge of the agreement that the Marbut family had with the County. He said the petition was signed only by persons who had a direct connection with Mr. Washington.

Ann Mary Dussault indicated to him and others in the audience that the Commissioners were aware that the petitioner was Washington Construction, and the law says that 10 freeholders must sign the petition, and that requirement has been met. She said reference to who is the petitioner is not necessary by those testifying, it is a moot issue and has no bearing on the vacation.

Randle White said that in his opinion, Mr. Washington wants to use the road for his private use, and if the road is abandoned, a

AUGUST 16, 1989 (continued)

gate will probably be placed across the road and Mr. Washington will be using the bridge as his own personal access.

Ann Mary Dussault said that it was the Commissioners understanding that the bridge would come out if the road was vacated.

Randle White said the vacation would make a longer road for fire trucks to travel, more traffic on a one-lane road with encroaching fences, and it would mean a lower priority for snowplowing if the road is closed.

Kim Birick, a Grant Creek resident, asked if the bridge is substandard, how could the McClay bridge have been used while the Harper's bridge was built. She said if the bridge is substandard, it should be destroyed, and the logical bridge to close would be the upper one because of the curve and dangerous grade. She said that neither bridge should be closed, because more fire access is needed. She said she bicycles in the area and bypasses that hill because of the grade, and if the road is closed, it would mean a steeper grade and more danger for her riding. She said kids drink in different places every year, and she didn't think the drinking would continue in that area. She said if the bridge is closed when the road is vacated, the Commissioners should be aware that the bridge is part of the original walkway system that hasn't been finalized yet for the valley. She said temporary barriers should be used to regulate traffic, and the bridge and road should be kept open for bicyclists and pedestrians always.

Reed Marbut said that it is important who signed the petition; not from a legal standpoint, but the people who signed the petition are not going to lose the use of the road. He said it was his understanding that if the bridge is, in fact substandard, that it should be taken out for safety purposes. He said that there would be a bridge there, as Mr. Washington has the capability of building a bridge, and that he could, and probably would build a bridge in the same spot for his own access, so taking the bridge out is a moot point; it is, in fact, a privatization of that access. He said the road that is proposed to be used if this road is vacated is longer, and will generate substantially more dust.

Elmer Frame, who was the County Surveyor when the road was built, said that the road was built, not to serve the County, but to serve the property owner of the Grant Creek Ranch. He said that the road was built at considerable cost, and when the upper road was built, the lower road and bridge should have been abandoned then. He said there is a bad angle on the upper road, and it should be improved.

Ann Mary Dussault asked him to clarify his points.

Elmer Frame said that the road that is under consideration for vacation was originally the only road in that area. When the new road was built, this vacation should have been done then, but it was kept open and the lower road was given priority for snow removal and school bus routes. The only way the Marbuts would donate any property was if the lower road was left open.

Reed Marbut said that at the time the current Grant Creek Road was constructed, his family gave the property, it was not his initiative to do that, they did not want to do that, and were opposed to the new road. He said there was no development in the area then, the purpose was Snowbowl, and the pressure came from the Snowbowl people and the skiers, who did not want to come down through the lower area. But he said the full agreement had many conditions, and their reason for opposing it is that it isolated

AUGUST 16, 1989 (continued)

670 acres from the creek pasture land. The by-pass sealed that off, and they had to develop stock water up in the basin for their pasture. He said they also gave about 40 acres to Snowbowl, for which they got Snowbowl stock, which is now worthless. He said the gift was not what the Marbuts wanted, and they wanted proper fencing, clean up, and continued primary route on Old Grant Creek Road to be maintained as such for school bus, mail, etc, and that was a clear contract. An agreement was drawn up to that effect.

Kim Birick said that the upper Grant Creek Road is very steep, and everyone in future developments would have to use that dangerous road.

John Crowley said there are no sinister motives. The petitioners are trying to address loop traffic that is not going to the White's, or Brian Sheridan's. He said the intent is to stop people who are going through the area at high speed on weekends. If the road is closed, it will not be a privatization by Dennis Washington. The bridge will be removed within days or hours of the permission being granted. The area encompassed by the road will be topsoiled and become part of the pasture. With regard to any future development, it was never contemplated to use this bridge, as the PUD plan indicates.

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

Horace Brown said the upper road needs some realignment and the bridge is substandard because it is a one-lane bridge, but it meets the standards required for the posting at this time. He said it was not in the CIP, but will be in the CIP in the next 5 or 6 years. It is not posted for fire trucks.

Ann Mary Dussault asked if firetrucks could use the bridge.

A general discussion about the capabilities of the bridge ensued. Members of the Surveyor's staff said school busses could use the bridge, but fire trucks could not. It is not currently being used for school busses, but the BFI trucks use the bridge. They are over weight and should not be using it. It was established that the mailboxes were at the intersection of Dark Horse Road and Old Grant Creek Road.

Elmer Frame said it would not be possible for the bridge to accommodate the lower bridge traffic.

Colleen Dowdall said the petition was not flawed in her opinion, and in the matter of proper notice, the statute requires that notice be given to landowners affected. The policy of the Clerk and Recorder's Office is to contact those people whose property abuts the road. In this case, Dennis Washington is the only person whose property touches the petitioned vacation.

Barbara Evans said that the law requires that the road be inspected by a Commissioner and the County Surveyor, and that inspection was done previous to the hearing.

Ann Mary Dussault said that there is no question that there are issues regarding the intersection onto Grant Creek Road, and the width of that upper road needs to be dealt with. She said it makes no sense to commit the County to improving the second bridge in the future, and it would be irresponsible for the County to invest in a second bridge that will need repair or replacement. She said it took two minutes to travel that loop.

AUGUST 16, 1989 (continued)

Barbara Evans asked what the old agreement with the Marbuts entails.

Mike Sehestedt said he would ask Horace Brown to see if he had a copy of that agreement.

Reed Marbut indicated that he had a copy.

Elmer Frame said that the property owners of Grant Creek Ranch at the time the agreement was drawn up had the right to enter into the agreement, but the family does not have the right to change it now. The agreement should go with the property.

Reed Marbut said that Mr. Frame was right, but when the Grant Creek Ranch was sold, he was given the opportunity to purchase land anywhere on the ranch property he chose. Relying on that old agreement, he chose the property he now owns, because it was his understanding that the agreement would give him access for the rest of his life. He said he would never have chosen that land if he thought he was going to have to travel the route now proposed. He said he is landlocked, and his only way out of his property is through lower Grant Creek Road. He said this vacation would severely diminish the value of his property.

Ann Mary Dussault said that he would still have access off the easement to Dark Horse Road, and the difference is two minutes.

Reed Marbut said the difference is the time and the route up the by-pass and around. He said the grade, the bad corner and the route itself are all detriments to him as a property owner. He said the school bus and mail routes would not be able to use the area if the road was closed, and the agreement with the County says that if he wants to send his children to someplace along the old road, he could do that. He said he was discussing the convenience factor.

Barbara Evans said he did and would have access if the lower road was closed.

Ann Mary Dussault said the reality is that the mail is and can be delivered, the school bus can pick up students and this vacation would not have any impact on services.

Barbara Evans asked if the County was bound by an agreement to maintain the road, or did that agreement go with the property, not with the owners who previously held the property.

Elmer Frame said that was his understanding, but he was not an attorney.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to delay a decision on this vacation until September 6 to allow the Attorney's office to research the agreement with the Marbuts, and to give the Surveyor's Office time to look at what needs to be done to increase the safety of the upper Road. The motion carried on a vote of 2-0.

HEARING: INTENT TO CREATE RSID NO. 433 (STREET IMPROVEMENTS TO HOMESTEAD DRIVE)

Information provided by John DeVore, Administrative Officer, indicated that on July 25, 1989, the Board of County Commissioners signed a Resolution of Intention to create RSID #433. All notices relating to the Resolution were posted and

AUGUST 16, 1989 (continued)

mailed in accordance with statute. No protests were received. This is a developer RSID project. Staff recommends creation of RSID #433 - Street Improvements to Homestead Drive.

The hearing was opened for public comment. As no one came forward to speak either in favor of or in opposition to, the hearing was closed.

Ann Mary Dussault moved and Barbara Evans seconded the motion that upon recommendation of staff, RSID #433 be created. The motion carried on a vote of 2-0.

HEARING: INTENT TO CREATE RSID NO. 434 (STREET IMPROVEMENTS TO NORTH AVENUE)

Information provided by John DeVore, Administrative Officer, indicated that on July 25, 1989, the Board of County Commissioners signed a Resolution of Intention to create RSID #434. All notices relating to the Resolution were posted and mailed in accordance with statute. No protests were received. This is a developer RSID project. Staff recommends creation of RSID #434 - Street Improvements to Homestead Drive.

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

Ann Mary Dussault moved and Barbara Evans seconded the motion that upon recommendation of staff, RSID #434 be created. The motion carried on a vote of 2-0.

CERTIFICATE OF SURVEY REVIEW, SIMMONS

Information provided by Colleen Dowdall, Deputy County Attorney, indicated that this was a Family Transfer Exemption sought by Jack Simmons in the Petty Creek area on Tract 25 of COS #3270. Tract 25 is a 20 acre parcel which the applicant requested divided by the use of the Occasional Sale Exemption in 1985 into a 5-acre parcel and a 10 acre remainder. The Commissioners approved the Occasional Sale, but the applicant never completed the survey. At this time, he is requesting that the 15 acre remainder be divided into a 5 acre Family Transfer and a 10 acre remainder. It is the intent of the applicant to complete the Occasional Sale and then make use of the Family Transfer by transferring the parcel created to his wife and selling the remainder to a prospective purchaser. All of this is necessitated by the fact that the residence sits right in the middle of this acreage and the purchaser wants the house but is only interested in the 10 acres immediately around the residence. The applicant does not have a history of prior use of the exemptions.

The hearing was opened for public comment.

Dick Ainsworth, of PCI, representing the developer, gave a history of the parcel, and said the owner does not wish to live on this land, but wants to sell the middle portion and build his own house there. He has no intention of selling either of the remainder.

Ann Mary Dussault indicated that if this is approved, Mr. Simmons has to transfer the deed to his wife.

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

AUGUST 16, 1989 (continued)

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the Family Transfer and Occasional sale of Mr. Simmons, based on information submitted by the applicant, and finding no history of exemptions and no prior use of the occasional sale. The motion carried on a vote of 2-0.

SALE OF TAX DEED PROPERTY

Information provided by Vickie M. Zeier, Recording Supervisor, indicated that this tax deed auction is in compliance with Resolution No. 80-063. The notice of the sale was published in the Missoulian for two consecutive Sundays and posted in three places as required by 7-8-2302 M.C.A.. A copy of the tax deed and a memo to persons whom we took tax deed from, stating that they had the right to redeem the property prior to the auction, was mailed to all interested parties on August 7, 1989.

Mike Sehestedt, Deputy County Attorney, described the process used to sell the property.

No one came forward to bid on any of the property, and the sale was closed.

PUBLIC COMMENT

Donald Bullmar, 1900 Kemp, presented a petition to the Board of County Commissioners which contained 100 signatures asking for a 4-way stop sign at North Avenue and Johnson, and North and Kemp.

Horace Brown, County Surveyor, indicated that the signs had been removed by the County because the accident history did not warrant stop signs. The solution would be better law enforcement.

Tom Britt, 2015 North Avenue W., said that this is a very dangerous situation, and he thinks that someone will die if the signs are not put back in.

Ann Mary Dussault asked again why the signs were taken down.

Horace Brown indicated again that the traffic doesn't warrant a 4-way stop according to ASHTO standards, and since the signs were removed, the accident rate at that intersection has not changed.

Ann Mary Dussault indicated that the Commissioners would check the accident reports, and look into the situation further, as the County certainly did not want anybody killed.

There being no further business to come before the Board, the Commissioners were in recess at 3:20 p. m.

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AUGUST 17, 1989

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

DAILY ADMINISTRATIVE MEETING

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

AUGUST 17, 1989 (continued)

Agreement

Chairman Evans signed an Agreement between Missoula County and the Montana Department of Health & Environmental Sciences for the purpose of protecting wells in the Missoula Aquifer from volatile organic compound contamination, as per the terms set forth, for a total payment up to \$14,817.00, and is to be completed by February 1, 1990. The Agreement was forwarded to DHES in Helena.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Deanne Gitten, an independent contractor, for the purpose of providing health care services as required in the Missoula County Jail for the care and keeping of the inmates incarcerated therein, as per the terms set forth, commencing August 10, 1989, through June 30, 1990, at a rate of \$12.50 per hour with a two-hour minimum.

Memorandum of Understanding

The Board of County Commissioners signed a Memorandum of Understanding between Missoula County, Lolo National Forest, and the Montana Department of Fish, Wildlife and Parks for the purpose of developing a cooperative and coordinated approach to recreation, open space, and park planning in Missoula County and the recognition of the goals and responsibilities of each agency. The document was returned to the Rural Planning Office for further signatures and handling.

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

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AUGUST 18, 1989

The Board of County Commissioners did not meet in regular session as Commissioner Evans was out of town.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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AUGUST 21, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the Plat for Curtis & Majors' Addition, a portion of Lot 3, an amended subdivision plat located in the NW 1/4 of Section 20, T. 13 N., R. 19 W., PMM, Missoula County, an area of 1.96 gross acres, with the owners of record being James M. and Norma H. Bauer and a total payment of \$3,322.22 cash in lieu of parkland paid to the County Treasurer.

AUGUST 21, 1989 (continued)Resolution No. 89-065

The Board of County Commissioners signed Resolution No. 89-065, a resolution by Missoula County to accept from the United States of America, acting by and through the Forest Service, Department of Agriculture, an easement for public road and all other public purposes, located in a portion of the SE 1/4 SW 1/4 of Section 6, T. 13 N., Range 18 W., a short portion of Marshall Canyon Road in Missoula County.

Resolution No. 89-066

The Board of County Commissioners signed Resolution No. 89-066, a resolution by Missoula County to accept from the United States of America, acting by and through the Forest Service, Department of Agriculture, an easement for public road and all other public purposes, located in a portion of the S 1/2 SE 1/4, E 1/2 SW 1/4, NW 1/4 SW 1/4, and S 1/2 NW 1/4 of Section 8, T. 15 N., R. 22 W., a portion of Remount Road No. 393 a.k.a. Ninemile Road in Missoula County.

Quitclaim Deeds

The Board of County Commissioners signed the following Quitclaim Deeds:

- 1) from Missoula County to the Montana National Bank of Bozeman c/o Jay Hansen for Lot 77, Double Arrow Ranch - Phase IV, canceling the tax deed recorded in Book 297 micro records, page 1539;
- 2) from Missoula County to the Grant Creek Ranch Trust for Grantland #13 - Utility Lot, .552 AC, canceling the tax deed recorded in Book 297 Micro, page 1565; and
- 3) from Missoula County to the Double Arrow Ranch Assoc. LTD c/o J. Lyle and Ardyce A. Mcarthur for Lot 25, Double Arrow Ranch - Drew Creek - Phase VII, canceling the tax deed recorded in Book 297 micro records, page 1541.

The Deeds were forwarded to the Clerk & Recorder's Office for further handling.

Other items included:

The Commissioners appointed Gail Bromenshenk as the alternate member on the Museum Board of Trustees through June 30, 1992.

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AUGUST 22, 1989

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

DAILY ADMINISTRATIVE MEETING

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

AUGUST 22, 1989 (continued)

Plat

The Board of County Commissioners signed the Plat for Clark Fork Estates Phase Two, a subdivision located in Section 14, T. 13 N., R. 20 W., PMM, Missoula County, a total area of 15.57 gross acres, with the owners of record being Clifford A. and Opalmae H. Frey.

Agreement

The Board of County Commissioners signed an Agreement between the City of Missoula and the County of Missoula to cooperate in the Administration of Grant Funds provided by the Montana Department of Commerce and the City of Missoula to Childstart, Inc. (DBA as Head Start) for the renovation of the old Whittier School to meet uniform building and fire codes, as per the terms set forth in the Agreement, for the period of construction and shall terminate upon the project being certified for occupancy by the City Building Official and final proof of payment of all claims pending at that time. The Agreement was returned to Cindy Wulfekuhle in the CDBG Office for further signatures and handling.

Other items included:

Consideration of Clark Fork Estates, Phase II - Final Plat

Information provided by Barb Martens of the Office of Community Development indicated that on March 29, 1989, the Board of County Commissioners approved the preliminary plat of Clark Fork Estates, Phase II subject to several conditions. Clark Fork Estates consists of thirteen residential lots located south of Mullan Road. The total acreage is 15.57 acres. A 7.2 acre park adjacent to the Clark Fork River was dedicated to Fish, Wildlife & Parks with the platting of Phase I. The Office of Community Development Staff recommends that Clark Fork Estates, Phase II be approved.

Ann Mary Dussault moved and Janet Stevens seconded the motion to oapprove Clark Fork Estates, Phase II. The motion passed on a vote of 2-0.

Also, Cindy Wulfekuhle of the CDBG Office met with the Commissioners and discussed a possible settlement of a rehab loan made to Linda Owen, now in default. As per the information in the memo attached to the daily minutes, the Commissioners authorized Cindy to negotiate with Farm Home Administration regarding the settlement of this loan, preferably at the \$2,000-\$2,500 level.

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

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AUGUST 23, 1989

The Board of County Commissioners met in regular session; all three members were present. In the forenoon, the Commissioners participated in the Western Montana Fair Parade.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated August 23, 1989, and covering a two-week period, pages 11-51, with a grand total of \$1,319,252.01. The Audit List was returned to the Accounting Department.

AUGUST 23, 1989 (continued)

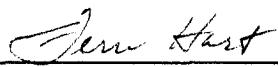
WEEKLY PUBLIC MEETING CANCELED

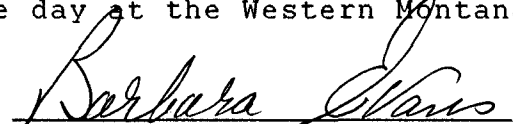
The Weekly Public Meeting scheduled for this date was canceled due to a lack of agenda items.

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AUGUST 24 & 25, 1989

The Board of County Commissioners met briefly on both days, with all three members present, and they were available at the Fairgrounds for the remainder of the day at the Western Montana Fair.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

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AUGUST 28, 1989

The Board of County Commissioners met in regular session; all three members were present. In the morning, they attended a breakfast meeting at the Village Red Lion with members of the Airport Authority and Ron Klaphake of MEDC.

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chairman Evans signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of establishing a program to prevent low birthweight within Missoula County, as per the terms set forth, for a two-year period through June 30, 1991, for a total payment of \$70,000.00 or \$35,000.00 per year. The Agreement was forwarded to DHES in Helena.

Modification of Agreement

Chairman Evans signed a Modification of Agreement between Missoula County and the Montana Department of Health and Environmental Sciences, modifying the terms of the Agreement between them concerning the WIC Program (DHES No. 900122), per the items set forth, as the original contract was for \$183,000.00 and the actual amount received was the \$189,169.00 identified in this Modification. The document was forwarded to DHES in Helena.

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #16 (7/23/89 through 8/05/89) with a total Missoula County Payroll of \$322,988.78. The Transmittal Sheet was returned to the Auditor's Office.

Certification of Acceptance

Chairman Evans signed the Certification of Acceptance for County Maintenance for Winchester Court located in Rangitsch Addition #2, a total of .075 miles. The Certification form was returned to the Surveyor's Office.

AUGUST 28, 1989 (continued)

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Kella J. Babcock-Brager, whereby the County agrees to pay Babcock-Brager \$0.25 per cubic yard for gravel removed from her property located in Section 11, T. 13 N., R. 23 W., PMM, Missoula County, as per the terms set forth, for a period of 8 months; the amounts of gravel removed shall be determined solely by the County according to its needs, and the landowner will allow the County to stockpile screened and/or crushed material at the site.

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

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AUGUST 29, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens attended a Community Action Association/SRS Planning Session held at the Holiday Inn all day Tuesday and until 3 p.m. on Wednesday, August 30th.

DAILY ADMINISTRATIVE MEETING

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

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula Community Business Incubator & Montana Women's Economic Development Group (WEDGo), whereby the County agrees to authorize \$20,000.00 of Missoula County CDBG Economic Development Project income funds to be used for providing technical assistance to microbusiness loan applicants during both the application stage and during the term of the loans, as per the terms set forth, with the duration of this Agreement being through the life of the revolving loan fund which began on October 11, 1988.

Fee Waiver

The Board of County Commissioners signed a letter to Nick Kaufman of Sorenson & Company, stating that the \$75 street vacation fee for that portion of Old O'Brien Creek Road in the O'Brien Valley Estates No. 2 will be waived.

Other items included:

The Central Avenue RSID No. 432 was discussed, and the Commissioners approved additional County funds for the project.

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

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AUGUST 30, 1989

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

AUGUST 30, 1989 (continued)

Audit List

Commissioners Dussault and Evans signed the Audit List, dated August 29, 1989, pages 9-35, with a total amount of \$76,070.46. The Audit List was returned to the Accounting Department.

WEEKLY PUBLIC MEETING

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

BID AWARD: CONSTRUCTION BIDS RSID #432 CENTRAL AVENUE STREET IMPROVEMENTS

Information from John DeVore, Administrative Office, indicated that the following bids for RSID #432 - Central Avenue Paving were received:

American Asphalt	\$43,422.80
Jensen Paving	43,662.40
Western Materials	46,575.60

His recommendation was to award the bid to American Asphalt Company as the lowest bidder and contingent on the sale of the bonds.

Janet Stevens moved and Barbara Evans seconded the motion to award the bid for paving of Central Avenue (RSID #432) to American Asphalt Co, contingent on sale of the bonds. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:38.

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AUGUST 31, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Missoula County Office of the Montana Highway Patrol for the purpose of participation of officers from the Missoula County Office of the Montana Highway Patrol in the Driving Under the Influence (DUI) Enforcement Team, as per the terms set forth, for the period from September 1, 1989, through September 5, 1989, for a total payment not to exceed \$500.00. The Contract was returned to the Health Department for further signatures.

Approval of Agricultural Exemption

The Board of County Commissioners signed approval of a COS Agricultural Exemption for a tract of land located in the S 1/2 of Section 4, T. 15 N., R. 22 W., PMM, Missoula County, being portions of Tract B-5-A, C.O.S. No. 3043, with the owners being Rodney and Trisha Campbell.

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

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SEPTEMBER 1, 1989

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. As there were no regular meetings scheduled, Commissioner Evans was on call, but out of the office all day; and Commissioner Stevens was out of the office all afternoon.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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SEPTEMBER 4, 1989

The Courthouse was closed for the Labor Day holiday.

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SEPTEMBER 5, 1989

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

Monthly Reports

Chairman Evans examined, approved and ordered filed the Monthly Reconciliation Reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending August 31, 1989.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen D. Breuer, showing items of fees and collections made in Missoula County for month ended August 31, 1989.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #17 (8/06/89 through 8/19/89) with a total Missoula County Payroll of \$326,126.12. The Transmittal Sheet was returned to the Auditor's Office.

Extension Letter

The Board of County Commissioners signed a letter to Greg Martinsen of Martinsen Surveys approving a 180-day filing extension for the Van Ostrand Subdivision No. 2, making the new filing deadline February 26, 1990.

Supplemental Funding Form

Chairman Evans signed acceptance of supplemental Maternal and Child Health Block Grant Funds from the Montana Department of Health and Environmental Sciences as a result of unspent funds at the close of FY'89 in the amount of \$127,604.00, with Missoula County's allocation being \$11,446.00. The form was returned to DHES in Helena.

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

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SEPTEMBER 6, 1989

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

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Local Unit Number One of the Montana Public Employees Association for the purpose of defining the wages, hours and other working conditions of the employees, as per the terms set forth, covering the period from July 1, 1989, through June 30, 1991. The Agreement was returned to John Pemberton in the Personnel Office for further signatures and handling.

Lease Agreement

The Board of County Commissioners signed a Lease Agreement, dated August 14, 1989, between Missoula County and the Missoula Equestrian Council for the purpose of leasing the Council a parcel of land located in the E 1/2 of Section 25, T. 13 N., R. 20 W. (Tract 5 on Certificate of Survey No. 3323 and Certificate of Survey No. 3400) for operating and maintaining an Equestrian Park Complex, as per the terms set forth, for a term of five years for the sum of \$1.00 rent.

Agreement

The Board of County Commissioners signed an Agreement, dated July 1, 1989, for Maintenance of Grounds at Certain County Buildings by the City Parks and Recreation Department, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for total compensation in the amount of \$13,800.00.

Replacement Bond

Chairman Evans signed Bond No. AF-3 in the amount of \$2,720,000.00, a replacement bond for the new investor for the Pay'n Save Corporation Project (Industrial Development Revenue Bond, Series 1981) as the Bond has again been traded to a new institutional investor. The Bond was returned to Mike Sehestedt in the County Attorney's Office for further signatures and handling.

WEEKLY PUBLIC MEETING

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

Bid Award: Total Station Survey System

Information provided by Horace Brown, County Surveyor, indicated that this is a data collection system which collects information following a survey and then transfers all that information to a computer for analysis. Bids were opened at 10:00 a.m. on September 5, 1989 with the following results:

Selby Esco	Set 2 electronic total station
\$22,012.00	
	with trade
20,212.00	
Selby Esco	TC 1600 electronic total station
\$28,637.00	
	With Trade
26,837.00	

SEPTEMBER 6, 1989 (continued)

Selby Esco TC 1600 electronic total station
26,890.00
w/alternative accessories
With Trade
25,090.00

His recommendation was that no bids be accepted. The Set 2 does not meet specifications, the TC 1600 even with the alternative accessories is above the \$24,500 in the budget.

Janet Stevens moved and Ann Mary Dussault seconded the motion to reject all bids for a Total Station Survey System for the Surveyor's Office. The motion carried on a vote of 3-0.

Bid Award: Bond Bid on RSID 432 (Central Avenue)

Information provided by John DeVore, Administrative Officer, indicated that the following bond bids were received:

Ben Smith	8.24%
Noel Hoell	8.75%

His recommendation was to award the bid to Ben Smith.

Ann Mary Dussault moved and Janet Stevens seconded the motion to award the bond bids for RSID 432 to Ben Smith for 8.24%. The motion carried on a vote of 3-0.

Decision: Request to Vacate a Portion of Old Grant Creek Road

Commissioner Barbara Evans noted that the County had been served with a restraining order causing the Commissioners not to deal with this issue. A show cause hearing on the 12th of September has been scheduled in District Court.

Decision On: Application for Tax Incentive for New and Expanding Industry (Champion International)

Information provided by Sharyn Solum, Administrative Assistant, indicated that a public hearing on an application for tax incentives for new and expanding industry for Champion International was held on August 2, 1989. A decision on that matter was postponed until today's hearing in order to gather more information. The staff recommendation on August 2 was that the application be denied, based on the application not meeting the policy criteria of new job creation.

Barbara Evans noted for the record that a comparison had been made between this application and those that had come before the Commissioners previously. Those comparisons showed that:

NORCO created 19 full time jobs, 30 part-time
Louisiana Pacific created 34 full time jobs
White Pine created 10-15 new jobs
Stone Container applied and withdrew their application because the number of jobs that would have been created did not create any new jobs.
Pyramid Lumber created 9 full-time positions,
Sun Mountain Sports created 154 new jobs
Roscoe Steel created 26 new full-time jobs

She indicated that the application was a segment of Champion's total operation, and would not mean an increase in employment, and she could not separate Champion into segments, and looking at Champion as a whole, their actions in this community result in a loss of employment. She says she does appreciate the money that

SEPTEMBER 6, 1989 (continued)

they have spent to upgrade their facility and to retain jobs, but that this application, in her mind, does not meet the criteria.

Janet Stevens said that the other applications that were received were also looked at in relationship to the entire company, not just a segment.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to deny the application for tax incentives for new and expanding industry for Champion International, based on the fact that the application does not meet the criteria resulting in creation of new jobs. The motion carried on a vote of 3-0.

Janet Stevens noted that as a result of legislative action, Champion would be receiving a \$248,000 tax break in June based on personal property taxes.

Consideration Of: Final Plat - West Central Square

Information provided by Barb Martens, Planner II, indicated that On August 2, 1989, the Board of County Commissioners approved the preliminary Plat of West Central Square subject to several conditions. West Central Square consists of seventeen single family residential lots located off of 7th Street. The total area is 2.74 acres, with 0.0496 acres in common area. Her recommendation was that West Central Square be approved subject to the conditions set forth in the staff report.

1. Sanitary restrictions shall be lifted by State and local health authorities;
2. A "one-way traffic" sign shall be installed indicating that traffic on the private roadway is to travel in a counter-clockwise direction around the loop.
3. The fence along 8th Street shall have a setback of five feet because of the narrow right-of-way.

Janet Stevens moved and Ann Mary Dussault seconded the motion that the final plat of West Central Square be approved subject to the conditions contained in the staff report. The motion carried on a vote of 3-0.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to adopt the resolution to amend the PUD Zoning for West Central Square, subject to the conditions set forth in the staff report. The motion carried on a vote of 3-0.

Hearing: Certificate of Survey Review - Occasional Sale (Hendrickson)

Information provided by Colleen Dowdall, Deputy County Attorney, indicated that Stan Hendrickson is requesting the use of the Occasional Sale exemption to create a one acre parcel near the junction of Highway 93 and Mormon Creek Road. Mr. Hendrickson has made use of the Occasional Sale exemption on four prior occasions since 1980. He has not divided this particulars tract.

The hearing was opened for public comment

Colleen Dowdall showed a map of the split, and which showed a rental unit, and she said the information she had indicated that the renters wished to purchase the unit.

No one came forward to speak either in favor or against the sale, and the hearing was closed.

SEPTEMBER 6, 1989 (continued)

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the request for an occasional sale exemption to divide the property described as Parcel B C0S 2409, finding it to be in the public interest to do so, and finding no apparent attempt to evade the Montana Subdivision and Platting Act, and finding no further impacts on the surrounding neighborhood. The split is approved contingent on the condition that the Certificate of Survey is not to be filed before December 1989. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:06 p.m.

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SEPTEMBER 7, 1989

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

Audit List

Commissioners Evans and Stevens signed the Audit List, dated September 7, 1989, pages 10-46, with a grand total of \$908,255.66. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chairman Evans signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of providing continuing funds from the Maternal and Child Health Block Grant Primary Care/Case Management Program to high risk mothers and children, as per the terms set forth, for the period from July 1, 1989, to September 30, 1989, for a total amount not to exceed \$8,941.00. The Agreement was forwarded to DHES in Helena.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Steve Edwards, dba Teach, Incorporated, an independent contractor, for the purpose of performing the tasks as shown in Part 4 of Addendum One, as per the terms set forth, commencing on October 1, 1989, and concluding on June 30, 1990, for a total payment not to exceed \$9,500.00.

Modification of Agreement

Chairman Evans signed a Modification of Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of modifying the terms of the SFY90 Agreement between them concerning the WIC Program, upgrading the Agreement to the appropriate amount of \$204,455.00, as per the terms set forth. The Agreement Modification was forwarded to DHES in Helena.

Personnel Classification Form

The Board of County Commissioners signed as the Employer on "Schedule A" covering the period from July 1, 1989, through June

SEPTEMBER 7, 1989 (continued)

30, 1990, listing the Class, Description of Items in Classification, and Hourly Wage Rate for the positions at the Road Department. The Form was returned to John Pemberton in the Personnel Office.

Other items included:

The Commissioners appointed Gail Bromenshenk as a "regular" member of the Museum Board of Trustees effective September 14, 1989, to fill the unexpired term of Susanne Bessac through June 30, 1990, at which time she will be eligible for reappointment to a three-year term; the Commissioners also appointed Geoff Sutton and Marty Baker as alternate members of the Museum Board of Trustees through June 30, 1992.

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

Informational Meeting

In the evening, Commissioner Evans attended an Informational Public Meeting held at the Lolo School Gym regarding the proposed water improvements in Lolo (RSID No. 901).

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SEPTEMBER 8, 1989

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

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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SEPTEMBER 11, 1989

The Board of County Commissioners met in regular session in the forenoon; all three members were present. Commissioner Evans was out of the office all afternoon; and Commissioner Stevens left for Helena to attend a MACo Dinner Meeting there in the evening.

Welfare Advisory Board

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-067

The Board of County Commissioners signed Resolution No. 89-067, a resolution to amend the "PUD" (Planned Unit Development District) zoning with an underlying "C-R1" (Residential) zone for property described as the easterly 3/5ths of Lot 2, R. M. Cobban Orchard Homes, Northwest Quarter of Section 29, T. 13 N., R. 19 W., PMM.

SEPTEMBER 11, 1989 (continued)

Agreement

Chairman Evans signed a Software and Professional Services Agreement between the Institute for Professional Management - Systems, Inc. (IPM - Systems) of Provo, Utah, and Missoula County for the purpose of converting the old software to run on the new mainframe computer.

Modification of Agreement

Chairman Evans signed a Modification of Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of modifying the terms of the Agreement between them concerning AIDS testing and counselling, amending the Agreement as per the items set forth and showing the new dollars payable, increasing the total amount of the Agreement to \$33,400.00. The Modified Agreement was forwarded to DHES in Helena.

Agreement to Extend Agreement for Service

The Board of County Commissioners signed an Agreement to Extend an Agreement for Service between the Seeley Lake Refuse Disposal District and Kerry G. Drew, dated August 20, 1984, for the purpose of providing refuse disposal services for the District for a sixty-month period at the rate of \$2,083.33 per month. Negotiations for the next sixty-month period have been complicated by the proposal by the EPA of new regulations governing the operation of refuse disposal sites; therefore, the parties have agreed to amend the existing contract extending the current pay period until October 1, 1989, at the current rate, with any increase in compensation negotiated between the parties being retroactive to August 1, 1989. The Agreement was returned to Colleen Dowdall, Deputy County Attorney, for further signatures and handling.

Loan Agreement

The Board of County Commissioners signed a Loan Agreement between Missoula County and Industrial Design and Manufacturing, Inc., whereby the County has been awarded grants under the Montana State Community Development Block Grant Program to provide housing and economic development assistance loans and has established an Economic Development Reserve Account with funds received from loan payment revenue for the purpose of furthering economic development in the Missoula area; this assistance increases employment opportunities for low and moderate income persons and is a consideration of the loan package. The County has agreed to loan IDM \$110,000.00 over a two-year period, subject to funds available, as per the terms set forth, to be repaid over a term of ten years, with payments to be deferred for two years from the date of loan origination, with the note being secured by a Guaranty Agreement of September 11, 1989. The Agreement was returned to Cindy Wulfekuhle in the CDBG Office for further handling.

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

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SEPTEMBER 12, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Helena attending MACo meetings.

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SEPTEMBER 13, 1989

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

Audit List

Commissioners Evans and Stevens signed the Audit List, dated September 13, 1989, pages 9-25, with a grand total of \$40,937.32. 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:

Declaration of Covenant

The Board of County Commissioners signed a Declaration of Covenant, dated September 7, 1989, by Alvin F. and C. Leviene Goodan, declaring that Tract A-1 and B-1 of the Certificate of Survey on file in the Clerk & Recorder's Office are parcels 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 on said parcels during the life of this covenant.

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

WEEKLY PUBLIC MEETING

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

There were no items on the agenda, and no public comment, and the Commissioners were in recess at 1:31 p.m.

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SEPTEMBER 14, 1989

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

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for month ending August 31, 1989.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-068

The Board of County Commissioners signed Resolution No. 89-068, a resolution relating to pooled RSID Bonds, Series 1989A (Special Improvement District Nos. 433 and 434); authorizing and providing for the issuance and sale thereof in the amount of \$78,000.00 for the purpose of financing construction of improvements to Homestead Drive and to a 375-foot section of North Avenue, to serve those areas of Missoula County. Chairman Evans signed the Notice of Sale of Pooled RSID Bonds for RSID Nos. 433 and 434, setting the sale date for October 18, 1989, at 1:30 p.m.

SEPTEMBER 14, 1989 (continued)

Budget Agreement

The Board of County Commissioners signed a Budget Agreement between Missoula County and Montana State University Extension Service for the purpose of specifying the amounts contributed by the County listed in the budget for the support of extension work in agriculture, home economics and related subjects, with the MSU Extension Service contributing the amounts necessary to pay the balance of the cooperatively financed salaries of County Extension Agents assigned to the above County. The Agreement was returned to Jerry Marks in the Extension Office for further handling.

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

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SEPTEMBER 15, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Libby attending a Mental Health Board Meeting.

Election Canvass

In the afternoon, Commissioners Evans and Dussault and County Auditor, Susan Reed, canvassed the City Primary Election, which was held on September 12, 1989.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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SEPTEMBER 18, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Whitefish attending the Department of Labor JTPA Meetings on September 18th, 19th and 20th.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Industrial Supply as principal for warrant #190133, dated July 5, 1989, on the Missoula County Road Fund in the amount of \$189.50 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a contract, dated September 8, 1989, between Missoula County and American Asphalt Company, the lowest and best bidder for the construction of street improvements on Central Avenue (RSID No. 432), as per the terms set forth, for a total amount of \$43,422.80. The Contract was returned to General Services for further handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between the Missoula County Comprehensive Medical

SEPTEMBER 18, 1989 (continued)

Benefits Plan and the Associates for Hearing and Speech, an independent contractor, for the purpose of providing individual hearing screening for members of the Plan, as per the terms set forth, during the period from October 1, 1989, through October 31, 1989, with the total compensation paid not to exceed \$10.00 per Plan member screened, of which \$9.00 shall be paid by the Plan (funded by the Health Incentive Program) and \$1.00 shall be paid by the Plan member.

Final Closeout Certification

Chairman Evans signed the Final Closeout Documentation for the Missoula County/Norco Products economic development block grant, certifying that all activities undertaken by the Grantee with funds provided under contract #MT-CDBG-S85E-19, as per the items set forth, have been carried out in accordance with said contract. The Documentation was returned to Cindy Wulfekuhle in the CDBG Office for further handling and forwarding to the Department of Commerce in Helena.

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

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SEPTEMBER 19, 1989.

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

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SEPTEMBER 20, 1989

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was out of town through September 22nd as she took her parents out of state to attend the funeral of a relative.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. There were no other Commissioners present, therefore no quorum, and the meeting was in recess at 1:31 p.m.

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SEPTEMBER 21, 1989

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 September 19, 1989, pages 9-46, with a grand total of \$146,656.85. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

SEPTEMBER 21, 1989 (continued)Resolution No. 89-069

The Board of County Commissioners signed Resolution No. 89-069, a Resolution Creating RSID No. 433 for the purpose of street improvements on Homestead Drive in Missoula County.

Resolution No 89-070

The Board of County Commissioners signed Resolution No. 89-070, a Resolution Creating RSID No. 434 for the purpose of street improvements on a portion of North Avenue in Missoula County.

Resolution No. 89-071

FIXING TAX LEVIES FOR MISSOULA COUNTY
FOR FISCAL YEAR 1989-1990

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by this Board of County Commissioners that the Resolution be adopted for Fiscal Year 1989-1990 as moved, seconded and passed by the Board and as detailed below:

MISSOULA COUNTY-WIDE FUNDS	MILLS
GENERAL FUND	39.86
BRIDGE FUND	4.00
POOR FUND	0.45
FAIR FUND	1.48
MUSEUM FUND	1.75
EXTENSION FUND	1.30
WEED	0.68
PLANNING FUND	1.60
DISTRICT COURT FUND	7.21
MENTAL HEALTH FUND	0.29
DEVELOPMENTALLY DISABLED	0.12
AGING FUND	0.79
PARK/RECREATION FUND	.98
RSID REVOLVING	.50
LIBRARY BOND	0.23
RISK MANAGEMENT	2.74
JUDGMENT LEVY	1.00
CHILD DAYCARE	0.23
SPECIAL TRANSPORTATION	0.16
OPEN SPACE	0.41
LIBRARY	4.37
Automation Bond Debt Service	2.28
<u>TOTAL COUNTY-WIDE LEVY</u>	72.43

SEPTEMBER 21, 1989 (continued)

MISSOULA COUNTY-ONLY LEVY	
ROAD FUND	13.83
HEALTH FUND	7.30
<u>TOTAL COUNTY-ONLY LEVY</u>	21.13
CITY OF MISSOULA	136.76
MISSOULA COUNTY SCHOOLS	VARIOUS (SEE ATTACHMENT)
STATE OF MONTANA	
UNIVERSITY MILLAGE FUND	6.00
STATE ASSUMPTION/COUNTY WELFARE	12.00
SPECIAL FIRE DISTRICTS	
CLINTON RURAL	29.03
MISSOULA RURAL	32.76
ARLEE/JOCKO VALLEY RURAL	10.66
FLORENCE-CARLTON RURAL	16.63
EAST MISSOULA RURAL	12.79
FRENCHTOWN RURAL	6.78
SEELEY LAKE	18.36
OTHER SPECIAL DISTRICT LEVIES	
SOIL CONSERVATION	1.45
S.O.S. HEALTH CENTER	7.00
CARLTON CEMETERY	1.34
MISSOULA URBAN TRANSIT	9.82
MISSOULA COUNTY AIRPORT	2.00
SPECIAL ASSESSMENT DISTRICTS	
LOLO MOSQUITO CONTROL	VARIOUS (SEE ATTACHMENT)
JOCKO IRRIGATION	VARIOUS (SEE ATTACHMENT)
FRENCHTOWN IRRIGATION	VARIOUS (SEE ATTACHMENT)
MISSOULA IRRIGATION	VARIOUS (SEE ATTACHMENT)
FOREST FIRE PROTECTION ASSOC.	VARIOUS (SEE ATTACHMENT)
ELK MEADOWS WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
SEELEY LAKE REFUSE DISTRICT	VARIOUS (SEE ATTACHMENT)
BIG FLAT IRRIGATION	VARIOUS (SEE ATTACHMENT)
LORRAINE SO. WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
CLINTON IRRIGATION	VARIOUS (SEE ATTACHMENT)
SPECIAL IMPROVEMENT DISTRICTS	VARIOUS (SEE ATTACHMENT)

All of the above attached, approved and ordered entered into the official minutes of the Board of County Commissioners of Missoula County this 21st day of September, 1989. The original signed Resolution with the attachments is on file in the Clerk & Recorder's Office.

Notice Inviting Proposals

Chairman Evans signed a Notice Inviting Proposals for Construction for RSID No. 433 for the purpose of constructing street improvements to Homestead Drive in Clark Fork Estates - Phase Two, as per the terms set forth, setting the bid award date for October 18, 1989, at 1:30 p.m.

Notice Inviting Proposals

Chairman Evans signed a Notice Inviting Proposals for Construction for RSID No. 434 for the purpose of constructing

SEPTEMBER 21, 1989 (continued)

street improvements for a portion of North Avenue, as per the terms set forth, setting the bid award date for October 18, 1989, at 1:30 p.m.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Ross D. Miller, an independent contractor, for the Wellhead Protection Project, as per the terms set forth, commencing on September 1, 1989, with the work to be completed by March 1, 1990, for a total payment not to exceed \$5,000.00. The Contract was returned to Pat O'Herren in the Rural Planning Office for further handling.

Other items included:

Bid Awards

The Commissioners awarded bids for the following projects:

Head Start/Whittier School Remodel Project

Five bids were received and opened at the September 13, 1989, bid opening. All bids were within the amount budgeted for the project and all were deemed acceptable by the project's architect. Funding for the project will be through Community Development Block Grant funds, a City of Missoula loan, and Head Start building funds. Westmark Construction was the lowest bidder at \$129,998.00; and as per the recommendation of the CDBG staff, the Commissioners voted unanimously to award the contract to Westmark Construction. Chairman Evans then signed a Notice of Award to Westmark Construction, Inc., requesting them to return an acknowledged copy of the Notice. The Notice was returned to Cindy Wulfekuhle for further handling.

Sawmill Gulch Bridge & Road

The bids were opened on September 20, 1989, with the following results:

Frontier West	\$218,056.76
Binkard Construction	\$222,024.82

As per the recommendation of County Surveyor Horace Brown, the Commissioners voted unanimously to award the bid to Frontier West, the lowest bidder.

In addition to the bid awards, the Commissioners also:

- 1) approved using aid to construction dollars to do the intersection on Grant Creek Road; and
- 2) approved \$238 in travel money for John DeVore to go with the Jail Planning Team to Colorado to look at new jails.

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

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SEPTEMBER 22, 1989

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

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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SEPTEMBER 25, 1989

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

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Sally Beth Miller as principal for warrant #162118, dated August 18, 1989, on the Missoula County Fair Fund in the amount of \$423.03 now unable to be found.

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 Sorrel Springs, Lot 24, located in the SW 1/4 of Section 21, T. 15 N., R. 21 W., PMM, Missoula County, with the owner/subdivider being Phil Christensen.

Resolution No. 89-072

The Board of County Commissioners signed Resolution No. 89-072, a Resolution Creating RSID No. 432 for the purpose of street improvements on Central Avenue in Missoula County.

Letter of Agreement

The Board of County Commissioners signed a Letter of Agreement between the Missoula County Rural Planning Department, the Missoula City-County Health Department, and the Missoula Office of Community Development for the purpose of investigating well contamination in the Missoula Urban area, as per the terms set forth, with the work and report to be completed by February 1, 1990. Payment for services under this Agreement shall be made by the Rural Planning office, with \$24,237.00 being paid to the Health Department, and \$3,500.00 to the Office of Community Development for services rendered to accomplish the performance of this Agreement; disbursement of funds shall be contingent upon the availability of funds from Mountain Water and the Department of Health and Environmental Sciences. The Agreement was returned to Pat O'Herren in the Rural Planning Office for further signatures and handling.

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

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SEPTEMBER 26, 1989

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

SEPTEMBER 26, 1989 (continued)

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated September 26, 1989, pages 9-40, with a grand total of \$149,850.03. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a Contract, dated September 25, 1989, between Missoula County and Frontier-West, Inc. for construction, installation and completion of Sawmill Gulch Bridge RS-7 and approach road at Rattlesnake Creek, as per the terms set forth, for a total payment of \$218,056.76.

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

Refuse Board Meeting

In the evening, Commissioner Dussault attended a meeting of the Seeley Lake Refuse Disposal Board of Directors in Seeley Lake.

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SEPTEMBER 27, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-073

The Board of County Commissioners signed Resolution No. 89-073, resolving that gambling, including play on video gambling machines, will be permitted between the hours of 2:00 a.m. and 8:00 a.m. in Missoula County, Montana, effective October 1, 1989, as per Senate Bill 431 enacted by the 1989 Montana State Legislature.

Approval of Contract Amendment

The Board of County Commissioners signed approval of a request from Bruce Suenram of the Missoula Rural Fire District to amend the FEMA Project Contract, as per the items set forth, proposing that the Fire District be compensated with grant funds for staff time expended on the project up to an amount equal to the original travel budget of \$2,200.00.

Satellite Agreement

The Board of County Commissioners signed a Satellite Agreement between the Mineral County Health Department and the Missoula City-County Health Department regarding the administrative and supervisory responsibilities for program operations and fiscal management of the WIC Program, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990.

SEPTEMBER 27, 1989 (continued)

Other items included:

The Commissioners approved a request from Sheriff Dan Magone to add Sgt. Donald Siweck as a deputy coroner, effective August 27, 1989.

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

WEEKLY PUBLIC MEETING

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

Hearing: Certificate of Survey (Agricultural Exemption) - Clapp

Information provided by Colleen Dowdall, Deputy County Attorney, indicated that Mr. Clapp currently owns 30 acres of land near the Bitterroot River. This acreage currently exists as a one-acre parcel and approximately 29 acres. Subsequent to a divorce, the Clapps are attempting to redistribute some property. The new configuration would give his wife the one acre upon which the residence exists with an additional 19 acres. He would retain the 10 acres that would be created by the use of this exemption. This acreage is in the 100 year floodplain, so it can only be divided by use of the agricultural exemption because sewer is not available. The use of the boundary relocation exemption has already been approved to effectuate this use.

The hearing was opened for public comment.

Jim Weatherly of Sorenson and Company, representing the developer, said he was present to answer questions.

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

Ann Mary Dussault moved, and Janet Stevens seconded the motion to create a ten acre agricultural exemption to divide a portion of SW 1/4 NE 1/4, Section 36, T.11N., R. 20W, finding there is no apparent attempt to evade the Subdivision and Platting Act. The motion carried on a vote of 3-0.

Hearing: Agricultural Exemption (Wornath)

Information provided by Colleen Dowdall, Deputy County Attorney, indicated that in the early 1970's, Otto Wornath developed property known as the Lolo Peak Subdivision. Subsequently, much of his property was designated as 100 year floodplain, making it undevelopable. This particular tract will be sold to a resident of the subdivision for use as a pasture for his sheep. It can only be divided by use of the Agricultural Exemption because of its position in the floodplain.

The hearing was opened for public comment.

Dick Ainsworth of PCI, representing the Mr. Wornath was present to answer questions.

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

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the agricultural exemption to divide Book 137 Deeds, page 389, finding it in the public interest to do so, and finding no apparent attempt to evade the Montana Subdivision and Platting Act. The motion carried on a vote of 3-0.

SEPTEMBER 27, 1989 (continued)

Hearing: Occasional Sale (Clouse)

Information provided by Colleen Dowdall, Deputy County Attorney, indicated that Harvey and Mitzie Clouse are requesting the use of the Occasional Sale Exemption to create a one-acre parcel in the area near Mullan Road. The intended use of the parcel is to sell it to Montana Flasher and Barricade. At the present time, the buyer intends to use this as a storage yard. This area is in the 100 year floodplain so any improvements will have to be connected to the city sewer. The Clouse's made prior use of the Occasional Sale Exemption in 1984 when they created a 2.51 acre parcel with a 2.77 acre remainder. This division was not in the same area as this request.

The hearing was opened for public comment.

Dick Ainsworth, representing the owner was present to answer questions, and indicated the split on a map.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to approve the division of Book 18, Page 1292, Deed Records by an occasional sale exemption, finding it in the public interest to do so, and finding no apparent attempt to evade the Montana Subdivision and Platting Act. The motion passed on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:05 p.m.

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SEPTEMBER 28, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Budget Transfers

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

- 1) No. 900002, a request from the Sheriff's Department to transfer \$1,797.95 from the Fuel (\$797.95), Microfilm (\$500), and Coroner (\$500) accounts to the Capital Equipment account as the item was not included in the FY'89 budget;
- 2) No. 900003, a request from the Auditor - Victim Witness Grant to transfer \$3400.00 County match from the Sheriff's Department to the Victim Witness Grant as per the attachment to the Budget Transfer on file in the Budget Office;
- 3) No. 900004, a request from the Commissioners - CBO's to transfer as per the attachment to the Budget Transfer on file in the Budget Office to correct a loading error; and
- 4) No. 900005, a request to transfer \$2,000.00 from the Contingency Fund to Incentive Programs to correct a budget oversight.

SEPTEMBER 28, 1989 (continued)

Letter of Agreement

The Board of County Commissioners signed a Letter of Agreement between Missoula County and Teamsters Local No. 2, the Civilian Control Officers, whereby the parties agree to the deletion of contractual language related to the administration of medications to prisoners in the Missoula County Jail and that the County would prepare and offer a letter of agreement reflecting its obligation to defend and indemnify the Control Officers against claims based on their administration of medications to prisoners, as per the negotiations for the Collective Bargaining Agreement of July 1, 1989, to June 30, 1991. The Letter of Agreement was returned to John Pemberton in the Personnel Office.

Subdivision Improvements Agreement and Guarantee

The Board of County Commissioners signed a Subdivision Improvements Agreement and Guarantee between Missoula County and Hugh Martinsen for improvements that remain to be completed in the Frontier Addition Subdivision, which is the building of the interior road serving the subdivision and paving the apron; these must be completed within two years of filing the final plat, and the Guarantor is providing real estate located at Lot 4 of Frontier Addition with a value of at least \$8,000.00 as security for completing these improvements, or if the lot is sold prior to the completion of the improvements, the Guarantor will provide \$6,500.00 as a cash guarantee for their completion.

Replacement Bond

Chairman Evans signed Registered Bond #R-15 issued to Edward D. Jones & Company in the amount of \$30,000.00, replacing Bond R-7 for the County of Missoula Hospital Revenue Refunding and Improvement Bond, Series 1978 (Missoula Community Hospital Project) Issue. The Replacement Bond was returned to Mike Sehestedt in the County Attorney's Office for further handling.

Other items included:

The Commissioners appointed Richard A. Morris as a "regular" member of the Missoula Consolidated Planning Board to fill the unexpired term of Wayne Hennick through December 31, 1991.

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

Quarterly Jail Inspection

In the afternoon, the Commissioners and Dan Corti of the Health Department conducted the Quarterly Inspection of the Missoula County Jail.

Meeting

In the evening, the Commissioners, County Surveyor Horace Brown, and representatives of Missoula Rural Fire met with the Westview People's Action Group to discuss their concerns.

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SEPTEMBER 29, 1989

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

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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OCTOBER 2, 1989

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

Welfare Advisory Board

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheets

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

- 1) Pay Period #18 (8/20/89-9/02/89) with a total Missoula County Payroll of \$324,009.06; and
- 2) Pay Period #19 (9/03/89-9/16/89) with a total Missoula County Payroll of \$324,528.99.

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

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

Speed Zone Hearing

In the evening, Commissioner Evans attended a Speed Zone Hearing conducted by the State Department of Highways regarding Highway 83 in the Seeley Lake area held at the Community Hall in Seeley Lake.

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OCTOBER 3, 1989

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Helena to attend a JTPA Meeting there later in the afternoon.

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Sally Mullen, an independent contractor, for the implementation of the organization and management study of the Missoula Public Library, as per the outline attached to the contract and as per the terms set forth, commencing on October 1, 1989, and concluding on June 30, 1990, for a total payment of \$6,200.00.

MPEA Agreement

The Board of County Commissioners signed the Signature Page of the MPEA Agreement. The document was returned to John Pemberton in the Personnel Office for further handling.

OCTOBER 3, 1989 (continued)

Other items included:

The Commissioners approved the adoption of a Drug-Free Workplace Policy effective immediately, as required by the Drug-Free Workplace Act passed by Congress last year, requiring that agencies or individuals who receive Federal aid or who contract with the Federal government adopt specific policies regarding the illegal possession and use of controlled substances. The Policy was returned to John Pemberton, Personnel Director, for further handling.

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

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OCTOBER 4, 1989

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Helena to attend a MACo Workers Comp. Board of Trustees meeting there later in the afternoon.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated October 4, 1989, pages 12-33, with a grand total of \$138,269.98. 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. 89-074

AMENDING, CORRECTING AND SUPERSEDING RESOLUTION NO. 89-071 FIXING TAX LEVIES FOR MISSOULA COUNTY FOR FISCAL YEAR 1989-1990

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by this Board of County Commissioners that the Resolution be adopted for Fiscal Year 1989-1990 as moved, seconded and passed by the Board and as detailed below:

MISSOULA COUNTY-WIDE FUNDS	MILLS
GENERAL FUND	39.86
BRIDGE FUND	4.00
POOR FUND	0.45
FAIR FUND	1.48
MUSEUM FUND	1.75

OCTOBER 4, 1989 (continued)

EXTENSION FUND	1.30
WEED	0.68
PLANNING FUND	1.60
DISTRICT COURT FUND	7.21
MENTAL HEALTH FUND	0.29
DEVELOPMENTALLY DISABLED	0.12
AGING FUND	0.79
PARK/RECREATION FUND	.98
RSID REVOLVING	.50
LIBRARY BOND	0.23
RISK MANAGEMENT	2.74
JUDGMENT LEVY	1.00
CHILD DAYCARE	0.23
SPECIAL TRANSPORTATION	0.16
OPEN SPACE	0.41
LIBRARY	4.37
Automation Bond Debt Service	2.28
<u>TOTAL COUNTY-WIDE LEVY</u>	72.43
MILLS	
MISSOULA COUNTY-ONLY LEVY	
ROAD FUND	13.83
HEALTH FUND	7.30
<u>TOTAL COUNTY-ONLY LEVY</u>	21.13
CITY OF MISSOULA	137.76
MISSOULA COUNTY SCHOOLS	VARIOUS (SEE ATTACHMENT)
STATE OF MONTANA	
UNIVERSITY MILLAGE FUND	6.00
STATE ASSUMPTION/COUNTY WELFARE	12.00
SPECIAL FIRE DISTRICTS	
CLINTON RURAL	29.03
MISSOULA RURAL	32.76
ARLEE/JOCKO VALLEY RURAL	10.66
FLORENCE-CARLTON RURAL	16.63
EAST MISSOULA RURAL	12.79
FRENCHTOWN RURAL	6.78
SEELEY LAKE	18.36
OTHER SPECIAL DISTRICT LEVIES	
SOIL CONSERVATION	1.45
S.O.S. HEALTH CENTER	7.00
CARLTON CEMETERY	1.34
MISSOULA URBAN TRANSIT	9.82
MISSOULA COUNTY AIRPORT	2.00
SPECIAL ASSESSMENT DISTRICTS	
LOLO MOSQUITO CONTROL	VARIOUS (SEE ATTACHMENT)
JOCKO IRRIGATION	VARIOUS (SEE ATTACHMENT)
FRENCHTOWN IRRIGATION	VARIOUS (SEE ATTACHMENT)
MISSOULA IRRIGATION	VARIOUS (SEE ATTACHMENT)
FOREST FIRE PROTECTION ASSOC.	VARIOUS (SEE ATTACHMENT)
ELK MEADOWS WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
SEELEY LAKE REFUSE DISTRICT	VARIOUS (SEE ATTACHMENT)
BIG FLAT IRRIGATION	VARIOUS (SEE ATTACHMENT)
LORRAINE SO. WATER DISTRICT	VARIOUS (SEE ATTACHMENT)
CLINTON IRRIGATION	VARIOUS (SEE ATTACHMENT)

OCTOBER 4, 1989 (continued)

SPECIAL IMPROVEMENT DISTRICTS

VARIOUS (SEE ATTACHMENT)

All of the above attached, approved and ordered entered into the official minutes of the Board of County Commissioners of Missoula County this 4th day of October, 1989.

Amendment to Project Agreement

The Board of County Commissioners signed an Amendment to the Project Agreement between Lolo National Forest and Missoula County reflecting the intention to share the Sawmill Gulch Road No. 4383 project based on the lowest acceptable bid, amending Section C.2 to read as follows:

All costs are to be shared equally based on the lowest acceptable bid which is \$218,057.

Change Order

Chairman Evans signed Change Order No. 1, dated 9/20/89, for RSID No. 431, the sewer system improvements project at El Mar Estates, resulting in a net increase in the contract price of \$1,222.35 and extending the contract time of two days for modifying the lagoon cell #3 interceptor trench pumping station as requested by the Montana Department of Health and Environmental Sciences, and for two additional fence panels in order to properly connect to neighboring fence. The Order was returned to Jim Dopp in General Services for further handling.

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

WEEKLY PUBLIC MEETING

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

BID AWARD: ONE USED TRACTOR AND SCRAPER (SURVEYOR)

Information provided by Horace Brown, County Surveyor, indicate that bids were opened on October 2, 1989 at 10:00 a.m. with the following results:

Sahlberg Corporation	NO BID
Western Plains Machinery	NO BID
Northwest Equipment Co.	\$20,690.00

His recommendation was to award the bid to Northwest Equipment Company, and he indicated that he had \$26,900 available in the budget for this expenditure. He said that the companies that submitted "no bid" did so to remain on the bidder's list.

Janet Stevens moved and Barbara Evans seconded the motion to award the bid for a used tractor and scraper for the Surveyor's Office to Northwest Equipment Co. in the amount of \$20,690.00. The motion carried on a vote of 2-0.

HEARING: REQUEST TO VACATE A PORTION OF O'BRIEN CREEK ROAD

Information provided by Vickie M. Zeier, Recording Supervisor, indicated that this is a petition to vacate O'Brien Creek Road located in the Southeast one-quarter (SE 1/4) of Section 28, Township North, Range 20 West, P.M.M., Missoula County, Montana, being a portion of Parcel A, Certificate of Survey No. 2912. The purpose of this vacation is to eliminate an existing encroachment of a building on Lot 1-A, Mountain Creek Estates, Phase 2, onto

OCTOBER 4, 1989 (continued)

the existing right-of-way. The lands and owners thereof affected by this vacation are: John Lynn, 9750 O'Brien Creek Road, Missoula, MT 59801, and a notice was sent to Mr. Lynn.

The hearing was opened for public comment. No one came forward to speak, and the hearing was closed. Andy Fisher, of Eli and Associates, was present to answer questions.

Barbara Evans indicated that the proposed vacation would be viewed by a Commissioner and County Surveyor Horace Brown, and the matter would be discussed next week.

PROCLAMATION

The Board of County Commissioners signed a Proclamation in honor of the 25th anniversary of the signing of the Wilderness Act, and in recognition of the 4th Annual Wild Rockies Rendezvous Conference October 12-14 at the University of Montana.

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

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OCTOBER 5, 1989

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

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OCTOBER 6, 1989

The Board of County Commissioners did not meet in regular session. Commissioners Dussault and Stevens attended the MACo Districts 10 and 11 Counties Meeting in Polson during the day; and Commissioner Evans was out of the office until noon.

Monthly Reports

Chairman Evans examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending September 30, 1989.

Fern Hart by Wendy Ross Cromwell *Barbara Evans*
Fern Hart, Clerk & Recorder Deputy Barbara Evans, Chairman

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OCTOBER 9, 1989

The Courthouse was closed for the Columbus Day Observed holiday.

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OCTOBER 10, 1989

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

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing items of fees and collections made in Missoula County for month ending September 30, 1989.

OCTOBER 10, 1989 (continued)

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for month ending September 30, 1989.

DAILY ADMINISTRATIVE MEETING

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

Modification of Agreement

Chairman Evans signed a Modification of Agreement between Missoula County and the Montana Department of Health and Environmental Sciences agreeing to modify Section III(1) of the Agreement between them concerning the MCH Block Grant (DHES No. 300034) as per the items set forth. The Agreement Modification was forwarded to DHES in Helena.

Satisfaction of Promissory Note

The Board of County Commissioners signed a Satisfaction of Promissory Note, certifying and declaring that a certain Promissory Note, dated April 9, 1986, executed by Janice M. Watson, Chairman of Watson's Receiving Home, and recorded in the Office of the Clerk and Recorder of Missoula County at Book 238, pages 459-464, is hereby discharged.

Resolution No. 89-075

The Board of County Commissioners signed Resolution No. 89-075, a resolution to rescind Resolution No. 89-039, in which Missoula County accepted an easement for public road purposes located in a portion of the NE 1/4 of Section 30, T. 13 N., R. 19 West, PMM Missoula County, from Emma, Joseph W., David Stanley and Albert Gasvoda; however, Missoula County failed to reach an agreement with the Gasvodas regarding the terms of the grant of the easement and Resolution No. 89-039 is rescinded.

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

Site Inspection

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

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OCTOBER 11, 1989

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

DAILY ADMINISTRATIVE MEETING

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

- 1) the mill rate increases on the tax bills were discussed;

OCTOBER 11, 1989 (continued)

- 2) a request from the Museum Board for a change in their budget request was discussed by the Commissioners.

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

WEEKLY PUBLIC MEETING

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

DECISION ON: REQUEST TO VACATE A PORTION OF OLD GRANT CREEK ROAD.

Barbara Evans said that only one letter of opposition was received by the Commissioners, and some opposition was stated at the public hearing. The site was inspected on August 8, 1989 by Ann Mary Dussault and Horace Brown, and on September 5, 1989 by Barbara Evans and Horace Brown.

Janet Stevens said she had received a call from Kim Birick inquiring into the possibility of leaving the old bridge as a foot bridge to include horse traffic, rather than having the bridge removed.

Barbara Evans said that she would probably vote for the vacation of the property because the Fire Department has said that with the location of the present fire station, the amount of time it would take to reach the owners above the Grant Creek property to be vacated would be only one to two minutes, not of any real significance to impact any firefighting activities. In addition, fire tanker trucks cannot use the lower bridge anyway, they presently use the upper bridge due to the load capacity on the lower bridge. Also, Reed Marbut has a private road of his own going into his property that either equals or is better than the present county road that is requested to be closed. She said the number of people affected by this is not large, the upper portion of the road will have the intersection improved, and fences will be set back which will provide a safer, adequate access.

Janet Stevens said she would agree to the vacating of that portion of Old Grant Creek Road with conditions (see below).

Horace Brown, County Surveyor, said that with the vacating of this portion of Old Grant Creek Road, the County would not have to replace a one-lane bridge, which would cost approximately \$60,000 at this time, and even more in the future.

Barbara Evans asked Horace to address the issue of possibly keeping the old bridge open as a pedestrian/horse bridge for non-vehicle traffic. Horace said there was a possibility of using the bridge as a pedestrian-foot-bicycle bridge, but that horse traffic access would, by size of the access, allow motorized vehicles such as motorcycles.

Colleen Dowdall from the County Attorney's Office also said that if we kept the bridge but closed the road, once people go across the bridge they will be on private property because that property would revert back to the owner of the adjacent property.

John Crowley, representing Washington Corporation, said that if the road is vacated, then it is their intention to obliterate the road and turn it into a pasture, so if someone is coming across there, they are going to be wandering through a pasture and

OCTOBER 11, 1989 (continued)

through fences. As the owner of the property, they would not like to have folks traversing their private land. It would be their intent to remove the bridge.

Janet Stevens said that having found that the proposed petition to vacate is desirable most notably because of the elimination of the liability of a sub-standard bridge, and feasible, and any cost to the County is out-weighed by the desirability of the closure, she would recommend the vacation of that portion of Old Grant Creek Road with the following provisions:

1. That an appropriate easement for school bus turnaround be provided at the Dark Horse Road intersection.
2. That fences along the road be moved back to suit the County Surveyor's specifications.
3. That the upper end of Old Grant Creek Road be reconstructed prior to the actual closure of the road.

The vacating of that portion of Old Grant Creek Road would not be in effect until Horace Brown, County Surveyor, notified the Commissioners that the three conditions had been met to his satisfaction.

John Crowley said that they recognized that the County had not budgeted for the improvements contemplated at the intersection of New and Old Grant Creek Roads, and if those improvements are to be made they would volunteer to get together with the County and contribute the materials that would be necessary for that undertaking.

Barbara Evans asked John Crowley to convey her gratitude to Mr. Washington.

Janet Stevens said that he should coordinate this with Horace Brown.

Janet Stevens moved and Ann Mary Dussault seconded the motion to vacate a portion of Old Grant Creek Road, subject to the following conditions: (1) That an appropriate easement for school bus turnaround be provided at the Dark Horse Road intersection. (2) That fences along the road be moved back to suit the County Surveyor's specifications. (3) That the upper end of Old Grant Creek Road be reconstructed prior to the actual closure of the road. The motion carried on a vote of 3-0.

DECISION ON: REQUEST TO VACATE A PORTION OF O'BRIEN CREEK ROAD.

Colleen Dowdall from the County Attorney's office said that this vacation was part of a condition of subdivision approval. Individuals are subdividing a portion of land, the road ran through the common area, and as a condition of subdivision approval, that portion of the road had to be vacated.

Barbara Evans noted for the record that the site had been inspected October 10, 1989, by Janet Stevens and Horace Brown.

Janet Stevens moved and Ann May Dussault seconded the motion to vacate a portion of O'Brien Creek Road. The motion carried by a vote of 3-0.

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

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OCTOBER 12, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office October 12th and 13th. In the morning, Commissioner Dussault participated in a session of Leadership Missoula; and Commissioner Stevens attended a Wilderness Conference being held at the University of Montana.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated October 12, 1989, pages 11-37, with a grand total of \$79,351.47. 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. 89-076

The Board of County Commissioners signed Resolution No. 89-076, a budget amendment for the Library for FY'90, including the following expenses and revenue, and adopting it as part of the FY'90 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2220-410-460182-328 Contracted Services	\$22,550.
-364 Training	950.
-361 Library Materials	1,300.

<u>Description of Revenue</u>	<u>Revenue</u>
2220-410-331213 "Read on Missoula" Literacy Grant	\$24,800.

Resolution No. 89-077

The Board of County Commissioners signed Resolution No. 89-077, a budget amendment for the Library for FY'90, including the following expenses and revenue, and adopting it as part of the FY'90 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2220-410-460181-328 Contracted Services	\$15,364.
-284 Supplies	1,080.
-361 Training Materials	980.

<u>Description of Revenue</u>	<u>Revenue</u>
2220-410-331212 "Read to Me Too" Adult Literacy Grant	\$17,424.

Budget Transfers

The Board of County Commissioners approved and signed five (5) budget transfer requests for the Health Department (900007 through 900011) as they only receive one contract from the state for the two AIDS programs and want both departments to have the same subactivity codes; the transfers are on file in the Budget Office and were adopted as part of the FY'90 budget.

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

OCTOBER 12, 1989 (continued)Luncheon Meeting

At noon, Commissioner Stevens attended a luncheon meeting of the Western Montana Economic Forum held at the Village Red Lion.

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OCTOBER 13, 1989

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

Fern Hart by Wendy Ross Cromwell *Barbara Evans*
Fern Hart, Clerk & Recorder Deputy Barbara Evans, Chairman

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OCTOBER 16, 1989

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

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Patricia Waldbillig as principal for warrant #10299, dated October 5, 1989, on the Missoula County Trust Fund in the amount of \$341.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #20 (9/17/89 through 9/30/89) with a total Missoula County Payroll of \$328,682.51. The Transmittal Sheet was forwarded to the Auditor's Office.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between the Missoula County Comprehensive Medical Benefits Plan and Troy Holt, an independent contractor, for the purpose of providing a health promotion program, including health awareness workshops for members of the Plan and a written proposal for a health education and wellness program, as per the terms set forth, commencing November 1, 1989, and concluding by January 31, 1990, for a total payment not to exceed \$2,400.00.

Owner/Contractor Agreement

Chairman Evans signed an Agreement between Missoula County and Child Start, Inc., dba Head Start, and Westmark Construction, Inc. for the Whittier School Remodeling Project for Head Start, as per the terms set forth, for a total amount of \$129,998.00. The Agreement was returned to Cindy Wulfekuhle in the CDBG Office.

OCTOBER 16, 1989 (continued)

Other items included:

The Commissioners approved a request from Hal Luttschwager, County Risk Manager, to pursue discussions with Mineral County toward reaching an agreement to provide risk management services for them.

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

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OCTOBER 17, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a Proclamation proclaiming the week of October 21-29, 1989, as "World Rainforest Week in Missoula County" and encourages all residents of the County to take an interest in the plight of our world's rainforests and to take action to preserve this important world resource in Missoula County.

Resolution No. 89-078

The Board of County Commissioners signed Resolution No. 89-078, a resolution vacating a portion of Old O'Brien Creek Road, shown as hatchured on O'Brien Valley Estates No. 2 on Exhibit A attached to the Resolution, located in the NW 1/4 of Section 34 and the NE 1/4 of Section 33, T. 13 N., R. 20 W., P.M.M.

Pre-Signalization Agreement

The Board of County Commissioners signed a Railroad Grade Crossing Pre-Signalization Agreement on Local Road System - Not State Maintained between Missoula County and the State Department of Highways for the purpose of installing railroad highway crossing improvements at the crossing located 1.3 miles east of Alberton at MRL crossing number 091416N, as per the terms set forth. The Agreement was returned to the State Department of Highways for further signatures.

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

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OCTOBER 18, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens attended a meeting of the MACo Health & Human Services Committee in Helena during the day.

OCTOBER 18, 1989 (continued)

Audit List

Commissioners Evans and Dussault signed the Audit List, dated October 17, 1989, pages 9-33, with a grand total of \$73,311.65. 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:

Extension Letter

The Board of County Commissioners signed a letter to Ione Inabnit of Eli & Associates approving a 30-day filing extension for the Dagen Addition, making the new filing deadline November 13, 1989.

Agreement

The Board of County Commissioners signed an Agreement for Maintenance of Heating, Air Conditioning and Ventilation System between the City of Missoula and Missoula County for the purpose of allowing the City to obtain maintenance service for City Hall's heating, air conditioning and ventilation systems from the County's General Services Department, pursuant to the provisions set forth, for the period from July 1, 1989 until June 30, 1990, at a minimum cost of \$8,766.00 for basic services plus a charge based on actual hours expended and supplies purchased for any other requested services.

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

WEEKLY PUBLIC MEETING

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

BID AWARD - VENTILATION SYSTEM FOR COUNTY SHOP (SURVEYOR DEPT.)

Bids were opened at 10:00 a.m. on October 16, 1989, with the following results:

Missoula Sheet Metal	\$22,900.00
Metal Works of Montana	\$18,329.00

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the bid for one ventilation system for the County Shop to Metal Works of Montana for \$18,329.00. The motion carried on a vote of 2-0.

BID AWARD - BOND BID FOR RSID'S 433 AND 434.

Two bond bids were received as follows:

	<u>Net Interest Rate</u>
Ben Smith	8.19%
Bitterroot Valley Bank	8.559%

Staff recommends the award of the bond bid to Ben Smith as the best and most responsive bidder.

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the bond bid to Ben Smith at a net interest rate of 8.19%. Motion carried 2-0.

OCTOBER 18, 1989 (continued)

The County Commissioners recessed and reconvened as the Planning and Zoning Commission. Members of the Planning and Zoning Commission present were Ann Mary Dussault, Barbara Evans, Horace Brown, and Fern Hart.

DEVELOPMENT REQUEST, ZONING DISTRICT #4, BY DAVID AND SHARON ARMERDING.

Zoe Mohesky from the Office of Community Development said that this is a request by David and Sharon Armerding to construct a single-family dwelling on Tract 4A, Certificate of Survey #1858. This property is located in Pattee Canyon on Arnica Drive, in the South half of Section 3, Township 12 North, Range 19 West. Access to the property is from Arnica Drive, a private road. Zoe said she had received one phone call from a property owner, Mr. Hickenbotham, expressing his desire that the Armerdings be made aware of the road agreement and the 60' wide road easement. He was mainly concerned that their driveway be constructed to accommodate the widening of the road in the future. The Armerdings have been given a copy of this agreement. Their access drive is an old skid trail with a slope of approximately 10-12%. The proposal is to reduce this grade to about 7%, which would require some cutting and filling. One mature Douglas Fir would need to be removed. The two-story home with basement proposed for this site would be approximately 3,000 sq. ft. The log-type home would be treated with fire-resistant materials. Some excavation would be required for the basement, but further site contouring is not proposed. On October 17, 1989, the Missoula Consolidated Planning Board recommended that the zoning request of David and Sharon Armerding be approved as submitted by the applicant.

Barbara Evans opened the public hearing and asked for public comments.

David Armerding said they have owned the lot for about 5 years and they want to build this Fall. He said he was here to answer any questions anybody might have.

Fern Hart, Clerk and Recorder, asked how many houses were on that slope.

David Armerding said that 6 residences accessed Arnica Drive, and that their's would be the 7th.

Fern Hart said her concern was with Bill Reed's comments regarding the fire danger, the inability of getting equipment up Arnica Drive easily, and the probability of a fire going up-slope. She asked Horace Brown, County Surveyor, for his comments.

Horace Brown, County Surveyor, said he had a problem with the location of the driveway where it bisects the intersection. If Arnica Drive was upgraded and accepted for maintenance by the County, the Armerdings would have to change their access.

David Armerding said that at this point they were most concerned about the language that talks about disturbing the natural physiography. Since it was an existing skid trail, they incorporated it as the driveway. They do have an easement that would allow access from behind the property. This would be an easier access for them but would be intrusive to the neighbors behind them. He felt the neighbors would appreciate it if they didn't use that easement. David said that if the County were to take over the road in the future, that is probably where their access would come from.

OCTOBER 18, 1989 (continued)

Fern Hart said she was concerned about this because we are dealing with safety measures here. We are not getting any guidelines on what everybody can agree about on the physiography. If we just continue to approve when there is no objection on the site, we may build ourselves some safety problems.

Horace Brown said that as far as the responsibility of the County is concerned, this is a private road, the safety concerns are private, and we have no jurisdiction on private property, referring to the road and the driveway. If it were not private property, he would not allow them to put the driveway where they have proposed. Since it is private, he can't tell them not to put it there.

Colleen Dowdall from the County Attorney's office said the Planning Board had also expressed their concern and frustration about ZD #4. She thinks that the fire department's comments are important, but that the Armerding's property is fairly low down on Arnica and that there are not as many concerns now as when the development continues above these roads.

Barbara Evans said that she was a Reserve Officer and worked part of the fire we had in Pattee Canyon several years ago. She said fire personnel said that should there be a fire up there and there is only one way out of there, you might find yourself in some serious danger. She thinks the suggestion of trying to find some way to connect to some other road would be to their advantage. She said working that fire was a very frightening thing. She would like them to keep in mind that the danger is there and should be addressed and taken care of before it is needed.

Colleen Dowdall said the Planning Board had asked her what we would do with this situation if it was in some other zoning district. This isn't a subdivision request, so it would not even have been before this Board to make these kinds of considerations. Zoning compliance would be looking to see if the zoning requirements were met. But this Board is to review development plans to determine whether they disrupt the natural physiology.

Fern Hart said that she thinks this makes us just sort of moot, especially in a case like this. What do you do, say to those who build later, a loop road needs to be built before the next fire. Does somebody have a schedule?

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the request for the construction of a single-family dwelling on Tract 4A, Certificate of Survey #1858. The motion carried on a vote of 3-1.

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

Ann Mary Dussault moved and Barbara Evans seconded the motion to adopted the recommendation of the Planning and Zoning Commission to approve the request for the construction of a single-family dwelling on Tract 4A, Certificate of Survey #1858. The motion carried on a vote of 2-0.

REQUEST FOR OCCASIONAL SALE EXEMPTION BY ROBERT FORD FOR PROPERTY IN THE CONDON AREA.

Colleen Dowdall said that Robert Ford is requesting the use of the Occasional Sale Exemption to split a parcel of approximately 30 acres. This acreage currently has two houses on it; the Ford

OCTOBER 18, 1989 (continued)

residence and another home which served as a show home for Rustic Logs. The Fords intend to keep their residence and sell the show home. Robert L. Ford and Ann Ford made prior use of the exemption in 1981 by dividing property through the use of the Family Transfer Exemption.

Barbara Evans opened the public hearing and asked if anyone wanted to speak on this matter.

Terry Druyvestein from Stensatter, Druyvestein and Associates said he was there to answer any questions. He felt that since there were the two homes on the property, this would be the best mechanism for splitting the land.

Ann Mary Dussault had some questions on the prior use of the Family Transfer Exemption.

Terry Druyvestein said that it was not on this parcel, but was used on a 2-1/2 acre parcel in 1981. Two parcels of a little over 1 acre were made, one as a gift to Mr. Ford's wife, then the parcels were sold.

Robert Ford said that they purchased a 2-1/2 acre parcel, which was divided with the primary purpose of building 2 residences for their employees. After they were built, they were sold to their employees. These two parcels are located on Rumble Creek Road off Highway 83, 1/4 mile North of Mile Marker 40, just before Guest Ranch Road. The Rustics of Lindberg Lake is Mr. Ford's company. The 30 acres is his residence, and also contains a Rustic home that his nephew is living in. He wants to sell a little over 7 acres with the home, leaving about 23 acres with his own home.

Ann Mary Dussault said that if they approve this today and Mr. Ford puts another Rustic Log Home on the remaining acreage and decides to sell it to someone else, he would not be allowed to do so without going through the Subdivision Act.

Robert Ford said he had no intentions of doing that.

Ann Mary Dussault said that part of what the Board of County Commissioners has to look at is the fact that there is a fairly large parcel here and that the Board has to make the determination whether over time it is his (Mr. Ford's) intent to create several parcels. In a situation like this where you're just doing it once, it is pretty hard to judge your intentions. But if you come back again, it is pretty clear that you meant to subdivide over time.

Robert Ford said that it has been 8 years since that last sale, and the remaining acreage would remain with his residence, primarily to be used as horse pasture. He said that he has no intentions at all of ever splitting any of that off.

Barbara Evans said that there is no problem if you do, you just have to go through the Subdivision process.

Ann Mary Dussault asked if the septic was in and approved, and if the water was in, and if the place to be sold has been lived in.

Robert Ford said that everything was in and approved, and the residence has been lived in for 6 months. He said he is a pretty legitimate operator and is not trying to evade anything.

OCTOBER 18, 1989 (continued)

Ann Mary Dussault moved and Barbara Evans seconded the motion that the request for the Occasional Sale Exemption by Robert Ford for the described property in the Condon area be approved.
Motion carried 2-0.

There being no further business to come before the Board, the meeting was recessed at 1:55 p.m.

Joint Hearing

In the evening, the Commissioners attended a Joint City-County Hearing on the Urban Comp Plan held at the City Council Chambers.

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OCTOBER 19, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a Proclamation proclaiming the week of October 22-29, 1989, as "Red Ribbon Week" and encourages everyone to wear and display red ribbons to show support to the commitment to live a drug free, healthy lifestyle.

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

Employer Panel & Board Meeting

In the evening, Commissioner Dussault served on an Employer Panel held at the Vo Tech Center in conjunction with Disability Employment Awareness Week; and Commissioner Stevens attended a meeting of the Weed Control Board.

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OCTOBER 20, 1989

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was in Polson attending a Mental Health Board Meeting; and as there were no regular meetings scheduled, Commissioner Evans was on call, but out of the office all day.

Fern Hart by Wendy Ross Cromwell Barbara Evans
 Fern Hart, Clerk & Recorder Deputy Barbara Evans, Chairman

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OCTOBER 23, 1989

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

DAILY ADMINISTRATIVE MEETING

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

OCTOBER 23, 1989 (continued)Approval of COS

The Board of County Commissioners signed approval of a Certificate of Survey for two tracts of land located in the SW 1/4 of Section 17, T. 12 N., R. 19 W., PMM, with the owners being Richard J. and Joyce M. Hayden, who certify that the purpose of the survey is to create two tracts of land for rent or lease that are exempt from surveying and filing requirements and will be used for utility sitings, provided no structure requiring water or sewage disposal be erected on the parcel.

Memo of Authorization

The Board of County Commissioners signed a Memorandum of Authorization to finance the County's portion of the Animal Control Boiler/Remodel Project through INTERCAP, increasing the total commitment to the project from \$19,548.00 to \$26,548.00, with the approval being contingent upon like action by the City Council.

Other items included:

Board Appointment

The Commissioners appointed Arthur L. Mulcahey as a member of the Board of Trustees of the East Missoula Fire District to serve until the next School Election, which will be held on April 3, 1990. At that time, the residents within the boundaries of the Fire District will elect the Board of Trustees.

Bid Award - Construction Bids for RSID No. 433

Three construction bids were received for street improvements on Homestead Drive - RSID No. 433:

Jensen Paving Co.	\$36,349.00
American Asphalt	\$44,548.00
Western Materials	\$39,498.00

As per the recommendation of the staff, the Commissioners voted unanimously to award the bid to Jensen Paving Company, the low bidder, contingent on the successful sale of bonds.

Bid Award - Construction Bids for RSID No. 434

Three construction bids were received for street improvements on North Avenue - RSID No. 434:

Jensen Paving Co.	\$10,549.00
American Asphalt	\$11,750.00
Western Materials	\$ 8,065.00

As per the recommendation of the staff, the Commissioners voted unanimously to award the bid to Western Materials, the low bidder, contingent on the successful sale of bonds.

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

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OCTOBER 24, 1989

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

OCTOBER 24, 1989 (continued)

Audit List

Commissioners Evans and Stevens signed the Audit List, dated October 24, 1989, pages 9-43, with a grand total of \$954,378.64. 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:

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and 4G Plumbing & Heating, an independent contractor, for the purpose of providing all labor, materials, tools, equipment, permits, and services as described in "Specifications and Project Manual - City/County Animal Shelter", as per the terms set forth, commencing on October 25, 1989, with the work to be completed by November 15, 1989, for a total payment not to exceed \$12,300. The Contract was forwarded to the Health Department for further signatures and handling.

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

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OCTOBER 25, 1989

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

DAILY ADMINISTRATIVE MEETING

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

The Commissioners discussed the application for tax incentive from Stone Container.

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

WEEKLY PUBLIC MEETING

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

HEARING: PRELIMINARY PLAT - TARGET RANGE GARDENS, PHASE III

Barbara Martens of the Office of Community Development explained that Target Range Gardens Phase III is a proposed seven (7) single-family lot subdivision. The total acreage is 4.18 acres. The proposed subdivision is located just north of South Avenue, west of 38th Avenue, and east of Clements Road. A petition opposing the subdivision was received, with 54 signatures appearing on it. The main concerns that were brought up were: contamination of existing wells from excessive sewage; size of Lots 2, 3 and 7 (less than 1/2 acres in size, although they do meet the 20,000 sq. ft. requirement that the Health Department requires); loss of rural environment; a suggestion that no more than four homes be built; plans for ditches on both sides of property; and the easement given along South Avenue, making the lots even smaller. One resident expressed concern over the previously semi-agricultural and rural nature of the area,

OCTOBER 25, 1989 (continued)

concern over wandering children that her horses might attack, and the possible harming of her farm animals. She would like the developer to construct a security fence that would deter wandering children. One person spoke in opposition at the Planning Board meeting, expressing concern over contamination to well water. Both the staff and the Missoula Consolidated Planning Board recommend approval of this proposed subdivision. The recommendation is subject to nine conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The covenants shall bear the certification of the attorney who reviewed or prepared them that such attorney is licensed to practice law in the state of Montana and that they contain the applicable provisions required by these regulations.
3. Cash-in-lieu of parkland shall be paid to the County prior to plat filing.
4. Lot 1 shall access onto Sunlite Lane and a no access strip shall be provided along South Avenue.
5. The developer shall provide to the County of Missoula a minimum of a forty (40) foot wide easement north of the section line in order to cover improvements, such as walkways, required for the future.
6. The appropriate utility easements shall be provided.
7. Grading, drainage, street and erosion control plans shall be approved by the County Surveyor's Office.
8. The developer shall provide a revised Water Users Agreement and Easement as a result of relocating the community well to Lot 6.
9. The developer shall provide a copy of the Property Owners' Association Articles of Incorporation and Bylaws, with proof of filing with the Secretary of State, prior to filing of the plat.

Barbara Evans opened the public hearing and asked for comments. As there were no comments, the public hearing was closed.

Janet Stevens had a comment in regard to wandering kids. This area is in the Orchard Homes Herd District, which doesn't refer to kids. An owner can fence stock in, but not fence kids out. It is the owner's responsibility to construct an adequate fence to protect animals. Also, in regard to the rural nature of the area, we are currently going through an urban plan update, which is the appropriate time to address this issue, rather than through the Subdivision process.

Barbara Evans asked Andy Fisher if it would be possible for the owner of this property to convey the concern of possible harm to the children to prospective buyers of the property.

Andy Fisher of Eli and Associates said that the woman is currently planting 30 trees and a grizzly fence is on the way up.

Janet Stevens moved and Barbara Evans seconded the motion to approved the Preliminary Plat of Target Range Gardens Phase III subject to the conditions set forth in the October 13, 1989 letter to the Board of County Commissioners from Barbara Martens including staff findings of fact: (1) Sanitary restrictions shall be lifted by State and local health authorities. (2) The covenants shall bear the certification of the attorney who reviewed or prepared them that such attorney is licensed to practice law in the state of Montana and that they contain the applicable provisions required by these regulations. (3) Cash-in-lieu of parkland shall be paid to the County prior to plat filing. (4) Lot 1 shall access onto Sunlite Lane and a no access strip shall be provided along South Avenue. (5) The developer shall provide to the County of Missoula a minimum of a

OCTOBER 25, 1989 (continued)

forty (40) foot wide easement north of the section line in order to cover improvements, such as walkways, required for the future. (6) The appropriate utility easements shall be provided. (7) Grading, drainage, street and erosion control plans shall be approved by the County Surveyor's Office. (8) The developer shall provide a revised Water Users Agreement and Easement as a result of relocating the community well to Lot 6. (9) The developer shall provide a copy of the Property Owners' Association Articles of Incorporation and Bylaws, with proof of filing with the Secretary of State, prior to filing of the plat. The motion carried on a vote of 2-0.

ACTION: REQUEST TO VACATE A PORTION OF O'BRIEN CREEK ROAD

Janet Stevens and Horace Brown, County Surveyor, viewed the property on October 10, 1989. This consists of an existing garage encroaching on the right-of-way, specifically described as being located in the Southeast one-quarter of Section 28, Township 13 North, Range 20 West, P.M.M., Missoula County, Montana, being a portion of Parcel A, Certificate of Survey No. 2912, Lot 1-A, Mountain Creek Estates, Phase 2.

Barbara Evans asked if there was anyone who wanted to testify on this issue. There was no response from the audience.

Janet Stevens moved and Barbara Evans seconded the motion to vacate a portion of O'Brien Creek Road to eliminate an existing encroachment of a building on Lot 1-A, Mountain Creek Estates, Phase 2, onto the existing right-of-way. Motion carried by a vote of 2-0.

HEARING: CERTIFICATE OF SURVEY REVIEW FOR AN OCCASIONAL SALE BY FRANK CUNNINGHAM FOR PARCEL LOCATED ON LENA LANE.

Colleen Dowdall from the County Attorney's Office explained that Frank Cunningham requests the use of the Occasional Sale exemption to split a two acre parcel into two approximate one acre parcels. His residence is located on the proposed remainder and he would sell the occasional sale parcel. His reason for the sale is that he has no use for the additional acre and most of the parcels in the area are one acre parcels. Mr. Cunningham has a long history of the use of exemptions, dating back to the late 1970's. Many of the uses of the exemptions were prior to Missoula County adopting any evasion criteria, but they were all after 1978. In our criteria we review their history from 1976 on. None of the exemptions appear to have been used on this parcel by this individual, but this neighborhood does appear to have been created by Certificate of Survey. It has been developed into one acre parcels through other uses of exemptions by other individuals. Mr. Cunningham's last use of the Occasional Sale was in 1985.

Nick Kaufman of Sorenson and Company presented an aerial photograph taken last month of the area. He explained that most of the parcels on Lena Lane were created through the use of Occasional Sales and Gifts to Family. After all that was done, Frank Cunningham bought 2.4 acres with an existing house. They are proposing to divide the parcel and split one acre off the back. That one acre is in character with the existing one acre tracts in that particular area. When they filled out the affidavit requesting the exemption, they researched the use of exemptions by Mr. Cunningham, and Nick showed the Commissioners a map of where the majority of those occurred. The majority occurred in the Clinton area in Sections 34 and 26 of 12-17. This request is for an area off Spurgin Road. Nick said that this tract is too small to raise horses and too big to mow. Putting one more house there is not going to put a burden on

OCTOBER 25, 1989 (continued)

services. Lena Lane is a paved road and individual wells and septic systems would be reviewed by the County Sanitarian. Nick said that he looked at this past record of exemptions and likened it to the speed limit law. Before that law was in existence, you could go 75 m.p.h. on the highways. If you do that now, you will get a ticket. Back when Mr. Cunningham did those Occasional Sales there was no law, in fact it was norm at that time. In terms of this piece, he can't see how it is an attempt to evade the subdivision platting act, but he said he would leave that to their discretion.

Janet Stevens asked why he wasn't using the minor subdivision act.

Nick Kaufman said that if it is determined that this is an attempt to evade the subdivision plotting act, that option would be available to them. But if there is no attempt to evade, the Occasional Sale saves the client's time and money. There is no park land involved here. If they go through the summary subdivision process, he would be spending about \$1000 of his client's money, and even more of the Commissioners' time. He wanted to see what legal options were available before he did that.

Barbara Evans asked Nick what that sentence meant.

Nick Kaufman said that if he could use an Occasional Sale, it would save everybody time and money, and that's what he should use. What they're doing is exploring the options. He just wants to find out what the options are.

Barbara Evans asked if any more properties on Lena Lane could be split.

Nick Kaufman said that there are no more parcels that can be created down there, period.

Janet Stevens said that it is her feeling that Mr. Cunningham has used the Certificate of Survey process, whether it's in this area or not, pretty extensively, and by our own criteria we can go back to 1976. She said that minor subdivision is available to him and that's what she thinks he should take.

Nick Kaufman said that if they did a minor subdivision there, they would request a variance so they wouldn't have to bring a 60' right of way and a 100' radius cul-de-sac up to that lot, and asked if the Commissioner would entertain a variance for a 20' private access to that back lot.

Janet Stevens said they couldn't answer that at this point, but that he has the option of bringing that variance to the Board.

Barbara Evans said that she understood where Janet was coming from and that if the situation was just a little bit different, she would agree with her. She agrees that Mr. Cunningham has used this process extensively and if the situation was even slightly different she would feel the same as Janet. She feels that given the fact that Lena Lane is already developed to the max with the exception of this one lot, the fact that there will be no further impact on services, and that going through the subdivision process is not going to accomplish anything different than what they are going to accomplish here, she would be willing to vote to allow this with the clear understanding to Mr. Cunningham that they probably wouldn't be so generous next time.

OCTOBER 25, 1989 (continued)

Janet Stevens asked what the zoning was on that property.

Nick Kaufman said that it was CRR-1, which is one unit per acre, basically.

Mike Sehestedt from the County Attorney's Office said there are no water or sewer systems out there.

This item was tabled until next week's Public Meeting.

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

* * * * *

OCTOBER 26, 1989

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

Indemnity Bonds

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

- 1) naming Karen Holcomb as principal for warrant #014681, dated September 21, 1989, on the Missoula County Claims Fund in the amount of \$30.00 now unable to be found; and
- 2) naming Ingrid Taubner as principal for warrant #14671, dated September 21, 1989, on the Missoula County Claims Fund in the amount of \$46.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-079

The Board of County Commissioners signed Resolution No. 89-079, resolving that the penalty and interest on delinquent taxes on SUID No. 0863802 and SUID No. 0863908 be abated, and directing the County Treasurer to prepare a refund warrant in the amount of \$1,826.67 in favor of James Rhines representing the excess penalty and interest paid on taxes refunded pursuant to Resolution No. 87-109.

Resolution No. 89-080

The Board of County Commissioners signed Resolution No. 89-080, a budget amendment for Financial Administration for FY'90, including the following expenditure and revenue, and adopting it as part of the FY'90 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
MT Arts Council Grant 1000-891-460453-416	\$40,800
<u>Description of Revenue</u>	<u>Revenue</u>
MT Arts Council Grant 1000-891-331200	\$40,800

OCTOBER 26, 1989 (continued)

Agreement

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

Collective Bargaining Agreement

The Board of County Commissioners signed a Collective Bargaining Agreement between the United Food and Commercial Workers Union Local No. 1981 and Missoula County for the purpose of promoting and continuing understanding between the Employer, its employees, and the Union, to provide for equitable and peaceful adjustment of differences which may arise, and to establish mutually agreed upon conditions of employment for all library workers employed except the Assistant Librarian, Library Director, Public Services Coordinator, Technical Services Coordinator and students employed under a work-study program, as per the terms set forth, from July 1, 1989, through June 30, 1991. The Agreement was returned to John Pemberton in the Personnel Office for further handling.

Letter of Agreement

The Board of County Commissioners signed a Letter of Agreement between the United Food and Commercial Workers Union, Local 1981, and Missoula County covering the period from July 1, 1989, through June 30, 1990, for the purpose of agreeing to the provisions set forth in recognition of the temporary closure and lay off of personnel of the Missoula City-County Library for the period of June 5-17, 1989. The Letter of Agreement was returned to John Pemberton in the Personnel Office for further handling.

Contract

The Board of County Commissioners signed a contract, dated October 1, 1989, between Missoula County and Motorola Communications & Electronics, Inc., for the purpose of maintaining the County's communications equipment, as per the terms set forth, through September 30, 1990. The Contract was returned to Jim Dopp, Operations Officer, for further signatures and handling.

Budget Transfers

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

- 1) No. 900006, a request from the Library to transfer \$9200 from the Personnel and Fringe Accounts to the "Read to Me" grant Personnel and Fringe Accounts (\$4,600.) and to the "Read On" grant Personnel and Fringe Accounts (\$4,600.) for the County match for the two Literacy Grants;
- 2) No. 900008, a request from the Sheriff's Department to transfer \$1,178 from the Gas & Diesel (\$400) and Prescription Drugs (\$778) accounts to the Meals, Lodging and Incidentals Account for the jail inspection trip with John DeVore, Mike O'Hara, and Bob Schieder;

OCTOBER 26, 1989 (continued)

- 3) No. 900014, a request from the Health Department to transfer \$2,500 from the Capital - Office Equipment (613-445700-945 - \$1,500) and Capital - Technical Equipment (612-447100-946 - \$1,000) accounts to the Capital - Technical Equipment (613-445700-946 - \$1,500) and Capital - Office Equipment (612-447100-945 - \$1,000) accounts to correct line items;
- 4) No. 900015, a request from the Health Department to transfer \$17,700 from the Capital Improvements (\$11,100) and Term Reserve Cost (\$6,600) accounts to the Capital - Office Equipment (\$11,100) and Ann. Merit Reserve (\$6,600) accounts to correct line items; and
- 5) No. 900017, a request from the Art Museum to transfer \$2,000 from the Contracted Services Account to the Temporary Salaries Account for the purpose of facilitating payment of salary for two existing temporary positions through the end of FY'89/90 and to allow hiring of an intermittent, on-call position when needed.

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

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OCTOBER 27, 1989

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

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit, whereby the County will permit Marda Guenther to encroach upon County owned park property directly south of 2710 Rattlesnake Drive for purposes of use and maintenance of an existing septic system, as per the terms set forth, for a period of ten years, renewable at the option of Missoula County. The Permit was returned to Jim Dopp, Operations Officer, for further signatures and handling.

Fern Hart by Wendy Ross Coonwell *Barbara Evans*
 Fern Hart, Clerk & Recorder Deputy Barbara Evans, Chairman

* * * * *

OCTOBER 30, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #21 (10/01/89 through 10/14/89) with a total Missoula County Payroll of \$364,553.07. The Transmittal Sheet was returned to the Auditor's Office.

OCTOBER 30, 1989 (continued)

Quarterly Report

Chairman Evans signed the MCH Block Grant Quarterly Report for the First Quarter of State Fiscal Year 1990 (July-September). The Report was returned to Yvonne Bradford in the Health Department for forwarding to DHES in Helena.

Satellite Agreement

The Board of County Commissioners signed an Agreement between the Ravalli County Health Department in Hamilton and the Missoula County Health Department, whereby the Missoula City-County Health Department will perform the administrative and supervisory responsibilities for program operations and fiscal management for the Ravalli County WIC Program, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990.

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

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OCTOBER 31, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-081

The Board of County Commissioners signed Resolution No. 89-081, resolving that a portion of O'Brien Creek Road (a 2' by 80' strip) located in the SE 1/4 of Section 28, T. 13 N., R. 20 W., P.M.M. Missoula County, a portion of Parcel A, Certificate of Survey No. 2912, be vacated.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer request from the Surveyor and adopted it as part of the FY'90 Budget:

No. 900019, a request to transfer \$11,000.00 from the Harper's Road Bridge (Bridge - Capital Projects) account to the Sawmill Gulch Bridge (Bridge - Capital Projects) account as the project at Sawmill Gulch was budgeted at \$210,000 and came in at \$218,056.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Jay Clay Raser of Missoula, MT, Zane P. Raser of Stevensville, MT, and Jane A. Tripp of Missoula, MT, the owners of certain property in Missoula County described as SUID No. 1853205, which is being taken for tax deed; the taxpayers desire to redeem the property for the total amount owing of \$136,141.69 plus \$25.07 per day from September 1, 1989, plus 1989 property taxes, and the County is willing to defer the actual application for tax deed from October 31, 1989, until January 31, 1990, provided the taxpayers pay all sums necessary by that date to fully redeem the property from the tax deed process.

OCTOBER 31, 1989 (continued)

Agreement

The Board of County Commissioners signed an Agreement for Deferral of Application for Tax Deed between Missoula County and Dale P. Hart, whereby the County will defer its application for tax deed until January 31, 1990, provided the Taxpayer pays the full amount owing for 1985 - 1988 of \$5,536.63 (as of September 1, 1989) by that date, as per the terms set forth in the Agreement.

Other items included:

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

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

* * * * *

NOVEMBER 1, 1989

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated October 31, 1989, pages 9-38, with a grand total of \$205,998.13. The Audit List was returned to the Accounting Department.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing items of fees and collections made in Missoula County for month ending October 25, 1989.

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Local Unit No. Two (Nurses) of the Montana Public Employees Association for the purposes of collective bargaining with respect to rates of pay, hours and other conditions of employment, as per the terms set forth, from July 1, 1988, through June 30, 1990. The Agreement was returned to John Pemberton in the Personnel Office for further signatures and handling.

Contract

The Board of County Commissioners signed a Contract, dated October 23, 1989, between Missoula County and Western Materials, Inc. for the construction, installation and completion of street improvements to North Avenue (RSID No. 434), as per the terms set forth, for a total payment of \$8,065.50. The Contract was returned to General Services for further handling.

Notice of Hearing

Chairman Evans signed a Notice of Hearing on the application of Stone Container Corporation for tax incentives under Resolution No. 87-080 regarding tax incentives for new and expanding industry, setting the hearing date for November 29, 1989, at 1:30 p.m. This application covers new construction of a Corrugated Container Recycling System.

Missoula County Permit

The Board of County Commissioners signed a Permit, whereby the County agrees to permit Dr. L. M. Holt to use the western one-half of the Missoula County park parcel located in the Schmutz Addition #2 in Section 26, T. 13 N., R. 20 W., for pasture, as per the terms set forth, for a period not to exceed ten years, and is renewable at the option of the County Commissioners.

Agreement and Quitclaim Deed

The Board of County Commissioners signed an Agreement between Missoula County and the Western Montana Retriever Club, whereby the Retriever Club will purchase a parcel of tax deed land owned by the County adjacent to land owned and occupied by the Club to use in conjunction with the activities of their organization, as per the terms set forth and with the Club agreeing to allow an easement to be placed on the parcel for purposes of future drainage needs, for a total payment to the County of \$1,500.00.

NOVEMBER 1, 1989 (continued)

Chairman Evans signed a Quitclaim Deed from Missoula County to the Western Montana Retriever Club for a parcel of land located in the NW 1/4 of the SW 1/4, Section 1, T. 12 N., R. 20 W., and more particularly described on the Deed. The Documents were returned to Jim Dopp, Operations Officer, for further handling.

Other items included:

Board Appointments

The Commissioners made the following board appointments:

- 1) Patricia S. Lifvendahl was appointed to the City-County Animal Control Board to fill the unexpired term of Jean Erickson through December 31, 1990;
- 2) David Browder was appointed to the Missoula Consolidated Planning Board through December 31, 1992; and
- 3) Linda Kikkert was appointed as the "alternate member" on the Missoula Consolidated Planning Board through December 31, 1992.

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

WEEKLY PUBLIC MEETING

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

DECISION ON: USE OF OCCASIONAL SALE BY CUNNINGHAM

Mike Sehestedt from the County Attorney's Office explained that this is a request for use of the Occasional Sale by Frank Cunningham for a parcel located on Lena Lane. Frank Cunningham requests the use of the Occasional Sale exemption to split a two-acre parcel into two approximate one-acre parcels. His residence is located on the proposed remainder and he would sell the occasional sale parcel. His reason for the sale is that he has no use for the additional acre and most of the parcels in the area are one-acre parcels. Mr. Cunningham has a long history of the use of exemptions, dating back to the late 1970's. None of the exemptions appear to have been used on this parcel by this individual but this neighborhood does appear to have been created by Certificate of Survey. His last use of the Occasional Sale was in 1985. This item was brought before the Commissioners at their Public Meeting on October 25, 1989. Final decision was postponed until today's meeting because the Board, with one member absent, was unable to agree on a decision. Subsequent to that we have received a letter from Nick Kaufman indicating that the parties to the transaction are willing to pave the proposed private easement off the cul-de-sac on Lena Lane.

Ann Mary Dussault asked if there would be any other issues brought up, aside from the paving of the cul-de-sac, if this had gone through the subdivision process.

Barb Martens from the Office of Community Development said that the easement would probably be the only issue. If it's a two-lot split, it would be a driveway that would be required to access the two lots, since it's two or fewer, so mainly it would be the easement.

Ann Mary Dussault said she understood that the driveway access is the existing driveway on the front lot.

NOVEMBER 1, 1989 (continued)

Nick Kaufman said that a portion of it would be the existing driveway, and that it is already paved. The remainder of the driveway would be paved as one of the conditions of the buy-sell agreement.

Janet Stevens said that, based on the fact that more information has come in since last week, in this instance with the Cunningham's and in no other, she would be in favor of approving the occasional sale.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the Cunningham's request for Occasional Sale based on the fact that it doesn't appear to be an evasion of the Subdivision Act, with the condition that the driveway be paved. The motion carried on a vote of 3-0.

EMPLOYEE RECOGNITION

Janet Stevens said that she had served on the Committee for Employee Incentives, which was put together at the Commissioners' request a couple of years ago. One of the recommendations of that Committee was that the Commissioners recognize employees for length of service, not tied to anniversary dates but to hiring dates. That process will start today with employees who have reached a hire date anniversary within the last two weeks. We would like to recognize you at the Public Meeting each week, but realize that not everyone can attend, so we will go to the different departments to recognize those employees. These are cups that say you are a valued County employee, and we mean it. It's not a joke, we're sincere. The employees who were able to be here today include Art Garner, General Services, 4 years; Sharyn Solum, Commissioners, 4 years; Terry Wahl, Surveyors, 16 years; Betty La Belle, Data Processing, 11 years; Phyliss Browder, Recording, 1 year; Margaret Borg, Public Defender, 4 years; and Judy Keeney, Surveyors, 6 years. Those employees unable to attend today include Surry Latham, 9-1-1, 7 years; Marie Pruitt, 9-1-1, 10 years; Rachel King, 9-1-1, 1 year; Bernie Reichel, Road, 16 years; Lyle Dilworth, Road, 8 years; Beverly Prinkki, Health (WIC), 2 years; John Hinckley, Sheriff, 4 years; J.D. Richardson, Road, 4 years; Dave Walrod, Sheriff, 2 years; and Mike O'Hara, Jail, 10 years. The Commissioners thanked all those employees for sticking with us.

BID AWARD: SIX (6) 1990 4-DOOR SEDANS (SHERIFF'S DEPT.)

Barbara Evans explained that bids were opened October 30, 1989 at 10:00 a.m. The following four bids were received for six vehicles:

Roy Standley Auto Team	\$76,274.00
Grizzly Auto Center.....	no bid received
Bitterroot Motors.....	\$89,986.00
Capital Ford Sales, Inc. ...	\$87,640.00
Karl Tyler Chevrolet	\$82,810.48

There was a \$6,536.48 difference between the lowest bidder and the next closest bid submitted. The staff recommendation was to award the bid to Roy Stanley Chevrolet of Kalispell. Even though home-town purchases are preferred whenever possible, the difference in cost savings is too great to taxpayers to choose a local bidder.

Janet Stevens had a question on maintenance of the new vehicles.

Doug Chase, Undersheriff, said that the warranty work would be done by the Chevrolet dealer here in Missoula. He said this is a standard procedure. He said they had been out to Karl Tyler Chevrolet yesterday and there was no indication there would be any problem.

NOVEMBER 1, 1989 (continued)

Ann Mary Dussault moved and Janet Stevens seconded the motion to award the bid for 6 police vehicles to Roy Stanley Auto Team for \$76,274.00. Motion carried on a vote of 3-0.

CONSIDERATION: APPROVAL OF FRONTIER ADDITION - FINAL PLAT.

Barb Martens from the Office of Community Development said that the Board of County Commissioners approved the preliminary plat of Frontier Addition on April 26, 1989, subject to several conditions. Frontier Addition consists of thirteen residential lots located east of Seeley Lake, just west of the Seeley Lake airport at the intersection of Frontier and Canyon Drives. The lots are all an acre or slightly over an acre in size. The Office of Community Development staff recommends that the final plat of Frontier Addition be approved subject to the following conditions set forth in the staff report: (1) The developer shall give cash-in-lieu of parkland dedication to satisfy the parkland requirement and shall note this on the face of the plat; (2) The Property Owners' Association Articles of Incorporation, By-Laws, Covenants and Restrictions shall bear the certification of the attorney who prepared or reviewed them that such attorney is licensed to practice law in the State of Montana and that they contain the applicable provisions required by these regulations, and any provisions upon which plat approval was based or conditioned and that the provisions do not conflict. Before the meeting today Greg Martinsen gave Barb a letter from Wally Congdon stating that he has reviewed the covenants and they are O.K., so this could be subject to just the first condition of cash-in-lieu. They will have to pay the fee before the plat is filed.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the final plat of Frontier Addition subject to the condition that cash-in-lieu of parkland be paid prior to filing. Motion carried on a vote of 3-0.

CONSIDERATION: APPROVAL OF TARGET RANGE GARDENS, PHASE III - FINAL PLAT.

Barb Martens said that last Wednesday, October 25, 1989, the Board of County Commissioners approved the preliminary plat of Target Range Gardens Phase III subject to several conditions. Three of those nine conditions have since been met. This subdivision consists of seven residential lots located just north of South Avenue, west of 38th Avenue, and east of Clements Road. Cash-in-lieu of parkland is proposed. The Office of Community Development staff recommends that the final plat of Target Range Gardens Phase III be approved subject to the following conditions set forth in the staff report: (1) Sanitary restrictions shall be lifted by State and local health authorities; (2) The covenants shall bear the certification of the attorney who reviewed or prepared them that such attorney is licensed to practice law in the State of Montana and that they contain the applicable provisions required by this regulation; (3) Cash-in-lieu of parkland shall be paid to the County prior to plat filing; (4) Grading, drainage, street and erosion control plans shall be approved by the County Surveyor's Office; (5) The developer shall provide a revised Water Users Agreement and Easement as a result of relocating the community well to Lot 6; (6) The developer shall provide a copy of the Property Owners' Association Articles of Incorporation and By-Laws, with proof of filing with the Secretary of State, prior to filing of the plat. All these conditions will have to be satisfied prior to the filing of this plat.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the final plat of Target Range Gardens Phase III, subject to the remaining conditions set out in the staff report. Motion carried on a vote of 3-0.

NOVEMBER 1, 1989 (continued)

CONSIDERATION: APPROVAL OF THE FINAL PLAT OF LINDA VISTA 5TH SUPPLEMENT, PHASE 3.

Barb Martens said that on February 10, 1988, the Board of County Commissioners approved the preliminary plat of Linda Vista 5th Supplement, Phase 3 subject to several conditions. On March 31, 1988 the Board of County Commissioners voted to amend the conditions for plat approval. Since that time, all but one condition have been met. This subdivision consists of twelve (12) single family residential lots. There is one lot on the far right-hand side of the plat. The improvements reach this lot, and it should have been included in Phase 2. They do have a buyer for this lot. The total area is 7 acres. The Office of Community Development staff recommends that Linda Vista 5th Supplement Phase 3 be approved subject to the following conditions set forth in the staff report: (1) Sanitary restrictions shall be lifted by State and local health authorities prior to final plat submittal. If the State health authority requires any hydrogeological study as part of its review, a copy shall be provided by the developer to the Missoula City-County Health Department. If the state does not require the following information, the developer shall still be required to provide it to the Missoula City-County Health Department: (a) obtain copies of available well logs in all Linda Vista additions and compile a corresponding list of well depths and static water levels in wells in all Linda Vista additions that have individual water supplies and submit this information to the Health Department; (b) construct two test wells at locations in Linda Vista 4th Supplement at locations designated by the Health Department. The wells will be 40' 2" casing; (c) do 17-20' soil profiles in key lots in the 5th Supplement as determined by the Health Department and supply the corresponding soils information to the Health Department. Also, Barb said that there is some language that needs to be placed on the plat to satisfy the Health Department regarding the sewer policy for urban subdivisions.

Chip Johnson of Stensatter, Druyvestein and Associates said that he was here to represent the developer, Mr. Lloyd Twite. He said that the report identifies 12 lots in this phase, when there are actually 13, the one off the side being the 13th. This lot was an oversight on their part of Phase 2. The utilities, to include electric, water, sewer and gas, and the roadway are all to that lot. Phase 1 and 2 required the same statement from the Health Department that is being referred to. However, the Health Department has made some minor modifications to the statement, which they will secure from Jim Carlson. Evidently it is a minor change and should affect our feeling toward the plat. The item in regard to satisfying the sanitary restrictions, the plans and specifications for the water and sewer facilities for all the 65 lots in Linda Vista 5th Supplement have been approved by both State and local health departments. They will not, however, give them a certificate lifting the restrictions on all those lots. They would do this as the final plats are filed. We send them a copy of the filed plat, in this case Phase 3, remind them of their letter where they approved the water/sewer systems, and they will then issue another certificate lifting the sanitary restrictions. That certificate in this case will be just for the third phase.

Janet Stevens moved and Any Mary Dussault seconded the motion to approve the final plat for Linda Vista 5th Supplement, Phase 3 subject to the following remaining condition:

Sanitary restrictions shall be lifted by State and local health authorities prior to final plat submittal. If the State health authority requires any hydrogeological study as part of its review, a copy shall be provided by the developer to the Missoula City-County Health Department. If the state does not require the following information, the

NOVEMBER 1, 1989 (continued)

developer shall still be required to provide it to the Missoula City-County Health department:

- a. obtain copies of available well logs in all Linda Vista additions and compile a corresponding list of well depths and static water levels in wells in all Linda Vista additions that have individual water supplies and submit this information to the Health department;
- b. construct two test wells at locations in Linda Vista 4th Supplement at locations designated by the Health Department. The wells will be 40' 2" casing;
- c. do 17-20' soil profiles in key lots in the 5th Supplement as determined by the Health Department and supply the corresponding soils information to the Health Department.

Motion carried on a vote of 3-0.

HEARING: AMENDMENT TO MISSOULA COUNTY ZONING RESOLUTION -
DEFINITION OF "BUILDING."

Zoe Mohesky from the Office of Community Development said that this is a request to modify Chapter I, Section 1.05(6) of the Missoula County Zoning Resolution for the purpose of improving the definition of "building." Recently the definition of "building" has led to some problems in zoning administration due to the fact that a strict reading of definition precludes structures or portions of structures which are supported by columns. The Planning Board held a public hearing on this item on October 17, 1989. The staff had recommended that the definition of "building" be changed to: "Building means any structure having a roof supported by columns or walls intended for the shelter, housing, or enclosure of any person, animal, property, vehicle, equipment, goods or materials of any kind." The Planning Board unanimously recommended that the Uniform Building and Fire Code definition read: "Building is any structure used or intended for supporting or sheltering any use or occupancy." The staff feels that this definition is adequate and addresses the concerns and that column-supported structures will be considered buildings under that definition.

The Public Hearing was closed after it was ascertained that nobody cared to speak for or against this issue.

Ann Mary Dussault moved and Janet Stevens seconded the motion to adopt the Planning Board's recommendation for the definition of "building" consistent with the Uniform Building and Fire Code which reads: "Building is any structure used or intended for supporting or sheltering any use or occupancy." Motion carried on a vote of 3-0.

HEARING: REQUEST TO VACATE MILL STREET (PORTION OF BLOCK 10,
FRENCHTOWN TOWNSITE).

Barbara Evans said that this is a petition to vacate Mill Street, located in Section 34, Township 15 North, Range 21 West from Mullan Road to Old Highway 10, and also described as all of lot 15 and the westerly 5 feet of lot 165 in Block 10 of Townsite of Frenchtown, Montana, according to the plat thereof on file in the office of the Clerk and Recorder of Missoula County, Montana. The reasons for this request are (1) Allergies to dust; (2) Reduces liability of Rail Link; (3) Unsafe corner going on to Mullan Road; (4) Unsafe crossing - no lights and rough; (5) Three other crossing, two paved and with lights; and (6) Reduces taxpayers' cost on road maintenance - limited maintenance now. The lands and owners thereof affected by this vacation are: (1) Marvin L. and Deanna D. Smith; (2) Raymond F. and Anna M. Hall; and (3) Montana Rail Link.

NOVEMBER 1, 1989 (continued)

Horace Brown, County Surveyor, said that he wanted to make it clear that this is not the Mill Street that is in the Frenchtown subdivision, but is the Mill Street outside the subdivision.

Marvin Smith said that it was originally a farm road, and 15 years ago it was changed over when the old Mill Street in town was vacated. It's a dirt road about 100 yards long, in the middle is the railroad tracks, it makes a jot at the center, right by the railroad tracks, which are on two levels, which can take the bottom out of your car.

As there were no other comments, the Public Hearing was closed.

Action was postponed on this item until next Wednesday so the County Surveyor and a Commissioner could inspect the site this week.

Ann Mary Dussault asked Horace Brown if he had a recommendation at this point. He said no.

Barbara Evans asked if MRL had signed the petition to vacate, and Horace Brown said yes.

HEARING: REQUEST TO VACATE GLEASON STREET (OLD BUNK DRIVE).

Barbara Evans said that this petition is to vacate Gleason Street (Old Bunk Drive), located in Section 19, Township 13 North, Range 19 West, in Bunk Addition and further described as 30' wide property east of Lot 2 Bunk Addition and west of Reserve Street, Missoula County, Montana. The reason for this request is that when Bunk Drive was reconstructed, the easement south of Gartner's property which was never used, was not opened and used for public road. Gartner's were informed that the easement to the east of them would be abandoned and would belong to the adjoining property owner; at the time they had a part of it paved, only to find out later it was never recorded. The land and owner thereof affected by this vacation is Raymond C. and Rosemary Gartner.

Ernie Johnson of Lambros Realty said that nothing was ever recorded regarding the vacation of Gleason Street. He talked with the Surveyor's Office and also with Colleen Dowdall (County Attorney's Office) on the steps to take to complete the vacation, which they have done. The main reason they want to have this vacated now is because the Gartner's went to the expense of having it paved, thinking it was their property; there's a garage on the property; and they are moving to Seattle and have the property sold contingent on this property (30') being added back to the adjacent property that they already own. Mr. Johnson presented the Board of County Commissioners a diagram of the area and the property involved.

The Public Hearing was closed as it was ascertained that nobody else cared to speak for or against this vacation.

Action was postponed on this item until next Wednesday so that the County Surveyor and a Commissioner could visit the site.

There being no further business to come before the Board, the Commissioners were in recess at 2:05 p.m.

Meeting

In the evening, Commissioner Dussault attended a meeting of the Seeley Lake Refuse Disposal District Board of Directors in Seeley Lake.

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NOVEMBER 2, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-082

The Board of County Commissioners signed Resolution No. 89-082, a Resolution of Intent to Amend Chapter I, Section 1.05 (6), of the Missoula County Zoning Resolution for the purpose of improving the definition of "building".

Resolution No. 89-083

The Board of County Commissioners signed Resolution No. 89-083, a resolution adopting Missoula County Raffle Regulations and Raffle Permit Application, as per the attachments to the Resolution on file in the Clerk & Recorder's Office, repealing all previous resolutions and regulations relating to gambling, except the resolution of September 27, 1989, authorizing 24-hour gambling in Missoula County.

Addendum to Travel Policy

The Board of County Commissioners signed an Addendum to Policy No. 88-A, the Missoula County Travel Policy, amending the mileage reimbursement to be equal to the IRS allotment for the preceding year as follows:

As of January 1, 1990, mileage will be reimbursed at 25.5 cents for the first 1,000 miles per month traveled and at 22.5 cents thereafter (for the same month).

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

Meeting with Residents

In the afternoon, the Commissioners and Horace Brown, County Surveyor, traveled to the Nine-Mile Area where they met with several residents of the area at the Thisted residence and discussed their concerns and possible solutions to them.

Site Inspection

On their return from the Nine Mile Area, the Commissioners and County Surveyor conducted a site inspection on the request to vacate Mill Street, a portion of Block 10 - Frenchtown Townsite.

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NOVEMBER 3, 1989

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

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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NOVEMBER 6, 1989

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

NOVEMBER 6, 1989 (continued)Welfare Advisory Board

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

DAILY ADMINISTRATIVE MEETING

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

Agreement

Commissioner Dussault signed an Agreement, dated October 1, 1989, between the Montana Highway Traffic Safety Administrator and Missoula County for the purpose of providing an experienced judge and a knowledgeable chemical dependency counselor at the ACT instructors training workshops which will be held during the period from October 1, 1989, to September 30, 1990, as per the terms set forth, for a total amount not to exceed \$3,000.00. The Agreement was forwarded to Albert Goke at the Highway Traffic Safety Division in Helena.

Annual Update

Chairman Evans signed the Annual Update for the County Chemical Dependency Plan for FY'91 as required by the Department of Institutions, State of Montana. The Update was returned to the Health Department for forwarding to the State.

Resolution No. 89-084

The Board of County Commissioners signed Resolution No. 89-084, a resolution adopting a County Dog Ordinance, which was passed on January 20, 1988, and became effective on February 19, 1988, in Missoula County, exclusive of the Missoula City limits, to update and revise Resolution No. 79-202, as per the items set forth in Sections 1 through 9 in the Resolution.

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

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NOVEMBER 7, 1989

The Board of County Commissioners met in regular session; all three members were present. Commissioner Dussault left late in the afternoon for Helena to attend an evening meeting of the Tax Reform Coalition.

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement, dated October 25, 1989, between the City of Missoula, the Missoula City-County Health Department, and District 11 Human Resources Council for the development of a pilot program to replace high emission wood burning stoves, as per the provisions set forth, for the period from June 1, 1989, through June 30, 1990, at a total cost not to exceed \$5,000.00.

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

NOVEMBER 7, 1989 (continued)Site Inspections

In the afternoon, Commissioner Dussault and County Surveyor, Horace Brown, conducted a site inspection on the request to vacate Gleason Street (Old Bunk Drive).

* * * * *

NOVEMBER 8, 1989

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

Audit List

Commissioners Evans and Stevens signed the Audit List, dated November 7, 1989, pages 10-33, with a grand total of \$354,479.65. The Audit List was returned to the Accounting Department.

Monthly Reports

Chairman Evans examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for the month ending October 31, 1989.

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 Frontier Addition, a subdivision of Tract "B" of COS No. 1237, less Tract B-1 of COS No. 1603, located in the NW 1/4 of Section 1, T. 16 N., R. 15 W., PMM, with the owner-developer being Hugh A. Martinsen, and cash in lieu of parkland in the amount of \$2,699.00 was received by the County Treasurer.

Agreement Amendment

The Board of County Commissioners signed an Amendment to an Agreement dated July 5, 1989, between Missoula County and Mountain Water Company, amending the terms of the original Agreement as follows:

The termination date of the Agreement is extended from October 31, 1989, to February 1, 1990.

All other terms and conditions of the Agreement remain in full force and effect. The Amendment was returned to John DeVore, Administrative Officer, for further handling.

Contract

The Board of County Commissioners signed a Contract, dated October 23, 1989, between Missoula County and Jensen Paving Company for construction, installation, and completion of street improvements to Homestead Drive (RSID No. 433), as per the terms set forth, for a total payment of \$36,349.00. The contract was returned to General Services for further handling.

Resolution No. 89-085

The Board of County Commissioners signed Resolution No. 89-085, authorizing and instructing the County Clerk and Recorder to make application to the County Treasurer of Missoula County for the issuance of Missoula County tax deeds on the Gleneagle at

NOVEMBER 8, 1989 (continued)

Grantland properties shown on the list attached to the Resolution which remain unredeemed in the Office of the County Treasurer on April 18, 1989, and for which notice has heretofore been properly made; and instructing the County Treasurer to cancel 1986, 1987, 1988 and the current year's taxes on the same.

Other items included:

The Commissioners voted unanimously to postpone the City Election Canvass to Monday, November 13th, 1989, at 9:30 a.m., as the Friday following the Election is a holiday.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION:

Barbara Evans presented mugs to the following employees in recognition of their hiring anniversaries this week: Karen Mason, Recording, 5 years; Marcia Porter, Microfilm, 12 years; and Emily Larson, Clerk of Court, 4 years. Those employees not able to attend the Public Meeting include Sue Harris, Motor Vehicles, 12 years; Mike Kearney, Road, 10 years; Donna Harsell, Health, 9 years; and Garry Stemple, Road, 3 years.

DECISION ON: REQUEST TO VACATE MILL STREET (PORTION OF BLOCK 10, FRENCHTOWN TOWNSITE)

Barbara Evans said that the initial hearing on this request was held on November 1, 1989, and that Janet Stevens and Horace Brown, County Surveyor, had viewed the site on November 2, 1989.

Ann Mary Dussault moved and Janet Stevens seconded the motion to vacate Mill Street, a portion of Block 10, Frenchtown Townsite. Motion carried on a vote of 3-0.

DECISION ON: REQUEST TO VACATE GLEASON STREET (OLD BUNK DRIVE)

Barbara Evans said that the initial hearing on this request was held on November 1, 1989, and that Ann Mary Dussault and Horace Brown had viewed the site on November 7, 1989.

Ann Mary Dussault moved and Janet Stevens seconded the motion to vacate Gleason Street (Old Bunk Drive). The motion carried on a vote of 3-0.

HEARING: USE OF OCCASIONAL SALE/FAMILY GIFT (ELLIS)

Colleen Dowdall from the County Attorney's Office said that after reviewing this Certificate of Survey, it was determined that the property was in the City limits and therefore would not be considered by the Board of County Commissioners.

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

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NOVEMBER 9, 1989

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

NOVEMBER 9, 1989 (continued)

DAILY ADMINISTRATIVE MEETING

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

Agricultural Exemption Covenant

The Board of County Commissioners signed the Covenant for a Certificate of Survey to create a parcel of land for agricultural purposes in the SE 1/4 of Section 35, T. 12 N., R. 20 W., PMM, Missoula County, for Otto Wornath, stating that the covenant shall run with the land and be revocable only by mutual consent of the governing body and the property landowners of record at the time such application for revocation of the covenant is made.

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

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NOVEMBER 10, 1989

The Courthouse was closed for the Veterans Day Observed Holiday.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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NOVEMBER 13, 1989

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

Election Canvass

In the morning, the Board of County Commissioners, serving as the Board of Canvassers, canvassed the City General Election, which was held on November 7, 1989.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated November 9, 1989, pages 11-29, with a grand total of \$56,584.11. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Darrell W. Barnes as principal for warrant #10582, dated May 1, 1989, on the Missoula Irrigation District Fund in the amount of \$136.50 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Addendum to Agreement

The Board of County Commissioners signed an Addendum to an Agreement dated June 29, 1989, between Missoula County and Ravalli Services, amending the terms of the original Agreement as follows:

1. The end-date of the Agreement is extended from September 10, 1989, to November 23, 1989.

NOVEMBER 13, 1989 (continued)

2. The cost of services rendered under the Agreement is increased by \$500 for a total cost to Missoula County of \$2,500.

All other provisions of the Agreement continue in full force.

Plat

The Board of County Commissioners signed the Plat for Grantland Fourteen, a subdivision of Missoula County, located in the W 1/2 of Section 21, T. 14 N., R. 19 W., PMM, with the owner of record being Horizon Enterprises, Inc.

Subdivision Improvements Agreement and Guarantee

The Board of County Commissioners signed a Subdivision Improvements Agreement and Guarantee for the above Plat, Grantland Fourteen, whereby Horizon Enterprises, Inc. acknowledge that the condition to file conservation easements to fulfill the park requirement has not been met as of the date of the filing of the plat, but guarantee that the easements will be filed by January 31, 1990; as security for completing the filing of the easements, the Guarantors are providing real estate located at Lot 9, of Prospect, Phase 1, which has a value of at least \$16,500.00, or if the lot is sold prior to completion of the improvements, \$10,000.00 will be provided as a cash guarantee for the completion of the filing of the conservation easements.

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

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NOVEMBER 14, 1989

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

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Dr. R. K. Hancock as principal for warrant #4578, dated August 10, 1989, on the Bonner School District #14 General Fund in the amount of \$799.16 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a Joint Proclamation with the City of Missoula, jointly proclaiming their endorsement of the proposal developed by the Missoula Developmental Service Corporation to establish an SSSO (Specialized Service and Support Organization) in our community, applauding the vision and dedication of this Corporation, and calling upon the entire community both in the public and private sector to join these efforts to help disabled persons achieve, with dignity and independence, their personal goals and fulfillment.

Amendment to Employment Agreement

Commissioners Dussault and Stevens signed, with Commissioner Evans opposing, an Amendment to the Employment Agreement (BCC-89-328, dated June 8, 1989) between Randolph Osman and the Missoula

NOVEMBER 14, 1989 (continued)

County Board of Trustees for Museums amending a portion of the TERMINATION section of the Agreement as follows:

This Agreement may be terminated by either party unilaterally by giving notice of termination in writing at least 90 days prior to the date of intended termination.

The Amendment was returned to John Pemberton in the Personnel Office for further handling.

Receipt and Agreement to Sell and Purchase

Chairman Evans signed a Receipt and Agreement to Sell and Purchase between Missoula County and William J. Koch and Aleth L. Koch acknowledging the receipt of \$500.00 as deposit and earnest money for the purchase of Lot 1, Grantland Twelve, in the Grant Creek Area, with the agreement, as per the terms set forth, to purchase the property for \$17,500.00. The document was returned to General Services for further handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Northwest Community Consultants, an independent contractor, for the purpose of conducting an organization and management study as described in "A Proposal for a Management Study of the Road Department and Surveyor's Office" as per the attachment to the contract, and as per the terms set forth, commencing November 15, 1989, and to be completed by January 31, 1990, for a payment not to exceed \$7,500.00.

Other items included:

Board Appointments

The Commissioners made the following Board appointments:

- 1) Troy Kurth was reappointed to the Missoula Consolidated Planning Board for a three-year term through December 31, 1992;
- 2) Rustem S. Medora and Dallas L. Rychener were reappointed to the Missoula Area Agency on Aging Board for three-year terms through December 31, 1992; and
- 3) Pelham "Pel" Turner was reappointed to the Missoula County Board of Adjustment for a two-year term through December 31, 1991.

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

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NOVEMBER 15, 1989

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

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for month ending October 31, 1989.

NOVEMBER 15, 1989 (continued)DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-086

The Board of County Commissioners signed Resolution No. 89-086, a resolution to vacate a portion of Gleason Street (Old Bunk Drive) lying East of Lot 2, Bunk Addition, located in the SE 1/4 of Section 19, T. 13 N., R. 19 W., PMM.

Resolution No. 89-087

The Board of County Commissioners signed Resolution No. 89-087, a resolution to vacate Mill Street from Mullan Road to Old Highway 10, located in the E 1/2 of Section 34, T. 15 N., R. 21 W., PMM, and also described as all of Lot 15 and the westerly 5 feet of Lot 16 in Block 10 of the Townsite of Frenchtown, MT.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION:

Those employees recognized by the Board of County Commissioners on the anniversary of their date of hire included Patty Baumgart, Personnel, 11 years; Linda Crump, Library, 10 years; Susan Reed, Auditor, 5 years; Sande Johnson, Treasurer, 1 year; John Smith, Public Defender, 1 year; and Gwen Morrow, County Attorney, 4 years.

Their being no other business or public comment, the Board was in recess at 1:40 p.m.

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NOVEMBER 16, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Helena attending a Welfare Reform Health Care Subcommittee Meeting.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Western States Warrant and Transport Officers as principal for warrant #191978, dated August 23, 1989, on the Missoula County General Fund in the amount of \$170.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #22 (10/15/89 through 10/28/89) with a total Missoula County Payroll of \$345,525.22. The Transmittal Sheet was returned to the Auditor's Office.

NOVEMBER 16, 1989 (continued)

Other items included:

- 1) the Commissioners gave approval to Margaret Borg's designating Diana P. Leibinger as an Attorney II in the Public Defender's Office, with her promotion effective November 30, 1989;
- 2) as per the recommendation of John Pemberton, Director of Personnel & Labor Relations, the Commissioners approved a 2% increase to the base wage rate of County employees covered by the personnel plan, effective January 1, 1990;
- 3) the Commissioners approved, as per the recommendation of Cindy Wulfekuhle of the CDBG Program, accepting the offer of \$650 from Farmers Home Administration to settle Paula Stinger's account with the County for a home improvement loan and to close out her account; and
- 4) the Commissioners voted unanimously to allow the Certificate of Survey for Doug Hall, which was submitted by Steve Inabnit, as there is no attempt to evade the subdivision law.

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

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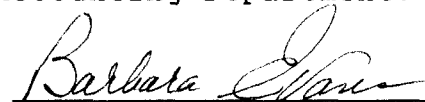
NOVEMBER 17, 1989

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Stevens attended a Mental Health Board Meeting held at Fort Missoula during the day; in the forenoon, Commissioner Dussault participated in a Constitutional Convention Symposium being held at the University of Montana; and Commissioner Evans was out of the office until noon.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated November 17, 1989, pages 9-35, with a grand total of \$897,999.72. The Audit List was returned to the Accounting Department.


Fern Hart, Clerk & Recorder


Barbara Evans, Chairman

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NOVEMBER 20, 1989

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 Melody A. Brown as principal for warrant #11197, dated November 9, 1989, on the Missoula County Trust Fund in the amount of \$100 now unable to be found; and

NOVEMBER 20, 1989 (continued)

- 2) naming Western Montana Clinic as principal for warrant #193107, dated September 22, 1989, on the Missoula County Health Fund in the amount of \$3,929.12 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-088

The Board of County Commissioners signed Resolution No. 89-088, a Resolution accepting an easement from Horizon Enterprises, Inc. for a 20-foot public drainage easement, located in Tract N., Certificate of Survey No. 3432, and being in the NW 1/4 of Section 21, T. 14 N., R. 19 W., PMM, Missoula County.

Other items included:

Board Appointments

The Commissioners made the following Board Appointments:

- 1) Mary Stevenson was reappointed to the Airport Authority for a five-year term through December 31, 1994; and
- 2) Daniel D. Norman was reappointed to the Missoula County Tax Appeal Board through December 31, 1992.

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

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NOVEMBER 21, 1989

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

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Northwest Association of Schools & Colleges as principal for warrant #013981, dated August 11, 1989, on the Missoula County Claims Fund in the amount of \$700 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

The Commissioners approved extending the comment period on the Urban Comprehensive Plan until the end of the year.

Board Appointments

The Commissioners made the following Board Appointments:

- 1) Michael "Mick" Harsell was reappointed to the Fair Commission for a two-year term through December 31, 1991;
- 2) Brad Wenz was reappointed as an ad hoc member of the Fair Commission for a two-year term through December 31, 1991; and

NOVEMBER 21, 1989 (continued)

- 3) Julie Gemar was appointed as a "regular" member of the Fair Commission for a two-year terms through December 31, 1991.

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

Meeting

In the evening, Commissioner Evans attended a meeting of the Lolo Water and Sewer Board (RSID No. 901) held at the Lolo School.

* * * * *

NOVEMBER 22, 1989

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

Audit List

The Board of County Commissioners signed the Audit List, dated November 21, 1989, pages 5-26, with a grand total of \$75,451.12. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the Plat for West Central Square, a subdivision of Missoula County, located in the NW 1/4 of Section 29, T. 13 N., R. 19 W., with the owner being T & T Construction.

Other items included:

Board Appointment

The Commissioners reappointed Phil Schweber to the Missoula City-County Health Board for a three-year term through December 31, 1992

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION:

The following employees were present to receive their mugs in recognition of their dates of hire: Diane Gray, Health, 6 years and Dirk Beccari, Public Defender, 4 years. The following people were not in attendance but will be receiving their mugs: Sharlene Clawson, Public Defender, 4 years; Ed Jemison, Sheriff, 14 years; and Jim Johnson, Sheriff, 4 years.

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

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NOVEMBER 23 AND 24, 1989

The Courthouse was closed for Thanksgiving Day and for the Heritage Day Holiday.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

NOVEMBER 27, 1989

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left late in the forenoon for Helena to attend a JTPA meeting there in the afternoon.

DAILY ADMINISTRATIVE MEETING

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

Interagency Cooperative Agreement

The Board of County Commissioners signed an Interagency Cooperative Agreement between the Missoula County Attorney's Office and the Child Support Enforcement Division, an agency within the Department of Social and Rehabilitation Services, for the purpose of collecting interstate child support payments according to the IV-D State Plan and Federal Guidelines and regulations, as per the terms set forth, with the County receiving partial reimbursement from the State and the opportunity to share in federal incentive monies. The Agreement was returned to Kathy Fritz in the County Attorney's Office for further signatures and handling.

Other items included:

As per the recommendation of Colleen Dowdall, Deputy County Attorney, the Commissioners agreed to waive the \$75 fee for the request to vacate the road referred to as the "Old G.L.O. Road to Lolo" owned by Art Greydanus of Lolo; however, the fee will be charged on the request to vacate the property adjacent to U.S. Highway 12, known as the MT Forest Highway project. Tom McCarthy of Sorenson & Company had requested that the fee be waived on both road vacations.

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

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NOVEMBER 28, 1989

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

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Christi Collins as principal for warrant #9284, dated August 29, 1989, on the Missoula County Trust Fund in the amount of \$300 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

NOVEMBER 28, 1989 (continued)Resolution No. 89-089

The Board of County Commissioners signed Resolution No. 89-089, a resolution establishing a speed limit of 15 miles per hour on Sawmill Gulch Road from Rattlesnake Drive to the Forest Service Parking Lot in the Recreation Area, and requests the County Surveyor to cause the traffic signs on Sawmill Gulch Road to reflect this action.

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit, whereby the County agrees to permit Marda Guenther of 2710 Rattlesnake Drive to encroach upon County owned park property directly south of her property for purposes of use and maintenance of an existing septic system, as per the terms set forth; the permit shall run for a period of ten years and may be extended for two additional terms of ten years each upon the same terms and conditions, providing all other terms and conditions of the Agreement have been met. The Permit was returned to Jim Dopp, Operations Officer, for further signatures and handling.

Other items included:

The Commissioners approved a request from Hal Luttschwager, Risk Manager, for the County to provide him with a leased or reserved parking space as compensation in conjunction with his annual performance review.

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

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NOVEMBER 29, 1989

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

Audit List

The Board of County Commissioners signed the Audit List, dated November 28, 1989, pages 6-33, with a grand total of \$288,004.13. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

The Commissioners appointed John DeVore, Administrative Officer, as the County's representative on the District XI Human Resource Council Board to replace Howard Schwartz, who recently resigned as he is moving out of state; and

Bid Award

The following bids were received for a 1990 4 x 4 full-size pickup for the Sheriff's Department as a replacement for the department vehicle used by Lt. McMeekin, which currently has in excess of 125,000 miles:

Roy Stanley Chevrolet	-	\$13,834.53
Capitol Ford	-	\$14,912.00
Demarois Olds	-	\$14,965.00
Grizzly Motors	-	\$15,174.00

NOVEMBER 29, 1989 (continued)

As per the recommendation of the Sheriff's Department, the Commissioners voted unanimously to award the bid to Roy Stanley Chevrolet in Kalispell, the low bidder for the vehicle and topper.

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

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled as the Commissioners attended the funeral of former Mayor John Toole which was held in the afternoon.

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NOVEMBER 30, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Extension Letter

The Board of County Commissioners signed a letter to Ione Inabnit of Eli & Associates confirming approval of a 60-day filing extension for the Dagan Addition, making the new filing deadline January 14, 1990.

Railroad Pre-Signalization Agreements

The Board of County Commissioners signed Railroad Pre-Signalization Agreements between the State Department of Highways and Missoula County for the purpose of installing railroad crossing signals with State and Federal funds, as per the terms set forth, with the County having maintenance responsibility for the roadways into the crossings, for the following locations:

- 1) MRL #091410X, Ducharme Street, Frenchtown - Missoula Co.;
and
- 2) MRL #086304E, FAS 263 - Mullan Road, Frenchtown -
Missoula Co.

The Agreements were forwarded to the State Highway Department in Helena for further signatures.

Other items included:

The Commissioners voted unanimously to donate Lots 3 and 4 in Grantland 12, which have been acquired by tax deed, to the Missoula Developmental Service Corporation to be used as a site for one of the seven group homes to be built if the proposal succeeds in bringing the project to Missoula.

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DECEMBER 1, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens left for Washington, D.C. where she will attend the NACo Employment Policy & Human Services Conference through December 5, 1989.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Lacy Green as principal for warrant #11206, dated November 13, 1989, on the Missoula County Trust Fund in the amount of \$1,200.00 now unable to be found.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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DECEMBER 4, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Washington, D.C. attending the NACo Employment Policy & Human Services Conference through December 5th, returning to Missoula late in the afternoon on December 6, 1989.

Monthly Reports

Chairman Evans examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for the month ending November 30, 1989.

Welfare Advisory Board

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

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and the Missoula All-Maggots Rugby Football Club for the purpose of jointly developing a high-quality playing field located on the western end of the Fort Missoula Recreation Complex along South Avenue, as per the terms set forth, and shall be in force and effect for ten years, unless terminated in writing by either party for cause, or for noncompliance with the provisions of the Agreement. The Agreement was returned to Jim Dopp, Operations Officer, for further signatures and handling.

Certifications of Acceptance

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

- 1) Edward Court, .095 miles, which was constructed in conjunction with the Cottonwood and Melchris Additions;
- 2) Kelly Lane, .052 miles, which was constructed in conjunction with Kellywood Addition; and
- 3) Springfield Close, .329 miles, which was constructed in conjunction with Grantland #14.

The Certifications of Acceptance were returned to the Surveyor's Office.

DECEMBER 4, 1989 (continued)Agreement

Chairman Evans signed an Agreement between Missoula County and the Montana Highway Traffic Safety Administrator, for the purpose of developing a local task force to address the larger number of issues that impact traffic safety and to develop an integrated approach to solving them, as per the terms set forth, for a total amount not to exceed \$60,000.00, and to be completed by September 30, 1990. The Agreement was forwarded to the Highway Traffic Safety Administrator in Helena.

Agreement

The Board of County Commissioners signed an Agreement between the State Department of Revenue and Missoula County for the purpose of providing to the Department the computer hardware and software, and changes to and servicing, all necessary for the Department to appraise and assess property located in Missoula County, as per the terms set forth, for an annual sum of \$10,000.00 (not to exceed \$20,000.00) for the period ending June 30, 1991. The Agreement was returned to Jim Dolezal in Data Processing for further signatures and handling.

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

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DECEMBER 5, 1989

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena attending a MT Tax Reform Coalition Meeting.

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DECEMBER 6, 1989

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated December 5, 1989, pages 5-27, with a grand total of \$119,556.15. 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:

Resolution No. 89-090

The Board of County Commissioners signed Resolution No. 89-090, a Resolution to Amend Chapter I, Section 1.05(6), of the Missoula County Zoning Resolution for the Purpose of Improving the Definition of "Building", amending the Resolution as follows:

Section

1.05 (6) Rewrite:

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

DECEMBER 6, 1989 (continued)Resolution No. 89-091

The Board of County Commissioners signed Resolution No. 89-091, a Resolution of Intention to Create RSID No. 435 for the purpose of engineering and construction of approximately 315 feet of sewer main and service lines to six properties on Thomas Drive in Missoula County, as per the terms set forth, setting the hearing date for December 27, 1989.

Extension Letters

The Board of County Commissioners signed letters to Dick Ainsworth of Professional Consultants, Inc., approving the following filing extensions:

- 1) a 30-day filing extension for the Melchris Addition, making the new filing deadline January 2, 1990; and
- 2) a 30-day filing extension for the Cottonwood Addition, making the new filing deadline January 2, 1990.

Other items included:

The Commissioners confirmed the appointment of Ellen Leahy, Director of the Health Department, who will serve as the Commissioners representative on the Area Agency on Aging Advisory Council.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION:

The following Missoula County employees were present to receive their mugs in recognition of their dates of hire: Mary Johnson, Health, 4 years; Diane Delaney, Health, 2 years; Diana Liebinger, Public Defender, 2 years; Larry Mansch, Public Defender, 4 years; Virginia Hughes, Library, 15 years; Sharlene Clawson, Public Defender, 4 years; Carol Regal, Health, 1 year; Ken Scobie, Road, 3 years; Billie Blom, Art Museum, 15 years; and Julie Shreve, Motor Vehicles, 2 years. The following people were unable to attend the Public Meeting but will be receiving their mugs individually: Sharon Daily, Treasurer, 3 years; Dorothy Kearney, 9-1-1, 4 years; Sharon Gaughan, District Court, 4 years; and Jim Johnson, Sheriff, 4 years.

BID AWARD: TOTAL STATION SURVEYING SYSTEM - SURVEYOR'S OFFICE

Barbara Evans explained that bids for the Total Station Surveying System were opened on December 4, 1989 at 10:00 a.m. with the following bid results:

			3% Out-of-State
1.	Geodimeter, Inc.	3A \$26,879.00	\$27,676.10
		3B \$29,370	\$30,251.10
2.	Bonneville Blue Print	3B \$19,947.00	\$20,545.41
3.	Gendron's	NO BID	
4.	Selby's Esco	3A \$26,656.00	
		3B \$28,456.00	

DECEMBER 6, 1989 (continued)

Alternate Bids	#1	3A \$24,953.00	
		3B \$26,753.00	(Wild TC 1600)
	#2	3A \$20,210.00	
		3B \$22,010.00	(Lietz)

The recommendation was that we award the bid to Bonneville Blue Print for \$19,947.00. This is the lowest and best bid that meets the specifications, and there is ample money in the budget.

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the bid for the Total Station Surveying System to Bonneville Blue Print for \$19,947.00. The motion carried on a vote of 2-0.

DISCUSSION OF DECISION TO VACATE A PORTION OF OLD GRANT CREEK ROAD

Barbara Evans explained that on October 11, 1989, the Commissioners voted 3-0 to vacate a portion of Old Grant Creek Road subject to the following conditions:

1. That an appropriate easement for school bus turnaround be provided at the Dark Horse Road intersection.
2. That fences along the road be moved back to suit the County Surveyor's specifications.
3. That the upper end of the Old Grant Creek Road be reconstructed prior to the actual closure of the road.

County Surveyor Horace Brown has indicated that all three of these conditions have been met by agreement, and the road will now be vacated, as of today.

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

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DECEMBER 7, 1989

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Bozeman attending JTPA Meetings December 7th and 8th; and Commissioner Stevens attended a meeting of the Clark Fork Coordinating Forum in Butte.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing items of fees and collections made in Missoula County for month ending November 22, 1989.

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DECEMBER 8, 1989

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

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming James W. Petty as principal for warrant #112802, dated June 25, 1985, on the Missoula County Trust Fund in the amount of \$100 now unable to be found.

DECEMBER 8, 1989 (continued)

Meeting

In the evening, Commissioner Evans attended a meeting held at the Rattlesnake School residents of the area regarding the annexation issue.

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DECEMBER 9, 1989

On Saturday afternoon, Commissioners Dussault and Stevens participated in the "Young Authors' Christmas Reading", which was held at Southgate Mall.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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DECEMBER 11, 1989

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 because of illness.

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 Cottonwood Addition, an amended plat of Lots 72 and 73, Orchard Home Company's Addition No. 6, a platted subdivision of Missoula County, located in the SW 1/4 of Section 26, T. 13 N., R. 20 W., PMM, with the owners of record of Lots 72 and 73 being Allen J. Fetscher and William C. Powell.

Payroll Transmittal Sheets

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

- 1) Pay Period #23 (10/29/89 through 11/11/89) with a total Missoula County Payroll of \$331,921.02; and
- 2) Pay Period #24 (11/12/89 through 11/25/89) with a total Missoula County Payroll of \$331,854.47.

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

Plat

The Board of County Commissioners signed the Plat for Melchris Addition, an amended plat of Lot 71, Orchard Home Company's Addition No. 6, a platted subdivision of Missoula County, located in the SW 1/4 of Section 26, T. 13 N., R. 20 W., PMM, with the owner of record of Lot 71 being Collin K. & Jeannette Bangs.

Plat and Subdivision Improvements Agreement and Guarantee

The Board of County Commissioners signed the Plat for Linda Vista Fifth Supplement, Phase Three, an urban residential subdivision located in the SW 1/4 of Section 12, T. 12 N., R. 20 W., PMM, Missoula County, a total of 7 acres, with the owners of record

DECEMBER 11, 1989 (continued)

being the Lloyd A. Twite Family Partnership. The Commissioners also signed approval of a Subdivision Improvements Agreement and Guarantee between Missoula County and Lloyd L. Twite, on behalf of the Twite Family Partnership, regarding the improvements remaining to be completed, the roads and sewer, which the Guarantor acknowledges must be completed within one year of filing the final plat, and is providing real estate located at Lot 2, Block 2 of New Meadows Addition (102 New Meadows Drive) valued at \$49,500.00 as security for completing these improvements.

Agreement

The Board of County Commissioners signed an Agreement, dated October 1, 1989, between the Missoula Public Library and the Literacy Volunteers of America-Missoula, Inc., whereby the Library will serve as the fiscal agent and administrator of the two federal LSCA Title VI literacy grants from the U.S. Department of Education in the amount of \$42,224.00 for the Literacy Volunteers, as per the terms set forth, for the period from October 1, 1989, through September 30, 1990.

Other items included:

- 1) the Commissioners approved a request from the Museum Board to appoint Marty Baker as a regular member in order that he might serve as chairman, and to move Rod Hochhalter to an alternate member position; and
- 2) the budget, rate structure, and capital expenditures submitted by Larchmont Golf Course for 1990 were approved by the Commissioners.

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

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DECEMBER 12, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Board Appointments

The Commissioners made the following board appointments:

- 1) Dale Wisley was reappointed to the Lolo Mosquito Control Board for a three-year term through December 31, 1992; and
- 2) D. Glenn Martyn was reappointed to the Missoula City-County Animal Control Board for a two-year term through December 31, 1991.

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

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DECEMBER 13, 1989

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

DECEMBER 13, 1989 (continued)Audit List

Commissioners Evans and Stevens signed the Audit List, dated December 13, 1989, pages 4-38, with a grand total of \$908,356.93. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Budget Agreement

The Board of County Commissioners signed a Budget Agreement between Missoula County and the Montana State University Extension Service for the purpose of specifying the amounts to be contributed by Missoula County for the support of extension work in agriculture, home economics and related subjects in Missoula County for the period beginning July 1, 1989, and ending June 30, 1990. The Agreement was returned to Jerry Marks in the Extension Office for further handling.

Extension Letter

The Board of County Commissioners signed a letter to Michael M. McCullough granting a two-year extension of the Rodeo Ranchettes Planned Unit Development (PUD), with all other conditions of the approval detailed in Resolution No. 81-193 remaining the same. Any major proposed changes in the PUD would require going back through the review process.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:35 p.m. by Chairman Barbara Evans. Also present were Commissioners Janet Stevens and Ann Mary Dussault.

EMPLOYEE RECOGNITION:

Barbara Evans presented mugs to the following employees in recognition of their hiring anniversaries this week: Laure Kopak, Health, 2 years; and Janet Stevens, Commissioner, 13 years. Those persons not able to attend the Public Meeting included Twyla Anthony, Treasurer, 3 years; Mark Foss, Sheriff, 5 years; and Pat Moncure, Treasurer, 19 years.

STONE CONTAINER CORPORATION: APPLICATION FOR TAX INCENTIVES FOR NEW AND EXPANDING INDUSTRY.

Under consideration was a hearing to consider whether it is in the public interest to approve tax incentives for new and expanding industry for Stone Container Corporation under Resolution 87-080.

Barbara Evans stated that this was for a corrugated container recycling system currently under construction. This \$15,500,000 project will create an additional 14 hourly positions at full capacity. She said that County staff had reviewed the application, finding that it meets both the statutory test and the policy test for the County and therefore they recommend approval by the Board of County Commissioners.

Administrative Officer John DeVore said that they did check with Stone on employment levels for the last several years and the

DECEMBER 13, 1989 (continued)

plant has been averaging about 720 employees. At the close of this December, the figure is 721 with additional employees to be added through this project. There will be an additional 10 added and two more will come on later when they are up to full capacity.

Barbara Evans opened the hearing to public comment, asking if anyone wished to speak for or against this application.

Clayton Smith, General Manager of the Stone Container facility, said that they were here today to ask for Board consideration and approval of the tax incentive filed by his mill for construction of this new recycling system project. It is currently in the final stages, and they hope to have it in operation by mid to late January of next year. They will be buying bales of waste and old corrugated containers purchased from various suppliers from the mid-west and Canada and shipped into the mill primarily by rail, but also by truck, and re-pulped in a large vessel called a hydra-pulper, and then it simply goes through a process that cleans it, rejects the trash from the system, converts it to pulp, and then turns it back to linerboard. The cost of the project, which has been underway for approximately one year, is expected to be about fifteen and one-half million dollars. It will allow the Missoula mill to employ an additional 12 to 14 people on start-up and eventually employ 16 people. The capacity of the system is designed to be 400 tons per day and they hope to be there in terms of full capacity of operation in a little over a year. That will increase the production capacity of the mill, once they have completed some additional rebuild work on their paper machines, to 400 tons per day. Benefits to Missoula and Missoula County will result in an increase of property tax revenue of approximately \$200,000 per year. Wages and benefits for the additional people will amount to approximately \$700,000 on an annual basis, which will be on-going, and supplies and maintenance materials which would be purchased primarily in Missoula are expected to reach \$200,000 to \$300,000 per year. One of the things that they are very proud of is the concept of recycling and the fact that they are going to be using material that is now going into landfills both here in Montana and around the country, and through this process will not only minimize the landfill problem but reduce the cutting of virgin timber and increase the production of their mill, and create and keep jobs in their industry. He said he would be happy to answer any questions about the project.

Barbara Evans asked if there would be any significant increase in emissions of any kind from the mill when this is put on.

Clayton Smith said there will not. The craft operation would not be involved and would not be creating any air or water particulate emission associated with that craft process. This is a clean process in comparison.

Ron Klapake, President and Chief Executive Officer of the Missoula Economic Development Corporation, said that they not only stand in support of this as an economic development expansion in our community which would provide additional employment, but that with the concept of recycling, of using materials that would be going into landfills, we also have additional transportation benefits to this area because that material is moved in and is handled by the trucking industry on a back-haul basis to the Missoula area; so he thinks it is not only a benefit to Stone and the mill and people working there, but to the transportation industry, as well. As something overlooked in the reasons why this should be supported, he wanted to add this and in addition to the reasons already given he whole-heartedly supports this kind of endeavor and is glad to see a local industry continue to make improvements and expand. He said that in our community we sometimes have to go out of our way to find

DECEMBER 13, 1989 (continued)

someone to build a recycling facility and have to pay money to do it, and any time an existing industry can do something in the recycling area, that is commendable and they thank Stone as an organization for that kind of effort.

Janet Stevens wanted to clarify the dollar amount of the project. The \$198,000 was for the mechanical permit alone, and the \$15,500,000 is the total amount of the project.

Ann Mary Dussault asked what percent of the linerboard production would come from the recycled process rather than the craft process.

Clayton Smith said that the amount will change considerably over the next couple of years. Initially, they expect it to be about 12%. With some additional work on the paper machine over the next couple years, the percentage would go as high as 20 to 22%.

Ann Mary Dussault asked if they expect it to stabilize at that level, or if they expect it to grow over the next decade.

Clayton Smith said that they expect the figure to grow through recycling. Recycling is getting more and more attention from government and regulatory agencies all over the country and with enforced collection, the paper industry has been excellent for several years in developing the technology to recycle.

Ann Mary Dussault asked that if the effort in Missoula to begin a much broader recycling program is successful, would Stone be a purchaser of local recycled cardboard, even though it is a minute part of what they will need.

Clayton Smith said that they have been developing a source for recycled waste for the past six months just for this mill, and has a large group that does this for their facilities all over the country, and this is a big part of Stone Container's raw materials. They have contacted both Montana Recycling and Pacific Hide and Fur and even though they don't have at present an agreement to purchase from those because of other contractual agreements that they have, it takes quite a while to develop the supply for a facility of this size and they certainly will encourage this recycling and buy what they can here.

Janet Stevens asked if there were any other corrugated container recycling systems in the northwest, and if so, where they were located.

Clayton Smith said that the closest plant was Longview Fiber in Longview, Washington.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the tax incentives for new and expanding industries for Stone Container Corporation as requested and under Resolution No. 87-080. The motion passed by a vote of 3-0.

RESOLUTION NO. 89-092, APPROVAL OF THE APPLICATION OF STONE CONTAINER FOR TAX INCENTIVES.

The Board of County Commissioners then signed Resolution Number 89-092, approving the application of Stone Container for tax incentives for new and expanding industries under Resolution No. 87-090. The resolution was forwarded to the Clerk and Recorder's Office to be recorded.

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

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DECEMBER 14, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 89-093

The Board of County Commissioners signed Resolution No. 89-093, a Resolution to vacate a portion of Old Grant Creek Road from the North end of Grantland 12 to the intersection with Dark Horse Road, located in Section 29, T. 14 N., R. 19 W., PMM, Missoula County.

Resolution No. 89-094

The Board of County Commissioners signed Resolution No. 89-094, a budget amendment for the Health Department for FY'90, including the following expenditures and revenue, and adopting it as part of the FY'90 budget:

<u>Description of Expenditure</u>	<u>From</u>	<u>To</u>
2270-613-445600-111 Perm. Salaries	\$155,319	\$164,550
2270-613-445600-141 Fringe Benefits	<u>37,245</u>	<u>39,460</u>
	\$192,564	\$204,010

<u>Description of Revenue</u>	<u>From</u>	<u>To</u>
2270-613-331409 MCH Block Grant	\$ 60,392	\$ 71,838

Modification of Agreement received from SDHES. Contract Number 300034-1.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between the Missoula City-County Health Department and Child Care Resources for the purpose of the Health Department providing a child care health program to identify and solve health problems which are unique to children and may be compounded by grouping young children together, as per the terms set forth, for the period from July 1, 1989, through June 30, 1990, for a total payment of \$4,940.00, which is contingent upon the availability of local tax revenue from Missoula County. The Agreement was returned to the Health Department for further signatures and handling.

Budget Transfers

The Board of County Commissioners approved and signed the following Budget Transfers and adopted them as part of the FY'90 budget:

- 1) No. 900012, a request from the Health Department to transfer the amounts shown on the attachment to the Budget Transfer for the purpose of separating the two traffic integrated programs (contract no. 90-08) as the entire budget was loaded under one activity number; and for auditing purposes, they should be separate;
- 2) No. 900018, a request from RSID No. 901 (Lolo Water & Sewer District) to transfer \$2,821 from one activity (430610) to another (430510) for the purpose of correctly tracking capital expenditures in the District water and sewer systems.

DECEMBER 14, 1989 (continued)

Memorandum of Understanding

The Board of County Commissioners signed a Memorandum of Understanding between the Museum Board of Trustees and Randy Osman, Art Museum Director, for the purpose of serving as the Board's written notice of its intent to exercise the option to terminate its Employment Agreement with Mr. Osman; however, with the understanding that the notice is conditional and will be revoked upon Mr. Osman's demonstrated compliance with the Employment Agreement and performance standards outlined in the Memorandum of Understanding. The Memorandum was returned to the Personnel Office.

Other items included:

The Commissioners appointed Marlen Savik as a member of the Frenchtown Rural Fire District Board of Trustees to serve until the next School Election, which will be held on April 3, 1990, at which time the residents within the boundaries of the Fire District will elect the Board of Trustees.

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

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DECEMBER 15, 1989

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

Dedication

At noon, Commissioners Evans and Stevens attended the dedication of the New Rehabilitation Nursing Unit at Community Medical Center.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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DECEMBER 18, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office December 18th and 19th because of illness.

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 Nick Kaufman of Sorenson & Company approving a 180-day filing extension for O'Brien Valley Estates No. 2, making the new filing deadline June 14, 1990.

Other items included:

The Commissioners discussed and voted to accept the offer and approve the buy-sell agreement for the sale of Lot #47 in Grantland #13.

DECEMBER 18, 1989 (continued)

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

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DECEMBER 19, 1989

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

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DECEMBER 20, 1989

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

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for month ending November 30, 1989.

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 Brad Greene approving a 180-day filing extension for the Beau Geste Subdivision, making the new filing deadline June 12, 1990.

Declaration of Covenant

The Board of County Commissioners signed a Declaration of Covenant, dated December 12, 1989, by David O. Clapp, who declares that Parcel 1 on the Certificate of Survey on file in the Clerk & Recorder's Office contains less than twenty acres and shall be used exclusively for agricultural purposes and that no building or structure requiring water or sewage facilities will be erected or utilized on the parcel.

Other items included:

Board Appointments

The Commissioners made the following board appointments:

- 1) Linda Kikkert was reappointed as the citizen voting member of the 9-1-1 Advisory Board for a three-term through December 31, 1992;
- 2) Merle Loman and William J. Yiengst were reappointed to three-year terms on the Seeley Lake Refuse Disposal District Board of Directors through December 31, 1992;
- 3) Dan Mizner was reappointed to a three-year term as the "full-time alternate member" on the Seeley Lake Refuse Disposal District Board of Directors through December 31, 1992; and
- 4) Jerry Ford was appointed as a "regular member" of the County Zoning Board of Adjustment for a two-year term through December 31, 1991.

DECEMBER 20, 1989 (continued)

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION:

Ann Mary Dussault explained that the Commissioners were handing out special mugs to County employees on the anniversary of their hiring date in appreciation for their years of service. Those employees receiving mugs were Vickie Zeier, Recording, 5 years; Joann Rich, Environmental Health, 6 years; Arla Tree, Public Defender, 4 years; and Sue Gibson, Clerk of Court, 4 years. Bill Otten, Weed, 13 years, was unable to attend the meeting, but will be getting his mug in person from the Commissioners.

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

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DECEMBER 21, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Art Museum and adopted it as part of the FY'90 budget:

No. 900020, a request to transfer \$500 from the Mileage - County Vehicle account to the Mileage - Private Vehicle account because of a change in the planned mode of travel.

Quit Claim Deed

Acting Chairman Dussault signed a Quit Claim Deed from Missoula County to Jack L. Green II for a tract of land located in the SW 1/4 SW 1/4 of Section 14, T. 13 N., R. 19 W. PMM, property covered by a Preferential Repurchase Contract which has been full performed. The Deed was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Certificate of Survey Agricultural Exemption

The Board of County Commissioners signed a Certificate of Survey Covenant for Tract 8, Certificate of Survey No. 2, located in GLO Lot 2, Section 23, T. 15 N., R. 20 W. PMM, containing 10.58 acres more or less, for Roy and Meggen Hartse, who certify that the purpose of the COS is to relocate common boundaries between adjoining tracts of land and to create one tract of land as an Agricultural Exemption (Tract 8B) and that the divided land will be used exclusively for agricultural purposes.

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

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DECEMBER 22, 1989

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated December 21, 1989, pages 7-36, with a grand total of \$127,796.85. The Audit List was returned to the Accounting Department.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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DECEMBER 25, 1989

The Courthouse was closed for the Christmas Day holiday.

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DECEMBER 26 AND 27, 1989

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was on vacation December 26th and 27th; and Commissioner Evans was out of the office December 26th and 27th because of illness.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled because of the holidays and a lack of agenda items.

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DECEMBER 28, 1989

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

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Missoula County Office of the Montana Highway Patrol for the purpose of participation of the patrolmen from the Missoula Office in the DUI Enforcement Team, as per the terms set forth, for the period from December 29, 1989, through January 1, 1990, for a total payment not to exceed \$1,500.00.

Plat and Subdivision Improvements Agreement and Guarantee

The Board of County Commissioners signed the Plat for Van Ostrand Subdivision No. 2, a resubdivision of Tract 9 of Van Ostrand Subdivision, located in the SW 1/4 SE 1/4 of Section 34, T. 12 N., R. 20 W. PMM, Missoula County, containing 4.81 acres, with the owners of record being John and Amy Nelson. The Commissioners also signed the Subdivision Improvements Agreement and Guarantee, whereby the Nelsons guarantee that the construction of an interior road for the subdivision will be completed during the 1990 paving season; if not completed, the guarantors shall obtain a security bond from a surety company in the amount of \$8,700.00 and the duration of the bond shall be until such time as the road is completed.

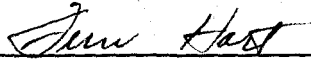
DECEMBER 28, 1989 (continued)

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

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DECEMBER 29, 1989

The Board of County Commissioners met in regular session; a quorum of the Board was present. As there were no regular meetings scheduled, Commissioner Evans was out of the office all day, but was available for calls if needed.



Fern Hart, Clerk & Recorder



Barbara Evans, Chairman

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JANUARY 1, 1990

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

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JANUARY 2, 1990

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

Audit List

The Board of County Commissioners signed the Audit List, dated December 28, 1989, pages 7-36, with a grand total of \$168,063.92. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the plat for Dagen Addition, an amended subdivision plat of Tract 52 - Cobban & Dinsmore's Orchard Homes, located in the SE 1/4 of Section 19, T. 13 N., R. 19 W., PMM, Missoula County, with the owners of record being Ida Dagen and Grace T. Barnett.

Approval of Disclaimer Agreement

The Board of County Commissioners signed Approval of a Disclaimer Agreement for use in the Missoula City-County Health Department when a client is referred to a physician through the Access/Links Program. It differs from the old Agreement in that it will not have to be circulated each time a referral is made. The document was returned to Martha McClain, Deputy County Attorney, for further handling.

Other items included:

The Commissioners selected Commissioner Janet Stevens as the Chairman of the Board for 1990.

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

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JANUARY 3, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated January 2, 1990, pages 8-22, with a grand total of \$29,533.46. The Audit List was returned to the Accounting Department.

WEEKLY PUBLIC MEETING

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

JANUARY 3, 1990 (continued)

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners were handing out special mugs to County employees on the anniversary of their hiring date in appreciation for their years of service. Those employees receiving mugs today were Dan Magone, Sheriff, 11 years; Barbara Evans, Commissioners, 11 years; Leslie Halligan, District Court, 3 years; Fern Hart, Clerk and Recorder, 11 years; Cindy Morin, Youth Court, 4 years; Scott Munoz, 9-1-1, 4 years; Grace Day, Motor Vehicles, 16 years; Kim Belcourt, Motor Vehicles, 15 years; Jim Dopp, General Services, 7 years; Ann Mary Dussault, Commissioner, 7 years; Donna Neer, 9-1-1, 1 year; Delmer Vietz, Road, 12 years; Karen Townsend, Attorney, 7 years; Lavon Vandiver, Health, 14 years; Dave Fowlkes, Sheriff, 14 years; Dorothy Kearney, 9-1-1, 4 years; and Bill Otten, Weed, 13 years.

BID AWARD: ONE (1) FRONT-WHEEL DRIVE 7-PASSENGER VAN (SHERIFF'S DEPARTMENT)

Janet Stevens said that the requested action is for acceptance of the bid from Roy Stanley Auto Team for one 1990 seven-seat front wheel drive van. Roy Stanley Auto Team submitted a bid of \$13,593, Grizzly Auto submitted a bid of \$13,984, and Karl Tyler submitted a bid of \$14,200. Several other bids were received which either offered less or more equipment. The Sheriff's Department found their base bid request to be the one they wished to go forward with. They reluctantly recommended that Roy Stanley Auto Team receive the bid. This reluctance was based on their wish to purchase from local dealerships. There is an approximate \$330 savings in this purchase.

Ann Mary Dussault said there has been a question raised regarding the procedure used in opening the bids and the Commissioners had asked the County Attorney's office to look into this and comment on it. The issue as it was related is this: the bids were opened; apparently one of the requests of the bid was that there be a spare tire; Roy Stanley responded that there were none available; after the bid opening Stanley was called and agreed to supply the tire for an additional \$60, which still left them the low bidder. The question in the procedure is whether it is appropriate in a sealed bidding process to contact a bidder after the bids are opened to negotiate an item that was not offered in the bid but requested by the bid specifications.

Mike Sehestedt, Deputy County Attorney, said that the bid sets up specifications that the County wants to receive. The general rule is that the bidder has to perform in a manner which is responsive to the bid specs. Clearly, the bid that meets all the specs one hundred percent is a responsive bid and may be considered. He further stated that in our bid solicitations, we reserve the right to waive the formalities and errors and proceed to award the bid as will best serve the interests of Missoula County. The question on whether or not a bid is non-responsive, if it deviates in some manner from the specs, is a question of whether the deviation is such that it evades or defeats that competitive process. The question before the Board is deviation, and whether or not a variation on an item that is approximately a \$60 discrepancy is material deviation from the specs that would require the Board to reject it. The Board of County Commissioners could reject it on this basis if they didn't find it to be material, or they could award it on this basis if they deem it to be immaterial. He said he has examined the bids received. There's a list of specifications including one that says five all-season radial tires and the other bids just have a check mark or O.K. indication beside it. The Roy Stanley bid has

JANUARY 3, 1990 (continued)

a check mark and in additional language says something like "doughnut spare tire." He didn't think there was any further negotiation after the bids were opened. He said he thought what was done was done to obtain clarification. Does this mean we are not getting five because your bid does not include five all-season radial tires, and when the answer to that was yes, what's the difference in dollars to us if that's (the spare radial tire) included. So I think there wasn't any impropriety after the bids were open but it does put the decision now to the Board with all the information on how they want to proceed. To summarize, they could reject the bid for failing to conform to all specifications, or they could determine that the deviation is minor and waive that irregularity in the bid and award the bid to Roy Stanley. Basically, the decision is up to the Board in the legal sense as to what would best serve the interests of Missoula County.

Barbara Evans asked Mike if there was another alternative in that the Board of County Commissioners could award the bid to Roy Stanley contingent upon them providing all the items that were in the specifications at their initial bid price. If they didn't choose to do that, then the bid could go to the second bidder.

Mike Sehestedt said that the Board could certainly choose to proceed that way.

Doug Chase, Undersheriff, said that after the bids were opened and it was noted that the spare was a doughnut-type tire, they called Roy Stanley and advised the salesperson that it was not acceptable for them to have a warrant transport van on the street or highway with that kind of a spare tire. The salesperson stated that for approximately \$60 they would provide us with a radial tire. That is the total sum of the conversation.

Janet Stevens asked if the salesperson indicated why they did not include this in the bid to begin with.

Doug Chase said that they did not.

Barbara Evans moved that the Board award the bid to Roy Stanley Auto Team contingent upon their willingness to provide all the items that were contained in the bid specs at the price at which they have bid, \$13,593. If they don't choose to do that, then her motion would be to award it to the next bidder on the list, Grizzly Auto.

Janet Stevens asked if that was legal to do.

Mike Sehestedt said yes, that we are saying deliver the bid item, or you're out of here.

Ann Mary Dussault seconded the motion for the sake of discussion. She asked Horace Brown, County Surveyor, if the practice that occurred here was an unusual one, and if the motion set a precedence that is going to bind them in what is a fairly common practice.

Horace Brown, County Surveyor, said that he didn't think they were really setting a precedent. He said that he would suggest that if the Board wants them to provide the specs, then the Board should either go through a re-bid or award it to the second person. It's up to the Commissioners, but Roy Stanley Auto Team did not meet the specs, even though it was a minor item.

Barbara Evans said that what she is suggesting is they meet our specs, which is five tires, at the price they specified.

JANUARY 3, 1990 (continued)

Horace Brown said that what we are doing is opening the bid up to somebody who's bid did not meet specs, and it's after the 10:00 a.m. deadline that they had to meet. In the future, if you want somebody to have the bid and they don't quite meet specs, you can give them a chance to meet specs. You are giving them the option to re-bid, even though this bid did not meet the total specs.

Janet Stevens said that the question is whether it is a minor or major deviation.

Horace Brown said that in his opinion, this was a minor deviation, but what is minor in the future?

Mike Sehestedt said that Horace is right, it's a difficult line to draw, it's a case-by-case judgement.

Janet Stevens asked John DeVore what the budgeted amount for this item was.

John DeVore said that it was over \$14,000. He thought it was \$14,500.

Janet Stevens said that in that case, any of the bids would meet the fiscal impact. If it's \$14,000, then Karl Tyler would be a couple hundred dollars over. She asked if there was any further discussion on the motion that was on the floor.

Ann Mary Dussault said that she would pose a substitute motion which would award the bid to Grizzly Auto in the amount of \$13,984 and reject the bid of Roy Stanley Auto on the basis that they did not meet the specs. Barbara Evans seconded the motion for purposes of discussion.

Barbara Evans wondered if it would be better under these circumstances to reject the bids and ask for new bids.

Janet Stevens said that she would not be in favor of doing that because the other two have met the specs and there would be no reason to throw their bids out, particularly since one of them is under budget.

Ann Mary Dussault asked if Grizzly Auto had met all specs.

Doug Chase said yes.

The substitute motion carried on a vote of 3-0.

Janet Stevens said that as a point of clarification, there was a question raised about the Commissioners' ability to award to local businesses irregardless whether they were the low bidder or not, and she asked Mike Sehestedt to clarify that issue.

Mike Sehestedt said that per se, there is by state law a preference for Montana businesses over out-of-state businesses. However, within state there is no statutory preference that local governments, cities and towns or counties can award to their particular local merchants or local businesses. Sometimes, because the county is authorized to award its bids to the lowest and best responsible bidder, there will be factors such as service, reliability, financial stability, the ability to perform the contract, etc., that would justify awarding the bid to a local merchant who was somewhat higher than a non-local business making the same bid. The question is whether or not there is some demonstrable factors about the performance of the contract or the benefit of the contract to the county that would lead one to believe that the local business would better serve the

JANUARY 3, 1990 (continued)

interests of the county and its taxpayers. He said that produces a great deal of dissatisfaction sometimes with local merchants where they are underbid on a Missoula County contract, and it makes them quite happy when they are low bidder on a Mineral or Lewis and Clark County contract. There is no local preference, per se.

HEARING: RESOLUTION OF INTENT TO CREATE RSID NO. 435 - SEWER IMPROVEMENTS (THOMAS DRIVE)

John DeVore, Administrative Officer, explained that this is a request for the creation of RSID 435. The purpose of RSID 435 is to provide sewer service to those residents on Thomas Drive. This RSID was citizen-initiated with the impetus being failed sewer systems on Thomas Drive. Four of the five property owners signed the petition requesting creation of this RSID. The property owner who did not sign the petition has filed a protest within the time frame provided by statute. The reason for the protest has to do with a question of benefit. The property owner was told by a representative of the City Public Works Department that the connection to the interceptor in 39th Street would be possible. The cost of such a connection would be approximately \$1,500 less than the option of connection to this proposed project. Since that initial meeting between the property owner and the City, the Public Works Department has issued a letter dated December 19, 1989, stating that they have revised their position, feeling that the better option would be to connect this property to this project. After discussions with both the project engineer and the City Public Works Department, staff recommends creation of RSID 435. Although a connection to 39th Street would be less costly to the individual, it does not have a basis in sound engineering principles. It is staff's understanding that the City has had a long-standing policy of not allowing these types of connections if there are other options available. Since the protesting property owner is not currently connected to the 39th Street line, they would be required to connect to the proposed project if it is constructed. Both Chip Johnson, Project Engineer, and Bruce Bender of the City Public Works Department are here to answer any questions you may have. In talking with Bruce this morning, it was learned that these residents involved in this project would also be eligible for the incentive program that the City has initiated for connection to the sewer, which is a rebate program.

Janet Stevens opened up the public hearing and asked if there was anyone who wished to speak in favor of or against the proposed RSID.

Verna Wittenberg, 2220 39th Street, said that their main objection to this is that it amounts to double taxation. They have been taken into the City now and will be paying the sewer whether or not they hook on to it; even if they hook on to Thomas Drive, they will be paying on the City sewer along with a big increase in City taxes. All these benefits were promised by the City when they were taken into the City, and the sewer hookup was one of the things they were promised. It seems to her that with this thing going in on Thomas Drive, if they have to hook on to that, it is a good deal more expensive. They have done more research since the original protest letter, and it is going to be a good deal more expensive. For one thing, the interest rates have not been put down on paper and are pretty open, and also what the cost of repaving will be. It's all kind of open-ended. They said that all she had to do was prove hardship, and she sent another letter in today with some additional things that she couldn't recall at the moment.

JANUARY 3, 1990 (continued)

Janet Stevens thanked Mrs. Wittenberg and asked if there was any further testimony.

Harold Wittenberg said that he has lost a lot of sleep over this in the past month. These four neighbors of his planned this over two months in advance. They called him on November 6th and said they had a petition for him to sign, which was the first he had heard of this. This is not going to cost him just \$1500 more, it's going to cost \$3,000 to \$4,000 more because the interest is going to run around 8% whereas if the City put the sewer in for him, it could be as low as 4%. And that adds up to quite a bit. The City will take 15 years to get this paid, but the SID has to be paid in 10 years. It's just quite an expense. He said he has lived in Missoula County for seventy years. Now for one week he has been in the City. He wants to go with the City on this sewer system.

Janet Stevens thanked Mr. Wittenberg and asked if there was any further testimony. As there was none, the public hearing was closed.

Barbara Evans asked Bruce Bender to explain where the City now stands in allowing the Wittenbergs to hook up where they originally thought he meant and a comparison of the costs.

Bruce Bender, City Engineer, said that he had met with Mr. Wittenberg on this issue. He admitted it was confusing. Six or seven years ago he wouldn't even permit anyone to hook a service line into an out-fall line. An out-fall line is a major line, like the 39th Street sewer, Reserve Street, Davis Street--those types of sewer lines. The major reason behind that was that he doesn't want to have any weaknesses in that major system because obviously it can impact so many people if you have a problem there where they connect on to it. That policy changed six or seven years ago because they recognized that there were numerous situations where septic systems were failing and that they did not have any alternatives. The only available sewer line was that out-fall line, and that's been the case on 39th for numerous people in the past who have connected on to it because their septic systems, the private systems, failed; and the health regulation that the City-County Health Department has says that if you have sewer main available, you're supposed to connect on to it. So they started permitting people to hook on to these out-fall lines. If there was another sewer main available, they would not permit them to hook on to the out-fall line, and most of time people didn't want to anyway because it was a lot more expensive. The 39th Street lines are thirty feet deep and you have to go across a main street arterial, so usually it's not an issue. Bruce said this situation is unique because of the location of Mr. Wittenberg's lot, his current septic system is so far from Thomas Drive, and also it ends up distance-wise as being pretty close.

Mr. Wittenberg said that to go in back of their house to the Thomas Drive sewer line is 200 feet to the sewer and would take out a tree. It would only be 50 feet to the 39th Street sewer line.

Bruce Bender said that the City doesn't charge that much to hook on to the 39th Street line, they use a rate of \$5 per linear foot of the property because that line was installed in 1960. Their policy is that everybody has to pay for the main they hook on to and that's the connection they charge. So Mr. Wittenberg's costs tend to be lower going across 39th Street. Bruce said he doesn't know what it would cost, but it's very expensive to go across 39th street. But if Mr. Wittenberg's got to go that long

JANUARY 3, 1990 (continued)

distance on his private property, his service line costs do run up. When they first talked about this and Mr. Wittenberg asked if it was possible for him to hook on to the 39th Street line, Bruce said yes because there is no other line available and then they talked about the SID and his participation in it and it isn't very clear because what comes first? If the Thomas Drive sewer line was in place, there wouldn't be any question, they would say go with the Thomas Drive. He said they're faced with the situation that the SID is going to put it in. If the Thomas Drive sewer line main becomes available, they would be in a situation where their policy of requiring Mr. Wittenberg to hook on to Thomas Drive would go in effect. Unless he goes ahead and connects before the sewer main gets installed, he is going to be forced to go on to Thomas Drive even though it might be more expensive. They take that stance for two reasons: (1) they want to minimize their connections onto the out-fall line on 39th; and (2) they don't want to have service lines running across a major arterial. As that street gets wider in the future, Mr. Wittenberg would have a major cost to repair a service line, much more expensive than it would be right now for Mr. Wittenberg to install it. From a public point of view, Bruce said he had to take a change of stance on this because it became very clear to him that down the road, 39th Street will be a four-lane road, and they would be talking about repairing that line in a major arterial with four-lane pavement, which would impact several thousand people and would be much more expensive to repair. If he can minimize connections on 39th, it makes sense to do so. If Mr. Wittenberg made the connection before the Thomas Drive sewer main was installed, they would have to permit it. But once it does become available, then he would be forced to hook on to Thomas Drive, and he would be forced to pay the SID which would be more than the City charge. Bruce said that they have received preliminary notice that the City is eligible for a grant in this area. They won't get the final notice for probably another two months. Under that program they will be able to finance the sewer main installations. If they're able to obtain additional grant monies, then they will be able to finance the connection of the houses onto it. Bruce said their estimate right now is that you can connect your houses on under a grant and the 15-year SID for about \$4,300. They see down the road-- with further negotiations from the Wapikiya-Bellevue area--that it would be a little bit less, probably about \$3,800. That dollar amount won't be certain until they get everything together. Bruce said that clouds it for him because that's become more certain in the last month, that they are going to be getting grant money to begin this process. He said he knows that the residents do not want the step sewer system, and he presumes that the 4 people on Thomas Drive realize that this type of system will be more costly. The main assessment right now is \$4,000 and then the average connection is about \$2,000 for the total connection, whereas if they are able to get all the grant money that they are hoping, it would be about \$4,000. So it's a confusing situation to some extent. He said you have two issues here: the grant issue, and the requirement to go on to 39th. If that sewer main becomes available on Thomas Drive, he (Mr. Wittenberg) will be required to hook on to it.

Barbara Evans asked if there was any difference in what the City would contribute to the Wittenbergs under the grant program if they were to go on 39th versus on Thomas.

Bruce Bender said no, that the rebate program says that once you are annexed into the City, any properties in the Wapikiya-Bellevue-Cold Springs area that hook the house on to the sewer line in the street are eligible to receive an annual payment on

JANUARY 3, 1990 (continued)

the SID, or if, like in Mr. Wittenberg's case where he is hooking on to 39th, he would receive a lump sum payment of about \$700 once he's made the connection to his house.

Barbara Evans said she had a hard time understanding the difference in measurement between hooking onto the 39th line and hooking onto the Thomas Drive line.

Bruce Bender explained that Mr. Wittenberg's existing plumbing is in the back yard, on the East wall which faces 39th Street. He would have to take off from this same point and head toward Thomas Drive to hook up there. The other four properties, if they want the gravity system, then he hopes they understand they are paying for that because they aren't going to be eligible for the grant. The person who initiated this petition is aware of this. He has immediate problems and the City step system wouldn't get to him for at least a year, maybe the summer of '91, so he was really concerned about an immediate problem to himself. Bruce said he's presuming that he communicated clearly to the other residents that they would be loosing out on the grant and they were choosing this sewer system because they wanted the benefits of the gravity from their perspective. The complex issue here is that they have a person who does not want to be a part of it. Bruce said his policy would still stand; once the sewer line became available on Thomas Drive he would have to hook on to it unless he moves immediately in the next six months or however long it takes to build the sewer main, and gets connected on 39th.

Ann Mary Dussault said the person that's having trouble right now with his system, let's assume the RSID doesn't pass, what is that person's options?

Bruce Bender said that if they have signed a petition for the City SID and also signed an easement for that sewer system, then they are permitted to temporarily repair that system until the time that they actually install/construct a new system. That temporary cost depends upon what the problem is. That is the policy that they have just arrived at in the past few weeks. They would be permitted to temporarily repair it. It could cost them as little as \$500 or as much as \$1000 to temporarily repair something unless they get into a tank, and then it's a lot more expensive. The seepage pit tends to be the problem.

Janet Stevens had a question for Mike Sehestedt, Deputy County Attorney, about the petition and the process itself. She said that we've got about 80% approval on an initiated petition. What kind of an impact does that have on our ability to turn down an SID?

Mike Sehestedt said legally, not practically, fairly substantial. Legally the test is clearly a kind of protest that mandates a decision, then becomes a question of benefit of the convenience and necessity for the public benefit. For you as a board to resolve this is an unusual case for all sorts of reasons.

Chip Johnson, Project Engineer, wanted to relate to the Commissioners a little bit of the thinking that went on in the development of this petition. He said he thinks its important to note that when they first starting discussing this the question centered around the benefit to the Wittenbergs and he thinks we need to look farther than just the Wittenbergs, but rather the benefit to the property. The property is what is going to be assessed if this SID is created, not the Wittenbergs. They, as the owners of it, yes, but you don't know how long they may or may not own it. So the way the land is structured there, you

JANUARY 3, 1990 (continued)

have a lot 6 and a lot 5. The Wittenbergs own all of lot 6 and the southerly thirty feet of lot 5. What this does is give them up to as much as three times the amount of land area within that subdivision as any other lot or property at this time. It facilitates the possibility that they could split their land in the future, creating a lot between where their home rests on lot 6 and the home that sits on lot 4. There seems to be sufficient land area in there to allow that to occur. If that were to occur, how would we sewer that lot? That was a question that arose in his mind early on in this and he thought it's basically land-locked - it cannot be served unless it is tied into a line on Thomas Drive. The other neighbors within the Thomas Drive addition are aware of this. They are also aware of the Wittenbergs' concerns and problems with the unique situation on how their homes are now and for that reason, although they feel there is a potential for future benefit to that land, they're willing to go along with an equal assessment at this time. You've got the potential for six separate properties, of which there are only five property owners. You're going to end up with these five owners paying the cost. The other thing that he was concerned about was from an engineering standpoint and a long-term maintenance standpoint: if a service line of any type or nature were placed directly across 39th street and allowed to tie into that, the out-fall sewer on 39th street has just not sound engineering to do that. Although it may be cheaper to do that initially, he said he could guarantee that if that service line were to fail and the County or City would need to go in and repair it, it would be very, very expensive. The potential for that to happen is there, and that is one of the reasons why you find a lot of municipalities with people who operate and maintain sewage treatment facilities that don't allow these types of connections to be made. You're talking about thousands of dollars. If that were to occur, who pays it? He would imagine there's a good chance the taxpayers are going to have to pay it. You are dealing with a line that's in a public right-of-way, it has the potential to back sewage up in a large line to a number of homes and cause damage that way. With the way we would tie in to that same main through a line down Thomas Drive, we would be tying in at a sewer manhole that currently exists. That line on 39th Street is awful deep now. It's a good 18 to 20 feet deep and it would be really expensive to do that. He thinks that the Commissioners need to look beyond the current ownership here and look at the long term impact as to what can happen here. He believes for a number of reasons that a sound decision is to include all this property within this SID and put that line down Thomas Drive. He thinks it's the best long term solution for the property in this area. That is the thinking that went through his mind in setting out the boundaries that he did. He has talked to Mr. Wittenberg about it. Mr. Wittenberg came to his office and they discussed it, and he is sympathetic to his argument and his concern because of the fact that his home faces 39th Street and the Thomas Drive sewer line would be on the West side of his home and his house now is sewered to a septic tank that goes out the east side and it does mean that he is going to have to run a fairly substantial amount of sewer line across his lot to get to a line if it were on Thomas Drive. That is definitely a concern. But he thinks that the potential impact of a failure on that service line crossing 39th street far outweighs the impact of the additional cost to Mr. Wittenberg on his lot. He doesn't know how they can compare costs. You've heard some numbers thrown around today, but it's somewhat hard for them to present to you an estimate of costs through an SID that they have to go through a bidding procedure on, contractors have to pay State prevailing wage rates and they're going to come up with prices for their work. Those same contractors will give you different numbers if you were able to talk to them one-on-one

JANUARY 3, 1990 (continued)

about doing a particular job and not have to pay certain insurances, bonds, wage rates, things of that nature. He doesn't know exactly what the differences would be in terms of costs but his gut feeling is that for the Wittenbergs to connect to Thomas Drive probably would be somewhat more expensive for them than to cross 39th. But he thinks that to install a line across 39th Street for the purposes of serving one home is being very short sighted and it's something he thinks we need to consider and look at. He just wanted the Board to know what his thinking was and the way the boundaries were developed for the petition.

Barbara Evans said there apparently must be some significant benefits, at least in the minds of the residents out there who want to spend extra money, to putting in the gravity fed system versus the step system and she doesn't understand what those benefits are.

Chip Johnson said that some of the talk that he had heard is that gravity systems are tried and proven systems. They are very reliable. They don't rely on mechanical things. He doesn't know in this case if there's going to be that much of a savings. You're looking at a cost of roughly \$4,000 per landowner here to run the gravity main down the street. That of course does not get the home hooked up. But what they would have to do then is run a line out of their home into the gravity line. He thinks when Bruce mentioned \$2,000, that is where the additional charge would come from. Some of those other residents out there have talked to contractors and they're looking at \$700 or \$800. It's going to depend on your particular situation and how far you have to go out. The people in this area have some concerns in the long haul about step systems - how reliable they might be, the City's ability to maintain them. And the other thing they didn't know at the time this petition was being circulated was what if anything would be done in regard to their obtaining a grant and applying for it.

Ann Mary Dussault asked Chip Johnson when construction would begin if the RSID were passed.

Chip Johnson said they would plan to begin construction as soon as they could this spring, as soon as the weather conditions would allow. April, maybe March. Mid to later March would be the very earliest they would begin.

Ann Mary Dussault said to Bruce that he had indicated that the City should have more information on whether or not a grant would be available to extend into this area about that same time.

Bruce Bender said he was told just two weeks ago that it would be a couple months before they should be able to make a solid grant offer to us. Right now they're saying that based upon the budget were expecting from the Federal Government that they will give this much - it's about 90% sure, but we don't have it in our hands. Even if we receive this grant, we are a good year away from construction. We won't have anything in the ground out there until at least 1991.

Ann Mary Dussault asked Bruce if the City were to secure a grant and these people were to go ahead with their plans, would they be eligible for any of that grant money? Ignoring the timing for a minute, could they be eligible for grant money with a gravity system?

Bruce Bender said that the whole grant application has been on the premise of a step sewer system. The contracting would have to be done by them because it would be a grant. The local

JANUARY 3, 1990 (continued)

financing would be through this district. The complexity is because the City would want to have a separate contractor.

Chip Johnson said another thing that concerned him was that if the RSID was not created and people out there who want it are forced to wait, he thinks there's some problem there. The other thing that could be looked at is to create an SID and take this particular property out of it. He said the Board needed to ask itself if we as local governments practice what we preach about our concern for groundwater quality, where does the incentive, or what becomes the incentive for this piece of property to ever be hooked up?

Ann Mary Dussault said that she didn't think there was any question that whatever happens to that neighborhood, the Wittenbergs ought to be involved. She thinks it's a convincing argument that connecting to the 39th Street main is not a good idea. What she's not convinced of is in the long term whether it makes sense to create this RSID which was basically done to solve the short term problem of one person who has a failing system. The problem is we're caught in a time warp where during that period of time the City has annexed these properties and offered at least the potential for an alternate system which appears to be, though the numbers aren't clear and we don't have all the information, less expensive to all property owners including the Wittenbergs to hook up. She said her dilemma is not whether or not the Wittenbergs ought to be involved, she thinks they should, the question is whether this is the right system or if the City system that is going to be used for that entire area makes more sense.

Janet Stevens said one of the questions is that if you delay a decision for a couple months, you still have to go out for bids and how far down the road would that delay this project? She would be waiting for a decision on the grant. She thinks a step system is fine. She said there's lots of evidence that shows it's as reliable as the old systems. It would clearly be a lot cheaper for the Wittenbergs as well as for the rest of the residents. Are you going to allow the Wittenbergs to be charged \$2000 more at their estimate or this other person who has a problem now which could be \$500 or \$1000 to correct temporarily until the new line is in. You have \$1000 over there or \$2000 over here.

Barbara Evans said that none of those are very firm figures.

Bruce Bender said that the whole issue here is if these four property owners are clearly aware of what they're doing as far as the cost thing, if they're comfortable with that, and they still want to go ahead with it because they prefer the gravity system, then you are basically acceding to their request. Withdrawing the Wittenbergs is the problem.

Ann Mary Dussault said you then get into a gnarly situation. The reality is that these folks will eventually be hooked up to some system and she doesn't think they ought to impede that process. Somebody is having problems with their system right now. This somebody decided that he prefers a gravity system to the step system and he was successful in persuading the majority of the people in the area that it's correct. She said we have that person's interests over another person's interests which normally, in the process that we are involved in, makes winners and losers. She's just not comfortable because she doesn't know how this whole process got started.

JANUARY 3, 1990 (continued)

Chip Johnson said that was why he asked if, in the Commissioners' minds, it made a difference whether they had a gravity system or a step system. All these people signed the petition so they know what the game is. Whether they are privy to a lot of things that have happened since they signed that petition, he can't tell. If he got something from them that indicated they were aware and still wanted to go this route, what's the attitude of the Commissioners? If you are still inclined to say no, there's no use in him or anyone else going and talking to them. He said they might just as well wait for however long it takes to get a decision. The concern that they have expressed to him is that it's been a rollercoaster ride - one minute they're going into the City, the next they weren't; one minute there's going to be contract for 75%, the next minute there wasn't; and they just don't know. He said the other thing he could tell the Board is at least some of them feel very strongly about having gravity systems versus step systems and there's obvious reasons for that in a lot of people's minds.

Ann Mary Dussault said that the question she would pose to that person is: are you so convinced of that you're willing to compensate somebody for the additional costs to that landowner of buying into that system?

Janet Stevens asked if they were willing to come up with a couple thousand dollars for the Wittenbergs because they have to go that extra difference.

Chip Johnson said no. What they are saying is that they feel that the Wittenbergs, even though they have to go a longer distance and have to pay more to connect from the house up to the property line, it also gives them that potential future benefit of having that other lot go in there and they're not being charged for two lots, they're being charged equally with the rest of them. You can argue there may never be a lot. Well, there may never be a grant, too. He doesn't know how everybody out there feels or what they know about the possibilities of a grant.

Barbara Evans asked Bruce to assume the City was successful in maintaining the annexation, and they are going to come down and put in the sewer on Thomas Drive. Her assumption is that the City will put in a main on Thomas Drive identical in all respects to the same location that this is being drawn in. In other words, they are not going to be able to come out their yards onto 39th, they're going to have to connect the very same way. So the cost to the Wittenbergs for connecting at that time will still be basically the same. They'll have to go around the back and connect on the side unless they wish to impact the trees which at this time they don't wish to impact. She asked if this was a fair assessment.

Bruce Bender said the difference (not at podium, so voice faded out to the point it couldn't be transcribed).

Chip Johnson said that he didn't know if it would be that much less expensive, the reason being that with the gravity coming out of his home he would have a smaller diameter line, flexible enough to bend around things, but he would not have a septic tank, he would not have a pump.

Bruce Bender spoke for several minutes but was not at podium so his voice faded to the point it couldn't be transcribed.

Barbara Evans said that she understood that the homeowners' associations in that area are planning to sue the City over the annexation and have hired an attorney. During the time that

JANUARY 3, 1990 (continued)

issue is in court, it's her assumption that they will not proceed to sewer the areas until that issue is resolved. She asked if that was a fair assessment.

Bruce Bender said he was not certain where they stood. He thinks that . . . he would not want to jeopardize the loss of the grant if they could go ahead with it.

Barbara Evans said that, given what the residents have said, it is likely to be a longer time factor than one year for those folks to get sewer. She doesn't have any problem in waiting long enough to determine from those residents if they're aware of these extra costs in doing this gravity system versus the step system, but also she doesn't want to discount the desire of those folks to sewer out there and if we've already got a failing system she certainly doesn't want to penalize the person who wants to do the right thing and hook up to a system by telling him he's got to spend an extra thousand or two for a temporary fix that's going to be wasted money for them. This is certainly a complicated situation.

Ann Mary Dussault asked Chip Johnson if it would be possible for him and Bruce to do a side-by-side comparison by lot under the two scenarios, including installation and connection. She said she understands that they would be estimates, but she would assume the two of them could guesstimate together and agree they would be within some range per lot. She wants to know per lot because her sense is it is different for lot 3 than for lot 5. And it may be that it's going to be the service line, the connector line that makes a difference in the total lot cost. She's asking that two assumptions be made. The first assumption is that they approve the RSID and with the RSID what the guesstimate cost per each landowner would be for installation of the main and connectors. She said that if the two can agree on a guesstimate, she'd be satisfied no matter what the Wittenberg's contractor says or anybody else. The second assumption would be side by side, if the City receives a grant and if the City constructs the main and they hook up the step system, what the estimated cost per lot would be, which is going to require Bruce to look at each lot versus generalized costs. Once she sees that, she would be prepared to have a clearer idea of what we're deciding here. This is the information that every one of those lot owners should have so they understand clearly what the alternative is.

Bruce Bender spoke again, but not at the podium and his voice faded to a point where it couldn't be transcribed.

Chip Johnson said he thought the request was fair.

Ann Mary Dussault said that as soon as you can have that information she is prepared to receive that information and move to make a decision fairly quickly. She doesn't feel she has enough information to make an unfair decision to somebody.

Ann Mary Dussault moved that the public hearing be continued until January 17, 1990, for two purposes: (1) to receive the information the Board has requested and (2) to be assured that all the affected property owners have received that information. Part of the intent in continuing the public hearing is if any of those property owners want to come and speak or submit written testimony or if the Wittenbergs would like to add more public testimony. Barbara Evans seconded the motion. The motion carried on a vote of 3-0.

JANUARY 3, 1990 (continued)

There being no further business to come before the Board, the Commissioners were in recess at 3:00 p.m.

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JANUARY 4, 1990

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

Monthly Reports

Chairman Stevens examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending December 29, 1989.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-001

Chairman Stevens signed Resolution No. 90-001, a Resolution of Intention to Create RSID No. 436 for the purpose of engineering and construction of improvements to the Lolo Community Water System, as per the terms set forth, setting the hearing date for January 24, 1990, at 1:30 p.m. The Resolution was forwarded to Jim Dopp, Operations Officer, for further handling.

Buy/Sell Agreement

Chairman Stevens signed an Agreement whereby Missoula County agrees to sell Lot #47 in Grantland #13 to Frederick B. and Rose A. Walter of London, England for a total purchase price of \$18,150.00, as per the terms and conditions set forth. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Listing Contract

Chairman Stevens signed a Listing Contract between Missoula County and Scott Hollenbeck of the Properties 2000 firm for properties in Grantland 12 and 13, as per the terms set forth, through December 31, 1990. The Contract was returned to Jim Dopp, Operations Officer, for further handling.

Other items included:

Board Appointments

The Commissioners made the following board appointments:

- 1) Gina Larson was appointed as a member of the Missoula County Library Board through December 31, 1992;
- 2) Sam Moore was reappointed to a three-year term on the Seeley Lake Refuse Disposal District Board of Directors through December 31, 1992; and
- 3) E. Willis Curdy was appointed as a member of the Missoula Rural Fire District Board of Trustees to serve until the School Election on April 3, 1990, at which time the residents in the Fire District will elect the Board of Trustees.

JANUARY 4, 1990 (continued)

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

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JANUARY 5, 1990

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

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairman

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JANUARY 8, 1990

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

Welfare Advisory Board

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated January 8, 1990, pages 8-26, with a grand total of \$49,678.66. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-002

Acting Chairman Dussault signed Resolution No. 90-002, a resolution relating to participation in a pooled, self-insured workers compensation program; approving the County's participation in the authority's workers compensation program; approving and authorizing the execution of the workers compensation program agreement; approving the resolution of the authority authorizing the issuance of bonds on behalf of the County and other participants in the program; approving the distribution of a preliminary official statement relating thereto and authorizing and approving the execution and delivery of a note evidencing the County's proportionate share of principal of and interest on the bonds. The Resolution was returned to John DeVore, Administrative Officer, for further handling.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Brian Steele, an independent contractor, for the purpose of a statistical analysis of clinic client survey, as per the terms set forth, for the period from December 18, 1989, through April 15, 1990, for a total amount not to exceed \$400.00. The Contract was returned to the Health Department for further signatures and handling.

JANUARY 8, 1990 (continued)Resolution No. 90-003

The Board of County Commissioners signed Resolution No. 90-003, a budget amendment for the Health Department for FY'90, including the following expenditures and revenue, and adopting it as part of the FY'90 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447400-327 Consultants	\$1,500
-357 Meals, Lodging, Incidentals	750
-359 Mileage - Private Vehicle	750
	<u>\$3,000</u>

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-333401 ACT Grant FY90	\$3,000

Resolution No. 90-004

The Board of County Commissioners signed Resolution No. 90-004, a budget amendment for Youth Court for FY'90, including the following expenditures and revenue, and adopting it as part of the FY'90 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
As listed on the attachment to the Resolution	\$33,887

<u>Description of Revenue</u>	<u>Revenue</u>
2180-340-333013 Home Arrest Grant	\$33,887

Resolution No. 90-005

The Board of County Commissioners signed Resolution No. 90-005, a budget amendment for the Tamarack Federation for FY'90, including the following expenditures and revenues, and adopting it as part of the FY'90 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
2221-411-460191-328 Contracted Services	\$ 500
-357 Meals, Lodg., Incidentals	38
-359 Mileage	200
-361 Books, Res. Materials	1,245
-364 General Training	300
-394 Admin. Fees	(200)
-946 Capital/Tech. Equip.	700
-960 Capital/Books	18,366
	<u>\$21,349</u>

<u>Description of Revenue</u>	<u>Revenue</u>
2221-411-334061 Coal Tax	\$ 7,428
-334066 HB 193	16,000
	<u>\$23,428</u>

Quitclaim Deed

The Board of County Commissioners signed a Quitclaim Deed from Missoula County to Life of Montana Insurance Company of Bozeman for premises described as that portion of Certificate of Survey No. 3209 located in the South Half of Section 11, T. 16 N., R. 15 W., PMM, Missoula County, for redemption of tax deed in Book 260 micro page 1784.

JANUARY 8, 1990 (continued)Grant Agreement Amendment Concurrence

Acting Chair Dussault signed concurrence with the amendment to the Grant Agreement between Missoula County and the Montana Statehood Centennial Office, extending the cut-off date for use of the Centennial license plate funds until January 31, 1990, as the November funds will not be available for disbursement until after January 1, 1990. The Amendment was returned to the Montana Statehood Centennial Office in Helena.

Other items included:

Board Appointments

The Commissioners made the following board appointments:

- 1) Kathleen Jackson was appointed as a member of the Missoula Area Agency on Aging Board for a three-year term through December 31, 1992;
- 2) Charles D. Parker was appointed as an "alternate member" of the Missoula Area Agency on Aging Board through December 31, 1992; and
- 3) Kay Unger was appointed as the "3rd alternate member" on the Missoula County Board of Adjustment through December 31, 1991.

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

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JANUARY 9, 1990

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

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing items of fees and collections made in Missoula County for month ending December 22, 1989.

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'90 budget:

- 1) No. 900021, a request from Financial Administration to transfer \$131,871.00 from the Salaries (\$111,247.) and Fringe Benefits (\$20,624.) accounts to various County Departments (listed on attachment to Transfer) for the 2.9% salary increases and transfers the spending authority to the departments where the money will be spent;
- 2) No. 900022, a request from the Art Museum to transfer \$750 from the Grounds Maintenance and Repair account to

JANUARY 9, 1990 (continued)

the Capital - Remodeling account to cover the cost of building exhibition panels (movable walls) for museum galleries.

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

Meeting

In the evening, Commissioner Dussault attended a meeting of the Seeley Lake Refuse Disposal District Board of Directors, which was held in Seeley Lake.

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JANUARY 10, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Anaconda attending a meeting of the Clark Fork Superfund Master Plan Work Group.

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Commissioner Barbara Evans in the absence of Chairman Janet Stevens. Also present was Commissioner Ann Mary Dussault.

EMPLOYEE RECOGNITION

Barbara Evans explained that the Commissioners were giving special mugs to County employees on the anniversary of their hiring date. Those employees receiving mugs today are Amy Eaton, Rural Planning, 5 years; Marnie McClain, County Attorney, 1 year; Jim Loewen, Road, 4 years; Lettie Aho, Planning, 6 years; and Zoe Mohesky, Planning, 4 years. The Commissioners thanked the employees for their service and expressed their appreciation to all.

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

Quarterly Jail Inspection

Following the Public Meeting, Commissioners Dussault and Evans and Dan Corti of the Health Department conducted the Quarterly Inspection (Oct.-Dec., 1989) of the Missoula County Jail.

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JANUARY 11, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was in Helena attending a meeting of the State Mental Health Council, returning to Missoula late in the afternoon; and Commissioner Dussault attended a JTPA Meeting in Helena.

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for month ending December 29, 1989.

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JANUARY 12, 1990

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

Professional Services Contracts

The Board of County Commissioners signed Professional Services Contracts between Missoula County and the following independent contractors:

- 1) Murray Pierce, for the purpose of maintaining youth on a Home Arrest Agreement in lieu of secure detention or jail placement in accordance with the conditions of the Board of Crime Control grant documents attached to the contract and to assure completion of all tasks assigned by the grant to the Home Arrest Program, as per the terms set forth, for the period from December 13, 1989, through December 31, 1990, for a total payment not to exceed \$22,903.00; and
- 2) Keith Dove, for the purpose of maintaining youth on a Home Arrest Agreement in lieu of secure detention or jail placement in accordance with the conditions of the Board of Crime Control grant documents attached to the contract and to assure completion of all tasks assigned by the grant to the Home Arrest Program, as per the terms set forth, for the period from January 1, 1990, through December 31, 1990, for a total payment not to exceed \$5,366.00.

The contracts were returned to Glen Welch in Youth Court for further handling.

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairman

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JANUARY 15, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Records Retention Schedule

The Board of County Commissioners signed approval of the retention times for records in the custody of the County Auditor's Office as submitted by Susan Reed, County Auditor, to be forwarded to Don Dooley in the Local Government Services Division, Department of Commerce, in Helena. The schedule was returned to the Auditor's Office for forwarding to Helena.

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

Audit Exit Conference

In the afternoon, the Board of County Commissioners and members of the Budget Team met with representatives of Elmore and Associates for the Audit Exit Interview.

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JANUARY 16, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the MACo Workers Compensation Trustees.

DAILY ADMINISTRATIVE MEETING

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

Acknowledgment of Audit Report

Chairman Stevens signed a letter acknowledging receipt of three copies of the audit report for Missoula County for the year ended June 30, 1989, from Elmore & Associates, P.C. The letter was returned to Elmore & Associates.

Other items included:

- 1) the Commissioners appointed Frank Netherton to the Seeley Lake Community Council to fill out the unexpired term of Gwen Schneider until the School Election is held in April of 1991; and
- 2) a request from Nick Kaufman of Sorenson and Company for a plat adjustment (outlined in his letter of January 16, 1990) for West Central Square, based upon the need for varied floor plans and also that the underlying survey upon which the site plan was based was off by several feet, was approved by the Commissioners.

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

Meeting

In the evening, Commissioner Evans attended a public meeting sponsored by the Department of State Lands regarding the application to conduct opencut mining operations by Western Materials.

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JANUARY 17, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated January 16, 1990, pages 9-43, with a grand total of \$1,021,515.58.

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners approved the appointment of Undersheriff Doug Chase as a deputy coroner;
- 2) the Commissioners agreed to support the recommendation that the Forest Service Museum be located at the Smokejumper Center;

JANUARY 17, 1990 (continued)

- 3) a request from Nick Kaufman of Sorenson & Company that the County accept the deed for the right-of-way for El Toro Lane was approved; however, the acceptance is conditional, based on the following recommendation from the County Surveyor: that El Toro Lane will not be maintained by the County until it is brought up to County standards and accepted by the Commissioners before maintenance begins; and
- 4) the Commissioners approved a request from Undersheriff Doug Chase to expend \$9,700 from their Drug Fund as follows: \$5,500 for body wire to record conversations during drug investigations; \$1,500 for a self-contained video camera; \$1,500 to overhaul the engine of the pickup used in drug cases; and \$1,200 for a two-way radio for the pickup truck.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that in appreciation for their service, the Commissioners were giving special mugs to all employees on the anniversary of their date of hire. Those employees receiving mugs today were Sherie Darnall, County Attorney, 2 years; and Jan Dietz, Sheriff, 9 years.

PUBLIC HEARING - CONTINUATION - INTENT TO CREATE RSID NO. 435 - SEWER IMPROVEMENTS (THOMAS DRIVE)

Janet Stevens explained that this is a continuation of the public hearing held on January 3, 1990, regarding the creation of RSID 435. The purpose of RSID 435 is to provide sewer service to those residents on Thomas Drive. This RSID was citizen initiated with the impetus being failed sewer systems on Thomas Drive. Four of the five property owners signed the petition requesting creation of this RSID. The property owner who did not sign the petition has filed a protest within the time frame provided by statute. The reason for the protest has to do with a question of benefit. The property owner was told by a representative of the City Public Works Department that a connection to the Interceptor in 39th Street would be possible. The cost of such a connection would be approximately \$1,500 less than the option of connection to this proposed project. Since that initial meeting between the property owner and the City, the Public Works Department has issued a letter dated December 19, 1989, stating that they have revised their position feeling that the better option would be to connect this property to this project. After discussions with both the project engineer and the City Public Works Department, staff recommends creation of RSID 435. Although a connection to 39th Street would be less costly to the individual, it does not have a basis in sound engineering principles. It is staff's understanding that the City has a long standing policy of not allowing these types of connections if there are other options available. Since the protesting property owner is not currently connected to the 39th Street line, he would be required to connect to the proposed project if it is constructed.

JANUARY 17, 1990 (continued)

Janet Stevens opened the public hearing and asked if there was anyone who would like to offer testimony.

Glenn Muller, 4003 Thomas Drive, said he is very interested in this project and was the instigator. Since the proposal of the proposed sewer system for their area has not really come to pass, he has suggested that they continue in this manner and has collected his thoughts and his reasoning behind this in a letter which the Board has copies of, dated January 10, 1990. This letter outlines the position of the majority of the property owners in this area. The letter reads: We the undersigned, are residents and homeowners on Thomas Drive and wish to confirm our fervent desire to create and contract to install the above sewer line under RSID No. 435. We offer the following for your consideration. Due to failing and aging septic systems in use on our premises, we have signed up to accept annexation if a grant could be procured to install the so-called step sewer system to alleviate our problems. Failure to procure the grant monies in a timely manner and develop the contract for sewer service with residents in our area left us with no recourse but to petition the County for the RSID to install our own gravity sanitary sewer line to connect to the existing City sewer system. We, the undersigned, agree that the gravity sanitary sewer system, properly designed and installed, would provide a superior system to the proposed step system even if it were to become available which at this time appears that the earliest it could be built is 1991. The cost incurred to install a gravity system outlined in our petition would be a good investment in light of the increased property value it would provide and the peace of mind in knowing we have the best system that we can purchase at this time. In as much as the City of Missoula cannot provide the step sewer system until 1991, if at all, and since the Health Department will not allow us to install permanent new drain fields for our existing septic systems, the additional costs incurred to install a gravity system is a logical and viable solution to our problems. Since there are only five properties involved, we feel it would be fair and equitable for all to participate equally in the project. Sharing the cost would provide us all the cheapest means to provide the best system plus the best enhancement to our property values. We recognize and acknowledge the estimated costs of these improvements as shown on the enclosure and understand that the on-lot cost will be borne separately by each individual owner and are not a part of the RSID costs. Further, we understand that once a home is physically connected to the sewer system, the owner will qualify for the City of Missoula's incentive program. This program will provide up to \$1,000 to each homeowner to be paid over the 11-year period with the first year payment to be approximately \$167 and lesser amounts in future years. We respectfully request your positive consideration of this project and that you go forward to create the RSID and contract to provide us the sorely needed sewer system to our properties as soon as possible. Thank you for your consideration. This letter is signed by four of the five property owners in the area concerned. So I think that pretty well sums up our position and our reasons for requesting this in that we are all experiencing some stages of failure of our present septic systems and it's a well-known fact that this is quite typical of that particular area. So I would again respectfully request that you would seriously consider adopting our petition and creating the SID necessary to provide us with the service. Thank you.

Janet Stevens thanked Mr. Muller and asked if there was any further testimony.

JANUARY 17, 1990 (continued)

Verna Wittenberg, 2220 39th Street, said that their main objection was that it was going to cost them so much more than any of the others and she still feels that way, that it is going to be cost-prohibited to them. Her husband talked to someone today who told him one amount that they would be getting back, and then he talked to Mr. Bender who said that they would be getting back \$1,000. It seems like the whole thing is kind of indefinite and they really don't know an awful lot. The fact that we weren't included from the first on it and didn't know about it until it was all cut and dried, rankles a bit; but the rankling has nothing to do with the actual cost that's going to be to them. We were told today that we might possibly acquire two hookups on it. If this is feasible and we could get the two hookups at the same time, we could sell the back lot off. We were told that we could do that, but I would like to hear some input into that as to if we can actually do that. I would go along with this if that were true.

Janet Stevens thanked Verna Wittenberg for her testimony and asked Bruce Bender, City Engineer, to address this issue.

Bruce Bender, City Engineer, said there's no doubt from a development point of view that having it be on public sewer, if the lot is of adequate size, which he understands it is for a single dwelling, to meet the zoning. It depends upon the zoning on that particular area and he isn't familiar with the minimum lot size in that area. In regards to if the lot is of minimum size, having public sewer there allows you ability to do it. Chip can address the expense of adding that additional stub. I would assume the SID would have to assess you an extra amount for an extra stub but Chip can address that. One thing I want to be very clear about in a separate matter is this whole idea of the incentive or the term "rebate" or whatever, of the \$1,000. One thing I want to make clear to all the property owners is that (1) it doesn't go into effect until you physically hook your house up. Just because they put the main in the street and you put a stub at your property line doesn't make you eligible for the rebate; and (2) we still have to clear this up as far as how we administer it. When we were looking at administering it initially, it was based on the premise we would have one major SID to do all of it. That would initiate the rebate. The first year's assessment would initiate the rebate. So if you weren't hooked up the first year, then you've missed out on the \$166; if you hooked up in the second year of it, then you would be eligible for what was left. We still have to clean this up because we haven't got the major SID yet, so you might have a year to play with. I want you to be aware that if you wait five years to hook your houses up, you are losing out on an increment of that rebate amount. It's based upon the year the sewer main becomes available. So don't sit around and wait four or five years and assume you're going to get \$1,000 because that isn't the reality of it. I just wanted to clarify that.

Chip Johnson, Project Engineer, said that the Wittenberg's ownership in that area is around 38,000 sq. ft., and most of the other parcels are from 10,000 to 13,000 sq. ft. It appears that a back lot could be established there. The area was in fact platted as Thomas Addition in 6 lots originally, and what you've got is the Wittenberg's owning a portion of what is lot 5 along with their neighbor across the way. Within their ownership there should be enough to create another parcel back there. From an engineering standpoint, to run a separate sewer service line in to service a lot like that is not a problem. It was not, however, envisioned or included as part of the cost in the SID. Earlier this week he talked with Mr. Wittenberg about putting a sewer service line into that area and one of the things they

JANUARY 17, 1990 (continued)

briefly discussed is whether or not they can install two service lines in the same trench. In other words, to serve where his home is now, it would branch in the future to connect to this future lot if it were to develop. If that were to be the case, they would be looking at a pretty minimal increase in the RSID projections. If they had to dig a separate trench and run it in, he estimates that they are looking at \$600 to 800 to install a separate trench. And that would take it again, not to a house, but connected to the property line and get it out of the street and curb area.

Janet Stevens thanked Chip Johnson and asked if there was any further testimony. There being no further testimony, the public hearing was closed.

Barbara Evans said that since support for this--or possible support for this--is dependent upon the ability to split this lot, what would be the time factor in determining if that is, indeed, possible, so they know up front that it is real and not hopeful.

Chip Johnson said that with a phone call he could find out what the zoning requirements are, and with the Wittenberg's permission to access their property, he could make the measurements this afternoon, as long as he could reasonably establish where their property line is. It's something that can be resolved very quickly.

Barbara Evans asked what they would have to do to determine whether a single trench with a "Y" would be the best way to go and the initial cost of that.

Chip Johnson said that there would be two things to that. One would be to deal with the Wittenberg's and what they envision doing with that back lot, and also obtain assurances from the City Engineering staff on how they would want that laid out so they can be sure it is workable in the long haul for everybody that's concerned. Again, he thinks he and Bruce could work that out very easily.

Barbara Evans said that another thing Mr. Wittenberg had expressed a concern about is the uncertainty of what the rebate or incentive would be and she thinks they would need to have in writing what that would be, understanding that there would be yearly increments, but still knowing what the overall amount is. With the variety of figures talked about, they would want that in writing.

Bruce Bender said that the dollar amount is set, the annual amount is set. The only thing he doesn't know is when the eligibility starts. He can send copies of the information when he gets it.

Barbara Evans said those were her major concerns.

Janet Stevens asked if there was any more discussion. As there wasn't, she asked for a motion.

Barbara Evans moved that the Board create RSID 435 given the figures that have been submitted to us as the cost of the RSID with the contingency or caveat that it will include two hookups for the Wittenbergs, either through a single trench or a double trench, and that will be determined up front, and be written into the RSID or some separate document a confirmation that they are being allowed two lots for the price of one, so to speak, in this RSID.

JANUARY 17, 1990 (continued)

Janet Stevens said she didn't understand what Barbara meant by two lots for the price of one because if there is an extra expense for the additional line, she would assume they would pay for it.

Barbara Evans said that what she meant was that the other residents have agreed that they are to pay one fee and that their land is large enough to split for two lots.

Mike Sehestedt, Deputy County Attorney, said that what we are doing is recognizing up front what in fact has been presumed to be the reality all along. The Wittenberg's property, all of the property, is being assessed based on current use and ownership, which is clearly fine. In reality, if it was created last week and this week the Wittenbergs decided to split their property and put in a second hookup, they would have been able to do so at no additional RSID assessment. So what we're doing is saying since this seems to be a probability, lets address it up front, lets only rip the street up the one time so when we put it back together, we're done. The assessments are set, the boundaries of the RSID are set.

Barbara Evans said that they may want absolute assurance that they have enough land to split so that they can indeed have a second lot and they're not going to be assessed in the SID for two lots versus one.

Mike Sehestedt said that as a matter a law we cannot change the assessment amount or assessment method, that's fixed unless we go back and re-notice this whole process. It's a done deal. The question of authorizing provision for additional work is within your discretion. That's how he would characterize the additional hookup. If you want to make it contingent on some sort of zoning assurance that under the current rules and regulations there is a possibility of a second lot on Wittenberg's ownership, that would be fine as long as there is the understanding that if that contingency fails, it comes back to this Board for a final decision.

Ann Mary Dussault said that the reality is that the RSID is going to be created. What we hope is that their lot is large enough that they can split it, but she can't agree to create the RSID based on that. That may be what you're trying to accomplish; if so than she can't second that motion.

Barbara Evans said that what she is trying to accomplish is that the Wittenbergs have the assurances they need so that their protest is withdrawn and it's a unanimously agreed upon thing.

Ann Mary Dussault moved the Board create the RSID on the assumption the Wittenberg's lot can be subdivided under approved rules and regulations and that the Wittenbergs be allowed under the RSID to stub out that additional lot without additional RSID assessment, with them bearing the cost of the additional stub. Barbara Evans seconded the motion. The motion carried on a vote of 3-0.

There being no further business to come before the Board, they were in recess at 2:05 p.m.

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JANUARY 18, 1990

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

JANUARY 18, 1990 (continued)

Corpus Christi, Texas to attend a meeting of the NACo Criminal Justice Committee being held there through Saturday, January 20th.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-006

The Board of County Commissioners signed Resolution No. 90-006, a Resolution of Intention to Create RSID No. 912 for the purpose of common area maintenance, fire hydrant maintenance, lighting maintenance, and road maintenance in West Central Square, a proposed subdivision in Missoula County, as per the terms set forth, and setting the hearing date for February 7, 1990, at 1:30 p.m.

Other items included:


The Commissioners approved abating the 1984 tax bill in the amount of \$830.69 for access roads owned by Geneva Cates (SUID #0303205; access roads in Section 9 - 25.45 acres, Section 16 - 37 acres, and Section 17 - 12.705 acres, all in T. 14, R. 20) subject to tax deed action by the County, as per the memo from Jim Fairbanks, Assessor, dated January 19, 1990.


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

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JANUARY 19, 1990

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Stevens left for Winter Park, Colorado to attend a legislative tour/conference through Sunday, January 21st.


Fern Hart, Clerk & Recorder


Janet Stevens, Chairman

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JANUARY 22, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending MT Tax Coalition hearings, and Commissioner Evans was out of the office all day because of a plane delay in returning from the NACo Meeting in Texas.

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JANUARY 23, 1990

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

DAILY ADMINISTRATIVE MEETING

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

JANUARY 23, 1990 (continued)Resolution No. 90-007

The Board of County Commissioners signed Resolution No. 90-007, a resolution accepting an easement from Glorianne L. Frame for public road and all other public purposes, as shown as Parcel "B" of Certificate of Survey No. 283, located in a portion of the NE 1/4 of Section 35, T. 15 N., R. 21 W., PMM, Missoula County.

Resolution No. 90-008

The Board of County Commissioners signed Resolution No. 90-008, a Resolution of Intention to Create RSID No. 437 for the purpose of engineering and construction of approximately 450 feet of paved street complete with drainage structures in the existing St. Francis Drive right-of-way, as per the terms set forth, and setting the hearing date for February 14, 1990, at 1:30 p.m.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Britt Finley, an independent contractor, for the purpose of providing research consultation, analysis, and report development of clinic client survey for the Health Department, as per the terms set forth, commencing on January 3, 1990, with a presentation to the Board on March 16, 1990, for a total payment not to exceed \$1,190.00.

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

State of the County Address

At noon, Commissioner Stevens gave the State of the County Address at a luncheon sponsored by the Chamber and held at the Holiday Inn; Commissioner Evans also attended the luncheon.

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JANUARY 24, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated January 24, 1990, pages 8-38, with a grand total of \$87,881.39. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond, naming Sandra J. Kuntz as principal for warrant #11860, dated December 5, 1989, 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:

Engineering Services Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and

JANUARY 24, 1990 (continued)

Stensatter, Druyvestein & Associates for the sewer improvements on Thomas Drive (RSID No. 435) project, as per the terms set forth, for a total payment of \$2,500.00.

Warranty Deed

Chairman Stevens signed a Warranty Deed from Missoula County to Frederick B. and Rose A. Walter of London, England for Lot 47 in Grantland 13, a platted subdivision in Missoula County, for the sum of \$18,150.00. The Deed was returned to Jim Dopp, Operations Officer, for further handling.

Loan Agreement

Chairman Stevens signed a Loan Agreement between the Missoula Redevelopment Agency and Missoula County, whereby MRA agrees to make a no-interest loan of tax increment funds to the County of a sum not to exceed \$38,000 for the purpose of repairing the roof of the Missoula County Office Building located at 301 West Alder, as per the terms set forth, and is to be repaid by the County in three equal, annual payments, beginning on July 15, 1991. The Agreement was returned to John DeVore, Administrative Officer, for further signatures and handling.

Acceptance of Supplemental Funds

Chairman Stevens signed acceptance of the additional supplemental Maternal and Child Health Block Grant Funds available for the FY'1990 contract in a lump-sum, one-time allocation in the amount of \$14,345 from the Department of Health and Environmental Sciences. The acceptance form was forwarded to DHES in Helena.

Agreements to Sell and Purchase

Chairman Stevens signed Agreements to Sell and Purchase between Missoula County and the following:

- 1) William A. and Valerie C. Morrison, for Lot 9 of Grantland 12 for a total amount of \$18,000; and
- 2) William J. and Aleth L. Koch, for Lot 42 of Grantland 13 for a total purchase price of \$17,500.

The Agreements were returned to Jim Dopp, Operations Officer, for further handling.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving mugs to all employees on the anniversary of their date of hire. This mug is in appreciation of their service to the County and a way for the Commissioners to thank each employee for his continued service. The only employee receiving a mug today was Diane Conner, County Attorney, 5 years.

JANUARY 24, 1990 (continued)

HEARING: INTENT TO CREATE RSID NO. 436 - LOLO COMMUNITY WATER SYSTEM IMPROVEMENTS

Jim Dopp, Operations Officer, explained that RSID #436 is a proposed District for construction of improvements to the water system in the Lolo Sewer and Water District. It is anticipated that the cost of the improvements will be financed through the sale of bonds in the amount of \$208,000. One letter of protest was received during the protest period. Staff recommends creation of RSID #436. He explained that this was the culmination of two years of work. He said a straw vote was taken by mail where over 50% responded and the majority favored creation of the District.

Janet Stevens opened the public hearing and asked if anyone cared to testify for or against the creation of this RSID.

David Lester, 308 Ridgeway, Lolo, said he was the one person who objected to the creation of this RSID. He said he felt very uncomfortable in regard to the procedure used in creating the RSID. Stensatter, Druyvestein did the initial study and planning for the project, and he felt this might be a conflict of interest. He also said he was not convinced they needed it.

As there was no further testimony, the public hearing was closed.

Barbara Evans asked Jim Dopp what extra things were done to inform and get public input on this issue, things that were above and beyond the procedure as set forth by law.

Jim Dopp said that after the initial study and recommendation, the parties come before the Board and ask for creation of the District. The end of the process is going through what we are doing today. He said the public meeting in Lolo, three mailings during the procedure of sending out cost estimates, etc., after the public meeting addressing key questions asked during the public meeting, a straw vote - all are in excess of state law requirements.

Barbara Evans moved and Ann Mary Dussault seconded the motion to create RSID 436 based on the input from the public hearing and mailings. The motion carried on a vote of 3-0.

HEARING: REQUEST TO VACATE A PORTION OF THE ALLEY IN BLOCK 23, EAST MISSOULA ADDITION.

Janet Stevens explained that this is a petition to vacate the alley in Block 23 of East Missoula Addition from Lots 1 through 10 and Lots 21 through 30. The reason for this request is because the alley serves no purpose.

Dinah Woods said that she was affected by the vacation. She said that Lot 21 was already vacated, that Lots 21 through 26 were under the highway right-of-way, and that Lots 28 through 30 were her property and the alley running through the middle of it was assumed for the last 25 years to be already vacated.

Janet Stevens said that a Commissioner and the County Surveyor would view the proposed vacation before next Wednesday and a decision would be made on this vacation at the next Public Meeting.

Ann Mary Dussault asked if one portion of this alley had already been vacated.

JANUARY 24, 1990 (continued)

Horace Brown, County Surveyor, said yes, all the street but only a portion of the alley had been previously vacated, and this action was to remedy that situation.

HEARING: REZONING REQUEST - WILLIAM EVAN JONES AND GEORGE GOODRICH - HIGHWAY 93 SOUTH.

Zoe Mohesky, Office of Community Development, explained that they had received this request from William Evan Jones and George Goodrich, trustees for land owned by Lenard Zipperian, to rezone property described as that portion of Government Lot 1 lying Northwesterly of the Northwesterly right-of-way of U.S. Highway 93, Southeasterly of the Southeasterly right-of-way of Old U.S. Highway 93 and Southerly of the Southerly right-of-way of 39th Street, from "C-R3" (Residential) to "C-C2" (General Commercial). The property contains approximately 5.5 acres. Current use of the property is a single family residence and pasture. The property was originally zoned in 1977 to "C-R3" which would permit residential development at a density of 36 dwelling units per acre. On September 15, 1986, this property was rezoned from "C-R3" to "C-C2" with a Planned Unit Development overlay for the purpose of developing an automobile dealership. One stipulation of the zoning was that should the PUD not be completed within three years from the date the zoning became effective, the property shall revert to "C-R3" or may be rezoned to a district deemed appropriate by the County Commissioners. In September 1989 the property reverted to the earlier "C-R3" zoning district. A development proposal has not been submitted with the current rezoning request. However, the applicants have stated "that it is our belief that the community will be better served by the proposed commercial zoning and that development under the existing zoning would not be a viable option nor would it be a desirable option given the character of this district." The Planning Board held a public hearing on this request on January 2, 1990. No public testimony was received in opposition to this request. The Office of Community Development recommends that this rezoning request be approved. On January 2, 1990, the Missoula Consolidated Planning Board unanimously recommended that the subject property be rezoned from "C-R3" to "C-C2" subject to the findings of fact as set forth in the Staff Report.

Janet Stevens opened the public hearing.

Nick Kaufman, Sorenson & Company, said that several years ago they had brought the same request for a new car dealership. The zoning ran out in September, 1989 - if not constructed prior to that time it would revert back to the original zoning. He said this property is not suitable for residential development and there had been no negative opposition.

Janet Stevens asked if there was any further testimony. As there wasn't, the public hearing was closed.

Barbara Evans asked if there was any specific use in mind for that property at this time.

Nick Kaufman said no, that for the past five years it had been looked at but the uncertainty of the zoning was a drawback. There is no specific use at this time.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant the rezoning request of William Evan Jones and George Goodrich on property described as that portion of Government Lot 1 lying Northwesterly of the Northwesterly right-of-way of U.S. Highway 93, Southeasterly of the Southeasterly right-of-way of

JANUARY 24, 1990 (continued)

Old U.S. Highway 93, and Southerly of the Southerly right-of-way of 39th Street, changing from C-R3 to C-C2. The motion carried on a vote of 3-0.

HEARING: REZONING REQUEST - BARRY AND LUCINDA SMITH - CLARK FORK DRIVE.

Zoe Mohesky, Office of Community Development, said that they had received this request from Barry and Lucinda Smith to rezone property described as Tract 3, Certificate of Survey #3189 from "C-C2" (General Commercial) to "C-I1" (Light Industrial). The property subject to this request is a 6.53 acre parcel located west of Reserve Street and north of the Clark Fork River, at 1205 Clark Fork Drive. This property was zoned "C-C2" in 1977 as part of the Hellgate, Grass Valley, and Airport Area zoning initiative. The Comprehensive Plan designates the property as Rural Low Density. The applicants are requesting this rezoning to allow the property to be used for part of their logging operation and residence. They plan to construct a 2,500 sq. ft. warehouse and maintenance shop for the storage of parts and tools and to do some welding and other mechanical work on their logging equipment. Repair and storage of heavy equipment is classified as an industrial use and must be located in an industrial zone. The Planning Board held a public hearing on this request on January 2, 1990. No public testimony was received in opposition to this request. The Office of Community Development recommends that this rezoning request be denied. The proposed "C-I1" zoning is in conflict with the 1975 Comprehensive Plan. Floodplain designation on a portion of this property and wildlife habitat are primary concerns in this area. A "C-I1" zoning designation allows for many uses which would not be appropriate in a fragile area. Industrial zoning to the north and west were in response to existing uses. It is not in the public's interest to continue this trend of industrial zoning. On January 2, 1990, the Missoula Consolidated Planning Board voted by majority (8-1) to recommend approval of this request based on the findings of fact of the Board, which is attached to this request for action. She said one of her concerns was the storage of fuels and gases on this parcel. She said the Smiths have stated there would be no toxic substances or storage of gas and fuels. The Health Department would have the authority to inspect activities.

Janet Stevens opened the public hearing and asked if anyone wanted to testify for or against this rezoning request.

Sandie Sickels Eder from Lambros Realty gave the Board a map showing the various properties in the area. She explained that the present owner is elderly and frail and needs to be in a medium care facility, and needs to get out of the responsibility of caring for the property. They have a buyer for the property who is willing to cooperate with the City and County. This buyer is willing to plant a tree screen to shield the property from view from the Reserve Street bridge. This is an isolated piece of property with no use other than this.

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

Barbara Evans asked if the Board's approval stayed with this applicant and not with the land.

Marnie McClain, Deputy County Attorney, said the rezoning would stay with the land, that we are not rezoning the applicant.

JANUARY 24, 1990 (continued)

Barbara Evans said her concern was that if the Board rezoned this property as requested, other uses not necessarily desirable but approvable could apply under the new zoning.

Marnie McClain explained that when a person requests a zoning compliance permit or business license application, several City and County agencies become involved--including the Health Department and the Office of Community Development--for building inspections, flood plains, etc.

Barbara Evans said that a County Rural Planner had looked at this piece of property and determined that it was part of a recreation corridor and fishery resource and as such, had some habitat concerns.

Sandie Sickels Eder said that when that portion of the river was rip-rapped, that designation was removed. There is now just boulders, no habitat. She said that her client would be providing habitat when the tree screen was planted, as well as screening from view.

Janet Stevens said that the Board doesn't have any way of granting a variance from a particular zoning like the City has.

Marnie McClain said that the Board doesn't have the authority to do that. The Zoning Board of Adjustment is limited to area variance but not use variance.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant the rezoning request of Barry and Lucinda Smith on Clark Fork Drive based on the fact it's isolated and including the findings of fact and the recommendation of the Planning Board. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:05 p.m.

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JANUARY 25, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-009

The Board of County Commissioners signed Resolution No. 90-009, a Resolution of Intent to rezone the parcel of land described as that portion of Government Lot 1, lying northwesterly of the northwesterly right-of-way of U.S. Highway 93, southeasterly of the southeasterly right-of-way of Old U.S. Highway 93, and southerly of the southerly right-of-way of 39th Street from "C-R3" (Residential) to "C-C2" (General Commercial).

Resolution No. 90-010

The Board of County Commissioners signed Resolution No. 90-010, a Resolution of Intent to rezone property described as Tract 3, Certificate of Survey #3189, from "C-C2" (General Commercial) to "C-I1" (Light Industrial).

JANUARY 25, 1990 (continued)

Collection Agreement

The Board of County Commissioners signed a Collection Agreement between Missoula County and the Lolo National Forest for the purpose of cooperating in the conduction of snow surveys on Lolo Peak during the winter of 1989/90 to help determine the feasibility of the mountain for ski development, as per the terms set forth, with the Forest Service conducting the surveys and the County sharing in the total cost of the surveys in the amount of \$5,000.00, and the Agreement will remain in effect until July, 1990. The Agreement was returned to John DeVore, Administrative Officer, for further handling.

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

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JANUARY 26, 1990

The Board of County Commissioners met in regular session; all three members were present. Commissioners Evans and Stevens attended the 1990 Economic Outlook Seminar sponsored by the Bureau of Business and Economic Research at the University of Montana and held at the Holiday Inn.

Warranty Deed

The Board of County Commissioners signed a Warranty Deed from Missoula County to Loren C. and Joni W. Stormo for Lot 9, Block 5, in Mountain Shadows, a platted subdivision in Missoula County, for a total amount of \$14,000.00. The Deed was returned to Jim Dopp, Operations Officer, for further handling.


Fern Hart, Clerk & Recorder


Janet Stevens, Chairman

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JANUARY 29, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Agreement to Extension and Modification

Chairman Stevens signed a letter indicating agreement to a modification of Agreement #300191 between the Montana Department of Health and Environmental Sciences and Missoula County, dated September 7, 1989, agreeing to extend to January 16, 1990, the date that the final invoices are to be received. The Letter was returned to DHES in Helena.

Resolution No. 90-011

Chairman Stevens signed Resolution No. 90-011, a Resolution of Intention calling for an election on the imposition of a one-mill levy for economic development purposes for a five-year period, setting the hearing dates for February 7, 1990, and February 14, 1990, to receive written and oral testimony on the merits of placing this issue on the April 3, 1990, school election ballot.

JANUARY 29, 1990 (continued)

Other items included:

The Commissioners appointed Leonard Rieger as a member of the Board of Trustees of the Clinton Rural Fire District to serve until the School Election on April 3, 1990.

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

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JANUARY 30, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena to attend a meeting of the SSSO (Specialized Services and Support Organization).

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JANUARY 31, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated January 31, 1990, pages 6-41, with a grand total of \$348,976.15. 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:

Budget Transfers

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

- 1) No. 900023, a request from the Medical Insurance Dept. to transfer \$1,572 from the Permanent Salaries account to the Temporary Salaries account to hire a part-time temporary clerk (4 hrs. a day for 60 days) at \$5.24/hr. to sort stored files for microfilming and do filing and mail for insurance technicians so they can work on internal adjudication system for vision self-insurance program;
- 2) No. 900026, a request from the Historical Museum at Fort Missoula to transfer \$600 from the Mileage - County Vehicle (\$200) and Heat, Lights & Water (\$400) accounts to the Books/Research (\$200) and Office Supplies (\$400) accounts to help absorb costs of providing updated museum handbooks to all Trustees and Friends of the Historical Museum board members, as well as purchase multiple copies of museum publications from AAM & AASLH;
- 3) No. 900027, a request from the Historical Museum at Fort Missoula to transfer \$600 from the Special Storage Containers (\$400) and Building Maintenance & Repair (\$200) accounts to the Copier Supplies (\$400) and Office Supplies (\$200) accounts to absorb the costs associated

JANUARY 31, 1990 (continued)

with making the collection records up-to-date during this year's efforts to inventory everything accessioned at the museum since 1975;

- 4) No. 900028, a request from the Historical Museum at Fort Missoula to transfer \$600 from the Special Storage Containers (\$400) and Heat, Lights & Water ((\$200) accounts to the Copy Costs (\$400) and Janitorial Supplies (\$200) accounts to absorb the increased costs of producing multiple copies of grant applications to federal agencies and to cover the increased costs of cleaning up the museum basement after the sewer backed up and flooded storage areas;
- 5) No. 900029, a request from the Historical Museum at Fort Missoula to transfer \$500 from the Exhibits (\$100) and Special Storage Containers (\$400) accounts to the Tuition/Registration Fees (\$100) and Printing/Litho (\$400) accounts in order for the staff to participate in training workshops that became available during the year and to update and reprint all Contract of Gift and Loan Agreement forms used in conducting the museum's business;
- 6) No. 900030, a request from the Historical Museum at Fort Missoula to transfer \$495 from the Common Carrier account to the Meals & Lodging (\$195) and Mileage-Private Vehicle (\$300) accounts to accommodate the increased costs associated with having the curator and director attend the national convention of AASLH in Seattle and to reimburse staff for doing museum business using their own vehicles; and
- 7) No. 900031, a request from the Historical Museum at Fort Missoula to transfer \$200 from the Consultants (\$100) and Security (\$100) accounts to the Office Supplies (\$100) and Copier Supplies (\$100) accounts to absorb the costs associated with making the collection records up-to-date during this year's efforts to inventory everything accessioned at the museum since 1975.

Note: Budget Transfer Request Nos. 900024 and 900025 were voided.

Other items included:

- 1) the Commissioners approved the Records Retention Schedule for the Medical Benefits Plan, which has been revised to reflect changes approved by the Montana Department of Commerce, Local Government Services Bureau, and to more accurately reflect the names of the documents produced, the coverages to which they apply and the status of the records; and
- 2) the Commissioners concurred with County Auditor Susan Reed's recommendation that Fair claims be processed through regular County claims procedures beginning July 1, 1990; with the stipulation that if the system proves unsatisfactory, the procedures will revert to those currently being used.

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

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JANUARY 31, 1990 (continued)

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving special mugs to all employees on the anniversary of their date of hire in appreciation for their service. Those employees receiving mugs today were Alice Dailey, Extension, 6 years; Kathleen Mauer, Health, 4 years; Bob Schieder, General services, 13 years; John Breuer, Jail, 19 years; Gary Hewitt, Extension, 17 years; Jesse Sattley, General Services, 8 years; Lois Williams, District Court, 6 years; and Dusty Deschamps, County Attorney, 20 years.

DECISION ON REQUEST TO VACATE A PORTION OF ALLEY, BLOCK 23 EAST MISSOULA ADDITION.

Janet Stevens explained that Commissioner Barbara Evans and County Surveyor Horace Brown had viewed the proposed alley vacation on Monday, January 29. There evidently is a canopy and gas tank already in the alley because people had thought it had already been vacated.

Barbara Evans had a concern regarding the protest letter from Albert V. Bellusci, owner of Lot 27.

Horace Brown, County Surveyor, said that Mr. Nygard, not Mr. Bellusci, owned Lot 27, the lot in question, and that with the vacation of this alley he would get a portion of that alley. His access would be off the State highway and therefore there would be no access problem.

Barbara Evans moved and Ann Mary Dussault seconded the motion to vacate that portion of the alley of Block 23, East Missoula Addition. The motion carried on a vote of 3-0.

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

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FEBRUARY 1, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-012

The Board of County Commissioners signed Resolution No. 90-012, a Resolution vacating a portion of the alley in Block 23, East Missoula Addition, from Lot 21 through Lot 30, and Lot 1 through 10, located in the SW 1/4 of Section 24, T. 13 N., R. 19 W., PMM.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and the Montana State Highway Department for the purpose of installing railroad highway crossing improvements, including flashing lights with gates and updated electronics, at the existing crossing (MRL #104221S) located on Butler Creek Road just North of FAP 71 (US 93) in Section 35, T. 14 N., R. 20 W. PMM, as per the terms set forth in the Agreement. The Agreement was returned to the Highway Department in Helena for further signatures and handling.

Other items included:

The Commissioners approved the Motor Vehicles Records Retention Schedule as submitted by Juanita Carter, Motor Vehicles Supervisor, dated January 16, 1990.

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

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FEBRUARY 2, 1990

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

Indemnity Bond

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Sue Richert as principal for warrant #12332, dated December 26, 1989, on the Missoula County Trust Fund in the amount of \$290.00 now unable to be found.


Fern Hart, Clerk & Recorder


Janet Stevens, Chairman

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FEBRUARY 5, 1990

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

Monthly Reports

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

FEBRUARY 5, 1990 (continued)Welfare Advisory Board

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

DAILY ADMINISTRATIVE MEETING

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

Employment Agreement

The Board of County Commissioners signed an Employment Agreement, dated February 1, 1990, between Missoula County and Laura Millin, who will serve as the Acting Director of the Missoula Museum of the Arts, as per the terms set forth, through June 30, 1990, and will work a maximum of 20 hours weekly at the rate of \$10.50 per hour.

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

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FEBRUARY 6, 1990

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

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Keith Schauf as principal for warrant #7763, dated December 18, 1989, on the Missoula County Hellgate Elementary School District #4 Fund in the amount of \$42.72 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners approved a request from Cindy Wulfekuhle of the CDBG Program to disband the Loan Review Committee as no new housing rehabilitation applications are anticipated at this time; and
- 2) a 2% increase for all appointed and contract position County employees based on performance during the last year was approved by the Commissioners.

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

Forum

In the evening, Commissioner Dussault participated in a Regional Planning Issues Forum held at the University of Montana.

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FEBRUARY 7, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Helena attending a meeting of the Clark Fork Coordinating Forum.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated February 7, 1990, pages 6-31, with a grand total of \$1,302,070.23. 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:

Engineering Services Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services, dated January 24, 1990, between Missoula County and Stensatter, Druyvestein & Associates for the Lolo Water System Improvements Project, as per the terms set forth, for a total fee of \$25,700.00.

Warranty Deed

Acting Chairman Evans signed a Warranty Deed from Missoula County to William J. and Aleth L. Koch, as joint tenants, for Lot 42 of Grantland 13, a platted subdivision in Missoula County.

Quarterly Report

Acting Chairman Evans signed the Quarterly Report (2nd Quarter - October-December) for the Missoula City-County Health Department's MCH Block Grant. The report was forwarded to DHES in Helena.

Agreement

The Board of County Commissioners signed an Agreement, dated December 12, 1989, between Missoula County and First American Title Company of Montana and Western Title and Escrow for the purpose of providing the Title Companies access to land ownership, tax, recording and court information in the Missoula County computer system, as per the terms set forth, for a fee of \$50 per month for each title company.

Agreement to Sell and Purchase

Acting Chairman Evans signed an Agreement to Sell and Purchase between Missoula County and Van A. Neilson for the purchase of Lot 14 of Grantland 13, as per the terms set forth, for a total purchase price of \$24,000.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Other items included:

- 1) the Commissioners approved a request from Susan Reed, County Auditor, to remove the warrants (all from the Payroll Fund and have been outstanding for at least one year) listed on her memorandum dated February 1, 1990, from the most current Outstanding Warrant Listing, dated December 31, 1989; and

FEBRUARY 7, 1990 (continued)

- 2) the review of the County Attorney's Office Restitution-NSF Checks Account as of December 31, 1989, submitted by Susan Reed, County Auditor, was forwarded to the Clerk & Recorder's Office.

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

WEEKLY PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Commissioner Barbara Evans in the absence of Chairman Janet Stevens. Also present was Commissioner Ann Mary Dussault.

WELCOME YEVGENNY TSIRKIN

Todd Brandoff introduced Yevgenny Tsirkin, a private citizen from the U.S.S.R. who is travelling as a tourist throughout the United States. He is employed as a helicopter pilot and is a native of Alma-Ata, the capital of Kazakhstan. Commissioner Barbara Evans presented him with a letter of welcome and a framed poster of Missoula by Monte Dolack. Yvegenny presented the Commissioners with a flag from the U.S.S.R.

EMPLOYEE RECOGNITION

Ann Mary Dussault explained that the Commissioners were presenting each employee with a special mug on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs today were Mike Barton, Personnel, 10 years; Tom Domingo, Data Processing, 11 years; Mike McMeekin, Sheriff, 11 years; Jack Rennaker, Sheriff, 11 years; Barb Harris, County Attorney, 1 year; and Deborah Mitchell, Art Museum, 1 year.

BID AWARD: ALL-PURPOSE TRACTOR WITH ARTICULATED BOOM MOWER (SURVEYOR)

Barbara Evans explained that the bids were opened February 5, 1990 at 10:00 a.m. with the following results:

Western Plains Mach. Co., Billings, Montana, no bid.

Sahlberg Construction Equipment Co., spokane, Washington:
BID: \$39,367.00; W/3% OUT OF STATE: \$40,548.01;
OPTIONAL EQUIPMENT: \$423.56.

Normont Equipment Co., Black Eagle, Montana: BID:
\$39,732.00; W/3% OUT OF STATE: \$40,923.96; OPTIONAL
EQUIPMENT: \$4,140.00.

Pioneer Equipment and Supply Co., Butte, Montana: BID:
\$50,000.00

Adams Tractor, Spokane, Washington: BID: \$36,941.30; W/3%
OUT OF STATE: \$38,049.54; OPTIONAL EQUIPMENT:
\$3,265.22.

The recommendation was to award the bid to Adams Tractor for \$40,206.52. This includes \$36,941.30 for the tractor and mower and \$3,265.22 for the optional equipment. There is plenty of money in the budget to cover the cost of this equipment.

FEBRUARY 7, 1990 (continued)

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the bid for the all-purpose tractor with articulated boom mower to Adams Tractor of Spokane for \$40,206.52. The motion carried on a vote of 2-0.

HEARING: INTENT TO CREATE RSID NO. 912 - MAINTENANCE RSID, WEST CENTRAL SQUARE - COMMON AREA, FIRE HYDRANTS, LIGHTING AND ROADS.

John DeVore, Administrative Officer, explained that this RSID is at the request of the contractor, T & T Construction. The purpose of RSID 912 is to provide for the maintenance of the following improvements which are being installed by the developer and deeded over to the County: road, street lighting, fire hydrant and common area. This project is similar to West Central Village in terms of creating a maintenance RSID to insure the improvements are well maintained over time. Staff recommends the creation of this RSID.

Barbara Evans opened the Public Hearing and asked if anyone wanted to comment on this item. As there were no comments, the Public Hearing was closed.

Ann Mary Dussault moved and Barbara Evans seconded the motion to create RSID 912. The motion carried on a vote of 2-0.

HEARING: RESOLUTION OF INTENT CALLING FOR AN ELECTION ON THE IMPOSITION OF A ONE-MILL LEVY FOR ECONOMIC DEVELOPMENT PURPOSES FOR A 5-YEAR PERIOD.

John DeVore explained that the Commissioners had passed a Resolution of Intention calling for an election on the imposition of a one-mill levy for economic development purposes for a five year period. Today's hearing is the first on this matter, and the second hearing will be next Wednesday, February 14th. The 1989 Legislative Special Session authorized local governments to place on the ballot the issue of a 1 mil economic development levy for a period not to exceed 5 years. The funds generated by the levy may be used for promoting economic development opportunities and other activities generally associated with economic development. The County has looked at the following Goals and Objectives in terms of the public sector's role in the area of economic development: (1) To maintain and expand the existing tax base; (2) To retain existing jobs and businesses; (3) To increase job opportunities for residents of the County; (4) To promote and enhance the image of Missoula County as a receptive community for clean and healthful business enterprises; and (5) To promote the continued public/private partnership in the economic development activities of the community. The purpose of this levy would be to support the following existing community organizations who are successfully engaged in economic development activities: Missoula Economic Development Corporation, Women's Economic Development Group and Missoula Community Business Incubator. A review of the funding available to support the efforts of these agencies reflects a shortfall in funding for the period the levy would be in effect. The efforts of these agencies demonstrates the need to develop a partnership between the public sector and private sector to insure the availability of these services for the future economic benefit of the community. Staff recommends passage of the Resolution authorizing placing this issue on the April 3, 1990 ballot.

Barbara Evans opened the Public Hearing and asked if anyone cared to speak in favor of this issue.

FEBRUARY 7, 1990 (continued)

Bill Chumrau, Missoula Community Business Incubator, gave a brief history and purpose of the organization, including number of people served, their research library and computer lab.

Barbara Burke, Women's Economic Development Group, gave an overview of her organization including funding, persons served (low-income women and single parents), and direction of the organization in the future.

Ron Klaphake, Missoula Economic Development Corporation, gave a brief explanation of the agency's purpose and scope including their four main operations: (1) business development; (2) business recruitment; (3) business development by providing technical assistance; and (4) an information demographics data base.

Dan Smith, Chairman of the Missoula Economic Development Corporation, spoke briefly on their public/private partnership.

Barbara Evans asked if anyone cared to speak in opposition to this issue. As there was no opposition, she ended the testimony and explained that the Commissioners would take more testimony at the next public Meeting.

Ann Mary Dussault asked the three organization representatives to define the link between their organizations and also asked for a brief example of someone each had successfully worked with. She also asked what each wouldn't be able to do if they didn't fill the financial gap. Each representative briefly addressed her questions. It was also explained that 1 mil would equal about \$122,000, which would amount to \$2.28 for a \$60,000 home.

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

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FEBRUARY 8, 1990

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

Monthly Report

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

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FEBRUARY 9, 1990

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

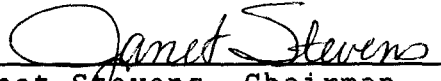
Monthly Report

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

FEBRUARY 9, 1990 (continued)Ribbon Cutting Ceremony

Late in the afternoon, Commissioner Evans participated in the Ribbon Cutting Ceremony for the KMSO Radio Station located at 725 Strand in Missoula.


Fern Hart, Clerk & Recorder


Janet Stevens, Chairman

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FEBRUARY 12, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheets

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

- 1) #25 (11/26/89-12/09/89), with a total Missoula County payroll of \$335,777.99;
- 2) #26 (12/10/89-12/23/89), with a total Missoula County payroll of \$332,369.30;
- 3) #1 (12/24/89-1/04/90), with a total Missoula County payroll of \$335,704.66; and
- 4) #2 (1/07/90-1/20/90), with a total Missoula County payroll of \$333,910.38.

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

Certificate of Survey - Agricultural Exemption and Family Transfer

The Board of County Commissioners signed approval of a certification by Dorothy T. Anderson, Owner, that a Certificate of Survey for a tract of land located in the SW 1/4 of Section 36, T. 11 N., R. 20 W., PMM is to create a parcel (Tract 4) as an agricultural tract, and that a covenant has been entered into with the governing body that the land will be used exclusively for agricultural purposes and that the covenant shall run with the land and be revocable only by mutual consent of the governing body and the landowner of record; and that the survey will also create two parcels of land to be transferred by gift or sale to members of the landowner's immediate family (Tracts 1, 2 and 3).

Workers Compensation Self Insurance Program Documents

The Board of County Commissioners signed the closing documents for the bond issue and funding of the Montana Association of Counties' Workers Compensation self-insurance program to ensure participation in the program. The documents were returned to John DeVore, Administrative Officer, for further handling.

FEBRUARY 12, 1990 (continued)

Other items included:

Bid Award

Since 1987, the Recording office has contracted the title search work necessary for proper notification of parties with interests in tax deed property. Three bids were received for the tax deed title searches this year from the following: Western Title & Escrow, First Montana Title Company, and Insured Titles. Commissioner Dussault moved and Commissioner Evans seconded the motion that Insured Titles, with a flat rate bid of \$55 per parcel, and a \$40 hourly rate for complex searches, be awarded the bid. The motion passed by a 2-0 vote, with Commissioner Stevens abstaining.

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

Awards Luncheon

At noon, Commissioner Stevens spoke at the Insurance Underwriters Awards Luncheon held at the Holiday Inn.

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FEBRUARY 13, 1990

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Billings to attend the MACo Midwinter Meeting.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-013

The Board of County Commissioners signed Resolution No. 90-013, a Resolution Creating RSID No. 912 for the purpose of common area maintenance, fire hydrant maintenance, street lighting maintenance, and roadway maintenance located in the West Central Square Subdivision in Missoula County.

Budget Transfers

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

- 1) No. 900033, a request from Court Operations to transfer \$1,001 from the Permanent Salaries account to Contracted Services for the purpose of covering the cost of Court Master in the Bowman divorce action;
- 2) No. 900034, a request from Financial Administration to transfer \$1,481.13 from the Permanent Salaries (\$1,249.90) and the Fringe Benefits (\$231.23) accounts to the various departments shown on the list attached to the transfer to cover the 2% increases for appointed and contract positions in the General Fund; and

FEBRUARY 13, 1990 (continued)

- 3) No. 900035, a request from Financial Administration to transfer \$11,100.25 from the Term Reserve account to the various departments shown on the lists attached to the transfer to cover the 2% increase for Personnel Plan employees.

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

Meeting

In the evening, Commissioner Evans attended a meeting of the Missoula Federation of Square Dancers held at the Montana Power meeting room.

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FEBRUARY 14, 1990

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

Audit List

Commissioners Evans and Stevens signed the Audit List, dated February 14, 1990, pages 6-29, with a grand total of \$112,221.76. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Agreement to Sell and Purchase

Chairman Stevens signed an Agreement to Sell and Purchase between Missoula County and Hazel C. Brann for Lot 43 of Grantland 13, as per the terms set forth, for a total purchase price of \$17,500.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Maintenance Services Agreement

Chairman Stevens signed the Equipment Maintenance Services Agreement between Missoula County and Unisys, as per the terms set forth. The Agreement was returned to Jim Dolezal, Data Processing Manager, for further handling.

Agreement

The Board of County Commissioners signed an Agreement between the Montana Department of Highways and Missoula County (Project No. HES 4141(68)) for the purpose of financing and installing safety improvements intended to aid in the reduction of accidents at the following locations: Secondary 553 M.P. 0.0 - 1.9 and M.P. 8.6 - 9.7. The work consists of placement of signs and/or delineation at each location, as per the terms set forth, and the cost of the project is estimated to be \$5,037.50. The Agreement was returned to the State Highway Department in Helena for further signatures and handling.

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

FEBRUARY 14, 1990 (continued)

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners were presenting each employee with a special mug on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs today were Scott Church, Health, 10 years; Eric Stroh, Sheriff, 5 years; and June Lawson, Library, 7 years.

BID AWARD - REPAIR OF COUNTY OFFICE BUILDING ROOF, 301 WEST ALDER - GENERAL SERVICES.

Janet Stevens explained that this is the award of the bid for repair of the County Office Building roof at 301 West Alder. Only one bid was received, and that was from Urethane Systems of Montana in the amount of \$37,945.65. The budget for this project was set at \$38,000, so this lone bid is within the allotted amount. Staff recommends award of bid to Urethane Systems of Montana.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for the repair of the County Office Building roof at 301 West Alder to Urethane Systems of Montana in the amount of \$37,945.65. The motion carried on a vote of 2-0.

CONTINUATION OF HEARING AND DECISION ON RESOLUTION OF INTENT CALLING FOR AN ELECTION ON THE IMPOSITION OF A ONE-MILL LEVY FOR ECONOMIC DEVELOPMENT PURPOSES FOR A 5-YEAR PERIOD.

Janet Stevens explained that the Commissioners had passed a Resolution of Intention calling for an election on the imposition of a one-mill levy for economic development purposes for a five year period. Today's hearing is the second on this matter, the first hearing having been last Wednesday, February 7th. The 1989 Legislative Special Session authorized local governments to place on the ballot the issue of a 1 mil economic development levy for a period not to exceed 5 years. The funds generated by the levy may be used for promoting economic development opportunities and other activities generally associated with economic development. The County has looked at the following Goals and Objectives in terms of the public sector's role in the area of economic development: (1) To maintain and expand the existing tax base; (2) To retain existing jobs and businesses; (3) To increase job opportunities for residents of the County; (4) To promote and enhance the image of Missoula County as a receptive community for clean and healthful business enterprises; and (5) To promote the continued public/private partnership in the economic development activities of the community. The purpose of this levy would be to support the following existing community organizations who are successfully engaged in economic development activities: Missoula Economic Development Corporation, Women's Economic Development Group and Missoula Community Business Incubator. A review of the funding available to support the efforts of these agencies reflects a shortfall in funding for the period the levy would be in effect. The efforts of these agencies demonstrates the need to develop a partnership between the public sector and private sector to insure the availability of these services for the future economic benefit of the community. Staff recommends passage of the Resolution authorizing placing this issue on the April 3, 1990 ballot.

FEBRUARY 14, 1990 (continued)

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

Mayor Dan Kemmis spoke in favor of this on behalf of the mayor's office. He also said he was willing to contact the City Council for their support.

Wayne Van Meter spoke against this issue, mainly because he felt the general property tax was not for profit/commercial enterprises.

Jeff Macon, a member of the Economic Development Task Force in Seeley Lake, spoke in favor of the issue, stressing the aspect of new jobs in the community.

David Owen, Missoula Chamber of Commerce, spoke in favor of the issue, stressing the fact that the population would grow in proportion to business growth.

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

Barbara Evans said that she was voting to put this on the ballot because she felt it vital to expand the economic base of this County.

Janet Stevens said that economic development has to be a private/public partnership, and that the community has the right to vote on an issue that affects people who have or do not have jobs.

Barbara Evans moved and Janet Stevens seconded the motion to approve the resolution of intent calling for an election on the imposition of a one-mill levy for economic development purposes for a 5-year period. Motion carried 2-0.

RESOLUTION NO. 90-014.

The Commissioners then signed Resolution No. 90-014, a resolution calling for an election on the imposition of a one-mill levy for economic development purposes for a five-year period, as set forth in the resolution, said election to be held on April 3, 1990.

HEARING: INTENT TO CREATE RSID NO. 437 - STREET IMPROVEMENTS ON ST. FRANCIS DRIVE.

Janet Stevens explained that the purpose of RSID 437 is to construct approximately 450 feet of paved street with drainage structures in the existing St. Francis Drive right-of-way. There are five property owners affected by this RSID. No protests were received during the protest period. Staff recommends the creation of RSID 437.

Gilbert Larson said he would be happy to answer questions regarding this project.

Janet Stevens open the public hearing and asked if anyone cared to testify for or against this issue. As there was no testimony, the public hearing was closed.

Barbara Evans moved and Janet Stevens seconded the motion to create RSID No. 437, street improvements on St. Francis Drive. The motion carried on a vote of 2-0.

FEBRUARY 14, 1990 (continued)

HEARING: REQUEST TO VACATE PORTION OF ART GREYDANUS' PROPERTY,
LOLO - GLO ROAD.

Horace Brown, County Surveyor, explained that this is a petition to vacate the GLO Road to Lolo, Montana, located in Section 35, Township 12 North, Range 21 West, from North-South Midsection Line of Section 35, T12N, R21W to West Line of Section 35, T12N, R21W and further described in the Road Book of the Missoula County Surveyor as road as shown on original GLO plat. The reason for this request is as follows: The road has been abandoned and unused for at least 30 years, and the location is uncertain on the ground, thereby creating title problems on property in the area. The lands and owners thereof affected by this vacation are:

Champion International Corporation
P.O. Box 8
Milltown, MT 59851

John W. & Jacqueline D. Lustgraaf
Lolo Creek Road
Lolo, MT 59847

Goldome Realty Credit Corporation
3903 Genessee Street
Buffalo, NY 14225

Estate of Marie E. Greydanus
Lolo Creek Road
Lolo, MT 59847

HEARING: REQUEST TO VACATE PORTION OF ART GREYDANUS' PROPERTY,
LOLO - MONTANA FOREST HIGHWAY PROJECT.

Horace Brown, County Surveyor, explained that this is a petition for vacation of Montana Forest Highway Project 11-C, Lewis & Clark Highway, located in Section 35, Township 12 North, Range 21 West, P.M.M., from Station 1015+00 - 124' Lt. to 175' Lt. to Station 1018+00 - 124' Lt. to 175' Lt. from Station 1018+00 - 94' Lt. to 175' Lt. to Station 1022+50 - 94' Lt. to 175' Lt. and further described in the Road Book of the Missoula County Surveyor as Book 150 Deeds Page 622. The reasons for this request are (1) the parcel lies in an area no longer maintained by the county and is outside of the right-of-way the State of Highways has for U.S. Highway 12, and (2) the abandonment would put property back on the tax rolls. The lands and owners thereof affected by this vacation are:

Estate of Marie E. Greydanus
Lolo Creek Road
Lolo, MT 59847

Montana Department of Highways
1701 Prospect
Helena, MT 59601

Tom McCarthy, Sorenson and Company, said that he is representing Art Greydanus. He said these requests to vacate are because they cloud the title. He stated the GLO road is not even visible. He also said it was just an oversight that the Montana Forest Highway Project was not vacated.

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

FEBRUARY 14, 1990 (continued)

John Patterson, Jr., said that he is the attorney for Art Greydanus. He said the original owners of the affected property were Marie and Neil Thayer. Neil died and Marie married Art Greydanus.

John Langstaff said that he was in favor of these vacations and that he believes the requests should be accepted as a positive step in property owners controlling their land.

Janet Stevens said that as there was no further testimony, a Commissioner would view the proposed vacations with Horace Brown, County Surveyor, and that a final decision would be made at the next Public Meeting.

As there was no further business to come before the Board, the Commissioners were in recess at 1:55 p.m.

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FEBRUARY 15, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Stevens went to Billings to attend the MACo Midwinter Meeting, and Commissioner Dussault was enroute to Missoula from Billings after attending meetings there.

Site Inspections

In the afternoon, Commissioner Evans accompanied County Surveyor Horace Brown for site inspections on the requests to vacate portions of Art Greydanus' property near Lolo, namely the GLO Road and the MT Forest Highway Project.

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FEBRUARY 16, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Billings attending the MACo Meetings. At noon, Commissioner Evans attended a Military Officers Meeting held at the Country Club; and in the afternoon, she served as one of the judges at the County Spelling Bee held at Sentinel High School.

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairman

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FEBRUARY 19, 1990

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

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FEBRUARY 20, 1990

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

DAILY ADMINISTRATIVE MEETING

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

FEBRUARY 20, 1990 (continued)Contract

The Board of County Commissioners signed a contract between Missoula County and Insured Titles, Inc. for the purpose of performing tax deed title searches, ownership and interest in real property in Missoula County, as per the terms set forth, for the sum of \$55/parcel, plus \$40/hour for "complex" searches, and shall be completed within a period of 125 consecutive calendar days from the date of the contract.

Agreement to Sell and Purchase

Chairman Stevens signed an Agreement to Sell and Purchase between Missoula County and John J. Dorsey Jr. and Carol A. Dorsey for the purchase of Lot 23 in Grantland 13, as per the terms set forth, for a total purchase price of \$19,900.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Other items included:

The Commissioners approved a request from the Sheriff's Department to purchase five armored jackets for use in narcotic raids at a total cost of \$3,000.00, to be purchased with funds from the drug forfeiture fund.

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

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FEBRUARY 21, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Deborah Frandsen of Design Associates, an independent contractor, for the purpose of designing a public relations campaign, solidifying budgeting, advising on board-staff relations, beautifying membership drive, working with Director and Trustees on short and long term planning, and developing grants, as per the terms set forth, for the period from February 8, 1990, through May 31, 1990, as needed by the Art Museum Director, for a total payment not to exceed \$500.00.

Other items included:

- 1) the Commissioners approved payment of the NACo (National Association of Counties) dues covering the period from April 30, 1990, through April 30, 1991;
- 2) the BPA Lawsuit Meeting was discussed and it was agreed that Mike Sehestedt, Deputy County Attorney, should attend the meeting.

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

FEBRUARY 21, 1990 (continued)

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Barbara Evans explained that the Commissioners were presenting each employee with a special mug on the anniversary of their date of hire. This mug is in appreciation for their service to the County. Those employees receiving mugs today were Don Siweck, Sheriff, 8 years; Sharon Siweck, Accounting, 7 years; Dave Schlosser, Road, 5 years; Tim Burt, 9-1-1, 1 year; Paulette Parpart, Library, 15 years; and John Pemberton, Personnel, 1 year.

BID AWARD: CRUSHED COVER AGGREGATE - STONE CHIPS (SURVEYOR)

Janet Stevens explained that this is a request to award a bid for crushed cover aggregate - stone chips. Bids were opened February 20, 1990 at 10:00 a.m. with the following results:

Western Materials - \$51,935 for 6500 tons = \$7.99/ton
Washington Construction - \$83,850 for 6500 tons = \$12.90/ton
Riverside Contracting Inc. - \$72,800 for 6500 tons =
\$11.20/ton
American Asphalt Inc. - \$61,100 for 6500 tons = \$9.40/ton

Horace Brown, County Surveyor, recommends the Commissioners award the bid to Western Materials as the lowest bidder, but raise the total from 6500 tons to 7000 tons. This will result in a total bid of \$55,930. There is \$56,000 budgeted for chips.

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the bid for crushed cover aggregate - stone chips to Western Materials for \$55,930 for 7000 tons. The motion carried on a vote of 3-0.

DECISION ON REQUEST TO VACATE PORTIONS OF ART GREYDANUS' PROPERTY IN LOLO, GLO ROAD.

Mike Sehestedt, Deputy County Attorney, explained that the GLO road is an old road that exists on GLO maps and may or may not exist on any other maps. All traces of the road are gone, it is not used as a road, and other adequate roads are used in the area.

Barbara Evans said that when she went to inspect the road, it was obvious the road was no longer used. It goes right through a corral area and a residence below the home. The highway is a few feet South of it. She said it is just road enough for a wagon to travel. She recommends they grant the vacation of this particular piece of the GLO road.

Horace Brown, County Surveyor, said the road is used locally by people who cross their property. It is of no further use to the County.

Barbara Evans moved and Ann Mary Dussault seconded the motion to vacate the GLO road to Lolo located in Section 35, Township 12 North, Range 21 West, from North-South Midsection Line of Section 35, T12N, R21W to West Line of Section 35, T12N, R21W and further described in the Road Book of the Missoula County Surveyor as road as shown on original GLO plat, as the County has no need for it. The motion carried on a vote of 3-0.

FEBRUARY 21, 1990 (continued)

DECISION ON REQUEST TO VACATE PORTIONS OF ART GREYDANUS' PROPERTY
IN LOLO, MONTANA FOREST HIGHWAY PROJECT.

Mike Sehestedt, Deputy County Attorney, explained that this is a part of a piece of right-of-way that joins the existing Lewis and Clark highway right-of-way, and is part of an old County road. When the State built the highway, we were going to relinquish the right-of-way. The State highway came in and condemned where we had no right-of-way. We quit claimed our right-of-way interest in the described boundary of the project, but bits and pieces were retained by Missoula County, which are currently not being used by the County. We deeded back the existing right-of-way in the area. We never conveyed it to the State, the State never conveyed it to them, so here we are 30 years later. Now the State wants to look to the future and might need that right-of-way for a left turn bay to the Lolo peak project.

John Patterson, attorney for Art Greydanus, said they feel it is bad faith on the part of the State to object to the County closing the road. He said it was unfair to his client not to vacate it.

Mike Sehestedt said this issue is not a case of oral recollection, that we have the Highway Department's buy/sell that states it will be deeded over on the completion of the project.

Horace Brown said we only have the easement, we don't own the land. He said there will be a need in the future for a left turn bay whether for the ski area or not, but that he couldn't predict when it would be needed. He suggested we vacate only that section that won't be needed for a left turn bay.

Ann Mary Dussault asked if we owned the easement, who owns the land?

Horace Brown said Art Greydanus owns the land.

Barbara Evans said she had looked at the property and that there was some misunderstanding which piece the County owned and which the State owned or had easements on. She said she was distressed that the State had promised something they did not live up to. She asked Mr. Greydanus how he would feel if the Commissioners vacated the portions mentioned but saved the portion needed for the turn bay.

John Patterson said the State Highway owns the portion between County land and the highway. He said they intend to ask the State to vacate this piece. He would be willing to postpone the vacation by the County for three months.

Janet Stevens said that if the County vacates, the State would have to buy the easement from Art Greydanus.

Barbara Evans moved and Ann Mary Dussault seconded the motion to defer action on this vacation for three months, leaving the record open so no additional filing fees are necessary and within ninety days of today to put this vacation back on the Public Meeting agenda for a decision. Motion carried on a vote of 3-0.

Janet Stevens said that she is prepared to vacate the entire thing at this time and at the next scheduled appearance of this item.

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

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FEBRUARY 22, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the JTPA Management Oversight Committee during the day and a MT Tax Reform Coalition Meeting that evening.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated February 22, 1990, pages 6-35, with a grand total of \$92,347.66. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

The Commissioners appointed Kari Lind as an alternate member of the Missoula County Park Board to serve until the first Monday in May of 1991.

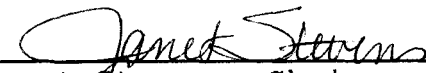
The minutes of the daily administrative meeting are on file in the Commissioners Office.

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FEBRUARY 23, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was in Polson attending a Mental Health Board Meeting, and Commissioner Dussault attended a Department of Labor BOS Joint Council Meeting in Helena.


Fern Hart, Clerk & Recorder


Janet Stevens, Chairman

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FEBRUARY 26, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-015

The Board of County Commissioners signed Resolution No. 90-015, a resolution to vacate the G.L.O. Road to Lolo from the North-South Midsection line of Section 35, T. 12 N., R. 21 W. to the West line of Section 35, T. 12 N., R. 21 W., located in the NW 1/4 of Section 35, T. 12 N., R. 21 W., PMM.

Plat

The Board of County Commissioners signed the Plat for O'Brien Valley Estates No. 2, a subdivision of Missoula County, located in the SW 1/4 of Section 27, the SE 1/4 of Section 28, the NE 1/4 of Section 33, and the NW 1/4 of Section 34, T. 13 N., R. 20 W., PMM, a total area of 50.99 acres, with the owners of record being William Richard Maclay, Sr., and Fleta Elizabeth Kenna, Trustee.

FEBRUARY 26, 1990 (continued)Agreement

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein & Associates for the construction of 400 lineal feet of asphalt driving surface in the St. Francis Drive right-of-way, as per the terms set forth, for a total payment of \$3,000.00.

Modification of Agreement

Chairman Stevens signed a Modification of Agreement between Missoula County and the Montana Department of Health & Environmental Sciences modifying Section III(1) of the Agreement between them concerning the MCH Block Grant (DHES No. 300034, as amended) as per the items set forth. The Modification was forwarded to DHES in Helena.

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

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FEBRUARY 27, 1990

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

Audit List

Commissioners Evans and Stevens signed the Audit List, dated February 27, 1990, pages 6-28, with a grand total of \$49,380.86. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Barrie L. Huff as principal for warrant #13339, dated February 2, 1990, on the Missoula County Trust Fund in the amount of \$300.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-016

The Board of County Commissioners signed Resolution No. 90-016, a Resolution to rezone property described as Tract 3, Certificate of Survey #3189 from "C-C2" (General Commercial) to "C-I1" (Light Industrial).

Resolution No. 90-017

The Board of County Commissioners signed Resolution No. 90-017, a Resolution to rezone a parcel of land described as that portion of Government Lot 1 lying northwesterly of the northwesterly right-of-way of U.S. Highway 93, southeasterly of the southeasterly right-of-way of Old U.S. Highway 93, and southerly of the southerly right-of-way of 39th Street from "C-R3" (Residential) to "C-C2" (General Commercial).

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

FEBRUARY 27, 1990 (continued)Panel

In the evening, Commissioner Dussault served on a panel for the Professional Women's Seminar held at the University of Montana's U Center.

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FEBRUARY 28, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-018

The Board of County Commissioners signed Resolution No. 90-018, a Resolution creating RSID No. 436 for the purpose of construction of a new 500,000 gallon reservoir, cleaning and painting of existing tanks, installation of additional fire hydrants on Cumberland and Lakeside Drive, a water main connection/bypass to provide for an alternate supply to storage tanks, telemetering and tank controls in Lolo, Montana.

Resolution No. 90-019

The Board of County Commissioners signed Resolution No. 90-019, a Resolution creating RSID No. 437 for the purpose of constructing a paved access street in the existing St. Francis Drive right-of-way.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and MIADS, an independent contractor, for the purpose of providing outpatient alcohol and drug treatment services for MIADS clients in accordance with ADAD guidelines, as per the terms set forth, for the period from January 1, 1990, through December 31, 1990, for a total payment not to exceed \$10,000.00.

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #3 (1/21/90-2/03/90) with a total Missoula County Payroll of \$330,413.12. The Transmittal Sheet was returned to the Auditor's Office.

Warranty Deeds

The Board of County Commissioners signed Warranty Deeds from Missoula County to the following:

- 1) Hazel Brann, for Lot 43 of Grantland 13; and
- 2) Van A. Neilson, for Lot 14 of Grantland 13.

The Deeds were returned to Jim Dopp, Operations Officer, for further handling.

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

FEBRUARY 28, 1990 (continued)

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners were presenting each employee with a special mug on the anniversary of their date of hire. This mug is in appreciation for their service to the County. Those employees receiving mugs today were Bernie Jacobs, Sheriff, 6 years; Horace Brown, County Surveyor, 16 years; Myra Gohl, Library, 14 years; Orin Olsgaard, DES, 18 years; Mike Osowski, Road, 3 years; Terry White, Youth Court, 3 years; Sally Bullers, Library, 4 years; and Pat Hintz, 9-1-1, 11 years.

PROCLAMATION: PROCLAIMING MARCH 29TH AS "WOMEN IN MILITARY SERVICE FOR AMERICA DAY"

Janet Stevens said that whereas, women have served in the United States Military from the earliest days of our republic, as well as in the Continental Army of the American Revolution, as nurses, spies and soldiers on the front lines; and whereas, women served in the War of 1818; and whereas, women played increasingly important roles in the Civil War as exemplified by Doctor Mary Walker, an Army surgeon who was awarded the Congressional Medal of Honor, and Dorothea Dix and Clara Barton who formed a nursing corps; and whereas, women nurses successfully served under a civilian contract to meet emergency needs during the Spanish-American War; and whereas, the Army Nurse Corps was formed in 1901 and the Navy Nurse Corps was formed in 1908; and whereas, approximately 35,000 women served during World War One; 296 American Nurses gave their lives, 100 of whom were buried in France; and whereas, 400,000 women served in World War Two; more than eight were imprisoned in enemy camps and over 200 gave their lives; and whereas, some 50,000 women served during the Korean War; and whereas, approximately 7,500 served in Vietnam from 1962 to 1973; eight gave their lives; and whereas, women have been an essential part of the Armed Forces of our country, both in peacetime and in war; and whereas, 400,000 serve in the active military services, National Guard, and Reserves of our country; and whereas, there are approximately 1.2 million living women veterans, 5,000 of whom reside in the State of Montana; and whereas, the contributions and sacrifices of these women have not received due recognition; now, therefore be it resolved that the Board of County Commissioners do hereby proclaim Thursday, March 29, 1990 as "Women in Military Service for American Day" and encourage all Montanans to recognize women who have served in the Armed Forces of the United States of America.

Barbara Evans moved and Ann Mary Dussault seconded the motion to proclaim Thursday, March 29, 1990, as "Women in Military Service for America Day." The motion carried on a vote of 3-0.

Vera Fleming said she had served in the Army 8th Air Force in England for 27 months. She worked in the fiscal office and said she has a lot of friends throughout the United States whom she worked with while in the Armed Service.

Frances Middlemist said she had served in the Navy in Washington, D.C. for 33 months, sending out maps and publications. She also went to Walter Reed Hospital to visit the amputees, where she met Harold Russell, a veteran with artificial hands who has dedicated his life to helping other people.

FEBRUARY 28, 1990 (continued)

Dorothy Wages said she served in the Marines in Washington for 2 years, where she was a member of an exhibition drill team. She said she received a liberal education.

Marjorie Roberts said she served in the Marine Corps from Camp Lejeune to San Diego. She said while drilling on the grounds at San Diego, men would stand around and laugh until the General finally put out an order that they couldn't watch any more. She was stationed in Hawaii until the war was over, and got to see VJ Day on the streets of Honolulu.

PROCLAMATION: PROCLAIMING MARCH AS "RED CROSS MONTH"

Mayor Dan Kemmis said that whereas, the American Red Cross is one of the largest and oldest social service organizations in America; and whereas, volunteer and financial contributions are needed more now than ever before to protect the needs of our citizens; and whereas, volunteers make it possible for the Red Cross to collect and provide blood to the ill and injured, provide emergency assistance to disaster victims, and to respond to the emergency needs of armed forces personnel and their families and dependents; and whereas, Red Cross volunteers conduct thousands of courses in health and safety; and whereas, for 107 years the American Red Cross has been an essential ingredient of American life helping us to learn, to help, and to prosper, now, therefore, the Commissioners of Missoula County and the Mayor of the City of Missoula do hereby jointly proclaim March, 1990 as "Red Cross Month" and urge all residents to donate their time and their resources to support Red Cross activities.

Ann Mary Dussault moved and Barbara Evans seconded the motion to proclaim the month of March, 1990 as "Red Cross Month." The motion carried on a vote of 3-0.

Christine Jasper, Chapter Chairperson of Western Valleys Chapter of the American Red Cross, said that they have a record number of emergencies in the four counties they cover, as well as on the national level.

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

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MARCH 1, 1990

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

DAILY ADMINISTRATIVE MEETING

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

INTERCAP Closing Documents

Chairman Stevens signed the closing documents between Missoula County and the Board of Investments relating to Missoula County's participation in the Intermediate Term Capital Program of the Board of Investments for the purchase of new vehicles for the Sheriff's Department, as per the terms set forth. The documents were returned to John DeVore, Administrative Officer, for forwarding to Helena for their action on March 7th, 1990, with a check to Missoula County to be received on March 9th, 1990.

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

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MARCH 2, 1990

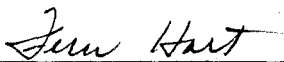
The Board of County Commissioners met in regular session; all three members were present.

Contract for Deed, Notice of Purchasers' Interest, & Warranty Deed

The Board of County Commissioners signed a Contract for Deed, Notice of Purchasers' Interest and a Warranty Deed between Missoula County and John J., Jr. and Carol A. Dorsey for the purchase of Lot 23 of Grantland 13, as per the terms set forth, for a total purchase price of \$19,900.00, to be paid as per the schedule set forth in the Contract for Deed for a period of ten years. The documents were returned to Jim Dopp, Operations Officer, for further handling.

Interviews and Ribbon Cutting Ceremony

In the afternoon, the Commissioners interviewed each of the finalists for the Library Director's Position. Commissioner Stevens also participated in the Ribbon Cutting Ceremony at the Whittier School/Head Start Project.



Fern Hart, Clerk & Recorder



Janet Stevens, Chairman

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MARCH 5, 1990

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

Welfare Advisory Board

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

MARCH 5, 1990 (continued)Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing items of fees and collections made in Missoula County for month ending February 23, 1990.

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond, naming Phillip Simon as principal for warrant #'s 197839 and 197744 issued in January of 1990 on the Missoula County Sheriff's Department fund in the amounts of \$75.00 and \$50.00 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 part of the FY'90 budget:

- 1) No. 900036, a request from the Surveyor to transfer \$9,000 from the Paving Oil account to the Aggregate account as more aggregate was needed for oil to make asphalt; and
- 2) No. 900037, a request from the Sheriff's Department to transfer \$1,800 from 420145-304 to 420110-304 to consolidate line item 304 under administration.

Extension Letter

The Board of County Commissioners signed a letter to Lloyd Twite approving a one-year filing extension for the Linda Vista Fourth Supplement Subdivision, making the new filing deadline March 10, 1991.

Appointment of Deputy Registrars

The Board of County Commissioners signed approval of the appointment of the qualified registered voters of Missoula County from various precincts serving all areas of Missoula County, as listed on the form received from the Elections Office and on file there, as deputy registrars, each of whom will be required to complete the training specified by Section 13-2-102 (4) M.C.A. no later than March 15, 1990.

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

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MARCH 6, 1990

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

MARCH 6, 1990 (continued)Audit List

Commissioners Evans and Stevens signed the Audit List, dated March 6, 1990, pages 6-37, with a grand total of \$492,648.56. 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:

Joint Proclamation

The Board of County Commissioners signed a Joint Proclamation with the City of Missoula, proclaiming March 28, 1990, as Adolescent Pregnancy Services Appreciation Day in recognition of their continuing support and services during the past ten years.

Resolution No. 90-020

The Board of County Commissioners signed Resolution No. 90-020, a Resolution of Intention Calling for the Adoption and Enforcement of an Ordinance to Control Community Decay for the purpose of regulating, controlling, and prohibiting conditions that contribute to community decay on or adjacent to all public roadways within Missoula County, setting the hearing dates for Wednesday, April 4th, 1990, and Wednesday, April 11th, 1990, at 1:30 p.m. on both days.

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MARCH 7, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Prescott, Arizona where she participated in and spoke to the Wildland/Urban Interface Conference being held there through Friday March 9, 1990.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-021

The Board of County Commissioners signed Resolution No. 90-021, a Resolution creating RSID No. 435 for the purpose of constructing approximately 315 feet of sewer main and service lines to service six properties located on Thomas Drive, as per the terms set forth in the Resolution.

Resolution No. 90-022

The Board of County Commissioners signed Resolution No. 90-022, a resolution accepting an easement from the United States of America, acting by and through the Forest Service, for public road and all other public purposes, located in a portion of Section 35, T. 17 N., R. 15 W., PMM, Missoula County, Montana.

Other items included:

The Commissioners appointed Charles D. Parker as a member of the Missoula Area Agency on Aging Board to fill the

MARCH 7, 1990 (continued)

unexpired term of Cindy Jensen-Boespflug through December 31, 1990; and Lillian "Lin" Moeller was appointed as an "alternate member" of the Missoula Area Agency on Aging Board through December 31, 1992.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners were presenting each employee with a special mug on the anniversary of their date of hire. This mug is in appreciation for their service to the County. Those employees receiving mugs today are Clay Hopper, Sheriff, 17 years; Lynn Clemmens, Road, 1 year; Lynda Henry, Attorney, 2 years; Barb Fortunate, 9-1-1, 1 year.

PROCLAMATION: "DAFFODIL DAY"

Barbara Evans said that whereas, there is a great need for additional funds for cancer research; and whereas, the American Cancer Society has sponsored innumerable vital cancer research projects, public education and patient service programs; and whereas, through the work of the American Cancer Society, the people of Missoula and Missoula County look forward to the day when a cure for cancer is found, now, therefore be it resolved that the Board of County Commissioners and the Mayor of the City of Missoula do hereby jointly proclaim Wednesday, March 14, 1990 as "Daffodil Day" and urge all residents to join with all volunteers of the American Cancer Society to support this special occasion by purchasing and wearing a daffodil--the flower of hope.

Barbara Evans moved and Janet Stevens seconded the motion to approve the proclamation naming Wednesday, March 14, 1990 "Daffodil Day". The motion carried on a vote of 2-0.

Bob Ripley, President of the American Cancer Society, Missoula Chapter, said his wife is the Chairman of the drive and is here to accept the proclamation. They hope to sell 20,000 daffodils this year.

BID AWARD: THREE PASSENGER CARS FOR MOTOR POOL

Janet Stevens explained that this bid award has been postponed for one week because of a discrepancy in the warranties.

HEARING: CERTIFICATE OF SURVEY REVIEW - SHIELDS

Marnie McClain, Deputy County Attorney, said this is a request made by John and Cindy Shields. They would like to have the agricultural exemption on their property on Tipperary Way revoked and would like to build a home for themselves. John and Cindy Shields purchased 1.6 acres on Tipperary Way in 1977, subject to an agricultural exemption.

Barbara Evans asked Mike Sehestedt and Marnie McClain from the County Attorney's Office if either had any reason why the Commissioners should not grant this request. Both said no. She then asked if it made any difference which way they accomplished

MARCH 7, 1990 (continued)

this - could they simply grant the revocation without requiring a new survey which would give them credit as using the Occasional Sale.

Marnie McClain said that a new survey would probably be required.

Mike Sehestedt said that if the Commissioners approved this, it would show as use of an Occasional Sale--that is how it would be described. It won't be through the affidavit review process.

Janet Stevens said that once this is done, it will show up as an occasional sale and if you come in again, you will be looked at suspiciously. What we are trying to prevent is a number of housing developments without the thought of impact on schools, roads, fire, etc., that a subdivision would take a look at.

Barbara Evans moved and Janet Stevens seconded the motion to revoke the agricultural exemption on COS 1046. Motion carried on a vote of 2-0.

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

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MARCH 8 & 9, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was in Portland, Oregon attending a BRIM Seminar for the Community Hospital Board of Directors March 8th and 9th.

Notice of Sale

Acting Chairman Evans signed the Notice of Sale of Bonds for RSID No. 435 in the amount of \$20,000.00 for the purpose of construction and installation of 315 feet of sewer main and service lines to serve the existing homes on Thomas Drive, as per the terms set forth, setting the award of sale for Wednesday, April 11, 1990, at 1:30 p.m.

Notice Inviting Proposals

Acting Chairman Evans signed the Notice Inviting Proposals for RSID No. 435 for the purpose of construction and installation of 315 feet of sewer main and service lines on Thomas Drive in Missoula County and doing all work as may be necessary in connection with RSID No. 435, as per the terms set forth, setting the bid award for April 11th, 1990, at 1:30 p.m.

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairman

* * * * *

MARCH 12 & 13, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Evans was on vacation March 12th through noon on March 14th; and Commissioners Dussault and Stevens were in the office briefly, but attended the SRM (Social Research Management) Conference held at First Bank Western on March 12th and 13th.

MARCH 12 & 13, 1990 (continued)Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of Sheriff Dan Magone showing the items of fees and other collections on account of civil business in Missoula County for month ending February 28, 1990.

Monthly Reports

Chairman Stevens examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace David K. Clark and Michael D. Morris for month ending February 28, 1990.

Modification of Agreement

Chairman Stevens signed a Modification of Agreement between Missoula County and the Montana Department of Health and Environmental Sciences modifying the terms of the Agreement between them concerning AIDS testing and counselling and community health education and risk reduction (DHES No. 900225) as set forth in the Modification, for a total amount up to \$41,066.00. The Modification of Agreement was forwarded to DHES in Helena.

* * * * *

MARCH 14, 1990

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. In the forenoon, Commissioners Dussault and Stevens attended the final session of the SRM Conference at First Bank Western.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated March 14, 1990, pages 7-30, with a grand total of \$150,426.61. The Audit List was returned to the Accounting Department.

Indemnity Bonds

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

- 1) naming Karen Hansen as principal for warrant #30249, dated March 8, 1990, on the Bonner School District #14 General Fund in the amount of \$20.17 now unable to be found; and
- 2) naming Western Montana Clinic as principal for warrant #197586, dated January 22, 1990, on the Missoula County Health Fund in the amount of \$135.00 now unable to be found.

Employment Agreement

The Board of County Commissioners signed an Employment Agreement, dated March 9, 1990, between the Missoula Public Library Board of Trustees and David Pauli, who will serve as the Director of the Missoula Public Library, as per the employment duties and terms set forth in the Agreement, and shall receive an annual salary of \$33,000.00. The Agreement was forwarded to Mr. Pauli for signature.

MARCH 14, 1990 (continued)

Resolution No. 90-023

The Board of County Commissioners signed Resolution No. 90-023, a resolution authorizing and instructing the County Clerk and Recorder to make application to the County Treasurer of Missoula County for the issuance to Missoula County tax deeds on the various described lands attached to the Resolution which remain unredeemed in the Office of the County Treasurer on October 31, 1989, and for which notice has heretofore been properly made; and instructing the County Treasurer to cancel 1985, 1986, 1987, 1988 and the current year's taxes on the same.

WEEKLY PUBLIC MEETING

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

Janet Stevens explained that the bouquet of daffodils on the table were in commemoration of the American Cancer Society's "Daffodil Days." The Daffodil is the flower of hope, and the Commissioners purchased one for each County employee. This is especially timely as we send our prayers and thoughts to Deputy Don Siweck who is hospitalized in Arizona at this time. Missoula County is saddened by the loss of Deputy County Attorney Craig Freidenhauer, and we send our love and support to his coworkers and family.

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners were presenting each employee with a special mug on the anniversary of their date of hire. This mug is in appreciation for their service to the County. Those employees receiving mugs today were Ed Zuleger, Health, 17 years; Linda Crowley, Health, 16 years; Jana Griggs, Elections, 6 years; Phil Willumsen, Sheriff, 12 years; and Mary Brambo, Health, 4 years.

BID AWARD: THREE CARS FOR MOTOR POOL (GENERAL SERVICES)

Jim Dopp, Operations Officer, explained that Missoula County solicited bids for three vehicles for the County Motor Pool. Sample vehicles were inspected on all makes and models bid. Bids were received from Bitterroot Motors, Grizzle Auto, Karl Tyler Chevrolet and Keith's Auto in Lolo. Staff recommends award of the bid to Karl Tyler Chevrolet for three 1989 Chevrolet Corsicas as the best and most responsive bid. This award is subject to inspection of all vehicles for conformance with bid specifications and mileage (odometer readings) as bid. Missoula County received bids from four companies on six different make and model cars. Staff inspected representative cars from each of the make/model cars bid. Although all cars technically met minimum bid specifications, there were differences in each. Both Bitterroot Motors and Keith's Auto bid Ford Tempos. From staff's perspective, although these cars may be classified as mid-sized cars, they are significantly smaller than the other models bid and since we are looking at these vehicles for out-of-town travel, it is felt that they are smaller than we would like. The Tempos bid also have 4-cylinder engines and, although the bid asked for either 4- or 6-cylinder engines, the majority of cars bid were 6-cylinder. Again, since we are looking for cars for highway travel, it is felt that a larger engine is an asset. In addition to the Tempos, Bitterroot Motors bid Ford Tauruses. Although the Taurus met or exceeded all bid specifications, the mileage on these cars was significantly higher than others bid. One Taurus was also bid by Grizzly Auto who also bid one Dodge Dynasty and three Mercury Sables. On Friday, March 9th, I was

MARCH 14, 1990 (continued)

informed that Grizzly Auto would have trouble obtaining Sables at the price quoted. Later that day I received a call from Grizzly Auto stating that they could make available the Taurus, the Sable they had in stock, and one additional Sable purchased that day. All three cars have 6-cylinder engines and approximately 15,000 miles on the odometer. The Dodge Dynasty had over 20,000 miles on the odometer. Karl Tyler Chevrolet bid three 1989 Buick Centurys and three Chevrolet Corsicas. The Buicks have 4-cylinder engines and all have approximately 14,000 miles on the odometer. The Chevrolet Corsicas all have fuel-injected V6 engines and all have approximately 14,000 miles on the odometer. All other specifications on the cars bid appear to equal out. Given this information, it appears the best course for Missoula County would be to purchase the three Chevrolet Corsicas at a total price of \$9,978.00 each.

Keith's Auto -	1-1989 Ford Tempo	\$ 8,369.00
Bitterroot Motors -	1-1989 Ford Tempo	\$ 7,059.34
	3-1989 Ford Tauruses	\$10,025.26
Grizzly Auto -	1-1989 Ford Taurus	\$ 9,985.00
	1-1989 Dodge Dynasty	\$ 9,185.00
	3-1989 Mercury Sables	\$ 9,985.00
Karl Tyler Chevrolet -	3-1989 Buick Centurys	\$ 9,760.00
	3-1989 Chev Corsicas	\$ 9,978.00

Ann Mary Dussault moved and Janet Stevens seconded the motion to award the bid to Karl Tyler Chevrolet for three 1989 Chevrolet Corsicas for a total price of \$29,934.00 as the best and most responsible bid based on the staff analysis attached. Motion carried on a vote of 2-0.

CONSIDERATION AND APPROVAL OF THE MISSOULA AREA PLAN FOR THE ATTAINMENT OF PARTICULATE AIR POLLUTION STANDARDS.

Jim Carlson, Environmental Health Director, said the Commissioners have before them what represents 21 years of work since the City-County Air Pollution Control Board was formed. It's a plan to attain the particulate standards, and the Department feels it is realistic to attain those standards over the next three years, thus coming in full compliance with all Federal Particulate Standards. Those 21 years of work by thousands of citizens and several corporations represents the investment in excess of \$50 million in air pollution equipment in the valley, the paving of more than 15 miles of urban streets in the past 10 years, the development of a monthly street sweeping program on the part of the City and County for sweeping during the summer months, the development of the first stagnation-related air pollution control plan for the control of emissions from wood stoves, the development of one of the first regulator plans for requirements for new stove installation in the non-attainment area and we feel this plan is a viable option for attaining standards and we recommend that the Commission adopt this proposal. Scott Church will be making a presentation concerning the technical aspects of the program.

Scott Church, Environmental Health Specialist, Provided the Commissioners with the following outline:

- I. TWO RESOLUTIONS
 - A. Request for approval of regulation changes.
 - B. Request for approval of the Missoula Area PM-10 Attainment Plan.

MARCH 14, 1990 (continued)

II. MISSOULA AREA PM-10 ATTAINMENT PLAN

- A. Background.
 - 1. July 1, 1987 implementation of PM-10 Standards replacing old TSP standard.
 - 2. Classification of locates as Group 1, 2, or 3 areas.
 - 3. August 7, 1987 Missoula designated a Group 1 area by EPA (95% probability of violating PPM-10 Standards).
 - 4. Group 1 areas required to submit new area implementation plans.
- B. Standards Compliance.
 - 1. Missoula currently meets the PM-10 annual standard.
 - 2. Missoula recorded 1 and 3 violation in 1988 and 1989 respectively of the PM-10 24-hour standard.
- C. Quantification of Problem Through CMB Analysis and Emissions Inventory.
 - 1. RWC is still the main contributor to winter PM-10 level.
 - 2. Sanding material is the main contributor to late winter/early spring PM-10 level (about 70%).
 - 3. 29 of the last 30 particulate violations occurred during the first quarter of the year. Sanding material was likely the main contributor.
 - 4. The other violation was mainly the result of slash burning.
- D. Control Strategies Directed at Sanding Materials and Open Burning.
 - 1. June 3, 1987 BCC passed first sanding materials regulation requiring a hardness of ≥ 70 .
 - 2. Number of violations reduced from 9 in 1987 to 1 in 1988. Number of violations increased to 3 in 1989. There have been no violations in 1990 as of this date.
 - 3. A reduction of 37% in sanding materials emissions is required to demonstrate attainment.
 - 4. Department looked at a number of options to achieve attainment:
 - a. Use of best pit run/winter sweeping.
 - b. Winter sweeping/phase in of washed sanding materials if violations occurred.
 - c. Washed sanding materials.
 - 5. EPA reviewed these options and stated only the use of washed sanding materials could demonstrate attainment and would receive their approval.

III. REGULATION CHANGES

- A. Amend Section X 1410, 1440 to require:
 - 1. Sanding materials hardness of 80 and salt content of $\leq 2.5\%$.
 - 2. Sweeping of major arterials from Dec. 1 - March 31 when road surface temperature ≥ 32 degrees F.
 - 3. Results:
 - a. $>40\%$ reduction in emissions as a result of washing.
 - b. Approximately 14% reduction in emissions as a result of sweeping.
 - c. Total reduction of 54%.
 - d. Actual reduction of 79% is possible.
 - e. Elimination of PM-10 violations from sanding materials.
 - f. Reduction in total number of alert days.
- B. Amend Section X 1301, 1304, 1310 to:
 - 1. Establish a high impact area for slash burning (Zone M).

MARCH 14, 1990 (continued)

2. Prohibit slash burning from December 1 through February 28.
3. Require permits for major open burning sources when the smoke management unit is not in operation.

IV. APPROVALS

- A. March 5, 1990 APCB approved regulation changes and the Missoula Area PM-10 Attainment Plan.
- B. March 8, 1990 AQB approved the regulation changes.

V. REQUESTS

- A. Exemption requested for I-90 from State Highway Department (not granted by APCB).
- B. Variance requested by County Road Department to use up existing supply of sanding materials.
- C. Since contribute <5% of sanding material emissions, MCCHD will support request.
- D. MCCHD requests the BCC to approve the regulation changes and approve the Missoula Area PM-10 Attainment Plan.

Ann Mary Dussault moved and Janet Stevens seconded the motion to adopt the resolution amending the Missoula City-County Air Pollution Control Program Section X 1301, 1304, 1310, 1410, and 1440 (6). The motion carried on a vote of 2-0.

RESOLUTION 90-024.

The Commissioners then signed Resolution No. 90-024, a resolution amending the Missoula City-County Air Pollution Control Program Section X 1301, 1304, 1310, 1410, and 1440 (6).

Ann Mary Dussault moved and Janet Stevens seconded the motion to adopt a resolution approving the Missoula Area PM-10 Attainment Plan. The motion carried on a vote of 2-0.

RESOLUTION 90-025.

The Commissioners then signed Resolution No. 90-025, a resolution approving the Missoula Area PM-10 Attainment Plan.

HEARING: REQUEST TO VACATE A PORTION OF McDOWELL DRIVE.

Janet Stevens said that this is a petition to vacate a portion of McDowell drive, located in Section 18, Township 13 North, Range 18 West, P.M.M. - a portion of Marshall Canyon Homesites.

The reasons for this request are as follows: "When Marshall Canyon Homesites was originally platted, for some unknown reason McDowell Drive was not platted fully from U.S. Highway 10 to the lots within the subdivision, although the road was constructed and has been utilized since that time. Although this right of way is not granted to the County for its full length, Missoula has assumed responsibility for its maintenance. As part of a Certificate of Survey proposed to be filed, the undedicated portion of this right of way will be granted to Missoula County. However, two small portions of the existing right of way that do not fit the existing road must be vacated. The lands and owners thereof affected by this vacation are: John T. & Virginia G. Browne, 2500 McDowell Dr., Missoula, MT 59802; James L. & Agnes B. Nielson, 2570 McDowell Dr., Missoula, MT 59802; Wendell P. & Dorothy M. Wisherd, Rt 4 Marshall Grade, Missoula, MT 59802; Raymond T. & Cherryl R. Kohler, Rt 4 Marshall Grade, Missoula, MT 59802; Martin J & Dale M. Briggeman, 2250 McDowell, Missoula, MT 59802; Phillip & Simone A. Weiler, 2555 McDowell, Missoula, MT

MARCH 14, 1990 (continued)

59802; Charlene McCoy, 2220 McDowell Dr., Missoula, MT 59802; and Gwendolyn B. Thibodeau, 5350 Highway 200 East, Missoula, MT 59802.

Dick Ainsworth, PCI, said he is representing the petitioners on McDowell Drive. He said the dedicated part of McDowell does not follow the travelled way. Dr. Browne is willing to give the additional right of way on the piece of road that was never dedicated to the County, and to try to straighten out the right of way, we want to vacate a couple of little odd-ball pieces of the existing right of way and then we'll dedicate the other piece and will all end up being County right of way. But to get there, we need to vacate these couple little odd-ball pieces to that's why we're here. All of the people who live on the road have signed the petition and I'm not aware of anyone opposed to it.

Janet Stevens explained that a Commissioner and the County Surveyor would have to visit the site, so final decision has been postponed until March 28, 1990.

HEARING: FAMILY TRANSFER AND OCCASIONAL SALE, CERTIFICATE OF SURVEY REVIEW, PRICE.

Mike Sehestedt, Deputy County Attorney, explained that Russell and Normal Price have filed two exemption affidavits. They propose creating three parcels on the same survey by use of an occasional sale and a family transfer. They will retain the third parcel which contains their family home. The family transfer will be to their son, Kevin Price, who intends to build a home there for himself and his family. The third parcel would be sold, using the occasional sale exemption. There has been considerable activity using exemptions in this area by these claimants in the last fifteen years. Mr. Price has attached a letter to the affidavits detailing the reasons for some of the transfers. Mike said he did not have a recommendation because he felt it requires further explanation of the underlying facts.

Dick Ainsworth, PCI, gave a brief overview of the history of this property since Mr. Price originally purchased it. He then introduced Mr. Price.

Russ Price explained the history of his ownership of this property and explained each of his exemptions. He said he originally bought the place in 1974, and there were 133 acres at that time. He is now down to under 14 acres, of which he would like to transfer 5.8 acres to his son Kevin through a family transfer exemption, sell 2.7 acres through an occasional sale exemption, and keep 4.8 acres with the family house.

Ann Mary Dussault moved and Janet Stevens seconded the motion to grant the request of Russell and Norma Price for a family transfer exemption and occasional sale exemption. The motion carried on a vote of 2-0.

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

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MARCH 15, 1990

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

MARCH 15, 1990 (continued)

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the Plat for Target Range Gardens, Phase Three, a subdivision of a portion of Lot 4, Rowe Acres, located in the SE 1/4, SW 1/4 of Section 25, T. 13 N., R. 20 W., PMM, Missoula County, a gross area of 4.32 acres. with the owner and developer being John H. Diddel, and cash in lieu of parkland was received by the County Treasurer in the amount of \$3,333.89.

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit agreeing to permit Thomas C. and Evelyn M. Frame of 15105 Mill Creek Road in Frenchtown to encroach upon a portion of County right-of-way being along the Northwesterly boundary of Certificate of Survey No. 283 and adjacent to Certificate of Survey No. 1742 parcel 2A and 2B in Section 35, T. 15 N., R. 21 W., known as Mill Creek Road; the encroachment shall be limited to the existing fence and effective for a period not to exceed ten years, renewable at the option of Missoula County, as per the terms set forth in the Permit.

Other items included:

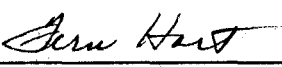
- 1) the Commissioners agreed to purchase the Caddy Shack at Larchmont Golf Course (building, equipment, and contract rights) from Bob Schuyler, the Manager at the Golf Course, should he be able to purchase it from the Stellings, who currently have the contract, with the maximum amount authorized being \$32,500.00; and
- 2) the Commissioners reappointed Cass Chinske, Jim Van Fossen, Ann Mary Dussault and Mike Anderson to three-year terms on the Larchmont Golf Course Board of Directors, with the new term commencing on April 1, 1990.

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

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MARCH 16, 1990

The Board of County Commissioners did not meet in regular session; all three members left for Washington, D.C. where they will attend the NACo Legislative Conference March 17th through March 20th.


Fern Hart, Clerk & Recorder


Janet Stevens, Chairman

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MARCH 19 & 20, 1990

The Board of County Commissioners did not meet in regular session as all three Commissioners were attending the NACo Legislative

MARCH 19 & 20, 1990 (continued)

Conference in Washington, D.C., with Commissioners Dussault and Stevens returning to Missoula late in the evening on the 20th.

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MARCH 21, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was enroute back to Missoula from Washington, D.C.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated March 21, 1990, pages 9-36, with a grand total of \$64,509.97. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheets

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

- 1) #4 (2/04/90-2/17/90), with a total Missoula County Payroll of \$329,081.13; and
- 2) #5 (2/18/90-3/03/90), with a total Missoula County Payroll of \$329,681.78.

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

Park Board Resolution No. 5

The Board of County Commissioners signed Resolution No. 5, a Resolution of the Missoula County Park Board, dated March 8, 1990, adopting the following amendment to their bylaws:

"Article VI.A.1. shall be amended to read: "The Board shall be composed of the Commissioners and six other persons appointed by the Commissioners. MCA 7-16-2302. In addition, the Commissioners will appoint three alternate members."

Other items included:

The Commissioners approved the donation of the Soviet items received to the Historical Museum at Fort Missoula.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners were presenting each employee with a special mug on the anniversary of their date of hire. This mug is in appreciation for their service to the County. Those employees receiving mugs today were Brant Goode,

MARCH 21, 1990 (continued)

Health, 1 year; Alice Rickett, Health, 4 years; Loretta Willoughby, 9-1-1, 7 years; and Cindy Wulfekuhle, Rural Planning, 14 years.

HEARING: REQUEST TO VACATE 60' PORTION OF COUNTY ROAD LOCATED IN SECTIONS 28 & 29, T14N, R20W

Janet Stevens said that this is a request to vacate a portion of an unnamed and unbuilt road located in Section 28, Township 14 North, Range 20 West, from Deschamps Lane to Missoula Industrial Park and further described as a portion of that 60 foot county road petitioned in Commissioners Journal Book "E", Pages 283 and 323, more particularly described as 30 feet each side of the following described line: beginning at a point 60 feet more or less east of the 1/4 corner common to sections 27 and 28, T14N, R20W, PMM; that point being on the easterly right-of-way of Deschamps Lane thence easterly along the midsection line of Section 28, a distance of 2730.76 feet more or less to the westerly boundary of Missoula Industrial Park, a recorded subdivision of Missoula County, Montana and the terminus of this vacation; the side limits of this vacation are lengthened or shortened to intersect the easterly right-of-way of Section 28 and the westerly boundary of Missoula Industrial Park. The reason for this request is as follows: It is unbuilt and undesirable as a location for a collector of commercial traffic to bypass through a residentially zoned area." The lands and owners thereof affected by this vacation are:

Thornton Lumber Company, 640 Beverly, Missoula, MT 59801; Missoula County, Right of Way Dept, 200 W. Broadway, Missoula, MT 59802; and Pat Haffner, PO Box 4192, Missoula, MT 59806.

Horace Brown, County Surveyor, said the legal description of this property is not correct on the request. The property is located in Section 28, as described, but the 1/4 corner common to sections 27 and 28 should read the 1/4 corner common to sections 28 and 29. This is just a correction of the point of beginning in the description of the property.

Mike Sehestedt, Deputy County Attorney, said this does not invalidate the petition because there was also a map attached to the petition which clearly outlines the described property. Also, this is a 60' wide, 2730.76' long portion of a County road.

Janet Stevens opened the Public Hearing and asked for comments.

Nick Kaufman, Sorenson and Company, said the existence of this road was unknown until they did a retracement survey for the old Thornton Lumber Company property and the County Surveyor's office pointed out that the road was in existence in the Commissioners Journal and suggested they might want to consider vacating it. The road goes from Deschamps Lane at a point south of Go-West Drive In Theater east towards Missoula Industrial Park. This road has never been built, it doesn't serve anything, and if you look at the old journals, a road was built to the west of this, he thinks it's called Moccasin Lane. But this road has never been built, it doesn't fit into the master plan for the development of the property, and they would just as soon get it vacated.

Horace Brown said this unbuilt road is located in a plowed field.

Janet Stevens closed the public hearing, as there were no further comments. The County Surveyor and one Commissioner will view the proposed vacation site and a decision will be made at the Public Meeting on Wednesday, March 28, 1990.

MARCH 21, 1990 (continued)

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

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MARCH 22, 1990

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left late in the forenoon for Helena to attend a Motor Vehicles meeting.

DAILY ADMINISTRATIVE MEETING

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

Memorandum of Understanding

The Board of County Commissioners signed a Memorandum of Understanding among the Missoula Trails Project Cosponsors, the Five Valleys Audubon Society, the Lolo National Forest, the Missoula Chamber of Commerce/Convention & Visitor Bureau, and Missoula County, for the purpose of carrying out the Missoula Trails Project, a cooperative community project with the objectives of increasing public awareness of the outstanding multi-purpose trail opportunities in and near Missoula and enhancing local trail opportunities and user experiences, as per the terms set forth. The Memorandum was returned to Amy Eaton in the Rural Planning Office for further signatures and handling.

Resolution No. 90-026

The Board of County Commissioners signed Resolution No. 90-026, Sale of Tax Deed Property - 1990, setting the sale date for disposing of certain tracts of land (described on the list attached to the Resolution) acquired by tax deed on November 17, 1989, and March 16, 1990, so that said lands may again be placed on the assessment rolls, with the sale to be held on April 4, 1990, at 1:30 p.m.

Other items included:

The Commissioners approved a payment schedule submitted by Bev Hiday, County Real Estate Supervisor in the Treasurer's Office, for the payment of Robert L. and Cheryl K. Garrick's belated tax bills for their home and improvements (SUID #05813032).

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

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MARCH 23, 1990

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

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairman

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MARCH 26, 1990

The Board of County Commissioners met in regular session; all three members were present in the afternoon. Commissioner Dussault was in Helena until noon attending a meeting of the MT Tax Reform Coalition Executive Committee.

DAILY ADMINISTRATIVE MEETING

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

Replacement Bonds

Chairman Stevens signed the following replacement bonds, which have been transferred to the Depository Trust Company (Cede & Co.):

- 1) Bond # 6 & 7 for the Missoula Community Hospital Project Special Revenue Bond, Series 1975; and
- 2) Bond # 16 & 17 for the Missoula Community Hospital Project Series 1978.

The new bonds were returned to Sue O'Neil at 1st Interstate Bank for further handling.

Other items included:

- 1) the Commissioners approved a request from Wendy Cromwell, Elections Supervisor, that the County pay for the tickets to the RSVP Awards Banquet on April 26th for the 26 volunteers who worked on the County's fair bond mail ballot election, a total bill of \$182.00; and
- 2) a request from Cindy Wulfekuhle of the CDBG Office to permit the expenditure of Block Grant funds to allow Jamie Loran, a Poverello Center Board of Directors member, to attend a Transitional Housing Seminar in Salt Lake City on March 29th was approved by the Commissioners.

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

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MARCH 27, 1990

The Board of County Commissioners met in regular session; all three members were present. In the forenoon, Commissioner Stevens attended a meeting of the Clark Fork Coordinating Forum which was held at the Missoula County Courthouse.

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 Paula King, an independent contractor, for the purpose of providing professional nursing services as required to persons incarcerated in the Missoula County Jail, as per the terms set forth, for the period from March 12, 1990, through June 30, 1990, with compensation not to exceed \$12.50 per hour (two hour minimum).

MARCH 27, 1990 (continued)

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

Site Inspections

Commissioner Dussault accompanied County Surveyor Horace Brown for site inspections on the requests to vacate McDowell Drive and a 60' portion of County Road located in Sections 27 & 28, T. 14 N., R. 20 W.

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MARCH 28, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-027

The Board of County Commissioners signed Resolution No. 90-027, a resolution accepting an easement from Janet J. Marten for public road and all other public purposes as shown on Parcel 1-A of Certificate of Survey No. 3770 and known as El Toro Lane, located in a portion of the NW 1/4 of Section 15 and E 1/2 of Section 16, T. 14 N., R. 20 W., PMM, Missoula County.

Addendum to Lease

The Board of County Commissioners signed an Addendum to the Lease between Missoula County and Mount Jumbo Little League, dated May 12, 1980, for a tract of land located in the NW 1/4 of Section 8, T. 13 N., R. 19 W., amending the lease by renewing it for a period of one year; however, the lease will be canceled by the County effective March 31, 1991, requiring the Lessee to vacate and turn over possession of the property by no later than September 30, 1991. The Addendum was returned to Jim Dopp, Operations Officer, for further signatures and handling.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving special mugs to County employees on the anniversary of their date of hire. These mugs are to thank them and to show their appreciation to each employee. Those employees receiving mugs today were Tom Corrigan, Sheriff, 11 years; Fred Crisp, Surveyors, 18 years; Richard Eggett, Sheriff, 1 year; Linda Mees, Auditor, 1 year; Suzanne Speiser, Motor Vehicles, 1 year; Lisa Weyers, 9-1-1, 1 year; and Nora LaPointe, Auditor, 9 years.

MARCH 28, 1990 (continued)

BID AWARD: TRAFFIC LINE PAINT (SURVEYOR)

Janet Stevens explained that this bid award is for traffic line paint. Bids were opened Monday, March 26, 1990 at 10:00 a.m. with the following results:

1. Diamond Vogel Paints - No bid
2. Pacemaker Industries - No bid
3. Norris Paint Company - \$22,426.00
plus 3% out of state - \$23,098.78
4. Centerline - No bid
5. Columbia Paint - \$21,326.00
6. Sahlberg Construction - No bid

Staff recommends the bid be awarded to Columbia Paint. We budgeted \$30,000 for traffic line paint of which \$1729 has been spent, leaving \$28,271. Therefore, there is plenty of money to cover this \$21,326.00.

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the bid for traffic line paint to Columbia Paint in the amount of \$21,326.00. The motion carried on a vote of 3-0.

DECISION ON ROAD VACATION: McDOWELL DRIVE

Janet Stevens said that this is a petition to vacate a portion of McDowell drive, located in Section 18, Township 13 North, Range 18 West, P.M.M. - a portion of Marshall Canyon Homesites.

The reasons for this request are as follows: "When Marshall Canyon Homesites was originally platted, for some unknown reason McDowell Drive was not platted fully from U.S. Highway 10 to the lots within the subdivision, although the road was constructed and has been utilized since that time. Although this right of way is not granted to the County for its full length, Missoula has assumed responsibility for its maintenance. As part of a Certificate of Survey proposed to be filed, the undedicated portion of this right of way will be granted to Missoula County. However, two small portions of the existing right of way that do not fit the existing road must be vacated. The lands and owners thereof affected by this vacation are: John T. & Virginia G. Browne, 2500 McDowell Dr., Missoula, MT 59802; James L. & Agnes B. Nielson, 2570 McDowell Dr., Missoula, MT 59802; Wendell P. & Dorothy M. Wisherd, Rt 4 Marshall Grade, Missoula, MT 59802; Raymond T. & Cherryl R. Kohler, Rt 4 Marshall Grade, Missoula, MT 59802; Martin J & Dale M. Briggeman, 2250 McDowell, Missoula, MT 59802; Phillip & Simone A. Weiler, 2555 McDowell, Missoula, MT 59802; Charlene McCoy, 2220 McDowell Dr., Missoula, MT 59802; and Gwendolyn B. Thibodeau, 5350 Highway 200 East, Missoula, MT 59802.

This request for vacation was first presented to the Board of County Commissioners at their Public Meeting on March 14, 1990. The site was inspected on March 27, 1990, by Commissioner Ann Mary Dussault and County Surveyor Horace Brown.

Ann Mary Dussault moved and Barbara Evans seconded the motion to vacate a portion of McDowell Drive located in Section 18, Township 13 North, Range 18 West, PMM, a portion of Marshall Canyon Homesites, and to take a deed for the portion being given to the County. The motion carried on a vote of 3-0.

DECISION ON ROAD VACATION: SIXTY-FOOT PORTION OF UNNAMED AND UNBUILT COUNTY ROAD BETWEEN DESCHAMPS LANE AND MISSOULA INDUSTRIAL PARK SUBDIVISION

MARCH 28, 1990 (continued)

Janet Stevens said that this is a request to vacate a portion of an unnamed and unbuilt road located in Section 28, Township 14 North, Range 20 West, from Deschamps Lane to Missoula Industrial Park and further described as a portion of that 60 foot county road petitioned in Commissioners Journal Book "E", Pages 283 and 323, more particularly described as 30 feet each side of the following described line: beginning at a point 60 feet more or less east of the 1/4 corner common to sections 28 and 29, T14N, R20W, PMM; that point being on the easterly right-of-way of Deschamps Lane thence easterly along the midsection line of Section 28, a distance of 2730.76 feet more or less to the westerly boundary of Missoula Industrial Park, a recorded subdivision of Missoula County, Montana and the terminus of this vacation; the side limits of this vacation are lengthened or shortened to intersect the easterly right-of-way of Section 28 and the westerly boundary of Missoula Industrial Park. The reason for this request is as follows: It is unbuilt and undesirable as a location for a collector of commercial traffic to bypass through a residentially zoned area." The lands and owners thereof affected by this vacation are:

Thornton Lumber Company, 640 Beverly, Missoula, MT 59801; Missoula County, Right of Way Dept, 200 W. Broadway, Missoula, MT 59802; and Pat Haffner, PO Box 4192, Missoula, MT 59806.

This request for vacation was first presented to the Board of County Commissioners at their public meeting on March 21, 1990, and the site was inspected on March 27, 1990, by Commissioner Ann Mary Dussault and County Surveyor Horace Brown.

Ann Mary Dussault moved and Barbara Evans seconded the motion to vacate a 60' portion of the unnamed and unbuilt County Road between Deschamps Lane and Missoula Industrial Park Subdivision. The motion carried on a vote of 3-0.

CONSIDERATION OF SNIDER ADDITION - SUMMARY PLAT

Barb Martens, Office of Community Development, explained that Snider addition is a proposed four single-family lot subdivision. The total acreage is 4,688 acres and it is located just north of North Avenue and east of Clements Road. North Avenue from Clements Road east is a County maintained roadway, although it is unpaved and dead-ends. North Avenue is the off-site road which will serve this subdivision. Since the off-site access road (North Avenue) which will serve this subdivision is unpaved and is greater than 500' from a paved roadway, the developer will not be required to pave North Avenue up to the access point. Instead, the purchasers of the lots within this subdivision will waive their right to protest a future RSID to pave North Avenue.

Staff recommends that Snider Addition be approved subject to the following conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. An approach permit shall be granted for any access points onto North Avenue. When the approach permit is applied for the private roadway, the County Surveyor shall approve grading, drainage, culvert and street plans at this time.
3. Cash-in-lieu of parkland shall be dedicated to the County and the amount shown on the face of the plat.
4. The developer shall revise the statement on the plat to state that acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future RSID for paving North Avenue and may be used in lieu of their signatures on an RSID petition. (Presently the

MARCH 28, 1990 (continued)

- statement omits inclusion of Lots 1 & 2.) This statement shall also be included in the deed for each lot.
5. The lots shall be renamed Lots 55A, 55B, 55C, and 55D on the face of the plat.
 6. The developer shall show the adjacent lot directly to the east on the face of the plat, to comply with the requirements for use of the exemption to relocate the common boundary line.
 7. The developer shall form a Homeowner's Association and provide a copy of the Article of Incorporation and By-laws with the proof of filing with the Secretary of State.
 8. The developer shall provide easements for the irrigation ditch on the face of the plat, at locations approved by the Missoula Irrigation District.
 9. The developer shall name the private drive subject to approval by the County Surveyor. The sign shall be installed by the developer.
 10. The developer shall place on the face of the plat and in the deed for each lot, to inform potential lot purchasers, the two conditions attached to the paving variance request.
 11. The developer shall place a one foot (1') no access strip on the face of the plat along North Avenue on Lot 3 and Lot 4 with the exception of the existing access on Lot 4.
 12. A statement shall be placed on the face of the plat and in the deed for each lot that driveway approaches shall be paved for a length of at least 20 feet when the private drive is paved.

Staff also recommend that the following variances be granted, subject to the following conditions:

1. From the paving requirement for the private roadway. The developer is proposing a 24' wide gravel surface with a 35' graveled cul-de-sac turning radius which would meet County gravel standards and would be installed within the two-year timeline as allowed by the subdivision regulations.

The staff recommends that this variance be granted subject to the following conditions:

1. The interior roadway shall be paved at the time North Avenue is paved, or
 2. The interior roadway shall be paved at the time Lots 1, 2, and 3 are developed, whichever comes first.
2. From the criterion requiring county-owned off-site access roads to meet County standards before granting a paving variance. The reason for granting this variance is that the road is substandard only due to the absence of paving and this subdivision is required to share in the cost of upgrading North Avenue through waiver of a right to protest an RSID.

Ann Mary Dussault moved and Barbara Evans seconded the motion that the summary plat of Snider Addition be approved subject to the conditions set forth in the staff report less condition #7. The motion carried on a vote of 3-0.

Ann Mary Dussault moved and Barbara Evans seconded the motion that the two variances be granted subject to the conditions set forth in the staff report as well as the following three additional conditions: (1) internal roadway be dedicated to the County; (2) statement on face of plat that roadway to be paved and brought to County standards when subitem #1 OR #2 is met; (3) waiver of protest for RSID paving to be placed on face of plat. Motion carried on a vote of 3-0.

MARCH 28, 1990 (continued)

CONSIDERATION OF RIDNOUR ADDITON NO. 1 - SUMMARY PLAT

Barb Martens, Office of Community Development, explained that Ridnour Additon No. 1 consists of two single-family residential lots located east of Curtis Street and south of River Road. The total area is 1.697 acres. No common area is required as only one additional lot is being created. The Office of Community Development staff recommends that Ridnour Addition No. 1 be approved subject to the following conditions:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. A variance to the set back requirement for the C-RR3 zoning district be granted by the County Board of Adjustment prior to filing the plat.
3. Driveway approaches shall be paved a minimum of twenty feet back from the roadway. The unpaved portion shall consist of a gravel surface which is well drained.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant approval for the summary plat of Ridnour Addition No. 1 subject to findings of fact and staff recommendation. Motion carried on a vote of 3-0.

HEARING: CLARK FORK ESTATES PHASE III - PRELIMINARY PLAT

Barb Martens, Office of Community Development, explained that this is a proposed twenty lot single-family subdivision on 24.11 acres. The subdivision is located south of Mullan Road and Phase I of Clark Fork Estates, west of Mullan Estates and just east of Golden West. A 7.2 acre park adjacent to the Clark Fork River was dedicated to Fish, Wildlife and Parks with the platting of Phase I. The Office of Community Development staff recommends that Clark Fork Estates Phase III be approved subject to the following conditions:

1. Sanitary restrictions be lifted by State and local health authorities.
2. Grading, drainage, erosion control and street plans shall be approved by the County Surveyor's Office.
3. The covenants shall require that driveway approaches be paved for a length of at least twenty feet when Homestead Drive or Frey Lane is paved.
4. A twenty foot pedestrian access easement shall be provided to the 7.2 acre river front park.
5. The developer shall provide easements for utilities in the appropriate areas.
6. If soil problems exist on any lots which will require specific design standards, the developer shall inform the potential lot buyer.

Further, the Missoula Consolidated Planning Board recommends that this subdivision be found in the public interest, based on the Findings of Fact as stated in the staff report.

Ann Mary Dussault asked what item number 6 was all about.

Andy Fisher of Eli and Associates said Phase I had problems with clay in the soil, and this item would address any problems relating to that if the same situation was found in Phase III.

Janet Stevens opened the public hearing and asked for comments.

Coleen Dowdall of Worden, Thane and Haines said she is representing the Freys in this matter. She said she had a problem with items 3 and 4. In regard to item #3, she said they would prefer to have the driveways paved at the time the access

MARCH 28, 1990 (continued)

permits are obtained because they won't exist until that time. In regard to item #4, she wondered who would maintain this access to the park if it is built. She presented the Board with several photographs of the area, including where an access strip to the park would be. If this access crossed the remainder of the ranch, there would be a possible people/livestock confrontation. Also, the area is not suitable for a child to traverse unless accompanied by an adult because of rough terrain and the crossing of a ditch.

Terry Hope said his property adjoins the proposed Phase III and that he wasn't opposed to it but wanted to clear the air on several items including (1) zoning changes in regard to livestock; (2) impact on school system (Hellgate Elementary); (3) water and sewer; and (4) more traffic on the dirt road to the river front park - could it be oiled? Could a gate be put up that would only be open certain hours? All his questions were answered - (1) no zoning changes in regard to livestock; (2) subdivision regulations specify notifying local schools for comments, none received from Hellgate Elementary; (3) individual wells reviewed and approved by the Health Department; and (4) the park was dedicated to the Department of Fish, Wildlife and Parks with the platting of Phase I. As such, this Department would be the appropriate agency to contact concerning the issues he had raised.

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

Ann Mary Dussault asked for some background on what had occurred in 1980 in regard to this park.

Barbara Evans said that they recognized the advantages of having that parcel as a benefit to the whole community, but there was no funding to maintain it and it was to be left in its natural state as part of the river corridor. It was dedicated to the Department of Fish, Wildlife and Parks for the use of the entire community. All lots in the proposed Clark Fork Estates subdivision were one acre or more in size; therefore, there would be plenty of room for children to play without the benefit of a developed parkland in the subdivision. Access to the park is through a right-of-way on the adjoining property. This is open to the public at all times with no gate or fence barring the public.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the Preliminary Plat of Clark Fork Estates Phase III based on the findings of fact from the staff and their recommendations with the following conditions: 1. Sanitary restrictions be lifted by State and local health authorities. 2. Grading, drainage, erosion control and street plans shall be approved by the County Surveyor's Office. 3. The covenants shall require that driveway approaches be paved for a length of at least twenty feet at the time access permits are obtained. 4. The developer shall provide easements for utilities in the appropriate areas. 5. If soil problems exist on any lots which will require specific design standards, the developer shall inform the potential lot buyer. The motion carried on a vote of 3-0.

HEARING: REQUEST FOR ROAD CLOSURE IN GLENEAGLE SUBDIVISION

Horace Brown, County Surveyor, explained that this is a request to close a paved road on the east side of the Grant Creek Valley which provides access to Gleneagle Subdivision. This closure is requested by the Friends of Grant Creek, Inc., to protect the health, welfare and safety of the area and its residents until

MARCH 28, 1990 (continued)

such a time that the subdivision is built. He said that it would be in the public interest to close this road until there are buildings on the property, when there would be someone to take care of what is going on up there. There currently is dumping, 4-wheel drive activity, fires in the summer, and similar problems.

Janet Stevens read the following letter from Steve Jackson, who was unable to attend the hearing but asked that his letter be included in the minutes of the meeting: Dated March 28, 1990; address to all Commissioners; We support the closing of the Gleneagle road. It seems to be a nuisance to maintain, police and to the wildlife. There are off road ruts being created by 4 wheelers going wherever they please. Thank you for your consideration in this matter. (Signed) Steve Jackson, Friends of Grant Creek, 9020 Pickering, Missoula, 59802.

Bill Otten, County Weed Department, also sent a letter in support of this closure.

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

Ann Mary Dussault moved and Barbara Evans seconded the motion to close the paved road on the east side of the Grant Creek Valley which provides access to Gleneagle Subdivision. The motion carried on a vote of 3-0.

HEARING: COS REVIEW - REVOCATION OF AGRICULTURAL EXEMPTION - DELK

Janet Stevens said this is a request by David Delk, Sr., to revoke the agricultural exemption on COS 3155.

David Delk, Sr. said that this COS was filed on February 19, 1985. At that time the property was owned by Eugene and Delores Ball. Eugene Ball sold the parcel to Dorothy Isenhower, Mr. Delk's sister. Mr. Delk purchased the property from his sister in October 1988. Mr. Delk wishes to lease the property to a man who wishes to put in a truck garden on an acre and three-quarters of the two-acre parcel. He also wishes to build a house or put in a trailer on the remaining parcel. Mr. Delk said that he would retain ownership of the property.

Barbara Evans moved and Ann Mary Dussault seconded the motion to revoke the agricultural exemption on Certificate of Survey #3155. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 3:15 p.m.

Reception and Meeting

In the evening, Commissioner Stevens attended a reception and dinner for the Japanese Consul held at the Depot; and Commissioner Evans attended a Maclay Bridge Committee Meeting at the Courthouse.

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MARCH 29, 1990

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

MARCH 29, 1990 (continued)Audit List

The Board of County Commissioners signed the Audit List, dated March 29, 1990, pages 9-35, with a grand total of \$136,164.91. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chairman Stevens signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of gathering information necessary to define and control the spread of communicable diseases among intravenous drug users, as per the terms set forth, for a total amount of \$15,000.00, and is to be completed by December 31, 1990. The Agreement was forwarded to DHES in Helena.

Resolution No. 90-028

The Board of County Commissioners signed a Joint City-County Resolution (County Resolution No. 90-028) proclaiming the month of April as "Missoula's Celebration of the Earth - Month of Environmental Awareness and Renewal" and encourage all residents of Missoula County to participate in these activities.

Budget Transfers

The Board of County Commissioners approved and signed the following Budget Transfers and adopted them as part of the FY'90 budget:

- 1) No. 900038, a request from Youth Court to transfer \$1,760 from the Capital account to the Transcripts (\$160) and Office Equipment Rental (\$1,600) accounts as the Board of Crime Control approved rental of a computer rather than a purchase of one; and
- 2) No. 900039, a request from the Medical Insurance Department to transfer \$918 from the Health Incentive Program account to the Capital/Office Equipment account for the purchase of a desk unit for the medical insurance technician to match the desk unit of the other medical insurance technician.

INTERCAP Closing Documents

Chairman Stevens signed the Closing Documents between Missoula County and the Montana State Board of Investments, relating to the County's participation in the Intermediate Term Capital Program of the Board of Investments for the purchase of motor pool cars, as per the terms set forth. The documents were returned to John DeVore, Administrative Officer, for further handling.

Other items included:

The Commissioners approved payment of the membership dues to the Chamber for the upcoming year.

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

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MARCH 30, 1990

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

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Janet F. Black as principal for warrant #092585, dated March 9, 1990, on the School District #1 Payroll Fund in the amount of \$14.78 now unable to be found.

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairman

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APRIL 2, 1990

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

Welfare Advisory Board

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

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Marcia Howard as principal for warrant #167974, dated March 9, 1990, on the Missoula County Health Fund in the amount of \$169.20 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-030

The Board of County Commissioners signed Resolution No. 90-030, a resolution to vacate a portion of McDowell Drive located in the NW 1/4 of Section 18, T. 13 N., R. 18 W., PMM.

Resolution No. 90-031

The Board of County Commissioners signed Resolution No. 90-031, a resolution to vacate a portion of an unnamed and unbuilt road described as being located in Section 28, T. 14 N., R. 20 W., PMM; from Deschamps Lane to Missoula Industrial Park and further described as a portion of that 60 foot County Road petitioned in Commissioners Journal Book "E", pages 283 and 323.

Amendment to Plan Document

The Board of County Commissioners signed an Amendment to the Missoula County Comprehensive Medical Benefit Plan Document for the purpose of providing for the payment of vision care benefits to covered employees and their eligible dependents, as per the items set forth in the Amendment, and shall be effective July 1, 1990, with the benefits provided under this section being separate and distinct from the Major Medical, Hospital, Surgical, and Supplemental Accident Benefit sections of the Plan, but subject to all other terms, conditions, and provisions of the Plan.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between the Missoula County Comprehensive Medical Benefits Plan and the Rocky Mountain Eye Center, an independent contractor, for the purpose of providing vision care for Plan Members as specified in the Contractor Proposal of January 15, 1990, as per the terms set forth, beginning on July 1, 1990, with the total payment for services not to exceed the amounts specified in the proposal of January 15, 1990.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Robert Parker, the owner of Lots 19C, 19G, 19H, 19I, and 19J of Cobban and Dinsmore Orchard Homes amended Lot 19, a platted subdivision of Missoula County, and taken by the County as tax deed property; whereby the County is willing to

APRIL 2, 1990 (continued)

allow the Taxpayer to exercise his right of preferential repurchase through an installment contract and not offer the property to the public for sale at the auction of tax deed property on April 4, 1990, provided the Taxpayer pays in full the accumulated taxes, assessments, penalty and interest due and owing on the property by May 4, 1990, or enters into an installment repurchase contract on each lot and pay the County 20% of the total owing on the property at the time tax deed was taken by the County. The Agreement was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Grant Application

Chairman Stevens signed the MAC Grant Application form for the Missoula Cultural Commission Planning Committee for the Fabric of Missoula - Phase II project, requesting a grant amount of \$3,000.00, with a starting dated of July 1, 1990, and ending November 30, 1990, as per the terms set forth in the application.

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

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APRIL 3, 1990

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 2, 1990, pages 9-36, with a grand total of \$865,838.14. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-029

The Board of County Commissioners signed Resolution No. 90-029, a resolution in support of the Grounded Eagle Foundation and the Foundation's establishment of a nature center in the Swan Valley.

Contract Documents - Repurchase of Tax Deed Property

The Board of County Commissioners signed a Contract for Preferential Repurchase of Tax Deed Property, a Notice of Contract to Purchase Property, together with a Quit Claim Deed, which is to be delivered to the Buyers upon payment in full of the purchase price, between Missoula County and James M. Shea, John P. Shea, and Dennis B. Shea, for the repurchase of property described as Residence, Block 3, Lots 10 and 11, Missoula County, Montana (SUID #2061702), as per the terms set forth, for an amount totaling \$10,846.54, to be paid as per the payment schedule set forth in the contract.

Other items included:

- 1) the Commissioners appointed Sam Moore to fill the vacancy on the Seeley Lake Rural Fire District until the School Election on April 2, 1991, at which time the residents within the boundaries of the Fire District will elect the Board of Trustees; and

APRIL 3, 1990 (continued)

- 2) the Commissioners appointed John DeVore, Administrative Officer, to be their representative on the Road Implementation Committee.

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

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APRIL 4, 1990

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

Monthly Report

Chairman Stevens examined, approved and ordered filed the Monthly Report of the Clerk of the District Court, showing fees and collections made in Missoula County for month ending March 23, 1990.

DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement to Enter Into Repurchase Contract between Missoula County and Evelyn Forest for the purpose of repurchasing property taken by tax deed described as the E 22' of Lot 15, W 8' of Lot 16, Block 11, CP Higgins Addition, a platted subdivision of Missoula County, as per the terms set forth in the Agreement.

Tax Deed Contract Documents - Tax Deed Property

The Board of County Commissioners signed the Contract Documents for repurchase of tax deed property between Missoula County and the following, with the quit claim deeds escrowed with the County Treasurer and to be delivered to the Buyer upon payment in full of the purchase price:

- 1) Elaine P. Custer (SUID No. 5857318);
- 2) John A. Duncan (SUID No. 0528203);
- 3) John A. Duncan (SUID No. 0528607);
- 4) John A. Duncan (SUID No. 0528905);
- 5) John A. Duncan (SUID No. 0528809);
- 6) Keith Nichols (SUID No. 2105570); and
- 7) Walter C. & Shirley Christensen (SUID No. 0331308).

Other items included:

- 1) the Commissioners signed approval of a change in the policy for the requirement of acquisition sheets, i.e. that acquisition sheets be required for all fixed asset purchases between \$100 and \$499; and
- 2) the Commissioners approved a \$100 sponsorship for the Clark Fork River Symposium to be held on April 20, 1990.

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

APRIL 4, 1990 (continued)

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Jay Hoover, Road, 5 years; John Locke, Public Defender, 4 years; Sally Miller, 9-1-1, 5 years; Brenda Owens, District Court, 5 years; Linda Knaggs, Health, 4 years; Leasha Beier, Clerk of Court, 1 year; Carolyn Wheeler, Clerk of Court, 1 year; Kim King, Clerk of Court, 7 years; Kade Breuer, Clerk of Court, 9 years; Marci Jacobsen, District Court, 1 year; Jerry Smith, General Services, 17 years; Sylvia Lade, Library, 18 years.

Barbara Evans explained that the Missoula County Employees Council sponsors a "You're Great" award. Each employee gets to give one "You're Great" award per year to a fellow employee. It's to say thank you for your work in the County and for making the Missoula County workplace a little better. Barbara said she was presenting her "You're Great" award today to Rob Micken, the new supervisor of the Animal Control Program. She added that the entire department (Animal Control) could be the recipient of the award because they do a great job under a great deal of stress, and she just wanted to say thank you to all of them.

HEARING: PETITION TO CREATE "MOUTH OF PETTY CREEK" FIRE DISTRICT

Steve Franklin said that the petition to create this fire district was signed by more than 50% of the owners of the privately owned land in the area, and that it represented 50% of the acreage in the designated area. He said they have to start a fire district because they are non-entities (not in any fire district out there). The area is at the west end of the County that borders on the town of Alberton and runs back to the Frenchtown Fire District. It is between Mineral County and the Frenchtown Fire District.

Janet Stevens read the petition and said that it will be entered into the record.

PETITION: "To the Board of County Commissioners of Missoula County: The undersigned being the owners of more than 50% of the privately owned land in the area described in Exhibit "A", attached sheet (map of area), and who constitute a majority of the tax paying free holders within the area described in Exhibit "A", according to the last completed assessment roll, hereby respectfully petition the Board of County Commissioners of Missoula County for the creation of a Fire District in the Lothrop, Southside Road, Ponderosa, and lower portion of Petty Creek Rd. of Missoula County. This petition is presented pursuant to Section 11-2008 (D) R.C.M. 1947. Names and addresses are the same as on the tax Assessment." This petition with signatures is on file at the Clerk and Recorder's Office.

Janet Stevens opened the public hearing and asked for testimony.

Scott Waldron, Frenchtown Fire Chief, said that he believed part of the reason this fire district was being formed was because Frenchtown was providing fire service to the area as a courtesy to them and their Board isn't satisfied with that situation and wants those people to take some action on their own. This is the

APRIL 4, 1990 (continued)

action they've taken. He said he wasn't sure it's the solution to the problem they have. Frenchtown is attempting to train those people, but they have no equipment. He said he doesn't know what the future will hold for them, but that's the reason for the formation.

Bruce Suenram, Chief Executive Officer of the Missoula Rural Fire District, said that during the setting up phase of this fire district, it would perhaps be wiser for the Commissioners to remain as the trustees of the fire district rather than appoint five individuals. In this case where there is no pre-existing fire company in existence and you're not just adding a taxing jurisdiction, this is going to be unusually complex and perhaps you would better off to walk this new fire district through that process rather than take 5 lay board members that really don't have the technical expertise in relation to establishing a new budget, and those sorts of things. He said he would make that as a recommendation to the Board of County Commissioners.

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

Barbara Evans asked Bruce Suenram if this had ever been done before--is this a standard procedure that the Commissioners would remain the trustees?

Bruce Suenram said there are lots of fire districts in this state where the commissioners are the trustees rather than five individual appointees. In Great Falls the Commissioners contract with the City of Great Falls for fire protection to those small districts, and there are others that are much larger to include county-wide organizations. In this case, it's going to be a really complex set-up situation and may involve entering into a contract with Frenchtown or Alberton, or establish a levy that's high enough to build facilities and buy apparatus. He said he thought that's going to be a fairly technical process. H said that you folks are certainly better equipped to do that than five lay people who don't have any experience as a trustee.

Barbara Evans asked if this was a decision that needed to be made at the time we form the district, or if it could be made subsequently.

Mike Sehestedt, Deputy County Attorney, said it could be made subsequently.

Bruce Suenram said he thought the Board could appoint the trustees at a later date if they decide they want to. There is no existing fire department in place in this fire district and it's going to be a fairly complex task.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the creation of the Mouth of Petty Creek Fire District for the areas described in the Request for Commissioners Action. The motion carried on a vote of 3-0.

HEARING: RESOLUTION OF INTENT CALLING FOR THE ADOPTION AND ENFORCEMENT OF AN ORDINANCE TO CONTROL COMMUNITY DECAY

John DeVore, Administrative Officer, said that several weeks ago the Board passed a resolution of intent to consider the passage of a decay ordinance. There will be three public hearings - on April 4, 11, and 18, 1990. The reason for consideration of this ordinance is that over the past several years the County has received on average 6-10 complaints which fall through the cracks of current regulations. These complaints were received from residents of various neighborhoods around the County and were brought to our attention. The problems they identified were

APRIL 4, 1990 (continued)

neither a public health problem nor a junk vehicle problem, nor a problem which could be dealt with through zoning. There were no existing tools on the books to deal with this kind of a situation which basically involved the accumulation of junk which neighbors felt was unsightly and would like them to remove. Based on these complaints, Missoula County began to look at the idea of a community decay ordinance to respond to these problems. The authority to have a community decay ordinance comes from statute and gives the County the ability to pass an ordinance to control this problem. Currently, the communities of Whitefish and Great Falls have adopted community decay ordinances under the statute. The draft ordinance which is under consideration at this time is based in part on the ordinances of these communities. In order to test the waters, a draft ordinance was sent out to a variety of groups during January and February, as well as media coverage on the concept of a community decay ordinance, to ask for their input and see what the support was for this kind of a process in the county. Based on this, there were over 100 letters received during this time in support of the creation of a community decay ordinance and two letters against the ordinance. With this level of support from the community, a final draft was developed to begin a public discussion of the creation of a community decay ordinance. If this ordinance is passed, the County is not proposing to fund its enforcement through existing County resources. During the discussion and development of the ordinance, it was clearly our intent for this program to be self-supporting through both fund-raising activities initially, and fines once the program is under way. If this concept of self-supporting the program does not work, then the program would be discontinued and re-evaluated at that time. Also, the County does intend for an existing department or agency of the County to take on this added responsibility. It is the intent of the County to contract out with another entity to do the enforcement. During the development of the ordinance there have been discussions with Missoula Rural Fire Department, who has expressed an interest in negotiating a contract with the County for implementation of this program, if it is passed by the County. On the Board behind the Commissioners is an outline of how the process would work in its current form. The process would call for a citizen to initiate a complaint in writing. We feel that the complaint must be in writing and the complainant must sign the complaint. Once this is received by the enforcement officer, he would begin to look at the complaint and determine what the appropriate agency is that would be involved. This has to do with discussion we had with the Forest Service, the Tribal Government, BLM, and State Lands in terms of how they would want to handle problems that were identified on their property. And basically what they felt is if there was a problem that involves their land, they should be contacted about the problem and a mutually acceptable solution to the problem be worked out. If it falls within the City and the County, then the enforcement officer would investigate the complaint. If it is found that the complaint is valid within the community decay ordinance, then the individual would be cited and would be requested to clean up the property. If the cleanup did not occur, then the matter would be referred to Justice Court, and if it was found to be a valid complaint and in compliance with the ordinance, the individual would be found guilty, the court would order him to clean up and may also fine up to \$250. If the cost of cleaning up the property is borne by the County, tax deed on the property may be taken at the end of four years. In terms of looking at the issue of community decay, we have been asked at some of the meetings we have been to around the County as to what we mean when we use the words community decay. We feel that rather than trying to find a word to describe what we're talking about, that a picture is worth a thousand words. We would like

APRIL 4, 1990 (continued)

to show you a few slides of areas around the County that, if the ordinance was in effect, would be in violation of the ordinance.

John Torma, Office of Community Development, then presented a series of slides showing various properties, including property on the west, north and south sides of the City of Missoula, Lolo, South Hills just off 39th Street, Mullan Road west of Missoula, Evaro Canyon, and I-90 approaching Missoula from the west.

John DeVore said he wanted to reiterate that the impetus for consideration of the creation of this ordinance has been from citizens in Missoula County requesting assistance in dealing with some areas that they have problems with in their neighborhoods. Also, one of the things we have looked at--rather than look at the adoption of an ordinance that would have a certain date that it goes into effect, and at that juncture complaints could be submitted to the agency that was in charge of enforcement--is looking at the ordinance in concert with a community-wide cleanup program prior to the anticipated effective date of the ordinance. It was felt that this approach would be the best way to make the public aware of consideration of the County of this ordinance as well as provide an opportunity for a community-wide cleanup program. We have had a lot of agencies and organizations who have contacted us and who would like to be involved with a community-wide cleanup. This ranges from the Boy Scouts who have for a lot of years cleaned up the highways, to BFI's willingness to offer weekend discounts from April 21 through May 20 to help those people who want to clean up their property. We've also had a variety of groups that have volunteered to help individuals who are either physically unable to clean up their property or who financially cannot afford to clean it up.

Janet Stevens opened the public hearing and asked for testimony from those in favor of the ordinance.

Hugh Smith, 7365 Beryl, said that he is in favor of it but would like to call attention to the fact that we have a dog ordinance, a burning ordinance, a weed ordinance, and an old car ordinance, none of which are enforced. He said he thinks it's ridiculous to have an ordinance if you're not going to enforce it.

Dorothy Thayer, 1706 Sherwood, said two of the slides were property that is back-to-back to her property. She said she is really in favor of a law like this. She thinks something should be done. She said we pay good taxes in Missoula for our property and she thinks we should be protected from this sort of thing in some way.

Beryle Stover, 216 Pattee Canyon, President of the Missoula Area Chamber of Commerce, said the Chamber has already written to the Commissioners to express their concerns and also have endorsed their efforts to pass the decay ordinance. She said they are concerned whether or not the enabling language will cause more problems than it may solve. One of the things that they see is the exemption for farms - it's extremely broad, has no definition other than to say all farming, all agriculture is exempt. Secondly, there is no exemption for light or heavy industrial. They see that as a major problem to people who do business in Missoula.

Ron Klaphake, President and CEO of the Missoula Economic Development Corporation, said they were in favor with some reservations including a list of exemptions, legitimate operations including industrial, and enforcement provisions.

APRIL 4, 1990 (continued)

Daphne Jones said she is for the concept but had many comments, including the fact that shielding could be as bad as the junk, and she felt the Board was asking for antipathy and anger.

Janet Stevens thanked them for their testimony and asked if anyone cared to speak in opposition to the proposed ordinance.

Ken Chilcote said he was against the ordinance and mentioned recycling, and the elderly; he said it's not worth it.

Paul Lackey of Evaro reviewed the slides of his place and said he thought the ordinance would cause a lot of trouble. He also found exception to the pictures taken of his property at Evaro, saying he did not consider it junk.

Julie Hacker from Potomac was against the ordinance and had questions concerning the language and definitions, including "agency", "offensive", "public view", "public nuisance", "investigator", finances, farm machinery, deteriorating turn-of-the century structures, the difference between eye sores and art, and asked who was responsible for the photographs.

Mary Alexander of Frenchtown said she was against it, as it seemed like neighbor against neighbor. She wondered about private property rights as opposed to what is offensive to someone. She also said the courts are over-worked and the jail is over-crowded, and she said this proposed ordinance would aggravate that situation. She also wondered about a conflict of interest in regard to private collection agencies.

Sherry Heinrick of Potomac was against the proposed ordinance, particularly in regard to farmers and ranchers with pieces of machinery on their property for spare parts. She said there are several other ordinances in effect that duplicate what this ordinance targets. She also would like to see the ambiguous language clarified.

Charlie Martin of East Missoula said he was against the ordinance and that he felt it was treading on individual rights. He also said junk is in the eye of the beholder.

Vera Cahoon of Bonner inquired about the funding for this ordinance and where it would come from. She also wondered about compost piles and the term "any other" - what does this mean?

John Wittenberg said the Commissioners had the cart before the horse. He said we need a County dump first, not a garbage dump but a refuse dump like Butte has. People would then have a place to put their junk, although it probably shouldn't take dead animals, hazardous wastes or garbage, thereby making it easy to maintain.

As there was no further testimony, Janet Stevens closed the public hearing for the day but will continue the public hearing next Wednesday, April 11th, at 1:30 p.m.

SALE OF TAX DEED PROPERTY

Vickie Zeier, Deputy Clerk and Recorder, said these are 36- to 18-month delinquent tax deed properties. They are to be sold at public auction for fair market value. A list of the properties up for auction is on file at the Clerk and Recorder's Office.

Janet Stevens opened the bidding. Only one property was bid on. Anthony Lukes purchased SUID #425301, Legal Description: S1/2 Plat E 25-14-18 320 ac, Fair Market Value of \$3,200.00 for \$5,100.00

APRIL 4, 1990 (continued)

There being no further business to come before the Board, the Commissioners were in recess at 3:15 p.m.

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APRIL 5, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a meeting of the MACo Economic Development Committee.

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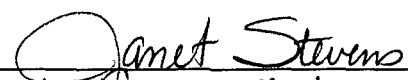
APRIL 6, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was in Helena attending a meeting of the MACo Health & Human Services Committee; and Commissioner Dussault attended a JTPA Board of Directors and a BOS Joint Council meeting at Fairmont Hot Springs.

Election Canvass

In the forenoon, Commissioner Evans, Supt. of Schools Rachel Vielleux, and County Surveyor Horace Brown canvassed the Missoula Rural Fire Election and the Economic Development Levy Election held on April 3, 1990.


Fern Hart, Clerk & Recorder


Janet Stevens, Chairman

* * * * *

APRIL 9, 1990

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

Monthly Reports

Chairman Stevens examined, approved and ordered filed the Monthly Reconciliation Reports for Justices of the Peace David K. Clark and Michael D. Morris for month ending March 30, 1990.

DAILY ADMINISTRATIVE MEETING

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

Agreement

Chairman Stevens signed an Agreement, dated April 3, 1990, between Missoula County and Zimet & Associates, an architectural firm, for the building addition to the existing Animal Control Building near the Missoula Sewage Treatment Plant at the end of Clark Fork Drive, as per the terms set forth, for a fixed fee of \$4,000.00. The Agreement was returned to John DeVore, Administrative Officer, for further handling.

Other items included:

- 1) the Commissioners reappointed Jim Dopp and Earl Reinsel to the Missoula County Park Board for three-year terms through the first Monday in May of 1993; and
- 2) the Commissioners signed a letter to the Animal Damage Control in Billings, MT authorizing Cenex, Ltd. of Missoula, MT to be the Missoula County designated dealer for supplying U.S. Fish and Wildlife Service rodent control materials.

APRIL 9, 1990 (continued)

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

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APRIL 10, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-032 and Quitclaim Deed

The Board of County Commissioners signed Resolution No. 90-032, resolving that Missoula County will issue a quit claim deed to Anthony J. Lukes, Jr. and Shirley K. Lukes for tax deed property purchased for a bid of \$5,100.00 at the Auction Sale of County Tax Deed Land held on April 4th, 1990, described as SUID No. 0425302 with the legal description being the S 1/2 Plat E 25-14-18 320ac and a fair market value of \$3,200.00. The Commissioners then signed the Quitclaim Deed to the Lukes' for the above described property.

Resolution No. 90-033 and Quitclaim Deeds

The Board of County Commissioners signed Resolution No. 90-033, resolving that the County Treasurer prepare Quitclaim Deeds for the following parcels to the person(s) appearing on the Tax Deed, the taxpayer or successor in interest who have exercised their repurchase rights on the properties acquired by Tax Deed recorded on March 21, 1990. The Commissioners then signed Quitclaim Deeds from Missoula County to the following:

- 1) Geneva Cates, c/o Parry P. Ralls (SUID No. 5821135);
- 2) Jack M. Watkins, c/o Clark Pyfer (SUID No. 5820864);
- 3) McCullough Brothers, Inc. (SUID No. 1580701);
- 4) McCullough Brothers, Inc. (SUID No. 1572700);
- 5) McCullough Brothers, Inc. (SUID No. 1572604);
- 6) William J. Nooney & Donald Fough (SUID No. 5857709);
- 7) Geneva Cates, c/o Parry P. Ralls (SUID No. 5835169);
- 8) Geneva Cates, c/o Parry P. Ralls (SUID No. 5835154);
- 9) Geneva Cates, c/o Parry P. Ralls (SUID No. 5835138);
- 10) Floyd & Nita Anderson, Edward & Elizabeth Jones, c/o Richard D. Chambers (SUID No. 5832889);
- 11) Meadows Properties (SUID No. 5823684);
- 12) James L. Pellett, c/o Bruce Alex Macaulay (SUID No. 0990504);
- 13) Farviews Development (SUID No. 600708);
- 14) Noble B. Schrock, Trustee, c/o Donald Edward Kohler (SUID No. 0175724);
- 15) Kris A. Wittenberg (SUID No. 2461908);
- 16) Kris A. Wittenberg (SUID No. 2461706);
- 17) Kris A. Wittenberg (SUID No. 2461504);
- 18) John Ray Christensen (SUID No. 2372760);
- 19) Jack Edward Popham, Jr. (SUID No. 1798406);
- 20) Mary Julia Pickett (SUID No. 1781705);
- 21) Albert Psyk (SUID No. 1654763);
- 22) Dale E. & Sandra Sue Mahlum, c/o Joseph Hunyadi (SUID No. 1345209); and
- 23) Joseph L. Skornogoski (SUID No. 1318206).

Other items included:

APRIL 10, 1990 (continued)

The Commissioners signed a letter to Mayor Dan Kemmis recommending that Ruth Bennett be reappointed as the County representative on the City-County Cemetery Board for a two-year term through April 30, 1992.

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

* * * * *

APRIL 11, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was on vacation from April 11th through April 13th.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated April 9, 1990, pages 9-28, with a grand total of \$43,151.64. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a Joint Proclamation with the City of Missoula proclaiming April 20-22, 1990, as HOBY Days and invite the cooperation of all citizens to join in recognizing the value of the work accomplished by the Hugh O'Brian Youth Foundation in promoting good citizenship.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Linda Lambert, Weed, 5 years; Larry Stickney, Road, 5 years; Jim Walling, Road, 22 years; Loretta Amos, District Court, 5 years; Steve Niday, Surveyor, 11 years; Juanita Carter, Motor Vehicles, 6 years; Wes Hardin, Historical Museum, 7 years; Harry Wood, Road, 19 years; Richard Corrigan, Sheriff/Jail, 9 years; Wendy Cromwell, Elections, 11 years; and Cherri Simmons, Sheriff, 2 years.

PROCLAMATION: ALTERNATIVE TRANSPORTATION DAY - APRIL 19, 1990

Janet Stevens read the following Proclamation: WHEREAS, communities throughout the country are creating awareness in the preservation of our world through Earth Day celebrations on April 22, 1990; and WHEREAS, public transportation has been long recognized as an alternative means of transportation which has many environmental benefits; and WHEREAS, the citizens of Missoula County formed the Missoula Urban Transportation District in 1976 so that public transportation services would be available to those dependent upon it for mobility and for those who chose

APRIL 11, 1990 (continued)

to use it as an alternative to the solo operation of a private vehicle; and WHEREAS, The Missoula Urban Transportation District, known as the Mountain Line, provides a valuable service to the citizens of Missoula County through its offering of fixed route transit services, demand-responsive specialized transportation to the physically disabled persons and senior van service to persons aged 60 and over, NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners do hereby proclaim Thursday, April 19, 1990 as MOUNTAIN LINE'S ALTERNATIVE TRANSPORTATION DAY and urge all residents to ride aboard Mountain Line buses or carpool, bicycle, or walk instead of driving alone on this day.

Barbara Evans moved and Janet Stevens seconded the motion to proclaim April 19, 1990, Mountain Line's Alternative Transportation Day. The motion carried on a vote of 2-0.

BID AWARDS: CONSTRUCTION BIDS AND BOND BIDS FOR RSID NO. 435 - SEWER IMPROVEMENTS ON THOMAS DRIVE

John DeVore, Administrative Officer, asked for a postponement of the award for construction and bonds on RSID #435. He said that bids for construction on RSID #435, Thomas Drive Sewer Improvements, were above engineering estimates. A postponement of award for these improvements will allow the engineers and County to explore options on the project. Bond bidders will be contacted and notified of the delay. Staff recommends postponing action for one week.

Barbara Evans moved and Janet Stevens seconded the motion to postpone the award for construction and bonds on RSID #435 for one week. Motion carried on a vote of 2-0.

CONTINUATION OF HEARING: RESOLUTION OF INTENT CALLING FOR THE ADOPTION AND ENFORCEMENT OF AN ORDINANCE TO CONTROL COMMUNITY DECAY

Janet Stevens said that the Board of County Commissioners will continue the hearing process on the proposed Decay Ordinance through April 18, 1990, and a decision would be made on April 25, 1990. This gives residents of the County another two weeks to write letters and another public hearing for oral testimony.

Barbara Evans said that four changes had been made to the proposed Ordinance as a result of public comments. These changes are incorporated in the revised draft of the Ordinance dated April 11, 1990. (1) Under Section 1 (b), the definition of "community decay" has been changed by adding the following language: "the values of property"; and "Community decay does not include properly permitted construction and demolition projects during the time any necessary permits are in effect. Community decay does not include persons servicing, manufacturing or processing materials, goods or products on lots in public view, so long as the materials used in the normal operation of the business are neatly stacked or piled. Community decay does not include normal residential maintenance or landscaping." (2) Under Section 3, Prohibitions, subsection "c" has been modified to allow thirty days in which to cover with clean fill material. (3) Under Section 4, Shielding, the subsections specifying fencing design has been deleted. (4) Under Section 6, Abatement and Mitigation, the last phrase of the last sentence ("notwithstanding the provisions of Section 4") has been deleted.

Janet Stevens opened the public hearing and asked for testimony from proponents.

Rosa Lee DeSart said that she was concerned about a parcel of land west of Missoula and southeast of old Harpers Bridge that

APRIL 11, 1990 (continued)

Champion owned, which was open for public viewing. She said the area was being used for dumping, which was a health hazard and dangerous, as well as for shooting. She said that something had to be done out there before something bad happens.

James Kilhof said that he has lived in the Potomac valley for twelve years. He said he was for the ordinance because it would protect the value of land in the valley.

Doris Jones of 304 Fox Farm Road, Lolo, said her home was in a nice area except for one place. She said if they had wanted to live by a junk yard they would have bought a piece of property by a junk yard. She feels the ordinance is needed to control junk in residential neighborhoods.

Richard Gotshalk, President of the Riverfront Neighborhood Association, said they will support in general the ordinance, and particulars as well.

Barbara Bush said she is pleased to support this ordinance, but thinks "junk, rubble, debris and refuse" should be defined.

Jim Costamagna said he supports the concept of the ordinance, and feels it would be an incentive for individuals to dispose of their garbage. He wondered if there could be a more positive approach in helping individuals. He said it is expensive to get rid of appliances. He felt this ordinance would help the Potomac valley, where there is no zoning. He said the right to own property doesn't end with the property line. He liked the idea of using screening to hide visual pollution.

Lewis Matelich of the University Homeowners' Association said their area didn't have a lot of problems, but as County residents they felt it would be a good ordinance.

Janet Stevens thanked everyone for their comments and asked if there were any opponents who wished to speak.

Larry Keogh said he was concerned with the idea as well as the ordinance. He said it would make criminals out of people accustomed to living as they have. He said he appreciated some of the concerns expressed today, but said there were enough laws and ordinances right now. He said he thinks we should appeal to peoples' pride as a motivator. He said if the current laws aren't effective, how can we deal with more? He said he was concerned with the paperwork generated and the enforcement.

David Whitesitt said the idea was good, but the proposed ordinance was not. He said it would take homes and property from the poor and give it to the rich. He felt the cleanup should be encouraged on a community basis.

John Host said he was not for or against the ordinance. He was concerned with tax revenue being used without anyone knowing what it's going to be for.

Sherry Heinrick from Potomac presented the Commissioners with a petition against the ordinance signed by 92 people. She called the ordinance a Big Brother outlook.

Paul Lackey said he had been accused of downgrading Evaro hill. He said he wanted everyone to leave them alone out there. He called the proposed ordinance another Mapplethorpe.

Donald Polinsky said that he was against the ordinance. He said he talked to over 150 people who have never even seen the law. He said that every law eats a new hole into the Bill of Rights.

APRIL 11, 1990 (continued)

Joe Owens said he moved here from California to get away from this type of thing. He said the ordinance could become a harassment. He said the power rests with a single individual to determine if it's junk. He said there is no provision to keep harassment from happening, and there was no method of appeal to determine if it was a valid complaint.

Vera Cahoon of Bonner said the Commissioners had no right to determine what is junk for another. She said there was no way to stop harassment, and no definition for junk. She felt it would be better to work within the system and take a more positive attitude. She said it isn't going to happen this way, and suggested a kinder, gentler way.

Corrine Fickes said this ordinance takes the freedom away from their own land. She said that some people with junk don't have the time to work on things.

Julie Hacker asked for the answers to her questions posed at the last public hearing. Barbara Evans then answered every question she had raised. Julie said the Commissioners were servants of the public and they owe people the right to live in Missoula County without being harassed. She asked for the definition of public nuisance. She said the ordinance would contribute to moonlight dumping, and felt there would be a lot more appliances in the woods. She told the Commissioners they did not know the people who live in the County.

Marnie McClain, Deputy County Attorney, said that "public nuisance" is defined in the ordinance itself, and was taken out of state codes.

Mike Sehestedt, Deputy County Attorney, said the definition of "public nuisance" is in the Montana State Code in at least three different places.

Beth Loehnen said she was for the ordinance, and said that Grant Creek needs the ordinance to protect people who live where there are no covenants. She said she feels harassed by the decay she lives next door to. She said the ordinance is needed for those flagrant offenders.

Dave Russell said the ordinance is too open and could turn into harassment of individuals. He suggested enforcing the existing regulations and ordinances.

Doug Roark was against the ordinance and said there were more serious problems than visual things.

Rex Miles said he came in totally against the law, but now won't testify for or against it. He just wanted to give the Commissioners some observations.

Rose Inderland said she was against the law because it was another means of taxation without representation, just another restriction.

Ken Chilcote was against the ordinance and cited selective enforcement. He said he recognized the problem but was worried about the legal solution.

As there was no further testimony, the hearing was closed for the day but will continue at the next Public Meeting on Wednesday, April 18, 1990, at 1:30 p.m.

Barbara Evans made a few comments including stressing the voluntary approach. She said that the grace period before

APRIL 11, 1990 (continued)

enforcement of this Ordinance would be from April 25th through May 25th.

HEARING: PROPOSED CAPITAL IMPROVEMENTS PROGRAM FOR 1991-1995

John DeVore, Administrative Officer, said this update of the 1991-1995 Capital Improvements Program reflects \$557,723 in capital projects for funding consideration during fiscal year 1991 compared to \$449,716 of capital projects funded during fiscal year 1990. The majority of the projects are either road or bridge with one project being requested by the Library and two projects in General Fund. One addition to this revision is a delineation of capital needs of the current jail, if a new detention facility is not constructed. This includes \$138,000 for repair of jail and \$85,000 for windows for the Old Courthouse under Energy Projects Improvements. This hearing represents one of three before final adoption by the Board. Staff recommends approval of this revision.

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

Horace Brown, County Surveyor, said another project for next year was the Butler Creek Road, which was put in the CIP but won't be funded for years. They are in the process of getting right-of-way on that project. The paving would be done under regular maintenance.

There being no further comments, the public hearing was closed for the day but will be continued for the next two Public Meetings.

There being no further business to come before the Board, the Commissioners were in recess at 3:15 p.m.

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APRIL 12, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY'90 budget:

No. 900041, a request from the Sheriff's Department to transfer \$900 from the Clothing account to the Bedding account to purchase replacement mattresses for the east wing of the jail.

Settlement and Release Agreement

The Board of County Commissioners signed a Settlement and Release Agreement between the State of Montana (DHES) and Missoula County, USF&G (its insurance carrier) and the City-County Health Department in the lawsuit resulting from claims on behalf of persons who claim to have been exposed to tuberculosis, as per the items set forth in the Release, and the State will pay the County the sum of \$20,000.00, conditioned upon the entry of an

APRIL 12, 1990 (continued)

order by the District Court approving the same. The Release was forwarded to Sarah M. Power, Counsel for Missoula County, in Helena.

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

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APRIL 13, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Evans attended the MACo District 10 & 11 Counties Meeting in Polson.

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairman

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APRIL 16, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was on vacation through Thursday, April 19th.

Monthly Report

Chairman Stevens examined, approved and ordered filed the Monthly Report of Sheriff Dan Magone showing items of fees and other collections on account of civil business in Missoula County for month ending March 30, 1990.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheets

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

- 1) #6 (3/04/90-3/17/90) with a total Missoula County Payroll of \$329,502.17; and
- 2) #7 (3/18/90-3/31/90) with a total Missoula County Payroll of \$324,843.21.

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

Proclamation

Chairman Stevens signed a Proclamation proclaiming April 28, 1990, as Workers Memorial Day in recognition of workers killed, injured and disabled on the job. The Proclamation was returned to Lewis Ball, the President of the Missoula Area Central Labor Council, for reading at the Memorial Service to be held on April 28th.

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 the School, as per the services and terms set forth, for the period from August 15, 1990, through June 15, 1991, for a

APRIL 16, 1990 (continued)

total amount of money paid to the Department by the School not to exceed \$19,273.00, for a maximum of 26 hours per week. The Agreement was returned to the Health Department for further signatures and handling.

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

Oaths of Office

In the afternoon, Chairman Stevens administered the Oaths of Office to the members of the Missoula County Tax Appeal Board, namely Norman Taylor, Daniel Norman, and David Schroeder. The Oaths were filed in the Clerk & Recorder's Office.

* * * * *

APRIL 17, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Dale Johnson & Dennis Kern of the U/M School of Fine Arts, independent contractors, for the purpose of doing a reportive evaluation of the status of the permanent collection belonging to the Historical Museum at Fort Missoula, as per the terms set forth, for the period from April 9, 1990, to May 11, 1990, for a total payment not to exceed \$800.00.

Other items included:

- 1) the Commissioners voted to approve the abatement of RSID No. 419 and penalties and interest on the property tax and maintenance RSID's for the Missoula Housing Authority; and
- 2) the Commissioners voted to abate the 1984 and 1985 taxes referenced in SUID 1936208 for Samuel Bolton of Hardin, MT, and to allow him 30 days from this date to pay the 1986 through 1989 taxes without penalty.

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

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APRIL 18, 1990

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

Audit List

Commissioners Evans and Stevens signed the Audit List, dated April 17, 1990, with a grand total of \$93,870.47. The Audit List was returned to the Accounting Department.

APRIL 18, 1990 (continued)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 Greg Martinsen of Martinsen Surveys approving a 180-day filing extension for the Rangitsch Addition No. 2 final plat, making the new filing deadline October 23, 1990.

Agreement for PBX Telephone Services

The Board of County Commissioners signed an Agreement, dated April 5, 1990, between Missoula County and the City of Missoula, whereby the City agrees to use and pay reasonable assessments as agreed upon for the PBX telephone services of the County, and the County agrees to provide the PBX telephone services identified in a competent, professional and acceptable manner, as per the terms and provisions set forth, effective immediately and shall be automatically renewed yearly beginning July 1, 1990, unless terminated as per the Termination provision in the contract.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Linda Knaggs, Health, 4 years; Wes Hardin, Historical Museum, 7 years; Juanita Carter, Motor Vehicles, 6 years; Fern Kauffman, Library, 7 years; Janet McGregor, Clerk of Court, 6 years; Wendell Frojen, Sheriff, 18 years; Debbie Gross, Accounting, 10 years; John Harrison, Road, 2 years; Nikki Skrivseth, Health, 13 years; Mike Mahoney, Road, 3 years; and Terri Scotton, Fair, 2 years.

BID AWARDS - CONSTRUCTION BIDS AND BOND BIDS ON RSID NO. 435, SEWER IMPROVEMENTS ON THOMAS DRIVE

Jim Dopp, Operations Officer, explained that bids for construction on RSID #435, Thomas Drive Sewer Improvements, were above engineering estimates by more than 100%. The apparent cause of this large discrepancy is a direct result of changes in OSHA requirements for construction firms. Staff recommends rejection of all bids for construction and bonds.

Barbara Evans moved and Janet Stevens seconded the motion to reject all bids for construction and bonds on RSID No. 435, Sewer Improvements on Thomas Drive, because all bids were above engineering estimates by more than 100%. Motion carried on a vote of 2-0.

CONSIDERATION OF LINDA VISTA 5TH SUPPLEMENT, PHASE 4, FINAL PLAT

Barbara Martens, Office of Community Development, said that on February 10, 1989, the Board of County Commissioners approved the preliminary plat of Linda Vista Fifth Supplement subject to several conditions. On March 31, 1988, the Board of County

APRIL 18, 1990 (continued)

Commissioners voted to amend the conditions for preliminary plat approval. The condition which was amended refers to the utility lot, which was deeded as common area, subject to the easement for drainfield use and to five conditions. Linda Vista Fifth Supplement, Phase 4 is located directly west of Linda Vista Fifth Supplement Phase 3. Public improvements are in. Linda Vista Fifth Supplement Phase 4 consists of seven single family residential lots. The total area is 4.165 acres. The Community Development staff recommends that the final plat of Linda Vista Fifth Supplement Phase 4 be approved subject to the following condition:

1. Sanitary restrictions shall be lifted by State and local health authorities prior to final plat submittal. If the State health authority requires any hydrogeological study as part of its review, a copy shall be provided by the developer to the Missoula City-County Health Department. If the State does not require the following information, the developer shall still be required to provide it to the Missoula City-County Health Department:
 - a. obtain copies of available well logs in all Linda Vista additions and compile a corresponding list of well depths and static water levels in wells in all Linda Vista additions that have individual water supplies and submit this information to the Health Department;
 - b. construct two test wells at locations in Linda Vista 4th Supplement at locations designated by the Health Department. The wells will be 40' 2" casing;
 - c. do 17-20' soil profiles in key lots in the 5th Supplement as determined by the Health Department and supply the corresponding soils information to the Health Department.

Barbara said she had spoken with the developer this morning and he expected the State to send out a letter lifting the restrictions today.

Lloyd Twite, developer of the subdivision, said he was present to answer any questions the Commissioners might have regarding this proposed subdivision. He said the final paving of the area would be done before he filed the plat.

Barbara Evans moved and Janet Stevens seconded the motion to approve the final plat of Linda Vista Fifth Supplement, Phase 4, based on the findings of fact and staff recommendations with the contingency that sewer and water restrictions are lifted by the State. Motion carried on a vote of 2-0.

CONTINUATION OF HEARING ON A RESOLUTION OF INTENT CALLING FOR THE ADOPTION AND ENFORCEMENT OF AN ORDINANCE TO CONTROL COMMUNITY DECAY

Janet Stevens opened the public meeting and asked if anyone cared to speak for or against the proposed ordinance. She asked if persons who had not testified in the two previous hearings would speak first.

Bob Ripley, candidate for County Commissioner, read a statement regarding the proposed ordinance in which he said the Commissioners should go slow on passing it, as he feels it would pit neighbor against neighbor, friend against friend; questioned the legality of such an ordinance and whether it is enforceable; and suggested a clean up of Missoula County on a volunteer basis. He recommended that the ordinance be more closely scrutinized over a longer period before placing it on the books.

Tom Alsaker, 11600 Mullan Road, said he was for the proposed ordinance. He said that as owners of property we should be able

APRIL 18, 1990 (continued)

to do what we want, but not when it interferes with the neighbors. He then showed a video he had recorded of areas around his residence, identified as being mostly on I-90 and Mullan Road as seen as by tourists and residents. He said this is a problem that needs attention. He said several residents were contacted, but they like it the way it is. He said people there don't care what they do to their own or their neighbors' property.

Tom Peel, 202 Hickory Street, said he was for the ordinance. He said he wrote a letter to The Missoulian, but they wouldn't publish it so he wanted to read it. The letter stated that he had trouble selling his house because some of his neighbors' yards were eyebrow deep in debris and junk, and that he was a victim of visual pollution. As President of the McCormick Neighborhood Association, he endorsed the ordinance, saying their association had struggled with a lot of neighbors on a number of problems which devalue the entire neighborhood. He also thought a \$500 fine was too much for a lot of people and felt \$100 might be sufficient and perhaps jail time.

Barbara Evans explained that \$500 was the maximum amount of the fine.

Mary Alexander of 17000 Beckwith in Frenchtown said she was against the proposed ordinance. She said that new roads have made a lot of properties visible that were previously hidden from the public eye. She asked if government agencies, such as the County Shop off Reserve Street, had to abide by this rule. She also said there was a junk vehicle law on the books and wondered why it wasn't enforced.

Mike Sehestedt, Deputy County Attorney, said there was a 2-part test for junk vehicles. (1) If the vehicle was inoperable or not currently registered; and (2) If the Sheriff's Office picks up an abandoned vehicle, it can be disposed of if it is less than \$100 in value. He said he thought the County could pick up trailers under the abandoned vehicle law.

Fred Rummell of Thomas Drive said he was for the proposed ordinance, although he thought there were 2 or 3 areas in which the law might be modified. He said if people want to live like pigs, there ought to be a law to control the animals. He felt there was a difference between urban and rural blight.

Nina Wood said she was for the ordinance. She said they have worked hard to clean up their place and the value of her place should be depreciated because her neighbors don't care what their's look like.

Julie Hacker of Potomac said she was against the ordinance and asked how it was going to be financed.

Barbara Evans said that BFI had given a corporate donation of \$1500 for start-up costs and is also initiating a recycling effort which will go directly to Missoula County. She said that fines collected under this Ordinance could be earmarked to continue the program. She also said if the ordinance is not self-supporting, it would be eliminated.

Julie Hacker said she felt it was questionable that the only land fill in town would finance this ordinance. She said garbage is a health hazard, but junk is something people collect. She said the County should enforce the ordinances already in effect.

Larry Keough said he was against the proposed ordinance and asked if it was truly needed. He suggested a citizens peer group

APRIL 18, 1990 (continued)

designed to eliminate urban blight. The group could identify the affected area and use peer pressure to clean it up.

Arthur Ryker said he resides on North Avenue and is for the ordinance. He said people had mentioned their own rights, but they also have a responsibility to their community. He said these people don't crumble under peer pressure. He said we need a law that will be enforced that will compel these people to clean up their areas.

Janet Stevens asked if there were any more comments. As nobody else wished to testify, the public hearing was closed. Janet said a decision would be made at the next public meeting, April 25, 1990.

CONTINUATION OF HEARING - PROPOSED CAPITAL IMPROVEMENTS PROGRAM FOR 1991-1995

John DeVore, Administrative Officer, said this was the second public hearing on the proposed CIP for 1991-1995, and that it would be continued for one more week with the public again being asked for comments at the next public meeting on April 25, 1990.

Janet Stevens opened the public hearing and asked if anyone wished to comment. As there were no comments, the hearing was closed but will continue next Wednesday, April 25, 1990.

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

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APRIL 19, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-034

The Board of County Commissioners signed Resolution No. 90-034, a resolution revoking the agricultural covenant stated on the face of Certificate of Survey No. 1947 for Tract B, with the owner of record being Larry Kolb; the request was heard on November 2, 1988, and approved by the Commissioners, but a resolution lifting the restriction from the COS was not recorded so this is intended to correct the oversight.

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

Quarterly Jail Inspection

In the afternoon, Commissioners Evans and Stevens and Dan Corti of the Health Department conducted the Quarterly Inspection of the Missoula County Jail.

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APRIL 20, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Stevens attended a Mental Health Board

APRIL 20, 1990 (contined)

meeting in Hamilton; Commissioner Dussault was in Bozeman attending a meeting of the MT Tax Reform Coalition; and Commissioner Evans attended a National Forest Service Museum Board of Directors Meeting at the Village Red Lion until noon, and then gave the Welcome at the HOBY Conference at the University of Montana at noon.

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APRIL 21, 1990

On Saturday, Commissioners Stevens and Dussault participated in the Hugh O'Brian Foundation Seminar held at the University of Montana; and at noon, Commissioners Evans and Stevens attended a luncheon meeting with U.S. Speaker of the House, Tom Foley, and U.S. Representative from Montana, Pat Williams.

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairman

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APRIL 23, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was on vacation the week of April 23rd through the 27th; and Commissioner Evans was out of the office all day.

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APRIL 24, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Jonathan Tompkins, an independent contractor, to facilitate the implementation of recommendations contained in the study of the County Surveyor's Office, as per the terms set forth, for the period from March 15, 1990, through July 31, 1990, for a total payment not to exceed \$1,620.00.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Seeley Lake Refuse Disposal District, whereby the County agrees to provide financing assistance to the District for the cost of closing out the existing landfill in the amount of \$27,600.00, to be repaid within five years, as per the terms set forth in the Agreement. The Memorandum of Agreement was forwarded to Martha McClain, Deputy County Attorney, for further signatures and handling.

Resolution No. 90-035

The Board of County Commissioners signed Resolution No. 90-035, a Budget Amendment for FY'90 for Tamarack Foundation, including the following expenditures and revenue, and adopting it as part of the FY'90 budget:

APRIL 24, 1990 (continued)

<u>Description of Expenditure</u>		<u>Budget</u>
2221-411-460191-960	Capital - Library Books	\$6,123.50
2221-411-460191-328	Contracted Services	3,000.00

<u>Description of Revenue</u>		<u>Revenue</u>
2221-411-334061	Coal Tax - Library	\$9,123.50

Bonus Check from MT State Library for FY'90 CST Funds.

Agreement

Acting Chairman Dussault signed an Agreement between Missoula County and the Montana Highway Traffic Safety Administrator for the purpose of providing a training session on May 9 and 10, 1990, in Missoula for Statewide DUI Task Force Coordinators, as per the terms set forth, with the total funding not to exceed \$725.00. The Agreement was forwarded to the Highway Traffic Safety Division in Helena.

Modification of Agreement

Acting Chairman Dussault signed a Modification of Agreement between Missoula County and the Montana Department of Health and Environmental Sciences modifying the terms of the Agreement between the concerning preparation of a wastewater facility treatment plan (DHES No. 900329) as per the items set forth. The Modification was forwarded to DHES in Helena.

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

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APRIL 25, 1990

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated April 25, 1990, pages 8-44, with a grand total of \$956,137.00. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Art Museum and adopted it as part of the FY'90 budget:

No. 900042, a request to transfer \$563.38 from the Ground Maintenance and Repair account to the Building Maintenance and Repair account to partially fund the construction of a reception desk for the foyer of the Museum, with the M.M.A. Foundation sharing part of the total cost.

Lease Agreement

The Board of County Commissioners signed a Lease Agreement between Garden City Partner II and the Missoula County Sheriff's

APRIL 25, 1990 (continued)

Department for lease of a portion of the premises located at 1900 1/2 Broadway in Missoula, MT for warehouse storage space, as per the terms set forth, at a monthly rental of \$400.00, effective April 15, 1990, and terminating on June 30, 1991, renewable for a term of one year by giving Lessor written notice of intent to renew on or before June 1, 1991.

Resolution No. 90-036

The Board of County Commissioners signed Resolution No. 90-036, a budget amendment for FY'90 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'90 budget:

<u>Description of Expenditures</u>	<u>Budget</u>	
	<u>From</u>	<u>To</u>
2270-613-445600-112 Temp. Salaries	\$ 2,000	\$ 9,699
-141 Fringe Benefits	39,460	40,769
-202 Audiovisual Mat.	300	650
-327 Consultants	500	1,000
-356 Common Carrier	750	1,100
-357 Meals, Loge, Inci.	1,000	4,346
-362 Curriculum Mat.	100	424
-367 Tuition	933	1,400
	\$45,043	\$59,388

<u>Description of Revenue</u>	<u>Revenue</u>	
	<u>From</u>	<u>To</u>
2270-613-331-409 MCH Block Grant	\$71,838	\$86,183

Modification of Agreement - DHES Contract No. 300034-2.
Additional funds of \$14,345.00 received.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Bob Martin, Health, 1 year; Janet Delzer-Johnson, 9-1-1, 6 years; Clint Harris, Surveyor, 2 years; Lowaine Lee, Commissioners, 10 years; Marv Vinion, Road, 7 years; Vickie Combs, Recording, 6 years; Jean Vinson, Road, 9 years; Larry Rosenbaum, Surveyor, 21 years.

PRESENTATION OF LYLE R. HEATH COMMUNITY SERVICE AWARD

Bob Rowe, President of Sentinel Kiwanis Club of Missoula, explained that the Sentinel Kiwanis Club, in cooperation with the Missoula Volunteer Council, is inaugurating a volunteer of the year award for the greater Missoula area, named the Lyle R. Heath Community Service Award. The award will annually recognize an individual who has demonstrated an unselfish donation of time, energy and talent to one or more non-profit organizations in the

APRIL 25, 1990 (continued)

Missoula area. The award is named in memory of Lyle R. Health, who was one of the founding members of the Sentinel Kiwanis Club over 25 years ago, and was extremely active in Boy Scouts, the Historical Museum at Fort Missoula, and many other organizations. He said that each year's recipient will exemplify Lyle Health's spirit of volunteerism. In addition to a recognition plaque awarded to the recipient, the organization nominating the recipient will receive a cash donation of \$250 to further the organization's efforts. Mr. Rowe then presented the Lyle R. Heath Community Service Award to Pat King for his volunteer work with virtually every program that involves youth in the community. Pat King was nominated by the YMCA, which will receive the \$250 check.

DECISION ON RESOLUTION OF INTENT CALLING FOR THE ADOPTION AND ENFORCEMENT OF AN ORDINANCE TO CONTROL COMMUNITY DECAY

Janet Stevens explained that the purpose of this Ordinance is to regulate, control, and prohibit conditions that contribute to community decay on or adjacent to all public roadways within Missoula County. The impetus for consideration of this ordinance has been from citizens in Missoula County requesting assistance in dealing with some areas that they have problems with in their neighborhoods. On March 6, 1990, the Board of County Commissioners adopted a Resolution of Intention calling for the adoption and enforcement of an ordinance to control community decay (Resolution No. 90-020). The Board of County Commissioners heard public testimony both for and against the proposed ordinance at their Public Meetings on April 4, April 11, and April 18, 1990. Written testimony and telephone calls have also been received and reviewed by the Board.

Barbara Evans said that a couple of minor changes have been made in the ordinance. She said they have deleted jail time and that it is strictly a fineable offense. She added that normal residential living and landscaping is not what they want to address here.

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt an Ordinance for the Enforcement and Control of Community Decay contingent on finding the funding outside County tax monies. The motion carried on a vote of 3-0.

Barbara Evans explained that there is a 30-day period between passage and effect of this ordinance. She said if someone is physically or financially incapable of dealing with their mess, they may call the Commissioners' Office or Bill Reed at the Rural Fire Department, and help will be arranged. If a resident has a complaint, he will be mailed a form to fill out and sign. The complainant's name will be confidential, unless that person is called on to testify in court. Complaints must be written and signed - no anonymous or telephone complaints will be acted upon. Barbara stressed that if funding for the ordinance could not be found outside of tax monies, the ordinance would be dropped.

Janet Stevens said that the purpose of the ordinance is not to harass neighbors, but to make Missoula one of the best places to live.

Resolution No. 90-037

The Commissioners then signed Resolution No. 90-037, a Resolution to Control Community Decay.

APRIL 25, 1990 (continued)

HEARING: LOT SPLIT, ZONING DISTRICT #4, GREG MARTINSEN

The Board of County Commissioners adjourned and reconvened as the Planning and Zoning Commission. Members present included Janet Stevens, Barbara Evans, Ann Mary Dussault, Fern Hart, and Horace Brown.

Doris Fischer, Office of Community Development, explained that this was a request by Greg Martinsen to create a five-acre parcel in Zoning District #4 and undertake preliminary site preparation work prior to single-family home construction. Zoning District #4 regulations require that all lot splits and development requests be reviewed by the Planning Board and the County Planning and Zoning Commission. The Planning Board held a public hearing on this request on April 10, 1990. This lot split request has already received occasional sale exemption approval from the Board of County Commissioners. The Martinsen request includes a proposal by Richard Smith, who plans to buy the five-acre parcel and wishes to undertake selective tree cutting in anticipation of subsequent home construction. OCD staff analysis indicates that neither the lot split request nor the preliminary site preparation proposal appears to conflict with the land use regulations outlined in ZD #4. Staff has recommended the reference in ZD #4 regulations to "natural physiography" be clarified and the regulations amended so that the review process for Pattee Canyon development requests becomes more predictable, objective, and understandable to all parties involved.

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

Richard Smith, potential purchaser of this property, said he had spent the past year looking for property in Pattee Canyon. He said he would try to keep the property as natural as possible. He said it is thickly wooded with an old stand of trees, some of which will be thinned and/or removed. He said he would be glad to answer any questions the Board might have as to his intentions for the property.

Alex Clemow said that she was not against this proposal, but said that for the record, the last time Greg Martinsen met with the Homeowners' Association, he had shown a subdivision map. She said that he should finalize that plat.

Greg Martinsen said that he had made it clear to the Board of County Commissioners, the Office of Community Development, and the Homeowners' Association that his family would be creating three parcels--one parcel for himself, his brother and his sister--to sell to finance the subdivision. This is the second of the three.

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

Horace Brown had a question on the proposed relocation of the driveway. He said it appears steeper than the existing roadway or trail. He asked if they were creating a new driveway.

Richard Smith said that the driveway was originally set there but changed to flatter ground. He indicated on the current map of the area that the dotted line doesn't exist, and that the existing roadway would be used.

Janet Stevens had a question regarding the clarification of the term "natural physiography."

Ann Mary Dussault said OCD should ask the residents of Zoning District #4 for clarification of the terminology. She said that

APRIL 25, 1990 (continued)

is their term and clarification cannot come from here. She asked Doris what agencies were available to assist with maintaining the natural physiography in regard to tree thinning, re-vegetation, stabilizing road banks, controlling weeds, and planting new trees as visual buffers.

Doris Fischer said she hasn't talked to Richard Smith about specific agencies. She has talked with Gerry Marks and David Crabtree from the Extension Office, who are willing to offer advice; Eric Norris, Department of State Lands, who works with private property owners on tree removal; Bill Otten, County Weed Office; and Terra Comfort from the Forest Service. She said she will provide a written document to Richard Smith with these names.

Barbara Evans moved and Horace Brown seconded the motion to approve the creation of a five-acre parcel in Zoning District #4; undertake preliminary site preparation work as included in the Staff Report prior to single-family home construction; and maintain the natural physiography of the area through contact with the agencies specified by the Office of Community Development before a building permit is issued. Motion carried on a vote of 5-0.

Horace Brown moved and Barbara Evans seconded the motion to refer back to the Planning Board the question of clarification of the term "natural physiography" with the recommendation they refer this to the Pattee Canyon Homeowners' Association. Motion carried on a vote of 4-1.

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

Barbara Evans moved and Ann Mary Dussault seconded the motion to ratify the decision of the Planning and Zoning Board and grant approval of this request in Zoning District #4. Motion carried on a vote of 3-0.

CONTINUATION OF HEARING AND DECISION ON PROPOSED CAPITAL IMPROVEMENTS PROGRAM FOR 1991-1995

Janet Stevens explained that this is the third and final hearing on the adoption of the 1991-1995 Missoula County Capital Improvements Program. She opened the public hearing and asked if anyone cared to testify. As there were no comments, the public hearing was closed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to accept the 1991-1995 Missoula County Capital Improvements Program. Motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:05 p.m.

Library Week Celebration

In the evening, Commissioner Evans participated in the reading at the Missoula Public Library in conjunction with "National Library Week" celebration.

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APRIL 26, 1990

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

APRIL 26, 1990 (continued)DAILY ADMINISTRATIVE MEETING

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

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and Mountain Water Company for the purpose of allowing the Water Company to obtain the service from the County in the implementation of the VOC (Volatile Organic Compound) Class V Injection Well Sampling investigation follow up, as per the provisions set forth, for the period from April 15, 1990, through June 30, 1990, with the County providing the specified services to the Water Company at a total cost of \$9,174.00, with Mountain Water Company's share of the total cost not to exceed \$1,891.00.

Close Out Documentation

Acting Chairman Dussault signed a request for payment, Status of Funds Report, and the conditional close out documentation for Missoula County's Community Development Block Grant Project, the remodel of Whittier School for use by the Head Start Program. The documents were returned to Cindy Wulfekuhle for forwarding to Gus Byrom, CDBG Program Officer, in the Montana Department of Commerce in Helena.

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

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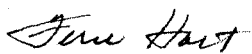
APRIL 27, 1990

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

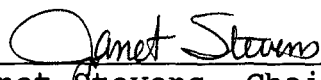
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APRIL 28, 1990

On Saturday morning, Commissioner Evans presented an award to "Project Good Turn"; attended a volunteer breakfast at the Missoula Public Library; and later in the forenoon, read a proclamation by the County at the Workers Memorial Day service held at the County Courthouse.



Fern Hart, Clerk & Recorder



Janet Stevens, Chairman

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APRIL 30, 1990

The Board of County Commissioners met in regular session; all three members were present. Commissioner Dussault left late in the afternoon for Helena to attend an evening meeting of the MT Tax Reform Coalition.

DAILY ADMINISTRATIVE MEETING

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

APRIL 30, 1990 (continued)Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #8 (4/1/90-4/14/90) with a total Missoula County payroll of \$331,602.68. The Transmittal Sheet was returned to the Auditor's Office.

Quarterly Report

Chairman Stevens signed the MCH Block Grant Quarterly Report for the Third Quarter (January-March). The report was forwarded to DHES in Helena.

Resolution No. 90-038

The Board of County Commissioners signed Resolution No. 90-038, a budget amendment for FY'90 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'90 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447203-112 Temporary Salaries	\$2,906
-141 Fringe Benefits	494
-206 Office Supplies	100
-311 Printing	200
-321 Long Distance Phone Charge	100
-327 Consultants	675
-357 Meals, Lodging, Incidentals	580
-359 Mileage - Private Vehicle	1,595

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-331329 AIDS IV DHES Contract	\$6,650
No. 300255. New contract received. Rest to be received during FY'91.	

Memorandum of Agreement

Chairman Stevens signed a Memorandum of Agreement for JTPA Work Experience between the Administering Agency, District XI Human Resource Council, and the Cooperating Agency, Missoula County, for the purpose of providing short-term work assignments to enhance the employability of persons who have never worked or have not recently worked by providing experience on a job, developing occupational skills, promoting good work habits, and developing specific occupational goals through job sampling, as per the articles set forth in the Agreement, for the period from June 1, 1990, through September 30, 1990. The Memorandum of Agreement was returned to Jim Morton at District XI HRC for further signatures and handling.

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

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MAY 1, 1990

The Board of County Commissioners met in regular session; all three members were present in the afternoon. In the forenoon on May 1st and 2nd, Commissioner Stevens attended County-sponsored First Aid Classes held at the Extension Office.

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners approved the draft reclassification policy; however, it will be sent to department heads for comment before final adoption; and
- 2) a request for tax incentives from Pyramid Mountain Lumber Inc. of Seeley Lake was denied by the Commissioners as the application did not show an increase in the workforce as required by the resolution.

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

* * * * *

MAY 2, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Termination of Agreement and Disposition of Earnest Money

The Board of County Commissioners signed a Termination of Agreement between Missoula County and William S. and Valerie C. Morrison regarding the Agreement to Sell and Purchase Lot 9, Streamside Court, of Grantland 12, thereby cancelling and terminating the Agreement; also, earnest money in the amount of \$500 will be returned to the Morrisons, less \$165 to Missoula County for the cost of title insurance. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Other items included:

The Commissioners authorized Administrative Officer, John DeVore, to pursue the National Register of Historic Places sign program.

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

WEEKLY PUBLIC MEETING

Commissioner Ann Mary Dussault called the meeting to order at 1:30 p.m. in Chairman Janet Steven's absence. Also present was Commissioner Barbara Evans.

EMPLOYEE RECOGNITION

Commissioner Ann Mary Dussault explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Anne Guest, Justice Court, 4 years; Larry Jacobs, Sheriff, 11 years;

MAY 2, 1990 (continued)

Hal Luttschwager, Risk Manager, 4 years; John Stolle, Road, 21 years; and Don Morman, Sheriff, 15 years.

HEARING: ANNEXATION TO FRENCHTOWN RURAL FIRE - AREAS NORTH OF INTERSTATE 90 AND KENNEDY CREEK DRAINAGE.

Ann Mary Dussault explained that two petitions have been received by the Clerk and Recorder's Office to annex various parcels of land located in Missoula County to the Frenchtown Rural Fire District. The petitions for annexation have been checked and verified. They 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 statutory requirements for annexation of adjacent territory.

Wendy Cromwell, Elections Supervisor, said that these consist of a little piece of 9-Mile Road and a little piece of the Butler Creek area.

Ann Mary Dussault opened the Public Hearing and asked if anyone care to speak for or against this annexation.

Nancy Robert, Vice-President of the Frenchtown Rural Fire District Board of Trustees, said the purpose of the annexation is (1) to keep the fire district contiguous and (2) the Kennedy Creek people petitioned to be part of the Frenchtown Rural Fire District, as there is no fire protection available to them at this time.

As there were no further comments, the Public Hearing was closed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to annex the Kennedy Creek Drainage of Nine Mile and the south half of Section 22, T14, R20 and that portion of Section 27, T14, R20 lying North of Interstate 90 into the Frenchtown Fire District, based on the two petitions and the fact that there were no protests to this annexation. Motion carried on a vote of 2-0.

CONSIDERATION OF VAN OSTRAND ADDITION, LOT 11 - SUMMARY PLAT.

Barb Martens, Office of Community Development, said that this is a proposed two unit mobile home subdivision. The total acreage is five acres. The proposed subdivision is located directly adjacent to Jade Lane, north of Mormon Creek Road and southwest of Lolo. The developer presently resides on Lot 10 of Van Ostrand Additions, which is located directly east of the proposed subdivision. The two mobile homes will be for rent or lease. No cash-in-lieu of parkland is required as only one additional lot is being created. Staff recommends that Van Ostrand Addition - Lot 11 summary plat be approved subject to the following four conditions and one variance:

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The developer shall record an affidavit giving her consent to any future attempted RSID to pave the County road back to Mormon Creek Road.
3. Driveway approaches shall be paved a minimum of twenty-feet back from the roadway at the time the County road is paved. The unpaved portion shall consist of a gravel surface which is well drained.
4. The developer shall amend the park rules under Appearance 2. to state All lawns must be watered, mowed, and a clear

MAY 2, 1990 (continued)

(weed free) area of 50' must be maintained around all structures built on the property and access to the property.

and a Variance to Section 3-10 (C): "A minimum of two paved parking spaces shall be provided for each mobile home lot. Paved driveways shall be provided on each individual mobile home lot, where group parking has not been provided." The reasons for granting the variance request are that the access roads which serve this development are unpaved and that the developer intends to create only two mobile home spaces. Also, the staff is recommending that Condition #3, as stated above, require that the first 20' of the driveway be paved at the time the County access road is paved. Barb said there had been one comment in regard to flooding in the area.

Horace Brown, County Surveyor, said he had never had any complaints of flooding in the area. He said there may be surface water in the spring due to runoff, but it has never created a problem.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the summary plat of Van Ostrand Addition, Lot 11, based on the findings of fact and including the four conditions and one variance as outlined in the staff report. Motion carried on a vote of 2-0.

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

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MAY 3, 1990

The Board of County Commissioners met in regular session; all three members were present. Commissioner Dussault left late in the afternoon for Helena to attend evening meetings of the Maco Executive Committee and the Workers Comp. Trust Fund Board.

Audit List

The Board of County Commissioners signed the Audit List, dated May 2, 1990, pages 8-37, with a grand total of \$77,241.64. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a joint proclamation with the City of Missoula proclaiming the week of May 28 through June 3, 1990, to be "High School Senior Week" and encourage all interested citizens to attend ceremonies being held throughout the community in honor of these fine young adults.

Notice Inviting Proposals

Chairman Stevens signed a Notice Inviting Proposals for RSID No. 436 for the purpose of constructing water system improvements to the water system in Lolo, setting the bid opening for May 30, 1990, at 10:00 a.m.

MAY 3, 1990 (continued)Operating and Financial Plan

Chairman Stevens signed an Operating and Financial Plan, dated April 23, 1990, between Missoula County and the U.S. Forest Service for reimbursable services requested by the Forest Service involving the assignment of extra deputies by the Missoula County Sheriff's Department to patrol Forest Service administered campgrounds and launching facilities, as per the terms set forth, for the period from April 23, 1990, through September 30, 1990, for a total payment not to exceed \$19,200.00.

Other items included:

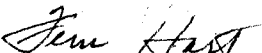
- 1) the Commissioners approved a request from Larchmont Golf Course for additional money for their capital improvements budget; and
- 2) the Notice of Sale of Bonds in the amount of \$208,000 for the purpose of financing the cost of construction of RSID No. 436 (improvements to the Lolo Water System), as per the terms set forth, and setting the sale date for June 6, 1990, was approved by the Commissioners.


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

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MAY 4, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was out of the office all day, and Commissioner Dussault attended MACo meetings in Helena until noon.


Fern Hart, Clerk & Recorder


Janet Stevens, Chairman

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MAY 6, 1990

On Sunday afternoon, Commissioner Evans participated in the Opening Day Ceremonies at the American Legion Ball Park.

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MAY 7, 1990

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.

Monthly Reports

Chairman Stevens examined, approved and ordered filed the monthly reconciliation reports for Justices of the Peace, Michael D. Morris and David K. Clark, for month ending April 30, 1990.

DAILY ADMINISTRATIVE MEETING

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

MAY 7, 1990 (continued)Proclamation

The Board of County Commissioners signed a proclamation giving correctional officers due recognition and respect, saluting them for their vigilance and courage, and designating the week of May 7 - 13, 1990, as "Correctional Officer Week", calling on the people of Missoula County to join with them in support and recognition of the 19 control officers in the Missoula County Sheriff's Department.

Other items included:

The Commissioners approved a request from Horace Brown, County Surveyor, to transfer funds to purchase two traffic counters for the Road Department, as per his memo dated May 2, 1990 (S90-120).

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

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MAY 8, 1990

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Dussault was in Helena where she spoke to and participated in the Montana Children's Alliance Conference, and 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:

Notice for Publication

Chairman Stevens signed a Notice for Publication for a public hearing on a proposed resolution to continue to assess the extra 0.5% local option motor vehicle fee in FY'91 in accordance with MCA 61-3-537, setting the hearing date for May 30, 1990, at 1:30 p.m.

Other items included:

The Commissioners discussed Granite County's request for financial participation from Missoula County in litigation regarding roads in the Garnet area with Martha McClain, Deputy County Attorney; she will send up a copy of the letter she wrote to Granite County so a response can be drafted from the Commissioners.

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

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MAY 9, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault attended the Northwest Policy Center's Regional Retreat at Newport, Oregon from May 9th through May 11th.

WEEKLY PUBLIC MEETING

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

MAY 9, 1990 (continued)

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Larry Rosenbaum, Surveyor, 21 years; Suzann Weiland, District Court, 5 years; Tom Barger, Environmental Health, 11 years; Jerry Crego, Sheriff, 15 years; Darla Wilson, Historical Museum, 7 years; Bob Holm, Surveyor, 12 years; Bob Jacks, Road, 8 years; Ivan Adams, Jail Cook, 9 years; Lois Greenlee, Superintendent of Schools, 5 years; Sharon Black, Justice Court, 6 years; Jean King, Treasurer, 1 year; Joyce Blatherwick, Risk Management/Insurance, 4 years; and Eugene Zeiler, General Services, 4 years.

BID AWARD: STATE HIGHWAY CONTRACT SPRAYING (WEED DEPARTMENT)

Gerry Marks from the Extension Office explained that only two bids had been received for Tordon 22K and 2,4-D Amine. They were:

Judd's Service - Item 1 = \$31.83
Item 2 = \$23.84
TOTAL = \$12,732

West Mont Spray - Item 1 = \$22.98
Item 2 = \$14.62
TOTAL = \$9,192

Recommendation from William Otten, Weed District Supervisor, was to award the bid to West Mont Spray Service for \$9,192, applied.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for State highway contract spraying to West Mont Spray Service for \$9,192, applied. Motion carried on a vote of 2-0.

AUCTION: SALE OF PORTABLE SCALE (SURVEYOR)

Janet Stevens explained that Missoula County has determined that the portable scale is no longer needed for County purposes, and will be offered at auction today as published in the Missoulian on April 29 and May 6, 1990. She said that the minimum acceptable bid is \$5,000. No one from the audience was interested in bidding on this, but one bid was received by Certified Mail from the Department of the Interior, B.I.A., Billings area office for \$5,000.

Barbara Evans moved and Janet Stevens seconded the motion to sell the portable sale from the Surveyor's Department to the Department of the Interior, B.I.A., Billings, for \$5,000. Motion carried on a vote of 2-0.

HEARING: PROPOSED AMENDMENTS TO COUNTY DOG ORDINANCE (INCREASING LICENSE FEES AND IMPOUNDMENT FEES)

Ellen Leahy, Health Department Director, explained that FY'91 will be the first year since Animal Control was taken over by the Health Department that the program will not be receiving any money from the Health Fund beyond the originally allotted .828 mills. This will leave the program approximately \$13,000 short of being able to operate at last year's level. \$3,000 will be made up with this year's projected cash balance, leaving \$10,000 still unaccounted for. Therefore, they are requesting that fees be raised for the first time since 1986 to cover that shortfall. These changes would simply allow the program to maintain its current level of activity and performance and would still leave its fees significantly lower than other Montana animal control

MAY 9, 1990 (continued)

programs of comparable size. The increases would be in the license fees, the impoundment fees, and the boarding fees.

Janet Stevens opened the public hearing and asked if anyone cared to speak for or against the proposed amendments to the County Dog Ordinance.

Jean Mercer had some observation regarding a dog problem in the City. She wants animal control to start picking up wandering dogs in her neighborhood on South Sixth Street. She asked why she should be responsible for someone else's animals. She said she thinks the fees should be raised and was for these proposed amendments one hundred percent.

Janet Stevens asked Ellen Leahy the policy on strays.

Ellen Leahy said they try to catch the dog when a report of a stray comes in, but there are only three officers for the entire county. They will pick up the dog if it is determined it is "at large." The dog has to be under leash control if in the City limits, under voice control if in the County. She said they have no authority over cats. The procedure is to call 9-1-1 and they will dispatch someone to pick up a stray dog.

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

Barbara Evans said that she felt the animal control program has improved dramatically. She said all we can do is raise fees so we can continue to maintain the current level of services. She also said that people who have animals have to pay for the programs.

The hearing on the proposed amendments to the County Dog Ordinance will continue at the Public Meeting on May 23, 1990.

HEARING: CERTIFICATE OF SURVEY REVIEW - USE OF OCCASIONAL SALE - DENTON

Greg Martinsen of Martinsen Surveys said that Cleo Denton wanted to sell part of this property, and would eventually sell the remaining 13 acre parcel, too. According to County records, there has been a considerable amount of COS activity by Mrs. Denton and her husband. However, Mrs. Denton would not be back to request a split to sell the remaining 13-acre parcel.

Barbara Evans moved and Janet Stevens seconded the motion to grant an occasional sale exemption to divide Tract 27, C.O.S. #1191 based on the finding that there is no apparent attempt to evade the Montana Subdivision and Platting Act. Motion carried on a vote of 2-0.

HEARING: CERTIFICATE OF SURVEY REVIEW - AGRICULTURAL EXEMPTION - MOSS

Greg Martinsen of Martinsen Surveys said that Martin Moss wanted to keep a gravel pit on the property to provide gravel to improve the area roads. There is no exemption open for him except sanitary review. He doesn't want to go through the health review because of cost and length of time.

Barbara Evans said it makes no sense to use an agricultural exemption, the definition of which is the art or science of cultivating the ground, when it's clearly not an agricultural exemption.

MAY 9, 1990 (continued)

Barbara Evans moved and Janet Stevens seconded the motion to deny the agricultural exemption for C.O.S. 2895 based on the fact that the definition of agriculture does not fit this proposal in any way. Motion carried on a vote of 2-0.

HEARING: CERTIFICATE OF SURVEY REVIEW - REVOCATION OF AGRICULTURAL COVENANT - AT&T (WOODRUFF)

Marnie McClain, Deputy County Attorney, explained that this is a request by Thomas Woodruff for AT&T to revoke an agricultural exemption, replacing it with a public utility exemption on a one-acre parcel, and to grant approval to construct a regenerator building in a drainage easement. AT&T is constructing a fiber optic telecommunications system from Billings to Spokane. This system requires the construction of regenerator buildings at thirty mile intervals. One such regenerator site needs to be located in Grant Creek Valley. The building will be located on a one-acre area in the Northwest corner of Tract F of COS 2936. This area was annexed into the City in December 1989. The building will be accessed by two other telephone companies. It will not be manned but will serve as a place to store equipment. AT&T has obtained an amendment to the Grantland Planned Unit Development from the City of Missoula, subject to the conditions that the Board of County Commissioners lift the agricultural exemption and replace it with a public utility easement, and that they grant approval to construct an installation within a drainage easement. There were some concerns about wildlife in the area, but the Fish, Wildlife and Parks Department had no comment and no immediate concerns. There was also some interest expressed in the kind of fence being built, but the Wildlife Federation concurred with the feeling that the proposed fence was appropriate.

Thomas Woodruff of Peck and Associates said this area is governed by the same PUD as Grantland. They have gone through the City and amended the PUD for this area by City Ordinance No. 2733, which lists five conditions. The County needs to agree because it owns the drainage easement.

Janet Stevens opened the Public Hearing. As there was no testimony, the Public Hearing was closed.

Barbara Evans moved and Janet Stevens seconded the motion to approve the request for the revocation of the agricultural exemption on a portion of Tract F, COS 2936, replacing it with a public utility exemption on the one-acre parcel, and also to grant approval to construct a regenerator building in the drainage easement, subject to conditions set forth in the City of Missoula Ordinance No. 2733, based on the finding that there is no apparent attempt to evade the Montana Subdivision and Platting Act. Motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:10 p.m.

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MAY 10, 1990

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

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of the Clerk of the District Court, Kathleen Breuer,

MAY 10, 1990 (continued)

showing fees and collections made in Missoula County for month ending April 25, 1990.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated May 8, 1990, pages 8-31, with a grand total of \$64,563.87. The Audit List was returned to the Accounting Department.

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MAY 11, 1990

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

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairman

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MAY 14, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the Plat for Linda Vista Fifth Supplement - Phase 4, an urban residential subdivision, located in the SW 1/4 of Section 12, T. 12 N., R. 20 W., PMM, with the owner of record being the Lloyd A. Twite Family Partnership.

Resolution No. 90-039

The Board of County Commissioners signed Resolution No. 90-039, a resolution accepting an easement from Dwayne and Lynda Humbles for public road and all other public purposes (a portion of Mill Creek Road at Frenchtown), shown as Parcel "B" of Certificate of Survey No. 283 located in a portion of the NE 1/4 of Section 35, T. 15 N., R. 21 W., PMM.

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit, whereby the County agrees to permit Dwayne and Lynda Humbles of Frenchtown to encroach upon a portion of County right-of-way being along the Northwesterly boundary of Certificate of Survey No. 283 and adjacent to Certificate of Survey No. 2542, parcel 3B in Section 35, T. 15 N., R. 21 W., known as Mill Creek Road, with the encroachment being limited to the existing fence and shall be effective for a period not to exceed ten years, renewable at the option of the County of Missoula.

Amendment to Professional Services Contract

The Board of County Commissioners signed an Agreement to Amend the Professional Services Contract between Missoula County and Sally Mullen, dated October 3, 1989, and expiring June 30, 1990, modifying the terms of the contract as follows:

MAY 14, 1990 (continued)

- 1) the parties agree to extend the termination of this Agreement to December 31, 1990; and
- 2) the parties recognize and understand that all other terms of the original Agreement remain in full force and effect.

Other items included:

The Commissioners approved a request for a budget transfer and a loan to purchase a truck from the Lolo Mosquito Board, pending review by Jerry Marks, County Extension Agent.

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

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MAY 15, 1990

The Board of County Commissioners met in regular session; all three members were present. In the forenoon, the Commissioners, Horace Brown, County Surveyor, representatives of Champion and area residents toured the roads in the Lower Deer Creek Area.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated May 14, 1990, pages 8-44, with a grand total of \$516,995.34. The Audit List was returned to the Accounting Department.

Warranty Deed

The Board of County Commissioners signed a Warranty Deed from Missoula County to Robert M. and Evelyn W. Scott, as trustees of the Scott Living Trust, for Lot 10 of Lincoln Hills No. 6, a platted subdivision of Missoula County, subject to the items set forth on Exhibit "A" attached to the Deed, for the sum of \$1.00. The Deed was returned to Jim Dopp, Operations Officer, for further handling.

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MAY 16, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Keith Larson of Larson Computer Consulting, an independent contractor, for the purpose of providing consultation to purchase computer equipment and installation in the Health Department, as per the terms set forth, for the period from May 14, 1990, to June 20, 1990, for a total payment not to exceed \$3,358.00. The contract was returned to the Health Department for further signatures and handling.

MAY 16, 1990 (continued)Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Ruth Kornfield, an independent contractor, for the purpose of reviewing literature and existing strategies associated with the reduction of risky behavior in high risk teens and summarizing the results of this review, as per the terms set forth, commencing May 1, 1990, and concluding by July 15, 1990, for a total payment of \$2,000. The Contract was returned to the Health Department for further signatures and handling.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County, the State of Montana, and the City of Missoula for the purpose of removing the Russell Street Underpass (Project No. RRS 8105(7) and returning Russell Street to a level thoroughfare, as per the covenants set forth, with the State contributing a maximum amount of \$60,000.00. The Agreement was returned to the State Highway Department for further signatures and handling.

Other matters included:

The Commissioners agreed to draft a letter to the State Highway Department requesting a speed study on Mullan Road (U-8124) between the City limits near Broadway and Reserve Street as per requests from residents in that area for a lower speed limit.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Kathi Olson, Planning, 4 years; John Torma, Planning, 5 years; Carl Anderson, Road, 10 years; Joan Lefler, Treasurer, 15 years; Bob Browne, Sheriff, 12 years; Scott McDonald, Sheriff, 14 years; Brenda Johnson, District Court, 6 years; Mike Dean, Road, 15 years; and Howard Reed, Sheriff, 10 years.

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

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MAY 17, 1990

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

Monthly Report

Chairman Stevens examined, approved and ordered filed the monthly report of Sheriff Dan Magone, showing the items of fees and other

MAY 17, 1990 (continued)

collections on account of civil business in Missoula County for month ending April 30, 1990.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-040

The Board of County Commissioners signed Resolution No. 90-040, resolving that the Clerk and Recorder prepare and publish and post notices of the Order of Sale of Tax Deed Property, which Missoula County acquired on November 17, 1989, and March 16, 1990, (as per list attached to the Resolution) and that the Sale of Tax Deed Property will be held on May 30, 1990, at 1:30 p.m.

Resolution No 90-041

The Board of County Commissioners signed Resolution No. 90-041, a resolution revoking the covenant stated on the face of Certificate of Survey No. 3155 that the land be used exclusively for agricultural purposes, and shall have the effect of crediting the owner, David Delk, with the occasional sale exemption to define Certificate of Survey No. 3155.

Resolution No. 90-042

The Board of County Commissioners signed Resolution No. 90-042, a resolution revoking the covenant stated on the face of Certificate of Survey No. 1046 that the land be used exclusively for agricultural purposes, and shall have the effect of the owners, John and Cindy Shields, who desire to build a home on said agricultural parcel, using the occasional sale exemption to define Certificate of Survey No. 1046.

Resolution No. 90-043

The Board of County Commissioners signed Resolution No. 90-043, a resolution revoking the covenant stated on the face of Certificate of Survey No. 2936 that the land be used exclusively for agricultural purposes, replacing the agricultural exemption with a public utility easement to define Tract F, and approving construction of the regenerator site in the drainage easement recorded at Book 193, Page 1022.

Resolution No. 90-044

The Board of County Commissioners signed Resolution No. 90-044, resolving that the parcels of land in the Petty Creek area located in Sections 2 and 12, T. 14 N., R. 23 W., and in Sections 7 and 8, T. 14 N., R. 22 W. be created as the Mouth of Petty Creek Fire District and will be assessed for such district in accordance with the special tax for this purpose set by the Board of County Commissioners.

Resolution No. 90-045

The Board of County Commissioners signed Resolution No. 90-045, resolving that the parcels of land described as the south half of Section 22, T. 14 N., R. 20 W. and that portion of Section 27, T. 14 N., R. 20 W. lying North of Interstate 90; and the private lands in the Kennedy Creek drainage, refer to Section 13, T. 16 N., R. 23 W., Section 14, T. 16 N., R. 23 W., and Section 23, T. 16 N., R. 23 W. be included in the Frenchtown Rural Fire District and are to be assessed for said annexation a fire district levy

MAY 17, 1990 (continued)

along with other property already a part of said Frenchtown Rural Fire District.

Plan of Service

Chairman Stevens signed approval of the Tamarack Federation's Plan of Service and Budget Request for 1990-91, which is to be submitted to the Montana State Library in Helena by May 31, 1990.

Other items included:


The Commissioners appointed Gary C. Tucker to fill the vacancy on the Carlton Cemetery District Board.

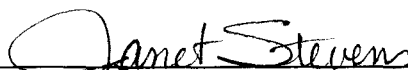
The minutes of the daily administrative meeting are on file in the Commissioners Office.

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MAY 18, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending a meeting of the JTPA External & Governmental Affairs Committee; Commissioner Stevens attended a Mental Health Board Meeting in Thompson Falls; and Commissioner Evans was out of the office until noon.


Fern Hart, Clerk & Recorder


Janet Stevens, Chairman

* * * * *

MAY 21, 1990

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

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners approved a letter drafted by Orin Olsgaard, DES Coordinator, to F. Guy Youngblood, Administrator of the State Disaster & Emergency Services, expressing concern for the future of the DES Field Representative Program--a concurrence line will be added to the letter for the Commissioners signature;
- 2) the Commissioners approved sending a letter of support for the Missoula Fire and Technology Center proposal; and
- 3) a request from the Sheriff's Department for \$900 for temporary assistance in the Records Division was approved by the Commissioners.

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

* * * * *

MAY 22, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation from May 22nd through May 25th.

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 Structured Data Systems, an independent contractor, for the purpose of delivering and installing a Local Area Network (LAN) for the Missoula County Surveyor's Office, as per the terms set forth, commencing on or before June 1, 1990, and is to be completed by July 1, 1990,

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

* * * * *

MAY 23, 1990

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated May 23, 1990, pages 8-32, with a grand total of \$36,636.71. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Agreement to Sell and Purchase

Chairman Stevens signed an Agreement to Sell and Purchase between Missoula County and Gregory J. and Laurie Moore for the purchase of real estate described as Lot 21 of Grantland 13, as per the terms set forth, for a total purchase price of \$21,000.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Addendum to Employment Agreement

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

"It is understood by both parties specified herein that the employee will be expected to work a maximum of 30 hours weekly, beginning May 1, 1990, and continuing through termination date of this Agreement."

Nutritional Services Agreement

The Board of County Commissioners signed a Nutritional Services Agreement whereby Child Start, Inc., sponsor of the Health Start Program, will contract with the Missoula City-County Health Department to provide nutrition services to the Head Start Program, as per the terms set forth, from September 1, 1990, until May 31, 1991, for a total amount of \$675.00.

MAY 23, 1990 (continued)

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

WEEKLY PUBLIC MEETING

The meeting was called to order by Chairman Janet Stevens. Also present were Commissioners Ann Mary Dussault and Barbara Evans.

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Mike Halligan, Attorney, 5 years; Michelle Schoening, Road, 3 years; Chu Xiong Ly, General Services, 5 years; Sam Yewusiak, Fair, 12 years; Dan Corti, Health, 6 years; Jim Dolezal, Data Processing, 14 years; Barb Shubert, Surveyor, 12 years; and Catherine Schwend, Clerk of Court, 8 years.

DECISION ON REQUEST TO VACATE A PORTION OF ART GREYDANUS' PROPERTY IN LOLO, MONTANA FOREST HIGHWAY PROJECT

Nobody appeared in regard to this request, which was postponed from February 21, 1990.

Barbara Evans moved and Ann Mary Dussault seconded the motion to continue this item and write Mr. Patterson, Art Greydanus' lawyer, a letter asking for a new date for this item to again appear on the Agenda. Motion carried on a vote of 3-0.

Barbara Evans had to leave for another appointment.

HEARING: RAINBOW BEND ESTATES, PHASE TWO - SUMMARY PLAT

Barbara Martens, Office of Community Development, explained that this is a proposed subdivision of 5.36 acres into three single family lots, each slightly less than two acres in size. The property is located north of Highway 200 and just west of Rainbow Bend on the Blackfoot River. The homesites are situated on a timbered bench, approximately 20 feet above the highway. Individual sewage disposal systems and wells will be used. The property is unzoned. On April 27, 1988 the Board of County Commissioners approved the summary plat of Rainbow Bend Estates, Phase One. An application for the review of Rainbow Bend Estates, Phase Two has now been submitted and approval is being recommended, subject to several conditions, along with a variance request for the paving of the private roadway (Trout Lane). The Office of Community Development staff recommends that the summary plat of Rainbow Bend Estates, Phase Two be approved subject to the conditions and variance request set forth in the staff report.

Fern Hart, County Clerk and Recorder, had a question regarding the rule of a lot size being three times longer than the width.

Barb Martens said this rule applies to urban subdivisions when there are less than two dwelling units per acre. She said that certain zoning districts also have this requirement. The three lots in this subdivision are actually on a hillside.

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

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the summary plat of Rainbow Estates, Phase Two subject to

MAY 23, 1990 (continued)

the findings of fact and the following amended conditions set out in the staff report: (1) Sanitary restrictions shall be lifted by State and local health authorities; (2) Cash-in-lieu of parkland shall be donated to the County Park Fund; (3) The lot owners within Rainbow Bend Estates, Phase Two shall become part of the Rainbow Bend Estates, Phase I Homeowners' Association and the covenants from Rainbow Bend Estates, Phase I shall also be incorporated by Rainbow Bend Estates, Phase Two; and (4) A fuel management program that achieves both fire protection and aesthetic goals shall be developed and implemented in consultation with the Missoula Rural Fire District. Sufficient trees shall be retained to screen the subdivision from public view. Motion carried on a vote of 2-0.

Ann Mary Dussault moved and Janet Stevens seconded the motion to grant the variance for the paving requirement for Trout Lane in accordance with the rationale set out in the staff report. Motion carried on a vote of 2-0.

CONTINUATION OF HEARING AND DECISION ON PROPOSED AMENDMENTS TO COUNTY DOG ORDINANCE (INCREASING LICENSE FEES AND IMPOUNDMENT FEES)

Janet Stevens opened the public hearing. As there was no testimony, the public hearing was closed.

Ann Mary Dussault clarified the fact that the City has already adopted the new fee schedule and that these amendments will not go into effect until July 1st.

Ann Mary Dussault moved and Janet Stevens seconded the motion that the County Dog Ordinance be amended to reflect the increase in license fees and impoundment fees contained in the staff recommendation. Motion carried on a vote of 2-0.

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

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MAY 24, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-046

The Board of County Commissioners signed Resolution No. 90-046 to resolve the dispute with the Missoula Housing Authority regarding County RSID assessments on Housing Authority property, resolving that the Missoula Housing Authority will pay those assessments and taxes shown on the Exhibit attached to the Resolution without penalty or interest, and that Missoula County will abate the RSID No. 419 assessments, penalty and interest shown on the Exhibit.

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

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MAY 25, 1990

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

Service Contract

Chairman Stevens signed a Service Contract between Mineral County and the Superintendent of Schools of Missoula County to perform the duties required of County Superintendents for the period from July 1, 1990, to June 30, 1991, as per the terms set forth, for a payment to the Missoula County General Fund by Mineral County of \$3,300.00. The Contract was returned to Rachel Vielleux, County Superintendent of Schools, for further signatures and handling.


Fern Hart, Clerk & Recorder


Janet Stevens, Chairman

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MAY 28, 1990

The Courthouse was closed for the Memorial Day Observed holiday.

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MAY 29, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation from May 29th through May 31st.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-047

The Board of County Commissioners signed Resolution No. 90-047, a resolution to adopt amendments to the County Dog Ordinance (Resolution No. 89-084) approving changes to Sections 3 and 5 of the Missoula County Animal Control Ordinance, increasing licensing fees and impound penalties, which is necessary to maintain staffing and operating levels.

Contracts

Acting Chairman Dussault signed the no-charge contracts between Unisys and Missoula County for the additional A6 memory and the two SCSI disk drives, along with the Maintenance Supplement and Additional Terms and Conditions containing the mutual release. The contracts were returned to John DeVore, Administrative Officer, for forwarding to Unisys for signatures.

Other items included:

The Commissioners reviewed the audit of the records of the Missoula County Superintendent of Schools Office for the period from July 1, 1988, through June 30, 1989. The audit was forwarded to the Clerk & Recorder's office.

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

* * * * *

MAY 30, 1990

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated May 30, 1990, pages 9-31, with a grand total of \$190,849.47. 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:

Zoning Density Allocation Agreement

The Board of County Commissioners signed a Zoning Density Allocation Agreement between Missoula County and William R. and M. Josephine Maclay, individually and as Trustees for the William R. and M. Josephine Living Trust and Betty Kenna, individually and as Trustee for the Fleta Elizabeth Kenna Living Trust regarding a parcel of property situated in Missoula County located in Sections 21, 27, and 28, T. 13 N., R. 20 W. consisting of 730 acres, more or less, that the developers intend to develop for sale as residential building lots, currently zoned to allow a density of 44 building sites; however, the Developers and the County have identified certain areas which should be left in a natural setting and have agreed that the entire development will not be divided into more than 39 parcels and no more than one single family dwelling allowed per parcel, as per the provisions set forth in the Agreement. The Agreement was returned to Martha McClain, Deputy County Attorney, for further handling.

Other items included:

The Commissioners voted unanimously to authorize a loan and the execution of a loan agreement not to exceed \$10,000 from CIP for computer acquisition by Missoula Developmental Service Corporation; and to execute a contract for services and a wire transfer of \$22,790 from Financial Administration to MDSC.

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

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Ann Mary Dussault explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Mike Halligan, Attorney, 5 years; Teresa Graham, Treasurer, 10 years; Mary Zimmerman, Clerk and Recorder, 4 years; Kathy Fritz, Attorney, 4 years; Bob Campbell, General Services, 11 years; Doreen Culver, Treasurer, 1 year; William Smith, Sheriff, 2 years; Norma Venable, Elections, 8 years; Mike McCormick, Road, 15 years; Paula Torrey, Library, 1 year; Kathy Wahl, Treasurer, 4 years; and Betty Wing, Attorney, 10 years.

HEARING: VARIANCE REQUEST - PAVING REQUIREMENT (ZONING DISTRICT #6)

MAY 30, 1990 (continued)

The Board of County Commissioners recessed and the Planning and Zoning Commission convened. Members of the Planning and Zoning Commission present included Ann Mary Dussault, Barbara Evans, and Fern Hart.

Bud Hettich from the Office of Community Development explained that Larry Mineer of Structural Systems, Inc., had requested a variance from the paving requirements for his client, Dave Laursen, for Planning and Zoning District No. 6. Specifically, he is requesting that the paving requirement be waived for the access driveway and driving aisle between the two mini-warehouse structures he proposes to build on Lots 13 through 18 of Block 11, Eddy Addition. The property is commonly known as 1310 Wyoming Street. Prior owner of this property was Robert S. Rock, Jr. Mr. Rock built the two existing min-warehouse structures on Lots 19 through 24 in September 1985. When Mr. Rock was granted the permit, the access aisles and driveway was to be paved, and the site landscaped. The paving and landscaping was never done, which puts the property in violation that should be resolved before any new development is approved by variance or as a permitted use. Planning and Zoning District No. 6 was established on March 17, 1958. The zone allows a wide variety of residential and commercial uses within its limits, including mini-warehouses. The City's off-street parking and paving requirements were adopted for development within this zone by the Missoula County Commissioners on July 10, 1974. These regulations require that all off-street parking areas and access drives shall be hard-surfaced with asphalt or concrete. The Board of County Commissioners may grant variances which will not be contrary to the public interest where, owing to special conditions, literal enforcement would result in unnecessary hardship. The intent of the paving requirement is to reduce the amount of dust generated from land uses within the Air Quality Non-Attainment Area of Missoula County. In this case, the applicant has stated that traffic will be minimal, probably an average of 1-3 cars per day; and that gravel is better for dust control than asphalt due to absorption of particles rather than an accumulation on top which can blow away during a wind storm; and, adjacent mini-warehouse developments are also unpaved with gravel driveways. The argument that gravel is better dust control than asphalt is not true. Gravel begins with dust particles and as it is driven on and crushed, further particles are created that become airborne. Good business practices would dictate keeping the driveway areas clean, and asphalt surfaces can be easily swept clean to prevent a build-up of dust that would become airborne on windy days. The Office of Community Development staff believes that this use would generate air quality problems and therefore recommends that this request be denied. However, Scott Church, Environment Health Specialist at the City-County Health Department, conducted a site visit of the existing facility and the proposed expansion. He said that because both Inez and Prince Streets are unpaved, his office had no problem in granting a variance to the paving requirements, with one exception. Since Wyoming Street is paved adjacent to this facility, the access/egress for both the existing and proposed facility need to be paved. This will limit carry-out material onto Wyoming Street, which will subsequently need to be swept up. This requirement is also consistent with that applied to the Ace Mini Storage Warehouse at 1203 Montana Street. Scott added that in lieu of paving, a 4" base of washed and screened gravel no greater than 2-1/2" in size must be applied to all drive areas. Additional dust suppression measures may be required in the future if air pollution violations occur.

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to comment.

MAY 30, 1990 (continued)

Anna Marie Clouse of 1400 Wyoming Street said she had no objection to the paving variance. She was concerned about an absent landlord, or whether someone would be living in the structure.

Dave Laursen, owner of the property, said that he had obtained three trailers when he bought the property. One trailer was on a permanent foundation, and that one would be left on the premises and was currently rented with the renters moving in within the next two weeks. The other two trailers have already been removed. He said in regard to the paving variance, he is asking for nothing more than was given to the property across the street. He said he had talked to Mr. Rock, who thought he was permitted to use gravel and not required to pave around the existing mini-warehouse structures. He said he thought he had a variance for gravel, as did Ace Mini Warehouse. Therefore, he put in the same identical material. He said that by removing the two trailers and building two new structures, he felt he was improving the area, not taking away from it.

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

Mike Sehestedt, Deputy County Attorney, wanted to clarify Scott Church's letter in regard to size of gravel. The 4" base of washed and screened gravel should be no greater than 2-1/2" in size. This was discussed with the Board of County Commissioners and that was their intent.

Ann Mary Dussault said that the Board of County Commissioners had discussed this matter and had come up with five conditions that would have to be met if the variance was granted.

Barbara Evans then read the conditions.

Dave Laursen said he had an exception to the condition that he provide a barrier to close off the unlimited access/egress from Inez Street. He said Inez is not a popular street, and that it dead-ends on Wyoming. He said it seems frivolous to him to install a curb on an unpaved street when he presumes someday it will be paved and the County will itself install curbing, maybe even a sidewalk. He felt it would be a waste for him to install pin-down curbs if the County later destroys them. That was his only objection to the conditions. In addition, he said he plans to install an underground sprinkler.

Ann Mary Dussault said that Mr. Rock was, in fact, supposed to do three things, one of which he partially did and the other two he didn't do at all. She said they are not holding Mr. Laursen responsible for this, but in granting a variance, they want to be sure that the intent of everything is met. What he was supposed to do is pave, whether he says so or not. The documents indicate that he was not granted a variance, he was supposed to pave, but he did not do that. Secondly, he was supposed to create that barrier between Inez, and he did not do that. Third, he was supposed to landscape, which he kind of did. She said Mr. Laursen is correcting that and they're willing to grant the variance on the internal paving as long as the paving of the aprons is done. That leaves the barrier between Inez and the first storage structures at issue.

Bob Holm from the County Surveyor's Office said that he concurred with Fred Crisp's letter of May 29, 1990, which states: "The County Surveyor's Office concurs with your decision to grant a variance to the paving requirements on the mini warehouse development by Mr. David Laurence (sic). I would like it specified that an agent of the County verify that the driveway aprons have been paved and the fence along Inez Street

MAY 30, 1990 (continued)

constructed prior to the issuance of an occupancy permit." The reason for doing this is because it doesn't define and control access anywhere else in the complex. This access was granted on Wyoming Street, with no thought of Inez Street because it is unpaved. It also prevents traffic flow from being blocked by people backing into those structures from Inez Street.

Barbara Evans said that there are a lot of different types of barriers and perhaps a sort of barrier that might fit in but still be moveable could be used. If a person is moving in a large trailer house or a large rig, the barrier could be moved for half an hour or half a day then replaced, in order to prevent the unlimited access. This is something Mr. Laursen could work with the County Surveyor's Office on and come up with something satisfactory to solve the problem.

Bob Holm said he would image they could work together to come up with something suitable.

Anna Marie Clouse brought up the point of the irrigation ditch on Wyoming Street, and that it has to stay open.

Ann Mary Dussault said the irrigation system is showing on the site plan.

Barbara Evans said that they would amend their conditions so that the barrier on Inez would be approved by the County Surveyor's Office, which indicates flexibility and room to negotiate.

Barbara Evans moved and Fern Hart seconded the motion to grant the request for the for the paving variance on Lots 13 through 18 of Block 11 of the Eddy Addition with the following conditions: (1) The applicants shall provide and install a 4" base of washed and screened gravel no greater than 2-1/2" in size to all drive areas. Additional dust suppression measures may be required in the future if air pollution violations occur. (2) The applicant shall pave the access/egress driveways serving the four mini-warehouse structures from the edge of the pavement on Wyoming Street to the property line. (3) The applicant shall provide an effective barrier to close off the unlimited access/egress from Inez Street, with approval from the County Surveyor's Office. (4) The applicant shall landscape the site as shown on his site plan, and the boulevard area fronting on Inez Street. (5) The applicant shall meet the above four conditions prior to being granted a Certificate of Occupancy Permit. Motion carried on a vote of 3-0.

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

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt the recommendation of the Planning and Zoning Commission in granting the variance to the paving requirement with conditions. Motion carried on a vote of 2-0.

HEARING: PROPOSED RESOLUTION TO CONTINUE TO ASSESS THE EXTRA 0.5% LOCAL OPTION MOTOR VEHICLE FEE IN FY'91

John Devore, Administrative Officer, said that this is a request to continue to assess the additional 0.5% local option motor vehicle tax in FY'91. He said that Senate Bill 17, passed by the Legislature and signed into law by the Governor, amends MCA 61-3-503 and Section 40, Chapter 611, Laws of 1987 by removing the sunset date of July 1, 1989. The enactment of SB-17 allows counties to continue to impose the extra 0.5% local option motor vehicle tax in addition to the 2% tax imposed under MCA 61-3-504(2). The Missoula County Commissioners exercised that local

MAY 30, 1990 (continued)

option in FY'88, FY'89, and FY'90 and propose to continue using that option in FY'91. Passage of the proposed resolution would maintain the motor vehicle tax at 2.5% of the average trade-in or wholesale value, effective July 1, 1990. Jane Ellis, Treasurer's Office, anticipates that the County funds will receive approximately \$669,000 from the 2.5% motor vehicle tax. If the .5% local option is not assessed, the result would be a 20% reduction of this revenue, or approximately \$133,000 less. This is only the impact on county funds. There would be a similar impact on all other taxing jurisdictions.

Ann Mary Dussault open the Public Hearing and asked if anyone cared to testify. As there was no testimony, the Public Hearing was closed.

Barbara Evans moved and Ann Mary Dussault seconded the motion to continue to assess the additional 0.5% local option motor vehicle tax in FY'91. Motion carried on a vote of 2-0.

Resolution No. 90-048

The Commissioners then signed Resolution No. 90-048 to continue the extra 0.5% Local Option Motor Vehicle Fee in FY'91.

HEARING: PROPOSED ANNEXATION TO FRENCHTOWN RURAL FIRE DISTRICT - HARDY PROPERTY

Ann Mary Dussault explained that a petition has been received by the Clerk and Recorder's Office to annex various parcels of land located in Missoula County to the Frenchtown Rural Fire District. The petition for annexation has been checked and verified. The petition contains the signature of the owner of the privately owned land and meets the requirements of 7-33-2125 M.C.A. for annexation of adjacent territory. The parcels to be annexed are: W1/2 SE1/4 SW1/4 Plat B'-7 Section 12, Township 15 North, Range 23 West, E1/2 SE1/4 SW1/4 Plat B'-8 Section 12, Township 15 North, Range 23 West; also Plats B'-3 and B'-4 Section 12, Township 15 North, Range 23 West.

Ann Mary Dussault opened the Public Hearing and asked if anyone cared to testify.

Nancy Robert, Vice Chairman of the Frenchtown Fire Board, said that this petition was from Brett Hardy for fire protection for his property. He had mistakenly thought that his property had already been included in the Frenchtown Rural Fire District; this petition was to officially include him in that Fire District.

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

Barbara Evans moved and Ann Mary Dussault seconded the motion to annex the Brett F. Hardy property described as W1/2 SE1/4 SW1/4 Plat B'-7 Section 12, Township 15 North, Range 23 West, E1/2 SE1/4 SW1/4 Plat B'-8 Section 12, Township 15 North, Range 23 West; also Plats B'-3 and B'-4 Section 12, Township 15 North, Range 23 West into the Frenchtown Rural Fire District. Motion carried on a vote of 2-0.

Resolution No. 90-049

The Commissioners then signed Resolution No. 90-049 annexing the Brett F. Hardy property to the Frenchtown Rural Fire District.

SALE OF TAX DEED PROPERTY

Ann Mary Dussault explained that this is the second deed auction for the year 1985 36-month and 1986 18-month delinquencies, as

MAY 30, 1990 (continued)

set forth by Resolution No. 90-040. No sale shall be made for a price less than the fair market value per M.C.A. 7-8-3201; fair market values for each piece determined by Jim Fairbanks, Appraisal Office. The Notice of Tax Deed Land Sale was published in the Missoulian for two consecutive Sundays and posted in three places as required by M.C.A. 7-8-2302. It should also be noted that copy of the tax deed and a courtesy letter to persons whom we took tax deed from, stating that they had the right to redeem the property prior to the auction, was mailed to all interested parties on March 21, 1990.

Mike Sehestedt, Deputy County Attorney, said that SUID 1564-007, Knowles Addition No. 1, Lot 9, Block 30 is in litigation and cannot be offered for sale at this time.

No one expressed interest after adequate notice, so there were no sales of the tax deed properties.

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

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MAY 31, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Agreement to Sell and Purchase

Acting Chairman Dussault signed an Agreement to Sell and Purchase between Missoula County and Thomas N. and Sharon A. Threlkeld for the purchase of real estate described as Parcel 28-B, E 1/2 NW 1/4, Plat F-30 17-15-21, for a total purchase price of \$8,400.00, as per the terms set forth, subject to closing on their present home. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula Developmental Service Corporation, whereby the County agrees to provide interim financing assistance not to exceed \$10,000.00 for the purpose of purchasing computer equipment, as per the terms set forth, for a period of 120 days and is to be repaid by September 1, 1990.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Lolo Mosquito District, whereby the County agrees to provide financing assistance not to exceed \$3,700.00 for the purpose of purchasing a truck, as per the terms set forth, for a term of thirty-six months through June 30, 1993.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Vocational Resources, Inc. for the purpose of providing services as described in the Employee Assistance Program Services Proposal dated February 3,

MAY 31, 1990 (continued)

1988, as per the items set forth, for a fee of \$1.55 per employee per month, for a period of two years.

Water Main Easements

The Board of County Commissioners signed acceptance of two Water Main Easements for the purpose of constructing, maintaining and removing water mains in Grantland 14, as per the legal descriptions attached to the Easements, from Randy and Lonnie Warner and Horizon Enterprises.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula Developmental Service Corporation for the purpose of supporting the efforts of the Corporation in the early stages of program development and operation, as per the items set forth, for a total amount of \$22,790.00.

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

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JUNE 1, 1990

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

Fern Hart by Wendy Ross Cromwell
Fern Hart, Clerk & Recorder Deputy

Janet Stevens
Janet Stevens, Chairman

* * * * *

JUNE 4, 1990

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

Monthly Report

Chairman Stevens signed the Monthly Reconciliation Reports for Justices of the Peace, David K. Clark and Michael D. Morris, for month ending May 31, 1990.

DAILY ADMINISTRATIVE MEETING

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

The Commissioners made the following board appointments:

- 1) Todd Brandoff was reappointed to the Lolo Water & Sewer Board (RSID No. 901) for a three-year term through June 30, 1993; and
- 2) Gail Bromenshenk was reappointed to the Museum Board of Trustees for a three-year term through June 30, 1993.

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

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JUNE 5, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena participating in a "Healthy Mothers, Healthy Babies" conference.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated June 4, 1990, pages 9-33, with a grand total of \$82,847.98. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Missoula Police Department for the purpose of participation by the Missoula City Police Officers in the Driving Under the Influence (DUI) Enforcement Team as outlined in the attachment to the contract, as per the terms set forth, for the period from February 23, 1990, through June 30, 1990, for a total payment not to exceed \$5,300.00.

JUNE 5, 1990 (continued)Quitclaim Deed

The Board of County Commissioners signed a Quitclaim Deed from Missoula County to Thomas F. and Helen H. Murray for Knowles #1-- Lot 9, Block 30.

Cooperative Agreement

The Board of County Commissioners signed a Cooperative Agreement between the Missoula County Commissioners, the Granite County Commissioners, the Garnet Mining Corporation, Pegasus Gold Corporation, and the Bureau of Land Management, USDI, for the purpose of providing for safe and responsible road management in the Garnet Ghost Town area, as per the terms set forth, and will remain in force until Garnet Mining Corporation and/or Pegasus Gold Corporation finalize their long range plans, or January 1, 1992, whichever comes first. The Agreement was forwarded to the Granite County Commissioners for signatures.

Street Lighting Contract

The Board of County Commissioners signed a Contract between Missoula County and Montana Power Company for the purpose of providing high pressure sodium lighting within the boundaries of RSID No. 912 - West Central Square, as per the terms set forth in the contract, and shall remain in effect for a period of two years and eleven months from the date hereof and shall thereafter continue in force for successive periods of two years and eleven months each until terminated by either party. The Contract was returned to General Services for further handling.

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

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JUNE 6, 1990

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

Monthly Report

Chairman Stevens signed the monthly report of the Clerk of the District Court, Kathleen Breuer, showing fees and collections made in Missoula County for month ending May 25, 1990.

WEEKLY PUBLIC MEETING

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

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Don Spritzer, Library, 14 years; Virgil Adams, General Services, 11 years; Susan Lambert, 9-1-1, 1 year; Doug Kikkert, Health, 12 years; Darlene Anderson, Sheriff, 6 years; Pat O'Herren, Rural Planning, 11 years; Barbara Adams, Sheriff, 4 years; and Carol Routh, Accounting, 4 years. Also, Pat Thaggard, who has been with the Missoula County Sheriff's Office for twelve and a half years, is retiring. She was presented with a mug and a special framed poster of Missoula.

JUNE 6, 1990 (continued)

BID AWARDS:

Manufacture of Windows, Old Portion of County Courthouse:

John DeVore, Administrative Officer, explained that this is a bid award for the manufacture of replacement windows for the old portion of the County Courthouse. This consists of replacing the old windows with thermal pane energy efficient windows - 110 in the main Courthouse and 35 in the clock tower. All windows are different sizes. Only one bid was received for the manufacture of the replacement windows. That was from Clawson Manufacturing of Missoula in the amount of \$56,163.04. Staff recommends awarding this bid to Clawson Manufacturing.

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the bid for the manufacture of the replacement windows for the old portion of the County Courthouse to Clawson Manufacturing for \$56,163.04. Motion carried on a vote of 3-0.

Installation of Windows, Old Portion of County Courthouse:

John DeVore explained that this is a bid award for the installation of the new windows in the old portion of the County Courthouse. Three bids were received:

Western Interstate, Missoula - \$31,968

Paul O'Connell, Missoula - \$33,665

Sirius Construction, Missoula - \$46,071

Staff originally recommended awarding this bid to Western Interstate for \$31,968 as the lowest bidder. However, a question has arisen as to the eligibility of this firm, as the specs state that the company has to have been in business a minimum of five years. Therefore, staff recommends postponement of this bid award until eligibility has been established.

Ann Mary Dussault moved and Barbara Evans seconded the motion to postpone the bid award for the installation of the replacement windows in the old portion of the County Courthouse until Wednesday, June 13, 1990. Motion carried on a vote of 3-0.

Plant Mix Asphaltic Concrete:

Janet Stevens explained that this is a bid award for a contract for 3,000 tons of plant mix asphaltic concrete for the Surveyor's Department. The bids were open at 10:00 a.m. on June 4, 1990, with the following results:

Western Materials - NO BID BOND

Jensen Paving Company - \$39,600.00

American Asphalt - \$43,320.00

Staff recommendation is to award the contract to Jensen Paving Company for \$39,600.00. There is \$44,278 left in the budget for this line item.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the contract for 3,000 tons of plant mix asphaltic concrete for the Surveyor's Office to Jensen Paving Company for \$39,600. Motion carried on a vote of 3-0.

Gas and Diesel Fuel:

Janet Stevens explained that this is a bid award of a contract to supply gas and diesel fuel to Missoula County. On June 4, 1990, at 10:00 a.m. the following bids were opened:

Hanson's Finest - \$93,282.30

J.G.L. Distributing - \$94,460.04

Tremper Distributing - \$93,827.40

Hi-Noon Petroleum - \$97,905.50

Cennex Ltd. - \$98,036.00

JUNE 6, 1990 (continued)

Staff recommends the award of the bid to Hanson's Finest for \$93,282.30.

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the contract to supply gas and diesel fuel to Missoula County to Hanson's Finest for \$93,282.30. Motion carried on a vote of 3-0.

Bond Bids for RSID No. 436 - Improvements to the Water system in Lolo:

John DeVore explained that this is an award of Bond bids for RSID No. 436. The following bids were received:

<u>Bidder</u>	<u>Net Interest Rate</u>
Shearson Lehman	6.8032965%
Grande and Company	6.9919%
D.A. Davidson	7.071653%
Bitterroot Valley Bank	7.5%

Staff recommends awarding the bid to Shearson Lehman for a net interest rate of 6.8032965%.

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the Bond bid for RSID No. 436 to Shearson Lehman for a net interest rate of 6.8302965%. Motion carried on a vote of 3-0.

Construction of Water System Improvements, RSID No. 436 - Lolo Sewer and Water:

Jim Dopp, Operations Officer, explained that this is a bid award for construction of water system improvements in RSID No. 436, Lolo Sewer and Water. Bids for construction of improvements to the Lolo Water System were opened on Wednesday, May 28, 1990. All bids were in excess of estimates. The following bids were received:

4-G Plumbing - Base Bid: \$246,313; Alternate "A": \$27,400;
Alternate "B": \$32,400
Sentinel Mechanical - Base Bid: \$251,938; Alternate "A": \$29,037; Alternate "B": \$34,795
Ramcon Construction - Base Bid: \$281,749; Alternate "A": \$27,000; Alternate "B": \$25,000

Staff recommends rejection of all bids and re-bidding the project.

Barbara Evans moved and Ann Mary Dussault seconded the motion to reject all construction bids for improvements to the Lolo Water System, RSID No. 436, and re-bidding the project. Motion carried on a vote of 3-0.

ADOPTION OF MISSOULA URBAN AREA COMPREHENSIVE PLAN UPDATE

John Torma, Office of Community Development, said this latest update of the Urban Area Comprehensive Plan contains amendments over and above what was brought before the Board on October 14, 1989, based on comments by the public. All major changes in the document are so noted in Legislative style. John then went through all changes, maps of the area, and answered questions from the Commissioners. He said he had taken the plan to Planning and Zoning City Council Committee, who will hold it for one more week. They have a concern with the level of commitment and whether this is a requirement or a general policy statement. He then asked the Board of County Commissioners for a resolution of intent to adopt the 1990 update to the Missoula Urban Comprehensive Plan.

JUNE 6, 1990 (continued)

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

Resolution No. 90-050

The Board of County Commissioners then signed Resolution No. 90-050, a Resolution of Intent to Adopt the 1990 Update to the Missoula Urban Comprehensive Plan.

Janet Stevens said that the date to adopt the final 1990 Update to the Missoula Urban Comprehensive Plan will be July 11, 1990.

HEARINGS: COS REVIEWS

Geoffrey Shaffner - Agricultural Exemption:

Marnie McClain, Deputy County Attorney, explained that this request for an agricultural exemption comes from Eli & Associates for claimant Geoffrey Shaffner. Mr. Shaffner also submitted a request for approval of a relocation of common boundary and lot aggregation, which has been approved. Mr. Shaffner proposes to relocate a common boundary between Parcel I and II, Bk 181, Micro Pg. 2181 and then to sell Tract 2 to his neighbor, Phil Tawney, for use as a horse pasture. The Clerk and Recorder's Office shows no record of previous COS activity by the claimant.

Andy Fisher of Eli & Associates explained the project to the Commissioners and answered their questions concerning the proposed agricultural exemption.

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

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant an agricultural exemption to Geoffrey Shaffner to divide the property described as Parcel I and II, Book 181, Micro Page 2181, based on the fact that there is no apparent attempt to evade the Montana Subdivision and Platting Act. The motion carried on a vote of 3-0.

Joe Miller - Agricultural Exemption:

Marnie McClain explained that this request for an agricultural exemption comes from Sorenson & Company. The claimant is Joe Miller. According to the letter from Sorenson, the survey proposes to split 6.76 acres from the parcel to sell to a neighbor to use for pasture. The remainder will either be offered for sale in the future or will be used as a building site by the present owners. The Clerk and Recorder's Office has no record of any previous COS activity by this applicant.

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

Nick Kaufman of Sorenson and Company said that the 6.76 acres are unusable and will be transferred to the adjoining property owner. This property is part of the Jordan Ranch property in Potomac.

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

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant the agricultural exemption on COS #219, Tract 42, based on the fact that there is no apparent attempt to evade the Montana Subdivision and Platting Act. Motion carried on a vote of 3-0.

JUNE 6, 1990 (continued)Herschel R. Mays - Family Transfer:

Marnie McClain said this request for a family transfer exemption comes from Eli & Associates on behalf of Herschel R. Mays. Mr. Mays proposes dividing Tract B-1, COS #1798 into five parcels. The matter has been referred to the Board of County Commissioners for review pursuant to Section III(f) of Resolution No. 85-077, Missoula County Certificate of Survey Review and Criteria, "The arrangement of the proposed divisions suggests an intention to create multiple lots."

Janet Stevens opened the Public Hearing and asked for public testimony.

Any Fisher of Eli & Associates explained the reasoning of the division of this property in five tracts. He said he was mainly looking ahead and that he wanted to save his client time and money.

Ann Mary Dussault asked why it was being done as a family transfer if the children were then going to sell the property and return the proceeds to their father. The Commissioners discussed various options with Andy Fisher and Mr. Mays, including the reasoning behind the Montana Subdivision and Platting Act.

Ann Mary Dussault moved and Barbara Evans seconded the motion to continue this hearing next Wednesday, June 13, 1990. Motion carried on a vote of 3-0.

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

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JUNE 7, 1990

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

DAILY ADMINISTRATIVE MEETING

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

- 1) the Commissioners agreed to notify the Granite County Commissioners that Missoula County declines financial participation in an appeal regarding roads in the Garnet area; and
- 2) a request from Rachel Vielleux, County Superintendent of Schools, regarding printing for the Special Ed Co-op for FY'91 was approved.

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

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JUNE 8, 1990

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

Election Canvass

In the forenoon, Commissioners Dussault and Stevens and Kathleen Breuer, Clerk of the District Court, serving as the Board of

JUNE 8, 1990 (continued)

Canvassers, canvassed the Primary Election, which was held on June 5, 1990.

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

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JUNE 11, 1990

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Dussault was in Kalispell attending the MACo Annual Conference, and Commissioner Stevens was out of the office until noon because of a plane delay.

DAILY ADMINISTRATIVE MEETING

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

Notice of Hearing

Chairman Stevens signed a Notice of Hearing on the application of Sun Mountain Sports for tax incentives under Resolution No. 87-080 regarding tax incentives for new and expanding industry, with this application covering expansion of the existing production facility at Sun Mountain Sports, setting the hearing date for June 27, 1990, at 1:30 p.m.

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract, dated June 7, 1990, between Missoula County and Janice L. Milner and Harald O. Schweizer for the purpose of conducting a management study and developing a plan of action for the Missoula County Sheriff's Department in accordance with the proposal submitted on May 18, 1990, as per the terms set forth, to be completed within ninety days of the execution of the Agreement, for a total payment of \$6,770.00 upon completion of the final report. The Contract was returned to John Pemberton in the Personnel Office for further signatures and handling.

Agreement

Chairman Stevens signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of improving the education of nurses and other health care professionals working with children and infants and their families, whereby the Missoula City-County Health Department agrees to send two nurses to the NCAST Institute being held in August, 1990, in Bellevue, Washington, and to assign them to attend an NCAST meeting held in Helena prior to December 31, 1990, to speak and otherwise share the knowledge gained at the Washington NCAST session, as per the terms set forth, with the Agreement being in effect from July 1, 1990, through December 31, 1990, and DHES agrees to pay Missoula County \$400 as soon as possible after July 1, 1990. The Agreement was forwarded to DHES in Helena.

Resolution No. 90-051

The Board of County Commissioners signed Resolution No. 90-051, a budget amendment for FY'90 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'90 budget:

JUNE 11, 1990 (continued)

<u>Description of Expenditure</u>	<u>Budget</u>
2270-612-447205-327 Consultants	\$400
-357 Travel, Meals, Incidentals	<u>325</u>
	\$725

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-331325 Task Force Training	\$725

Contract number 90-01-05-2 from the Highway Traffic Safety Division.

Resolution No. 90-052

The Board of County Commissioners signed Resolution No. 90-052, a budget amendment for FY'90 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY'90 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-611-442500-112 Temporary Salaries	\$1,410
-141 Fringe Benefits	240
-945 Capital - Office Equipment	<u>1,891</u>
	\$3,541

<u>Description of Revenue</u>	<u>Revenue</u>
2270-611-333287 Ground Water Grant	\$3,541

Additional funds received from Mountain Water Co. and the City of Missoula to fund ground water programs.

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY 1990 Budget:

- 1) No. 900013, a request from the Health Department to transfer \$550 from the Contracted Services account to the Capital - Office Equipment account for the purchase of computer equipment;
- 2) No. 900043, a request from the Sheriff's Department to transfer \$21,400 from various accounts with savings (listed on attachment to transfer) to various capital accounts (listed on attachment to transfer) to purchase needed items (listed on attachment to transfer);
- 3) No. 900045, a request from the Elections/Financial Administration Departments to transfer \$7,851 from the Financial Admin. Contingency account to the Printing/Litho (\$3,926) and Judges (\$3,925) accounts in Elections to cover the cost of the Economic Development Mill Levy Election; and
- 4) No. 900046, a request from the Public Defender to transfer \$835.20 from the Office Supplies account to the Capital-Office Equipment account to buy a filing cabinet.

Other items included:

JUNE 11, 1990 (continued)Bid Award

The following bids were received for the installation of replacement windows for the old portion of the Missoula County Courthouse:

- | | | |
|------------------------|---|----------|
| 1) Western Interstate | - | \$31,968 |
| 2) Paul O'Connell | - | \$33,665 |
| 3) Sirius Construction | - | \$46,071 |

Commissioner Evans moved that the bid be awarded to Western Interstate as per the recommendation of the staff; Commissioner Stevens seconded; and the motion passed by a 2-0 vote.

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

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JUNE 12, 1990

The Board of County Commissioners did not meet in regular session; Commissioner Stevens attended the MACo Annual Conference in Kalispell, and Commissioners Dussault and Evans were out of the office all day.

* * * * *

JUNE 13, 1990

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Evans was out of the office until noon; and Commissioner Dussault was out of the office June 13th and 14th.

Indemnity Bonds

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

- 1) naming Michelle Rae as principal for warrant #093467, dated March 23, 1990, on the School District #1 Payroll fund in the amount of \$47.10 now unable to be found;
- 2) naming Connie Bullis as principal for warrant #9358, dated September 1, 1989, on the Missoula County Trust Fund in the amount of \$200.00 now unable to be found; and
- 3) naming Connie Bullis as principal for warrant #7533, dated June 20, 1989, on the Missoula County Trust Fund in the amount of \$100.00 now unable to be found.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated June 12, 1990, pages 6-37, with a total amount of \$921,677.42. The Audit List was returned to the Accounting Department.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY'90 budget:

No. 900047, a request from the Sheriff's Department to transfer \$1,500 from the Jail-Food account to the Tires

JUNE 13, 1990 (continued)

account (part one of a two-part transfer as per the explanation on the transfer) in order to purchase extra tires in the current fiscal year and then transfer from Tires to Training in FY'91.

Plat

The Board of County Commissioners signed the Plat for Rush Addition, a rural resubdivision of Lot 46, Dinsmore's Orchard Homes Addition No. 5, located in the SE 1/4 of Section 24, T. 13 N., R. 20 W., PMM, Missoula County, with the owners/subdividers being Fred G. III and Linda K. Rush, and the amount of \$4,778.00 for cash in lieu of parkland was received by the County Treasurer.

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Sharon Gaffney, Extension, 15 years; Andrew Cherrullo, Library, 5 years; Mary Costello, Health, 8 years; Stan Fullerton, Sheriff, 13 years; Lorri Lane, Insurance, 8 years; Mary Feuersinger, Health, 8 years; Patta Kahler, Youth Court, 4 years; and Deborah Ogden, 9-1-1, 4 years.

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

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JUNE 14 & 15, 1990

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

Fern Hart by Wendy Ross Crowell
Fern Hart, Clerk & Recorder Deputy

Janet Stevens
Janet Stevens, Chairman

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JUNE 18, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Evans was on vacation the week of June 18th through the 22nd; and Commissioner Stevens was out of the office June 18th and 19th.

Indemnity Bond

Acting Chairman Dussault examined, approved and ordered filed an Indemnity Bond naming John H. Combs as principal for warrant #13574, dated June 2, 1989, on the Missoula County High Schools' Fund in the amount of \$30.00 now unable to be found.

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JUNE 19, 1990

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

JUNE 19, 1990 (continued)Monthly Report

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

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JUNE 20, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. In the forenoon, Commissioner Stevens attended an EPA Superfund work session; and Commissioner Dussault attended the Groundbreaking Ceremony for MDSC's (Missoula Developmental Service Corporation) first group residence located on Easy Street.

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated June 19, 1990, pages 6-35, with a grand total of \$196,271.28. The Audit List was returned to the Accounting Department.

WEEKLY PUBLIC MEETING

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

EMPLOYEE RECOGNITION

Janet Stevens explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Phil Tillman, Sheriff, 9 years; Susan Bomstad, 9-1-1, 10 years; Heidi Thomas, 9-1-1, 10 years; Jane Ellis, Fiscal Officer, 11 years; Fred Van Valkenburg, County Attorney, 5 years; Garold Crouch, Sheriff, 15 years; and Willis Hintz, Sheriff, 13 years.

BID AWARD - LEGAL ADVERTISING (MISSOULA COUNTY)

Janet Stevens explained that this is an award for legal advertising for fiscal year 1991. The single bid received for legal advertising is from The Missoulian as follows:

1. Legal Advertising:
 - a. Per unit first insertion: \$6.00
 - b. Per unit each subsequent insertion: \$4.00
 2. Rule and Figure Work:
 - a. Per unit first insertion: \$8.00
 - b. Per unit each subsequent insertion: \$4.00
- No discounts offered.

Staff recommendation is to award the bid for legal advertising to The Missoulian for fiscal year 1991.

Ann Mary Dussault moved and Janet Stevens seconded the motion to award the bid for Legal Advertising for Fiscal Year 1991 to The Missoulian. Motion carried on a vote of 2-0.

BID AWARD - TYPEWRITER MAINTENANCE (CENTRALIZED SERVICES)

Janet Stevens explained that this is a bid award for typewriter maintenance for fiscal year 1991. Bids received and opened June 18, 1990 are as follows:

JUNE 20, 1990 (continued)

Tech Service Co., Inc.	\$9,990.00 (90 IBM typewriters)
Business Machines/Delaney's	\$4,515.00 (91 IBM & Brother typewriters)
Hudson's Quality/Office Machines	\$2,222.20 (23 Canon & Facit typewriters)

Staff recommendation is to award the bid for IBM and Brother typewriter maintenance to Business Machines/Delaney's for \$4,515.00 and to award the bid for Facit and Canon typewriter maintenance to Hudson's Quality Office Machines for \$2,222.20 for Fiscal Year 1991.

Ann Mary Dussault moved and Janet Stevens seconded the motion to award the bid for IBM and Brother typewriter maintenance to Business Machines/Delaney's for \$4,515.00 and to award the bid for Facit and Canon typewriter maintenance to Hudson's Quality Office Machines for \$2,222.20 for Fiscal Year 1991. Motion carried on a vote of 2-0.

CONSIDERATION OF RANGITSCH ADDITION NO. 2, FINAL PLAT

Barb Martens, Office of Community Development, explained that this is a request for approval of the final plat of Rangitsch Addition No. 2. She said that on April 26, 1989 the Board of County Commissioners approved the preliminary plat of Rangitsch Addition No. 2 subject to several conditions. Rangitsch Addition No. 2 consists of eight (8) single-family residential lots on 8.59 acres. The subdivision is located at the intersection of Mount and 42nd Avenues. The Office of Community Development staff recommends that Rangitsch Addition No. 2 be approved, as all conditions of the preliminary approval have been met.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the Final Plat of Rangitsch Addition No. 2 based on the findings of fact and staff recommendation, as all conditions of the preliminary approval have been met. Motion carried on a vote of 2-0.

Plat

The Commissioners then signed the final plat of Rangitsch Addition No. 2, a subdivision of Certificate of Survey No. 1352, located in the SE1/4 of the NE1/4 of Section 26, Township 13 North, Range 20 West, PMM, Missoula County; the owner and developer being Robert J. Rangitsch; and cash-in-lieu of parkland in the amount of \$4,562.22 having been received by the County Treasurer.

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

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a contract between Missoula County and Western Interstate, Inc. for the purpose of installing replacement windows in the old Courthouse, as per the terms set forth, for a total payment of \$31,968.00. The contract was returned to Centralized Services for further handling.

JUNE 20, 1990 (continued)Payroll Transmittal Sheets

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

- 1) #9 (4/15/90 - 4/28/90) with a total Missoula County payroll of \$328,868.02;
- 2) #10 (4/29/90 - 5/12/90) with a total Missoula County payroll of \$333,777.86; and
- 3) #11 (5/13/90 - 5/26/90) with a total Missoula County payroll of \$333,481.51.

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

Amendment to Professional Services Contract

The Board of County Commissioners signed an Amendment to a Professional Services Contract between Missoula County and Keith Larson of Larson Computer Consulting, amending the contract as follows:

Item 1: May 14 to June 29, 1990.

Item 4: Total compensation should not exceed \$4,100.

Reimbursement for equipment up to \$742 as necessary to complete project due upon completion of project.

Item 5: Reimbursement for equipment up to \$742 as necessary to complete project.

Certification of Acceptance

Chairman Stevens signed the Certification of Acceptance for County Maintenance for Homestead Drive, located in Section 14, T. 13 N., R. 20 W., a total of .185 miles. The Certification was returned to the Surveyor.

Agreement to Sell and Purchase

Chairman Stevens signed an Agreement to Sell and Purchase between Missoula County and Marie Michelle Westmoreland for the purchase of Lots 2 & 3 of Grantland 13, as per the terms and special provisions set forth, for a total purchase price of \$44,000.00. The Agreement was returned to Jim Dopp, Operations Officer, for further handling.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY'90 budget:

No. 900044, a request from the Victim Response Unit (Victim Assistance Program) to transfer \$471.01 from the Printing/Litho account to the Meals, Lodging & Incidentals account as this was not included in the original budget.

License Renewal Application

The Board of County Commissioners signed the 1990-1991 Liquor License Renewal Application for Larchmont Golf Course. The application was forwarded to the Department of Revenue - Liquor Division in Helena.

JUNE 20, 1990 (continued)

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

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JUNE 21, 1990

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

DAILY ADMINISTRATIVE MEETING

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

Contract

The Board of County Commissioners signed a contract dated June 18, 1990, between Missoula County and Clawson Manufacturing for the manufacture of replacement windows for the Old Courthouse, as per the terms set forth, to be completed within a period of 180 consecutive calendar days from the date of this contract, for a total payment of \$56,163.04. The contract was returned to Centralized Services for further handling.

Budget Transfer

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

No. 900049, a request from the Museum Trustees to transfer \$300 from the Termination Reserve account to the Meals, Lodging, and Incidentals account to cover the submitted contract payment to Dale Johnson for services rendered at the Historical Museum.

Other items included:

The Commissioners discussed the Reclassification Policy and the comments and suggestions received from Department Heads since they were notified of the intent to amend the Missoula County Personnel Policies by deleting Paragraphs A and D of Section IV and Section VI of Addendum B, Classification Policies and Procedures, by rescinding Resolution No. 86-073. The majority of the comments received supported this action by the Board, and it was agreed that the proposed Reclassification Policy be adopted effective June 1, 1990, which essentially eliminates the reclassification process as a method of enhancing existing positions; and it is incumbent upon Department Heads to insure that employees are not assigned responsibilities beyond their current job descriptions.

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

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JUNE 22, 1990

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

Audit List

Chairman Stevens examined, approved and ordered filed an Indemnity Bond, naming Anne Reinsel as principal for warrant

JUNE 22, 1990 (continued)

#14348, dated September 21, 1989, on the Missoula County High Schools Fund in the amount of \$45.63 now unable to be found.

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

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JUNE 25, 1990

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

Indemnity Bond

Chairman Stevens examined, approved and ordered filed an Indemnity Bond naming Janice McCormick as principal for warrant #2513, dated January 16, 1990, on the Sunset School District #30 General Fund in the amount of \$41.56 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for pay period #12 (5/27/90 through 6/09/90) with a total Missoula County payroll of \$343,463.66. The Transmittal Sheet was returned to the Auditor's Office.

Resolution No. 90-053

The Board of County Commissioners signed Resolution No. 90-053, resolving that pursuant to Sections 7-4-2107, 7-4-2503 and 7-4-2504 of M.C.A., as amended, effective on July 1, 1990, the annual salaries of certain elected County officials are fixed as follows:

Clerk of the District Court	\$28,019.19
County Auditor	\$28,019.19
County Surveyor	\$28,019.19
County Commissioner	\$30,019.19
Clerk & Recorder/Treasurer	\$33,623.03
County Superintendent of Schools	\$28,869.19
County Attorney	\$46,189.02
County Sheriff/Coroner	\$37,987.73

Resolution No. 90-054

The Board of County Commissioners signed Resolution No. 90-054, resolving that pursuant to Section 3-10-207, M.C.A., as amended, effective July 1, 1990, the annual salaries of the Missoula County Justices of the Peace are fixed at \$28,469.18.

Letter of Agreement

Chairman Stevens signed a Letter of Agreement between the Missoula County Board of Trustees for Museums and the United Peoples Foundation, and Powwow and Western Encampment Committee for the purpose of conducting a Powwow and Western Encampment on the grounds of the Historical Museum at Fort Missoula August 9th through 12th, 1990; whereby the Museum Trustees agree to allow the Powwow Committee to use the Museum as a site for the Powwow, provided the conditions, as set forth in the Agreement, are met.

JUNE 25, 1990 (continued)Revised Benefits Plan Document

The Board of County Commissioners signed the revised Missoula County Employee Benefits Plan Document, which becomes effective July 1, 1990, and sets forth the provisions of the Plan which provide for medical, dental, vision, life insurance, and accidental death & dismemberment benefits, as per the items set forth, and will be the sole document used in determining benefits to which members are entitled; it does not constitute an employment agreement and does not affect any requirements for coverage by Workers' Compensation insurance. The Document was returned to Hal Luttschwager, Risk Manager, for further handling.

COS Agricultural Exemption

The Board of County Commissioners signed approval of a Declaration of Covenant by Geoffrey D. and Carol K. Shaffner, the owners of tracts of land located in the SW 1/4 of Section 2, T. 12 N., R. 19 W., PMM, stating that the parcel described on the Certificate of Survey as "Tract 2" shall be used exclusively for agricultural purposes and no building or structure requiring water or sewage facilities may be erected or utilized thereon.

Concurrence with Access Control Plan

Chairman Stevens signed concurrence that the Board of County Commissioners of Missoula County approves of the access control plan for the Reserve Street reconstruction project as outlined in the Department of Highways letter dated June 18, 1990. The form was forwarded to the Department of Highways in Helena.

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

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JUNE 26, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending a meeting of the MT Tax Reform Coalition Executive Committee; Commissioner Evans took a day of vacation; and Commissioner Stevens attended a Community Leadership Forum held at First Bank Western all forenoon.

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JUNE 27, 1990

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation from June 27th through June 29th.

Audit List

Commissioners Dussault and Evans signed the Audit List, dated June 27, 1990, pages 9-50, with a grand total of \$215,912.85. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 90-055

The Board of County Commissioners signed Resolution No. 90-055, a resolution accepting an easement from the United States of

JUNE 27, 1990 (continued)

America, acting by and through the Forest Service, Department of Agriculture, for public road and all other public purposes, located in a portion of Lot 4 and SW 1/4, SE 1/4, Section 34, and Lots 7 and 8, Section 35, T. 20 N., R. 16 W., PMM, (South Holland Road #44-A).

Lease Agreement

The Board of County Commissioners signed a Lease Agreement between Missoula County and Edward A. Cummings for the lease of a three story brick building with the street address of 317 Woody Street, as per the terms set forth, for the period from December 31, 1990, until December 31, 1995, for rent in the amount of \$17,612.89 semi-annually in advance on each December 31st and June 30th during the term of this lease, with adjustments in the rent to reflect changes in the economic conditions prevailing every two years.

Jailers Agreement

The Board of County Commissioners signed an Addendum to the Jailers Union Agreement, which includes the Control Officer Pay Schedule effective from July 1, 1990, to June 30, 1991. The Agreement was returned to John Pemberton in the Personnel Office for further handling.

Library Agreement

The Board of County Commissioners signed the Library Employees Union Agreement, which includes the Compensation Schedule effective July 1, 1990, to June 30, 1991. The Agreement was returned to John Pemberton in the Personnel Office for further handling.

Partial Termination of Lease

The Board of County Commissioners signed a Partial Termination of Lease, which was originally executed on April 15, 1981, by Missoula County to the Airport Authority for airport purposes, and recorded in the public records of Missoula County, MT in Volume 163, page 024; whereby the County and the Authority now agree to the partial termination of said lease in so far as it pertains to a portion of the leased lands located at the Missoula County Airport, also known as Johnson-Bell Field, as per the terms set forth. The Document was returned to Don Livasy, Acting Airport Director, for further handling.

Quitclaim Deed

Acting Chairman Dussault signed a Quitclaim Deed from Missoula County to the United States of America (Forest Service) for the property conveyed to the County by deed dated December 22, 1976, recorded June 10, 1977, in Volume 98, page 688, containing the provision that any part of the property that has not been used for airport purposes within 3 years shall revert to the United States; and it has been determined that the property has not been used for airport purposes and that the County of Missoula has no further need for said property and is, therefore, deeded back to the Forest Service. The Deed was returned to Don Livasy, Acting Airport Director, for further handling.

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

JUNE 27, 1990 (continued)WEEKLY PUBLIC MEETING

The meeting was called to order by Commissioner Ann Mary Dussault. Also present was Commissioner Barbara Evans.

EMPLOYEE RECOGNITION

Ann Mary Dussault explained that the Commissioners are giving employees special mugs on the anniversary of their date of hire. This mug is in appreciation of their service to the County. Those employees receiving mugs this week are Janice Goldsby, Motor Vehicles/Recording, 1 year; Greg Hintz, Sheriff, 17 years; David Crabtree, Extension, 2 years; Carole Kamrath, Sheriff, 14 years; Neva Oliver, Health, 2 years; and Ruthe Sackey, PBX, 9 years.

ADOPTION OF RESOLUTION FIXING FORM AND DETAIL OF RSID NO. 436 (LOLO WATER SYSTEM IMPROVEMENTS) BONDS

John DeVore, Administrative Officer, explained that this is the standard procedure to fix the form and detail of the Bonds for RSID 436 that we sold a couple weeks ago. This is the sale of \$208,000 in tax exempt bonds to finance improvements to the water system that serves Lolo. This is a procedure that is done in order to establish the tax exempt status of the Bonds as a formal resolution adopted by the Board, fixing the form and detail. It says basically what the maturity schedule is, what the denomination of the bonds is going to be, who the bonds were sold to, and talks about the letting of the construction bids. The construction will include the installation of a 500,000-gallon water reservoir, the painting of the two existing water reservoirs within the system, and a re-piping project to add an additional supply to the system, as well as the installation of fire hydrants.

Barbara Evans explained that we have had hearings and sent letters to those folks in Lolo, and this is nothing that they are unaware of.

Barbara Evans moved to adopt and authorize the Chair to sign the resolution relating to \$208,000 Rural Special Improvement District No. 436 Bonds, fixing the form and details and providing for the execution and delivery thereof and security therefor. Ann Mary Dussault seconded the motion. Motion carried on a vote of 2-0.

Resolution No. 90-056

The Commissioners then signed Resolution No. 90-056, a resolution relating to \$208,000 Rural Special Improvement District No. 436 Bonds, fixing the form and details and providing for the execution and delivery thereof and security therefor.

CONSIDERATION OF RESOLUTION APPROVING AND PROVIDING FOR PUBLIC HEARING ON ISSUANCE OF COUNTY INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR THE MISSOULA CHILDREN'S THEATRE

John DeVore, Administrative Officer, explained that the Missoula Children's Theatre has requested the Board of County Commissioners to consider the issuance of \$3,500,000 in Revenue Bonds to provide low-interest financing for their Central School Project. This resolution would formally establish the intent of the Board of County Commissioners to consider this request and begin to take comments as to the public benefit of the project. A formal Public Hearing would be scheduled later on in the process and prior to any final decision by the Board. Staff does recommend approval of this resolution.

JUNE 27, 1990 (continued)

Dennis O'Donnell, Chair of the Missoula Children's Theatre Advisory Board and a member of the Board of Directors of the Missoula Children's Theatre, introduced P. Mars Scott, President of the Board, and Swithen McGrath, Director of Marketing. He said their request for the \$3,500,000 in IDR Bonds for MCT Central School Project, which they call the Missoula Center for Theater, is for the purpose of allowing low-cost financing for this project. They are going to be paying for the bonds out of their fund-raising efforts, which have already begun. The fund raising efforts themselves would consist of fund raising locally and nationally, and grants and other matching money from foundations and people involved with theater throughout the United States. He said their particular program that would be utilizing the facilities is a program which operates here in Missoula, best known as Missoula Children's Theatre and Community Theater for the local programming they put on. What they would like to do with the Central School project is to expand their programs which would expand the quality of programs here in Missoula but also expand their additional programs which now operate internationally. He said the Missoula Children's Theatre has a tour program that operates from Singapore to the Virgin Islands, from Mexico and into Canada - over 300 different locations this coming year. The MCT tour will be representing Missoula all over the United States, in Asia, and the Virgin Islands. So they're very excited about this project, as it brings a great deal of money into Missoula and has a tremendous potential for expansion. The main purpose of the Central School Project will be to house the expansion of the tour program, which they expect in five years to expand from 300 appearances to over 1,000. That plan appears to be on the road, and they have a 28% increase in their budget this year, largely attributed to expansion of the tour. However, the tour cannot expand any further without additional space. The Executive Director of the Missoula Children's Theatre, Jim Caron, is currently in Ashland, Oregon putting together an additional show which will be part of their tour program. The kind of space needed to expand is perfectly provided for by Central School. In addition to that, they will be expanding an already existing program, which is the Missoula Children's Theatre Academy, a summer program, from its current 25 students to in excess of 500 students per summer. This program will take advantage of the Central School facilities and also utilize the theater. The theater addition to Central School would provide them with the space to develop new shows, to utilize local actors, and to expand the overall production capabilities of MCT, as well as house the existing Children's Theatre and Community Theatre programs. This would be a 399-seat theater, state of the art in both visual and audio capabilities, to provide MCT with the opportunity to provide the best local production and also the best base to support their international program over time. He then exhibited posters and charts describing the theater itself and the Central School Project. He said they would vacate the Front Street Theater, which would then remain a development theater for smaller theater companies here in Missoula. He said that when they are done with the project they will have the capacity of supporting 1,000 tour programs as well as the academy in their own facility, as well as the development capacity to extend the international program. Their five year plan extending that into a ten year program indicates expansion of the tour to Europe, and that way they will circle the globe. They estimate that it will take two years to build the complete theater. They received \$300,000 from the Missoula Redevelopment Agency to buy Central School from School District No 1, which provided \$150,000 contribution in-kind when they transferred the school to them.

JUNE 27, 1990 (continued)

Ann Mary Dussault asked if, assuming the fund-raising plan comes together and with the utilization of the bonds, the project could actually be completed earlier than projected.

Dennis O'Donnell said yes. The primary reason they are asking for the bonds is to facilitate the financing and construction at the least cost. What they would do is reach a point in fund raising that would meet the requirements of whomever would do the bond issue. It would also allow them to accept more long-term gifts that were stretched out over 5 or 6 years. It would put them in the position where when they issued the bonds, they could simply let the contracts, build the facility under one consolidated contract with a minimum of disruption, minimum changes of costs due to delays, and a completion of the project in one fell swoop. To extend it out and wait for fund raising to match the cash flow requirements, the project would wind up costing a great deal more and would force the project to be done in pieces. As a result of that it would significantly reduce the speed in which they would expand their program. So they feel it would be a necessary step in the efficient and effective development of the project. They would like to be in a position where, as they go to granting agencies and to major fund raisers, they can have the ability to allow major grants and fund raising efforts to be used to trigger the issuance of the bonds. He said it's very important when you're raising money in these magnitudes to be able to show the people right away what the result of their giving is. Therefore they would be in a position where consolidation of major gifts actually triggers the bond raising which means they start construction right away, which is a tremendous aid in the fund raising effort. They have had a feasibility study done on fund raising earlier this year in conjunction with their discussions with the City Council and subsequent to that they have made arrangements with Brakley, John Price, Jones out of Los Angeles to come in and do the final planning effort for fund raising. They will be arriving July 16th. They have received some major gifts already which will be financing that and they are ready to move ahead. This company has already had great success in Montana raising money: they directed the fund raising for the Alberta Baier Theater in Billings, and also the Big Fork Theater. So they feel they have the right team. Their advisory board has just been converted to a foundation by the Board of Directors of Missoula Children's Theatre and they feel they are set up, and so do the professionals. So they are ready to go ahead and they feel it would be a tremendous addition to their capacity to both fund raise and to get this project working in Missoula as fast as possible with the greatest economic impact.

Ann Mary Dussault asked if he would like to add anything about the economic impact on Missoula.

Dennis O'Donnell said that the project itself has a series of economic impacts. In regard to construction impact, over the two year period it would be approximately \$5,281,000 of primary, secondary and tertiary income generated in the Missoula area. As the project comes on line over that first two-year period, the economic impact to Missoula would be around \$3,800,000, that's at a 50% development rate. MCT already has a base budget of over \$800,000 so he said they're talking about a substantial expansion. In the 75% development period 1992-94, the annual economic impact would be in excess of \$5,000,000. And at a 100% development rate, the annual economic impact would be in excess of \$3,000,000. He said they're talking about a very substantial economic impact to Missoula and a substantial increase in employment for the Missoula Children's Theatre. They would expand from some 30 employees to in excess of 120 by the full completion of the expansion of both the tour and the academy.

JUNE 27, 1990 (continued)

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt a resolution giving preliminary approval to and providing for the giving of notice of a Public Hearing on the issuance by the Board of Missoula County Commissioners of Revenue Bonds in the maximum aggregate principal amount of \$3,500,000 for the Missoula Children's Theatre, a Montana non-profit corporation, for the purpose of renovating an existing structure into a center for theatrical development therefor under Title 90, Chapter 5, Part 1 Montana Code Annotated. Motion carried on a vote of 2-0.

Resolution No. 90-057

The Commissioners then signed Resolution No. 90-057 giving preliminary approval to and providing for the giving of notice of a Public Hearing on the issuance by the Board of Missoula County Commissioners of Revenue Bonds in the maximum aggregate principal amount of \$3,500,000 for the Missoula Children's Theatre, a Montana non-profit corporation, for the purpose of renovating an existing structure into a center for theatrical development therefor under Title 90, Chapter 5, Part 1 Montana Code Annotated.

HEARING: APPLICATION FOR TAX INCENTIVE FOR NEW AND EXPANDING INDUSTRY - SUN MOUNTAIN SPORTS: EXPANSION OF EXISTING PRODUCTION FACILITY

John DeVore, Administrative Officer, explained that Sun Mountain Sports had applied for tax incentives under Title 15, Chapter 24, Part 14 Montana Code Annotated. This is their second request. Last year they also had a request for consideration for improvements that they did at that time. The statutes require that the improvements have a value in excess of \$250,000, and the Commissioners and the implementing resolution have a policy that the employment base must be enhanced for them to consider the application. The previous application increased the employment base of Sun Mountain Sports to approximately 300 employees. In this application they are asking for consideration of tax incentives on \$852,000 in improvements that were installed in 1989; these improvements have created 16 new positions in the firm bringing their employment base to 316. He said they have reviewed the application both for compliance with the statutes and compliance with the Commissioners' policy, and staff recommends approval.

C.E. Abramson of Sun Mountain Sports said that 316 employees is the number from the last payroll, and that 2 people were leaving and 4 were starting, as they were on their seasonal growth pattern. Two significant pieces of equipment all by themselves would end up enhancing employment by more than 16 people. One of them is a protusion machine. He said if you've ever seen the golf bag with the legs that come out, Sun Mountain spends about \$20,000 a month on that as a raw material. This protrusion machine will allow them to make all of that and more here in-house, and that equipment is installed and is included in the list of the staff acquired last year and with its associated equipment it's all by itself about \$100,000 worth of equipment. That will end up probably working on three shifts, which will be the only three-shift operation there and will have an overall supervisor and at least 2 people per shift, so that's more employment. A computer numerical control machine, which without the associated equipment is about \$100,000, basically provides the design flexibility here in Missoula to make small kinds of changes that you would ordinarily not decide to try. Rick Reimers is constantly working on his patents and on his bags and things, and this can carve out a mold in stainless steel, plastic, wood, or whatever you tell it, and uses 16 different tools that are available to it in about 3 minutes in the case of

JUNE 27, 1990 (continued)

plastic. You don't touch it, you just put in the areas of the distances. That won't result specifically in new employment, but to give you some idea: if you're aware of the top of the golf bag, for example, it has a place for the drivers and putters, and that kind of stuff, and it's a big plastic injection molded thing. A single cavity mold like that where you're making one part at a time will cost about \$20,000. A multi-cavity mold will make a number of smaller parts. He said you actually have, and that's what they have on the tax records, as much as \$40,000 in just that big hunk of iron. And so not only are they not sending that money out of the area, but they're developing that expertise here which serves people like American Dental and the plastics people here, and also eliminating the requirement to go out of the area for supplies. Officially, Sun Mountain Sports sold more new golf bags in the U.S. than any other company, no matter where their bags came from, in the 12 months ending March, 1989. Since then they have grown in increment larger than the population or the number of golf courses has grown. The real impact of the CC machine doesn't flow directly into the desired enhanced jobs, although there are some new jobs; it's the fact that they're providing secure employment for design people who are already there and not sending money out of the community for some production of raw materials. Additionally, especially in the Japanese market, there's a great demand for leather golf bags. On a wholesale basis of about \$1,000 apiece, those are being sold on about a 15-week backorder right now. That has involved 6 brand new employees with that kind of expertise and some new machines, some of which were bought in 1980 but some of which are on the list for this year. Some incidental benefits: there is a contract cleaning service that cleans the building, and that's a check that's paid to a local company, and they have had to hire a whole new permanent full time employee to service their maintenance contract. Additionally, Sun Mountain itself, because of the additional facilities, has put on another half-time equivalent of a maintenance person to fix windows, etc., so he guesses the 16 that they talked about includes some new production people, not including the contract people, that will grow. That is the number of pay checks that were issued the last pay period. Also, there are no airplane-associated expenses or parts on the list. In fact, the airplane is taxed here, unlike a lot of airplanes parked out at the airport, and they're proud to do it that way. In one of the letters that accompanies the application there's a comment from the Zoning Department. The use of the building on this side of the tracks is in compliance with the zoning. It's a light industrial use, and it's zoned light industrial. However, it is not in the central business district although it is in the Redevelopment Agency district, so there is an off-street parking and landscaping requirement. He said it took him 18 months to get a 52-car parking lot leased from the hospital down the street, the lease of which is \$50 a month. It doesn't matter how important it is, it just takes a long time, but they have pulled 52 cars off the street on the other side. On this side they're not, in the strictest sense of the word, in compliance with the conditions of the zoning, of which they are in compliance. So the uses are in compliance with the zoning, but there should be some more trees. As far as property on this side of the tracks, they have made an offer to Burlington Northern to buy the rest of the block, the old creamery building, etc. Also there is every reason to believe that the zoning professionals will come up with a plan to zone the railroad right-of-way as it goes through the City. Whether it will be zoned under an existing zone or a railroad utility zone, there may be different landscaping and parking requirements. In regard to the toxic issue, there may be some requirement to examine the ground in that area. For that reason, at this point of time they would probably try to solve the parking without doing the paving and planting trees until there

JUNE 27, 1990 (continued)

is some determination there. There have been complaints by employees that they have this great job but they can't park except in front of somebody's house, and they don't want to do that. They've rented all the Stenrud lot next to Stenrud's Sign and graveled that when they graveled the other one but it's not paved and there aren't any trees in it; and they've rented the southeast corner of Woody and North Second and that now hold 52 automobiles, and the only guy who never complains about the parking is the boss. But it's better and it's going to get better. They don't know what the landscaping and parking requirements would be under a overall zone of the railroad utility area. He said it's not like they're dragging their feet, they're getting cars off the street as fast as they can. They are in compliance with the use of the zoning, but are not in compliance with all the conditions.

Barbara Evans asked if they were planning to stay in that location forever, or if they were thinking of relocating somewhere where they would have more room to expand.

Mr. Abramson said that subject to the bonds and everything else, Dennis Washington owns the lands the buildings are on and Rick owns the buildings. Dennis could relieve Rick of the obligation to pay rent on the land if he wanted to, or could also buy the buildings if he wanted to. He's offered to do that if they move out to his industrial park. Rick says his people want to work right here and he likes it here so unless Rick decides to do it with his own money, nobody is going to come up with a better deal to move him than his landlord has, so he currently has 4 other property lease/purchase projects actively underway and if Sun Mountain moves, he doesn't know who's going to buy them. He has absolutely no indication that Rick wants to manufacture golf bags anywhere but there. He has some other products in mind that he would need space that's not available there, although they have first dibs on the freight house on the southside of the tracks over the overpass. He said Rick likes it here and plans to stay. He has no reason to leave.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant the tax incentive available under Title 15, Chapter 24, Part 14, MCA to Sun Mountain Sports including all the provisions of the application. Motion carried on a vote of 2-0.

Resolution No. 90-058

The Commissioners then signed Resolution No. 90-058, approval of the application of Sun Mountain Sports for tax incentives under Resolution No. 87-080.

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

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JUNE 28 & JUNE 29, 1990

The Board of County Commissioners did not meet in regular session. Commissioner Evans was on vacation June 28th and 29th (stopped in the office briefly on the 29th); and Commissioner Dussault was out of the office all day June 28th and 29th.

Indemnity Bond

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Debra Ridgeway as principal for warrant

JUNE 28 & JUNE 29, 1990 (continued)

#15996, dated May 9, 1990, on the Missoula County Trust Fund in the amount of \$80.00 now unable to be found.

Fern Hart by Wendy Rose Cromwell
Fern Hart, Clerk & Recorder Deputy

Janet Stevens
Janet Stevens, Chairman

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